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, Robert Nicastro, Paul Schneider, Brian Tannenhaus, Robert Seaman, Deputy Mayor O’Donnell and Chairman Robert Nash. Nicholas Huszar, Chief Andrew Kudrick and David Everett were excused. Thomas Boyle arrived at 7:30 p.m.

Also in attendance were: Ron Cucchiaro, Board Attorney, Laura Neumann, Board Engineer, Peter Van den Kooy, Board Planner and Eileen Rubano, Administrative Assistant.

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: None

VOUCHERS: None

CORRESPONDENCE: The Administrative Assistant mentioned that she sent out a copy of Ordinance No. O-19-35 Repealing Chapter 188-151 entitled appeals which needs to be reviewed and commented on at the next meeting as it is scheduled for public hearing and adoption at the next Council meeting on August 13, 2019.

RESOLUTIONS:

a. Case No. SP-1061 / New Jersey American Water Company

Deputy Mayor O’Donnell made a motion to memorialize the resolution granting Minor Site Plan Approval with Ancillary Variance Relief to New Jersey American Water Company. Motion was seconded by Mr. Nicastro and carried with Mr. Dorato, Mr. Nicastro, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voting for the motion.

b. Case No. SP-1009A / Park Golf, LLC

Mr. Nicastro made a motion to memorialize the resolution granting Submission Waivers to Par Golf LLC. Motion was seconded by Mr. Seaman and carried with Mr. Dorato, Mr. Nicastro, Mr. Schneider, Mr. Seaman, and Chairman Nash voting for the motion.

c. Case No. SD-2930A-2/SP-914A-2 / Boulder Ridge at Howell, LLC

Mr. Nicastro made a motion to memorialize the resolution granting a One Year Extension of Time to Boulder Ridge at Howell, LLC. Motion was seconded by Mr. Schneider and carried with Mr. Nicastro, Mr. Schneider, Mr. Seaman and Chairman Nash voting for the motion.

d. Case No. SP-1055 / 1228 Realty, LLC

Deputy Mayor O’Donnell made a motion to memorialize the resolution granting Minor Site Plan Approval with Ancillary Variance Relief for 1228 Realty, LLC. Motion was seconded by Mr. Seaman and carried with Mr. Dorato, Mr. Nicastro, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voting for the motion.

SUBMISSION WAIVERS BEFORE THE BOARD:

a. Case No. SP-1062 / JPMorgan Chase Bank, N.A.
Jennifer Porter, Attorney for the Applicant, appeared and the Board Attorney explained that the Board Engineer handles the waivers. Board Engineer Neumann said the applicant was supplying the profiles of utility layouts and the Use designation of all lots within 200 foot radius. Ms. Neumann said the balance were not applicable as they are redeveloping a site and she took no exception to the granting of those waivers for the purposes of deeming the application complete. Mr. Schneider made a motion to grant the submission waivers. Motion was seconded by Tannenhaus and carried.

b. Case No. SP-1060 / MCK Enterprises, LLC
Salvatore Alfieri, Attorney for the Applicant, appeared and once again Ms. Neumann informed the Board that the applicant was seeking submission waivers as outlined in her report dated June 26, 2019. Ms. Neumann said the list is substantial but it is important to note that there are no site improvements proposed with this application. It is essentially a change of use of the building, signage and parking lot striping and she took no exception to the granting of the waivers for the purposes of deeming the application complete. Mr. Schneider made a motion to grant the submission waivers. Motion was seconded by Tannenhaus and carried.

MASTER PLAN HEARING:

a. Housing Element and Fair Share Plan
Peter Van den Kooy, Board Planner, was duly sworn, but prior to beginning his report on the Housing Element and Fair Share Plan, Board Attorney, Ron Cucchiaro gave a short history on the Mount Laurel Doctrine and Fair Housing Act.

Mr. Van den Kooy went through the report and explained all the numbers for the various credits received and proposed for the Housing Element and Fair Share Plan. He also said there is a possibility that the sewer program in Freewood Acres may provide up to 100 units for rehabilitation which could be added to future rounds.

After Mr. Van den Kooy finished his review the Chairman asked for questions from the Board members and then opened the hearing up for members of the public. Since no one appeared to ask questions on the report, the public portion of the Master Plan Hearing was closed.

Mr. Tannenhaus made a motion to adopt the Housing Element and Fair Share Plan. Motion was seconded by Mr. Boyle and carried with Mr. Boyle, Mr. Dorato, Mr. Nicastro, Mr. Schneider, Mr. Tannenhaus, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voting for the motion.

APPLICATIONS BEFORE THE BOARD:

a. Case No. SP-1058 / New Jersey Natural Gas Company
Nancy Skidmore, Attorney for the Applicant, appeared and said this was a continued hearing for a variance free application for site plan approval but they were seeking some design waivers.

Stephen Radosti, Architect, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Radosti testified on the different materials and elements proposed for the exterior of the main training facility, garage and safety town as well as the design waivers. He also addressed the signage proposed for the building which will include the street address numerals and a NJNG interior illuminated sign near the entrance.

When asked about bollards for the parking adjacent to the building, Ms. Skidmore said she has no problem adding the bollards per ordinance requirements.

Mr. Radosti testified that the garage will be used for storage of the emergency command vehicle and compressors used in training and safety town would be a series of sheds approximately 10’x10’ and one 20’x30’
Brian Fitzpatrick, Project Manager for New Jersey Natural Gas Company, was duly sworn and testified that they are federally mandated by the Department of Transportation to have a training facility to simulate emergency situations for gas company field personnel and emergency responders. This facility will combine the concept of classroom and simulated training in a controlled environment. He said the hours of operation will be 7 to 5 with seven staff members for training and support. The facility will also be open to fire departments after hours say 5-10 pm. during the week and on weekends between 8 a.m. and 5 p.m. They will have pipe fitting, joining, welding and gas equipment demonstrations. Mr. Fitzpatrick explained that the lab areas are not typical labs but rather their demonstration areas. They also have a lecture hall for quarterly meetings, presentations prior to classes and planning meetings for emergencies like Superstorm Sandy. The cafeteria will have a refrigerator, microwave and tables for personnel to eat or study. He explained that the future areas are for storage for peak demands for emergencies. They could have 31,000 meters and regulators on hand for large storms. Mr. Fitzpatrick further testified that the safety town will be like a real world neighborhood with gas service, meters and appliances. Everything that goes on in the field can be practices at this site. They are also proposing open concrete pits to simulate trenches for bypass training, a backhoe area to train how to dig trenches and a truck training area. Mr. Fitzpatrick testified that they will be storing a backhoe on site but maintenance will be done off site. There is also an outdoor fire pit which has gas supplied to it and controlled by the trainer so the gas can be shut off at any time and the facility will have a generator to supply power to the building in case of a power outage. Mr. Fitzpatrick said they would limit the number of people on the site to 125 and they have parking for 132 vehicles. He also testified on the garbage and access to the site.

Upon questioning from the Board Members, Mr. Fitzpatrick assured them that the fire pit is not near any of the buildings and they use a powder type extinguisher so there are no issues with contaminating the well on site. Mr. Tannenhaus asked if they could submit the material safety data sheet for the suppressant and Ms. Skidmore said they would.

John Rea, Traffic Expert, was duly sworn, gave his credentials to the Board and was accepted as an expert. He testified that he prepared the traffic report for the site and the intersections closest to the site, Route 33 and Fairfield Road and the Route 33 Bypass and Fairfield Road operate at a level “B” and will continue to operate at that level after the site is built. He also said the internal circulation is safe and efficient and was designed for the vehicles that will use the facility.

Allison Coffin, Planner, was duly sworn, gave her credentials to the Board and was accepted as an expert. She testified that the proposed site plan is for a permitted use that complies with all bulk standards so there is no variance relief requested but they do have a few waivers which can and should be granted. She went through each waiver being requested and put planning testimony on the record for the granting of the design waivers. The applicant is requesting a waiver to make a contribution into the tree fund in lieu of planting additional trees, the building is not accessible to the public so they are asking for a waiver of adding benches and tables and since there are no sidewalks in the vicinity they are requesting a waiver for the sidewalks as well.

Board Planner, Peter Van den Kooy agreed with Ms. Coffin’s testimony and he said the waivers requested are reasonable so he has no concerns with the granting of the waivers.

The Chairman opened the hearing up for questions of each witness and for testimony and comments and since no one appeared, the public portion was closed.

After Ms. Skidmore thanked the Board, Mr. Schneider made a motion to approve the application for New Jersey Natural Gas Company. Motion was seconded by Mr. Boyle and carried with Mr. Boyle, Mr. Dorato,
Mr. Nicastro, Mr. Schneider, Mr. Tannenhaus, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash voting for the motion to approve the application.

The Board took a ten minute recess after which the Board Secretary took attendance. The record shows that Mr. Dorato and Mr. Nicastro left the meeting. Still in attendance were Mr. Boyle, Mr. Schneider, Mr. Tannenhaus, Mr. Seaman, Deputy Mayor O’Donnell and Chairman Nash.

b. Case No. SP-1006 / Gill Petroleum Inc.

Salvatore Alfieri, Attorney for the Applicant, appeared and informed the Board that since the last hearing he has met with Jim Herrman, Township Engineer, regarding the sidewalks on Route 9. Mr. Herrman had a design in mind for sidewalks on Wyckoff Road only and if approved the application will work with Mr. Herrman’s office and install the sidewalk on Wyckoff Road. He also said there was an issue brought up at the last hearing which requires an LSRP but he was not available so there will be no environmental testimony tonight.

Ron Gasiorowski, Objecting Attorney, also put in an appearance on behalf of his client but he had no objection to the notice or jurisdiction.

Jasvinder Arjani, R.A., was duly sworn and testified on the architectural design and features proposed with this application. He described all the finishes being proposed for the convenience store, the elevations, and the design standards. He testified that the rear wall is 68’ long and while they added pilasters to meet the intent of the ordinance they are not using 3 foot projections so they require relief. All mechanical equipment will be inside with the exception of the condenser which will be placed outside on a concrete pad. They also need relief for the roof slope and they will have snow guards and ice shields.

Mr. Arjani also showed an exhibit using the setbacks for the zone to demonstrate that if they follow the setbacks they would not be able to build anything on this site as the setbacks overlap one another. He also said they are at 71.5% impervious coverage when 70% is allowed. He explained that they could bank some parking spaces, if two were reduced, they would meet the impervious coverage.

There was some discussion on the signage and whether this would be a “BP” station. Board Attorney Cucchiaro said the board was asked to approve a gas station with a convenience store. Mr. Alfieri stipulated that if it is not a BP station they would maintain the same square footage for the sign.

Mr. Gasiorowski had some questions of Mr. Arjani pertaining to the building envelope, square footage of the site, and square footage of previous kiosk, pumps, canopy, and proposed square footage for same. He also asked about the number of employees working at the site, whether they would have small shopping carts, how many coffee urns or coffee makers would be on site and what store is most similar. Mr. Arjani did not know the answers to some of the questions and he said you can’t compare the stores because they all have different owners.

Chairman Nash opened the hearing up for members of the public wishing to question Mr. Arjani and the following appeared:

Barbara Dixel, 62A Piazza Vittoria

Ms. Dixel asked if he was aware that there is a senior development directly behind the store when he designed the plans and why it is now a BP station when all along it was Gill Petroleum. She asked the Board to discontinue the hearing and declare it non-valid.
Mr. Alfieri said Gill Petroleum is the applicant, the use is a gas station and convenience store and whether it is BP or Exxon is not relevant as Gill is still the applicant and operator.

Mr. Cucchiaro, Board Attorney, said we are voting on a gas station and the decision is not based on the identity of the user. He said there is no issue with this applicant moving forward and nothing that deprives the board of jurisdiction.

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

Mr. Tannenhaus mentioned that he has questions for the LSRP and he would like to mention them now so the LSRP can have answers when he comes to testify. He would like the LSRP to double check the monitoring wells on the Villages property and he would like to see the Remedial Action Plan.

Mr. Cucchiaro said that the jurisdiction is not for the Board to review how the remedial action is being performed it is on whether it impacts what we are looking at.

Ms. Neumann mentioned that the remedial action plan should list things they would do if they installed monitoring wells.

The Board Attorney announced that the application of Gill Petroleum Inc. would be carried to the Board’s September 5, 2019 hearing with no further notice and Mr. Alfieri granted the Board an extension of time to act on this application through September 30, 2019 on the record.

MASTER PLAN STATUS REPORT: Peter Van den Kooy said the Master Plan Subcommittee discussed the rezoning of Route 33 and other properties but they need input from the Council so there would be no meeting this month.

Mr. Tannenhaus made a motion to adjourn. Motion was seconded by Mr. Schneider and the meeting adjourned at 10:26 p.m.

Respectfully submitted,

Eileen Rubano  
Recording Secretary