



**TOWNSHIP OF GALLOWAY
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ZONING BOARDS**

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Pamela K. Alleyne
Planning/Zoning Board Administrator

MINUTES
PLANNING BOARD MEETING
March 4, 2010

The meeting was called to order at 7:00 PM. Ken Sooy chaired the meeting.

Present: Cox, Guercioni, Lucarelli, Mannis, Purdy, Sooy and Tilton

Absent: Bruno, Jones, Kleiner and Sperling

Completeness:

#1-10 BTR, LLC

3 Lot Minor Subdivision

Complete

#19-09 Raddev, LLC

Fourth Avenue

B. 941 L. 2

3 Lot Minor Subdivision

Zoning District: RC (Residential Compatibility)

Proposed: The applicant is requesting a three-lot minor subdivision to create two new lots from one existing lot. The property located on Fourth Avenue. The existing parcel is 4.85 acres (5 acres gross) and is located in the RC Residential Compatibility zoning district. Recreation fees will not be required. Sidewalk contribution will be made at \$500 per lot.

No variances are requested

Jim Robertson represents the applicant.

Minor Subdivision Committee met and a tree clearing plan will be presented at the time of the building permit stage which will be reviewed by the planner, sidewalks will be waived but a sidewalk contribution will be made for the three lots. A recreation fee is not required since the application falls within the CAFRA zoning district. Stormwater management for the site the applicant has agreed to post a deed notice that the developer will post an inspection escrow for storm water management inspections by the Township engineer at the building permit stage.

Rami Nassar, Co-Applicant and Engineer agrees with the comments contained in the engineering report except for item #9- Soil Borings. The plan indicates shallow swales. A note will be added to the plans stating at the time of construction the municipal engineer had to go out and be sure that the soils are suitable under the swales at the cost of the homeowners. An inspection escrow will be posted to provide for the inspection of the lots.

Professionals Comments:

Craig Hurless comments on his report dated February 11, 2010. Had concerns with the storm water management system that is being provided for the subdivision. This subdivision qualifies as minor development however it was close to the threshold as being considered for major development which would require additional improvements and more stringent requirements the applicant has indicated that they will add notes on the plans that should those triggers be reached at a later date that they are required to come back and provide storm water management in accordance with the major development requirements.

Tiffany CuvIELLO comments on her report dated February 26, 2010. A tree clearing plan will be submitted at the time of the building permit.

No Public Comments

Motion to approve application #19-09 Raddev, LLC. 3 Lot Minor Subdivision was made Tilton by 2nd by Purdy.

Those voting in favor: Guercioni, Lucarelli, Mannis, Purdy, Sooy and Tilton

Recused: Cox

#1-10 BTR

Tilton Rd

B. 453 L. 1

3 Lot Minor Subdivision

Zoning District: Industrial

Proposed: The applicant is requesting a three-lot minor subdivision to create two new lots from one existing lot. The property located on Tilton Road and includes the Lenox China Warehouse building. The existing parcel is 55.981 acres and is located in the Industrial (I) zoning district of the Pinelands Regional growth area.

Rear yard setback variance required for the accessory structure.

Sal Perillo represents the applicant.

Kenneth Tyson, Geologist specializing in groundwater and soil investigations. Was a consultant to the DEP during the testing of the site 10-15 years ago. In 1986 fifteen areas of concern in the area of soils were identified. 1987-1989 also was conducting an investigation some impacts to groundwater with respect to industrial solvents. In 1994 DEP completed the soil investigation. As a result of that they added one for a total of 16 areas of concerns relating to soils. They were low level concentrations to the soils. The impacts to groundwater are the degreaser pit (AOC 1), storage area (AOC 12) disposal area (AOC 2), site impact (AOC 13) with lead and zinc in the soils. All of the soils areas were given a letter of no further action status by the DEP. As recorded in the remediation agreement between Lenox and DEP. AOC 1 & 12 were thoroughly investigated and found not be to sources of the contamination. AOC 2&13 these areas had low concentration of lead and zinc and they had direct contact exposures risk and those risks are managed by notifying future property owners that these item exists and the engineering control is a cap and fencing with eliminates direct contact with those soils. DEP gave a no further action status. Active groundwater remediation has been conducted during the past 15 years at the site. The remediation system consists of a line of groundwater recovery wells located along the railroad tracts to address very minor concentrations of impacts to groundwater. The groundwater is captured by the recovery wells and pumped back into a treatment area once treated pumped back to recharge area. It is better than the drinking water standard.

He rates the situation on a scale of 1-10 with 10 being the worst possible scenario. He rates it a less than 1. The inspection escrow that has been established he believes that the 1.6 million dollars is adequate. Worse case would be to operate it as it is and then run it out for a decade. Although unnecessary, estimated cost would be 1.8 million dollars. Another estimate for certain keys areas would be to address the high concentration areas to clean up in a shorter period in less than 10 years and that cost came up to 1 million dollars. The residents on Aloe Street which have wells are given the findings. These wells are some distance from this site but are routinely monitored as part of the quarterly monitoring program. Lot 1.01 will never be developed because of the DEP constraints. The parking lot in 1.01 can be used. It will have to be maintained to ensure the level of protectiveness. A cross easement will be provided.

Long Nguyen, representative of BTR, LLC the site was purchased and leased to Lenox in 2006. It was to be redeveloped as a multiuse site. Then Lenox went bankrupt leaving the space unoccupied. However the site contamination is the responsibility of Lenox and they have established a 1.6 million dollar escrow controlled by DEP. BTR, LLC has also taken an 10 million dollar environmental policy, in case the cost exceeds the inspection escrow. Thus far they have been unsuccessful in leasing the property because of the environmental constraints. By subdividing the property will allow for better marketability.

Terrance Combs, Planner. Six hundred total parking spaces on the entire site currently. Three lots will be created. Thirty-nine acres (lot 1) contains a principal building and accessory structures totaling 17, 000 sq ft and paved areas of 452 parking spaces will be contain within the largest lot. The second Lot 1.01 contains 8.47 acres and fronts on Aloe Street and contains a parking lot contain 152 parking spaces. This lot is deed restricted because of the environmental constraints and wetlands buffer as approved by the Pinelands. A variance is required to allow an accessory use on a parcel with no principal use. The two small structures behind lot 1.02 are a 10' x20' shed and a 20' diameter tank. Lot 1.02 contains 7.70 acres and 35% of the lot is impacted by the wetlands buffer. Currently contains mostly wooded lands with existing utility poles and a portion of a pathway. Site Plan approval will required for all the lots before development can take place.

Josh Porter, representative of BTR, LLC city water does not serve this site. There are two deep wells on the property that provide the drinking water. The depth of the wells there is no cross contamination. And there is testing monthly. As long as BTR is a viable company it will be responsible for the remediation. However it should be noted that the liability insurance policy is fully paid for the 10 years.

Professionals Comments:

Craig Hurless comments on his report dated February 11, 2010 concerning the cross easement and the ability able to utilize the 150 parking spaces on lot 1.01.

The parking lot in 1.01 can be used. It will have to be maintained and repaired to ensure the level of protectiveness. A cross easements will be provided.

Tiffany CuvIELLO comments on her report dated February 26, 2010. Lot 1.01 contains a railroad spur. The applicant should provide cross easements that will allow for any future user of either 1 or 1.02 to utilize the spur.

Public Comments:

Tom Mitchell comments on the site contamination and the townships future responsibility.

Applicant will provide the township will a summary document of the findings and status of the environmental issues. Also documentation of the insurance policy.

Motion to approve application #1-10 BTR-Tilton, LLC. 3 Lot Minor Subdivision was made Purdy by 2nd by Tilton.

Those voting in favor: Guercioni, Lucarelli, Mannis, Purdy, Sooy and Tilton

Recused: Cox

Board Discussion: Carriage House. The applicant is seeking administrative approval for a permanent 30' x30' pole barn. As requirement of the Administrative Approval the board professional must report back to the board their findings.