

A meeting of the Township of Hamilton Planning Board was held on the above date with Vice-chairman Michael Biglin presiding. Members present were Jack Carson, William Christman, Chris Jensen, Joseph Nickels, John Percy, Charles Pritchard and David Wigglesworth. Alternate member present was Joan Dumoff. 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 Act was acknowledged.

Approval of Minutes – Mr. Percy moved, seconded by Mr. Christman, to approve the minutes of the meeting of August 7, 2008, as published. SAID MOTION CARRIED WITH EIGHT MEMBERS VOTING “AYE”, NO “NAY”, ONE “ABSTAIN”.

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

Mr. Nehmad asked that the record reflect that Ronald Gasiorowski, representing Constance Van Seeters and William Sumas, had indicated he did not object to the hearing being continued, with Donald Daines presenting his witness at this meeting, without him being present.

Donald Daines, representing Acme Markets and SuperValu, was present and referred to a report that had been previously presented, prepared by David A. Cranmer, P.E., P.P., C.M.E., of Cranmer Engineer, dated May 1, 2008, and marked into evidence as Exhibit Acme #1. He stated that he intended to produce expert testimony with regard to that document, which he would like taken into consideration.

David Cranmer, P.E., and Vincent Creevy, P.L.S., Environmental Consultant, were introduced by Mr. Daines. He distributed copies of their qualifications. Both individuals advised of their experience.

Mr. Daines stated that one of the concerns of his client is that Wal-Mart has a storm water management system that functions properly so there is no adverse impact to the environment. He expressed the opinion that Wal-Mart's system was never completed as designed or approved, and is failing, and that the system may not accommodate the proposed expansion.

Mr. Creevy testified with regard to soils types; speculated as to what may have happened during construction of the basin; discussed wetlands issues; advised as to the documents he reviewed; mentioned Pinelands Commission and NJDEP regulations; and expressed an opinion as to why there is always water in the basin.

Mr. Nehmad asked questions of Mr. Creevy that were related to his experience; his involvement with the referenced report; his knowledge of Pinelands Commission's review and procedure; what he had done, and what information he had used, to arrive at his conclusions; and the testimony he provided, to which he responded.

Mr. Daines asked some additional questions of Mr. Creevy, related to his response to questions of Mr. Nehmad and his previous testimony. Mr. Creevy responded.

Mr. Cranmer presented testimony with regard to the report he had prepared; the information he had used and what he had relied upon to arrive at his conclusions; how drainage basins are supposed to function; and the difference between a “dry” basin and a “wet” basin. He expressed an opinion as to why he felt the existing basin at Wal-Mart wasn't functioning

properly, and commented with regard to the Applicant's Engineer's design approach and the requested waiver involving the depth of the basin.

Mr. Nehmad asked questions of Mr. Cranmer related to his testimony, to which Mr. Cranmer responded.

Mr. Daines asked Mr. Cranmer additional questions related to his responses to Mr. Nehmad's questions. Mr. Cranmer responded.

Mr. Daines asked questions of Mr. Curcio with regard to his responsibilities as engineer consultant to the Board and the content of his report, dated February 25, 2008. Mr. Curcio responded.

Mr. Nehmad objected to certain testimony and certain presented documentation.

Mr. Biglin announced that the hearing would be continued on September 4, 2008, with no further public notice of the continuance being provided.

A court reporter was present during this hearing and previous hearings related to this particular application.

Proposal to Review Definition Section of Land Use Ordinance – The Board discussed the proposal of James Mott, Planner, to review the Land Use and Development Ordinance to update and revise the definition section, at a cost of \$2,500.00.

Mr. Watkins agreed to reduce the proposal to \$1,000.00, and to work with the Zoning Division Chief and the Planning Division Chief to develop the ordinance amendment.

Mr. Percy moved, seconded by Ms. Dumoff, to authorize James Mott, Planner, to prepare an ordinance amended to update and review the definition section of the Land Use and Development Ordinance at a cost not to exceed \$1,000.00. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

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

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

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

Nancy Rainbow,  
Planning Board Administrator