

Washington Township Planning Board
MAY 14, 2012

Chairman Leavens called the regular meeting of May 14, 2012 of the Washington Township Planning Board to order at 7:30 p.m.

MEMBERS PRESENT

CLASS IV: William Leavens, Eric Trevena, Lou Mont
ALTERNATES: Sam Akin, Howard Popper
CLASS I: Ken Short
CLASS II: Roger Read
CLASS III: -
ABSENT: Dave Kennedy, Kathleen McGroarty, Mark Bauerlein,
Charles DiSalvo

OTHERS PRESENT: Engineer Leon Hall, Attorney Tiena Cofoni, Clerk Barbara Margolese

Adequate notice of this meeting was sent to the Observer-Tribune and the Morristown Daily Record on January 19, 2012 and posted on the Bulletin Board on the same date. Notices were mailed as per requests.

MINUTES

1. Minutes from the March 12, 2012 (Regular Session & Executive Session)
Mr. Short made a motion to approve the minutes as presented, seconded by Mr. Mont. A voice vote was taken and the motion carried.

Ayes: Leavens, Mont, Trevena, Short, Read
Nays: None Abstentions: Akin, Popper

2. Minutes from the April 25, 2012 (Regular Session)
It was announced that there were not enough members in attendance to vote on either sets of minutes. Approval of the minutes was tabled until the next board meeting.

RESOLUTIONS

None

The meeting was opened to the public for items not on the agenda. There were no questions or comments from the public and the meeting was closed to the public.

PUBLIC HEARING/APPLICATIONS -

1. Nextel of New York, Inc. – Block 13, Lot 8 – Keltz’s Lane – R-5 Zone -24.01 Acres -
Minor Site Plan for Collocation of Antennas on existing JCP & L Tower and
installation of 99.375 sq. ft. Equipment Cabinet

It was announced that there were no representatives for the applicant in attendance. Clerk Margolese stated that the applicants had submitted revised plans after the required deadline. She stated that they had noticed properly for this meeting and had officially asked that the public hearing be started and then immediately be carried to the May 23rd meeting so that that further notice not be needed. An announcement was made carrying the Nextel of New York’s public hearing to May 23, 2012 at 7:30 p.m. and that there would not be any further notice.

2. USR Optinix – Block 30, Lot 70 – Kings Highway – R-20 Zone -39.38 Acres
Soil Disturbance Application in Accordance with ordinance Chapter 164
Public Hearing
Representatives present: Steven Senior, Esq. (Riker, Danzig), Vincent Pappalardo,
Environmental Specialist (Eikon Planning & Design)

Attorney Steven Senior introduced the application as a soil disturbance permit application. It was announced that the public notice for this hearing was satisfactory. Mr. Popper asked the applicant about a possible conflict of interest due to his wife being employed by Riker Danzig. Mr. Senior stated that he felt that there is not conflict and that Mr. Popper could vote on this application.

Attorney Senior stated that the soil disturbance permit application was required as a result of remediation of the Kings Highway site. Mr. Vincent Pappalardo, environmental specialist from the firm of Eikon Planning and Design was sworn-in and accepted as an expert witness. He told the Board that he has been involved with this site since 2003 performing the groundwater analysis for the site.

Mr. Pappalardo referred to Exhibit “A-1” titled “Site Map showing USR Optonix site” dated 11/17/11. He stated that storm water goes from an existing drainage pipe to a swale and then to a detention basin and finally to a weir in the outlet of the detention basin leading to a wooded area of the track. He stated that sampling was done and metals (Zinc and Cadmium) were found in the wooded area. Mr. Pappalardo stated that the storm water coming from the drainage pipe is from the roof of the building. He noted that a NJPDES permit has been received for this flow.

Mr. Pappalardo referred to Exhibit “A-2”, a map showing the proposed areas of excavation in the site’s wooded area dated 5/14/12. He stated that 130 cubic yards of soil is being removed from the site at a depth of 6” to 9” and that it will result in less than 8 truck loads of dirt. Mr. Pappalardo stated that the site will be immobilized with orange tape and silt fence. He noted that some trees in the center of the area are going to be removed and that soil will be stockpiled and covered before it is removed. Mr. Pappalardo said that an articulated dump truck is going to be used and that a gravel tracking pad will be installed for soil erosion sediment control purposes. He stated that the stockpile will be sampled and then the trucks loaded after the soil meets approval. He stated that four trucks per day will leave the site over two days.

Washington Township Planning Board
MAY 14, 2012

Mr. Pappalardo stated that in addition to getting Morris County Approval they have also received approval from the Morris County Soil Conservation District. Mr. Pappalardo referred to Exhibit "A-3", the 3/19/12 WCSCD letter of approval. He stated that the county wants a drainage swale to be created, 4" deep and 32' wide, going to the detention basin. He stated that because of this they do not anticipate having to bring in any fill to this site. He said that if it is found to be necessary they will use quarry processed fill. Engineer Hall asked Mr. Pappalardo who the applicant's NJDEP case manager is. Mr. Pappalardo stated that before the NJDEP stopped using case managers their case manager was Ellen Hutton. Mr. Hall asked about the trucks' path of travel from the site. Mr. Pappalardo stated that the trucks will leave the site and will turn right onto Kings Highway and proceed immediately onto Route 46 and then travel to Route 80. Mr. Popper asked that as a condition of approval trucks not be allowed to turn left and travel down Kings Highway instead of turning right and traveling directly onto Route 46. Mr. Hall asked if more than 100 cubic yards will be needed to stabilize the bottom of the swale. Mr. Pappalardo stated that he did not think so. Engineer Hall referred to his 4/16/12 review letter. He asked if the applicant can comply with his comments "A" through "J". Mr. Pappalardo agreed to comply with these comments.

The hearing was opened to the Board for questions and comments. Mr. Popper asked about the existence of metals on the site. Mr. Pappalardo stated that Zinc and Cadmium were used by USR Optonix did use those metals in their processing. He said that it is the intention of the applicant to bring the levels of metals to residential standards. Attorney Senior stated that this site has been through Industrial Site Recovery Act Standards. He noted that USR Optonix will keep digging until they get to clean soil. Mr. Pappalardo added that a remediation plan was created for the whole site. He stated that a "no further action letter" was received from the NJDEP. He referred to Exhibit "A-4", a 4/16/12 letter from the NJDEP regarding remedial action of the site and Exhibit "A-5", a 4/20/12 letter from the NJDEP stating that no further action is required.

Mr. Pappalardo informed the Board that after the soil is removed it will be stockpiled in the parking lot and covered with a tarp. He said that an analysis of a soil sample will then be done and the results of that analysis will be done in approximately three weeks.

Mr. Read asked when the site ceased operations. Mr. Pappalardo stated that USR Optonix ceased operation in 2007 and the toner company at this site just recently ceased operations.

Mayor Short asked if there had been any other NJDEP violations on this site. Mr. Pappalardo stated that there had not been. Mr. Pappalardo stated that there was a deteriorated concrete pipe on the site along with damaged vegetation. He stated that five moderate wells were installed on the property and sampled and data was reviewed by a privately contracted Licensed Site Remediation Professional (LSRP) firm. He stated that the only thing found in those samples was sodium in a well that is closer to the industrial part of the site. Mayor Short asked that all testing results be sent to the Township for their files. Mayor Short asked what the depth to groundwater is on this site. Mr. Pappalardo stated that it ranged from over 40 feet to 28 feet (in the center of the site), and 10 feet (by the river).

Chairman Leavens asked why Zinc and Cadmium showed up on the site. Mr. Pappalardo stated that the Zinc and Cadmium on the site was superficial. Mr. Leavens asked if chemical testing was done on the site. Mr. Pappalardo stated that the NJDEP did not require chemical testing. Mr. Leavens asked if radioactive materials were found

Washington Township Planning Board
MAY 14, 2012

on the site. Mr. Pappalardo stated that the Bureau of Radiology did review this and did not find any radioactive materials on the site.

Attorney Cofoni asked about the proposed removal of trees. Mr. Pappalardo stated that between 20 and 25 trees are to be removed. He noted that the property was originally farmland and most of the trees are younger trees.

The hearing was opened to public comment and closed after no comments were received.

Mr. Short made a motion to direct the Board attorney to prepare a resolution granting approval for the USR Optonix Soil Disturbance Permit Application with the condition that the Township Environmental Commission review the application and send their comments, seconded by Mr. Popper. A roll call vote was taken and the motion carried. Ayes: Leavens, Mont, Trevena, Read, Akin, Popper, Short
Nays: None Abstentions: None

DISCUSSION / CORRESPONDENCE

1. An Ordinance Amending the Land Use Ordinance of the Township of Washington to Update Submission Requirements for Applications for Development – Highlands Checklist

The Planning Board discussed the resolution (Resolution 2012-08) which had been prepared by Planner David Banisch and which covered the Board's thoughts about the proposed Highlands Checklist Ordinance and its consistency with the Township Master Plan. The Board agreed with resolution changes which had been offered by Mr. Mont.

The Planning Board briefly discussed the history behind the Wastewater Management Plan (WMP) approval process. Mayor Short stated that while he is in agreement with this resolution he will abstain on voting because of his position with the Township Committee and the fact that they will be voting on this matter the following week. He stated that he sees the importance of having the WMP approved because there area dozen homes that need their hook-up to the sewer system.

Mr. Akin stated that the Township has been placed in a difficult position. He noted that the resolution clearly states that the Township should not have to approve the Highlands Checklist ordinance in order that their WMP be approved. He also noted that the resolution states that the Planning Board does find the Highlands Checklist ordinance to be inconsistent with the Washington Township Master Plan with regard to developmental densities and that it will become consistent after the Highlands Master Plan Element is adopted. Mr. Akin stated that the Township should still pursue going through the County to get the WMP approved.

Mr. Akin made a motion to approve Resolution 2012-08, seconded by Mr. Mont. A roll call vote was taken and the motion carried. Ayes: Leavens, Mont, Trevena, Read, Akin, Popper
Nays: None Abstentions: Short

Washington Township Planning Board
MAY 14, 2012

2. Vouchers

Mr. Popper made a motion to approve the vouchers reviewed by the Chairman and found in order and send them on for payment, seconded by Mr. Mont. A voice vote was taken; all were in favor and the motion carried.

Ayes: Leavens, Mont, Trevena, Short, Read, Akin, Popper

Nays: None Abstentions: None

Mr. Short made a motion to adjourn, seconded by Mr. Mont. A voice vote was taken; all were in favor and the meeting was adjourned at 8:40 p.m.

Ayes: Leavens, Mont, Trevena, Short, Read, Akin, Popper

Nays: None Abstentions: None

Respectfully submitted,

Barbara J. Margolese, Clerk