

**Township of Washington
BERGEN COUNTY, NEW JERSEY
Planning Board Meeting
Minutes
August 7, 2013**

Call to Order: In compliance with the Open Public Meetings Act of the State of New Jersey, notification of this meeting has been published in the Ridgewood News, our official newspaper in the Township of Washington, notice has been advertised on the official Township of Washington website, and posted on the bulletin board at Town Hall.

First Order of Business: Salutation to the Flag

Roll Call Taken:

Messrs. Dumaresq, Golick, Murphy, Pinnick (absent), Sabino, Sears,
Chairman Calamari, Councilman D'Urso (Absent), Mayor Sobkowicz

Approval of Planning Board Meeting Minutes for April 4, 2012:

Sabino, Dumaresq

Roll Call Taken:

Ayes: Dumaresq, Murphy, Sabino, Sears, Mayor Sobkowicz
Abstain: Golick, Chairman Calamari

Approval of Planning Board Meeting Minutes for March 28, 2012:

Dumaresq, Sabino

Roll Call Taken:

Motion to Open Public Portion: Sears, Sabino

Roll Call Taken

No Public Comment

Motion to Close Public Portion: Mayor Sobkowicz, Golick

Roll Call Taken

Old Business:

Resolution: Body Empathy, Mr. & Mrs. Tod Thorgersen, Washington Town Center, Block 3402, Lot 18/19/20: approval of application to open store in the Washington Town Center. (A therapeutic bodyworks and reflexology business.) Resolution read aloud by Board Secretary.

Mayor Sobkowicz: discussed inspections to be made by the Health Officer and the Fire Prevention Department; asked how both inspections would be done.

Chairman Calamari: stated that it was his understanding that the applicant agreed to any inspections at any time.

Mr. Thomas Sears: stated the Fire Prevention Bureau had visited the Body Empathy premises, obtained a list of all chemicals that would be used; found nothing that would be environmentally unsafe for the Town. All was in order and they are in compliance with the Town's Fire codes.

Mayor Sobkowicz: stated the only issue remaining is to have the Health Officer give his okay to the list which was read the week prior.

Mr. Leonardo Sabino: spoke regarding item #2 of the Resolution relating to the Fire Prevention Bureau standpoint and asked if it should be stated that it is the responsibility of the Fire Department.

Mayor Sobkowicz: stated it is a Fire Prevention Bureau matter.

Mr. Robert Wertalik, Board Attorney: stated the Board had a record from the last meeting which underlines that fact.

Vice Chairman Golick: stated the Fire Prevention Officer's standpoint could be added.

Mayor Sobkowicz: stated the Fire Prevention Bureau Officer, Mr. James Strabone, can inspect the premises at any time.

Motion to Approve Body Empathy Resolution: Sabino, Dumaresq
Roll Call Taken

Ongoing Business:

Fidelity Cemetery Association of Bergen County, NJ, Beth El Cemetery-Garden of Memories-Building 8, Pascack/Soldier Hill Road, Block 3702, Lot 1: application is for an addition to the existing mausoleum buildings; two story additions; 1st level: 23,317 sq. ft.; 2nd level: 23,567 sq. ft.; Total: 46,884 sq. ft.

Chairman Calamari: stated the last time the applicant was before the Board, the performance bond and lighting were discussed.

Mr. Vincent Sweatlock: stated Mr. Ken Poller, Township Attorney and the attorney for the cemetery agreed that the cemetery had the right to post different forms of the bond; a copy of the email between the attorneys was sent to Mr. Paul Azzolina, Township Engineer; they may end up with the performance bond anyway because to receive a letter of credit they would need to freeze a specific amount of money in their trust fund; the cemetery is not quite sure they would be allowed to freeze the money.

Chairman Calamari: stated he would like to have the answer tonight as to the type of bond.

Mr. Sweatlock: stated the cemetery will post a performance bond.

Chairman Calamari: asked Mr. Sweatlock to discuss lighting.

Mr. Sweatlock: stated that a light was added at the electrical room location so if the Fire Department responds at that side of the building and they have to enter the electrical room, an outdoor flood-type light would illuminate the electrical room door. This added light is indicated on the revised set of architectural drawings.

Chairman Calamari: asked if Mr. Sweatlock received a copy of the Fire Prevention Bureau's memo.

Mr. Sweatlock: stated he had not received a copy.

Chairman Calamari: gave Mr. Sweatlock a copy for him to review.

Mr. Sears: requested there be lighting at the four corners of the building and that some are serious fire code violations.

Chairman Calamari: asked Mr. Sears if he was referring to the new building or the entire cemetery.

Mr. Sears: stated the new, proposed building. In addition, Mr. Sears stated that before the application could be approved, the fire codes needed to be fixed.

Chairman Calamari: asked if these violations are old, outstanding violations.

Mr. Sears: responded "yes."

Mr. Sweatlock: discussed the new sprinkler system and that it will not be extended to the new building; the sprinkler system is in Building 6 only; on the second basement level there is a stairway that goes from the first floor to the second floor and it is an enclosed stairway and that is the only area that is required to have a sprinkler system; the occupancy and the classification of this building does not require it to have a sprinkler system; it is not required that the new building be outfitted with a sprinkler system; DCA in Trenton is reviewing at this time; it is classified as storage space; architects stated the building meets fire code without sprinklers.

Mr. Sears: stated there is a discrepancy between the Fire Official and the cemetery's architects.

Mr. Sweatlock: stated the Fire Code issue would be resolved at the Building Department level prior to any building permit issued by Trenton; the fire issue and the sprinkler issue have not come up regarding this building with the DCA in Trenton; total square footage of the building; footprint of the building sits on the back of the hillside; has accounted for square footages that are on the second floor but are technically on the grade level; property slopes up the hill; other small discrepancies when drainage areas were calculated; he increased size for roof overhangs, etc.; on the conservative side per architectural drawings, the total sq. feet is 47,884.

Chairman Calamari: asked if Mr. Paul Azzolina, Board Engineer, was in agreement with Mr. Sweatlock's testimony.

Mr. Paul Azzolina: stated "yes."

Mayor Sobkowicz: stated that on the cemetery's application, the total number of square feet totals 46,884, not 47,884 and asked for a clarification.

Mr. Sweatlock: stated that by his calculations, the total square footage of the building would be 47,884.

Chairman Calamari: stated that the total sq. feet could not exceed 47,884.

Mr. Sweatlock: agreed. In addition, Mr. Sweatlock stated he has spoken with the cemetery regarding lighting; the cemetery gates are open typically from 7:00AM to 5:30PM; the Garden of Memories building is only open from

8:00AM-4:00PM; no one is in the building after 4:00PM; the garage is open from 8:00AM-4:20PM; the cemetery office is open from 8:00AM-4:00PM; the Cemetery stated that people who come to visit are not coming at 4:30PM at night in December when there are no lights in the cemetery; they feel strongly that lighting attracts problems and does nothing in regards to security and public safety.

Mr. Sears: stated that Mr. Sweatlock does not see the lighting situation from the viewpoint of a first responder. If first responders go to the cemetery at night, there will be no lighting for them.

Mr. Sweatlock: stated the lighting from the hallway and the exterior lighting does illuminate the perimeter of the building on the front side.

Mr. Sears: stated he did visit the cemetery at night and found the area was not illuminated.

Chairman Calamari: asked if a motion sensor would satisfy the Fire Department's concerns regarding illuminating the area.

Mayor Sobkowicz: stated that a motion sensor was requested.

Mr. Sweatlock: asked to what degree of illumination would be satisfactory. In addition, Mr. Sweatlock stated that the fire trucks would have more lighting on them than what could be placed on the building.

Mr. Sweatlock: stated the road would be at a length of 23ft. not 22ft. In addition, Mr. Sweatlock stated he will bring the items that are fire code violations to the cemetery's attention.

Mr. Sears: stated this is a concern of the Fire Department and Fire Prevention Bureau.

Mayor Sobkowicz: stated she believes Mr. Sweatlock should return to the Board with the items that need to be taken care of and show they have been addressed.

Chairman Calamari: stated if a problem were to arise, the Fire Prevention Bureau would issue a summons.

Mayor Sobkowicz: stated that lighting should be placed on the site and by the ramps.

Chairman Calamari: asked for Mr. Sears to specifically discuss what type of lighting for the new building is needed for the Fire Department to operate safely, so the Board can intelligently vote on the lighting issue.

Mr. Sears: stated he will touch base with the Fire Prevention Officer regarding the lighting and the sprinkler system.

Chairman Calamari: stated if the sprinkler system is not required by State Law, then it is not required period. In addition, Chairman Calamari stated the performance bond issue had been resolved.

Mayor Sobkowicz: thanked Mr. Sweatlock and the cemetery for choosing to use the performance bond and that she is more comfortable with the performance bond being in place.

Chairman Calamari: stated rather than the Board vote on something that is not yet defined and at the same time not holding the application for another month, asked if there were any suggestions from the Board on how to handle the lighting situation.

Mr. Brian Murphy: asked how bright and how many lights would be satisfactory for the Fire Department.

Mr. Sweatlock: stated he feels the situation is more complicated than just adding a few spotlights.

Mr. Sears: stated that Fire Prevention Bureau can call Mr. Sweatlock to discuss and that the back of the building is the most dangerous part.

Mr. Sweatlock: agreed that at the rear exit at the NW corner there is a fire exit stair another spotlight could be added and also at the NE corner at the rear of the building a motion activated spotlight could be added, once an electrical conduit is found.

Mr. Sears: stated that would be fine with him.

Mr. Azzolina: stated he had no comment at this time.

Vice Chairman Golick: asked if there was any scientific evidence available as to why the cemetery would not want lights in regards to security and first responders.

Mr. Sweatlock: stated that he basically grew up in a cemetery as his family has a history of cemetery related business; the cemetery is concerned with vandalism; the cemetery still patrols and uses their own personnel to drive around to keep kids out; over the years, it has been the cemetery's procedure to not have lighting so as to not highlight certain areas to kids, etc.

Vice Chairman Golick: stated the buildings are beautiful and would not want to see them defaced in any way.

Mr. Sweatlock: stated that if a light goes off in the middle of the night, no one is there to see it anyway; a light going on would not trigger a response.

Mr. Eugene Dumaresq: stated that if an animal went by it would trigger the light as well.

Chairman Calamari: asked if there were any comments from the Board.

No Board comments.

Chairman Calamari: asked if there were any comments from the public.

No Public comments.

Chairman Calamari: stated the problems have been defined and the Resolution will reflect the conditions to be corrected. Chairman Calamari asked for a motion on this application.

Motion on this application: Golick, Sabino

Roll Call Taken

Chairman Calamari: called for a 15-minute recess.

15-Minute Recess taken at this time.

New Business:

Sky Trading LLC, 700 Washington Avenue, Block 3104, Lot 1: major soil movement application; to remove contaminated soil, to install building foundation, new UST and dry wells.

Mr. Bruce Whitaker, McDonnell & Whitaker, LLC, Applicant's Attorney:

introduced himself to the Board; stated the application was for major soil movement; stated he has submitted all necessary documentation to the Board Secretary; stated there are two aspects to the soil movement application; in large part is to remove the contaminated soil that is under the jurisdiction of the DEP; second part of the application pertains to the installation of the new gas station and convenience store already approved by the Zoning Board; consists of the new foundation, underground storage tanks, clean up aspect; two witnesses who will explain application in more detail; the largest part of the application is 92% of the soil removal which is contaminated and is confirmed in Mr. Azzolina's report; in Mr. Azzolina's report, he states that 1,943 cubic yards of soil needs to be removed, state mandated; provision in the Town's ordinance that when there are other governmental entities that are requiring soil movement, there is an exemption from the Town's ordinance as it pertains to soil movement; while Mr. Whitaker is not asking for any exemptions, he is proceeding without prejudice as it pertains to the application and that aspect; the State has guidelines which supersede the Town's guidelines, but there is no conflict; there are two procedures for removing the soil; first procedure is to dig up the site, stockpile the soil, owner takes soil samples, send to lab, after 1-4 weeks an analysis is completed and sent back, then arrangements are made for the off-site delivery of that soil; the second procedure is before the soil is actually touched or dug up, soil borings are taken, after borings are taken the borings are sent for analysis, after they are analyzed, arrangements have already been made as to which remediation site the soil will go to, then the soil is dug out, put on a truck, taken off simultaneously on the site so there is no storage or pile waiting for the analysis to occur; the stipulation given to the Board is that the contaminated soil to be removed will not be stockpiled on the site; another stipulation is that the work being done is being done under the guidelines of the NJDEP; Mr. Azzolina's report states there was no location on the plans showing where the soil would be stockpiled, but there is no site indicated because no stockpiling will occur. Mr. Whitaker has two witnesses who will be appearing before the Board this evening; Mr. Brian Shortino of Bertin Engineering who has been involved with this project since day one before the Zoning Board who will give an overview of the soil removal aspect of this project; the second witness is Mr. Roy Rittman of Applied Earth Solutions who is a guru as it pertains to the environmental aspect of the soil movement; Mr. Whitaker suggests both witnesses testify before questions are asked of the Board; much of their testimony will overlap and feels logically and as to the economy of time, this procedure would work better.

Chairman Calamari: stated that sounds fine.

Exhibits A-1 to A-6: Background material; plans, Resolution of approval of the Zoning Board; background application information from the DEP, marked August 7, 2013.

Mayor Sobkowicz: asked if the official document from the DEP is enclosed in the exhibits submitted to Board during meeting. In addition, Mayor Sobkowicz stated it would have been helpful to have this information prior to the meeting for the Board to review.

Mr. Whitaker: stated the official DEP document is included in the packet distributed.

Mayor Sobkowicz: stated the site is in disarray with the tall grasses and maintenance on the site needs to be done and would like a guarantee from Mr. Whitaker that this issue can be dealt with.

Mr. Whitaker: stated he was not aware of the maintenance issue, but he will make sure a commitment is made by the owner, who was in attendance, to have the site cleaned up.

Mr. Brian Shortino, Bertin Engineering, sworn in by Mr. Robert Wortalik, Board Attorney.

Mr. Brian Shortino and Mr. Whitaker: discuss Mr. Shortino's qualifications and education; he was qualified at the Zoning Board meetings; his majority of work is done with gas stations; deals with UST and soil movement; interplays with geologists and people who are involved with the DEP and with soil movement; (Mr. Shortino is accepted as an expert witness.) Mr. Shortino is familiar with the site and with the testimonies given at the Zoning Board meetings; referred to Exhibit A-2 which was prepared under Mr. Shortino's direction; the format of the approval has already been granted; has reviewed Mr. Azzolina's report dated 8/7/13; 92% of the soil movement refers to the environmental aspect; commented there would be additional soil for the application to be modified reflecting quantities to be brought in to replace the contaminated soil; regarding paragraphs 4 and 5 of Mr. Azzolina's report, the quantity is approximately 1,870 cubic yards; soil movement for the construction of the facility, which is the other 8%; continue to use as a gas station but there will be a convenience store on the site as well which will be approximately 1200 sq. ft.; two existing UST on site which will remain; the islands will be removed and the building will be demolished; proposed is a linear canopy containing three multi product dispensers; proposed 20,000 gallon UST to be installed as part of the project; one driveway on Pascack Road and one on Washington Avenue; site will be paved and there will be parking; series of two dry wells on site which is an additional improvement which is proposed; received approval from the Zoning Board and the Bergen County Planning Board; slight land dedication given to the County for future road

widening proposed along Pascack Road and Washington Avenue; the soil movement application is carrying out the requirements of the site plan approval; familiar with Township's Soil Movement Ordinance; all guidelines and requirements will be followed; has Bergen County soil erosion sediment soil control certification for this site; understands good engineering practices as it pertains to the site and he also understand how the contaminated soil will be removed.

Mayor Sobkowicz: asked if the applicant needed to go back to the Bergen County Planning Board.

Mr. Whitaker: stated "no."

Mr. Sears: wanted an assurance that no dirt will spill on the Township's streets or on the site when the trucks are departing from the site and if such a spill does occur, what is the clean-up procedure; does not want contaminated dirt along Township streets.

Mr. Whitaker: stated the truck route has to be approved by the Police Department; there will be a procedure that the Township Engineer will require; there will be a daily sweep up on the site.

Vice Chairman Golick: regarding the contaminated soil being held on the site.

Mr. Whitaker: stated that no contaminated soil will be kept on the site; it will be removed immediately.

Mayor Sobkowicz: asked if the soil brought into the Township will be certified as clean.

Mr. Whitaker: stated the soil will be certified as clean and that information will be provided to Mr. Azzolina as part of the developer's agreement.

Mayor Sobkowicz: asked if the soil will be certified clean again at the site.

Mr. Whitaker: stated "no", once the soil is placed in the truck it is delivered to the site the same day.

Mr. Sabino: spoke regarding the Zoning Board Resolution, asked for clarification on Page 9 that the variance granted will expire in one year.

Mr. Whitaker: stated the soil movement application was filed in May, 2013 and the date of 8/7/13 was the first available meeting for their application to be heard.

Mr. Sabino: asked if this was considered construction.

Mr. Whitaker: stated “yes.”

Mr. Roy J. Rittman, Applied Earth Solutions Inc. gave his credentials and was deemed qualified by the Board. Mr. Rittman has worked with soil removal in the past and the closure of tanks and he is familiar with the NJDEP guidelines.

Mr. Rittman: explained to the Board the site remediation process; the process began in 2002 when the previous tanks were removed and contamination was found; thousand tons of contaminated soil were removed at that time; he produced reports regarding same; submitted to the DEP; prepared a remedial action work plan which was submitted to the DEP on February 17, 2010; the State of NJ issued approval in September 2011; they are currently monitoring the site on a quarterly basis and they are awaiting approval to implement the work plan; a large portion of the application is the soil removal of the contaminated soil; the guidelines set by NJDEP run throughout the state and supersede any local guidelines; State and local regulations do not contradict one another; procedures were already established with the soil erosion sediment control plan regarding any soil that might migrate off site; spill kits on site; prefers to pre-classify the soil and make their arrangements with soil disposal facility and the trucking firm, and have that all in order before excavation so the soil is handled once instead of twice; better than stockpiling soil on property; any part of a soil remediation project has to have a provision for maintaining stockpile soils; stockpiling can be held for 6 months if they are stockpiled correctly; there will be no stockpiling on this site; “hot loading” is when the contaminated soil is put in a truck and taken to an approved site and all facets are in place when the removal begins; reviewed Mr. Azzolina’s report dated 8/7/13; nuisance vapors describes anytime there is an excavation of soil with gasoline in it, you will have an odor of gasoline; this site has already gone through significant remediation; in 2002 the main source of the contamination was removed; his company was involved in the removal and he does not recall a single phone call from a Township resident regarding nuisance vapors at that time; since 2002, extensive extraction of vapors from the wells has been performed; work was done between 2008-2011 and a significant amount of gasoline was removed from the ground; there will be an odor of gasoline at the immediate area of the excavation, but he does not believe the levels will be extensive or a danger to the environment; his staff will have on hand with various field measurements to monitor the air; health and safety plan will be prepared and kept on site; will have a plan prepared by a health and safety company that will be conduction perimeter monitoring with fixed, real-time monitors; will run during the remediation; certain levels which will notify his company if the levels in the air reach a critical zone so excavation can be ceased; because of the close proximity of residents, other monitors will be installed during the excavation work so they can show a level of gasoline at the extraction site and to ensure they are not harmful to the residents; information will be shared with the Township Engineer; readings are real time; estimated

the time frame of soil analysis and the time it is ready to be “hot loaded”, with the absence of any cease of excavation due to nuisance vapors; 8-10 trucks a day with 2 loads each, there would be 5-6 days of “hot loading”; this would be the time frame of the removal phase; all the NJDEP guidelines for this removal will be followed.

Mayor Sobkowicz: asked if anyone from the DEP will be on site when the work is being done.

Mr. Rittman: stated “no.”

Mr. Sears: asked if the DEP were contacted would they visit the site.

Mr. Rittman: stated the first question the DEP would ask when called is if the LSRP (Licensed Site Remediation Professional) was contacted. In 2008-2009 there were 20,000 contaminated sites in NJ and the DEP realized they could not manage all of these sites, so they implemented a program which allowed licensing of certain individuals to handle the remediation of sites and issue “no further action” letters; this has streamlined the process.

Mr. Whitaker: stated there will be an LSRP on site.

Mr. Rittman: stated there will be an associate from his office working on behalf of the prior owner documenting all of the soil going out, soil coming in, field monitoring, documentation and the samples that are collected.

Mayor Sobkowicz: asked what hours during the day is this work going to be done.

Mr. Rittman: stated the “hot loading” and excavation work will be done between the hours of 7AM -3PM for approximately 5-6 days.

Mayor Sobkowicz: stated this time frame would have to be discussed with the Township Police Department because this is a very busy intersection at certain hours of the day.

Mr. Whitaker: stated they will contact the Police Department and will coordinate.

Mayor Sobkowicz: asked again if the soil is tested when it arrives on site.

Mr. Rittman: stated “no.” There needs to be a laboratory analysis of the soil that is coming onto the property which needs to be given to the LSRP and a certification that the soil is coming from a virgin quarry and it has analytical data that states it meets the NJDEP’s strict soil standards.

Mr. Sabino: asked how the determination was made that only the SW corner of the property was contaminated.

Mr. Rittman: the determination was made as part of the remedial investigation.

Mr. Sabino: asked how long ago that investigation was made.

Mr. Rittman: stated the testing was done between 2002 and 2008.

Mr. Sabino: stated the testing was done five years ago and is there a risk that that any portion of that property can be contaminated at this time.

Mr. Rittman: stated that monitoring well sampling is done every quarter; the monitoring well levels have dropped almost every quarter; there is no indication of any new release; there used to be free product in some monitoring wells, but that has been removed along with thousands of pounds of vapors; believes less than more contaminated soil will be found.

Mr. Sabino: concerned about the last test being done five years ago. Mr. Sabino would like an assurance that the contamination has not spread.

Mr. Rittman: stated that when the excavation occurs, samples will be collected which will confirm the levels are clean in addition to the field readings. In addition, the work plan was extensively reviewed by the DEP and approved. They are very comfortable with the fact that there has been no migration of the contaminated soil, and the ground water data backs this opinion up.

Mr. Sabino: asked who Kathleen O'Brien is as it pertains to the application.

Mr. Whitaker: stated Sky Trading is the owner of the property and the O'Brien family and US Oil where the original owners of the property and for contractual purposes, the original owners are responsible for the clean-up so that is why her name is listed.

Mayor Sobkowicz: asked if any of the monitoring was done off site.

Mr. Rittman: stated there are four to five off site wells.

Mayor Sobkowicz: asked where those sites were located.

Mr. Rittman: stated that some of the wells are on the opposite side of Washington Avenue and some on Pascack Road as well. In addition, the ground water flow is to the South, so the wells were installed downstream.

Mayor Sobkowicz: asked if everything was okay in the ground water.

Mr. Rittman: stated most of the wells have been clean; they have had some very low levels show up in NW 5 which is located on the south side of Washington Avenue; occasionally they do find some detection in NW5 which seems to be related to the fluctuation of the water table.

Ms. Rosa D'Ambra, 423 Colonial Boulevard: spoke regarding 2002 excavation and she has pictures showing that some of that dirt was left in the far corner of the triangle and was that dirt checked.

Mr. Rittman: stated that all of the soil removed in 2002 was brought to a soil disposal facility.

Ms. D'Ambra: stated she has pictures showing the dirt pushed up against the fence and that she knows of neighbors who are also aware of the dirt being left in the far corner.

Mr. Whitaker: objected due to hearsay.

Ms. D'Ambra: asked if the same trucks taking out the contaminated soil will be bringing in the new soil.

Mr. Rittman: replied "definitely not."

Ms. D'Ambra: asked who will be on site monitoring what is going on.

Mr. Rittman: stated members of his firm would be on site.

Ms. Linda Murphy, 675 McKinley Avenue: stated she spoke with Joe Carger and he stated that they can only go up so far on Washington Avenue to remediate there because some of it might be under the roadway and will something be put there to clear up that impacted soil.

Mr. Rittman: stated that as part of the remedial action work plan approval, a provision was included and they have a separate permit by the DEP to inject a chemical into the soils that would be inaccessible.

Ms. Murphy: regarding 20,000 gallon tank going on the site and is it going on the site where remediation is being done and the hole being covered up.

Mr. Rittman: stated that as excavation is being done, they will be backfilling, so when done with the remediation, the site will be essentially level.

Ms. Murphy: spoke regarding commuters that walk past the site to take the buses and will there be a sign posted regarding the site stating when it will be inaccessible.

Mr. Rittman: stated that notice is given to residents and there will be a pre-construction meeting with the Town and ample notice of inaccessibility can be discussed.

Ms. Murphy: asked if the site will be constantly barricaded and if there will be lights on the property.

Mr. Rittman: stated the site will constantly be barricaded.

Mr. Whitaker: stated the property will be totally contained with fencing and locked at night and will review with the Police Department to make sure it is totally secure.

Ms. Murphy: asked if there is a demolition permit for the existing gas station.

Mr. Whitaker: stated the demolition permit is provided by the Construction Department and he is not sure of the status of the permit at this time.

Ms. Donna McGinnis, 680 Washington Avenue: stated her home is next to the gas station; asked why the contamination wasn't completely cleaned up in 2002 when the excavation was done.

Mr. Rittman: stated the remediation that was done in 2002 was in response to the removal of the tanks and the surrounding contamination; some of the contamination might have been close to the building; per the DEP, once contamination is identified, the extent of it needs to be determined, that's when soil borings are done, take samples, prepare report, send to Trenton and that can take up to two years; this was the process they were involved in from 2002-2008.

Ms. McGinnis: asked if there is more contamination at this time because of the tanks leaking that were placed after the contaminated soil was removed.

Mr. Rittman: stated what they are dealing with now is the historic use of the site as a gas station.

Ms. McGinnis: stated that a pile of soil was left on the site the last time it was cleaned up in 2002; she called Joe Carger and he didn't recall leaving anything behind and further stated he didn't sign off on anything.

Mr. Rittman: stated he is aware that an amount of soil was excavated, stockpiled, covered in plastic and removed from the site.

Ms. McGinnis: stated there is still a pile of soil behind the gas station.

Mr. Rittman: stated there is a test well behind the building and that well has been clean from day one; in 2011 a technician was dispatched to the site and did an investigation and not one reading showed any contamination.

Ms. McGinnis: stated Joe Carger did not know anything about any testing done. In addition, Ms. McGinnis wanted to know if anyone would be overseeing this project.

Mr. Rittman: stated his firm is a representative of the DEP and will be overseeing this project to ensure compliance.

Chairman Calamari: asked if someone could inspect the back corner of the property and take a sample of the soil which is alleged to be there.

Mr. Rittman: stated he is fairly sure there are no problems, but he will be doing pre-classification borings and at the same time he can take one or two quick samples; Mr. Rittman asked for someone to show him where the soil in question was located.

McGinnis: was told that at this time, the contamination in the soil has probably evaporated.

Mr. Whitaker: stated a test will be done to satisfy everyone's concerns.

Ms. McGinnis: wanted to know if someone would be on site during this project.

Mr. Rittman: stated the State rules have changed and LSRPs are now responsible.

Mr. Sears: stated Ms. McGinnis had a legitimate concern and did not receive an adequate answer in the past; will a contact person be identified so a resident can contact them with any concerns.

Ms. McGinnis: stated she had asked Gary Slater if contamination could have spread to her property and he said that was a good question; Ms. McGinnis stated she spent a whole year trying to have her property tested but no one wanted to be bothered; is it possible her property could be contaminated.

Mr. Rittman: stated that Ms. McGinnis' property is located on the upgrading side of the site; during remedial investigations, all the monitoring wells and soil borings and in all of the reports, there was no indication of any contamination close to her property.

Ms. McGinnis: stated she would be satisfied if her property was tested.

Mr. Whitaker: stated that is not within the jurisdiction of this Board.

Ms. McGinnis: asked if anyone from the Town's Health Department would be involved with this project because of the possibility of harmful odors.

Mayor Sobkowicz: stated the Health Officer is aware of this project.

Chairman Calamari: stated the applicant has already stipulated there will be a 24-hour remote monitoring device on the property.

Ms. McGinnis: asked if the Health Department would oversee the monitoring.

Chairman Calamari: stated these are licensed professionals recognized by the DEP and the Board relies on their professionalism.

Ms. McGinnis: asked if the odor readings were elevated, would the homeowners be contacted immediately.

Mr. Rittman: stated the monitors will issue a warning at different intervals; the worst of the contamination will be deep down; the plan is to expose what needs to be exposed; there will be odors during portions of the remediation; what is left in the ground is a fraction of what was there previously.

Mr. Whitaker: stated the applicant has no objection to working with the Health Officer.

Chairman Calamari: confirmed that the Town's Health Department will be involved with this project.

Ms. Grace Hogan, 898 Washington Avenue: posed a question to Mr. Shortino regarding contingency plans during the demolition of the building if PCBs, asbestos or lead were to be found.

Mr. Shortino: stated Ms. Hogan's question does not pertain to this application, but that her concerns will be monitored by the Building Department.

Mr. Sabino: asked if the Building Department handles the demolition permit.

Mayor Sobkowicz: stated she has spoken with the Building Department regarding this application.

Ms. Hogan: stated she will follow up with the Building Department; in addition, Ms. Hogan wanted to know if the trucks removing the contaminated soil would be labeled "hot load."

Mr. Rittman: stated the trucks will have a placard on them and the information stating where the soil is coming from and where it is going to is located in the truck.

Ms. Hogan: stated she doesn't doubt the veracity of the LSRP, but she does see a small conflict of interest and asks the Board to think about the real need of a major soil movement permit to protect the residents of the Town.

Chairman Calamari: stated the Township Engineer has continuing oversight of this project.

Mr. Whitaker: stated there is a developer's agreement in place and that they were before the Board this evening for major soil movement approval.

Ms. Hogan: stated she does not feel that there is a need for a major soil movement permit.

Chairman Calamari: stated that whether or not one is needed, the applicant is applying for one.

Vice Chairman Golick: asked who is funding this job.

Mr. Rittman: stated US Oil is funding the remediation work and they will continue to do so.

Chairman Calamari: asked for a project timeline, if the Board were to approve the application. In addition, Chairman Calamari asked who handles the demolition of the building and the permits, etc.

Mr. Rittman: stated the first task is the demolition of the building and then he will take preliminary borings; stated Sky Trading handles the demolition.

Mr. Whitaker: stated Sky Trading handles the demolition and indicated a gentleman who was seated in the audience. In addition, the project would take 120 days to complete after the remediation is done.

Mr. Dumaresq: asked if there would be parking for patrons of the convenience store.

Mr. Whitaker: stated the site plan approval is in place and that there will be parking available.

Chairman Calamari: stated the Planning Board did not hear the site plan application and are asking questions regarding the application to educate themselves.

Mayor Sobkowicz: spoke regarding hours of operation.

Chairman Calamari: stated the hours of operation are not the Planning Board's concern and the Board's concerns have already been made.

Mayor Sobkowicz: stated she wants to look into this issue further.

Chairman Calamari: stated that was the Mayor's prerogative.

Mr. Sears: asked if the rear door in the convenience store was installed.

Mr. Whitaker: stated "yes."

Mr. Azzolina: wanted a clarification regarding the number of trucks to be used to remove the soil, and the number of days.

Mr. Rittman: stated the operation of loading would be between 7AM and 2PM but that would depend upon the facility he would be using; there would be approximately 8-10 trucks per day, 2 rounds each, which amounts to 400 tons a day roughly; Mr. Rittman will work out with traffic control and see if the proposed schedule will work.

Motion on this Application: Sears, Murphy
Roll Call Taken

Motion to Adjourn: Dumaresq, Sabino
All members present approve Motion to Adjourn.

Respectfully submitted by:

JoAnn Carroll
Planning Board Secretary
August 28, 2013