

**HILLSBOROUGH TOWNSHIP PLANNING BOARD**  
**PUBLIC MEETING MINUTES**  
**December 11, 2014**

Chairman Sireci called the Planning Board Public Meeting of December 11, 2014, to order at 7:32 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Municipal Complex.

Chairman Sireci 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 - *Arrived 7:42 pm*  
Committeeman Frank DelCore - *Absent*  
Steve Cohen, *Vice Chairman - Present*  
Dr. Daniel Marulli - *Absent*  
Neil Julian - *Present*

Sam Conard - *Absent*  
Dr. Steven Sireci, Jr. - *Present*  
Robert Wagner, Jr. - *Absent*  
Robert Peason (Alt. #1) - *Present*  
Shawn Lipani (Alt. #2) - *Present*

Also present: Bruce Rydel, P.P., AICP, Director of Planning; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); William H. R. White, III, PE, Board Engineer (Maser Consulting, P.A.); Lucille Grozinski, Board Court Reporter, and Caz Bielen, Board Videographer (Premier Media, LLC).

Chairman Dr. Sireci called for a motion to appoint a temporary Board Secretary, in the absence of Dr. Marulli. A motion to nominate Robert Peason was made by Deputy Mayor Burchette, seconded by Mr. Lipani. All were in favor; none were opposed. Motion carries.

**DISPOSITION OF MINUTES**

- **December 04, 2014**

A motion to approve as written was made by Mr. Julian, seconded by Deputy Mayor Burchette.

**Roll Call:** Deputy Mayor Burchette - yes; Mr. Lipani - yes; Mr. Lipani - yes. Motion carries.

**DISPOSITION OF RESOLUTIONS**

- Resolution Recommending Study Area (Block 163.05, Lots 101, 102, 103, 104 & 105) as an Area in Need of Rehabilitation

A motion to approve was made by Mr. Julian, seconded by Deputy Mayor Burchette.

**Roll Call:** Deputy Mayor Burchette - yes; Mr. Lipani - yes; Julian - yes. Motion carries.

- Resolution Recommending Study Area (Block 163.05, Lots 101, 102, 103, 104 & 105) be Designated as an Area in Need of Redevelopment

A motion to approve was made by Deputy Mayor Burchette, seconded by Mr. Lipani.

**Roll Call:** Deputy Mayor Burchette - yes; Mr. Lipani - yes; Julian - yes. Motion carries.

- Resolution Recommending Endorsement of New Jersey Department of Transportation (NJDOT) Section 15N of U.S. Route 206

Township Planner, Bruce Rydel, P.P., AICP, gave background on the reason for the Resolution, stating a meeting took place with Township Officials, Mayor Douglas Tomson; Administrator, Anthony Ferrera; Assistant Township Engineer, Tom Belanger; Mr. Rydel himself; County Representatives, Planning Director, Walter Lane; and County Engineer, Matt Loeper, where it was explained to the State how important the Valley Road Intersection at U.S. Route 206 was to the township and regional traffic. The Resolutions are specifically requested by NJ DOT in order to move this project forward.

Chairman Dr. Sireci added that Project 15N also involves the widening of Route 206 from the northern end of the Bypass area, where Old Somerville Road currently joins Route 206, up north to Brown Avenue. The project would connect the already widened Route 206 by the Duke Estate, improving the flow to the corridor of traffic. Project 15N has been on the books for some time but has been unfunded.

Mr. Rydel noted that the 15N Project directly effects the Krismic Associates application, scheduled to tonight's agenda. Recognizing the driveway proposed may directly impact this intersection, Krismic has agreed to defer action from the Board for a period of 3 months.

A motion to approve the Resolution for recommendation to the Township Committee was made by Mr. Peason, seconded by Mr. Lipani.

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**Roll Call:** Mr. Julian – yes; Mr. Peason – yes; Mr. Lipani – yes; Vice Chairman Cohen; Deputy Mayor Burchette – yes; Chairman Sireci – yes. Motion carries.

**PLANNING BOARD BUSINESS**

- *Krismic Associates, Inc.*- File# 14-PB-21-MSR – Extension of Time through 03-31-15

A motion was made by Deputy Mayor Burchette, seconded by Vice Chairman Cohen.

**Roll Call:** Mr. Julian – yes; Mr. Peason – yes; Mr. Lipani – yes; Vice Chairman Cohen; Deputy Mayor Burchette – yes; Chairman Sireci – yes. Motion carries.

Chairman Dr. Sireci announced the adjournment of application 14-PB-21-MSR to March 05, 2015 without further notice.

**CONSIDERATION OF ORDINANCES**

None

**BUSINESS FROM THE FLOOR**

**Maria Janucik** – Property owner of property on Camplain Road

- Ms. Janucik asked Mr. Julian, Liaison for the Planning Board and Environmental Commission, who grants Environmental Impact Statement waivers.

Mr. Julian responded saying the Board.

Mr. Bernstein confirmed any Planning Board is able to grant a waiver.

**William Tretheway** - Millstone River Road

- Mr. Tretheway asked where the notice was published for notice of last week's meeting discussing the Area in need of Rehabilitation and Redevelopment.

Mr. Bernstein directed Mr. Tretheway to contact the Township Clerk being that he did not have the notice before him.

- Mr. Tretheway expressed his objections on how the presentation of the Rehabilitation and Redevelopment was handled.

Mr. Bernstein noted the matter of notice was provided at last weeks meeting, prior to the presentations referenced.

**PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS**

- *Krismic Associates, Inc.* – File 14-PB-21-MSR – Block 152.06, Lot 30 (*formerly known as Block 152, Lot 25*) – 230 Route 206. Applicant seeking Minor Site Plan Approval for the expansion of a driveway from the existing parking area at United Rent-All to Route 206, on property in the C-1 District (EC Review: 11-24-14) . ***ADJOURNED to March 05, 2015 without further notice.***

Adjourned as previously stated by Chairman Dr. Sireci.

- ***RB Manufacturing, LLC*** – File 14-PB-17-MSR – Block 201, Lot 11 – 799 U.S. Highway Route 206. Applicant seeking revision to Condition #2 of Resolution of Approval, as adopted 11-13-14, for property in the LI, Light Industrial District. *EC Review: 09-22-14.*

Matthew Schiller, Esq., of K&L Gates, representing the Applicant, stated the request before the Board is for an amendment to the Resolution of Approval in connection with a minor site plan approval, granted October 2, 2014, in connection with RB Manufacturing LLC's facility.

Subsequent to the adoption of the Resolution of Approval on 11-13, the Applicant's engineer reviewed the Resolution and found the need for some modification.

Robert Heibell, P.E., of Van Cleef Engineering was sworn, credential accepted by the Board and gave the following testimony:

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In the approved Resolution, there was not a clear understanding by the Applicant for one of the conditions. In regards to the installation of the tank, there were two items, the spill prevention control and counter measures plan to be submitted to NJDOT with copy to Township and the NJDEP Air permit with the tank, with a copy to Township. The way the condition reads in the Resolution, an affidavit of compliance cannot be submitted until those items take place. It was the intent of the applicant to put the rail in at this point in time but not get a construction permit for the tank until after those approvals.

The Board clarified that these are federal and state conditions from the EPA and NJDEP.

There was some discussion on how this affects the timeline for the Applicant.

Mr. Rydel noted the staff has no objections.

Deputy Mayor Burchette stated RB Manufacturing has been a great neighbor to Hillsborough. A motion to approve was made by Deputy Mayor Burchette.

Mr. Bernstein clarified the motion is to amend Condition #2 of the adopted Resolution and that the amended Resolution would be on the January 8, 2015 meeting. However, the Applicant could go forward and do the necessary actions.

Motion seconded by Mr. Peason.

**Roll Call:** Mr. Julian – yes; Mr. Merdinger – Abstain (not present for the RB hearing) ; Mr. Peason – yes; Mr. Lipani – yes; Vice Chairman Cohen - yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – Abstain (not present for the RB hearing). Motion carries.

Chairman Dr. Sireci called a 10 minute recess.

- ***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 November 13, 2014 without further notice.***

Charles Liebling, Esq. of Windels Marx Lane and Mittendorf, representing the Applicant, briefly summarized the application. He addressed some concerns from the Board from previous meetings.

Mr. Liebling provided a letter dated December 8, 2014 restating the description of modifications being sought and mitigating measures proposed together with enhanced types of controls Board wanted to see.

This letter is marked as Exhibit A-1.

Using exhibit A-1, Mr. Liebling described the changes in the requests. The Applicant proposed to permit Saturday deliveries from 8am to 3pm, which is shorter than originally requested.

There is a new suggestion to address the concerns the Board voiced about the State of Emergency requests. First there must be a State of Emergency. Additionally, drop offs need to exceed 120 vehicles for five consecutive days. Finally, Copart will not be open for more than four Sundays in a row. Mr. Liebling expressed that these are verifiable and controllable standards.

Mr. Liebling continued reading from the letter Exhibit A-1 that a time locked gate will be installed. It will make entry impossible after the 11pm time.

The letter also stated that the limit of trucks per week has been increased to 45 trucks to add cushion in case there is an unexpected influx. If the limit is met during the week, the gate can be locked to prevent overnight deliveries that go over the limit.

The Applicant will provide certification of vehicle counts upon request. If the limit has been reached on any given day, sub-haulers will be contacted not to show up because the gate will be locked at 5pm for that day.

Mr. Liebling discussed the specifics regarding dust management. Copart did research determining the correct size pump and sprayer for the buffer area as well as the wind speeds that cause the dust.

The rest of the requests were unchanged from the original proposal of this application.

Carl Alfaro, P.E. of Van Cleef Engineer was sworn in.

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Using Exhibit A-1, a map of the site, from a previous hearing date, Mr. Alfaro described the changes proposed to the site, specifically in regards to signage and striping in the parking area, entrances, and exits. He went on to describe the proposed trees and stone to be placed on a neighboring property to mitigate damage caused by trucks driving on the property.

There was some discussion on the existing asphalt and gravel areas.  
The public portion was opened.

Susan Gulliford, Hunt Club Road

Ms. Gulliford asked about the stone and if it will be located on someone else's private property.

Mr. Alfaro clarified that it will be placed in the right of way.

She further asked if the Applicant is making these improvements because of repeated damage to properties across the road.

Mr. Alfaro said the area in front of the neighbor's driveway was damaged but that section is located in the right of way.

Phillip Weber, Regional manager of Copart was sworn in.

The Board asked if the gate is self-closing or if it could be propped open.

Mr. Weber stated that it is not a self-closing gate. He noted that the security manager has the specs but the gate will be wired and will be shut and will be immovable.

The Board was concerned with this because the lock only works if gate is closed.

Mr. Weber clarified that it will be motorized and will be closed.

Mr. Hopkins, previously sworn in at a past meeting, clarified it will be the existing gate but with a motor attached.

There was discussion on how long it would take for everything to go into effect. There was discussion on how the Applicant is conforming with the current Resolution.

The Board suggested a surety or performance bond if the Applicant doesn't conform in a reasonable period of time.

There was discussion on a timeline for the new mitigating measures. The Applicant noted that a timeline could be created once approval was granted.

Mr. Bernstein asked if the Applicant would provide a cash bond of an amount to be determined either as a fine or some kind of mitigation money to address any violations of this Resolution or a future Resolution as requested.

The Board discussed a timeline.

Chairman Dr. Sireci suggested the granting of the new hours of operation be made contingent upon the Applicant's performance of other commitments in the Resolution. They would not receive approval for the new hours until after a Township official certifies everything.

The Applicant proposed one month for notices and 90 days for completing things like the motorized gate. To clarify, that would be 90 days from the approval. Furthermore, Copart would not operate on either Saturday or Sunday until the gate is finished.

There was a discussion on the urgency of the dust control measures proposed.

The Applicant stated that the dust control measures could be on same timeline as the gate, with no new operating hours until that is in place.

The Board and the Applicant discussed the request related to opening additional hours due to a State of Emergency.

The Board asked about the time locked gate. Will emergency fire vehicles be able to enter after 11pm? Using Exhibit A-1, the site map, Mr. Hopkins described the two gates Copart currently uses. One gate will be locked with only access to employees while the other will be motorized with a key pad.

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The Board suggested that since the gate will be motorized, it should not be left open halfway for vehicles to exit. Instead, have employees on the inside open it to let vehicles leave. The Applicant was amenable to this.

The public portion was opened.

Bill Tretheway, 1274 Millstone River Road

Mr. Tretheway asked what triggers the closure of the gate at 5pm.

Mr. Liebling explained the vehicle drop off caps. He also described how the sub-haulers would be contacted.

There was discussion on the limit of trucks being raised to 45.

There were questions about idling trucks. There is currently signage for no idling.

Mr. Rydel asked how many sub-haulers Copart has contracts with.

Mr. Hopkins explained there are 12 contracted companies, but the number of employees they employ is unknown.

There was a discussion about the sub-haulers. Mr. Bernstein asked if the Applicant could provide a list of all current sub-haulers and any subsequent changes.

Maria Janucik, 2155 Camplain Road, Property Owner

Ms. Janucik asked about a specific lot but Mr. Liebling objected to this line of questioning as irrelevant.

Mr. Bernstein explained that there may be differences between the tax map and the map in front of the Board but the Board relies on the testimony provided.

Mr. Rydel clarified that the all the lots indicated on Exhibit A-2 will be merged to prevent this confusion from happening the future.

There was discussion on lots being merged. Ms. Janucik alleged a lot zoned residential was merged with a lot zoned industrial.

Mr. Bernstein noted that he and Mr. White would discuss these allegations before any advice is given to the Board.

Ms. Janucik made comments about the certified notice for this application as well as previous applications from past years.

Mr. Bernstein clarified that the Applicant is allowed to rely on the certified list provided to them. Mr. Liebling confirmed that they noticed all those on the list provided.

There was more discussion about the notice for this application.

Ms. Janucik wanted to know why there was no site plan submitted for the second property for this application.

The Applicant is not proposing any amendments to the site plan for the second lot.

There was discussion about the paperwork for this application.

There are no more questions from the public.

Chairman Dr. Sireci summarized the proposal as follows: the hours of operations and various mitigations contained in the letter, Exhibit A-1; any amendments made during the discussion, for instance, instead of propping the gate open to just have it closed; and any agreements and stipulations in addition to that including timelines discussed.

There was a five minute recess.

After the recess, Mr. Bernstein noted a member of the public raised a zoning issue. The initial review is that Block 73.01, Lot 1 appears to be in the industrial zone. However, there is an issue regarding whether or not the lots were merged. Mr. Bernstein asked that this application be continued so that the Board and its professionals can ascertain if they have in fact been properly merged.

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The Board asked the applicant for an extension through the end of February and the Applicant agreed. Chairman Dr. Sireci called for a motion to carry the application to January 15, 2015, without further notice.

A motion was made by Deputy Mayor Burchette, seconded by Mr. Lipani.

**Roll Call:** Mr. Julian – yes; Mr. Merdinger – yes; Mr. Peason – yes; Mr. Lipani – yes; Deputy Mayor Burchette – yes; Chairman Dr. Sireci – yes; Vice Chairman Cohen – yes. Motion carries.

**ADJOURNMENT**

The meeting adjourned at 9:36 p.m.

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

Approved