

**BOROUGH OF SOUTH PLAINFIELD
PLANNING BOARD MINUTES
January 24, 2017**

Roll Call:

Present:

Mayor Matthew Anesh
Council President Derryck White
Stephanie Bartfalvi; Alt. 2
Brian Bythell; Alt. 1
Paul Grzenda,
Rich Houghton
John Mocharski
Jack Pedersen, Vice Chairman
Bob Ackerman; Chairman

Absent:

Michael Pellegrino
Peter Smith

Also Present: Alex Fisher, Esq.; Bob Bucco, PE, CME, CPWM; Stan Slachetka, PP, AICP

Chairman Ackerman opened the meeting at 7:00 pm saying that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer and The Courier News and providing the same to the Borough Clerk.

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

Minutes: (2)

December 13, 2016 Meeting.

Vice Chairman Pederson made motion, seconded by Miss Bartfalvi to accept the above stated Meeting Minutes. Those in Favor: Mayor Anesh; Councilman White; Miss Bartfalvi; Mr. Grzenda; Mr. Houghton; Vice Chairman Pederson and Chairman Ackerman. Those Oppose: None.

January 3, 2017 Reorganization Meeting.

John Mocharski made motion, seconded by Vice Chairman Pederson to accept the above stated Meeting Minutes. Those in Favor: Mayor Anesh; Councilman White; Miss Bartfalvi; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Vice Chairman Pederson and Chairman Ackerman. Those Oppose: None.

Resolutions: (1)

- A. Case #775 - JSM at Tingley, LLC**
Block 517; Lot 1; SC-2 Zone
200 South Avenue

Vice Chairman Pederson made motion, seconded by Miss Bartfalvi to accept the above stated Resolution. Those in Favor: Mayor Anesh; Councilman White; Miss Bartfalvi; Mr. Grzenda; Vice Chairman Pederson and Chairman Ackerman. Those Oppose: Mr. Houghton.

Current Files: None

Informal Hearings: None

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Public Hearings: (1 Residential / 1 Commercial)

A. Case #16-2 - Angelo P. De Andrea

Block 147; Lot 14; R-7.5 Zone
1562 Dumont Avenue

The applicant is requesting a minor subdivision.

John Sullivan - Vastola & Sullivan, 495 Union Avenue, Suite 2D, Middlesex, NJ 08846 – attorney for applicant addresses the Board. Mr. De Andrea is the owner of the property located at 1562 Dumont Avenue. Property has an existing area of twenty-four thousand (24,000) square feet with a dimension of 120 X 200 located in the R-7.5 zone. Currently, the property is improved with a single-family home on the south side with a shed and garage on the north side. The driveway is in the center of the property. The applicant would like to subdivide the property into two (2) equal lots – area of twelve thousand (12,000) square feet with a width of sixty feet (60'). The existing dwelling will remain on the proposed lot 14.01 which is the lot to the south. The remaining proposed lot 14.02 to the north. The applicant is asking that the existing garage and shed on that lot be permitted to continue until a building permit is issued and the lot developed. There are several bulk variances being requested... An existing side yard setback – required eight feet (8'); existing seven feet (7'); lot width – proposing sixty feet (60'); required seventy feet (70') per lot. Both lots will meet area coverage. Eventually, when the garage is removed, it will eliminate an existing non-conforming side yard setback which is currently three-foot (3'). Witnesses are Angelo De Andrea and Lee Titus the Engineer and Planner. The only plans that were submitted is the subdivision plan prepared by Titus Surveying & Engineering, PC dated August 17, 2016 consisting of four (4) sheets.

Angelo P. De Andrea – 1562 Dumont Avenue, South Plainfield, New Jersey – is sworn in. Mr. Sullivan questions Mr. De Andrea;

- Owner of 1562 Dumont Avenue.
- Existing house with three (3) bedrooms. The section to be subdivided has a two (2) car garage with a shed behind it.
- Would like to keep the property the way it is until he decides to sell it. The only reason he would sell it is because he is on a set income and years later my need the money.
- Wants to stay in town.
- Purchased the home in 1961.
- Currently lives at subject location and will continue to do so.
- No immediate plans to sell the proposed subdivided lot.
- Would like to keep the garage shed and driveway on the proposed lot until he either sells or develops it.

Using the T&M Associates Planner's review letter dated January 16, 2017, Mr. Sullivan continues to question Mr. De Andrea:

- Subsection D – Planning Comments
 - Item 2 – will remove the timber tie curbing upon reconstruction.
 - Item 3 – vinyl shed will be removed upon reconstruction.
 - Item 4 – no changes to the chain link fence. Will remain the same.
 - Item 5 – three (3) bedrooms in existing home.
 - Item 6 – if a home is constructed on the subdivided lot, approximate size would be three (3) or four (4) bedrooms. Similar to the rest of the neighborhood.

Chairman Ackerman commented that he had visited the location. If this is granted for the new lot the garage will have to be removed or deed restricted that the garage cannot be converted into a residence which was done illegally next door.

Mr. Grzenda asks Mr. De Andrea who lives in the house? Mr. De Andrea state his son and himself. His son is not there all the time.

Mr. Fisher requests a clarification as to T&M Associates Planner' review letter with regard to Subsection D, Item 4 – chain link fence. Mr. De Andrea states he is not proposing any changes to the chain link fence.

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Mr. Fisher asks to explain why he would like to leave the garage on a separate lot. Mr. De Andrea states he parks his car in the garage. During the summer, he spends time working on his lawnmower in the garage. He has his tools stored in the garage.

Mr. Slachetka asks Mr. De Andrea since he would like to use the proposed subdivision lots as he does today, why would he want to subdivide it at this time. Mr. De Andrea states that the length of time it takes to get the subdivision variance. If he gets sick, he can put the lot up for sale right away.

Mr. Grzenda states that if you don't get sick the subdivision would be useless. Mr. De Andrea responds that it is useful to him because he lives on a fixed income and everything is going up.

Mayor Anesh asks why not subdivide and sell it. This way if something did happen, you would already have the money. A new garage can be built on the existing property. The market is better than it has been for a number of years. Why would you risk the market turning and unable to sell? Mr. De Andrea responds that he has lived there all his life. He has his garden there. With that gone, what would he do with his time.

Mr. Slachetka and Mr. Fisher discuss the potential re-merging of lots under Loechner. Mr. Sullivan confirms that the subdivision would be done by deed. Therefore, the lots will not re-merge under Loechner.

Mr. De Andrea states if he has to remove the garage, he will put the lot up for sale.

Mayor Anesh questions Mr. Slachetka if lot 13 and the other adjacent lots to the right are conforming. Mr. Slachetka confirms with Mr. Sullivan that there will be testimony regarding the lot widths in the neighborhood for the variance. Mr. Slachetka continues.... He has not measured them; however, they look small.

With no further questions for Mr. De Andrea, Mr. Sullivan calls upon Mr. Titus.

W. Leland Titus, PE – Titus Surveying & Engineering, PC, 618 Somerset Street, North Plainfield, New Jersey – is sworn in. Mr. Titus has been previously before this Board approximately eighteen (18) months prior. He is accepted as a Professional Engineer and Planner. Mr. Sullivan ask Mr. Titus to describe the site:

- Using Exhibit A-1 - Sheet 2 of 4 from the plans - enlarged.
 - Property west of Dumont Avenue.
 - Existing home on proposed lot 14.01 to the south.
 - Each proposed lot will be twelve thousand (12,000) square feet – sixty feet (60') wide by two hundred feet (200') in depth.
 - Existing house is on the high point of proposed lot 14.01.
 - Front yard slopes towards Dumont Avenue. The rear yard slopes away from Dumont Avenue.
 - Relatively level.
 - Both lots are serviced by sanitary sewer, electric, cable tv, water and gas.
- Mr. Sullivan questions Mr. Titus
 - Existing variance required... existing house is seven feet (7') from side property line – requirement by ordinance: eight feet (8').
 - Existing garage is three feet (3') from the property line.
 - No rear setback variance needed on existing house or existing garage.
 - Minimum lot width required is seventy-five feet (75'). Each lot would be sixty feet (60').
 - Minimum lot area is seven thousand five hundred (7,500) square feet. Each proposed lot will be twelve thousand (12,000) square feet.
 - Coverage requirements will be met.
 - Has compared the proposed lots to the existing neighboring lots.
- Using Exhibit A-2 – File map from 1923 titled 'Cherry Dell Gardens' filed at the county. Map 1056 – File #611 – filed August 15, 1924.
 - When neighborhood divided - lots were 60 X 200 or 60 X 150.
 - Some people acquired two (2) lots.
- Using Exhibit A-3 – Borough of South Plainfield Tax Map page 9 – June 30, 1965 with last revision date of March 31, 2008 - enlarged.
 - Mr. De Andrea's lot highlighted in red.

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- Besides the lot next door, the majority of the lots in the area are sixty feet (60') wide.

Mr. Slachetka asks what percentage of lots facing Dumont are sixty feet (60') wide? Mr. Titus states he would have to guess... approximately eighty percent (80%) maybe a little higher.

Mr. Sullivan questions Mr. Titus the Positive Criteria with regards to the variances.

- There is enough lot area with twelve thousand (12,000) square feet which meet the requirements for light, air and open space.
- The new house would be moved closer to the street which would be set uniformly with the neighborhood.
- Each lot would create appropriate space for residential use. Will maintain side yard requirements except the existing house which requires a side yard setback.
- Granting of the application would not be a substantial deterrent to the public good.
 - Majority of the existing houses in the neighborhood are on sixty foot (60') wide lots.
 - Lots are larger than required by ordinance.
 - Remains in character.
- Granting of the application would not substantially impair the intent of the zone plan and ordinance.

Using T&M Associates Planner's review letter dated January 16, 2017, Mr. Sullivan requests Mr. Titus to address:

- Subsection C – Waivers:
 - Traffic Impact Statement - Increasing traffic by one (1) would be the typical traffic for an additional lot.
 - Environmental Impact Statement – No wetlands on the property. Few trees. Will apply for permits to remove trees if a house would be built on the new lot.
 - Stormwater Management Plan – Would be handled during the site plan if a new house were to be built. The property in the front slopes to the street and the rear of the property slopes to the rear. A new house would be built closer to the street. The garage would be removed.
- Subsection D – Planning Comments
 - Item 1 – RSIS requires two (2) parking spaces. There is enough room on Mr. De Andrea's existing lot and the new lot, if a house was to be built, would have a garage and enough room in the driveway for another car.
- Will obtain any necessary outside agencies approvals required.

Mr. Sullivan requests Mr. Titus to address items not already discussed in Najarian Associates review letter dated December 14, 2016:

- Subsection B – Variances/Design Waivers
 - Item 4d – Recycling would be typical with the Borough.

Mr. Bucco states with regards to Section B – Waivers, the waivers for Environmental Impact and Stormwater Management Plan / Draining Calculations can be granted at this time. If the subdivision is approved and the applicant comes in with plans for a dwelling on the other lot, it will require a grading plan review. At that time, we will know where the house will be situated and there will be a better understanding of the lot. Recycling Plan would be based on the normal pick up with residential units. The applicant is also requesting Design Waivers and plans for a new dwelling. Since there are no plans to develop the area at this time based on the testimony of the owner, he feels the waivers can be granted knowing that when the time comes to construct a dwelling, the applicant would have to return to at least to the Engineering Department where these items will be reviewed and addressed appropriately.

Mr. Bucco continues with his Najarian Associates review letter dated December 14, 2017.

- Variance Plan Check List on page 3 the Owner's Certification needs to be added to the plan. Mr. Titus states it is on the plans just not signed.
- Off-Site and Off-Tract Improvements – Mr. Bucco states if the subdivision is granted, the applicant does not currently know where the utilities will be, therefore, a waiver can be granted.
- Site Requirements / Layout – Per Mr. Bucco, no site improvements currently since this is a subdivision only.
- Grading / Drainage – Per Mr. Bucco, no site improvements currently since this is a subdivision only. However, would like elevations for the new driveway with the existing house. Mr. Titus states he can make those revisions.

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- Traffic – requesting waiver from Traffic Impact Statement. No comments from the Traffic Safety Advisor committee.
- Environmental – requesting Environmental Impact Statement. No concerns from the Environmental Commission.
- Landscaping / Lighting – no landscaping and lighting requested at this time. No concerns from the Environmental Commission.
- Sanitary Sewer - Mr. Bucco states that the sewer needs to be shown on the plans. Mr. Titus states he can do so.
- Outside agency approvals – Mr. Titus states there is an application before the Middlesex County.
- As condition of approval detailed grading plan should be reviewed prior to issuing permits. Mr. Titus states that he would like to make that a note on the plans when he revises the plans.

Chairman Ackerman states why should these waivers be granted if they are not going to be building a house. Mr. Fisher states that there is no requirement when you do a subdivision. If they build a house that triggers any variances, they will be before the board. These items are not applicable for creating a subdivision on paper. The reason these items are on the checklist is ninety-nine percent (99%) of the time when subdivision are submitted the plans to construct a house is submitted as well. Because they are on the checklist, the Board would have to waive them. These items exist because most subdivision have plans ready to build a house.

Council President White would like a clarification. The waivers would be in place. The property is sold and someone would like to build a house. Do the waivers apply to the subdivision not the development of the property? Mr. Fisher states correct. If you waive these items, these waivers are only for the subdivision on paper. These items appear on the subdivision check list because majority of the applications come with building plans.

Chairman Ackerman would like the Resolution to state that the waivers that would be granted are only for the subdivision of the property.

Mr. Bucco would like his recommendation under Miscellaneous Item 2 – *‘It is recommended as a condition of approval that a detailed grading plan review be provided to the Borough before any building permits are issued’* – be added to the Resolution.

Mr. Sullivan states that what was envisioned by the applicant was to create a sixty-foot (60’) lot. If an applicant were to construct a home on the lot and are within the requirements, generally it would go through the Building Department. However, if there are any variances created, then they would have to come before the Board. He believes its should not be an absolute condition if they were to build a house, that they must return to the board if no variances are created.

Mr. Fisher states if the Board grants the subdivision, that does not indicate it is a buildable lot. None of the Engineering or technical requirements are being waived to construct a house. If plans came to the Board to construct a house and within all the requirements, the Board would be limited on what they can do. The Board cannot have them come back for site plan approval on a conforming structure.

Chairman Ackerman states either the garage needs to come down or state that the garage cannot be converted to livable space. It is not conforming now with the side setback. Many years ago, the Board stopped approving flag lots. It must be part of the approval, that the garage comes down or strictly stated that the garage cannot be converted into a dwelling.

Mr. Slachetka states that if Mr. De Andrea retains the subdivided lot and builds a dwelling, the resolution should also state that the garage would have to come down.

Mr. Fisher states that the Board frowns upon having a driveway and garage on one (1) lot and a house on another.

Chairman Ackerman opens the hearing to the public. With no comments or questions from the public, Chairman Ackerman closes the public portion.

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With no questions or comments from the audience and no further questions or comments from the Board, Mr. Fisher states this is an approval for a minor subdivision with the following waivers: Traffic Impact Statement, Environmental Impact Statement, Stormwater Management Plan, Drainage Calculations, Recycling Plan, plans for proposed dwelling, and RSIS for proposed dwelling. These waivers are only being considered for the subdivision on paper. Any future building will be required to comply with the above and any other building requirements to receive a building permit. Variance requested: sixty feet (60') width where seventy-five feet (75') width is required, existing side yard setback of seven feet (7') where eight feet (8') is required. Shed will be moved to the property with dwelling.

Chairman Ackerman calls for a motion for Option A (removal of the garage prior to perfecting subdivision) or Option B (restriction prior to sale, conveyance or issuance of a building permit). Mayor Anesh makes motion for Item A, seconded by Mr. Mocharski. Those in favor: Mayor Anesh; Council President White; Miss Bartfalvi; Mr. Bythell, Mr. Grzenda; Mr. Mocharski; Vice Chairman Pederson and Chairman Ackerman. Those Oppose: Mr. Houghton.

B. Case #774 - JP Property Management Inc (JP Express)
Block 308; Lot 41; M-3 Zone
108 New Era Drive

The applicant is requesting a preliminary and final site plan approval.

Tal Z. Cushmaro, Esq – Harmann, Doherty, Rosa, Berman, Bulbulia LLC, 65 Route 4 East, River Edge, New Jersey – attorney for the JP Property Management Inc also known as JP Express addresses the Board. The property is located at 108 New Era Drive – Block 308 Lot 41. The applicant is requesting a preliminary and final site plan approval... Primarily for the expansion of existing warehouse space on the property. Has several exports: John Gilchrist, Engineer, Edward Vergano, Environmentalist, Jim Cappelli, Vice President of Operations, Jamie Godirase, Terminal Manager who runs operations on the property and Peter Bruno, Director of Operations.

John J. Gilchrist – 210 Summit Avenue, Suite A3, Montvale, New Jersey – is sworn in and accepted as a professional Architect and Engineer. Mr. Gilchrist describes the property:

- Located at the cul-da-sac of New Era Drive.
- Surrounded by industrial uses on the south and west; north and east by park land owned by the Borough.
- Frederick Avenue shown on tax map does not exist.
- Some residents on Highland Avenue. Highland Avenue dead ends into the park land.
- Property has been developed as a truck terminal since the 1970's.
- Property is primarily paved.
- Fence line surrounds the property except on the south end where there is a stream and wetlands.
- The existing building has a small amount of office space. The remainder is a truck terminal – not heated. One story.
- Existing garage building used for maintenance.
- Shed used by monitoring company.
- JP Express bought the property in 2003. During the purchase process, it was discovered several tanks in the ground which needed to be remediated. Shed is part of that program.
- Use permitted in the zone.
- Existing building is eighteen thousand four hundred (18,400) square feet.
- Addition to be approximately nine thousand eight hundred forty (9,840) square feet.
- Truck bays on east and west side. Proposing to replicate.
- Paved parking area in front. Proposing to restripe to get additional parking that maybe required.
- Stream and wetlands are being monitored by NJDEP. Application is pending.
- One hundred (100) year flood limit. Addition will go into the area. Cannot have net fill.
- Will fill where addition and will remove pavement to balance the fill.
- Truck movement study done... plenty of room for movement.

Miss Bartfalvi asks the applicant if they are extending what they already have. Per Mr. Gilchrist, yes.

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Council President White states he was in the area and asks if parking spaces are being added in the paved area. Mr. Gilchrist states there is plenty of room for parking, and are planning to restripe the area. Is that the general parking... driver parking? Mr. Gilchrist states that is a better question for Mr. Cappelli.

Mr. Grzenda asks if the expansion extends into the wetlands. Mr. Gilchrist states no... it extends into the one hundred (100) year flood plain.

Mr. Mocharski questions if there is mud along the back fence line. Mr. Gilchrist states at the end of the pavement to the fence is gravel. He couldn't get a shovel into it. It is not impervious.

Mr. Bucco asks Mr. Gilchrist to review the Najarian Associates review letter dated January 18, 2017. Mr. Gilchrist states he received the lighting plans today but has not had a chance to review them. Mr. Gilchrist will comply with outstanding items. Mr. Bucco states they have addressed all items. There are some notes to be added to the plans and receiving all outside approvals. Landscaping needs to be addressed. Mr. Gilchrist states there is not a lot of property in the area of New Era Drive. There is landscaping along New Era Drive. Proposing Pin Oaks along the berm where it transitions between the pavement and wetlands. Mr. Bucco states that will be dictated by the NJDEP.

Mr. Slachetka asks if the storage of the trailers onsite will not conflict with the movement of vehicles. Mr. Gilchrist states absolutely.

Mr. Bucco states that the Fire Marshall has some concerns that have been addressed. A sketch was provided with for the turning radius. Mr. Bucco requests that the turning radius sketch be added to the plans. Mr. Gilchrist agrees to add the sketch to the plan set.

With no further questions, Mr. Cushmaro calls up Mr. Edward Vergano, PE, PP.

Edward Vergano, PE, PP – Preferred Design and Construction, Inc., 96 Buckhaven Hill, Upper Saddle River, New Jersey 07458 – is sworn in and accepted as a Professional Engineer with experience in the field of Environmental Compliance. Mr. Vergano states that the pre-and post-development discharge are virtually identical. Therefore, there is no need for onsite detention and retention. There is a one hundred (100) year flood elevation of sixty-five (65). The state requires a zero-net fill.

Mr. Fisher would like to know what permits are required. Mr. Vergano states Flood Hazard Verification and Wetlands Transition. Therefore, there is a need for a waiver from the buffer and for construction for the flood hazard area. Mr. Vergano states yes, one hundred fifty feet (150').

Mr. Fisher continues... you anticipate to receive those approvals from DEP based on the fact that it is already disturbed and constructed. Mr. Vergano states exactly. There is a small area that would have to be regrade but it has no impact on the wetlands or stream.

Mr. Vergano describes the turning template that has been approved by the Fire Marshall. Mr. Bucco would like this turning template added to the set of plans. The movement template used a semi-tractor trailer. Those are the largest trucks and if they can maneuver so can fire apparatuses and emergency vehicles.

Mr. Slachetka states that it should be noted on the plans that there should be no tractor trailer storage in the area of the turning templates. Mr. Bucco agrees.

Mr. Ackerman asks if there will be docks at the end of the proposed new construction. Mr. Gilchrist states no.

Mr. Houghton asks if there is remediation being done onsite currently. Mr. Gilchrist states as previously discussed prior to their ownership, there were tanks underground that were removed as part of the transaction. There are monitoring wells but they will not affect the expansion.

Mr. Mocharski would like to know how many wells are onsite. Mr. Gilchrist states three (3). However, Mr. Cappelli can address the wells

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Chairman Ackerman asks Mr. Slachetka if his issues have been addressed. Referring to T&M Associates letter dated January 23, 2017, page 2 -- Zoning and Bulk Requirements. Technically, there would be a buffer requirement between M-3 zone and R1-2 zone. However, there is a side yard setback variance for the accessory structure. A parking variance is required.

Mr. Cushmaro asks for a clarification on the accessory structure. Mr. Slachetka states the monitoring shed.

Mr. Gilchrist states that the shed will be moved.

Mr. Gilchrist continues, the first occupied resident is two hundred sixty-seven feet (267') from the subject property. The area between is all 'park' and are not affecting anything on the east side of the property. There is a fence on the property line and is paved to the property line since prior to their ownership. The addition does not affect that area and in his thought, it is an existing condition. He is happy to move the shed and add additional parking.

Mr. Slachetka state that the space is there, it is a matter of striping some spaces. Mr. Fisher states you need four (4) additional spaces. Mr. Gilchrist states he can do so.

Mr. Slachetka states that there is recycling and potential hazardous material stored in the area of the one hundred (100) year flood. Mr. Gilchrist states that the one hundred (100) year flood line is at sixty-four (64). The flood hazard line is sixty-five (65). Everything has to be treated one foot above the one hundred (100) year flood. The recycling and shed are inside of the line. Mr. Slachetka asks if they are willing to move those items outside of the line. Mr. Gilchrest states he would defer to the applicant.

Mr. Slachetka asks if they can go through the T&M Associates letter dated January 23, 2017 on page 4 – item F General Planning Comments.

- Item F – 1a – thirty (30) pages missing from the Environmental Impact Statement. Was submitted prior to the meeting to the Board Secretary who will forward to all members and professionals for review.
- Item F – 1b – Mr. Vergano states he would not like to speak for Mr. Jaehnig, however, those items are being addressed with NJDEP.
- Item F – 4 – Mr. Vergano states it is being addressed by NJDEP.

Mr. Cushmaro addresses the Environmental Commissions letter dated January 20, 2017. Mr. Vergano states they will make sure the light foot-candles will not go beyond the property line.

Mr. Cushmaro states all concerns of the Fire Marshall were addressed this morning.

Mr. Fisher states that correspondence was received today from the Fire Marshall stating '*The Bureau of Fire Prevention has reviewed the plans for this application and has spoken with the applicant who has agreed to and meet all our requirements. No further objections on our part exists.*'

Peter Bruno, Director of Operations – 15 Camille Place, Hoppageh, New York – is sworn in. Mr. Cushmaro questions Mr. Bruno:

- Director of Operations for twenty-five (25) years. Responsible for the day-to-day operations. The pick-ups, delivery, drivers, dock men, managers and supervisors.
- Local trucking company. Pick up and deliver freight.
- Overnight service.
- Cross dock operation. The freight comes through and goes from one truck to another and goes out for delivery.
- Trucks continually move in and out.
- Approximately, two hundred (200) trucks a day.
- Tractor trailers or straight jobs (box trucks).
- Approximately eighty (80) employees. During the day, the drivers leave to perform their jobs. The dock operations stop during the day. Approximately ten (10) office people during the day.
- Approximately fifty (50) to sixty (60) employees park at a given time.
- General freight moves through. They do not store freight.
- Work all night.

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- LTL (less than trucking) trucking.
- Hours of operation – 24 / 6.5. Shut down Saturday morning and open early Monday morning.

Mr. Mocharski asks if the trailers that are stored outside are empty. Mr. Bruno states predominately empty. A few may have freight that will be moved within the day.

Miss Bartfalvi asks are the trailers stored at the dock or in the back. Mr. Bruno states against the dock and around the perimeter.

Mr. Mocharski request the status of the clean-up / monitoring wells. Mr. Cushmaro call upon James Cappelli, Executive Vice President to answer the question.

James Cappelli, Executive Vice President – 16 Wood Creek Court, Deer Park, New York during the week and has a permanent address in Massachusetts – is sworn in. Has been with the company for twelve (12) years. Prior to the meeting, submitted two (2) copies of the latest report of the Remedial Investigation Report dated May 2016. Purchased the site in foreclosure in 2005. The tanks were removed prior to purchase. Gasoline and diesel were leaking extensively in the piping. After that was remediated, PCE's were discovered. One part per billion. Currently six (6) wells. Only one (1) is not near the maintenance facility. It's on the north end. There is a plume under the building. Had water separated tanks which they believe were entombed. The site is almost cleaned up. The wells were tested two (2) weeks ago and waiting for the results. They do not have control over the people who are doing the remediation or the state so he has no time table as to when it will be complete.

Mr. Fisher asks if the remediation plan have an estimated end of completion date. Mr. Cappelli says it states may require further work. Very open ended. The state has been dealing with the previous owners.

Mr. Houghton asks how often they test. Mr. Cappelli states every six (6) months.

Chairman Ackerman opens the hearing to the public for comments or questions. With no public comments or questions, the public portion is closed.

Mr. Fisher reviews the items discussed: Preliminary and Final Site Plan; Technical Variance for non-provisional buffering between M-3 and R1-2 zone - pre-existing condition; applicant agreed to eliminated the accessory setback and minimum parking spaces required; applicant will update plans approved by the Fire Marshall to be added to the site plan; will remove the incorrect loading bays from the final plan; landscaping plan provided to the satisfaction of the Board Engineer; comply with January 18, 2017 Najarian Associates review letter and January 23, 2017 T&M Associates review letter; all necessary permits; bonding; applicant agreed to remove the dumpsters from the flood hazard area and secure items in the flood hazard area; no storage of trailers or any kind in the area of the turning circulation; parking should occur where indicated not otherwise; comply with Fire Marshall letters November 29, 2016;

With no questions or comments Chairman Ackerman calls to vote. Vice Chairman Pedersen made motion, seconded by Councilman White. Those in favor: Mayor Anesh; Councilman White; Miss Bartfalvi; Mr. Bythell, Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Vice Chairman Pederson and Chairman Ackerman. Those Oppose: None.

Old Business: Discussion of COAH obligation – Fair Share Housing Plan with the inclusion of the former Motorola site.

Committee Reports:

- A. **Street Naming Committee** – Report progress.
- B. **Environmental Committee** - Mr. Bythell report progress.
- C. **Council Reports** – Council President White states Cosmo 21 will be opening up on February 4, 2017 downtown. A hair salon.
- D. **Mayoral Updates** – Mayor Anesh report progress.

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Minor Site Plan: None

New Business: None

Correspondence: None

Audience Comments: None

Executive Session: None

Adjournment: 9:43 pm.

Respectfully Submitted
Joanne Broderick
Planning Board Secretary