The meeting was called to order by Chairman Robert Nash and the opening statement was read by the Administrative Officer.

ROLL CALL: Showed the following members were present: Paul Dorato, Nicholas Huszar, Chief Andrew Kudrick, Paul Schneider, Brian Tannenhaus, Robert Seaman, David Everett and Chairman Robert Nash. Robert Nicastro and Deputy Mayor O’Donnell were excused and Thomas Boyle was absent.

Also in attendance were: Ron Cucchiaro, Board Attorney, Laura Neumann, Board Engineer, Peter Van den Koooy, and Eileen Rubano, Board Secretary.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: There were no minutes to approve at this meeting.

VOUCHERS: None

CORRESPONDENCE: The Board Secretary had an email from Attorney Sal Alfieri regarding the application for Elon Associates. Since Mr. Alfieri was in attendance he addressed the board. Mr. Alfieri said they had a request for an extension of time but they withdrew it without prejudice. The COAH Attorney for this project has sent a letter to the COAH Attorney for the Township and they are going to court in order to modify the ordinance as there is a connection between the COAH units and the strip center. If they renew their request they will send another letter.

Chairman Nash also mentioned that the NJPO has sent out their schedule for classes for Board Members and the Chairman urged all members to attend.

RESOLUTIONS:

a. Case No. SP-1042 / 999 Route 33, LLC

Mr. Huszar made a motion to memorialize the resolution granting Preliminary and Final Major Site Plan with Ancillary Bulk Variances for 999 Route 33, LLC. Motion was seconded by Mr. Tannenhaus and carried with Messrs. Huszar, Kudrick, Tannenhaus, Seaman and Nash voting to memorialize.

b. Planning Board Attorney

Mr. Schneider made a motion to memorialize the resolution appointing Ronald Cucchiaro, Esq. from the firm of Weiner Law Group, LLP as the Planning Board Attorney for 2019. Motion was seconded by Mr. Tannenhaus and carried with Messrs. Dorato, Huszar, Kudrick, Schneider, Tannenhaus, Seaman and Nash voting for the motion.

c. Planning Board Engineer

Mr. Schneider made a motion to memorialize the resolution appointing Laura J. Neumann, P.E., P.P. from CME Associates as the Planning Board Engineer for 2019. Motion was seconded by Mr.
Tannenhaus and carried with Messrs. Dorato, Huszar, Kudrick, Schneider, Tannenhaus, Seaman and Nash voting for the motion.

d. **Planning Board Planner**

Mr. Tannenhaus made a motion to memorialize the resolution appointing Peter Van den Kooy, P.P., A.I.C.P., from CME Associates as the Planning Board Planner for 2019. Motion was seconded by Mr. Seaman and carried with Messrs. Dorato, Huszar, Kudrick, Schneider, Tannenhaus, Seaman and Nash voting for the motion.

e. **Planning Board Certified Tree Expert**

Mr. Tannenhaus made a motion to memorialize the resolution appointing Shari M. Spero, L.T.E., from CME Associates as the Planning Board Certified Tree Expert for 2019. Motion was seconded by Chief Kudrick and carried with Messrs. Dorato, Huszar, Kudrick, Schneider, Tannenhaus, Seaman and Nash voting for the motion.

f. **Case No. SP-1051 / Cornerstone Calvary Chapel**

Mr. Tannenhaus made a motion to memorialize the resolution granting submission waivers to Cornerstone Calvary Chapel. The motion was seconded by Mr. Schneider and carried with Messrs. Schneider, Tannenhaus, Seaman and Nash voting for the motion.

g. **Case No. SP-1052 / Monmouth Commerce Center, LLC**

Mr. Tannenhaus made a motion to memorialize the resolution granting submission waivers to Monmouth Commerce Center, LLC. Motion was seconded by Mr. Seaman and carried with Messrs. Dorato, Huszar, Kudrick, Schneider, Tannenhaus, Seaman and Nash voting to memorialize.

h. **Case No. SD-2847A2 / Sema LLC (Haystack Glen)**

Mr. Tannenhaus made a motion to memorialize the resolution granting a Third One Year Extension of Time to Sema, LLC. The motion was seconded by Mr. Schneider and carried with Messrs. Dorato, Huszar, Kudrick, Schneider Tannenhaus, Seaman and Nash voting for the motion.

**SUBMISSION WAIVERS BEFORE THE BOARD:**

**APPLICATIONS BEFORE THE BOARD:**

a. **SP-1006 / Gill Petroleum, Inc.**

Mr. Salvatore Alfieri, Attorney for the Applicant, appeared and said they last appeared in January 2016 so they were going to start over tonight since a lot has happened since then. Ronald Gasiorowski, Objecting Attorney, who represents SAP American Choice LLC, 639 US Highway 9 North also appeared and said he has not reviewed the file so he was not prepared to answer any question on jurisdiction at this time. Mr. Alfieri said he could not guarantee his LSRP’s appearance after tonight as he is retained by BP, not his client.
Mr. Richard Simun, LSRP, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Simun testified that he was retained by BP to address storage tank removal case. He has been involved with this property for about a year as his company was retained after the underground storage tanks were removed. He explained the licensing requirements to be an LSRP through the Department of Environmental Protection. Mr. Simon testified that he was responsible to review environmental information prepared by the prior consultant, review the case and make sure it met the NJDEP requirements for completing a remedial action. The remedial action began with the removal of the underground storage tank in 2008, followed by soil and groundwater investigation. At the end of 2008 a RAR was submitted to DEP and stated that all soil on site complies with the applicable standards and the groundwater concentrations are stable or decreasing. They are in the process of applying for a Remedial Action Permit. He testified that there is no contamination leaving this site and everything has been delineating within the property boundaries. At this point there is nothing to stop construction on this property.

Mr. Simun also testified that he appeared before the Environmental Commission on 7/26/18 and reported on their findings.

Mr. Cucchiaro had some questions for clarification of some items for the Board Members and Mr. Simun explained the difference between what happened in the past and what occurs now. All remediation for the soil has been completed but the RAO has not been issued for the soil but he anticipates those letters this year.

Mr. Simun also responded to some questions posed by Mr. Huszar the Board’s Environmental Liaison. He anticipates that the RAP will be filed within the next month or so and the site should qualify for a vertical petroleum distance exclusion. Mr. Simun did not know if the tanks were going in the same location.

Chairman Nash asked out the RA Permit and Mr. Simun said the RA Plan was long term monitoring, the remains of the plume will naturally attenuate and controls remain in place.

After some additional questions regarding the monitoring during construction of the site, Mr. Alfieri stipulated that there will be an LSRP on site during the below ground construction.

Ms. Neumann asked if the RA Permit included the development of the site and Mr. Simun said that the RAP will stay with the property no matter what happens and BP is the responsible party regardless of who owns the property going forward.

Mr. Gasiorowski did not have any questions for Mr. Simun.

Chairman Nash opened the hearing up to members of the public and the following appeared:

Barbara Dixel, 62A Piazza Vittoria.

Ms. Dixel said she lives near the site and there have been no DEP trucks on that site in over two years. She had many items that she wanted entered into evidence so the Board took a five minute recess for her to get her exhibits together. Ms. Dixel asked him about monitoring wells, whether contaminants left the site and the purpose of the pipes. Mr. Simun said he didn’t believe the piping laterals were still there but he would have to check.
John Woolley, Woolley’s Fish Market, 655 Route 9 Howell

Mr. Woolley asked if it was possible to install groundwater monitoring wells adjacent to his property to be sure there is no gas on his property and Mr. Simun said the groundwater flows north to south.

Seeing no other members of the public wishing to ask questions of Mr. Simun, Chairman Nash closed the public portion of the hearing.

Brian Shortino, PE, was duly sworn, gave his credentials to the Board and was accepted as an expert. He testified that they are proposing a complete demo of the existing site and then redevelop with a new convenience store, new canopy, new underground storage tanks and new access. There will be a right in/right out access along route 9, a one way in (right turn only) and a left turn only driveway out to head north on Wyckoff Mills Road, a canopy in the center of the site with 6 pump islands for gasoline only, a new island for diesel fuel.

Board Planner, Peter Van den Kooy, asked about the clearance between the gas and diesel islands and Ms. Neumann, Board Engineer, said they need a diagram and the diesel island is blocking the access drive. She requested they provide a circulation plan to show the flow of traffic is not impeded.

Mr. Tannenhaus requested that the circulation plan also depict people filling up at the gas area and cars parked in the parking area at the south of the site.

Chairman Nash asked about the size of the vehicles allowed on the site and also questioned where deliveries to the convenience store would be done.

Mr. Shortino did not know the largest size truck that would deliver to the site and when Ms. Neumann asked if tractor trailers would have to back out, he said yes they would.

Mr. Shortino testified that the convenience store would be at the northern most end of the property and was proposed to be a one story, 3,000 s.f. building with a loading zone and trash enclosure on the easterly side and parking for 17 vehicles, one of which is ADA compliant. Ms. Neumann said that if the garbage truck needs to back up it will cause a conflict with the entrance from Wyckoff Mills Road.

After the recess Ms. Dixel stated that the contamination left the site, crossed Wyckoff Mills Road and entered the river. She feels that there is serious contamination that may or may not affect the Villages.

Chairman Nash was concerned with people going past Strickland Road and going through the gas station to get back on Route 9 North.

Mr. Shortino testified on the landscaping, stormwater runoff, utilities and site lighting. He stated that they have procedures to clean up any spills, they are not a major development so he doesn’t believe he has to address water quality for stormwater purposes.

Mr. Tannenhaus is very concerned with the runoff and any spills from this site as they may end up in an important C1 waterway which is drinking water for many areas. Mr. Alfieri said he will discuss this with his client.

Mr. Schneider asked about bollards for the parking area and Mr. Shortino said they were proposing
them for the convenience store and pump islands only. Mr. Schneider said he would like to see them in the parking area as well and Ms. Neumann suggested a post and rail fence in lieu of bollards. Mr. Tannenhaus noted that there were no bollards proposed around the diesel pump and he recommend they add them along with the curbed island they are proposing.

Chairman Nash questioned the parking at the south end of the property and whether there was enough parking close to the convenience store. This led to some discussion on people walking through the site to get to the convenience store. Mr. Van den Kooy suggested alternate designs to get more parking closer to the building and Mr. Shortino said they did look at other designs but with the size and shape of the property they felt this was the best design.

Ms. Neumann said she did not see any generator proposed and according to state statute they have to have a hookup.

Mr. Schneider questioned whether tractor trailers would be fueling for diesel and Mr. Alfieri said there would be no fueling of tractor trailers.

Mr. Shortino testified on the signage they were proposing and Mr. Tannenhaus asked if it met the ordinance. Ms. Neumann said they are allowed two signs since they are on a corner lot, but they are proposing 9 so they will have to demonstrate why they need them and put additional testimony on the record. She also noted that they were too close to the right-of-way line. Mr. Shortino also testified on the items in the CME review letter dated 9-14-18.

Chairman Nash opened the hearing up for members of the public who had questions for the engineer and the following appeared:

Jerry Dixel, 62A Piazza Vittoria, who said it would be impossible to make a turn onto Strickland and also wanted to know when they would be getting deliveries.

Barbara Dixel, 62A Piazza Vittoria, also appeared and had several questions concerning traffic so Mr. Alfieri asked her to wait for the traffic expert. She also had questions on the lighting.

Seeing no other members of the public wishing to ask questions, Chairman Nash closed the public portion of the hearing.

Mr. Tannenhaus asked if the applicant could do a quick glare study to present to the Board when they come back.

The application for Gill Petroleum, Case No. SP-1006 was carried to February 21, 2019 with no further notice. Mr. Alfieri also granted the Board an extension of time to act on the application, on the record, to the end of March 2019.

MASTER PLAN STATUS REPORT: The committee still doesn’t have any direction from the Council so it was decided to cancel the January meeting.

Mr. Schneider made a motion to adjourn. Motion was seconded by Mr. Tannenhaus and the meeting adjourned at 10:29 p.m.
Respectfully submitted,

[Signature]

Eileen Rubano
Recording Secretary

NOTE: A CD or DVD of this meeting is available on request.