

## HILLSBOROUGH TOWNSHIP PLANNING BOARD

### PUBLIC MEETING MINUTES

March 28, 2019

Vice Chairman Neil Julian called the Planning Board Public Meeting of March 28, 2019 to order at 7:36 p.m. All stood for the Pledge of Allegiance. The meeting took place in the Courtroom of the Hillsborough Township Municipal complex.

Acting Chairman Julian announced the meeting had been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law").

#### OATH OF OFFICE

- Sam Weinstein – Appointment to Seat #7 (previously Alternate #2)

Mayor DelCore administered the Oath of Office to Mr. Weinstein.

#### ROLL CALL

|   |                              |   |
|---|------------------------------|---|
| Mayor Frank DelCore - Present               | Robert Wagner, Jr. - Present | Sam Weinstein – Present                     |
| Committeeman Shawn Lipani - Present         | Robert Peason - Absent       | Ron Skobo – Present                         |
| <b>Carl Suraci, Chairman</b> - Absent       |                              | <b>Kenneth Hesthag, Secretary</b> - Present |
| <b>Neil Julian, Vice Chairman</b> - Present |                              | Surajit Deb (Alt. #1) – Present             |
|   |                              | Vacant (Alt. #2)                            |

Also present: David K. Maski, PP, AICP, Planning Director; Phillip George, Esq., Board Attorney (Eric M. Bernstein & Associates); Robert Yuro, PE, CME, Board Engineer (T&M Associates); Tina Restuccia, CCR, Covering Court Reporter; and Caz Bielen, Board Videographer (Premier Media, LLC).

#### CONSIDERATION OF MEETING MINUTES

- **December 13, 2018** (Tabled from 03-14-19 PB Agenda)

A motion to approve the action was made by Mayor Del Core, seconded by Mr. Skobo. All eligible members were in favor, none opposed; motion carries.

- **February 28, 2019**

A motion to approve was made by Committeeman Lipani, seconded by Secretary Hesthag. All eligible members were in favor, none opposed; motion carries.

#### CONSIDERATION OF RESOLUTIONS

- **Hillsborough 206 Holdings, LLC – File 18-PB-07-MSPV** (Tabled from 03-14-19 PB Agenda)

A motion to approve was made by Mr. Skobo, seconded by Secretary Hesthag.

**Roll Call:** Mr. Skobo – yes; Mr. Wagner - yes; Secretary Hesthag – yes; Mayor DelCore – yes; Acting Chairman Julian – yes. Motion carries.

#### PLANNING BOARD BUSINESS

- Capital Planning Presentation – 2019 Capital Budget Proposals

Mr. Wagner informed Acting Chairman Julian that he would be recusing himself from this portion of the meeting and would return to the dais once the capital budget presentation concluded.

Steve Monte, Chairman of the Capital Planning Committee, gave the presentation to the Board. Mr. Monte explained the Capital Planning Committee (CPC) held two meetings; the first for presentation of the proposals, the second for discussion and ranking.

- Mr. Monte went over the items, ranked high, medium, and low.
- Items #1 and #2 are safety issues.
- Item #3 is to make the parking lot ADA compliant.
- Item #4 is one of four walking paths. The one at Woodfield Park was given higher priority due to the deteriorated condition.
- Item #5 is considered a safety issue.
- The bus Social Services uses to transport our Senior Citizens about town is from 2006 and in poor condition. The Rotary will be donating \$21,000 towards the purchase of a new bus, Item #6.
- The cost of Item #7 will be further reduced by a \$10,000 grant.
- Item #8 is not required but a safety issue. Defibrillators are relatively easy to use and can save lives.
- Item #9 is replacing a 1992 piece of equipment. Public Works is currently renting a wheel loader for \$6,000 a month.

**PLANNING BOARD MEETING MINUTES**  
**March 28, 2019**

- The street sweeper is constantly under repair and not able to do all of the roads within the township. Item #10 would be a lease.
- The in-car cameras for the Police Department will record front and rear. The cost listed for Item #11 is for a total of 20 units.
- The cost of Item #12 includes removal of the old tanks. The new tanks would allow the township to be self-reliant and no longer need to use the County tanks, some of which have issues. Sometimes our employees have to drive over an hour to get gasoline.
- The carpet in the Senior room is worn and in need of replacement. Item #13 is a relatively inexpensive way to improve the activities room for our Seniors.
- Item #14 is replacement of a vehicle from 1999 that is in poor service.
- Item #15 is part of a fleet improvement plan, replacing a 2001 truck with over 100,000 miles on it.
- Item #16 is particularly important for the mountain areas of town, where a larger vehicle would not be able to navigate the tight roadways. It would be replacing a 1996 F-350.
- #17 is for a computer upgrade for Town Hall. The cost has since been confirmed to come in a little lower than listed.
- The tennis courts were finished 37 years ago. Item #18 is a safety issue. The courts will either need to be resurfaced or closed.
- Item #19 is for replacement of various PCs at Town Hall. The CPC was interested in seeing if a less expensive model could be selected, thereby reducing the cost.
- Item #20 would be replacing a 21 year old van. This vehicle is used to do sign work throughout the town.
- Item #21 is being requested for the engineering. The CPC is interested in seeing if the town could repair the areas of concern instead.
- Items #22 - #24 tie in with Item #4. The paths are in poor condition; roots are coming up through the pavement and some areas experience flooding. The town has received several complaints.
- Item #25 is a maintenance and safety issue. There is currently not a budget for maintaining items within the parks.
- Item #26 is cosmetic but ties in to Item #3, to create a more continuous parking lot rather than just a pad.
- Item #27 is used to clean up after storms.
- Item #28 is to expand the parking area so that vehicles do not need to continue being parked on the grass.
- Items #29-#32 are requested to help organize parking and clean up the appearance of the parking lots.
- Item #33 is a work in progress.
- Item #34 is as described.
- Item #35 is a license plate reader that is compatible with the L-3 cameras. The cost listed is for one reader on one car.

Mr. Monte said the CPC ranked the items considering safety, insurance, and need.

Committeeman Lipani asked which items the CPC categorized as high priority.

Mr. Monte said items 1-13 are "high" priority; 14-21 "medium" and 22-35 "low".

Mr. Deb, also a member of the CPC, added that the CPC was also guided by the prioritized rankings within each department.

Mr. Maski pointed out that the Department Heads are in attendance to answer any questions.

Mayor DelCore asked if Table 1 represented the priority ranking by each department.

Mr. Maski confirmed that to be the case.

Mayor DelCore asked for more information on the fuel tanks.

Department of Public Works Director, Richard Resavy, said currently our vehicles are brought to any of the three County sites. There is a key issue as to how the fuel is tracked. Within the past year it has been suspect at best. A recent example is when the Social Services bus went to the Royce Field facility in Hillsborough, then to the Finderne facility, then by Chimney Rock in Bridgewater. It took half a day to get gas. DPW operates at approximately \$1,000 per hour so having to travel to fuel up is not cost effective and decreases productivity. There are two decommissioned tanks at DPW that need to be removed, from a safety issue. Installing a new fueling facility is simply good business.

Committeeman Lipani asked if this would be the last year for the ongoing wood rail replacement project.

Assistant Township Engineer, Thomas Belanger, confirmed this should be the last year. The town has spent \$400,000 to date replacing those rails in the worst shape. The hope is this year, some of the money can be used to put in extended posts along that area of concern at Mountain View Road.

**PLANNING BOARD MEETING MINUTES**  
**March 28, 2019**

Mayor DelCore asked if any of the approved funding for chip sealing can be used for the parking lots listed.

Mr. Belanger said the money allocated is for high performance chip seal. The parking lots would be done with regular chip sealing by DPW. The high performance chip seal is meant to be for the road.

Mr. Resavy said they typically plan out one year in advance. They could include it going forward, but would need to ask for more money to cover the costs. Mr. Resavy explained chip seal is comprised of oil emulsion and stone. The cracks are first sealed and then the chip seal is pressed in.

Secretary Hesthag said Item #15 has been on the list for several years and should require a closer look. He said the tennis courts, Item #18, have been in bad shape for a number of years now. Perhaps with there being new development going in, there might be additional interest and increased use if this safety concern was able to be addressed.

Mayor DelCore said the condition of the Case to Beekman walking path (Item #22) needs to be looked at.

Director of Parks and Recreation & Social Services, Robert Wagner (and PB member – recused for presentation), said the four walkways listed connect through the Woodfield neighborhood. The path marked as Item #4 is a safety and drainage issue. A pipe needs to go underneath to eliminate the flooding / freezing that happens. That path is one of the main entrances for people to walk. The others are all safety issues as well. The development was built in the early to mid-80's. Since then the trees have matured and some of the roots have created tripping hazards on the sidewalks and paving. The roots need to be cut out and the areas need to be resurfaced. All of those marked are roughly in the same shape and should all be addressed at some point.

Mr. Monte said the CPC ranked the path in the worst shape as a high priority. The thought was that one per year could be done to help stretch the budget. Although all of the paths need attention, three of the four just fell victim to the ranking process.

Mr. Skobo spoke in favor of taking care of as many items as the budget will allow since all of the items listed need to be taken care of.

Mr. Monte said this year the roadways were not included in the proposals, which alleviated some of the restraints. The roads are now addressed through bonding; otherwise, they would be ranked #1 every year. The CPC ranked them somewhat blindly, not knowing what the budget will be. The more urgent items were ranked higher up on the list.

Mayor DelCore said it was helpful knowing which items were ranked “high” priority. He said we do not know what the budget will be yet.

Mr. Monte said he visited the sites. Although they are all in need of attention, some are worse than others.

Committeeman Lipani asked the DPW Director to explain the process for purchase of a new vehicle.

Mr. Resavy said using the Mack truck for example, it will take about one year actually get the vehicle customized. More standard vehicles do not take quite so long. Ordering a vehicle tomorrow could mean they might have it by mid-winter. Director Resavy added the township is keeping up with a fleet replacement program which has proven to be very beneficial. DPW is not enlarging its staff but able to get the job done as the road size increases. Hillsborough is 54 square miles, with 260 miles of roadway. He said they are able to get the road done faster; even our mechanics are plowing now, which means less time is spent doing repairs during the storms.

Open to the public.

**Susan Gulliford – Hunt Club Road**

- Ms. Gulliford asked if the defibrillators are replacements or new additions to the parks.

Mr. Monte said the parks currently do not have them. The price has come down over the past few years where now they are more affordable.

Committeeman Lipani said one was donated to the township by a citizen last year. That sparks the interest for having units made available in the parks.

- Ms. Gulliford asked if having them would lower the insurance costs for the township.

Mayor DelCore said it would likely be minimal if it was.

- Ms. Gulliford asked for more information on the street sweeper.

**PLANNING BOARD MEETING MINUTES**  
**March 28, 2019**

Mr. Monte said he believe the township owns one now, but is looking to lease a new one at the cost of \$220,000 spread over a number of years.

- Ms. Gulliford asked if leasing was better than purchasing, or hiring an outside company.

Mayor DelCore said that was correct.

- Ms. Gulliford asked what had recently been done on the skate park.

Mr. Monte said the ramps had been done in recent years.

Close public.

The Board thanked CPC Chairman Monte and the committee for their work on the ranking.

| <b>RANK</b>                   | <b>PROJECT</b>  | <b>DEPARTMENT</b>  | <b>COST ESTIMATE</b> |
|-------------------------------|---|--------------------|----------------------|
| <b>High</b>                   |   |                    |                      |
| 1                             | Replace damaged wood guiderails at various locations (approx. 6,000 LF)   | Engineering        | \$100,000            |
| 2                             | Sidewalk replacements – various locations   | Engineering        | \$75,000             |
| 3                             | Handicap parking lot - AVM basketball court   | Engineering        | \$15,650             |
| 4                             | Walking path rehabilitation - Woodfield Park to Case Drive  | Parks & Recreation | \$19,135             |
| 5                             | Removal of baseball fencing, backstops, bleachers - Willow Road Baseball Complex  | Parks & Recreation | \$46,625             |
| 6                             | 2018 Ford Glaval Universal 16+2 passenger wheelchair accessible bus (* Cost to be reduced by Rotary donation of \$21,000) | Social Services    | \$89,793*            |
| 7                             | ¾ ton 4-WD pick-up truck w/snow plow (* Cost to be reduced by \$10,000 grant)   | Public Works       | \$42,000*            |
| 8                             | 14 Automated External Defibrillators (AED) in Township parks  | OEM                | \$15,400             |
| 9                             | Wheel loader replacement  | Public Works       | \$220,000            |
| 10                            | Street sweeper  | Public Works       | \$220,000            |
| 11                            | L3 Technologies in-car camera system (20 units)   | Police             | \$119,712            |
| 12                            | Install new above-ground fueling facility   | Public Works       | \$180,000            |
| 13                            | Replace floor covering in Senior Activities Room  | Social Services    | \$9,833              |
| <b>Medium</b>                 |   |                    |                      |
| 14                            | Dump truck replacement  | Public Works       | \$230,000            |
| 15                            | 2019 F350 truck   | Parks & Recreation | \$36,248             |
| 16                            | F450 mason dump truck w/snow plow package, central hydraulics and tailgate salt spreader                                  | Public Works       | \$82,000             |
| 17                            | Dell EMC storage array to replace existing network cluster - Quorum device  | Technology         | \$18,520             |
| 18                            | Tennis courts resurfacing - Woodfield Park  | Parks & Recreation | \$34,835             |
| 19                            | Replace existing municipal PCs – all departments  | Technology         | \$141,908            |
| 20                            | Ford F-350 utility body truck w/snowplow  | Public Works       | \$45,000             |
| 21                            | Erosion control measures for protection of roadway failure at Mountain View Road  | Engineering        | \$100,000            |
| <b>Low</b>                    |   |                    |                      |
| 22                            | Walking path rehabilitation - Case Drive to Beekman Lane  | Parks & Recreation | \$23,410             |
| 23                            | Walking path rehabilitation - Marshall Drive to Pleasant View Drive   | Parks & Recreation | \$59,845             |
| 24                            | Walking path rehabilitation - Stephen Way   | Parks & Recreation | \$18,000             |
| 25                            | Skate Park resurfacing - AVM Park   | Parks & Recreation | \$21,950             |
| 26                            | Tar and chip parking lot - AVM basketball courts  | Parks & Recreation | \$2,900              |
| 27                            | Power Broom for Front End Loader  | Public Works       | \$22,000             |
| 28                            | Tar and chip parking lot off of Amsterdam Drive   | Parks & Recreation | \$8,356              |
| 29                            | Chip and seal parking lot at Woodfield Park – Beekman side  | Parks & Recreation | \$6,366              |
| 30                            | Chip and seal parking lot at Woodfield Park– off Marshall Road  | Parks & Recreation | \$3,292              |
| 31                            | Chip and seal parking lot at Football Complex – left-hand side  | Parks & Recreation | \$4,372              |
| 32                            | Chip and seal parking lot at Football Complex – right-hand side   | Parks & Recreation | \$4,104              |
| 33                            | Two miles of walking trails – AVM Park to GSA property  | Parks & Recreation | \$64,040             |
| 34                            | Remove building and install pavilion at Merdinger Trails (PID)  | Parks & Recreation | \$180,500            |
| 35                            | Automated license plate reader  | Police             | \$21,235             |
| <b>TOTAL CAPITAL REQUESTS</b> |   |                    | <b>\$2,278,029</b>   |

PLANNING BOARD MEETING MINUTES  
March 28, 2019

- **Resolution of the Hillsborough Township Planning Board Recommending a 2019 Capital Budget to the Township Committee**

Mr. Maski informed Acting Chairman Julian that a resolution had been drafted for consideration. The Board can choose to send the ranking to the Township Committee as is, or edit the ranking.

A motion to approve the ranking, as presented, was made by Mr. Skobo, seconded by Secretary Hesthag.

**Roll Call:** Mr. Weinstein - yes; Mr. Skobo – yes; Secretary Hesthag – yes; Mr. Deb – yes; Committeeman Lipani – yes; Mayor DelCore – yes; Acting Chairman Julian – yes. Motion carries.

The Board again thanked the Capital Planning Committee for its work.

Mr. Wagner rejoined the Board on the dais.

**BUSINESS FROM THE FLOOR**

None

**CONSIDERATION OF ORDINANCES**

None

**APPLICATIONS**

- **Signature Detailing** – 18-PB-08-SPCU – Block 142, Lot 34 – 216 Route 206. *Adjourned from March 07, 2019. Since transferred to the Board of Adjustment.*

Mr. Maski informed the Board it turned out this application required a 'd'(3) use variance, and therefore needed to be transferred to the Board of Adjustment.

- **SGL Properties, LLC (Scott Lutzky) – File 17-PB-08-SPV** – Block 200.04, Lot 5 – 209 Homestead Road. Applicant seeking minor site plan approval; 'c' bulk variances; and waivers to construct a 2,000 sf. lean-to; a new detached 2,400 sf. pole barn; additional parking; and two 500 gallon potable fuel storage tanks, on property located in the LI, Light Industrial Zoning District. (EC Review: 03-25-19)

**James Stahl, Esq. of Borrus, Goldin, Foley, Vignuolo, Hyman and Stahl**, said he was standing in for Peter Lanfrit, Esq. to represent the applicant. He said Mr. Lanfrit is now part of his firm.

Mr. George informed the Board the notice was determined to be in order and the Board has jurisdiction.

Mr. Stahl gave a brief overview of the request and informed the Board he had only one witness to present, but that the owners are present should additional testimony be requested.

**Michael K. Ford, PE, PP, of Van Cleef Engineering** was sworn in and accepted by the Board.

**Exhibits**

**A-1** – Colorized Existing Features Exhibit

**A-2** – Colorized (Proposed) Site Exhibit

Mr. Ford gave the following testimony:

Mr. Ford said Exhibit A-2 is Sheet 2 in the set of plans provided. He oriented the Board with the existing surrounding uses / features. Homestead Road to the bottom of the exhibit; the Railroad to the east; the bypass is just off the sheet; and existing industrial uses to the west and to the north, as part of the Hillsborough Industrial Park. Directly across the street is an agricultural use. There are not residences nearby.

The property is owned and operated by the applicant as a contractor's yard. The existing building has one access to Homestead Road. The property has a fence around the entire property and has a gated key pad entry. A portion of the property is paved. There is also a portion of the outdoor contractor storage area that is stone. There is also a cell tower on this property, which is owned and operated by others. Part of the reason for this application is to replace parking spaces that were eliminated when the cell tower was installed. The offices are located at the front corner of the building, closest to the cell tower. The cell tower takes up the area where there were previously three parking spaces.

A small parking area for about five parking spaces is proposed in front of that building, to include one ADA space, which now does not exist anywhere on the property. The parking area is approximately 100 feet away from Homestead Road. A 2,000 sf. lean-to is proposed at the rear of the building. The roof will be attached; the side will be enclosed, and only the rear portion will be open to the storage and paved area. The lean-to will be for storage of the equipment and will have no heat. The second structure proposed is a 2,400 sf. pole barn to be located off the end of the gravel storage area. The pole

**PLANNING BOARD MEETING MINUTES**  
**March 28, 2019**

barn will have electric, but will not be heated, nor have a bathroom. The pole barn will be completely enclosed with two (garage) doors, and two man-doors, as required by Building Code. The pole barn will be located parallel with the easterly property line, which is adjacent to the railroad.

There is a preexisting, nonconforming condition on the property along the easterly property line for a deficient buffer. The Code calls for a minimum 20 ft. buffer, whereas the existing buffer is 13.3 ft. from the property line. Again, the immediate neighboring property is the Railroad, and beyond that is the bypass. That is not being changed by way of this application. The property is serviced by public water and sewer.

Exhibit A-2 is a colorized version of Sheet 3 in the plan set. There will be regrading and drainage improvements as part of this application. The total increase in impervious coverage is less than ¼ acre, and therefore not subject to DEP stormwater standards. However, as part of this project, the additional parking area is proposed to be constructed of porous pavement so it provides for water quality of the runoff, that will ultimately connect to the existing drainage on the site. An underground basin, or drywell, is proposed to collect roof runoff from the pole barn, to reduce the runoff and promote groundwater recharge. The total overall site is approximately 5.9 acres; the area of disturbance for this project is .76 acres.

Ten Evergreen trees are proposed around the parking area. Homestead Road is elevated so much that you see into the site so this will help buffer the parking area. The applicant had installed a berm with Evergreens on top to help buffer the site. That berm and trees will need to be removed to make way for the pole barn. Other than the Evergreens that were planted by the owner, no other trees will be disturbed as part of the application.

Three new lights are proposed in the parking area. The lighting will be in accordance with the ordinance for the five parking spaces. The rest of the lighting for the site will remain as is. Two portable 500 gallon diesel fuel above-ground storage tanks are proposed. The tanks would be installed according to EPA and DEP requirements, and state and local Code. The tanks are double-walled and will have bollards installed around them. There is an electrical outlet in close proximity with a quick disconnect, and nearby fire extinguisher. The applicant will comply as is necessary, and will comply with the Environmental Commission suggestion to have a spill prevention containment plan / counter measures control, be put in place.

The bulk variance is for the setback along the easterly property line. Mr. Ford said they are requesting that the applicant not be required to place that area in a conservation easement since it buffers to the Railroad. Design waivers are requested for lighting, so that the remainder of the lighting can remain as is; proposed access area to the parking aisle is 25 ft. where 30 ft. is required; and additional 9' x 18' parking spaces, where 10' x 20' spaces are required.

In response to Mr. Stahl's question, Mr. Ford agreed that from a planning perspective, there are no negative impact with the granting of the variance, as requested.

Mr. Stahl said they are requesting a waiver from the requirement to place the buffer in a conservation easement area so as not to have to expend the money for engineering and legal, since this is not a residential area.

Mr. Maski mentioned there is another variance required for parking in the front yard.

Mr. Ford said parking in the front yard is not permitted in the LI Zone. He said while they are beyond the required front yard setback, because of the location of the existing building being centered on the property, the existing conditions warrant the parking to be in that location, which is considered to be in the front yard. The elevation is such to accommodate the ADA parking in the front as well.

Mr. Stahl asked Mr. Ford to address the comments in the professionals' reports.

Mr. Yuro asked Mr. Ford if he had any questions or concerns about his comments.

Mr. Ford said none at all.

Mr. Yuro asked if the fuel tanks are placed on a concrete pad or on stone.

Mr. Ford said the tanks are on stone, and would remain that way, unless the Building Code or SPCC measures require otherwise.

Acting Chairman Julian said the SPCC regulation is about having enough containment so that if you have a leak, you can contain the leak. The law requires if you have above 55 gallons that you have enough containment.

Mr. Ford said they will comply with the requirement. He said these are the same type of tanks that are taken to construction sites. In this case, while they are "temporary" and can be moved, these tanks will stay in place to help with efficiency of use, and will cut down on truck traffic.

Acting Chairman Julian said the applicant is the one required to comply with the law. The law is that if there is a leak,

PLANNING BOARD MEETING MINUTES  
March 28, 2019

there has to be enough containment within the tank, or the outer portion of, to contain the leak. The description of the tank does not matter; you need to comply regardless.

Mr. Ford agreed.

Mr. Stahl asked if the governing agency on the matter would be NJDEP and the local fire protection agency.

Mr. Ford said they will work with the local Fire Official.

Mr. Stahl said they will comply, no question.

Mr. Maski asked Mr. Ford to address the remaining waiver and variance identified.

Mr. Ford said they will comply with the ordinance for the lighting within the five parking spaces, and will address the discrepancy on the plan. The lighting poles will not be above 15 feet high, so no variance or waiver will be required.

Mr. Maski asked Mr. Ford to elaborate more on the landscaping.

Mr. Ford said they will be placing ten Evergreen trees around the parking area, and utilizing the building as a screen to the outdoor storage area. There are three Evergreens currently at the end of the parking area that would screen the end of the parking area from the pole barn. He suggested they relocate those trees to one or both sides of the pole barn to fill in the gaps.

Mr. Maski asked if the applicant would be able to fill in the screening in front of the pole barn to the satisfaction of the Board Engineer.

Mr. Ford said there was no objection.

Mr. Ford said they appeared before the Environmental Commission (EC) three days earlier. He said they already addressed the comment about the fuel tanks. The EC was also interested in the wetland areas, which are shown in dark green on the exhibit. The proposed improvements are not near those areas. Mr. Ford said they had a wetland professional visit the site, review those areas again, and make a determination as to whether those wetland areas do not appear to be any different than they were when delineated previously, and to confirm that none of the construction or on-site disturbance is in any regulated area, such as a wetland or wetland buffer.

Mr. Ford said since the meeting, the applicant's professional wetland consultant, Kyle Paterson, of P&W Land Consultants, was able to make that visit, and his report was provided.

Acting Chairman Julian clarified that there is currently no LOI for this property; the LOI expired. The Commission discussed this at the Environmental Commission meeting. It is up to the applicant whether or not they are going to get an updated LOI, but in lieu of that, their professional went out and reviewed the property. If DEP were to make a determination that something has changed since the last LOI, which is over 10 years ago; compliance would be on the applicant.

Mr. Stahl agreed.

Mr. Ford said none of the areas to be disturbed are in their natural state. They are existing lawn areas and gravel areas. The final comment from the EC was for a Phase I report. He said they have not been able to locate a Phase I report, but have done one better by providing the Board with a copy of a letter from NJDEP indicating "no further action". That means whatever environmental issues were previously identified for the previous owner, which operated a propane filling site, that there is no further action and that all of the environmental issues have been addressed.

Acting Chairman Julian reiterated the Commission discussed this at its meeting. A Phase I was done for the previous owner, Aetna Gas Products, for which the no further action letter was issued in 1999. Acting Chairman Julian said the issue had been clarified.

Mr. Stahl said that concludes the application.

Acting Chairman Julian said there was a letter issued by the Somerset County Planning Board (SCPB) that said, "*Since the outfall pipe from the outlet structure discharges toward wetlands and ultimately to the railroad, it is requested that the Township handle the review of the stormwater management.*" He asked Mr. Yuro to comment.

Mr. Yuro said the applicant is providing the necessary retention by way of the drywell and porous pavement, which will handle any increase in impervious coverage.

Acting Chairman Julian informed the Board that the Environmental Commission included its checklist as part of the

PLANNING BOARD MEETING MINUTES  
March 28, 2019

report, so that it is on the record.

Mr. Deb asked the location of the diesel tank.

Mr. Ford showed it as being at the northeast corner of the existing building. He also pointed out the location of the parking aisle.

Mayor DelCore asked for confirmation that the pole barn will be used for storage of vehicles and equipment, not any hazardous materials.

Mr. Ford said that was correct.

Committeeman Lipani asked if there will be a manual provided for the porous pavement and drywell.

Mr. Ford confirmed there was, and that it would be prepared to the satisfaction of the Board Engineer.

Open to the public.

No questions. Close public.

Mr. George advised the Board it could entertain approval, subject to the conditions which had been agreed to, and that the applicant accepts all of the conditions as set forth in the professionals and Environmental Commission reports, and the letter regarding wetlands.

Mr. Stahl asked if the Board requires a conservation easement, or will waive that.

Acting Chairman Julian asked if it was just a matter of signage for a conservation area.

Mr. Maski said the conservation easement, as referred to in testimony, is a legal document with accompanying metes and bounds establishing it, as well as placement of a sign identifying the conservation area. Mr. Maski explained the waiver is part of the variance for the buffer. The buffer is deficient; roughly 13 ft. at one point, vs. the required 20 ft. minimum. They are requesting that it not have a conservation easement. The Board could grant the variance without the waiver, or grant both.

Acting Chairman Julian asked for comments.

Mr. Yuro said since the site is fenced and backs up to the railroad, it is not necessary.

Board members agreed.

Mr. George commented that the applicant, through the testimony, did place the conditions for that variance on the record. He informed the Board that a motion to approve would be modified to add in the waiver or the conservation easement requirement, and a granting of the variance for the deficient buffer from 20 feet to 13.3 feet, as proposed and as shown on Exhibit A-2.

A motion to approve was made by Committeeman Lipani, seconded by Mr. Skobo.

**Roll Call:** Mr. Weinstein – yes; Mr. Skobo – yes; Mr. Wagner – yes; Secretary Hesthag – yes; Mr. Deb – yes; Committeeman Lipani – yes; Mayor DelCore – yes; Acting Chairman Julian – yes. Motion carries.

**ADJOURNMENT**

Mr. Maski reminded the Board the next meeting will be April 4, with a large application scheduled.

A motion to adjourn was made by Mr. Skobo, seconded by Secretary Hesthag. All were in favor.

The meeting was adjourned at 8:58 p.m.

*Submitted by:  
Debora Padgett  
Planning Board Clerk*

**APPROVED:  
04-11-19**