

**WASHINGTON BOROUGH PLANNING BOARD
MINUTES OF REGULAR MEETING HELD ON
JULY 11, 2016**

The regular meeting of the Washington Borough Planning Board was called to order by Chair VanDeursen at 7:30 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:	Post, Conry, Aron, McDonald, Turner, Frascella, Lopez, VanDeursen
Absent:	Pohorely
Also Present:	Steven Gruenberg, Attorney Stan Schrek, Board Engineer Susan Gruel, Board Planner

APPROVAL OF MINUTES:

Regular Meeting of June 13, 2016: It was moved by McDonald seconded by Frascella to approve the minutes as presented.

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

RESOLUTION: None

APPLICATIONS:

NEPFUND REO, LLC: Minor Subdivision – public hearing
Alan Lowcher represented the applicant. Appearing for the applicant was James Keough, Manager NEPFUND REO, David Swanson, land surveyor, Richard Conway, Esq., of JCP&L and Frank Lawson, Manager of JCP&L Site Remediation.

The property is located in the industrial zone. It is bordered by Willow St., So. Lincoln Ave. The property was bought at Sheriff's sale. The applicant and JCP&L have been in talks for three years. JCP&L will purchase part of the property plus two buildings. Minor bulk variances are required. The plan is to sell the new lot to JCP&L and merge with their current lot and demolish two buildings. The new lot will not have frontage on a public street but will front on an un-named alley.

David Swanson, land surveyor, was sworn in and accepted as an expert witness.

Exhibit A-1: minor subdivision map

The property line was drawn to create a buffer from the contaminated area. There would be a 9.8 ft side yard setback were 20 ft setback is required.

Gina Appleby, 28 Willow St, asked where they obtained the information on the contamination.

Harold Warne asked how far west the contamination went. Mr. Swanson did not have this information.

James Keough, Manager NEPFUND REO, was sworn in. The property was acquired 8/20/12. The found contamination during the environmental testing prior to the sale. The subdivision is necessary to expedite the remediation. There will be no changes to existing buildings except the two proposed to be demolished by JCP&L.

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Attorney Lowcher stated proposed conditions: merger of two lots, agreement with JCP&L, and consummation of sale. Mr. Schrek questioned how can the conditions be enforced since there are no building improvements or COs. Attorney Gruenberg stated that any conditions have to be met before the subdivision is perfected.

Mr. Turner asked why they are not cleaning up the property themselves. Mr. Keough stated that JCP&L is responsible and they could not come to an agreement for remediation.

Mr. Warne asked how many variances are being requested. Attorney Gruenberg answered just the setbacks. Mrs. Appleby asked if any other studies were done. Mr. Keough answered that one was done. Mrs. Appleby asked why the town should grant variances.

Frank Lawson, Manager of JCP&L Remediation, was sworn in. Richard Conway, Esq., represents JCP&L. Mr. Lawson discussed the history of the property. It was a manufactured gas plant from 1878 to 1924. JCP&L acquired it through mergers/acquisitions. Contaminations are benzene and PAHs. Exposure would be contaminated soil and drinking water. The remediation plan would be to remove several feet of soil and monitor it afterwards. There are three wells on Willow St and none are affected. Attorney Gruenberg asked what was the fastest way to remediate. Mr. Lawson stated that having control of the property is best so they have complete access. Estimated completion would be by the end of 2017. DEP requires completion by 2021. Attorney Conway stated that JCP&L is obligated by law to clean up the site.

Attorney Gruenberg reviewed the conditions Mr. Lowcher proposed and also added the remediation plan/intent. Mr. Turner asked why the buildings have to be demolished. Mr. Lawson stated that they need room for equipment. Attorney Gruenberg stated that no letter of intent has been remitted to the Board. Attorney Conway proposed an agreement as a condition of approval. Several Board members stated that they would like to see the agreement before voting on the application.

Mr. Warne asked when they found out about the contamination. Mr. Keough answered in 2012 when a Phase 1 study was completed.

Ethel Conry arrived at 9 pm. Further discussion on the contamination.

Attorney Gruenberg asked the Board if they want to see an agreement before voting or include it as a condition of approval. Ms. Gruel agreed with Attorney Gruenberg. An unofficial poll was taken by Board members. All members agreed that they would like to see an agreement before voting.

Harold Warne, Youmans Avenue, was sworn in. He read a letter he prepared into the record. Labeled Exhibit W-1. Gina Appleby, Willow St., voiced her concerns: setbacks, JCP&L not following through and variances.

Chair VanDeursen stated that the Board would like to see a signed agreement for the next meeting. Public hearing continued to August 8, 2016.

9:27 pm – five minute recess

9:35 pm – back to order

OLD BUSINESS: None

NEW BUSINESS: None

REPORTS OF OFFICERS AND COMMITTEES: None

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UNAGENDIZED STATEMENTS: None

No public in attendance. Public portion closed. All in favor.

COMMUNICATIONS:

No discussion. Motion to receive and file. All in favor.

EXECUTIVE SESSION:

Pending litigation:

Motion to go into executive session. All in favor.

Motion to go out of executive session. All in favor.

No formal action taken by the Board.

ADJOURNMENT:

The meeting was adjourned at 9:42 p.m.

Respectfully submitted by Patricia L. Titus, Planning Board Clerk