

**MINUTES-MEETING  
HOPE TOWNSHIP ZONING BOARD OF ADJUSTMENT  
JUNE 2, 2016**

The monthly meeting of the Hope Township Zoning Board of Adjustment convened at 7:36 p.m. at the Hope Township School with the following Board Members present: Tom Gabel, Brian Kathenes, Jan Wargo, Gary Green, Alt #1 Cathie LaBar, Alt#2 Anthony Lytle, Gil Hankins, Carol Kernoschak (arriving at 8:48 p.m. ) and Steve Larena. Also present were Board Engineer Ted Rodman, Board Attorney Roger Thomas, Board Planner Fred Heyer, and Board Secretary Alfia Schemm.

The meeting was called to order by Chairman Gabel and he led the Board in the Pledge of Allegiance. He announced that the meeting is being held under the provisions of the "Open Public Meetings Act"; adequate notice of the meeting has been provided to the Township's Official Newspaper and on the Township Bulletin Board.

**Approval of Minutes:**

Mr. Kathenes made the motion to approve the minutes of May 5, 2016. Motion seconded by Mr. Hankins. Roll call vote in favor: Wargo, LaBar, Green, Larena, Gabel, Kathenes, Hankins, and Lytle.

**Completeness:**

**#ZB16-003 Richard W. Coates, Block 2600, Lot 300**

Board Engineer Rodman recommended that the Board grant the waivers, deem the application complete, and schedule it for a hearing.

Mr. Larena made the motion to deem the application complete. Motion seconded by Mr. Green. Roll call vote in favor: Wargo, LaBar, Green, Larena, Gabel, Kathenes, and Hankins. Not eligible: Alternate Lytle.

**New Business:**

**#ZB -16-002 Jay and Fern Hill, Block 700, Lot 1104**

Jay and Fern Hill were both present and they were sworn in. Mr. Hill testified to the proposed pole barn and he described the proposed location. Board Engineer Rodman reviewed his report of May 26, 2016, which was discussed with the Applicants and the Board. Chairman Gabel noted the runoff concern that was brought up by the Environmental Commission, which was addressed by the Applicant. The Board continued to review the proposal with the Applicant.

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

Board Attorney Thomas reviewed the possible conditions of an approval.

Mr. Kathenes made the motion to grant the relief as requested and discussed this evening. Motion seconded by Mr. Hankins. Roll call vote in favor: Wargo, LaBar Green, Larena, Hankins, Kathenes, and Gabel. Not eligible: Alternate Lytle.

Board Attorney Thomas reviewed that a Resolution will be adopted at next month's meeting. Mr. Hill questioned the time frame to get construction permits and he noted the time frame in order to get the pole barn constructed.

**Old Business:****#ZB15-001 Sarabjit Singh, Block 3700, Lot 400; Block 3701, Lot 100**

Chairman Gabel recused himself and sat in the audience. Mr. Kathenes will chair this portion of the meeting and he reviewed the procedure for the evening.

Richard Keiling, Esq. was present on behalf of the Applicant. He asked if the Board would allow the Board's expert Frank Getchell to be heard first this evening.

Frank Getchell presented his qualifications. There were no questions from Attorney Keiling or the public in regards to Mr. Getchell's qualifications. Mr. Getchell outlined the materials that he reviewed. He stated that he prepared reports in July of 2015, October of 2015, November of 2015 and finally May 26, 2016. He stated that he is aware of the recent modifications that have been made to the plans. He reviewed the borings and the test pits. He commented on the monitoring wells and their locations and he recommended another test pit be dug. He stated that there should be a change to the legend to distinguish the monitoring wells and the supply well. He stated that some of the requirements pertaining to well head protection should be a part of any approval. He suggested that the Monitoring Plan should be shared with the Township. Mr. Getchell continued to address reasonable conditions. The Applicants and the Board questioned Mr. Getchell on the proposal, the treatment system, and its inspection and maintenance.

The hearing was opened to the public:

Joseph Zorn questioned the type of tanks being proposed, how the tank will be protected, and the type of rock that is in the area. Mr. Getchell addressed the type of rock in the area.

Kelly Thompson questioned the modifications to the proposal and when the DEP will be notified of the change in the original permit. Mr. Getchell addressed the process and he also commented on Well Head Protection Areas, community wells, and private wells.

Marian Gezella stated that he is a dowser and he questioned the prevention measures in place to protect water from getting contaminated. Mr. Getchell addressed the early warning system.

Pete Peterson asked about the frequency of the testing of the monitoring wells. Mr. Getchell reviewed the frequency of the testing. Mr. Peterson also asked if there are system failures.

George Nieswand asked if monitoring wells can prevent problems and/or solve problems. Mr. Getchell stated that the monitoring wells will advise if there is a problem and it is one level of the entire system. Mr. Nieswand asked if the proposed site is a quality site for the activity proposed and whether Mr. Getchell would be comfortable if he had a well and lived adjacent to the site. Mr. Getchell stated that he would not be comfortable.

Stephen Flynn asked about the soils above the rock. Ms. Kernoschak arrived. He also questioned the runoff and absorption, which Mr. Getchell addressed.

Lucas Kropywnyckyj asked about the depth of the Dunkin Donuts well and the flow of ground water, heavy rain and snow melt, the Asbury Road pollution and whether a

similar situation could happen in Hope if there was a leak. Mr. Getchell addressed the flow of water. Mr. Kropywnyckyj questioned a considerable leak and if wells could be polluted, and where leaks occur. Mr. Getchell addressed the flow and he stated that he has seen leaks happen in a variety of different situations.

Michael Steffener questioned the monitoring of the double wall tanks, the containment, and a pumping system. Mr. Getchell addressed the system and the plan.

Jodi Keggan questioned the litigation cases that Mr. Getchell has been involved in. Mr. Getchell stated that he has been involved with overfills and the breakage of a single wall tank. Ms. Keggan questioned the Well Head Protection standards that were recommended and she also questioned the leach fields, the types of soil, the speed of water in the soil, and the monitoring testing plan, which Mr. Getchell addressed.

Kelly Thompson questioned how fast benzene will travel. Mr. Getchell stated that it depends on a lot of things and he cannot project.

Linda Chamberlain asked if there is any statistical information pertaining to failures. Mr. Getchell stated that the American Petroleum Institute might have information.

Anna Maria Niewswand asked if there are any other experts that can be recommended that can assist the Board. Vice Chairman Kathenes stated that other witnesses have testified at prior hearings and Board Attorney Thomas reviewed the MLUL procedure and process, where the Board's experts are paid out of the Applicant's escrow account.

Mr. Kathenes asked if there is anyone else from the public, wishing to question Mr. Getchell. With there being no further questions, the hearing was closed to the public for questions of Mr. Getchell.

Attorney Keiling stated that he has no further questions of Mr. Getchell.

Jessica Caldwell provided her qualifications and experience as a Planner. She reviewed the Master Plan process and she reviewed the information that was presented. The following were submitted and marked as Exhibits:

A-20 Planning Report of Jessica Caldwell, dated May 22, 2015

B-1 Report of Frank Getchell dated May 25, 2016

Planner Caldwell stated that she has reviewed the modifications made to the original application. She addressed the proposal, the permitted uses in the zone, and the proposed convenience store. She addressed the location of the proposal, which she feels is suitable for the use, as the Township permits gas stations in the POP Zone. She stated that the use variance aspect of the application pertains to the proposed convenience store. She reviewed the positive criteria and the goals that are promoted. She noted that a use variance was granted by the Board for the same property. The following was submitted and marked as an Exhibit:

A-21 RiRob Variance Resolution approved 4-4-02, memorialized on 11-07-02

Planner Caldwell reviewed the prior proposal that was granted use variance approval by the Board. The following was submitted and marked as an Exhibit:

A-22 Minutes of the Zoning Board of Adjustment meeting dated April 4, 2002

Attorney Keiling reviewed the roll call vote on the granted use variance.

Planner Caldwell stated that the proposed convenience store is a less intense use than the approved strip mall. She described the existing lot and the permitted uses in the Zone. She reviewed the proposed signage and the bulk variances being requested. She went on to review and describe the various uses in the area. The following was submitted and marked as an Exhibit:

A-23 RiRob Site Plan Resolution approved 10-2-03, memorialized 12-04-03

Planner Caldwell reviewed the signage that was approved. The following was submitted and marked as an Exhibit:

A-24 Approved Preliminary Site Plan, 7 sheets, revised 5-27-04

Planner Caldwell reviewed the number of parking spaces that were proposed on the approved Plan. She stated that overall, the approved uses would generate more traffic than the proposed use. She stated that the tractor trailer use has now been removed and there is a substantial tractor trailer facility in Knowlton. She stated that the proposal is particularly suited for the site because of its location adjacent to Route 80, the County Road, and the other commercial uses in the neighborhood. She concluded by stating the proposed use is a beneficial use to the community.

Board Attorney Thomas noted the time and he stated that this matter will be carried to the Board's July 7, 2016 meeting, at the school at 7:30 p.m., without further public notice. Chairman Gabel resumed his position on the Board.

**Vouchers:**

|             |                                      |           |
|-------------|--------------------------------------|-----------|
|             | <b>Rodman Associates</b>             |           |
| Re: Singh   |                                      | \$552.20  |
| Re: General |                                      | \$ 65.00  |
| Re: Suker   |                                      | \$ 65.00  |
| Re: Hill    |                                      | \$357.50  |
|             | <b>Dolan &amp; Dolan</b>             |           |
| Re: Singh   |                                      | \$930.17  |
| Re: Suker   |                                      | \$446.25  |
|             | <b>Heyer, Gruel &amp; Associates</b> |           |
| Re: Singh   |                                      | \$1980.00 |

Mr. Kathenes made the motion to pay the vouchers. Motion seconded by Ms. Wargo. Roll call vote in favor: Kernoschak, Wargo, Green, Larena, Hankins, and Kathenes. Abstaining: Gabel. Not eligible Alternates: LaBar and Lytle.

**Report from Planning Board**

None

**Adjournment:**

With there being no further business a motion was made and seconded to adjourn the meeting. In a voice vote, all were in favor.

Respectfully Submitted:

Alfia Schemm  
Board Secretary

7/7/16