

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
November 13, 2014

Vice Chairman Cohen called the Planning Board Public Meeting of November 13, 2014, to order at 7:30 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

Vice Chairman Cohen announced the meeting had been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

ROLL CALL

Deputy Mayor Greg Burchette - *Present*

Michael Merdinger - *Present*

Committeeman Frank DelCore – *Arrived at 7:34pm*

Steve Cohen, *Vice Chairman - Present*

Dr. Daniel Marulli - *Present*

Neil Julian - *Present*

Sam Conard - *Present*

Dr. Steven Sireci, Jr. – *Arrived at 7:34pm*

Robert Wagner, Jr. - *Present*

Robert Peason (Alt. #1) – *Present*

Shawn Lipani (Alt. #2) – *Present*

Also present: Bruce Rydel, P.P., AICP, Planning Director; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); Lucille Grozinski, Board Court Reporter, and Caz Bielen, Board Videographer (Premier Media, LLC).

It is noted that Chairman Dr. Sireci and Committeeman DelCore have arrived at 7:34pm; Dr. Sireci then Chaired the meeting.

DISPOSITION OF MINUTES

• **October 02, 2014**

A motion to approve as written was made and seconded.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Dr. Marulli – yes; Mr. Conard – yes; Mr. Peason – yes; Mr. Lipani – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes. Motion carried.

DISPOSITION OF RESOLUTIONS

• **Mund Hillsborough Land, LLC – File 14-PB-13-SRV**

A motion to approve as written was made and seconded.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Dr. Marulli – yes; Mr. Conard – yes; Mr. Peason – yes; Mr. Lipani – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes. Motion carried.

• **RB Manufacturing, LLC – File 14-PB-17-MSR**

A motion to approve as written was made and seconded.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Dr. Marulli – yes; Mr. Conard – yes; Mr. Peason – yes; Mr. Lipani – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes. Motion carried.

PLANNING BOARD BUSINESS

• **Glen-Gery Corporation**, File 14-PB-01-MR - Extension for Time of Decision provided through December 31, 2014

A motion was made to agree to the extension and seconded.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Dr. Marulli – yes; Mr. Conard – yes; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes. Motion carried.

Chairman Dr. Sireci clarified that the Glen-Gery application will not be heard at this meeting.

- Township Committee Resolution (Consideration #1): A Resolution Referring Proposed Area in Need of Rehabilitation Resolution to the Planning Board for Consideration

Mr. Bernstein addressed both Considerations 1 and 2. A hearing must be held for both matters within 45 days of receipt of applications from the Governing Body. Mr. Bernstein suggested December 4, 2014 as the date and described the notice that will be given.

A motion is made to accept the Resolution and hold the hearing for Consideration #1 on December 4, 2014 and seconded.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Dr. Marulli – yes; Mr. Conard – Abstain; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes. Motion carried.

- Township Committee Resolution (Consideration #2): A Resolution Referring Redevelopment Plan to Township Planning Board for Consideration

A motion is made to accept the Resolution hold the hearing for Consideration #2 on December 4, 2014 and seconded.

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Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Dr. Marulli –yes; Mr. Conard – Abstain; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes. Motion carried.

- Resolution of the Township Committee of the Township of Hillsborough Requesting Review and Approval of a Municipal Affordable Housing Trust Fund Spending Plan

No discussion from the Board.

Jane Schmeling, Resident, asked where she could see a copy of the Trust Fund Spending Plan.

Mr. Rydel noted it is available in the Planning Office as well as on the Township website.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Dr. Marulli –yes; Mr. Conard – yes; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes. Motion carried.

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

- **Ordinance 2014-19** – An ordinance Amending and Supplementing Chapter 188 “Land Use and Development”, Article IV “Design and Performance Standards”, Section 188-49 “Flag Lots” and Repealing and Replacing Chapter 188 Attachment 2 “Township of Hillsborough Schedule for Residential Zones” Of the Code of the Township of Hillsborough, County of Somerset, State of New Jersey

Mr. Rydel described the proposed Ordinance. There was no discussion from the Board.

A motion to approve and send back to Township Committee is made and seconded.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Dr. Marulli –yes; Mr. Conard – yes; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeeman DelCore – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes. Motion carried.

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

- **Glen-Gery Corporation** – File 14-PB-01-MR – Block 182, Lots 10, 11, 12, 45, 46 – 45 Hamilton Road. Applicant seeking Minor Subdivision Approval to reconfigure the lot lines by subdividing Lots 11 and 46 and merging the remaining 3 lot. No development is proposed at this time, on property in the M District. (*EC Review: 02-24-14*). **ADJOURNED until further notice, with re-notice (TOD: 12-31-14 provided).**

Chairman Dr. Sireci explained the extension approval granted earlier in the meeting. He opened the floor to the public for questions or comments. There were none.

- **Claremont Towers** - File 14-PB-10-MSRV – Block 163.22, Lot 44 and Block 163.05, Lot 1.02 – 574, and 776-779 Eves Drive. Applicant seeking Minor Site Plan Approval; ‘c’ Bulk Variances for Accessory Structure In a Front Yard; and Waiver from submitting and Environmental Impact Report, to install three (3) generators, one for each building #3, #5 and #6, located in the front yard of each existing principal structure for emergency back-up power, replacing existing generators which have experienced flooding problems, on property in the PD District. (*EC Review: 10-27-14*). **ADJOURNED to December 04, 2014 without further notice as per the instructions of the Board.**

Chairman Dr. Sireci noted the application is adjourned. Mr. Bernstein noted for the record that notice for this application will be required for a single individual only.

- **Copart of Connecticut, Inc. – AMENDED** – File 14-PB-15-SR – Block 73.01, Lot 1 and Block 71, Lot 1.01 – 2124 Camplain Road and Camplain/Sunnymeade Road. Applicant seeking Amended Major Site Plan Approval from conditions of Board Resolutions 10-PB-13-SRV, adopted 03-03-11 and Board Resolution 11-PB-03-SR, adopted 05-26-11 to revise the hours of operation and restrict the existing driveway exit to right turn only, on property in the I-1, Light Industrial District. **Carried from October 02, 2014 without further notice.**

Charles Liebling, Esq. of Windels Marx Lane and Mittendorf, representing the Applicant, introduced the application. He briefly summarized the subject of testimony from Kenneth Hopkins, General Manager of the facility, from the previous meeting.

Exhibit **A-3** was marked: Print out from Klein’s Recycling facility’s website that shows hours of operation.

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The Board asked Mr. Liebling to restate the hours requested in their entirety.

Mr. Liebling stated the request was for Saturday hours for delivery and pick-up from 8am to 5pm on an as needed basis and full operations allowed on Sundays during a State of Emergency.

He went on to describe the mitigating measures being proposed including partial closure of the gates; new signage that does not indicate Saturday hours; no more than 35 trucks per week and 90 vehicles per week after regular hours; drop-off area to be monitored by video which would be readily available to the Township; drop-off sub-haulers would be aware of these restrictions; no drop-off on Saturday after 5pm or after 11pm any day; no motorized equipment excluding dust control within 40ft of the eastern property of main lot on Saturday; signage on Camplain Road for parking restrictions; bilingual signs in the office to remind sub-haulers to avoid trespassing on neighboring properties; exiting trucks can only make a right turn out only with signage and striping to indicate this; damage to neighboring properties' landscaping would be repaired; privacy features to be installed at the front gate; existing landscaping to be replaced where required; and dust control protocol adopted through use of spray trailer.

The Board and Mr. Liebling discussed the request related to the State of Emergency. The Board was concerned that "State of Emergency" is too broad of a request to document and monitor.

Mr. Merdinger noted that the attorney should not be testifying.

Kenneth Hopkins, General Manager, was sworn in.

The Board and Mr. Hopkins further discussed at length the request to open on Sundays during a State of Emergency. Mr. Hopkins clarified that when a request is made to open on Sunday during an emergency, a specific date will be given. He went on to state that the normal weekday hours would not be modified during a State of Emergency.

The Board and Mr. Hopkins discussed the difference between notice to the Township and approval of the Township in regards to opening on Sundays.

Mr. Hopkins described the logging system used to monitor the number of cars that come in overnight. The Board asked how that would enforce a limit on the number of trucks entering the facility. Mr. Hopkins said it was not a perfect system.

Mr. Hopkins testified that there would be an estimated 8 to 12 cars dropped off on Saturdays if the facility was open. He continued to explain the Saturday hours are being requested for the donation business.

The Board discussed altering the requested Saturday hours to close at 3pm, specifically to match with Klein's Recycling. Mr. Hopkins stated the 5pm closing time is what they want.

The Board took at 10 minute break.

After the return, the Board and Mr. Hopkins discussed the number of cars allowed to be dropped off at length. Mr. Hopkins described the video surveillance and log systems proposed.

A motion was made to open to the public and seconded. All aye, none opposed. Motion carried.

Susan Guillford, Hunt Club Road

Ms. Gulliford asked why damage is occurring to neighboring properties. Can Copart correct the problem that is causing this damage to the surrounding properties?

Mr. Hopkins stated the only damage he is aware of is the neighbor across the street and they have repaired his yard unsuccessfully but there will be testimony from the Applicant's engineer on how to fix the problem altogether.

Ms. Gulliford asked whether there are currently signs on Camplain Road that state no idling and no parking.

Mr. Hopkins responded that there are no signs currently but it is part of the proposal.

Ms. Gulliford asked about the use of motorized equipment on Saturdays. Mr. Hopkins described the dust suppression trailer that will be used. There was some discussion about the types of machinery on the property and the major complaint of neighbors being dust, not noise.

Mr. Rydel sought clarification from the applicant that other machinery such as a frontend loader will be in use on the property on Saturdays, just not in the 400 foot buffer area. Mr. Hopkins agreed that the 400 foot buffer area will only have the dust control trailer in use.

Maria Janucik, Property Owner on Camplain Road

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Ms. Janucik asked for clarification on the difference between when the facility is open to the public and when trucks are only dropping off.

Mr. Hopkins stated that when the facility is open to the public, they are accepting payments for vehicles, the general public is allowed to come in, and transporters customers hire to pick up cars would be able to come in. When it is not open to public, only employees and Copart contractors are dropping off cars.

Ms. Janucik and Mr. Hopkins discussed the proposed hours as compared to the current hours.

Ms. Janucik asked for a visual on how trucks travel between lots. She inspected the exhibits from the last meeting, A-1 and A-2.

Mr. Hopkins described Exhibits A-1 and A-2. He then used the exhibits to describe how cars travel through the facility from the main lot Block 73.01, Lot 1 to Block 71, Lot 1.01 to the west that has no direct access to Camplain Road.

The Board noted that this line of questioning is not related to the extended hours being requested.

Ms. Janucik and Mr. Hopkins discussed the lots, noting they are adjoining. There was discussion on where and how the two adjoining lots are touching.

Mr. Rydel asked if all the lots shaded in gray on the exhibits are owned by the Applicant. Mr. Hopkins clarified that yes, Copart owns those properties and the lots are not merged.

Ms. Janucik was sworn in to give testimony.

Exhibits O-1, O-2, and O-3 are marked.

Ms. Janucik testified that Exhibit O-2 was received from Mr. Kois in the Planning and Zoning Office and described it as a 2007 aerial view of the properties that are covered by Copart as well as the surrounding properties.

Exhibit O-3 was from the lower right hand corner of the site plan for Block 73.01, Lot 1. She stated that this exhibit showed that Block 65, Lot 31 is zoned residential.

Mr. Lieblich explained that she is referring to a Tax Map that may have old Block and Lot numbers and it does not reflect the existing lot lines.

The Board again stated that this issue is not related to the extended hours being requested.

Chairman Dr. Sireci clarified that this type of application is called amending a previous site plan approval but they are only discussing the hours and conditions of operation.

Ms. Janucik asked about the entrance used after regular hours. Mr. Hopkins used Exhibit A-1 to indicate how that occurs from Camplain Road.

The Board asked for a description on how a drop off between 5pm and 11pm is different than during regular hours. Mr. Hopkins explained that the after hours, trucks don't go through the secondary gate into the facility. They only stay in the parking lot/bullpen area and drop the cars off there.

There was more discussion about the how and where the trucks enter.

There was discussion about how many cars each lot could hold.

Jen Rzeszutek, Resident, was sworn in.

Mr. Rzeszutek submitted a picture he took relevant to the dust problem. He took it sometime this month in the afternoon.

The photograph was marked Exhibit O-4. It appeared to show dust coming from the Applicant's property.

Jane Schmeling, Resident

Ms. Schmeling asked about the buffer area to Camplain Road at the south of the property. She further asked about whether or not the Applicant has ever considered a different entrance or exit than the one they are using.

Mr. Hopkins testified that they have considered it.

Ms. Schmeling asked about becoming a 24 hour facility. Mr. Hopkins stated he could not see that happening.

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Mike Sopko, Camplain Road across from Copart's facility

Mr. Sopko and Mr. Hopkins discussed the current hours for deliveries. He asked if Mr. Hopkins was aware of deliveries after those hours, including Saturdays.

Mr. Hopkins testified that he knew of one delivery on a Saturday and that driver had been reprimanded.

Mr. Sopko was sworn in. He testified to seeing deliveries that come in at 11pm but stay for up to an hour and half afterwards. He stated that other deliveries were made between 11pm and 8am as well as on Saturday and Sunday.

Mr. Hopkins testified that he was not aware of this.

Mr. Sopko stated that trucks park in front of the facility before it opens and Mr. Hopkins noted they will turn anyone illegally parking away. Mr. Sopko asked how many trucks have been turned away in the past month. Mr. Hopkins noted that is part of the application and has not been approved yet. He can't turn away anyone who has not been properly notified.

Mr. Sopko and Mr. Hopkins talked about the video surveillance.

How subcontractors will be reprimanded was discussed.

Mr. Bernstein explained that per the Hillsborough Township Ordinance, parking on Camplain Road is illegal.

Because Klein's Recycling was brought up, Mr. Sopko asked about Saturday hours for the business on other side of Copart (not Klein's). It was noted that business had no Saturday hours.

Dr. Marulli asked for clarification on how Mr. Hopkins is unaware of vehicles coming in after hours if they are logged. Mr. Hopkins explained that every vehicle is logged. The log system and videos were discussed at length.

The Board asked if employees are on site after 5pm. Mr. Hopkins explained that sometimes employees will be there until 6pm or 6:30pm. It was suggested to have an employee on site from 3 to 11pm. Mr. Hopkins didn't see that as reasonable.

Chairman Dr. Sireci made some suggestions to enforce the rule for no deliveries after 11pm including having an employee present or locking the gate after 11pm with no gate code access.

William Trethewey, 1274 Millstone River Road
Mr. Trethewey asked about the drop-off logs.

Mr. Hopkins explained an employee logs it. If there is no employee there, it will be logged the next day. He went on to say there is no date and time on the log.

Mr. Trethewey asked about the video surveillance lighting, identifying vehicles on the video, gate access, and some security measures. Mr. Hopkins did not want to discuss some security measure for the safety of the facility.

Mr. Bernstein noted that an extension was needed because the time of decision is December 1st.

A motion is made to continue this hearing to December 11, 2014 without further notice and accept of the extension for December 31, 2014.

All aye, none opposed. Motion carried.

CORRESPONDENCE

- SCPB – WQMP Rule Update Process
- Notice of NJDEP Application Submitted – Block 175, Lot 39.02; Block 177, Lot 23.02; Block 175.18, Lot 39.04; Block 12, Lot 13

Mr. Rydel summarized both letters for the Board to review.

ADJOURNMENT

The meeting adjourned at 10:34 p.m.

Submitted by: Caitlin Davis, *Planning and Zoning Clerk*
Reviewed by: Bruce J. Rydel, P.P., AICP, *Planning Director*