

June 10, 2010

Mr. Ford called the workshop meeting of the Union Township Planning Board/Board of Adjustment to order at 7:05 p.m. He read the Sunshine Statement.

Members Present: Mr. Bischoff, Mr. Walchuk, Mr. Nace, Mrs. Corcoran, Mr. Kastrud, Mr. Ford, Mr. Kirkpatrick (7:15 p.m.)

Members Absent: Mr. Severino, Mr. Badenhausen, Mr. Ryland, Mr. Taibi

Others Present: Atty. Mark Anderson, Robert Clerico, Atty. Scott Carlson, Joseph Staigar, Larry Keller, Cathy Adkins, Michele McBride

**Approval of Minutes: May 13, 2010** Deferred until later

**Pilot Travel Centers LLC: Block 11, Lot 24.03, 68 Route 173 West:** Status Report  
Atty. Scott Carlson addressed items of concern to the Board, beginning with the problem of trucks running over the curb. Mr. Carlson, Brian Kirkpatrick, Carl Hintz and Bob Clerico had met at the site prior to tonight's meeting. Mr. Kirkpatrick had experience with clients who had used boulders to prevent problems such as those occurring at the Pilot site. Atty. Carlson proposed installation of two rows of boulders as a visual deterrent for truckers jumping curbs. He also said that a section of fence had been removed. Pilot will repair the fence. Mr. Bischoff mentioned the possibility of installing a sensing wire by the fence that would send an alarm to the building if there was tampering. Atty. Carlson said that would be considered if the problem continues. Mr. Ford asked about the wooden guardrail and if that was in the area of the proposed boulders. Joseph Staigar responded. He said the guardrail protects anyone from falling into the detention basin. A five-foot area of stone is proposed in that area. Boulders could also be placed there. Mr. Bischoff thought the guardrail should be repaired and place boulders in front of the guardrail. Mr. Ford mentioned that the fence on the east side of the property has been damaged. Atty. Carlson said that would be repaired or replaced.

Atty. Carlson gave an update on off-site improvements on Route 173. Pilot has a valid NJDOT access permit. The improvements include the widening of the shoulder on Route 173. The two lanes on the exit ramp will be delineated and the radii will be widened. Pilot will widen the intersection at Charlestown Road and Route 173 for vehicles turning right. The shoulders on both sides of driveways will be widened by four feet each. The turning movement will be better delineated to facilitate truckers making left-hand turns. Mr. Staigar said trucks are entering on an angle. Mr. Bischoff mentioned placement of boulders. Mr. Staigar said there are highway clear zones and boulders would not be allowed. He also said Pilot would have to submit revised plans to NJDOT for their approval. Mr. Staigar said the gridlock occurring which blocks eastbound traffic could be addressed by signage stating "Do Not Block the Box". Other signage will provide information regarding points and fines for violations of the law.

Mr. Clerico referenced clear zones that disallowed boulders, bollards, guardrails, etc. He asked if a guardrail could be wrapped around an existing utility pole. Mr. Staigar indicated that might be approved by NJDOT. Mr. Ford asked Mr. Staigar about the change in radius as a vehicle was coming north on Charlestown Road and turning east on Route 173 which shows the curbing close to one of the stanchions. Would it be appropriate to place a guardrail there? Atty. Carlson said that would be shown on the Plan. Mrs. Corcoran asked Mr. Staigar what would happen if a truck parked in the "Box". Mr. Staigar said it would be a violation and subject to enforcement. The proposed signage should deter truckers from parking in the "Box". Mr. Kirkpatrick said that ignoring a sign could result in a \$250.00 to \$300.00 fine. Mr. Staigar said Pilot would ask NJDOT if that signage might be used. Mr. Staigar asked if he should submit a revised plan to the Board and Mr. Clerico for his concurrence. Mr. Kirkpatrick said Mr. Clerico's review would be sufficient. Mr. Staigar should send the Plan to NJDOT after Mr. Clerico had agreed with changes.

Atty. Carlson referenced the May 2010 request from Mr. Clerico for water readings. The readings were provided to Mr. Clerico. They were in excess of what was permitted. (3,273 gallons per day – gpd) The actual reading was over 5,000 gpd. Mr. Carlson apprised the Board of remedial action Pilot has taken. He said the hoses that were used by truckers to wash their cabs were removed and low-flow urinals and showerheads were installed. Atty. Carlson said he hopes those measures will reduce the usage to what is permitted. Mr. Carlson also said there might be a problem with the meters since the discharge is only 1,900 gpd. A second meter had been installed a few days ago. Larry Keller, Whitestone Associates, said they are looking into the matter. A plumbing contractor has been at the site checking pipes. Mrs. Corcoran said the Board had been told there was a meter on the wastewater discharge and that's not be the case. Mr. Keller said every time the pump kicks on it is metered. There is a counter and the dose is 550 gallons per dose. He said, in a sense, it is metered. Mr. Kirkpatrick asked if the dose had been verified. Mr. Keller replied in the affirmative. Mr. Keller said applicant is looking into the discrepancy. Mrs. Corcoran said she understood the original design that had been submitted to NJDEP had water conservation showerheads. Atty. Carlson will review that matter. Mr. Walchuk suggested that the Township Engineer look into the routing of the plumbing system and check the accuracy of the wastewater measuring methodology. Mr. Clerico said the new system had been discussed earlier today. It will be installed soon. Mr. Clerico said the internal plumbing mentioned by Mr. Walchuk should have been subject to plumbing code inspection. Mr. Bischoff felt the Board would want a clear answer. Mr. Keller said that is the direction Pilot is going. Atty. Carlson said Pilot is trying to get a handle on the discrepancy with the water and discharge readings. He would like another two weeks to check meters for accuracy and ascertain the effect of remediation measures. Mr. Carlson said if there were a problem, a water conservation plan would be submitted to the Board. Mr. Kirkpatrick said it could be something as simple as a loose fitting. Atty. Carlson said there had been a repair.

Mr. Ford asked the amount of water that would go through the meter if it was operating properly and the amount of water that is going into the septic system. Mr. Keller said the water is divided. Some goes through the storm drain system and would not make its way to the septic field. Mr. Ford asked "Besides the water used for washing trucks, what other uses for water would there be on the site? Mr. Ford asked if any water went to the fuel oil business. Mr. Keller said "Yes". Mr. Kastrud asked if the expected usage of 3,273 gallons was at the planning stage. Atty. Carlson said Pilot was trying to determine the genesis of the amount. Mr. Bischoff said that when the application was submitted, the Board required that an aquifer test be done. The application was deemed incomplete until applicant performed the test. Litigation followed. The lawsuit was settled when Pilot agreed that they would not use more than 3,273 gpd. Mr. Kastrud asked what was expected. Did Pilot expect more or less? Mr. Kirkpatrick explained that the site is supplied by groundwater. Groundwater in the upper aquifer is contaminated. Additionally, the site sits within a groundwater recharge deficit area. The Board had concerns that when drawing the lower groundwater down there would be leaks in the upper aquifer and that would allow contamination to enter the lower clean aquifer.

Mr. Kirkpatrick said the wells located in the deficit area are already taking more water out than comes in and the Board did not want more water to be taken out of that aquifer. That set the stage for the 3,273 gpd that was already being used. The Board didn't feel they had the ability to tell Pilot they couldn't take that amount out; however, they did feel they could tell Pilot they could not use any more, unless a certain number of tests were done. Mr. Kirkpatrick thought a portion but not all of the tests were done. Gpd are based on the number of urinals and showers and water for washing windshields. Mr. Kirkpatrick said that was the basis for the 6,500-gpd capacity for the sewer-treatment facility. Atty. Carlson said there was testimony that Pilot would probably use about 5,000 gpd at some point. Mr. Carlson said he believed that Pilot would probably return to the Board for relief from the 3,273 gpd as set forth in the Resolution. Atty. Anderson said the Resolution does have that provision. Mr. Anderson said the Resolution also states that Pilot would have to conform to the Township's Aquifer Testing Analysis. Atty. Carlson said Pilot would make an effort to conform to the 3,273 gpd, as per the Resolution and, perhaps, revisit the issue at some time in the future. Mr. Bischoff referenced Mr. Walchuk's comment about the Engineer's involvement with the plumbing and metering issues. Mr. Clerico said daily meter readings have been established. Atty. Carlson said Pilot would provide updated information to Mr. Clerico.

Atty. Anderson said the Resolution does require a designation by the Township Engineer as to how the readings would be given. He understood that once the Engineer had done so, it would be a continuing obligation of Pilot. Atty. Carlson said Pilot would continue to do that until they are told by the Board or the Township Engineer that they are relieved of that obligation. Mr. Carlson said Pilot would be keeping a daily log, beginning on Monday June 14, 2010. Mrs. Corcoran was especially interested in the daily readings. She felt there would be peaks in the readings that would exceed the proposed capacity. Mr. Keller said there is equalization in the system that would handle peaks.

Atty. Carlson said the Wastewater Treatment Plan had gone out for bids. He said that, hopefully by September 1, 2010, Pilot would have their new Plan. Mrs. Corcoran asked if there would be a meter installed. Mr. Carlson said that would be done if requested by Mr. Clerico. A pre-construction meeting will be held between Pilot, Mr. Clerico and the County Health Department to determine who will oversee the Plan. Pilot has a Permit from NJDEP. Mr. Clerico said the Township should be proactive. Mrs. Corcoran emphasized the need for metering. Mr. Kirkpatrick apprised the Board with happenings at today's meeting. Pilot had agreed to provide a narrative describing the levels of treatment to ensure that what is being constructed concurs with what was discussed at the Planning Board Hearings. Pilot will also provide a narrative describing how they have accelerated the cleanup at the site, comparative with what would have been done if Johnny's was still the owner.

Mr. Ford voiced a concern about temporary signage on windows and the building and outside display of merchandise. Mr. Kirkpatrick said the Zoning Official had addressed the issue. Mr. Ford also noted there was a storage trailer on site. Atty. Carlson will look into that matter. Mr. Ford said it had been brought to his attention that there were a number of trucks idling at the site. Atty. Anderson said the Resolution states that applicant shall develop an idling plan to phase out idling by December 1, 2009. Atty. Carlson said Ms. Adkins had spoken to the new site manager and, hopefully, outstanding issues will be resolved. Mr. Ford said he understood that truckers using the scale have to go inside to get a ticket. He asked if the ticket could be dispensed when the trucker leaves the scale. Ms. Adkins will discuss that issue with the site manager. Mr. Ford asked about lighting under the canopies. He observed that the lights under the diesel canopies do not conform. Mr. Hintz will be inspecting the lights next month.

**Comments from the Public:** Michele McBride, Olde Forge Lane, thanked the Board for their work with Pilot. Ms. McBride noted that the sign on the bridge has alleviated the number of trucks on Charlestown Road. She asked if signage could be placed on Charlestown Road stating "no-thru trucks or u-turns". Ms. McBride acknowledged that was not Pilot's issue. Mr. Kirkpatrick said that could be recommended to the Township Committee and they could work in conjunction with Hunterdon County since Charlestown is a County Road. Mr. Bischoff, who spoke on behalf of the Committee, said there would be no objection. Mr. Ford thanked Ms. McBride for her input.

Pilot was scheduled to come to the June 24, 2010 meeting.

**Approval of Minutes:** Mr. Kirkpatrick said he wanted the first sentence of the second paragraph to state that Ms. Lonergan review and read into the record that all of the changes in the Housing Plan that occurred between the first meeting (May 13, 2010) and the Hearing (May 24, 2010) have been included in the Plan.

Mr. Bischoff made a motion to approve the minutes of the May 13, 2010 workshop, as amended. Mr. Kirkpatrick seconded the motion,

Vote: All Ayes, No Nays, Motion Carried

**Other Discussion:** Mrs. Corcoran referenced a letter pertaining to Pattenburg Quarry's request for an LOI. She said members of UTEC who visited the site noticed wetlands by the railroad tracks. Mr. Kirkpatrick had spoken to UTEC's Chairman about their ability to be at the site during the LOI inspection. Mr. Kirkpatrick said there was no mechanism in place to look at the wetlands. He said comments could be made regarding the LOI application. However, there is no right of entry, even when the NJDEP does the LOI inspection. Mr. Kirkpatrick assured Mrs. Corcoran that DEP does go to the site. He thought the Quarry had a soil-disposal permit that required periodic inspections by the Engineer. Mr. Bischoff said the Engineer was to verify the disposal was clean fill. Mrs. Corcoran also asked about the buildings on Milligan Farm. She was told that the house and most of the farm buildings are on a separate parcel. Mr. Clerico had a question about the Bulvanoski approval. He said there is nothing in the Resolution that states when applicant must comply with the conditions. Applicant is attempting to have subdivision deeds approved and signed for recording. Mr. Clerico said applicant contends that compliance is not required until they application is made for a building permit. Mr. Clerico said that is not stated in the Resolution. He asked for direction from Atty. Anderson and/or the Board.

**Motion to Adjourn:** Mr. Bischoff made a motion to adjourn. Mr. Kirkpatrick seconded the motion. (8:15 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary