

**WASHINGTON BOROUGH PLANNING BOARD
MINUTES OF REGULAR MEETING HELD ON
OCTOBER 21, 2013**

The regular meeting of the Washington Borough Planning Board was called to order by Chair VanDeursen at 8:00 P.M. in the second floor Court Room/Council Chambers of the Borough Hall. Chair VanDeursen read the following statement into the record: "The requirements of the "Open Public Meetings Law", P.L. 1975, Chapter 231, have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of the Borough Hall stating the time, place and purpose of the meeting as required by law." Chair VanDeursen led the Board in the Pledge of Allegiance.

ROLL CALL: Present: Conry, Post, Aron, McDonald, Turner,
Frascella, VanDeursen
Absent: Pohorely, Monus
Also Present: Steve Gruenberg, Board Attorney
Susan Gruel, Board Planner
Gene Weber, Board Engineer
Andrew Hold, Board Engineer

Rick Monus was attending a training class and Gary Pohorely had a work conflict.

APPROVAL OF MINUTES:

Meeting of September 9, 2013: No comments. Therefore, it was moved by McDonald seconded by Conry to approve the minutes as presented.

ROLL CALL: Conry, Post, Aron, McDonald, Turner,
Frascella, VanDeursen
Ayes:6; Nays:0; Abstentions:1 (Aron)
Motion carried.

RESOLUTION:

A. Paramount Assets – tabled to November meeting

APPLICATIONS:

Washington Square Phase II – completeness hearing

Michael Salvaggi represented the applicant. Received the 10/15/13 review letter from Andrew Holt. The letter recommends that the application be deemed complete and Andrew stated that the submission was sufficient to deem complete. Therefore, it was moved by McDonald, seconded by Conry to deem the application complete and set the public hearing for November 11, 2013.

ROLL CALL: Conry, Post, Aron, McDonald, Turner,
Frascella, VanDeursen
Ayes:7; Nays:0; Abstentions:0
Motion carried.

Towne Center – completeness hearing

Michael Salvaggi represented the applicant. The property is the old PNC/St Cloud site. Gene Weber's review letter was received. The application proposes residential on the first floor. The applicant feels that the variance should be a C2 variance not a use variance. Frontage would still be commercial. Residential use is permitted in the zone. Attorney Gruenberg stated that residential use is not allowed on the first floor under the redevelopment plan. He feels that the variance should be a D1 or D3 variance. If either type, the Planning Board cannot hear the application. The applicant would have to go before Council to have the redevelopment plan amended to allow first floor residential.

Chair VanDeursen stated that the Board would need a good reason why the variance should be a C variance. Ray Rice stated that economics is the answer. Entire retail on the first floor would not be economical. Susan Gruel agreed with Mr. Gruenberg regarding the permitted uses. Sees variance as a D variance. Council would have to amend the redevelopment plan. Mr. Salvaggi stated again that he feels it is a C variance.

Dan Aron noted that the retail would be seen in the back of the building where the residential is proposed to be located. Andrew Turner stated that the proposed configuration is not the only option the applicant can

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have on the site. He also stated that he has security concerns with the first floor residential. Mr. Gruenberg commented that if a use variance, it would be a jurisdictional issue and the Board can make a recommendation to Council. Mayor McDonald asked if he and Councilwoman Conry should participate at this time if the matter may go to Council. Motion for jurisdiction should be dealt with first. It was moved by Turner, seconded by Aron to consider variance a C variance where Planning Board has jurisdiction and to deem the application complete.

ROLL CALL: Conry, Post, Aron, McDonald, Turner,
Frascella, VanDeursen
Ayes:7; Nays:0; Abstentions:0
Motion carried

Mayor McDonald asked if there could be potential challenges. Attorney Gruenberg stated possibly. November 11, 2013 public hearing date set.

P. Serelis Corp – public hearing

Alan Lowcher represented the applicant. Jess Symonds, Engineer; Darin Vogel, Geologist; Frank Bannish, Planner; and Mr. Serelis, President; were present.

The property is located on Rt. 31 on 9.3 acres in the industrial zone with a small area in the boundaries of the Morris Canal zone. Previously, this site was given site improvement approval. Proposed Lot 4 would be 8 acres and Lot 5 would be 1 acre. Lot 5 does not front paved street. Gene Weber's review letter dated 10/8/13 was received.

Jess Symonds, Engineer, was sworn in and accepted as an expert witness.

Exhibit 1 – 3 page subdivision plan

Exhibit 2 – 11x17 concept stormwater management plan

The applicant is proposing to subdivide the existing lot on the southside. Discussion of the technical review letter. Items 1-8 will be added to plan. Mr. Symonds handed out a concept plan to the Board. Reviewed the questions made by the Board Engineer about the purpose of the containment basin. Mr. Symonds said that the basin cannot be used due to contaminants. Mr. Symonds stated that the discharge would have to be piped to Rt. 31. Item #13 to provide access easement for the rear lot. Item #14 grading plan and access to be on plan. Item #15 no impact to the Morris Canal District. Item #16 to provide deed restriction where there will be no building on Lot 5.

Darin Vogel, Geologist/remediation specialist, was sworn and accepted as an expert in the field of geology.

Exhibit 3 & 4 – letter and qualifications

Exhibit 5 – Environmental report

Mr. Vogel discussed the site history. Stated that the area is under a superfund site because there is TCE present. EPA found low level of the chemical. Although the level is low, the containment basin cannot be disturbed. A 2011 EPA report stated that it is not to be disturbed until remediated. There are no other issues to prevent development of proposed Lot 4. Attorney Gruenberg asked if EPA had any requirements regarding subdividing. Mr. Vogel stated that not to his knowledge.

Frank Bannish, Professional Planner, was sworn in and accepted as qualified witness.

Exhibit 6 – arial view

The contamination was from offsite. He feels that the subdivision will make the property more marketable. The contaminated lot will get cleaned up in the future. There are many possibilities for the property that is in a mixed use area. The positive criteria includes removing impediment of contamination. Does not see any detriment to the public. Andrew Turner asked what protection the Borough has that Mr. Serelis will not abandon the new lot. Mr. Vogel stated that the EPA has identified the party responsible for the contamination.

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Public comment: Sandi Cerami from the BID was sworn in. She stated that approval would benefit the Borough. No further witnesses. Close public portion. All in favor.

Attorney Gruenberg reviewed the motion. Preliminary and final major subdivision approval with C variance for lack of road frontage, comply with Gene Weber's review letter. Therefore, it was moved by Conry, seconded by Post to approve the application.

ROLL CALL: Conry, Post, Aron, McDonald, Turner,
Frascella, VanDeursen
Ayes:7; Nays:0; Abstentions:0
Motion carried

OLD BUSINESS: None

NEW BUSINESS:

2014 Budget: Same numbers as 2013. Make sure enough money for mandatory new board member training.

REPORTS OF OFFICERS AND COMMITTEES: None

Close public portion. All in favor.

UNAGENDIZED STATEMENTS:

Holiday party – December 7 at Apple Mountain, 7 pm.

COMMUNICATIONS:

Receive and file. All in favor.

ADJOURNMENT: Motion to adjourn. All in favor. The meeting was adjourned at 9:52 p.m.
Respectfully submitted by Patricia L. Titus, Planning Board Clerk