

A meeting of the Township of Hamilton Planning Board was held on the above date with Chairman Gordon Dahl presiding. Members present were Michael Biglin, Jack Carson, William Christman, Chris Jensen, Joseph Nickels, John Percy Charles Pritchard and David Wigglesworth. Also present were Joseph Adamson, Landscape Architect Consultant; John Rosenberger, Solicitor; Robert Watkins, representing James Mott, Planner Consultant; Steven Mazur, representing Kevin Dixon, Alternate Traffic Engineer Consultant; and Ronald Curcio, representing Chris Rehmann, Engineer Consultant.

Compliance with the Open Public Meetings Law was acknowledged.

Approval of Minutes – Mr. Biglin moved, seconded by Mr. Christman, to approve the minutes of the meeting of June 19, 2008, as published. SAID MOTION CARRIED WITH EIGHT MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Mr. Biglin moved, seconded by Mr. Christman, to approve the minutes of the meeting of July 17, 2008, as published. SAID MOTION CARRIED WITH FIVE MEMBERS VOTING “AYE”, NO “NAY”, THREE “ABSTAIN”.

Louis and Terri DiMartine – Mr. Biglin moved, seconded by Mr. Christman, to adopt the resolution prepared by the Solicitor for Louis and Terri DiMartine, Application #2008-9009.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Biglin – Aye	Mr. Nickels - Aye
Mr. Christman – Aye	Mr. Percy - Aye
Mr. Jensen – Aye	Mr. Dahl – Aye

SAID MOTION CARRIED.

Anne Venezia – Mr. Biglin moved, seconded by Mr. Percy, to adopt the resolution prepared by the Solicitor for Anne Venezia, Application #2007-016.0.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Biglin – Aye	Mr. Nickels – Aye
Mr. Christman – Aye	Mr. Percy – Aye
Mr. Jensen – Aye	Mr. Dahl - Aye

SAID MOTION CARRIED.

Member Resignation – Mr. Dahl acknowledged Liz Parlett’s letter of resignation from the Planning Board.

Wal-Mart Stores, Inc. (Site Plan Hearing Continued) – Stephen Nehmad, Attorney, Peter Dolcy, P.E., William McManus, L.S., P.P.; Deanna Drumm, Traffic Engineer; Sherry Thomas, Market Manager for Wal-Mart; Ronald Fogg, Wal-Mart Store Manager; and Perry Petrillo, Architect, were present.

Ronald Gasiorowski, representing William Sumas and Constance Van Seeters, objectors to the application, and Donald Daines, representing Super Valu and Acme, also objectors to the application, were present.

Mr. Nehmad asked if Constance Van Seeters was present, as there had previously been a subpoena issued to compel her appearance. Mr. Dahl asked Ms. Van Seeters to identify herself and step forward if present. There was no response.

Mr. Gasiorowski stated that he had requested that the Board subpoena the president of Wal-Mart Stores to compel his appearance. Mr. Rosenberger stated that he had responded to Mr. Gasiorowski's letter and Wal-Mart's President would not be appearing.

Mr. Rosenberger advised that Mr. Gasiorowski had requested to recall Peter Dolcy to ask additional questions, and he would allow five additional minutes of questioning. Mr. Nehmad placed his objection on the record.

Mr. Gasiorowski referred to a letter written in 2004 by Robert Smith of Churchill Associates, who was the Township Engineer at that point in time. He asked Mr. Dolcy questions related to the existing storm water management system and the proposed modifications, to which Mr. Dolcy responded.

A discussion took place with regard to the order the objectors' witnesses would be presented.

Mr. Gasiorowski asked questions of Mr. Petrillo with regard to his work experience, store interior layout, percentage of storage area, outside loading docks design, percentage of store that would sell food, HVAC system and related noise; and preparation of construction plans. Responses were provided by Mr. Petrillo.

Mr. Nehmad objected to some of the questions asked by Mr. Gasiorowski.

Mr. Daines asked questions of Mr. Petrillo with regard to the tire and lube center, renewable energy and the storm water management system. Mr. Petrillo advised that the application proposed no changes to the tire and lube center and he provided answers to only those questions that related to his experience.

Mr. Gasiorowski pointed to a particular Ordinance section and attempted to ask questions. Mr. Nehmad objected, pointing out that the Ordinance did not require submission of the items to which Mr. Gasiorowski had referred.

Mr. Gasiorowski asked questions of Ms. Thomas with regard to her work experience, percentages of floor area for particular store uses, particularly foodstuffs and storage; frequency of store visitations; frequency of tractor trailer deliveries; loading dock issues; and familiarity with tire and lube operation. Ms. Thomas responded to Mr. Gasiorowski's questions.

Mr. Gasiorowski asked that certain information be produced, and Mr. Rosenberger stated that it could be discussed among the attorneys between this meeting and the next meeting scheduled for continuation of the hearing.

Mr. Daines asked questions of Ms. Thomas with regard to use of trailers for temporary storage and store storage capacity existing and proposed. Responses were provided by Ms. Thomas.

Mr. Gasiorowski asked questions of Mr. Fogg with regard to his employment history; his responsibilities as to store operation; parking lot maintenance; storm water basin maintenance and function; tractor trailer deliveries; percentage of space for sale of foodstuffs; off site storage; and on site trailer storage. Responses were provided by Mr. Fogg.

Mr. Daines asked questions of Mr. Fogg with regard to store manager responsibility; responsibility for storm water basin management; percentages of certain uses within the store; storage capacity; freezer and refrigeration; and the services offered at the oil and lube center. Mr. Fogg responded to the questions presented.

Mr. Gasiorowski referred to exhibits presented during Ms. Drumm's previous testimony, and asked questions of her with regard to experience with other Wal-Mart sites; use of data to arrive at her conclusions; turning radius in certain area on site; loading dock design; trip generation; mixed uses; square footage of supermarket; roadway width; traffic circulation; and traffic survey. Responses were provided by Ms. Drumm.

Mr. Daines asked questions of Ms. Drumm with regard to the information relied upon to complete traffic analysis; gap analysis; why certain information was or was not used; and tractor trailer movements. Responses were provided by Ms. Drumm.

Mr. Gasiorowski questioned Mr. McManus with regard to his qualifications as a planner; his education; his experience as a planner; and whether he was aware of an ordinance provision that requires submission of certain reports. Mr. McManus responded to Mr. Gasiorowski's questions.

Mr. Daines asked questions of Mr. McManus with regard to the variance requests.

Upon questioning by Mr. Nehmad, Mr. McManus' advised as to his qualifications as an expert in planning and stated he was familiar with the Township's Land Use Ordinance and that he had testified previously before the Board and the Zoning Board of Adjustment.

During the cross examination, Mr. Nehmad objected to certain questions for various, stated reasons.

Mr. Rosenberger announced that the cross examination of the Applicant's witnesses had been concluded, and that the hearing would be continued on August 21, 2008, with no additional public notice being provided.

Mr. Gasiorowski advised that he could not be present on August 21, and it was decided that Mr. Daines would proceed with his witness on that date, and Mr. Gasiorowski would proceed with his witness when the hearing is continued at a future meeting.

Public Comment – Mr. Dahl opened the meeting to public comment and there was no response.

Mr. Percy moved, seconded by Mr. Biglin, to close the public portion of the meeting. SAID MOTION CARRIED WITH ALL MEMBES VOTING "AYE", NO "NAY", NO "ABSTAIN".

Adjournment – Mr. Percy moved, seconded by Mr. Carson, to adjourn the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Respectfully submitted,

Nancy Rainbow,
Planning Board Administrator