

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

June 12, 2025

Vice Chairman Robert Peason, acting as Chairman, called the Planning Board Public Meeting of June 12, 2025, to order at 7:04 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

Absent - Mayor John Ciccarelli	Present - Bruce Radowitz
Present - Robert Wagner, Jr	Present - Angelo Vitale
Present - Committeeman Shawn Lipani	Present - Patricia Smith, <i>Secretary</i>
Present - Robert Peason, <i>Vice Chairman</i>	Present - Surajit Deb (<i>Alt. #1</i>)
Absent - Carl Suraci, <i>Chairman</i>	Present - Jason Smith (<i>Alt. #2</i>)
Present - 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)*; Erin DeRocini, RLA (*Pennoni Associates*); Michael Lombardozzi, CSR, CCR, *Board Court Reporter.*; Alex Pallis, *Township Videographer (Fuerza Strategy Group)*; Jennifer Beahm, PP, AICP, *Township Affordable Housing Planning Consultant (Leon S. Avakian, Inc.)*

CONSIDERATION OF MEETING MINUTES

- **March 13, 2025** meeting minutes were reviewed.

A motion to approve as written was made by Mr. Deb, seconded by Mr. Wagner.
No comments.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Deb (<i>Alt. #1</i>)
Yes - Mr. Vitale	Yes - Committeeman Lipani
Yes - Ms. Smith, <i>Secretary</i>	Yes - Vice Chairman Peason
Motion carries	

CONSIDERATION OF RESOLUTIONS

- **None**

PLANNING BOARD BUSINESS

- **Public Hearing: Adoption of Housing Plan Element and Fair Share Plan**
Presentation by: Jennifer Beahm, PP, AICP

1. **Jennifer Beahm** introduces herself and summarizes what the Housing Plan Element and Fair Share Plan is. She discusses the new legislation adopted in 2024 and explains how it changed the framework for the process. She reviews the analysis they did of the land capacity data received from the DCA stating their result did not agree with the DCA's analysis of the Township's obligation. She states their result was the developable land was significantly less than what was proposed and thus were able to reduce the land capacity factor from a little less than 9% to 1.34% and an obligation of 270 units. Ms. Beahm states they sent their calculations along with a Resolution stating they were challenging the DCA's calculations and engaged in discussions with Fairshare Housing Center. Fairshare Housing Center did not agree with the Township's calculations, and it was decided by judge that the DCA's number is what the Township is obligated to comply with.
2. Mr. Bernstein states the Township has filed an appeal with the appellate division and is waiting for notice of scheduling. He states there is also a developer who has not met two of their round-three obligations that is contesting the calculations. He discusses the legislative categorization of 'present need' (rehabilitation) and 'perspective need' (new housing).
3. Ms. Beahm discusses the Windshield Survey and its results.
4. Vice Chairman Peason asks for clarification on what a Windshield Survey is.
5. Mr. Bernstein explains it is a survey all municipalities have been directed to do, part of which involves driving around their towns, to come up with a determination.
6. Ms. Beahm confirms this is what the regulations are calling it. She states as a result of the Township's survey they have added to their plan a 33 unit present/rehabilitation obligation. She states they have committed to engaging in all the relative programs and they have been involved in those programs previously as this is not the Township's first time having this obligation.
7. Ms. Beahm next discusses the new construction obligation of 565, explains how they were able to reduce the obligation to 223, restrictions within the obligation and current projects which include but are not limited to Hillsborough Crossing, 856 Hillsborough LLC, Hillsborough 206 Holdings and several group homes. She states Habitat for Humanity has offered to build three duplexes and discusses the new projects which the Township has been approached with offers to help meet obligations.
8. Mr. Bernstein explains why Hillsborough did not qualify for Fair Share.
9. There is a motion and seconded to open to public questions. All are in favor, none opposed. Motion carries.
10. **Gail Martin**, Hillsborough Rd, asks for clarification on what happens to the warehouse application on one of the mentioned properties.
11. Mr. Bernstein states it remains in effect until either this is resolved, the matter is rezoned, or the application is dealt with accordingly. He states it does not change the status of the current application before the Board on the Homestead Road LLC application.
12. Ms. Martin asks if there is any plan for water, sewer etc for these units, in the Homestead Rd site.
13. Ms. Beahm states there is not yet a plan in place and explains a portion of the site is outside the sewer service area but for affordable housing purposes it is more than likely to get a sight specific wastewater management plan amendment. She explains the process should the application be approved, for getting the sewer service area amended.
14. Ms. Martin asks about the impervious surface in the area.
15. Ms. Beahm explains how the site would have to be specifically rezoned for that project.
16. Ms. Martin asks what the next steps in the overall process are.

17. Ms. Beahm states she will be requesting the Board approve the plan tonight which Mr. Bernstein would then take to court as required by the legislation.
18. Mr. Bernstein explains for the record that the intent is to wait for the endorsement before submitting it in entirety. He discusses the declaratory judgement action that the Township along with 400 other towns was filed.
19. Ms. Martin asks for clarification of notice.
20. Ms. Beahm explains while this is the notice of current action, if a project is put in this plan it will still have to come before the Board and normal notice will apply.
21. Ms. Martin has no further questions.
22. **David Brook**, Winding Way, asks for clarification on what role Homestead Road LLC has in this affordable housing plan.
23. Ms. Beahm discusses the results of a similar application she worked on in Freehold.
24. Mr. Brook states he has concerns about the wording of the ordinance and asks if it needs to be provided tonight.
25. Mr. Bernstein states they are required to provide a draft ordinance as part of the plan thought it does not mean it will be the final ordinance for the property and if he has suggestions for the ordinance he may submit them to Mr. Kois' office.
26. Mr. Brook discusses his concerns on page 86 of the ordinance and concerns developers will push to be in the plan.
27. Ms. Beahm interjects to explain why this is not something that developers do. She discusses how the timeframe of the overall process has been drastically reduced, how most towns are asking for extensions and being denied, and how much more difficult and stressful the process has become. She urges Mr. Brook to reach out to his legislators to express his concerns with the process. She states her goal is to make sure Hillsborough is protected.
28. Mr. Brook states there is a note in an existing application that says "existing wetland ditch to be filled" and asks for the note to be removed before their final submission to whomever. He believes leaving it in would contradict what the town has said during debates about the issue.
29. Mr. Bernstein states they will look at it.
30. Mr. Brook asks if the plan was made available to the public on May 30, 2025.
31. Ms. Beahm confirms.
32. Mr. Bernstein states this is in accordance with the law established by the legislature.
33. Mr. Brook expresses frustration with the limited time to review the plan.
34. Mr. Radowitz interjects pointing out that the issues he has cited are not with the Board or current profession and recommends he contact state legislators to lodge the complaints. He states the time frame given is not this Board's fault.
35. Mr. Brook states it is the Board's opportunity to make logical corrections if they can.
36. Mr. Bernstein reiterates they will review the note. He discusses the fact that the legislation did not require draft ordinances.
37. Mr. Brook has no further questions.
38. **Craig Berlin**, Allshouse St., states this is his first exposure to affordable house and asks if there is a 'buy down available' or can the Township work with a neighboring municipality that perhaps has an excess.
39. Ms. Beahm states no to both questions.
40. Mr. Bernstein explains there used to be a program in round two which the town did take advantage of.
41. Ms. Beahm explains it was removed as a possibility in 2010 with the Roberts Act.

42. Mr. Bernstein explains for the record it was removed because there were claims the towns accepting the money for affordable housing were not then building the affordable housing but rather banking the money.
43. Mr. Berlin has no further questions.
44. **Rich Garmin**, Winding Way, asks for better understanding of the credits and units and if they are a 1 : 1 ratio.
45. Ms. Beahm states they are not. She states it depends on the project and gives examples, 0.5 credit/unit is given if the town is near mass transit or redeveloping property that is currently developed with nonresidential development on it, while for supportive needs / group housing that are receiving credit per bedroom will get one credit and one bonus per bedroom. She states there is no more two for one and there is now a cap of 25% of the town's overall obligation.
46. Mr. Garmin asks if Hillsborough is at the cap.
47. Ms. Beahm states we are maxed out.
48. Mr. Garmin asks how the public can give their suggestions to the courts during the open public hearing.
49. Ms. Beahm states she is not 100% sure.
50. Mr. Bernstein states he believes the public will be able to get access through the court system but will have to figure out how people can make comments on the plan.
51. Ms. Beahm suggests the safest option is to submit their comments or concerns to Mr. Kois who will provide them to everyone (Board members, Mr. Bernstein & Ms. Beahm) so they will have them as they move forward.
52. Mr. Bernstein states they will be able to place them on the court record.
53. Mr. Garmin asks if they are due before June 30, 2025.
54. Ms. Beahm states no.
55. Mr. Garmin points out an error in her report, which listed Hillsborough Township in Middlesex County.
56. Mr. Garmin has no further questions.
57. **Scott Gross**, White Meadow Road, asks what happens to the affordable housing obligations if a warehouse is approved.
58. Ms. Beahm states nothing and explains how approval does not always mean construction but if it comes to that projects can be amended.
59. Mr. Gross has no further questions.
60. **Amir Elkholy**, Davenport Way, asks if the state mandates Hillsborough to 565 credits, is there enough housing in the 11 applications that were denied.
61. Ms. Beahm states yes and explains how she does not foresee that happening as the current plan already has 300 credits. She states the Township should be told their required credits by the end of August.
62. Mr. Bernstein states that by the end of December they will either have an accepted plan or will have to go on record as to why they do not agree to the number.
63. Mr. Elkholy asks if it will be known to the public if more units are required.
64. Mr. Bernstein states objections to the plan need to be submitted by the end of August.
65. Mr. Elkholy has no further questions.
66. There is a motion and a second to close to the public. All are in favor, none opposed. Motion carries.
67. Mr. Bernstein states it is his recommendation as the Board attorney and the Township's Affordable Housing Attorney and on behalf of Ms. Beahm as the Affordable Housing Planner and Mr. Kois as the Director of Planning, that the Board adopt this plan with the change reflecting the correct county and with review of the issue raised by Mr. Brook.

68. Mr. Wagner motions to approve the plan with the changes and review discussed, seconded by Ms. Smith.
69. Mr. Bernstein asks if there is resolution the Board members will have to sign.
70. Mr. Kois confirms there is a draft resolution.
71. Before casting his vote Committeeman Lipani makes a statement regarding his belief that this is a broke system and thanks the Township staff for all they had to go through to get to this meeting. He acknowledges and expresses his frustration with the poor time line.
72. Mr. Radowitz addresses the question as to how to submit questions to the court. He states the best way is for the public to contact the Somerset County Clerk's Office, the Office of the Ombudsman at (908) 332-7700 x 13240. He states the public can contact them anytime and state they have an interest in the Hillsborough Affordable Housing Plan that is submitted, and they will guide you as to where to submit your concerns.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Deb
Yes - Mr. Flagg	Yes - Mr. Smith
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Mr. Vitale	Yes - Vice Chairman Peason
Yes - Ms. Smith	

Motion carries

APPLICATIONS – PUBLIC HEARING

- **303 Amwell Road (JM)4 ABEEL LLC) – File 21-PB-17-MSP(V)** – (TOD: 12-31-25 w/ Ext.) – Block 198, Lot 2.03 (formerly Lot 2.B) – 303 Amwell Road (f/k/a as 301 Amwell Road). Revised Application 10-06-23: Applicant seeking preliminary and final major site plan approval; ~~‘e’ bulk variance~~; and design waivers, to construct an 85,348-80,000 square foot industrial building with revised associated stormwater management, parking, lighting and improvements, on Property located in the CDZ, Corporate Development Zone. *Adjourned from September 12, 2024 without further notice. Application adjourned from January 09, 2025 agenda without further notice.*

1. Approximately 8:12 pm start of hearing
2. **Craig Berlin**, Allshouse St., introduces himself and states he was previously the Objector when the last set of plans came before. He would now like to a better understanding of where things stand; has the property been purchased and if not what is holding up the sale.
3. Committeeman Lipani explains there is still some due diligence going on with the property, phase I and phase II studies are being done, and some minor clean-up is happening. Once the mitigation is remedied then they will close on the property.
4. Mr. Berlin asks if going through with the sale is still the main plan.
5. Committeemen Lipani confirms.
6. Committeeman motions to extend the Time of Decision on the application to December 31, 2025 without further notice, seconded by Mr. Wagner

Roll Call

Yes - Mr. Wagner	Yes - Committeeman Lipani
Yes - Mr. Radowitz	Yes - Vice Chairman Peason
Yes - Ms. Smith	

Motion carries

7. 8:14 pm end of hearing.

8:14 pm Vice Chairman Peason calls for a 10-minute recess.

8:25 pm Vice Chairman Peason calls the meeting back into session

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

Vice Chairman Peason 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)

None

APPLICATIONS – PUBLIC HEARING cont.

- **Somerset County Improvement Authority (Solar Array) – File 25-PB-09-INF** – Block 175, Lot 39.02 and Blck 177, Lot 55 (*f/k/a portion of Block 177, Lot 23.02; Block 175.18, Lot 39.04; Block 175, Lot 39.02; and Block 12, Lot 13*) – Pleasant View Road (Hillsborough Township Tax Records) Referenced as: 131 Mountain View Road. Applicant seeking an Informal Review for the proposed ground mounted solar facility, approximately 23.989 acres, within Block 175, Lot 39.02 owned by the Somerset County Improvement Authority. The Facility will include an electrical connection on Block 177, Lot 55, owned by the Township of Hillsborough, with associated access and associated improvements, on Property located in the ED, Economic Development District.

1. 8:26 pm start of hearing.
2. Mr. Bernstein asks Mr. Kois to clarify for the record if this is Township or County application.
3. Mr. Kois states it is County application.
4. **Gregory Asadurian**, attorney for the applicant, introduces himself and the application.
5. Mr. Bernstein asks him to state for the purpose of the record what an “informal review” is.
6. Mr. Asadurian explains a capital improvement project under the Municipal Land Use Law, section 31, is build project a piece of public property owned by a public entity. The public entity is required to present the project application to the town giving the Planning Board an opportunity to review and make recommendations, which are non-binding.
7. Mr. Asadurian calls his first witness.
8. **Keith Peltzman** is sworn in and states his educational and professional background.
9. Mr. Peltzman describes the site and the proposed project. He states the property, a 297 acre parcel, is owned by the SEIA and they have a lease with the Township for up to 30 acres of development of a solar field.
10. Mr. Peltzman reviews the approvals they have received. He explains how this project is smaller and different from a previously proposed solar field for this area and discusses the benefit to the community which includes Benefit Solar.
11. Mr. Asadurian asks him to discuss possible disturbance to the site as a result of this project.

12. Mr. Wagner asks for further clarification on the number of and which households could benefit.
13. There is a discussion about how signing up for Benefit Solar works.
14. Mr. Deb asks if there are any exposure risks involved with solar fields.
15. Mr. Asadurian states the next witness is an electrical engineer and will be able to answer Mr. Deb's questions.
16. Mr. Deb asks what maintenance is involved.
17. Mr. Peltzman explains there is no maintenance obligation on the township as per the lease, it is Solar Array's obligation to deal with all maintenance issues. He offers there is no storage component so there are no storage batteries on site.
18. Mr. Vitale asks for clarification on where this is in relation to the skate park.
19. Mr. Peltzman explains there will be an underground wire line running to the skate park parcel; there will be a 10 x 30 electrical pad surround by 7 foot high fencing which will house the meters PSEG uses to track the output of the system. He states it will be in the grassy area next to the skate park but as close as possible to the wooded corner.
20. Mr. Vitale asks if there are any other security measures to prevent people from attempting to enter the electrical pad.
21. Mr. Wagner explains there are security cameras in the Ann Van Middlesworth Park area which catch activity in the area though he suggests considering additional.
22. Mr. Peltzman states there will be 'Danger High Voltage' signs and fencing there.
23. Vice Chairman Peason asks about the span of the rental payments and how is it calculated.
24. Mr. Peltzman states it is defined in the lease and is a 20-year term with two five-year options to extend the lease with a 30-year maximum.
25. Vice Chairman Peason points out the solar array is on county land but the underground transmission line is the property being leased from the Township. He states he would like to see a Hold Harmless added into the lease with the Township in case some does get harmed or killed.
26. Mr. Asadurian states he cannot speak to the lease itself, but that the Township does have protection under Title 59.
27. Vice Chairman Peason states he is aware of Title 59, but feels it is not coverage enough.
28. Mr. Bernstein states his office will review it again.
29. Mr. Vitale asks for further detail of security measures as it pertains to the fencing.
30. Mr. Peltzman states the field will have a 7-foot chain link fence around it with gates for vehicle / emergency access; they did not consider barbed wire on the top of the fences and there will be a buffer between the fence and the first row of panels.
31. There is a motion and second to open to public questions. All are in favor, none opposed. Motion carries.
32. There are no questions from the public.
33. **Matthew Zwing**, a professional engineer, is sworn in and states his educational and professional background.
34. Mr. Zwing discusses the placement of the solar installation and interconnect, description of the site, the access road, fire safety & access, and ground disturbance and impact to the site.
35. Ms. DeRocini states she has walked the site and points out that in terms of the buffers there are areas specifically along residential and park sections, specifically along the walking path that are blank. She recommends these areas be appropriately filled in.
36. Ms. DeRocini noted the fire chief's letter only showed truck access not a turn and was glad Mr. Zwing was able to confirm space for truck turning radius.

37. Mr. Kois states he has no questions or concerns at this time. He states his office was involved in the process of laying out the site and have been reviewing it for some time.
38. Mr. Deb asks if there will be anything “new and cool” when it comes to installation, example being vertical bifacial panes or drone thermography for maintenance.
39. Mr. Zwing states he would have to defer to the experts as he is limited to site design.
40. Mr. Asadurian states he does have a representative from the company who will be installing the project and may speak to this question.
41. Vice Chairman Peason opens to public questions for this witness.
42. There are no questions from the public.
43. **Richard Schrack** is sworn in.
44. Mr. Asadurian asks him who he is currently employed by and how long he has been employed there.
45. Mr. Schrack answered Advance Solar Projects and 14 years.
46. Mr. Asadurian asks him to discuss the nature of the business and address Mr. Deb’s questions.
47. Mr. Schrack states this site will be utilizing bifacial panels with a tracker system to follow the sun. He states their company is about 20 minutes from the site so they will most likely handle a lot of the operation and maintenance going forward and they do utilize drone fly-overs.
48. Committeeman Lipani asks the size of the solar.
49. Mr. Schrack states he believes it is around 3.6 megawatts.
50. Vice Chairman Peason opens to questions from the public for this witness. There are none.
51. Mr. Asadurian states he has an LSRP present if the Board would like to speak to him otherwise this concludes his witnesses.
52. Mr. Bernstein asks if the Board or Township professionals have any other recommendations to the County Improvement Authority relative to the application.
53. Committeeman Lipani references the previous recommendations about additional buffering along the fence line.
54. Ms. DeRocini asks for confirmation that there will be a fence around the 10 x 30 pad near the skate park as it is not actually shown on the plan but was discussed earlier and it is a main safety concern.
55. Mr. Asadurian confirms yes the fence will be installed there.
56. Mr. Deb motions to recommend the Somerset County Improvement Authority Solar Array application with the changes and recommendations noted by the Planning Director and Penoni along with comments made on the record this evening, seconded by Ms. Smith. Committeeman Lipani prior to giving his vote expresses his experience with the previous solar project and how pleased he is with this project.

Roll Call:

Yes - Mr. Wagner	Yes - Mr. Deb (<i>Alt. #1</i>)
Yes - Mr. Flagg	Yes - Mr. Smith (<i>Alt. #2</i>)
Yes - Mr. Radowitz	Yes - Committeeman Lipani
Yes - Mr. Vitale	Yes - Vice Chairman Peason
Yes - Ms. Smith, Secretary	

Motion carries

57. Approximately 9:11 pm end of hearing.

Mr. Bernstein asks Mr. Kois if the recommendation is to cancel the business meeting on June 26.

Mr. Kois confirms and recommends canceling the July 3, 2025 meeting due to its proximity to the Independence Day holiday weekend.

Committeeman Lipani motions to cancel the June 26 and July 3, 2025, meetings, seconded by Mr. Deb. All are in favor, none opposed. Motion carries.

Mr. Bernstein reminds the Board the next meeting will be on July 10, 2025 and there will be two applications including closing arguments for Homestead Road LLC and the return of the Harvard Way application. He states there will be an Executive Session prior to the Harvard Way application and stresses the importance of attendance for those eligible to vote on the application.

ADJOURNMENT

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

9:14 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*