

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

February 13, 2025

Chairman Carl Suraci called the Planning Board Regular Public Meeting of March 5, 2025, to order at 7:07 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 2025 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.portal.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 (7:13pm) - Mayor John Ciccarelli	Present - Bruce Radowitz
Present - Robert Wagner, Jr	Absent - Angelo Vitale
Present - Committeeman Shawn Lipani	Present - Patricia Smith, <i>Secretary</i>
Absent - Robert Peason, <i>Vice Chairman</i>	Absent - Surajit Deb (<i>Alt. #1</i>)
Present - Carl Suraci, <i>Chairman</i>	Present - Jason Smith (<i>Alt. #2</i>)
Absent - Jason Flagg	

Also in attendance: David Kois, PP, AICP, *Township Planning Director*; Samantha Ball, *Assistant Planner / Sustainability Program Manager*; 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

- **January 9, 2025** – Reorganization meeting minutes were reviewed.
Mr. Bernstein states all members present are eligible to vote on this matter.

Mr. Radowitz motions to approve the minutes as written, seconded by Ms. Smith. There are no further comments.

Roll Call:

Yes - Mr. Wagner	Yes - Ms. Smith, <i>Secretary</i>
Yes - Mr. Radowitz	Yes - Committeeman Lipani
	Yes - Chairman Suraci

Motion carries

- **January 9, 2025** – regular meeting minutes were reviewed.
Mr. Bernstein states all members present are eligible to vote on this matter.

Committeeman Lipani motions to approve the minutes as written, seconded by Mr. Wagner. There are no further comments.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Smith
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Ms. Smith, Secretary	Yes - Chairman Suraci

Motion carries

- **January 23, 2025** – regular meeting minutes were reviewed.
Mr. Bernstein states all members except Chairman Suraci are eligible to vote on this matter.

Committeeman Lipani motions to approve the minutes as written, seconded by Mr. Radowitz.
There are no further comments.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Smith
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Ms. Smith, Secretary	

Motion carries

CONSIDERATION OF RESOLUTIONS

- **Weston RD LLC (Guastella) – File 22-PB-03-MSPV**
Mr. Bernstein states all members present are eligible to vote on this matter.

Mr. Wagner motions to approve, seconded by Mr. Radowitz. There are no further comments.

Roll Call:

Yes - Mr. Wagner	Yes - Ms. Smith, Secretary
Yes - Mr. Radowitz	Yes - Committeeman Lipani
	Yes - Chairman Suraci

Motion carries

PLANNING BOARD BUSINESS

- **4th Round Fair Share Affordable Housing Obligation** (TC Resolution for information only)
Mr. Bernstein states while this is for information only, the Housing Element Fair Share Plan will be coming in the spring.

Mr. Kois states the deadline of the Fair Share Plan is June 30, 2025.

Mr. Bernstein states no official action is needed.

CONSIDERATION OF ORDINANCES

- **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)

Rich Garmin - 53 Winding Way

- Mr. Garmin asks what the choices will be when it comes time to vote.

Chairman Suraci explains it will be approve with conditions &/or agreements made during the hearing and denial will be a straight denial.

- Mr. Garmin asks if the public gets involved when an applicant gets denied and ends up in court.

Mr. Bernstein states those hearings would be held in Flemington, the public is welcome to attend but there is no public participation.

There are no further comments from the public.

7:13 pm Chairman Suraci states for the record Mayor Ciccarelli has joined the meeting.

Mr. Radowitz states his is continuing his recusal for this application and leaves the meeting.

Mr. Bernstein states for the record Mr. Smith is not eligible to participate in or take action on this application but will remain on the dais.

Mr. Bernstein requests an executive session this evening regarding a prior application before the Board. He explains he has received direction from Judge Menan and needs to spend some time with the members of the Board who are involved in that application in order for them to receive direction on going forward in conjunction with council for the carrier.

APPLICATIONS – PUBLIC HEARING

- **Homestead Road, LLC – File 21-PB-25-MS/MSP(V)** – (TOD: 03-01-25 w/Ext.) - Block 200.10, Lots 32 & 33 – 203 Homestead Road and 189 Homestead Road. Applicant seeking preliminary and final major subdivision approval (determined a minor subdivision); preliminary and final major site plan approval; 'c' bulk variances; and waivers, to consolidate the two lots and then subdivide into two reconfigured lots; and demolish all existing structures to construct two warehouse/office buildings, with associated stormwater, parking, and site improvements, on Property in the TECD, Transitional Economic Development District. *Applicant, no longer seeking 'c' bulk variances. Last revised plans/reports/documents received 08-08-24. (EC Review: 03-28-22)*

1. 7:15 pm start of hearing

2. **Craig Gianetti**, attorney for applicant, introduces himself.
3. The Objectors introduce themselves: **Michael Pisauero**, **Scott Gross**, **Brian Tarantino**, **John Lanahan** and **Lori Cleveland**, for the Sourland Conservancy.
4. Mr. Bernstein addresses a letter dated January 28, 2025 submitted by Mr. Tarantino and a ruling at the end of the December 12, 2024 meeting based on Ms. Osha's testimony.
5. Mr. Tarantino speaks to the 3-D replica, model, he submitted at the previous meeting.
6. Mr. Gianetti objects to the use of the model itself, rather than pictures and speculates the relevance.
7. Mr. Tarantino argues for the appropriateness of the model.
8. The Board discusses the relevance of the model.
9. Mr. Tarantino is permitted to present and discuss the model. He discusses which buildings were selected and why and the scale.
10. Mr. Gianetti questions him about how he took measurements to determine scale. And objects to them being entered as an Exhibit.
11. Mr. Bernstein instructs for the buildings, of which Mr. Tarantino took actual measurements and or used measurements provided by the applicant, to be marked as O-19, "depictions of the proposed applicant's buildings".
12. Mr. Gianetti clarifies how each building was measured and if it matched Mr. Bernstein's requirement.
13. There is a discussion regarding the measurements between Mr. Gianetti, Mr. Tarantino and members of the Board.
14. Mr. Gianetti asks the Mr. Tarantino email himself and the Board with information on the device used to take measurements from the curb.
15. Mr. Bernstein gives a deadline for submission and clarifies who should be included on the email.
16. Mr. Mayhew asks if he measured a known height with the same device to determine the accuracy.
17. Mr. Tarantino states he did not but that is how the device calibrates and explains it is a device commonly used by realtors.
18. Mr. Mayhew asks him to provide evidence of calibration with the device information.
19. Mr. Bernstein asks Mr. Gross to confirm for the record they do not wish to present Mr. Plah's testimony.
20. Mr. Gross confirms.
21. Mr. Gianetti discusses the building, stating it will not be a parcel delivery hub, a sort-fulfillment center, or a transload warehouse.
22. Mr. Wagner asks for what it would be used for and whether there is a vender.
23. Mr. Bernstein asks if he previously submitted a list of possible vendors.
24. Mr. Kois clarifies that the document submitted, A-7, listed all the possible types of materials that could be stored, which is based on the building department classification system.
25. Mr. Wagner and Mr. Gianetti discuss if the building will be used for storage and what may be stored there.
26. Mr. Kois cautions the Board to be aware the construction code terminology specifically 'use groups' is different than a zoning stand point. He gives a brief explanation of the difference.
27. Chairman Suraci comments on the wording stating it is possible for it to be a type of fulfillment center.
28. **Michael Ford**, engineer for the applicant, is sworn in for a rebuttal and testimony on the November 2024 revised plans.

29. Mr. Ford reviews exhibit A-13, a revised colorized site exhibit dated November 20, 2024. He discusses the changes, secured approvals, and pending permits.
30. Mr. Gianetti asks if they complied with the NJDEP Storm Water management rules and if so is it the same design as shown.
31. Mr. Ford confirms. He discusses the review and elements of storm water management.
32. Mr. Gianetti asks questions pertaining to D&R Canal Commission reviews.
33. Mr. Ford continues discussing the storm water management.
34. Mr. Gianetti asks him to respond to the Objectors' engineer testimony which raised issues with respect to storm water management compliance.
35. Mr. Ford discusses his company's response letter dated August 8, 2024.
36. Mr. Gianetti asks him to discuss the township classification of the ditch as a stream and the water quality now and what's being proposed.
37. Mr. Pisauo objects and asks if Mr. Ford submitted supplemental reports about the stream water quality.
38. Mr. Gianetti confirms he discusses it in the August 8, 2024 letter.
39. Mr. Ford discusses the wetlands area; its classification, permit application requirements, flood hazard verification, and permit for disturbance areas.
40. Mr. Gianetti asks if he is referring to water treatment in the ditch as it pertains to previous testimony from Mr. Cook that the ditch is a source of degradation to the Royce Brook as it is collecting untreated drainage from the vehicle parking area and the rebuttal testimony by the Objector's engineer stating the ditch is providing water treatment.
41. Mr. Ford confirms and continues discussing the NJDEP's Best Management practice for the area.
42. Mr. Gianetti asks him to discuss the distances to the nearest residences.
43. 8:40 pm Chairman Suraci calls for a 10-minute recess.
44. At approximately 8:55 pm Chairman Suraci calls the meeting back into session and reminds the hearings need to end by 9:30 pm this evening to accommodate Mr. Bernstein's requested executive session.
45. Mr. Bernstein states for the purpose of the record he has a Certification by Absent Board Member Examination of Record Eligibility to Vote for Mayor Ciccarelli for the December 12, 2024, meeting therefore he is eligible to participate.
46. Mr. Gianetti asks Mr. Ford how long he has been handling site plan applications in Hillsborough Township and if so roughly how many.
47. Mr. Ford states since the early 1990's and he estimates he has presented 100s of plans.
48. Mr. Gianetti asks if, in his experience, in the past the Township has classified a drainage ditch as a stream under their stream corridor ordinance.
49. Mr. Pisauo objects to the immaterial nature of this question.
50. Mr. Gianetti clarifies his question.
51. Mr. Ford discusses the "loose" nature of the standards.
52. Mr. Gianetti has no further questions for Mr. Ford. He points out Mr. Tarantino was not sworn in prior to his testimony and suggests that be rectified.
53. **Brian Tarantino** is sworn in.
54. Mr. Mayhew asks Mr. Ford if the plan for the wall removal along the Conrail line was submitted to Conrail for review.
55. Mr. Ford states it was not and explains they are not doing any work in the Conrail right-of-way.
56. Mr. Mayhew asks how they determined an appropriate slope of distance from the property line for the proposed improvements.

57. Mr. Ford discusses the natural grade and the maintainable slope they are able to utilize without disturbance on the Conrail right-of-way.
58. Mr. Mayhew asks if a cut is still being added in that area and if there is any reason not to add the condition of having Conrail review it in the future.
59. Mr. Ford confirms the cut.
60. Mr. Gianetti objects to it being a condition as it is not a Planning Board issue.
61. Mr. Mayhew expresses concern over the possible impact the railroad operation. He and Mr. Gianetti discuss this concern.
62. Mr. Gianetti states they can provide a copy of the plan to Conrail but will not give them any more rights than they currently have.
63. Mr. Mayhew reiterates the importance of submitting a plan to Conrail for review.
64. Mr. Gianetti state they understand what Mr. Mayhew is asking and will respond prior to the next meeting.
65. Committeeman Lipani asks for clarification why parking was removed.
66. Mr. Pisauro asks questions pertaining to the use of the term "grass swale", the removal of TSS, warehouse two infiltration basins, stormwater BMP systems and original property ownership.
67. Chairman Suraci points out the time.
68. There is a discussion about the next available dates.
69. Mayor Ciccarelli motions to carry without further notice to March 13, 2025, with TOD extended through April 30, 2025, seconded by Ms. Smith.

Roll Call:

Yes - Mr. Wagner

Yes - Mayor Ciccarelli

Yes - Ms. Smith, Secretary

Yes - Committeeman Lipani

Yes - Chairman Suraci

Motion carries

70. 9:36 pm end of hearing

EXECUTIVE SESSION TO DISCUSS ATTORNEY-CLIENT MATTERS (if applicable)

Mr. Bernstein asks the members of the Board who were involved in the Harvard Way application along with Mr. Mayhew, Ms. Ball, and Mr. Kois attend the executive session. He states Ms. Smith and Mayor Ciccarelli are excused.

Committeeman Lipani motions to enter executive session, seconded by Mr. Wagner. All are in favor, motion carries.

9:37 pm Board enters into executive session

RETURN TO REGULAR SESSION

10:18 pm Board returns from executive session

ADJOURNMENT

A motion to adjourn was made by Committeeman Lipani, seconded by Ms. Smith Motion carries unanimously.

10:19 pm meeting is adjourned.