

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES - REGULAR MEETING
January 08, 2015

Chairman Sireci called the Regular Planning Board Public Meeting of January 8, 2015 to order at 7:33 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 - Present
Committeeman Frank DelCore - Present
Steve Cohen, Vice Chairman - Present
Dr. Daniel Marulli, Secretary - Present
Neil Julian - Present

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

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

ACCEPTANCE OF MINUTES

- December 11, 2014

A motion to approve was made by Deputy Mayor Burchette, seconded by Secretary Cohen.

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

ACCEPTANCE OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

Professionals' Contract Resolutions

Chairman Sireci called for a motion to adopt the Board's professionals for 2015.

- **Board Attorney** – Eric M. Bernstein & Associates, LLC (Eric M. Bernstein, Esq.)

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

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

- **Board Engineer** – Maser Consulting, P.A. (William H.R. White, III, P.E., P.P., C.M.E.)

A motion to approve was made by Deputy Mayor Burchette, seconded by Committeeman DelCore.

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

- **Alternate Board Engineer** – Carroll Engineering

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

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

- **Board Court Reporter** – Lucille Grozinski, C.C.R.

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

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

- **Board Videographer** – Premier Media, LLC (Caz Bielen)

A motion to approve was made by Secretary Cohen, seconded by Mr. Merdinger.

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

Planning Board Annual Report – 2014

Chairman Sireci called for a motion to adopt the 2014 Annual Planning Board Report.

A motion to approve was made by Deputy Mayor Burchette, seconded by Secretary Cohen.

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

CORRESPONDENCE

Board of Adjustment Annual Report – 2014 (*approved*)

Chairman Sireci noted for the Board that the 2014 Annual Report for the Board of Adjustment has been provided for review.

BUSINESS FROM THE FLOOR

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATION

- ***Viatal Corporation*** – File 14-PB-22-SR – Block 201, Lot 7.01 (*formerly known as Block 201, Lot 7.A*) – 150 Homestead Road. Applicant seeking Preliminary and Final Major Site Plan Approval to remove all existing buildings and parking at the site to construct a new manufacturing facility in phases, the first the subject of this application to be a 62,232 sf. building, on property in the TECD District. (EC Review: 11-24-14)

Alexander Fischer of Mauro, Savo, Camerino and Grant, representing the Applicant, introduced the application. He gave a brief overview of the previous use compared to the proposed use by the Applicant.

John Tang, CEO of Viatal Corporation, was sworn in. Mr. Tang testified that the proposed manufacturing is the dry and liquid mixing of vitamins and other food pharmaceutical products in sealed containers. He expects to be 15 to 20 employees with the hours of operation of 9 to 5.

Mr. Tang testified that there will be only 1 or 2 truck loads per week and that he will comply with all local state and federal standards.

Mr. Tang discussed Phase 2 of the site plan which is dependent on the success of Phase 1.

He testified there are no plans to change the agricultural use on rear portion of the lot.

The Board asked for clarification on no operations after 5pm. Mr. Tang noted there will be personnel on property, maybe security, but there will be no manufacturing after hours. Manufacturing hours will be Monday to Friday from 9 to 5.

Mr. Tang went on to discuss the regulations of their manufacturing, which is conducted by the FDA.

The Board asked about the waste product generated.

Mr. Tang testified that there is zero waste. They put the ingredients into sealed container and mix it in that container creating no waste.

He noted, however, that they will need to clean and rinse the machines and some residue from the ingredients will come off machines. There will also be a laboratory on site which may cause some waste.

The leftover water from rinsing the machines will be tested. If will be disposed into sewage if it meets the standards. If not, it will be treated on site.

Mr. Tang testified that there are no air permits required by the DEP.

Open to Public

Kelly Whaley – Francis Drive

- Ms. Whaley questioned Phase 2. Will there be growth in number of employees, size of the plant, etc?

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Mr. Tang clarified that Phase 2 will add capacity but with operations similar to Phase 1. There may be more employees but less than double the amount because some original employees could work at the new facility. It will be an adjacent building to the Phase 1 building with same hours of operation. It would require a new application for site plan.

Mr. Fischer noted that this application is not for Phase 2.

Dale Gordon – East Mountain Road

- Mr. Gordon asked for clarification on Pharmaceutical versus Supplemental products.

Mr. Tang noted that pharmaceutical is a general term. His company will manufacture human nutrition and vitamins. They do not make prescription drugs.

Chairman Dr. Sireci further asked for clarification. Will the laboratory on site work with live organisms? Will they work with dead organisms? Will they work with antibiotics?

Mr. Tang testified no to each question.

Bill Martin - Hillsborough Road

- Mr. Martin noted that the Applicant requested an exemption from preparing a community impact statement. He therefore collected a petition for a community impact statement and a more sufficient traffic study to be done.

The petition was taken and marked as **Exhibit P-1**.

- Mr. Martin wanted to know why the Applicant wanted such a waiver. It was noted that Mr. Ford will be better suited for that question.

Suzanne Osche - Willow Road

- Ms. Osche asked about the different phases of the project.

Mr. Fischer clarified this application is only for Phase 1. If the Applicant later decides to go with Phase 2, they will come back to the Board for further approval.

Michael Saraco - Francis Drive

- Mr. Saraco wanted to know what drew the Applicant to this property.

Mr. Tang testified he considered the following criteria: environment of property, convenience to transportation and port, local support, it is cost effective, and the land suits their purpose.

- Mr. Saraco asked if the majority of the goods will be from overseas. Where are you shipping to and getting products from?

Mr. Tang noted most ingredients will be from overseas by ship. The production capacity indicates only one truck a week is needed.

No more questions from the public.

Michael Ford, P.E., P.P., from Van Cleef Engineering was sworn in and his qualifications were accepted by the Board.

Mr. Ford submitted the following exhibits:

Exhibit A-1 – pre-existing conditions of the site

Exhibit A-2 - proposed conditions of the site

Mr. Ford described the property. He noted the application is void of any variances or design waivers. Mr. Ford described the pre-existing conditions indicated on A-1 and previous uses of the buildings there.

He described that the intensity of the proposed use is less than that of the previous uses, noting there will be less parking spaces and number of employees.

There was discussion of the change in address of the property to a Homestead Road address.

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Mr. Ford testified that there are no DEP permits are required for this site plan. He went on to say that the total impact on sewer will be reduced from prior uses that had more waste water disposal. They have received a letter from MUA saying sewer service is available and an application was submitted. Applications have been submitted to the following agencies: Somerset County Planning Board, Somerset-Union Soil Conservation District, and D&R Canal Commission. The Applicant will comply with all requests from those agencies.

Mr. Ford described the proposed conditions of the site. There will be a circular driveway to allow easy and safe access to the loading bays. There will be a vegetated basin for stormwater management.

Mr. Ford described the potential Phase 2 building, which will be an identical but separate building.

Mr. Ford made note that the impervious coverage is proposed at only at 14%, which is less than the previous conditions.

There was discussion on the Community Impact Statement. It is usually done for fiscal matters, of which this project does not impact.

Mr. Ford noted that all requests from the Fire Marshall have been addressed, specifically noting the circular driveway gives access to all sides of the building to emergency vehicles.

Mr. Ford testified about the meeting with the Environmental Commission. They were specifically concerned with the stream corridor, which will be preserved; site lighting, for which they have provided plan including vegetated buffering; and a dust collector, which will be in place and will not cause a noise issue.

The Board asked about the need for dust filters. Mr. Ford noted that the architect can better answer that.

Mr. Ford mentioned that the issues with the monitoring wells have been resolved.

There was a brief discussion on the stream corridor preservation.

Mr. Ford gave a description of the proposed vehicular traffic restrictions, including prohibiting right turns onto Homestead Road.

Mr. Ford noted there is no need for a fence around the detention basin.

He gave a description of the self-contained trash container.

Mr. Ford testified about the tree removal, which will be minimal, and the trees to be replaced including shrubbery for screening. The Applicant will also comply with all additional landscaping suggested by Bill White.

There was more discussion on the Community Impact Statement. Mr. Rydel provided Mr. Ford with the Township Code, Article 4 Design and Performance Standards, Section 188-32 and asked him to address it in terms of the application.

The Board took a short recess.

Mr. Ford addressed the section of the Township Code as it relates to the application. There is specific discussion on the affordable housing impact. Mr. Ford testified that this project will not impact Hillsborough's affordable housing numbers, however the Applicant will comply with all current township ordinances and rules and regulations.

The Community Impact Statement is used so the Board can decide on a design for a site plan. Mr. Ford testified that the documents and plans provided can steer the Applicant in the right direction to create an appropriate design based on the impact of this project.

Mr. Ford discussed the sidewalk requirement. He noted the Applicant will make a payment to the sidewalk fund in lieu of construction sidewalks because there are no anticipated pedestrian traffic to and from site.

Open to the Public

Bill Martin - Hillsborough Road

- Mr. Martin asked how many loading docks are proposed.

Mr. Ford testified to 4 loading docks. However the architect can better address the need for that number.

Gail Martin - Hillsborough Road

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- Mrs. Martin asked some questions about the traffic study. Chairman Dr. Sireci noted there will be a traffic engineer who may be better to address your questions.

There is a brief discussion on the Community Impact Statement.

Bill Martin - Hillsborough Road

- Mr. Martin asked some more questions about the Community Impact Statement.

Suzanne Osche - Willow Road

- Ms. Osche asked about the two monitoring wells and Mr. Ford indicated them on the site plan. He noted that they will be decommissioned by a licensed well driller. They will receive a permit from the Health Department and the state as well as the DEP. Mr. Ford said he is not aware of what is in the wells now. It was related to the prior use of the property.
- Ms. Osche asked if any waivers would be required for Phase 2. Mr. Ford said Phase 2 would comply with all setbacks.
- Ms. Osche asked if a Community Impact Statement would address declining property value. There was discussion on whether or not the factory would impact the neighboring property values.
- Ms. Osche asked about the truck deliveries for other sites owned by the Applicant. Mr. Fischer noted the question is not relevant to a site plan for this property. Mr. Ford clarified that he is not the traffic expert so cannot answer.
- Ms. Osche questioned the proposed lighting. Mr. Ford described the lights will be on a timer with only minimal lights on after operation hours.

Dale Gordon – East Mountain Road

There was discussion on landscaping, trees, and buffering.

Bill Tretheway - Millstone River Road

There was more discussion on the Community Impact Statement. Mr. Ford testified that there will be zero effect on population because the application is not for a residential development.

- Mr. Tretheway asked about creating a lighting plan for after hours. Mr. Ford noted the Applicant would be amenable to that if the Board required it.

There was discussion of the stormwater management proposed between Mr. Tretheway, the Board, and Mr. Ford.

Dale Gordon – East Mountain Road

- Mr. Gordon asked about trucks that come through the residential area. Mr. Ford noted that the Applicant does not have control over off-site but maybe the traffic expert can address that in more detail.

Mark Redmond, architect for the Applicant, was sworn in and the Board accepted his qualifications.

Mr. Redmond noted there are four loading doors where two are for shipping and two are for receiving. It is important to note that in the food industry, raw materials and finished materials must be separated.

He briefly explained how the products are manufactured. The dust filters are required so no outside materials are added to the dry ingredients.

Mr. Redmond testified that ventilators and the dust collector will only run during hours of operations.

Open to the Public

Susan Gulliford - Hunt Club Road

- Mrs. Gulliford asked if there was a rendering for what the building will look like.

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Mr. Ford presented **Exhibit A-3**.

Dale Gordon – East Mountain Road

- Mr. Gordon asked how many windows will be on the frontage of Willow Road. Mr. Redmond noted there won't be that many because it's a factory.

Gary Dean, P.E., Traffic Consultant, was sworn in and accepted by the Board.

Mr. Dean testified that in relying on typical practices using by traffic engineers and the number of parking spaces, they can estimate the amount of traffic generated. He noted that the new use will yield very low projected traffic impacts. A traffic study was conducted including peak hour traffic counts along Homestead and Willow Roads, operation of the intersection during critical peak hours, and evaluated the impacts of the full build-out of the site, approximately 70 employees as a very conservative, worst-case scenario, far above the anticipated number of employees expected.

Mr. Dean testified that the added truck traffic would be imperceptible with only one or two trucks expected per week.

Mr. Dean noted that sight triangles will be implemented and indicated where on the final site plan.

Open to the Public

Gail Martin - Hillsborough Road

- Mrs. Martin noted that the traffic study was done in October but the heaviest traffic occurs in the summer months.

Mr. Dean testified that in his experience, the conditions were favorable for the study and it is better to conduct the study when school was in session.

- Mrs. Martin asked if they took into account the Bypass.

Mr. Dean testified they did not consider the Bypass specifically.

Susan Gulliford - Hunt Club Road

- Ms. Gulliford and Mr. Dean discussed the driveway and visibility due to its location.

Suzanne Osche - Willow Road

- Ms. Osche asked if there will ever be more than 20 people on the site. Mr. Dean noted that the study they conducted used 70 employees.

The Public comment section is opened

Dale Gordon – East Mountain Road

Mr. Gordon asked if back-up generators may be installed in the facility in case of power outages. Mr. Redmond said there are no plans for a back-up generator at this time.

Suzanne Osche – Willow Road

- Ms. Osche questioned when Mr. Tang purchased the property.

Mr. Tang testified that the company purchased the property at the end December 2013. The company discovered the property over the internet.

- Ms. Osche asked if the company had any conversation with the Township before purchasing it.

Mr. Tang noted the company discussed the property with Gene Strupinsky, the Business Advocate for the Township. Mr. Tang noted it was the company's decision to buy the land and they did their due diligence to see if they could use it. Chairman Dr. Sireci said it was Mr. Strupinsky's job as Business Advocate to perform the work he did in helping Viatal find a suitable site in Hillsborough.

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Pat Magee - Francis Drive

- Ms. Magee asked about what will be shipped out of the facility. Mr. Tang testified they ship out in bulk and they do not sell directly to consumers.

There was discussion on how the material would be transported.

Bill Tretheway - Millstone River Road

- Mr. Tretheway commented that the Applicant did a good job making this use very low impact. He noted in his opinion, it is a good use for the site.

The public portion was closed.

A motion to approve with all conditions, agreements, comments and reports made by the professionals, testimony submitted, and agreements was made on the record, subject to appropriate governmental authority approvals as required. The motion was seconded.

Mr. Bernstein asked that the motion to be amended to include granting the waiver for a Community Impact Statement and all other waivers requested. A motion for the amendment made and seconded.

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

ADJOURNMENT

The meeting adjourned at 10:19 p.m.

Submitted by:
Caitlin Davis
Planning and Zoning Clerk

Reviewed by:
Bruce Rydel, PP, AICP
Director of Planning

APPROVED