

HILLSBOROUGH TOWNSHIP PLANNING BOARD
PUBLIC MEETING MINUTES
January 10, 2013

Chairman Sireci called the Planning Board meeting of January 10, 2013 to order at 7:30 p.m. All stood for the Pledge of Allegiance. The meeting took place in the courtroom of the Municipal Complex.

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

ROLL CALL

Mayor Frank DelCore - Present
Michael Merdinger - Present
Committeewoman Gloria McCauley - Present
Steve Cohen, Vice Chairman - Present
Tod Mershon, *Secretary* - Present
Neil Julian - Present

Sam Conard - Present
Steven Sireci, Jr., Chairman - Present
Robert Wagner, Jr. - Present
Daniel Marulli (Alt. #1) - Present
Robert Peason (Alt. #2) - Present

Also present: Robert Ringelheim, P.P., A.I.C.P., Township Planner; Eric Bernstein, Esq., Board Attorney (Eric M. Bernstein & Associates); Wendy Wiebalk, Esq., Board Attorney (Eric M. Bernstein & Associates); William H.R. White, III, P.E., P.P., C.M.E., Board Engineer (Maser Consulting, P.A.); Lucille Grozinski, C.C.R. and Caz Bielen, Premier Media, LLC, Videographer.

ACCEPTANCE OF MINUTES

None

ACCEPTANCE OF RESOLUTIONS

Hearthstone / Ryan Homes - 06-PB-03-SRMJF

A motion to approve was made by Mr. Conard, seconded by Mr. Mershon.

Roll Call: Mr. Conard - yes; Mr. Julian - yes; Mr. Mershon - yes; Mr. Peason - yes; Vice Chairman Cohen - yes; Committeewoman McCauley - yes; Mayor DelCore - yes; Chairman Sireci - yes. Motion carries.

McNally/Ramadan- 12-PB-06-MRV

A motion to approve as amended was made by Committeewoman McCauley, seconded by Vice Chairman Cohen.

Roll Call: Mr. Julian - yes; Mr. Mershon - yes; Mr. Conard - yes; Dr. Marulli - yes; Mr. Peason - yes; Vice Chairman Cohen - yes; Committeewoman McCauley - yes; Chairman Sireci - yes. Motion carries.

Somerset County/Markowitz - 12-PB-08-MRVRevised

Mr. Bernstein said the Board adopted the Resolution for this application in December. We were lead to believe that the County Counsel had no problems with the draft. County Counsel came back the next day with a handful of technical minor correction which are now represented.

A motion to approve was made by Mr. Cohen, seconded by Mr. Mershon.

Roll Call: Mr. Mershon - yes; Mr. Conard - yes; Dr. Marulli - yes; Vice Chairman Cohen - yes; Committeewoman McCauley - yes; Mayor DelCore - yes; Chairman Sireci - yes. Motion carries.

Harding Corona - 12-PB-05-SR

Mr. Bernstein reviewed, subsequent to their last appearance in early December, the applicant's attorney provided a letter to the Planner withdrawing the application. There are some issues with the escrow. The Resolution calls to allow the withdrawal *with* prejudice subject to the payment of all outstanding escrow monies. The Board reserves all rights given to it under the law to seek payment in the amount still due and owing.

Mayor DelCore asked if the withdrawal is subject to the payment, does that mean the application remains active until such time.

Mr. Bernstein said no, it remains withdrawn with prejudice. I wanted to have the additional language in the Resolution to make sure we were not waiving our rights to get paid because they withdrew the application with prejudice.

Chairman Sireci said the vote is to confirm in our point of view that the application has been withdrawn with prejudice and we still have the right to collect the monies owned.

A motion to approve was made by Mr. Mershon, seconded by Mr. Conard.

Roll Call: Mr. Wagner - yes; Mr. Julian - yes; Mr. Mershon - yes; Mr. Conard - yes; Mr. Merdinger - yes; Vice Chairman Cohen - yes; Committeewoman McCauley - yes; Mayor DelCore - yes; Chairman Sireci - yes. Motion carries.

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PLANNING BOARD BUSINESS

Professional Contract Resolutions

Board Attorney – Eric M. Bernstein & Associates

A motion to approve was made by Mr. Conard, seconded by Mr. Mershon.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeewoman McCauley – yes; Mayor DelCore – yes; Chairman Sireci – yes. Motion carries.

Board Engineer – William H.R. White, III, P.E., C.M.E. of Maser Consulting, P.A.

A motion to approve was made by Mr. Mershon, seconded by Committeewoman McCauley.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeewoman McCauley – yes; Mayor DelCore – yes; Chairman Sireci – yes. Motion carries.

**Board Alternate Engineer(s) – Carroll Engineering
CME Associates**

A motion to approve the Resolution Contracts for Carroll Engineering and for CME Associates, was made by Mr. Mershon, seconded by Mr. Conard.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeewoman McCauley – yes; Mayor DelCore – yes; Chairman Sireci – yes. Motion carries.

Board Court Reporter – Lucille Grozinski, C.C.R.

A motion to approve was made by Mr. Mershon, seconded by Committeewoman McCauley.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeewoman McCauley – yes; Mayor DelCore – yes; Chairman Sireci – yes. Motion carries.

Board Videographer – Caz Bielen, Premier Media, LLC

A motion to approve was made by Mr. Mershon, seconded by Committeewoman McCauley.

Roll Call: Mr. Wagner – yes; Mr. Julian – yes; Mr. Mershon – yes; Mr. Conard – yes; Mr. Merdinger – yes; Vice Chairman Cohen – yes; Committeewoman McCauley – yes; Mayor DelCore – yes; Chairman Sireci – yes. Motion carries.

SPECIAL COMMITTEE REPORTS

None

BUSINESS FROM THE FLOOR

None

CONSIDERATION OF ORDINANCES

None

PUBLIC HEARING – SUBDIVISION/SITE PLAN APPLICATIONS

GSA Belle Mead Interim Remediation (HP) – File #12-PB-10-SR – Block 175, Lot 39.02 and Block 177, Lot 23.02 – Mountain View Road. Applicant seeking Preliminary and Final Major Site Plan Approval for proposed interim remediation activities to include a 6” stone cap of the burn pit” area to address potential direct contact with the contaminated area as well as address potential migration concerns prior to preparation of a future final remedial action work plan; 6 clean stone check dams are proposed in 3 drainage features accepting runoff from the burn pit area prior to discharging directly into Royce Brook. Also proposed is a 16-ft. wide temporary dirt/clean crushed stone access road from Mountain View Road in the ED District. (EC Review: 11-26-12).

Adjourned from December 13, 2012 with re-notice.

Board Attorney, Wendy Wiebalk noted it is my understanding that the 6 stone dams have been removed and that the 16 ft. wide temporary road has been widened to 24 ft.

John Wyciskala, Esq. of Inglesino, Pearlman, Wyciskala & Taylor, LLC appeared on behalf of the United States General Services Administration. The General Services Administration (GSA) is the asset and property manager for the Federal Government. They manage federally owned properties as well as handling issues such as this after the Federal Government vacates those properties. This is an application for site plan approval as indicated.

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The GSA Depot served as a military Depot during World War II and for a period of time thereafter. The Federal Government shut down that facility and ultimately sold the subject property. There are environmental issues associated. The Federal Government while selling the property, still retains the responsibility for remediation. That is why we are here this evening. We will get into further detail but primarily this site plan application is for the construction of a temporary haul road to have access into the site. The burn pit has been determined by the DEP in consultation with the Government's own environmental consultants to be one of the "hot spots" on the site and requires more immediate contention on the site. DEP determined there is a potential risk for human contact and off limits to someone trespassing in that area. We are looking to cap that area. There are also other remedial issues that will be discussed.

Tonight you will be hearing from our engineer and environmental consultant. We also have a number of representatives from the GSA to answer any questions you may have.

Keith Cahill, P.E. of Bohler Engineering was sworn in, reviewed his credentials, was accepted by the Board and gave the following testimony in response to Mr. Wyciskala's questions:

Exhibit A-1 is an aerial display of the site. The entire property which is 297 acres, is outlined in yellow. The southeast corner is the subject area where the haul road and burn pit are located within the site. As a reference, to the south is the County portion of the former GSA site; to the north are residential properties and Amwell Road; the Ann Van Middlesworth Park is to the east along with a residential development; the southern portion is to Mountain View Road with 175 ft. of frontage. There are no improvements on the site. We are not looking to build or make any improvements other than provide a cap for a burn pit which is approximately 1 acre or 200 ft. square. The burned out unvegetated area is the area to be capped.

A burn pit is an area on site that essentially was used for burning different items, who knows what. Some areas look to be broken asphalt and debris, like a tar material. **Exhibit A-2** is the Overall Site Plan Exhibit (sheet 1) which is an enlarged plan of what is in your packets with a couple of key areas colorized. The point of interest is highlighted in green at the center of the drawing. The proposal for the capping, as being required by the NJDEP, is to put a cap on top of the burn pit which basically provides a vertical separation to anyone who walks or trespasses on the site.

The plan is to take clean stone and spread it across this site 6 in. deep and leave it. Originally we had some check dams; 2 ditches that take the drainage off the site and come across the burn pit area into 2 drainage ditches. We are seeking permission as well from the Soil Conservation District and the NJDEP. We have come up with a modification and are eliminating the check dams, using stone collars 6 in. in diameter made of filter fabric filled with stone around it. It is very similar to something you would see in a parking lot around the inlets when under construction. It prevents the fine particles from washing into the drains and out. In this case we have 3 pipes doing this. We will be installing these columns just upstream. It is a standard practice. Both agencies find this adequate and permissible for them so we expect to obtain the permits in a very short period of time.

The columns are accessible through walking paths so they will be carried and/or wheel barreled in; there is no need to do any clearing. There are existing asphalt paths on the site. We intend to reutilize them and minimize any disturbance on the site. We do need to clear a temporary haul road from Mountain View Road to access existing trails and roads on site. The road highlighted is approximately 1,950 ft. We are clearing an area 16 ft. wide to allow trucks and vehicles to access the site.

We have provided a Tree Replacement Plan. We have located the temporary haul road to minimize the disturbance, number of trees and size of the trees. The temporary haul road is to access the site to get the stone to the caps as well as the filters for the inlets. We are complying with all of the soil erosion standards and measures and will be obtaining permission. At the entrance/exit at Mountain View Road we will be installing a 100 ft. soil tracking pad in accordance with the standards. We will also have a soil wash to prevent any soil to be tracked off site. We anticipate 10 dual axle dump truck trips each day to bring stone to the site over the course of 4 days. It is a minimal impact of trucks coming off-site. We are not paving the haul road or putting DGA down. We are simply clearing enough to get a truck in and out over the ground as is; nothing permanent.

We have identified the trees in accordance with your Tree Ordinance. We are requesting a Hardship Waiver relative to the fee for replacing the trees. We do not wish to plant on this temporary haul road because beyond the installation of the stone we have to maintain the features that are installed. There will be continued monitoring from the LSRP. They are inspected quarterly and any time rain falls over 1 in. If any silts build up or maintenance is required, we may need to replace them. We will have continued monitoring over the course of 3 years until any other further remediation is taken.

The project is for stone to be put down and spread across, there are no physical improvements and no variances requested, just the permission to have the trees removed and pay our fee for doing so.

There are no significant concerns in the Maser January 10, 2013 letter. Some minor questions to address are: typical construction hours are anticipated to be Monday through Friday 7:30 a.m. to 4:30 p.m. We do not expect any vibrations of sound or glare out of the ordinary and we will meet any State standards.

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Mr. White asked how the stone would be spread out.

Mr. Cahill replied most likely it will be a small Bobcat. He continued addressing the Maser report, the only area the trucks will be traveling is to and from the burn pit area designated as the stockpile area. The stone collars and walking trails would not need vehicle access. We have 62 trees to be removed. We are bringing 2 trucks in every 2 hours throughout the day so we do not anticipate any disturbance to the adjacent trees.

Mr. White said when you disturb the soil or compact the soil over a number of truck trips, it does affect the trees directly adjacent to the haul road. The air cannot get to the roots as well as a few other environmental problems so the trees may not survive. There may be a few more trees that fall over the course of the next few years due to these truck trips.

Mr. Cahill said we are going to minimize any grading. The trucks will be driving down the center of the road. We will not have trucks passing each other. If it is an estimate of 5 additional trees falling I would like to come to some sort of an agreement on it.

Mr. Peason asked if the clearing will be 16 ft. or 24 ft.

Mr. Cahill said at the point of entrance it gets wider but we are going to clear just the minimum amount of 16 ft. throughout.

Mr. White said my concern is not monetary but environmental. I want the Board to know there may be more trees involved due to being impacted by the truck traffic. Have you done a soil sampling on the access road for stability? You are going through a wetland and buffer area so you should be sure the trucks are not going to be getting stuck there.

Mr. Cahill said we will not be doing any testing or digging any additional holes. We are not going through a wetlands area. We are going through a buffer area that we are getting a permit for. I think it is adequate for what we view as the scope of this project. The comment about looking at getting a temporary access easement from Lot 23.01 for the existing access road the parallels the proposed temporary haul road is a great point. We did explore this and reached out to the County Engineer's office on this. The response over 2 or 3 different phone calls was that legally it was going to be a difficult thing and not going to happen. With that being said, the GSA is utilizing the only access point that fronts public property or has a right-of-way.

Ms. Wiebalk asked Mr. Cahill if he is aware that the Somerset County Improvement Authority and purchase of that property involves both Somerset County and Hillsborough Township.

Mr. Cahill said I was made aware of that by my client when I was brought on board. That is where I was directed to contact Matt Loeper from the County Engineer's office.

Ms. Wiebalk asked if any effort has been made with Hillsborough Township with regards to working with them so they can facilitate getting an easement access with the Somerset County Improvement Authority.

Mr. Cahill said we did reach out to the town filing this application back in September. Based on the conversations we had with GSA and the County, it was the County's jurisdiction to grant that access.

Ms. Wiebalk said the Somerset County Improvement Authority property that is currently being remediated and developed soon is a jointure between Hillsborough Township and Somerset County. I do not mean to be presumptuous but it appears that this Board, in working in tandem with the Township Committee, it is much more in the interest of Hillsborough Township for there to be a temporary easement as opposed to you taking down 62 trees and putting in a haul road in light of the fact that you only need the haul road for 4 days for this project.

Mr. Cahill said the bulk of the heavy trucks will be coming in during the 4-day period but in the future, if I need to replace the stone collars or things of that nature, we have a distance of about 1 mile to get from Mountain View Road back to where the collars are located. It could not be carried; it would need to be transported by vehicle.

Ms. Wiebalk asked if it is correct to say that the existing access piece on the SCIA property comes right to the property you are addressing.

Mr. Cahill agreed.

I believe the Township Planner's office in conjunction with the Township Engineer went out to evaluate that road this week. They found that this road is fully accessible from the access points to your property. Have you looked at the road yourself to make sure the existing access road would meet your requirements?

Mr. Cahill said I do not have access to the County's property.

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Ms. Wiebalk asked again have you specifically spoken with anyone in Hillsborough Township in regard to your interest in exploring an easement and whether or not you can gain the assistance of anyone from the Township.

Mr. Cahill replied, no. Today is the first day I have received any comments with regards to the Township's ability to give us rights to get onto the SCIA parcel. However, the application has been in since September.

Ms. Wiebalk asked, if in theory there was a granting of an easement by the SCIA for the GSA to do the functions you have described on that existing access road, would that be acceptable to you?

Mr. Cahill stated he has to look into it.

Ms. Wiebalk asked, knowing what you know about the existing access road and your needs, is there anything that you anticipate that would be a problem?

Mr. Cahill said from an engineering standpoint, no. But I also am not in charge of the LSRP, the remediation work or why things are being done the way they are. I am here to show you the point of access on our property and that we could not get access to the County's property prior to design.

At the request of Ms. Wiebalk, Mr. Cahill pointed out the existing access road on the display for the Board's benefit.

Mayor DelCore asked if there is record of a formal response for access or if it was all verbal.

Mr. Cahill said it was not a formal response but I was pretty much told "don't bother".

Chairman Sireci asked, by whom?

Mr. Cahill answered, Matt Loeper at the County Engineer's Office.

Chairman Sireci said he is not a decision maker for the SCIA.

Mr. Wyciskala said that is a point well taken. There is a considerable expense that the GSA and your tax dollars are putting to work. If they can save money by coming through the SCIA property, assuming that access road works, that would be terrific. To this point with efforts made, it did not seem like that was a possibility. It seemed that this was the only option to get in and cap this hot spot and continue with this remedial action.

Ms. Wiebalk noted that Mr. Kois, Assistant Planner, confirmed he did not have a conversation with anyone about the possibility of an access easement.

Mr. Wyciskala asked if we are to pursue this easement with the Township, who should we speak with?

Mr. Bernstein answered, it would be a combination of the Planning Department, the Municipal Engineer, my office, Mr. Cruz's office and whoever else can assist in this endeavor, including the Mayor's Office and the Committee. The starting point should probably be with Mr. Ringelheim and Mr. White.

Chairman Sireci noted both are present.

Mr. Cahill resumed his response to the Engineer's letter saying this is a remedial action work plan. I do not know what the future work is but there is going to be work done at a future date. The intension was to leave the existing haul road "as is". We were not planning to re-vegetate it because we are looking to do work in the future.

Mr. Bernstein asked Mr. Cahill, how do you as an engineer define the word "temporary"?

Mr. Cahill responded, for me it is the fact that it is not going to be a permanent repair. It is temporary and we need to maintain what is proposed out there.

Mr. Bernstein said so the proposal is that it is "temporary" in the sense that it is not being placed in what we find as a more permanent nature, i.e. pavement, curbing, and the normal requirements for a road and the engineering therein with stormwater management.

Chairman Sireci said that is a rather wide definition to say that "temporary" means to an indefinite future.

Mr. Cahill said we are looking at 3 years to inspect and evaluate the stone collars. Right now there is no easy access to get back there. There is no need to remove any more vegetation than on our plan. The right-of-way sits back from the travel way and provides a line of sight that would be safe. Only a small number of vehicles will be going in and out. If there was a concern, we could have traffic control there.

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We have filed for permits to the NJDEP and have spoken with the reviewer. Based on the last revision we expect to obtain permits from them. I will show compliance if there are any concerns with the Township's Stormwater Ordinance. There is no increase of impervious coverage, no improvements, no change in drainage patterns. There is disturbance but nothing that is violating the Ordinance items.

Mr. White said this is considered a major development and disturbs over an acre of land. The Stormwater Management requires that they do flow reductions, stormwater quality; some kind of stormwater management facility. This Ordinance never envisioned that someone would be going in to clean up a site and not building a parking lot or a building or something of that nature. However, this project triggers it so they have to address it. If we do not enforce compliance with this we end up jeopardizing our Stormwater Sewer Discharge Permit, unless we get someone from DEP to sign off on it.

Mr. Cahill said in speaking with the reviewers at DEP, they reviewed this as well.

Mr. White said DEP is not enforcing our Ordinance and nothing gets triggered from their side from Freshwater Wetlands. This is something at our level that we have to address. DEP is not reviewing it based on our Ordinances.

Mr. Cahill stated, as I mentioned, I will work with you to confirm with the DEP that we are not in violation.

Mr. White said if we can get someone on the State level to sign off on it to protect the town, I have no problem with that.

Mr. Cahill continued, as for comments in Mr. Ringelheim's January 4, 2013 letter, the access from Mountain View Road comes through a fenced off area with a coated lock. We can provide any emergency personnel in town with the code. The plans have been revised in accordance with the Soil Conservation District. I do not see any traffic or safety concerns due to the low volume of vehicles that will be going in and out of the site. I respectfully request that a traffic analysis would not be required. Soil Erosion has a standard to show where we would stockpile the stone and gravel. The only material coming on site is clean stone which I have identified on the plan.

We have obtained our permits from DEP for the locations of the buffering and wetlands. A surveyor will do a stakeout prior to the tree clearing.

Mr. Julian asked for clarification as to whether the permits have been submitted or obtained.

Mr. Cahill said we have received jurisdictional determinations on the wetlands so the wetlands delineation is defined and approved. The LOI as well as the FHA verification lines have been established. The permit for disturbance of the wetlands buffer is pending. We expect approval shortly. The responsibility of the permits is with the GSA.

Mr. Ringelheim said I am still concerned with the temporary nature of the haul road. As you described it for at least 3 years without restoring it back to its' original condition. I am concerned that this is not a "temporary road" in the real world where a temporary road would be reverted back to its natural condition within a specific timeframe.

Chairman Sireci asked Mr. Julian if there were any concerns from the Environmental Commission that this witness would be able to address.

Mr. Julian said much of the comments will be saved for the LSRP but when the applicant met with the Environmental Commission, we had many of the same concerns expressed here of knocking down 62 trees to conduct remediation. In terms of engineering, the EC was concerned with the access road in terms with its location next to the park. Creating access for remediation may also create access for the people in the park venturing off to an area that is now not accessible but would be accessible if the trees come down.

Mr. Cahill asked which park are you referring to.

Mr. Julian replied Ann Van Middlesworth Park.

Chairman Sireci said there is a park northeast of your site which is AVM. The access road coming from Mountain View is the future site of some park development which is not there yet. It seems that the burn pit is very close to AVM Park, closest to one of the baseball fields.

Mr. Cahill said this area would be gated and fenced off. The same type of fence is over by the existing park but there have been problems with it over time with trespassers. That is why they are looking to put this cap. I have walked this property numerous times and there have been people on that property that are not supposed to be there. People find a way to get around the fencing but I do not know what else can be done. The fence is around the entire perimeter so whatever can be done is being done.

Mr. Julian said we had heard that at the EC meeting as well. Our feeling was that a fence could be put around the burn pit as well.

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Mr. Merdinger suggested if the work is done during the summer that a water truck be made available on-site to wet down those areas to prevent dust going onto the surrounding houses. The temporary road is right behind people's houses.

Mr. Cahill said we are going to be under the jurisdiction of Soil Erosion and dust control. As I mentioned, tire wash will be available on site as well. We will take the necessary precautions.

Open to the Public

No questions

Break

Greg Michalizio, LSRP, was sworn in, gave his credentials, was accepted by the Board and gave the following testimony in response to questions asked by Mr. Wyciskala.

Chairman Sireci clarified for the audience that an "LSRP" is a Licensed Site Remediation Professional.

Mr. Michalizio said I am familiar with all aspect of what has been going on at this site. Through negotiations with the DEP starting in mid 2005, they have been concerned with this area being the source area of where this burn activity happened. Through the investigation done, identifying similar contaminants, they asked us to address this area first as a priority. That resulted in the submission of a document called a "Technical Memorandum" in 2011 which included a remedial action work plan which is presented here and approved by DEP January, 2012.

My role as the LSRP is to ultimately sign off that the work was done in accordance with the regulations. GSA is the responsible party for the remediation on site. It must comply with the regulations. As LSRP, I will continue to work with the GSA to develop a remedial action work plan and have that plan implemented for the site within the regulatory time frame required.

With regards to the engineer's report, Mr. White asks why the AOC-15 area is only being partially capped. AOC-15 is the larger incinerator area, approximately 16 acres. There are also PAH contaminants in that area. However, this specific burn pit is the suspected source of the contaminants and the one most likely to be encountered by a potential trespasser for this area. Most of the documents mentioned further in Mr. White's report have been copied to the Director of Health, Dr. Glen Belay. As previously mentioned, the cap is planned to be there for at least 3 years. The regulatory requirement for remediation is that it needs to be done by May 20, 2018 so that is about as far as this is going to go.

Mayor DelCore asked does that mean the temporary cap will be out by then or you can only speak to then.

Mr. Michalizio said it depends what the final remediation will be. I do not know what that will be yet but it is possible that these temporary measures will be integrated into a final measure. I just do not know the answer to that right now.

Mr. Merdinger asked if the stone cap will actually control the source and reduce the leache coming from there.

Mr. Michalizio said there is no leache that we know of. There are PAHs bound up in the soil. There is no ground water impact. We have addressed the impacted groundwater pathway. The pathways for exposure that we identified were direct contact. The stone would reduce the flow of sheet flow across the area and prevent sediment from leaving that burn pit area.

Mr. Merdinger said but if it is soluble in the water, it is not going to be sediment at that point. Lead is soluble at a low PH and a high PH; there is lead arson and PAHs.

Mr. Michalizio said this is addressing the PAHs. There is no evidence that there is any leache coming off of this area.

Mr. Merdinger said there is evidence in the drainage ditches that got hits all the way around.

Mr. Michalizio said that is the sediment transport.

Mr. Merdinger disagreed. He said if it is soluble it gets transported and then can get laid down again because lead has an affinity for organic material.

Mr. Michalizio said there is no lead in this area.

Mr. Merdinger replied your report notes lead hits in it.

Chairman Sireci asked Mr. Michalizio to explain for the audience what PAHs are.

Mr. Michalizio explained, PAHs are Polycyclic Aromatic Hydrocarbons regulated by the DEP.

Chairman Sireci said they are potential carcinogens and hydrocarbons so they are not particularly soluble.

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Mr. Michalizio said that is correct. The main concern is that these particles will be suspended in water and transported.

Mr. Merdinger said in Section 5, Figure 14 of your *Interim Remedial Work Plan*, you have hits for the drainage ditch and the presence of lead. Your drainage is going into residential areas. You have arsenic, zinc, lead, and metal going towards those houses.

Mr. Michalizio said these are the sediment results compared to the direct contact criteria. You are correct, there are some lead results.

Mr. Merdinger said so that means it is traveling in some way; in leache, or soluble or in train, traveling down the drainage.

Mr. Michalizio said there is evidence that they are traveling in one way or another. We believe the burn pit is the source for the PAHs. I do not believe there was significant lead or arsenic in the burn pit.

Mr. Merdinger said usually with burn pits, especially with Government facilities, you usually are not left with much of the PAHs but with the metals. Putting stone over that really does not stop or control the leache when it rains heavy.

Mr. Michalizio said the stone is primarily to prevent direct contact, secondarily to reduce the potential of sheet flow across that area. There is also silt fence on the downgrading edges of this area which will also prevent drainage.

Mr. Merdinger asked if the silt fence will do anything for the metals.

Mr. Michalizio replied, if in the sediment, yes; if dissolved they will go across.

Mr. Merdinger said the silt fence is so porous compared to the size of the particles and metals that it does not do much.

Mr. Michalizio agreed.

Continuing with the comments in the engineering report Mr. Michalizio said as mentioned previously, there will be a construction decontamination pad/tracking pad to remove soil. As the LSRP I will make sure that dust is not generated during these activities. Mr. Cahill can provide the stormwater calculations. The GSA is responsible for inspections and maintenance. As mentioned, we will be developing a site wide remediation over the next several years; there is not one right now. I have been advised that the NJPDES is not applicable in this instance. My responsibility as the LSRP is to make sure that the IRM is implemented in accordance with regulations and that a report is submitted to the DEP.

Mr. White referenced Item #8 of his report and asked, what about the sediment in the swales already.

Mr. Michalizio said the material that remains will be addressed in the final remedial action.

Mr. White asked when did you start service on this project?

Mr. Michalizio said I have been working on the project since 2006. I became the LSRP in May of 2012 when the regulation came into effect.

Mr. White asked what kind of levels are there at the source as opposed to 50 ft. away from it?

Mr. Michalizio replied the PAHs are over 10 times the regulatory criteria within the burn pit and around.

Mr. White asked, so why are you only capping the burn pit then?

Mr. Michalizio said in discussion with the DEP, the burn pit had the most likelihood for direct contact because of the nature of lack of vegetation; the relatively large open area that can be accessed; and that the area is not below soil as it is in other areas of the site.

Mr. Julian asked for review of the process.

Mr. Michalizio said NEPA was done directly by GSA for the specific interremedial plan. NEPA had not been done prior to the sale of the property in the 80's.

Chairman Sireci asked Mr. Julian to explain what NEPA is.

Mr. Julian, who is the Environmental Commission representative on the Board explained, the National Environmental Protection Act is a Federal Law that the Government is bound by their regulations and remediation process for their contamination. It is a similar process to what the LSRP is going through now except they have to come to some type of assessment or finding and create some type of mitigation to what the remediation will become. They either have to

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determine a FONSI, a "Finding of No Significant Impact" or they have to mitigate the process. I want to go back and make sure the NEPA was done.

Mr. White said I have no documentation on that.

Chairman Sireci asked Mr. Merdinger what documents the Township has on this site.

Mr. Merdinger said the original reports Dr. Belnay has. Bill White has the one that shows the whole site. But as far as the NEPA, you would have to talk to the GSA people.

Mr. Michalizio said I would like to reiterate that the NEPA applies only to that action. I do not have the specific finding for it.

Mr. Julian expressed his interest in the report. How does the remedial action relate to the technical memo from DEP?

Mr. Michalizio said the technical memo is written by ACOM to the DEP. We agreed to several things, one of which was this action at the burn pit and to put in some sediment controls.

Mr. Julian reiterated the opinion of the Environmental Commission is to go through the existing access and not knock down 62 trees to create a temporary access. That was a major concern for the Environmental Commission.

Chairman Sireci asked when the burn pit was in active use.

Mr. Michalizio replied during the active period of the facility which was the 1940's to early 1980's.

Ms. Wiebalk said I will give a quick overview. The property was privately owned. It was farmland, then seized by the Government in 1942. It was used as a Depot and also used for Italian Prisoners of War and a stockpile for various materials. It was used as a Depot until 1958 until which point the Depot aspect of it stopped but the Government continued to use it largely to stockpile materials; much of them contaminants. The Government sold parts of both parcels of land over the course of time but the GSA continued to use the FDIA piece into the early 2000's. The GSA part we are talking about now was sold in 1988, never developed and sold back to the GSA for the same amount of money because apparently there was some misunderstanding on who was going to clean up the property. During that time when it was privately owned, nothing ever became of it and it was sold back. It then traveled through a variety of private hands until today. The real active use of the property was from about 1942 to 1958 and then it really was a storage facility/stockpile from 1958 until 1988 on this piece of property and up to the early 2000's on the FCIA piece.

Mr. Julian said I assume the burn pit was used for burning ammunition.

Mr. Wyciskala said there were no munitions there. It was materials; things for servicing of vehicles. I am told definitely that it was not munitions, for whatever it is worth.

Ms. Wiebalk said the diagram on the left, Exhibit A-1, shows the white concrete pads that were largely used as a Depot. Trucks came in then on-loaded and off-loaded materials. Those concrete pads, as I understand it are still there. There are still some buildings and other facilities on the property that were used. Perhaps not munitions but a great deal of contaminants were on the property.

Chairman Sireci said the point being that contaminants were burned in this pit probably from 1942 to 1957 and now more than 55 years later we are here to talk about cutting 2/5 of a mile of road through trees for 3 days to put 6 inches of stone on something that has been leaching and blowing in the wind for 55 years.

Mr. Julian said I want to be sure of the remedial action the Government was responsible for under their Act. I want it to be consistent with whatever they were supposed to do and what they are proposing right now. Somebody should have some of those records that we can see.

Mr. Wyciskala said irrespective, I am not sure that it is the Board's jurisdiction in terms of deciding how this site should be remediated; it is obviously a DEP jurisdictional matter. We understand that it has been this way for some time but they have to get going on it. They have been working on it for some time and Mr. Michalizio has been involved with it for some time. This is the first step that the DEP insists occur to avoid exposure and the potential for exposure.

Chairman Sireci said avoiding the potential for exposure may be 55 years late.

Mr. Bernstein asked, has the DEP indicated how they want access?

Mr. Michalizio said no. The conceptual plan did not include any access road. We had hoped to come through the County property.

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Mr. Bernstein said you are coming to this Board because you have no direction as to how access should be granted.

Mr. Wyciskala said we are coming in from the only spot we believe works, short of getting that alternative access. Mr. Wagner said you said the area in question is approximately 1 acre and surrounding that acre are 15 additional acres. What is the plan for those additional acres or is it just concern for this 1 acre?

Mr. Michalizio said the other acres are indeed a concern. The current concern on this Interim Remedial Action Plan is to prevent the direct contact with the materials in the burn pit because we believe it is the area people can get access to very easily and prevent migration of these contaminants. The hope was to remediate the entire site using this 16 acre incinerator area as a consolidation area, to bring material to this area and cap the entire area. To prevent direct contact right now is the importance. Then we would move forward with the whole site to remedial action.

Mr. Wagner said why not do all of it? It is fenced off but still there are people walking back there. I would think the GSA has a responsibility to secure it. I understand what you are trying to do but I think it is a half baked idea. If you are saying that 15 acres are contaminated but we are only going to work on this 1 acre because it is a "hot spot", then I think you need to go back and work with them to do the whole thing and get it right the first time.

Mr. Wyciskala said what our LSRP said is that there is an ongoing investigation that is going to develop the entire remedial action work plan for which the deadline date is in 2018. The immediate goal is to cap this site. Our LSRP is going to continue working through the remedial investigation as well as implementing the remedial action, be it additional capping or institutional controls. It is not all delineated; the final action work plan has not been designed or finalized.

Mr. Bernstein said you have an application here tonight for an access road for an interim remediation for a very limited issue. Does the GSA intend to come back every time they seek to go on this property for future remediation or are we here for the creation of a road for a long term remediation?

Mr. Michalizio said if the road is there and I need to get access to complete our investigation and do our remediation, I would like access to that road.

Mr. Bernstein said I am not talking about the burn pit. I am talking about the additional acres around it. Is the intent for the interim remediation and road really a subterfuge to get the road in for the future remediation without needing Board approval down the road?

Mr. Michalizio said no, it is only to get access to this remediation.

Mr. Bernstein said so why is this road being requested for what is now a "temporary 3 to 5 year period"?

Mr. Michalizio responded, so we can continue monitoring the area.

Mr. Bernstein asked once the road is in, once the stone is placed, what vehicles do you intend to use to inspect this area?

Mr. Michalizio answered with a pick-up truck.

Mr. Bernstein said so then why are you asking for a 16 ft. temporary stone road for 3 to 5 years?

Mr. Michalizio said it is not stone, it is a pathway. The stone collars will need to be replaced over time and maintained. I need an 8 ft. path to get a pick-up truck in. We made it 16 ft. in the event that 2 trucks would pass each other. If you want it to be 8 ft. we can do that; we need a path. The intension is to have access for a vehicle.

Committeewoman McCauley said speaking for myself, since we already have a paper access road, I would like to reserve the right to see what the Planner, Engineer and County can do to grant that.

Mr. Merdinger said there are 12 Areas of Concern (AOC) on the property; this is only one of them. When we talk about possible remediation and AOC, it does not mean it is contaminated, it just means that there is a concern there.

Dr. Marulli asked if the cap material will be considered "hazardous" once it is in place.

Mr. Michalizio said no, it will be clean and will stay clean.

Dr. Marulli said so then it would not have to be part of the final remediation as far as moving the material to the incinerator area and eventually being capped, if that is the plan. You are saying it is not adding to the final hazardous material?

Mr. Michalizio said that is right.

Ms. Wiebalk pointed out Mr. White disagreed with that in his Memo.

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Dr. Marulli asked in removing the cap, how is that material now not contaminated?

Mr. Michalizio said if we were to remove that material at some later time, it would be tested to be sure.
Dr. Marulli asked in your experience, when removing these caps, has the material ever been contaminated?

Mr. Michalizio said it can be.

Dr. Marulli said then we can assume that this is adding to the final remediation.

Mr. Michalizio said it is possible.

No comments from the Public.

Mr. White asked more about the reports done for the site.

Mr. Michalizio said some of the reports you state in your report are not necessarily in existence. I do not recall a Site Investigation Report for this property.

Mr. White said the January 10, 2012 letter from DEP states all 3 of the reports just mentioned were reviewed.

Mr. Michalizio said that was within the Technical Memorandum. The reports provided satisfied the regulatory requirements for those types of reports within that document.

Mr. Merdinger stated a complete set of reports needs to be provided to the Board Engineer.

Mr. Wyciskala said the message has come through that another effort should be made to see about alternative access. The GSA has worked with the County and it seemed they were not going to allow access but if the Township can help us to gain access we are certainly willing to do it. We are no looking to engage in a 6 to 10 month process though, but are hopeful it is something we can move on in the next month or so. We are looking to carry the matter.

Chairman Sireci said you should be in contact with Mr. Ringelheim and Mr. White. I do not know that we are completely on the same page with your professionals and our two professionals, but hopefully every concern will be addressed between now and the next hearing, as well as the interactions regarding the access through the southern part of the property.

Mr. Cohen said he wants it stated on the record that the Planning Board and Township are not guaranteeing that alternate access will be granted.

Chairman Sireci said what we endeavor to do is to assist in obtaining that access through different means than the applicant has already tried. It is not a guarantee of results but a commitment to effort and to try to obtain that result.

Mr. Ringelheim recommended a March carry date and the need for an extension.

Mr. Wyciskala agreed to an extension through the end of March.

A motion and second to carry the GSA application to March 7th without further notice was made. All were in favor; none were opposed. Motion carries.

CORRESPONDENCE

Planning Board 2012 Annual Report
Board of Adjustment 2012 Annual Report

Chairman Sireci acknowledged the correspondence provided for the members to review.

Mr. Ringelheim stated there is nothing scheduled to the agenda of January 24th.

A motion and second to cancel the January 24th meeting was made. All were in favor; none were opposed. Motion carries.

ADJOURNMENT

The meeting adjourned at 9:47 p.m.

Submitted by:
Debora Padgett
Planning Board/Board of Adjustment Clerk