

MINUTES
HOPE TOWNSHIP PLANNING BOARD MEETING
JUNE 4, 2018

The agenda/business meeting of the Hope Township Planning Board was held on Monday, June 4, 2018. Chairman Marvin Fish called the meeting to order at 7:36 p.m. He announced that notice of the meeting was given in compliance with the “Open Public Meetings Act – This meeting has been advertised in accordance with the provisions of the Open Public Meetings Act, Chapter 231, P.L. 1975.” He led the Board in the pledge to the flag. Neil Rosenberg was sworn in prior to the meeting.

Roll Call:

Members present: Betsy Peterson, Steve Larena, Terry Urfer, Neil Rosenberg, Matthew Koski (Alternate 2), Marvin Fish, Robert May, Tom Toohey (Alternate #1), Chris Maier, and John Koonz.

Member absent: Mayor Timothy McDonough

Also Present: Board Attorney Roger Thomas, Board Engineer Ted Rodman, Planner Elena Gable, Hydrogeologist Frank Getchell, Engineer Denis Keenan, and Board Secretary Alfia Schemm.

Correspondence:

Chairman Fish noted the Master Plan information that was provided by Ms. Peterson.

Approval of Minutes:

Mr. May made the motion to adopt the April 2, 2018 minutes. Motion seconded by Mr. Larena. In a roll call vote, all were in favor, except for Mr. Toohey and Mr. Rosenberg, who were not present at the April 2nd meeting and they abstained.

Mr. May made the motion to adopt the April 30, 2018 minutes. Motion seconded by Mr. Larena. In a roll call vote, all were in favor, except for Mr. Rosenberg, who was not present at the April 30th meeting and he abstained.

Mr. May made the motion to adopt the May 7, 2018 minutes. Motion seconded by Ms. Peterson. In a roll call vote, all were in favor, except for Mr. Toohey and Mr. Rosenberg, who were not present at the May 7th meeting and they abstained.

Completeness:

#18-001 Allentown SMSA, Block 1000, Lot 400

Chairman Fish noted the May 31st report from Board Engineer Rodman in which he recommends that the matter be deemed complete.

Mr. Larena made the motion to deem the application complete. Motion seconded by Mr. Koonz. In a roll call vote, all were in favor, except for Alternate #2 Mr. Koski.

Old Business:

#16-001 Sarabjit Singh, Block 3700, Lot 400; Block 3701, Lot 100

Ms. Peterson, Chairman Fish, and Mr. Toohey recused themselves and sat in the audience.

Board Attorney Thomas stated that it has come to his attention that Mr. Urfer, made comments on the record, several years ago, during the Zoning Board of Adjustment hearing. Mr. Urfer replied that he has not made a decision on the matter and that he can be fair and impartial in hearing the application. He confirmed that he is open minded

and he has not made a determination prior to all of the evidence being placed on the record. He also agreed that he will listen to all of the evidence. Board Attorney Thomas stated that he is not aware of any case law, that compels Mr. Urfer to recuse himself and that Mr. Urfer has stated on the record that he is in a position to listen to the record and to deal with this matter without prejudice and that he has changed his mind as to what he may have stated several years ago.

Richard Keiling, Esq. was present on behalf of the Applicant. He stated that he has two experts to present this evening: Dawson Bloom of Bertin Engineering and James O'Dowd of Johnson Soil. Attorney Keiling reviewed that there was a dispute over the soil classifications and that the Applicant agreed to perform new soil samples. He stated that due to weather the matter was carried and they are present this evening to provide testimony on the new drainage calculations. Board Attorney Thomas reviewed the new documentation that was submitted and marked as Exhibits:

A-20 Plan Submission, dated 5-17-18

A-21 Storm water Drainage Report, dated 5-17-18

Mr. Koonz had a few questions regarding the latest submission and Attorney Keiling confirmed that the convenience store is not proposed and the cover sheet of the Report should have been corrected.

Dawson Bloom provided his qualifications as an Engineer. Michael Sinkevich, Esq., was also present, representing The Delaware River Keepers and he stated that he has no questions as to Mr. Bloom's qualifications. Mr. Bloom went on to review the determination of the soils and the new soil samples taken across the site, with location verification by both Board Engineer Rodman and Mr. Getchell.

James O'Dowd presented his qualifications and experience in Field Work and Permeability Testing. Attorney Keiling stated that he offers Mr. O'Dowd as an expert in the classification of soil samples, which was reviewed by both Board Attorney Thomas and Attorney Sinkevich. Attorney Sinkevich stated that he challenges the fact that Johnson Soils does not have certifications.

Mr. O'Dowd proceeding to describe the test borings done on 4/13/18 and the testing of the samples and the classifications of the soil. He displayed A-1 and marked the location of the test pits. He went on to describe the classification of the soils. The following was marked as an Exhibit:

A-22 Johnson Soils Report, dated 4-23-18

Mr. O'Dowd addressed the soil boring logs and the soil descriptions.

Attorney Sinkevich had several questions regarding who was in attendance on the day of the test borings, the soil classification method, the BMP manual method, the reliability of the results, and the prior soil classification, which was addressed by Mr. O'Dowd.

Mr. Getchell questioned the samples and the variability in the results, which was addressed by Mr. O'Dowd.

Mr. Keenan questioned the consistency of the test pits and borings and the soils, which was addressed by Mr. O'Dowd.

The hearing was opened to the public.

Dr. Glen Fielding questioned the qualifications of the expert and the testing that was done, which was addressed by Mr. O'Dowd.

Annette Morse questioned the ownership of Johnson Soils and she stated that she would like to read the Hope Environmental Commission report into the record. Board Attorney Thomas stated that the hearing is only open for questions at this time and there will be an opportunity later on in the process for comments and testimony.

Tom Bodolsky questioned who prepared the report and the soils, which was addressed by Mr. O'Dowd.

Kate Styer questioned Mr. O'Dowd's experience and the classification of the soils

Attorney Sinkevich questioned the permeability tests, which was addressed by Mr. O'Dowd.

Tom Bodolsky stated that the engineering testimony is not being provided by an engineer. Board Attorney Thomas stated that has already been noted. Attorney Keiling stated that the submitted report was reviewed and signed off by a licensed PE.

Mr. Bloom noted the typographical error, on the cover of the 5-17-18 Storm water Drainage Report, as there is not a convenience store being proposed at this location. He went on to note the soils and he modified Exhibit A-1 with the locations of the Underground Infiltration Basin and the Underground Detention Basin. He went on to describe the runoff system and the water treatment system. He stated that they would be willing to comply with the DEP recommendations in regards to monitoring and maintenance and to provide the Township with Maintenance reports and Logs/Storm water Maintenance and Operation Manuals. He reviewed the maintenance of the filters and he stated that he reviewed the calculations, which he then signed off on.

Mr. Keenan questioned the classification of the soils and the report, the underground infiltration system and overflow, the impact of the flood plane on the storm water system, the time of concentration, boring #4 and the 2 feet of separation, and the wall and possible seepage, which was addressed by Mr. Bloom. Mr. Bloom went on to state that they can provide the additional information requested by Mr. Keenan. Mr. Koonz also questioned the system. Mr. Urfer questioned the system and Mr. Bloom described how the system works. Mr. Koski questioned the separation between the bottom of the infiltration system and the water table, which was addressed by Mr. Bloom. Mr. May questioned the system and Mr. Larena questioned the filters and maintenance, which was addressed by Mr. Bloom. Attorney Keiling stated that his client agrees to always have back up filters onsite, which was reviewed with the Applicant and Board. Mr. Getchell questioned the B-1 boring in the detention basin, which Mr. Bloom addressed and he stated that they will be submitting revised plans.

The hearing was opened to the public.

Attorney Sinkevich questioned the modifications to the basin, the testing done on the basins, overflow, and enforcing the maintenance agreements. Mr. O'Dowd stated that they will be addressing additional modifications in a revision. Board Engineer Rodman asked that the modifications be highlighted. Mr. O'Dowd addressed the Developer's Agreement, Maintenance and Operations Manual, and enforcement.

Annette Morse questioned the basins, filters, safety, and mandatory maintenance, which Mr. O'Dowd addressed.

Tom Bodolsky questioned the efficiency rating for the filters, the materials to be removed by the system, the information referenced on the plans by Pequest Engineering, the approved DEP permit, and whether permission was granted to utilize the Pequest Engineering information. Mr. O'Dowd referenced the RiRob plan and that there is permit issued and approved by the DEP. Attorney Keiling stated that his client is the contract purchaser from RiRob Properties and RiRob paid for the work and all of rights granted to RiRob have been assigned to his client. Mr. Bodolsky questioned the flood elevation. Mr. O'Dowd stated that basin has already been constructed under the approved DEP permit. Mr. Bodolsky continued to question the basin, the drainage calculations, the soil classification, and when the Operations Manual will be submitted, so that it can be reviewed by the Board. He also asked if the Township would be responsible if the site was not maintained, which was addressed by the Applicants.

Jodi Keegan questioned the impervious coverage, the infiltration system, and the maintenance of the filters, Mr. Rosenberg left at 9:48 p.m.

Suzanne Smith questioned water testing. Attorney Keiling noted that there are monitoring wells and it was noted that there will be a system in place if the application were to be approved.

Steven Flynn questioned the shut off procedure, which was addressed by Mr. O'Dowd.

With there being no further public questions, the hearing was closed to the public.

Board Attorney Thomas announced that this matter is being carried to the Board's July 2nd meeting, at 7:30 p.m., at this location, without further public notice.

Other:

Board Secretary Schemm asked if the Board would consider scheduling a hearing on the 4th Monday of July, for the cell tower.

Adjournment:

With there being no further business a motion was made and seconded to adjourn the meeting at 9:54 p.m.

Respectfully Submitted:

Alfia Schemm
Board Secretary

7/2/18