

**Minutes Open Session
Allamuchy Land Use Board – March 22, 2018**

The Allamuchy Township Land Use Board held a regular meeting on Thursday, March 22, 2018 at the Municipal Building. The meeting was called to order at 7:33 p.m., by Board Attorney Roger Thomas and he led the Board in the Pledge of Allegiance.

STATEMENT: Board Secretary Schemm announced that adequate notice for this meeting has been provided in accordance with the “Open Public Meetings Act.”

SWEARING IN: Board Attorney Thomas administered the oath of office to Jeff McDonnell, James Cote, and Richard Evans.

ROLL CALL:

PRESENT: Cristianna Gibbs, Maureen Shupe, Clara Bajc, James Cote, Jeff McDonnell, and Richard Evans.

ABSENT: Elliott Koppel, Scott Churchill, David Berkenbush, Chris Metternich, Charles Zukoski, and Keith DeTombeur,

ALSO PRESENT: Board Attorney Roger Thomas, Board Engineer/Planner Paul Sterbenz, and Board Secretary Alfia Schemm

REORGANIZATION:

Board Attorney Thomas stated that the Board will need to appoint a Chairperson and a Vice-Chairperson for the remainder of 2018.

Ms. Gibbs made the motion to appoint Ms. Bajc as Chairwoman. Motion seconded by Mr. McDonnell. With there being no other nominations, the nominations were closed. In a roll call vote, all were in favor.

Ms. Gibbs made the motion to appoint Mr. McDonnell as Vice-Chairman. Motion seconded by Chairwoman Bajc. With there being no other nominations, the nominations were closed. In a roll call vote, all were in favor.

ANNOUNCEMENTS:

No announcements for this evening.

MINUTES:

The minutes of the January 25, 2018 meeting were distributed prior to the meeting. Ms. Gibbs made the motion to adopt the minutes. Motion seconded by Ms. Shupe. In a roll call vote, all were in favor, except for Mr. Cote, Mr. McDonnell, and Mr. Evans, who were not present at the January meeting and they abstained.

OPEN TO THE PUBLIC:

Chairwoman Bajc opened the meeting to the public for non-agenda items. With there being no public comment, the meeting was closed to the public.

OLD BUSINESS:

#16-001 Advanced Recovery Systems, LLC, Block 701.02, Lots 27 & 28

Chairwoman Bajc noted that the Board received a letter from Richard Schneider, Esq. asking that the application be withdrawn, without prejudice. Board Attorney Thomas reviewed the request.

#17-002 PMG NJ, LLC, Block 702, Lot 1.01

Joseph Paparo, Esq. was present on behalf of the Applicant and he provided a detailed overview of the history of the application before the Board. He stated that an additional submission was made on March 9th, 2018, which was marked as an Exhibit:

A-8 Plan Submission 3-8-18

Attorney Paparo stated that he realizes that there are 6 eligible Board Members present this evening. He stated that they will determine, as a team, whether they will proceed with a vote this evening or wait for an eligible 7th Board Member, before proceeded with a vote.

Matthew Welch acknowledged that he was still under oath and the following was submitted and marked as an Exhibit:

A-9 Colorized Rendering, Sheet C-4, dated 3-20-18

Mr. Welch went onto review Board Engineer Sterbenz's report of March 19th, along with reviewing some of the site plan changes (architectural elevations, grease trap, the closed DEP preexisting groundwater concerns, oil-water separator, air vacuum facility, lowering of the canopy, truck turn plan, bollards, traffic flow, and drains and utilities) which were discussed with the Board. The proposed canopy and convenience store design was also described and reviewed by the Board. The proposal is for low flow diesel pumps, which will not be attractive to servicing tractor trailers. The following was discussed: berm, landscaping, canopy lighting, illumination of the canopy, lighting during closed hours, and the tank locations. The Applicant stated that they will comply with all outside agency approvals. Board Engineer Sterbenz stated that Mr. Welch did a good job addressing his comments.

The hearing was opened to the public. With there being no public, the hearing was closed to the public.

Gary Kilfeather was sworn in and he stated that he is employed by PMG and he went on to describe the tank safety and filling procedures. The following was submitted and marked as an Exhibit:

A-10 UST System Information

Mr. Kilfeather reviewed the tank safety features, installation, and the testing and monitoring of the system, which was discussed with the Board. He also described the emergency shut off switches, the alarm system, battery backup and transfer switches, inspections/testing/ monitoring, and the oil-water separator. The Board discussed having the maintenance plan/agreement recorded in the County Clerk' Office and also having the inspections/maintenance reports submitted to the Municipality. Also break away hoses, spill kits, and grooved pavement to contain spillage was discussed.

With there being no public, the hearing was closed to the public.

Keenan Hughes was sworn in and he provided his qualifications as a Planner. He went on to provide an overview of the site, the zoning, the use variance , the existing nonconformities, and the improvements to the current conditions. He addressed the positive and negative criteria. He stated that the proposal is an upgrade and it will provide a modern fueling station, with convenience retail, in an appropriate and visible and accessible location within the CC Zone. He also stated that the proposal promotes a visual environment in keeping with the aesthetic character of the Panther Valley Center.

He stated that the granting of the variance would be consistent with the intent and purpose of the Master Plan. He then went on to review Board Engineer Sterbenz's March 19th report in regards to the variances.

With there being no public, the hearing was closed to the public.

Ms. Gibbs had some questions regarding increased traffic that the convenience store might generate, which Mr. Welch addressed.

The hearing was opened to the public. With there being no public comment, the hearing was closed to the public.

Attorney Paparo stated that they have concluded their testimony and he asked if there were any open issues. The Board noted that there were some open questions. Board Engineer Sterbenz stated that the Township Ordinance was drafted many years ago and it did not anticipate the pairing of gas stations and convenience stores as a joint use. He stated that so much has changed in this particular industry. He then reviewed the goals in the Township Master Plan in terms of the suitability of this proposal. The Applicant requested a brief recess to see if they can obtain the answers to the outstanding Board questions.

A brief break was taken . The Board resumed the meeting to take care of other matters.

OTHER:

Resolution - Ordinance 2018-2

Ms. Shupe made the motion to adopt the Resolution. Motion seconded by Ms. Gibbs. In a roll call vote, all were in favor, except for Mr. Evans, Mr. Cote, and Mr. McDonnell, who were not present at the January meeting, and are ineligible to vote on the matter.

Annual Report

Board Attorney Thomas reviewed the draft Annual Report. Ms. Bajc asked if the Board should consider referring applications to Warren County Mosquito Control, when appropriate. Ms. Gibbs questioned the development potential in subdivisions, which was addressed by Board Attorney Thomas.

OLD BUSINESS-continued:

#17-002 PMG NJ, LLC, Block 702, Lot 1.01

The hearing reconvened at 9:52 p.m.

Armand Keurian acknowledged that he was still under oath. He reviewed the alarm response time from the emergency call center to one of the DEP approved providers. He also addressed the safety alarm/sensor for the oil- water separator and the materials used for a spill.

Attorney Paparo then provided his summation and he asked that the Board approve their application.

Board Attorney Thomas provided a summary of the relief requested, the proposal, and the possible conditions of an approval, which was discussed and reviewed by the Board.

Ms. Gibbs made the motion to approve the D-1 variance, conditioned as outlined and discussed. Motion seconded by Ms. Shupe. In a roll call vote, all were in favor.

Ms. Gibbs made the motion to approve the D-3 variance, conditioned as outlined and discussed. Motion seconded by Ms. Shupe.

Mr. McDonnell made the motion to grant preliminary and final major site plan approval along with the c variances, conditioned as outlined and discussed. Motion seconded by Ms. Shupe. In a roll call vote, all were in favor.

OTHER:

Annual Report-continued

Board Attorney Thomas asked if the Board would like to include, in the Annual Report, the submission to the Warren County Mosquito Commission, when appropriate.

Chairwoman Bajc made the motion to adopt the Annual Report, as amended this evening. Motion seconded by Ms. Shupe. In a roll call vote, all were in favor.

ADJOURNMENT:

In a motion made and seconded the meeting adjourned at 10:23 p.m.

Respectfully Submitted:

Alfia Schemm
Board Secretary
4/26/18