

HILLSBOROUGH TOWNSHIP PLANNING BOARD

PUBLIC MEETING MINUTES

July 11, 2013

Chairman Sireci called the Planning Board meeting of July 11, 2013 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.

Chairman Sireci announced that 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

Mayor Frank DelCore - Present
Michael Merdinger – Present
Committeewoman Gloria McCauley – Absent
Steve Cohen, Vice Chairman - Present
Tod Mershon, *Secretary*- Present
Neil Julian - Present

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

Also present: David Kois, Zoning Officer/Assistant Township Planner; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); William H.R. White, III, P.E., P.P., C.M.E., Board Engineer (Maser Consulting, P.A.); Lucille Grozinski, C.C.R. and Caz Bielen, Premier Media, LLC, Videographer.

ACCEPTANCE OF MINUTES

None

ACCEPTANCE OF RESOLUTIONS

None

PLANNING BOARD BUSINESS

Resolution Adopting the 2013 Hillsborough Township Recreation and Open Space Inventory (ROSI)

Assistant Planner, David Kois said the State contacted us to let us know in order to be eligible for the funds we need to update the ROSI. The State is allowing us to use the old forms instead of the new with the understanding that we are going to fill out the new forms and later amend the ROSI perhaps later this year.

Chairman Sireci said the State wants this done so that we will be eligible for a grant on a piece of property.

A motion to adopt the ROSI was made by Mr. Conard, seconded by Mr. Mershon.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Mr. Merdinger – yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Mayor DelCore – yes; Chairman Sireci – yes. Motion carries.

Chairman Sireci said the ROSI will now go to the Township Committee for adoption.

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

GSA Belle Mead Interim Remediation (HP) – File #12-PB-10-SR – Block 175, Lot 39.02 and Block 177, Lot 23.02 – Mountain View Road. ***Application WITHDRAWN.***

Chairman Sireci announced that due to an Agreement made between the County and applicant, the GSA Belle Mead Interim Remediation (HP) application has been withdrawn.

Primus Green Energy, Inc. – File #13-PB-08-MSR – Block 200.04, Lot 6 – 219 Homestead Road. Applicant requesting Minor Site Plan Approval, seeking amendment to approval granted in Resolution 11-PB-10-MSR, requesting an extension of the existing pilot plant for processing equipment, including an exhaust pipe with a height of 49.2 ft; and equipment extending beyond the roofed pilot plant, on property in the LI District.

Francis P. Linnus, Esq. appearing on behalf of the applicant, said my client appeared about 1 year ago before the Board and obtained Minor Site Plan Approval for a pilot project plant. We are back before the Board this evening for an Amended Minor Site Plan. We found we needed another 268 sf. more with a 49.2 ft. pipe which is within your Ordinance. There are no variances. We have no issues with respect to the reports issued by the Board's professionals, Mr. White and Mr. Kois.

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Robert B. Heibell, P.E., L.S., of Van Cleef Engineering was sworn in and gave the following testimony in response to questions asked by Mr. Linnus:

During the construction of the pilot plant there was a cantilever placed on the easterly side of the pilot plant structure and beyond the perimeter of the footprint of the pilot plant. On that cantilevered portion is pipe that reached 49.2 ft. That was reviewed by Mr. Kois, Mr. Bernstein, Mr. Linnus and myself in the field to see what it looked like. It was decided that an amendment to the prior site plan was needed. There is also a 40 ft. piece of equipment that is mostly inside the 27 ft. pilot plant. It sticks out about 3 ft. on the south side and about 10 ft. on the north side. It is not part of the structure but we were requested to bring it to the Board's attention that it does not fit entirely within the framework of the pilot plant. Two photos were taken for your review.

I can confirm that there are no changes to the existing operations conducted at the facility including the number of employees, hours of operation, etc. This is just a piece of equipment that needed to be placed on the pilot plant for safety purposes that went beyond the perimeter of the prior Planning Board approval.

Mr. White asked for clarification on the length of the pipe.

Mr. Heibell said the stack is about 39 ft. but is 10 ft. off of the ground, bringing the total height from the ground to 49.2 ft.

Mr. Kois asked if the applicant would be willing to make sure that all existing conditions are shown on the site plan as a condition of approval.

Mr. Heibell said prior to submitting the amended site plan we did an updated survey. They are still building the pilot plant. The applicant would agree to do an "as built" survey as per the date of this public hearing.

Samuel Golan, CEO of Primus Green, was sworn in and gave the following testimony in response to questions asked by Mr. Linnus:

I am managing this project. This is a demo plant which is conditioned for the DEP approval which we received many months ago. Nothing has changed, we just added this stack for an emergency shut down for.

Mr. Julian said I remember when this originally came to the Environmental Commission for review but I do not remember any exhaust coming out. Is a permit required?

Mr. Golan said no. The permit was when we worked with the DEP to provide them with the goings on and emissions.

Mr. Merdinger said I would like to compliment you on your technology and the paper you wrote about it. What you are doing is right at the cutting edge of what is going on today.

Mr. Golan said we have a meeting tomorrow in Chicago with United Airlines. They are looking into it because they want to become 'greener' with their jet fuel as well.

Mr. Cohen asked are you looking to stay in Hillsborough permanently?

Mr. Golan said we submitted more than 40 permits over the last month and obtained all of them. We plan to stay here and increase the number of employees. Our first commercial plant, able to accommodate 25 million gallons of liquid fuel, will probably be in Dakota 2 years from now. Credit Swiss is going to raise \$200 million to build a plant there.

Open to the Public
None

Close Public

A motion to approve application 13-PB-08-MSR was made by Vice Chairman Cohen, seconded by Mr. Merdinger. **Roll Call:** Mr. Wagner – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Mr. Merdinger – yes; Mr. Peason – yes; Vice Chairman Cohen – yes; Mayor DelCore – yes; Chairman Sireci – yes. Motion carries.

Break

WSH Enterprises, Inc. – Final Plat File # 08-PB-15-MJF – Block 148, Lot 24 – Beekman Lane. Applicant requesting final major subdivision approval for 8 lots; 7 residential building lots and 1 water quality treatment facility lot (no new variances) located in the R Zone. ***Adjourned from June 07, 2012***

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with re-notice.

Francis P. Linnus, Esq., representing the applicant said this Board granted Preliminary Subdivision Approval back in 2007. I did not represent the applicant at the time. Subsequent to that Mr. Lieberman represented an entity called Beekman Lane Overdevelopment Coalition (BLOC) who started a lawsuit against the Planning Board and against my client challenging the preliminary approval. At some point during the course of the litigation the parties entered into what appears to be a stipulation of dismissal and the BLOC, the Planning Board and the applicant abandoned all claims in that litigation. However, part of that stipulation also included that when WSH filed for final approval that we had to notify Mr. Lieberman and give him the opportunity to come in with witnesses and present information to the Board. I was hired in April and wrote a letter to Mr. Lieberman in May asking if we could meet to discuss any concerns the neighbors may have. Mr. Lieberman said he would discuss it with the neighbors and get back to me but a meeting was not scheduled. At this time I think my client has a better understanding of the claims BLOC has but we would like the opportunity to meet with Mr. Lieberman and go over the concerns BLOC has. With that said, I am requesting a postponement of the hearing.

Stewart Lieberman, Esq. stated we willingly have granted extensions to this application and have no problem cooperating. We have a lot of people to talk to with regards to a meeting. This application has been pending for years now. We had presented a 17 page report outlining the problems. We had expected a proposal that would have addressed them but certainly we are willing to talk to the applicant and hope he has at least a conceptual proposal for us. We want to be part of the solution so that there is no flooding.

Mr. Bernstein said our records show that we have an extension through the end of September.

After review of schedules, an extension was granted through 10-31-13 and the application was adjourned to October 03, 2013.

Mr. Bernstein told Mr. Linnus even though Mr. Lieberman is present, notice should be provided to him in writing.

A motion to carry application 08-PB-15-MJF to October 03, 2013 without further notice, with the exception of notice to the Objector's counsel and acceptance of an extension through October 31, 2013 was made by Mr. Conard, seconded by Mr. Merdinger. All were in favor; none opposed. Motion carries.

CORRESPONDENCE

Curtis Westover – 12-PB-03-MRV – Limited Environmental Assessment was handed out (EB/WW/MM/NJ).

Chairman Sireci reminded the Board the next meeting will be July 25, 2013.

ADJOURNMENT

The meeting adjourned at 8:01 p.m.

Submitted by:
Debora Padgett
Planning Board/Board of Adjustment Clerk