

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, William Christman, 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, Traffic Engineer Consultant; and Douglas, representing Chris Rehmann, Engineer Consultant.

Compliance with the Open Public Meetings Law was acknowledged.

Baker Residential of Pennsylvania, LLC, Hardings Run II, Phases V, VI, Request for Extension of Period of Protection – Mr. Dahl announced that the request of Baker Residential of Pennsylvania, LLC, to extend the period of protection associated with the approval granted for Hardings Run II, Phases V and VI, has been withdrawn from the agenda at the request of the Applicant and rescheduled for September 18, 2008.

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

Ronald Gasiorowski, representing Constance Van Seeters and William Sumas, was present, and advised that Donald Daines, the attorney who was representing Acme Markets and SuperValu, would not be present due to a personal emergency.

Mr. Nehmad referred to a letter from Mr. Daines indicating he would not be present at this hearing, within which he reserved his right to be heard, and agreed that the Board could proceed in his absence.

Mr. Rosenberger advised that Mr. Daines has requested that he be permitted to present his summation when the Board continues the hearing. He stated that all three attorneys would be presenting their summations at the same meeting.

At the request of Mr. Nehmad, Mr. Dahl asked if Constance Van Seeters was present. There was no response.

Mr. Gasiorowski introduced Gordon Gemma, who identified himself as a professional planner, and advised of his educational background and experience.

In response to a question as to whether Mr. Gemma had a conflict of interest due to his association with Schoor DePalma, Mr. Gemma advised that he no longer was associated with that firm.

Mr. Biglin moved, seconded by Mr. Percy, to accept Mr. Gemma as an expert witness, based on the presented representations. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Mr. Gemma advised as to what he had reviewed and considered to arrive at his conclusions. He noted that he had read Mr. Cranmer’s report, and had either been present at the hearings involving the application, or read the transcripts of the hearings when he wasn’t present.

Mr. Gemma expressed opinions with regard to type of application submitted; ability to require submission of additional documentation; whether the applicant has met the burden of proof for the Board to grant the requested variances; whether an application for development can be denied based on public health, safety and welfare issues; and whether there was enough information, from an architectural standpoint, to make a decision.

Mr. Gemma, also, expressed the opinion that certain uses were not permitted. Mr. Rosenberger advised that the Board was not considering whether something is a permitted use, and the Zoning Officer of the Municipality could take action if the Applicant is operating illegally.

Mr. Nehmad questioned Mr. Gemma with regard to the status of his professional planner's license; his qualifications to offer opinions with regard to certain issues; the testimony presented; his knowledge of certain Ordinance provisions; what he took into consideration to draw his conclusions; and when he was hired, who retained him and who was paying his bills with regard to his involvement with the application before the Board. Responses were provided.

Mr. Nehmad reserved the right to request that Mr. Gemma's testimony be stricken from the record in the event it is verified that Mr. Gemma's State license had expired, as indicated on the exhibit Mr. Nehmad had entered into evidence.

It was announced that the hearing would be continued on October 2, 2008, when Mr. Gasiorowski would cross-examine Ron Curcio, and Mr. Daines, Mr. Gasiorowski and Mr. Nehmad would present their summations.

Public Comment – Mr. Dahl opened the meeting to public comment.

A member of the public asked a question related to Wal-Mart, and Mr. Dahl advised that the public comment portion of that hearing had been closed at a previous meeting, and that only the objectors would be permitted to continue as stated when the hearing is continued.

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

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

Respectfully submitted

Nancy Rainbow,
Planning Board Administrator