

Township of Hillsborough – PLANNING BOARD

Approved Public Meeting Minutes

December 4, 2025

Chairman Carl Suraci called the Planning Board Regular Public Meeting of December 4, 2025, to order at 7:09 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 - 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>	<i>Absent</i> - Surajit Deb (<i>Alt. #1</i>)
Present - Carl Suraci, <i>Chairman</i>	<i>Absent</i> - Jason Smith (<i>Alt. #2</i>)
<i>Absent</i> - 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)*; Christopher Botta, Esq.

Mr. Bernstein states Mr. Botta is in attendance on behalf of the carrier.

CONSIDERATION OF MEETING MINUTES

- None regular/business meeting minutes were reviewed.

CONSIDERATION OF RESOLUTIONS

- None

PLANNING BOARD BUSINESS

- None

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)

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

- Ms. Janucik asks when the last time meeting minutes were provided.

Chairman Suraci and Mr. Kios state minutes were reviewed and approved at the November 13, 2025 meeting.

- Ms. Janucik asks which meeting minutes were approved and for clarification as to why they are delayed.

Committeeman Lipani states the July 24, September 4 and 11 meeting minutes were approved at last months meeting.

Mr. Kois states he anticipates there will be additional minutes to review at the December 13 meeting and the goal is to have the minutes as up to date as possible so as not to go into 2026 with a 2025 backlog for the Board to approve.

- Ms. Janucik states too often applications coming before the Board seem to be lacking environmental information about wetlands and flood zones.

Mr. Kois explains through the application process there may be letters of interpretation (LOIs) which show the information she is referring to. He states if there is a specific application she is concerned about they can speak offline about it.

There are no further comments from the public.

APPLICATIONS – PUBLIC HEARING

Mr. Bernstein explains they will first be hearing the Campus Associates and Harvard Way applications with public comment then will enter into Executive Session with Mr. Botta regarding the parameters before the Board returns for deliberation.

- **Campus Associates, LLC - File 20-PB-13-MSP (December, 2025 Update)** – Block 58, Lot 1.05 – 5 Campus Drive (formerly known as 4 Campus Drive). Applicant 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. Status update last presented to the Board 12-05-24 and 06-05-25.

Preliminary and Final Major Site Plan approval; ‘c’ bulk variances; and waivers previously granted 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 (now known as 5 Campus Drive), in the Multifamily Inclusionary Overlay District within the I-3 Light Industrial Zone, with conditions. Resolution memorialized November 18, 2021; Extension Resolution memorialized July 11, 2024.

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

1. Approximately 7:19 pm start of hearing.
2. Stephen Kessler introduces himself. He gives a general overview of current status and future plans. Mr. Kessler's overview details include but are not limited to: site work is complete, curbs are in, and parking lot is partially paved as they are awaiting installation of electrical conduits. The clubhouse is built, foundations for two other buildings are next and they will continue to work through winter in the areas permissible with the cold weather.
3. Mr. Kessler states he anticipates by his June visit more buildings will be completed and wrapped with rough mechanicals. He opens to questions.
4. Mayor Ciccarelli asks for elaboration on what "all site work" refers to and does it include all storm water facilities.
5. Mr. Kessler states everything below ground with exception to the electrical conduits is complete and operational and does include storm water facilities.
6. Committeeman Lipani asks for an update on the search for tenants and if affordable units are mixed with general
7. Mr. Kessler explains they will begin reaching out to tenants when the second building is at the point of requesting a temporary Certificate of Occupancy (CO) and estimates this may be possible by summer 2026. He confirms the affordable housing units are mixed with the general units and they will lease those units first.
8. Mr. Kois explains to the Board there is a phasing schedule the developer is following and the building department is responsible for which buildings are allowed to be CO-ed based on the percentage of market rate and affordable units.
9. Mr. Kois asks Mr. Kessler if they will be using the Township's administrative agent.
10. Mr. Kessler confirms they will be and they have had preliminary communications.
11. Mr. Kois instructs him to, moving forward, cc the Township's municipal housing liaison on the communications. He suggests Mr. Kessler contact him if he needs contact information for 2026.
12. Mr. Kessler agrees.
13. Mr. Kois and the Board have no further questions.
14. **Motion:** There is a motion and second to open to questions from the public. All are in favor none opposed. Motion carries.
15. **Maria Janucik**, East Frech Ave., Manville (residence) / Camplain Road, Hillsborough (property owner), asks what 'site work' includes.
16. Mr. Kessler states it generally involves clearing and grading of the site, installation of storm water management and utilities in preparation for the placement of foundations.
17. Ms. Janucik asks if this property had wetlands.
18. Mr. Kessler explains when wetlands are present on a lot they cannot build in the wetland area. He defers to the Township's professionals with regard to engineering aspects and states they are building the project in conformity with the approved plans. He states there may be wetlands near the back of the site since there is a creek.
19. Ms. Janucik asks if they needed to obtain approval from the NJDEP.
20. Mr. Kessler states they received any and all required approvals prior to construction, including from state and local agencies.

21. Ms. Janucik asks if has seen any of the required permits.
22. Mr. Kessler explains the Township would not allow them to move forward with the project without all permits being in place.
23. Ms. Janucik asks if Township is the proper place for her to view the required permits.
24. Mr. Kessler explains if she were to submit a Freedom of Information Act or Sunshine Act request the Township for the project file, the file would show all permits for the project. He believes the Township also has information available online.
25. Ms. Janucik asks for more information about the phasing plan.
26. Mr. Kessler explains the order of buildings to be constructed and that all buildings are residential.
27. Ms. Janucik asks the purpose of and reason for using the 'Township administrative agent.
28. Mr. Kessler explains when affordable housing units are included in a project to meet a COA requirement, they are required to work with Township administrative agent who administers the affordable housing rental process.
29. Ms. Janucik asks the total number of residential units.
30. Mr. Kessler states he does not have all the details handy but it is all available online [Civic Clerk] with the application.
31. Ms. Janucik asks if he knows how many units are affordable units.
32. Chairman Suraci reminds Ms. Janucik this time is for questions relevant to the update given by Mr. Kessler.
33. Mr. Bernstein states there are 96 total units with 23 for affordable.
34. Ms. Janucik has no further questions.
35. There are no further questions from the public.
36. Approximately 7:32 pm end of hearing.

- **Harvard Way JMJ4, LLC (Redcom) – File 21-PB-09-MSPV (Remand)**– Block 58, Lot 1.09 – Route 206 – 3 Harvard Way. As per the Ruling of the Honorable Judge William G. Mennen, J.S.C., dated February 4, 2025 for the Superior Court of New Jersey, the Court hereby remands limited provisions of this matter back to the Hillsborough Township Planning Board in accordance with the Court's opinion, dated February 4, 2025.

On October 13, 2022, the Planning Board denied the application for Preliminary and Final Major Site Plan approval, 'c' bulk variances, and waivers, to construct a 107,366 square foot warehouse and associated improvements, at the terminus of Harvard Way, Resolution dated November 10, 2022, for Property located in the I-3, Light Industrial Zone. Application adjourned from November 06, 2025 without further notice, as agreed upon by all parties.

Participating for the Applicant: Michael O'Grodnick, Esq. of Savo, Schalk, Gillespie, O'Grodnick & Fisher, P.A.; and Michael K. Ford, PE, PP, of Van Cleef Engineering Associates, LLC

Participating for the Objector: Bruce Afran, Esq. for Green Hills Community objectors

- 1) 7:33 pm start of hearing
- 2) Mr. Bernstein explains the Board will soon be entering into Executive Session to discuss the remand from Judge Mennen, Ms. Smith, Mr. Wagner, Committeeman Lipani, Vice Chairman Peason and Chairman Suraci are the Board members eligible to hear the application and while the other Board members can remain on the dais to listen during

the hearing they are not eligible to participate, enter executive session or participate in the deliberation.

- 3) **Michael O'Grodnick** introduces himself as attorney the applicant.
- 4) **Bruce Afran** introduces himself as representation for the objectors.
- 5) Mr. Bernstein summarizes for the record that at October 17, 2025 meeting Mr. O'Grodnick introduced three permits received from NJDEP and Mr. Flynn was also in attendance discussing information which addressed an issue involving section 188-31E of the Township code; Mr. Afran had been retained to represent some of the neighborhood and after some discussion submitted a motion to intervene to which Mr. O'Grodnick opposed.
- 6) Mr. Bernstein reads into the record Judge Mennan's decision of October 17, 2025 relative to Mr. Afran's intervention motion and a subsequent case management order.
- 7) At approximately 7:37 pm Mr. Bernstein notes **Matthew Flynn's**, from Mr. O'Grodnick's office, arrival.
- 8) Mr. Bernstein explains the limitation on public comment and whom the Board may seek guidance from during the Executive Session.
- 9) **Motion:** There is a motion and second to open to public comment. All are in favor, none opposed. Motion carries. Chairman Suraci explains the public may comment on what was introduced or outlined by Mr. Bernstein from the previous meeting.
- 10) Mr. Afran states he will make some comments on behalf of the objectors:
 - a. They have viewed the memo from Pennoni Associates and believe it represents a proper statement of analysis as to the hydrology issues.
 - b. States he is not aware of a witness testifying to the evidence about the specifications of operation of the proposed warehouse and reminds they cannot be introduced by representation alone, it needs to be approved by the Board as having met the ordinance and be testified to. The objectors believe the Board cannot accept this evidence in satisfaction of the ordinance.
 - c. It is important to stress why the Board accepts the Objector's expert which was found creditable by Pennoni in the areas addressed.
- 11) David Brook, Winding Way, lists LOI documents dated November 4, 2024, freshwater general permit six dated November 29, 2024, and a recording, modification and transitionary waiver for wetlands December 2, 2024 and the recording of the freshwater wetlands general permit stating he would like confirmation of these but decides he will look into them himself. Mr. Brook then asks if there is a professional from the applicant who has testified to why the DEP issued the permit.
- 12) Mr. O'Grodnick confirms there is not a professional present to discuss the permit.
- 13) Mr. Brook speculates if the information that served as the basis for the DEP permit incorrect or inaccurate and asks how the Board members and Township professionals can question it for clarification if a witness is not present for verification.
- 14) Mr. O'Grodnick states it is an outside agency approval independent of the Board and explains there is an administrative hearing procedure with appeal period that he could have participated in – both time frames have expired.
- 15) Mr. Brook reads a portion of the judge's order into the record regarding the applicant's opportunity to supplement as it pertains to stormwater management. He asks if the applicant submitted paper documents to support the position.
- 16) Mr. O'Grodnick does not respond.
- 17) Mr. Bernstein states what they were permitted to do was submit paper documents per the judge's allotment at the request of the applicant.

- 18) Mr. O'Grodnick confirms stating the filed a motion to supplement the record prior to the trial but it was denied, however, on remand the court permitted the Board to consider the approvals from DEP to address the stormwater management compliance.
- 19) Mr. Brook asks if they were only permitted to submit paper documentation or could the provide a witness.
- 20) Mr. Bernstein states it is no longer an issue, the paperwork has been submitted.
- 21) Mr. Brook expressed concerns regarding the permits and documentation submitted by the applicant. He noted that no applicant professional was present to testify regarding the materials submitted. He further stated that the permits provided did not identify Soil Type C or D, and that the NJDEP permit likewise did not address this issue. Mr. Brook commented that, in the absence of a testifying professional, the submitted documents could not be subject to cross-examination.
- 22) Mr. O'Grodnick objects stating he is mischaracterizing the record.
- 23) Mr. Brook has no further comments.
- 24) Mr. Afran states while DEP is not present as a witness, Mr. Mayhew is present and can present a report which can address some of the deficits Mr. Brook expressed concern about.
- 25) There are no further comments from the public.
- 26) **Motion:** There is a motion and second to close to the public. All are in favor, none opposed. Motion carries.
- 27) Mr. Bernstein recommends the Board enter executive session to consult with council then return to session for deliberation as per instructions from Judge Mennen. He states for the record he is seeking a resolution to enter executive session pursuant to NJSA 104-12B7 attorney-client privilege pending or anticipated litigation Harvard Way JMJ4 LLC vs. Township of Hillsborough Planning Board at AL.
- 28) Mr. O'Grodnick states before the Board enters ES he would like to put on the record their objection to the report. He explains they did receive it late today but their objection is based upon that it is outside the scope of the remand and that it's in that opinion.

EXECUTIVE SESSION TO DISCUSS ATTORNY-CLIENT MATTERS

- **Motion:** Mr. Wagner motioned to go to executive session, seconded by Committeeman Lipani.

Roll Call:

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

Motion carries

At approximately 7:54 the Board leaves for executive session.

8:47 pm the Board returns from executive session [1:36:15]

- 29) 8:48 pm There is a motion and second to exit executive session. All are in favor, none opposed. Motion carries.
- 30) Mr. Bernstein notes for the record that all members of the Planning Board present at the commencement of executive session are now present to recommence with the open public meeting. He states while Mr. Vitale was in the room he did not participate, also present

was himself, Mr. Botta, Mr. Kois and Mr. Mayhew and summarizes the purpose of the executive session.

- 31) Chairman Suraci opens Board discussion.
- 32) Committeeman Lipani suggests they discuss one topic at a time. He begins with permitting discussing witness Dr. Emerson's white stone report and his concerns around soil testing testimony.
- 33) Mr. Wager agrees with his comments and discusses his concerns around the sterility of the test.
- 34) Vice Chairman Peason agrees and states disbelief the proposed plan based on a 'c' soil would not increase or exacerbate the amount of flooding for the nearby residents .
- 35) Ms. Smith agrees with the other members and did not feel confident in the testing and thought infield testing should also have been done.
- 36) Chairman Suraci also agrees and discusses concerns with the infiltration test pits and the applicant denying the numerous times the Board asked for additional test pits and infiltration testing.
- 37) Committee Lipani states he is pleased the storm water basin was updated and discusses the implications during testimony that the area has not and is not impacted my storm water during even minor storms. He discusses his experience with flooding in the area and impact from development.
- 38) Chairman Suraci discusses his concern with the lack of residents but rather lawyers locking in decisions.
- 39) Committeeman Lipani discusses the Board having asked multiple times about application use but there was no testimony. He reminds, just because the application is deemed complete does not mean the Board has to accept it.
- 40) Chairman Suraci and Ms. Smith express their agreement regarding the lack of tenant.
- 41) Vice Chairman Peason states he is not as concerned with the lack of tenant as Mr. Flynn's letter stated the conditions and maximums.
- 42) Committeeman Lipani reminds that permit they obtained from the DEP is a minimum standard and does not take into account of the impact storms on the health, safety and welfare of the surrounding area.
- 43) Vice Chairman Peason states he is not confident the DEP permit took into account what the Board's concerns were.
- 44) Mr. Peason states he believes the Board has a right to request a little more than the minimum standard.
- 45) Chairman Suraci and Ms. Smith agree it is an obligation of the Board.
- 46) Mr. Bernstein states for the record the Board's remand is the remand from the *original* order.
- 47) Committee Lipani discusses his discomfort with several variables, that they would not exacerbate storm damage downstream.
- 48) The Board silently reviews the judge's original remand.
- 49) Committee Lipani reads into the record statistics for the runoff.
- 50) Chairman Suraci asks Mr. Bernstein to clarify the issue for the Board.
- 51) Mr. Bernstein states if the Board was finished deliberating, the motion would be to affirm the previous decision of the Board in denying the application for the items previously placed on the record and supplemented by the record this evening.
- 52) **Motion:** Committeeman Lipani motions to affirm previous decision based on the previous testimony and supplemental deliberation today that this application would be denied as stated previously and tonight, seconded by Mr. Wagner.

Mr. Bernstein clarifies 'yes' is to affirm the previous decision to deny the application for the reasons stated previously as well as this evening based on the testimony in the record. Vice Chairman Peason's final comment is the additional information was not enough to overturn his original decision.

There are no further comments.

Roll Call:

Yes - Mr. Wagner

Yes - Vice Chairman Peason

Yes - Ms. Smith

Yes - Chairman Suraci

Yes - Committeeman Lipani

Motion carries – the application is denied.

53) Mr. Bernstein tell the Board he will produce a revised resolution in normal course.

54) 9:24pm end of hearing.

Chairman Suraci reminds the next meeting is on December 11, 2025

ADJOURNMENT

A motion to adjourn was made by Mr. Wager, seconded by Ms. Smith. Motion carries unanimously.

9:25 pm meeting is adjourned.

*Submitted by Robyn Bittle-Abramo
Recording Secretary*