

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

December 5, 2024

Chairman Carl Suraci called the Planning Board Regular Public Meeting of December 5, 2024, to order at 7:05 pm. The meeting was held in the Courtroom of The Peter J. Biondi Building. All stood for the flag salute.

NOTICE OF MEETING

Chairman Suraci announced the meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 (“Sunshine Law”). Notice of the 2024 Annual Meeting Schedule has been provided to the officially designated newspapers, the Township Clerk, posted on the Township’s website and available at the Hillsborough Township Municipal Complex.

Application documents have been made available on the Township’s web site <https://hillsboroughnj.civicclerk.com/>. Complete applications files are available in the Planning and Zoning Department for inspection, in accordance with the public meeting notice.

ROLL CALL

Present - Committeeman Shawn Lipani, <i>Mayor’s Designee</i>	Present - Bruce Radowitz
Present - Robert Wagner, Jr	Vacant - Seat #8
Present - Deputy Mayor John Ciccarelli	Present - Patricia Smith, Secretary
Present - Robert Peason, Vice Chairman	Present - Angelo Vitale (Alt. #1)
Present - Carl Suraci, Chairman	Present - Surajit Deb (Alt. #2)
Absent - James Vander Vliet	

Also in attendance: David Kois, PP, AICP, *Township Planning Director*; Eric Bernstein, Esq., *Board Attorney (Eric M. Bernstein & Associates)*; Mark Mayhew, PE, CME, *Board Engineer (Pennoni Associates)*; Michael Lombardozzi, CSR, CCR, *Board Court Reporter.*; Alex Pallis, *Township Videographer (Fuerza Strategy Group)*

CONSIDERATION OF MEETING MINUTES

- None

CONSIDERATION OF RESOLUTIONS

- None

PLANNING BOARD BUSINESS

- None

BUSINESS FROM THE FLOOR (*public comment for matters not on the agenda*)

Chairman Suraci opens to comments from the public. He reminds of the rules, comments only no questions (there will be an additional period for questions), no comments regarding warehousing direct or indirect*, and there is a five-minute limit per person. He asks that each person state their name and address for the record.

(*warehouse-related comments and questions should be expressed during the designated public hearing portion of the meeting)

Maria Janucik – 720 East Frech Ave., Manville (residence) / 2155 Camplain Road, Hillsborough (property owner)

- Ms. Janucik expresses concern and confusion over the Weston LLC application and specifically information which came out during the November 14, 2024, meeting. She asks for a better understanding how an application can move forward when the property in question still belongs to the Township.

Chairman Suraci and Mr. Bernstein state the Board cannot comment on anything as it is still an active application. Chairman Suraci does state it was determined at the Nov. 14, 2024 meeting that the issue of property owner will be dealt with at the end of the hearings.

- Ms. Janucik asks with regard to the position of Planning Board attorney if it is a position that is put out to bid with qualifications standards, what is the process and who makes the decision.

Committeeman Lipani explains requests for qualification proposals for all Township professional services are currently out with bid opening date of December 10, 2024. He explains the review and decision process.

There are no further comments from the public.

CONSIDERATION OF ORDINANCES

- Ordinance 2024-16 – Ordinance Amending Chapter 188 “Land Use and Development”, Article IX “Tree Preservation” of the Code of the Township of Hillsborough, Somerset, New Jersey, to Address the New Jersey Department of Environmental Protection Tree Removal Requirements

Mr. Kois summarizes the Ordinance and states the public hearing will be at the December 10, 2024 Township Committee mtg.

Mr. Bernstein states it is the recommendation of the Township Planning Department that the Planning Board concur with the ordinance and return it to the Township Committee for their action.

Mr. Kois confirms this is the Planning Department’s recommendation and that the ordinance is consistent with the Master Plan.

There are no further comments from the Board.

Committeeman Lipani motions to concur with Ordinance 2024-16, an ordinance amending Chapter 188 of Land Use and Development section of the Township code in regard to addressing the NJ Dept. EPA tree removal requirements and consistent with the Township Master Plan, and recommending to the Township Committee to adopt on second reading at the December 10, 2024 meeting was made by Mr. Wagner, seconded by Deputy Mayor Ciccarelli.

Committeeman Lipani reiterates this is in an effort to maintain the guidelines and DEP mandates.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Deb (Alt. #2)
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Ms. Smith	Yes - Deputy Mayor Ciccarelli
Yes - Mr. Vitale (Alt. #1)	Yes - Vice Chairman Peason
	Yes - Chairman Suraci

Motion carries

APPLICATIONS – PUBLIC HEARING

- **Hillsborough 206 Holdings, LLC – File 18-PB-07-MSPV (2024 Amended Site Plan)** – Block 202, Lot 4 – 871 Route 206 North / 2 Schindler Court. Applicant seeking Amended Preliminary and Final Major Site Plan Approval to eliminate the construction of two retail buildings on the Property, and in lieu of, is proposing to construct two additional residential buildings to contain 24 units, of which 6 will be affordable units, on Property located in the MUID-1, Mixed-Use Inclusionary District and ASD, Architectural and Site Design Overlay Zone. (EC Review: 10-28-24)

Applicant previously granted Amended Preliminary and Final Major Site Plan Approval; ‘c’ bulk variances; and waivers (and associated Extensions), to construct a mixed-use development consisting of 175 dwelling units, of which 42 are affordable units) within 14 residential buildings, with a community clubhouse building and pool area and dog-run; and a non-residential component consisting of 3 buildings totaling 12,500 square feet of retail space, and associated onsite stormwater, roadways, parking, lighting, landscaping, and associated improvements. Resolution History 18-PB-07-MSPV: dated: 03-28-19; 02-13-20; 07-01-21; 07-07-22; and 10-05-23.

Participating for the Applicant: Richard J. Hoff, Jr., Esq., of Bisgaier Hoff, LLC; and Jake Raker, AIA, of Minno & Wasko; James Ward, PE of Bowman Engineering; and Marc Pantirer, Applicant Representative.

1. 7:15 pm start of hearing.
2. **Richard Hoff**, attorney for applicant, introduces himself and summarizes the application.
3. **James Ward**, engineer for the applicant, is sworn in and states his educational and professional background.
4. There are no objections from Board members, so Mr. Ward is accepted.
5. Mr. Ward begins by reviewing Exhibits A-1 – A-4 which include an existing conditions aerial view, previous-approval aerial view, an amended aerial view and a detailed aerial view of the proposed park area. He also reviews proposed parking and compliance.
6. Mr. Hoff reviews the comments received on the Environmental Commission’s review letters.
7. Mr. Mayhew states Mr. Hoff’s offer of introducing some manufactured treatment devices for water quality and infiltrating roof runoff is a satisfactory way to address the Environmental Commission’s concerns. He believes the offer presented is fair.
8. Mr. Mayhew clarifies the landscaping his office suggests.
9. Mr. Ward agrees to the suggestion.
10. Mr. Mayhew states while parking does meet criteria he asks if there is an opportunity to look at additional parking somewhere.
11. Mr. Ward speculates where they may be able to review for additional parking.
12. Mr. Vitale asks the variance and square footage between the existing and new plans.

13. Deputy Mayor Ciccarelli asks for clarification on fence removal.
14. There is a motion and second to open to public comment. All are in favor, motion carries.
15. **Susan Gulliford**, 7 Hunt Club Road, asks if the additional Affordable housing listed are credited to the Townships next round.
16. Mr. Bernstein states yes.
17. Ms. Gulliford asks if each garage is attached to or associated with specific units.
18. Mr. Ward confirms
19. Ms. Gulliford asks for clarification of the parking space designation and if they are planning to have two businesses there.
20. Mr. Ward explains 'Retail A' requires 16 parking spaces and the parking field has 24 spaces and confirms two businesses is the plan.
21. **Maria Janucik**, 720 East Frech Ave., Manville (residence) / 2155 Camplain Road, Hillsborough (property owner), asks if the application was part of any settlement agreement
22. Mr. Ward states the original application was part of the Township's affordable housing plan but was not the subject of a formal settlement agreement.
23. Mr. Bernstein explains how they convinced the applicant not to become an intervener by bringing an application forward.
24. There are no further questions from the public.
25. There is a motion and second to close to the public. All are in favor, motion carries,
26. Mr. Bernstein lays out the details of the application.
27. Committeeman Lipani thanks Mr. Hoff and his group for being flexible and working with the Board throughout this process over the last five-years. He states he is glad to hear the space has been rented.
28. Committeeman Lipani motions to approve the request and application as laid out by Mr. Bernstein, seconded by Mr. Radowitz.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Deb (Alt. #2)
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Ms. Smith	Yes - Deputy Mayor Ciccarelli
Yes - Mr. Vitale (Alt. #1)	Yes - Vice Chairman Peason
	Yes - Chairman Suraci

Motion carries

29. 7:50 pm end of hearing.

- **Campus Associates, LLC - File 20-PB-13-MSP (2024 Update)** – Block 58, Lot 1.05 – 4 Campus Drive. Applicant (new Property Owner) to update the Planning Board on the status of the Project, every six months, no later than December 31, 2024, and thereafter, per Condition 'A' of the Resolution memorialized July 11, 2024.

Applicant previously GRANTED preliminary and final major site plan approval; 'c' bulk variances; and waivers, to construct a multi-family development consisting of four three-story apartment buildings, each building containing twenty-four residential dwelling units for a total of ninety-six residential dwelling units, including twenty-three affordable housing units; a Clubhouse; associated parking, lighting, landscaping, utilities, stormwater and associated improvements, on Property known as Block 58, Lot 1.05 on the Hillsborough Township Tax Map, located at 4 Campus Drive, in the Multifamily Inclusionary Overlay District within the I-3 Light

Industrial Zone, with conditions. Resolution memorialized November 18, 2021; One-year Extension Resolution memorialized July 11, 2024.

Participating for the Applicant: Stephen Kessler, Esq. for Fernmoor

1. 8:14 pm start of hearing.
2. Chairman Suraci reads into the record the application description and notes there is a new property owner.
3. Mr. Bernstein states they have asked the applicant give an update and be available for questioning from the public. He explains to the Board this issue was raised with prior counsel but they did not respond and shortly thereafter his office received notification of a new property owner.
4. Mr. Bernstein states it was a request of his office to Mr. Kois's office that council give the Board a more detailed update.
5. **Stephen Kessler**, attorney for applicant, introduces himself and the Fernmoor company, gives background on how they acquired the property and updates on the project.
6. Mr. Mayhew and Mr. Kois state they have no questions.
7. Committeeman Lipani asks if they are familiar with all the requests and requirements, including environmental concerns and are they prepared to handle everything that's been requested by the Board and NJ DEP.
8. Mr. Kessler states yes, they are.
9. Mr. Mayhew asks if he is aware of the stormwater management issues that have occurred in the past along the western property line.
10. Mr. Kessler states they are aware of and are keeping the existing engineering firm as they already have an understanding of the property.
11. Mr. Mayhew asks if there is a temporary sediment basin somewhere on the property.
12. Mr. Kessler states he would have to consult with the engineer, Mike Ford.
13. Mr. Mayhew requests he updates Mr. Kois when he does and expresses his concern and suggests it be given some consideration before breaking ground.
14. There is a motion and second to open for public questions. All are in favor, motion carries.
15. **Grant Kolmer**, Taylor Ave, asks for clarification on what Mr. Kessler meant by 'mobilization'.
16. Mr. Kessler explains mobilization is used to refer to when they are post design and escrow phases and are getting contractions 'mobilized' and out to the site.
17. Mr. Kolmer asks if they are aware of the sitework which has already been done and if he can comment on that.
18. Mr. Kessler states he cannot comment to the exact scope of what has been done thus far but states earlier today their site contractor updated them on some site work and grading.
19. Mr. Kolmer asks him to explain what is meant by sitework.
20. **Susan Gulliford**, Hunt Club Road, states some of the residents of neighboring properties have heard from FEMA and asks if there were changes to FEMA regulations will it impact the project.
21. Mr. Kessler states he is not aware of any FEMA changes.
22. Committeeman Lipani states any FEMA changes would not effect this project as the application was approved prior to any changes.
23. **Maria Janucik**, Manville (residence) / Camplain Road, Hillsborough (property owner), asks if the Campus application has a settlement agreement and if so how does the change of ownership affect the agreement.

24. Mr. Bernstein states yes and that the new owner is required to comply with all the requirements of the prior owner.
25. Ms. Janucik asks if a new settlement agreement was made and if there was an agreement with Fair Share Housing.
26. Mr. Bernstein states no to both and gives an explanation as to how the change of ownership works.
27. Ms. Janucik asks Mr. Kessler if he knows why the previous owner sold the property.
28. Mr. Kessler states he does not represent the original owners so he can not speak to that.
29. Ms. Janucik asks if the property was up for public sale or if it was a private sale.
30. Mr. Radowitz questions the relevance of this question. He states it is irrelevant and asks Ms. Janucik to move on.
31. Ms. Janucik expresses concern over the wetlands and asks if permits were obtained from the DEP for the tree removals.
32. Mr. Kessler states they have processed in accordance with all requirements.
33. **Frank Derby**, representative of Temple Bethel a neighboring property in Montgomery Township, expresses concern for how the property will be utilized and by who after it being empty for so long and how that could impact Temple Bethel and their tenants. He reminds their driveway, which originally faced hwy 206 but was moved for safety and privacy reasons, faces the property in question. He asks the Board and Mr. Kessler's client to keep in mind the security issues during construction and encourages them to reach out to Hillsborough Police for assistance.
34. There are no further questions from the public.
35. There is a motion and second to close to public comment. All are in favor. Motion carries.
36. Deputy Mayor Ciccarelli expresses concern about their underground work and the possible impact on the wetlands and spring and recommends he come back to the Board in the spring once the underground work is complete to give an update before moving forward with vertical work.
37. Mr. Kessler agrees.
38. Mr. Bernstein suggests scheduling the next hearing for March or April.
39. A motion to continue the hearing to April 23, 2025, was made by Mr. Radowitz, seconded by Deputy Mayor Ciccarelli No comments.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Deb (<i>Alt. #2</i>)
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Ms. Smith	Yes - Deputy Mayor Ciccarelli
Yes - Mr. Vitale (<i>Alt. #1</i>)	Yes - Vice Chairman Peason
	Yes - Chairman Suraci

Motion carries

40. 8:24 pm end of hearing.

Mr. Bernstein asks for a short recess.

8:15 pm Chairman Suraci calls a 10-minute recess.

8:25 pm Chairman Suraci calls the meeting back into session.

- **TEEVEE, LLC - File 23-PB-02-SV** – (TOD: 01-31-25 with Ext.) - Block 143, Lots 24.01 & 25 - Valley Road & 183 Valley Road. Applicant to consolidate two lots (house demolished) and seeking Preliminary and Final Major Subdivision Approval; 'c' bulk variances; and waivers, to subdivide approximately 5.483 acres into three SFD lots to be serviced by public sewer and well, with a private roadway, driveways, storm water, utilities, and associated improvements, on Property located in the R, Residential Zone. (EC Review: 09-23-24) Application adjourned from October 10, 2024 with notice.

Participating for the Applicant: Erica Edwards, Esq. of Erica Edwards, Esq. Law Offices LLC; Frank W. Farrell, PE, CME of Grotto Engineering Associates, LLC; and Vijay Vyas of TEEVEE, LLC, Applicant.

1. 8:32 pm start of hearing.
2. **Erica Edwards**, attorney for applicant, introduces herself, their witness and the applicant.
3. **Frank Farrell** is sworn in and states his educational and professional background.
4. The Board accepts Mr. Farrell as a witness.
5. Mr. Farrell reviews the existing property utilizing the major subdivision plan prepared by Grotto Engineering Associates dated July 10, 2024, which is Exhibits A-1 through A-11. His review includes but is not limited to water runoff projections, EPA compliance, proposed limited disturbance, utilities, stream corridor, and parking.
6. Mr. Mayhew commends Mr. Farrell on his presentation on the stream corridor impacts.
7. Mr. Mayhew references their review letter dated December 2, 2024, specifically item number three stating Mr. Farrell has demonstrated his quarter averaging plan would meet the intent of the ordinance thus alleviating the need for the waiver.
8. Mr. Mayhew also discusses parking, turning space, and appropriate site lines.
9. Mr. Kois expresses concern regarding the proposed impervious coverage going almost to the max limit. He explains tends to lead to future homeowners having to ask for relief for variances when making improvements. He suggests a reduction in size of the dwelling to allow for future impervious coverage.
10. Mr. Farrell states he believes the application meets the requirement for the zone and asks to leave it up to future owners to do their due diligence regarding their ability to add to the property in the future.
11. Mr. Kois suggests a deed notice to be added to help bring awareness to future owners.
12. Mr. Farrell points out their proposed pavement width, 20-feet, of the access road verse the requirement of 18-feet. He states the fire department requested the 20 feet.
13. Mr. Mayhew while not wanting to contradict the request of the Fire Chief proposes reducing the width of the access road to 18-feet at the back-half of the property, starting at lot 2503 with the condition that the Zoning office discuss this with the Fire Chief. This would produce 400 square feet of impervious coverage for future use.
14. Committeeman Lipani proposes moving the turning area to help with the impervious coverage issue.
15. There is a discussion about the ideas presented for providing more impervious coverage for future use.
16. Committeeman Lipani asks questions pertaining to tree removal.
17. Mr. Mayhew suggests the tree mitigation plan discussed be a condition of approval.
18. Mr. Vitale asks for clarification on RIS and the regulations for the rural road and if its classification is due to its location.
19. Mr. Farrell states the regulation, explains the calculation and states the location is not a factor in the classification, its more about how it is used.

20. Mr. Vitale asks if RIS requires signage.
21. Mr. Farrell states it does not but agrees they can add no parking signs.
22. Mr. Peason asks why wells vs. public water.
23. Mr. Farrell explains public in this area is more expensive.
24. Mr. Kois states the Board of Health and Health Department have regulations requiring tying into public water if the wells in the area do not perform.
25. Deputy Mayor Ciccarelli asks whose responsibility it is to manage and maintain the stormwater management features.
26. Mr. Farrell believes it will be a maintenance agreement for the group of homes.
27. Deputy Mayor Ciccarelli asks what else would fall under this maintenance agreement.
28. Chairman Suraci asks if an HOA needs to be defined as part of the resolution or the deeds.
29. Mr. Bernstein states documents will need to be submitted to the Township for review.
30. Mr. Kois states HOA functionality is laid out in the ordinance.
31. There is a discussion about HOA creation and HOA information should be in the resolution.
32. Chairman Suraci asks if there will be basements and if so, are there any concerns regarding water tables.
33. There is a discussion on the location of the nearest fire hydrant.
34. There is a motion and second to open to public questions. All are in favor, motion carries.
35. **Susan Gulliford** asks if any surrounding properties could be impacted by the drilling of two additional wells.
36. Mr. Farrell states he does not know however they meet the minimum spacing requirement.
37. Ms. Gulliford asks if the impervious coverage ratio is different on drives for stone vs pavement.
38. **Maria Janucik** asks if this application requires a Letter of Interpretation from NJDEP with regard to the Royce Brook tributary which crosses the property.
39. Ms. Janucik asks questions pertaining to the remains of the original structure and possible findings when digging.
40. There are no further questions from the public.
41. There is a motion and second to close public questions. All are in favor, motion carries.
42. Mr. Bernstein asks if they will be providing a licensed planner to testify regarding variances.
43. Ms. Edwards states yes they can call a planner and has no other witnesses planned.
44. There is a discussion about when can the applicant obtain a planner and availability for the next meeting.
45. Committeeman Lipani motions to carry the application without further notice to February 6, 2025, with extension of Time of Decision to March 31, 2025, seconded by Vice Chairman Peason.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Deb (Alt. #2)
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Ms. Smith	Yes - Deputy Mayor Ciccarelli
Yes - Mr. Vitale (Alt. #1)	Yes - Vice Chairman Peason
	Yes - Chairman Suraci

Motion carries

46. Mr. Bernstein states the Board deadline for submissions.
47. 10:07 pm end of hearing.

ADJOURNMENT

A motion to adjourn was made by Mr. Wagner, seconded by Mr. Vitale. Motion carries unanimously.

10:10 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*