

**MINUTES OF THE
SANDYSTON TOWNSHIP PLANNING BOARD MEETING
January 7, 2019 7:00 p.m.**

Mr. Utter called the meeting to order. This meeting has been duly advertised and meets all requirements of the Open Public Meetings Act.

Present: George B. Harper, Jr.
Kamala Hull
Tracey Woodhead
Scott Smith
Keith Utter
Robert Huber
Joseph Mikulka
Marc Cunico
Raj Sinha

Absent: Ronald Green
Michael Milligan

Also Present: Michael Hanifan, Special Counsel

The oaths of office were administered to the following reappointed members by the Board Attorney: George B. Harper, Jr., Robert Huber, Kamala Hull, and Joseph Mikulka

REORGANIZATION:

Election of Chairperson:

A motion was made by Mr. Cunico and seconded by Mr. Harper to appoint Keith Utter as Chairman of the Planning Board for the year 2019.

Roll Call: Mr. Harper, yes; Mr. Huber, yes; Mrs. Hull, yes; Mr. Mikulka, yes; Mr. Cunico, yes; Mr. Sinha, yea; Mr. Smith, yes; Mrs. Woodhead; Mr. Utter, abstain. The Motion carried.

Keith Utter is the Planning Board Chairman for the year 2019.

Election of Vice Chairperson:

A motion was made by Mr. Cunico and seconded by Mrs. Woodhead to appoint Raj Sinha as Vice Chairman of the Planning Board for the year 2019.

Roll Call: Mr. Harper, yes; Mr. Huber, yes; Mrs. Hull, yes; Mr. Mikulka, yes; Mr. Cunico, yes; Mr. Sinha, abstain; Mr. Smith, yes; Mrs. Woodhead; Mr. Utter, yes. The Motion carried.

Raj Sinha is the Planning Board Vice Chairman for the year 2019.

Designation of Time, Date and Place of Meetings:

A motion was made by Mr. Cunico and seconded by Mr. Sinha to approve the following dates for the Planning Board Regular Meetings for 2019:

The Board will meet at 7:00pm on the first Monday of every month at the Sandyston Township Municipal Building, 133 Route 645, Sandyston, New Jersey.

January 7 -Reorganization & Regular Meeting
February 4
March 4
April 1
May 6
June 3
July 1
August 5
September 9 (2nd Monday)
October 7
November 4
December 2
January 6, 2020

Roll Call: Mr. Harper, yes; Mr. Huber, yes; Mrs. Hull, yes; Mr. Mikulka, yes; Mr. Cunico, yes; Mr. Sinha, yes; Mr. Smith, yes; Mrs. Woodhead; Mr. Utter, yes. The Motion carried.

Designation of Primary and Secondary Newspapers:

A Motion was made by Mr. Cunico and seconded by Mrs. Woodhead to designate the New Jersey Herald as the Primary Newspaper and the New Jersey Sunday Herald as the Secondary Newspaper for Sandyston Township Planning Board for the year 2019. Roll Call: Mr. Harper, yes; Mr. Huber, yes; Mrs. Hull, yes; Mr. Mikulka, yes; Mr. Cunico, yes; Mr. Sinha, yes; Mr. Smith, yes; Mrs. Woodhead; Mr. Utter, yes. The Motion carried.

Designation of Board Engineer:

A Motion was made by Mr. Sinha and seconded by Mr. Cuncio to appoint Dave Simmons of the firm Harold E. Pellow & Associates, Inc. as the Sandyston Township Planning Board Engineer for the year 2019. Upon roll call the following votes were cast: Mr. Harper, yes; Mr. Huber, yes; Mrs. Hull, yes; Mr. Mikulka, yes; Mr. Cunico, yes; Mr. Sinha, yes; Mr. Smith, yes; Mrs. Woodhead; Mr. Utter, yes. The Motion carried.

David Simmons of the firm Harold E. Pellow & Associates, Inc. is the Planning Board Engineer for the year 2019.

Designation of Planner:

A Motion was made by Mr. Harper and seconded by Mrs. Woodhead to appoint Jessica Caldwell of J. Caldwell & Associates, LLC. as the Sandyston Township Planning Board Municipal Planner for the year 2019. Upon roll call the following votes were cast: Mr.

Harper, yes; Mr. Huber, yes; Mrs. Hull, yes; Mr. Mikulka, yes; Mr. Cunico, yes; Mr. Sinha, yes; Mr. Smith, yes; Mrs. Woodhead; Mr. Utter, yes. The Motion carried.

Jessica Caldwell of J. Caldwell & Associates, LLC. is the Planning Board Municipal Planner for the year 2019.

Designation of Board Secretary:

A Motion was made by Mrs. Hull and seconded by Mrs. Woodhead to appoint Beth Brothman as the Sandyston Township Planning Board Secretary for the year 2019. Upon roll call the following votes were cast: Mr. Harper, yes; Mr. Huber, yes; Mrs. Hull, yes; Mr. Mikulka, yes; Mr. Cunico, yes; Mr. Sinha, yes; Mr. Smith, yes; Mrs. Woodhead; Mr. Utter, yes. The Motion carried. Beth Brothman is the Planning Board Secretary for the year 2019.

REGULAR MEETING

APPROVAL OF MINUTES:

A Motion was made by Mr. Harper and seconded by Mrs. Woodhead to approve the November 5, 2018 minutes. Upon roll call the following votes were cast: AYES: Mr. Harper, Mr. Huber, Mr. Cunico, Mr. Sinha, Mr. Smith, Mrs. Woodhead, Mr. Utter. ABSTAIN: Mrs. Hull and Mr. Mikulka. NAYS: None. The motion carried.

APPROVAL OF VOUCHERS:

A MOTION was made by Mr. Cunico and seconded by Mr. Sinha to approve the January 7, 2019 voucher report. Upon roll call the following votes were cast: AYES: Mr. Harper, Mr. Huber, Mrs. Hull, Mr. Mikulka, Mr. Cunico, Mr. Sinha, Mr. Smith, Mrs. Woodhead, Mr. Utter. ABSTAIN: None. NAYS: None. The motion carried.

AUDIENCE PARTICIPATION: None.

CORRESPONDENCE: The following was presented to the board and placed on file: Letter from Dolan & Dolan re: Request for hearing to be carried to January meeting.

Letter from Joseph Pinzone re: resignation from Planning Board effective 12/31/2018

APPLICATION HEARINGS:

Application: #02-2018

Certified Used Auto – Albert Toro

Block 1105 Lot 22.02 Zone: B

179 Route 206 South

Project Name: Preliminary Major Subdivision / Variance Approval

**** Mr. Harper and Mrs. Hull recused themselves from this portion of the meeting****

Mr. William Haggerty, attorney for the applicant and Mr. Albert Toro, owner and applicant appeared before the board. Mr. Haggerty clarified in the opening of the meeting that the location was looking for depot or tow yard. It is not a salvage yard and would not be opened to the public. The request is for a very limited use and there will

be no sale of parts. No used cars would be sold from the site. No repair work or maintenance. Mr. Haggerty continued to explain that his client works with insurance companies who would tow vehicle there for a limited time before they are removed. They do not propose any changes to the exterior or the lighting due to the "low key" nature of the proposed used.

The proposed use requested included fencing which is part of the use variance as it is in a residential zone and a free-standing lighted sign which will would be turned off at night. The sign is only to recognize the site for those towing vehicles to the location. The use would also include an office trailer, but would not be manned. There will be no full-time employee on site.

Mr. David Simmons, Board Engineer, read his report dated November 26, 2018.

Mr. Albert J. Toro was sworn in during this portion of the hearing. He explained the nature of his business as being similar to businesses owned by his father which focus on towing and storing. He has been in business for about 35 years.

Fluids or leaking vehicles will be staged inside to not create a bigger problem. The building he would use is an existing free-standing building. Leaking vehicles would be drained there. He continued to explain how that process is done and how the fluids are collected and removed. Mr. Toro explained he has owned the property for about a year and he was aware that the property was contaminated and subject to clean up. It was his understanding that there had been no action since the late 1980's and that he has addressed the matter through the NJDEP. He was expecting his environmental consultant from Marksmen Enterprises to appear with him this evening, but he is out of town. The applicant continued to explain his proposed use and explain how his business operates by confirming through testimony that which Mr. Haggerty had explained.

There is no proposal to connect with the septic system. His goal now is to get up and running. The same is with the well. Since there will be no full-time staff or customers, he does not need functioning toilets or running water. The fencing proposed would be stockade along 206 and Davey Lane. The rest would be chain link with slats. It was proposed that the impact would be significantly less then the current use.

The board was presented exhibit A-1 of photographs of the trailer and certificate to add to the documents.

The conversation returned back to the environmental concern with the in-ground gas/oil tanks. Mr. Toro explained that he is expecting a clearance of LSRP in about 6 weeks. Board members asked questions pertaining to the testing that was already performed and the expected time line of remediation. The applianct understood the nature of the concern and without his environmental expert, Mr. Toro was unable to directly address that question.

****The Board took a 5-minute recess *****(8 p.m. – 8:05 p.m.)

The applicant through with his attorney continued to testify to the nature of his business with the following detail that that he would have a maximum of 10-15 vehicles and that he would like to operate while the clean up continues. It was suggested that the hearing could be tabled until the next meeting so allow time for the applicant's environmental

professional to testify. There was a brief continuation of discussion about well water testing, elevations and clarification of the height of the fence which is 8 feet. The applicant and his attorney determined that having his environmental professional and site plan engineer with him at the next meeting could more directly address any concerns and requested the board to consider carrying the meeting.

At this time the meeting was opened to the public for comment. Mr. Glen Hull of Layton asked if the application were approved, would any additional land require a site plan. He was assured any approval, if it should be granted, would not include any additional land acquired after approval. Additional properties adjacent to this property and acquired after an approval would be required to come before the board for consideration. Only the block and lots before the board at this time is being considered.

Mr. Tom Horsfield of Layton asked if the plans could be made available to the public during the meeting. The board secretary will provide the most current plan available on file at the next meeting.

A MOTION was made by Mr. Cunico and seconded by Mr. Sinha to table the hearing until the meeting scheduled for Monday, February 4, 2019 at 7 p.m. without further notice required. With it noted that Mr. Harper and Mrs. Hull are recused from this portion of the hearing, the following votes were cast upon roll call: AYES: Mr. Huber, Mr. Mikulka, Mr. Cunico, Mr. Sinha, Mr. Smith, Mrs. Woodhead, Mr. Utter. ABSTAIN: None. NAYS: None. The motion carried.

RESOLUTIONS: None.

OTHER BUSINESS:

The matter of the appointment of a new board attorney was addressed by Mr. Utter who explained that the matter would be addressed at the next meeting. The Township attorney, Mr. Hanifan, covered this meeting.

The board secretary clarified that there was a typo on the reminder provided for the next meeting date. The next meeting date is February 4, 2019 at 7 p.m.

AUDIENCE PARTICIPATION: None.

ADJOURNMENT:

As there was no further business before the Board, a Motion was made by Mr. Cuncio and seconded by Mr. Harper to adjourn the meeting. All were in favor. The meeting was adjourned.



Beth Brothman

Planning Board Secretary

