

MINUTES
April 9, 2014

PRE-MEETING CONFERENCE

A pre-meeting conference of the Planning Board was called to order by Chairman Mr. David Manders at 6:45 PM in the Second Floor Council Caucus Room of City Hall. Present were:

Michael Pantalone
Maria Perez
John Casadia
Stephen Plevins
Sandy Velez
Ryan Headley
Angela Calakos
David Manders

Also present were:

Frank DiDomenico, Planning Board Solicitor
Yasmin Ricketts, Planning Board Secretary
Kathleen Hicks, Planning Supervisor
Stephen Hawk, Principal Planner
Brian Myers, City Engineer

PRE-MEETING

D'Ottavio Blueberry Farm- Northerly side of Maple Avenue between Brewster Road and Lincoln Avenue, Block 3301, Lots 37, 38, and 39, Project #14-1364, resubdivision approval to convey a portion of one lot and combine the area with two other lots. The proposed resubdivision will reconfigure the three lots into two lots for a net loss of one lot.

Mr. Hawk explained that the Blueberry Farm is on the northerly side of Maple Avenue. It is three very oddly configured lots that will be reconfigured into two lots. There is one property that is on the westerly side, odd piece of property and that matches the woods. There is a property with a very minimal amount of frontage and it widens out like the shape of a piece of pie. The farmer wants a smaller lot where his mother resides. The rest of the land will be for the farm itself. Combing frontages is a variance. There is a depth variance and an area variance.

Lerco Fuel Co., INC. - Located on the northerly side of Chestnut Avenue between South East Boulevard and Sixth Street, Block 4116 Lots 17 & 18, Project #14-1360, major site plan approval to install two 30,000 gallon propane storage tanks of approximately 9 feet in diameter and 66 feet in length together with a 500 gallon cylinder evacuation tank, as part of a development of a proposed propane bulk storage facility.

Mr. Hawk explained that the applicant that initially there was a zoning permit issued in May of last year and construction commenced on this site. The Zoning Officer rescinded the permit in October and the matter was appealed to the Zoning Board in November of 2013. The Zoning Board voted 4-3 to take away the rescission and have the permit stand. Since that time the applicant has put together a site plan. That site plan has been reviewed and there are Planning and Engineering reports. They are proposing two 30,000 gallon propane storage tanks. Those tanks will go along with a 500 gallon cylinder evacuation tank in the rear. There is a variance for 87.4% impervious coverage vs. 65% maximum allowed. There are some environmental issues with this site and there is a desire to cover a lot of the unground issues with asphalt. They want to seal the contaminants. The parking is on the side of the property. The parking is should be to the rear of the property. There are buffer variances on both sides and the rear because of the

asphalt. They will be giving testimony about all the paving required. They are proposing drive openings on the plan but just have a flared opening. The flared connection to a curb line is something you see for a residential driveway. Their driveways have to driveways that have radius and are sized properly for larger vehicles. There is a requirement for shade trees. They feel it is not appropriate to dig into the site because of the contamination. There is discussion about putting in planters.

Mr. Casadia wanted to know what type of contamination the site had.

Mr. Hawk indicated that it was kiltone and arsenic.

Mr. Pantalone suggested that City Council should get a study made to determine where the contamination is moving.

Mr. Hawk indicated that there is a small area in the northeast corner of the site that is 6" thick crushed concrete surface. That will not be an area for truck traffic. Screening is required for the rear line. There is approximately 50' rear portion of the easterly property line and they agreed to provide evergreens. There is a sign variance required to paint on one of the tanks. The tank is 13' high.

Mr. DiDomenico explained that there are bylaws for the board. It does not mention anything about board members with excessive absences. The board established a Bylaws Committee. They are David Manders, Michael Pantalone, and Sandy Velez.

REGULAR MEETING

The regular meeting of the Planning Board was called to order by Chairman David Manders, at 7:30 PM in City Council Chambers in City Hall.

Present were:

Michael Pantalone
Maria Perez
John Casadia
Stephen Plevins
Sandy Velez
Ryan Headley
Angela Calakos
David Manders

FLAG SALUTE

Public notice pursuant to the Open Public Meetings Act was given on December 28, 2013 by posting written notice on the Official Bulletin Board in City Hall, and mailing written notices to the Daily Journal, City Clerk, and the Board members.

MINUTES – Approval of minutes from the March 12, 2014 board meeting.

The Chairman Mr. Manders made a motion to approve the minutes. Roll call:

Michael Pantalone: Yes
Maria Pere: Yes
John Casadia: Yes
Stephen Plevins: Abstain
Sandy Velez: Yes
Ryan Headley: Abstain
Angela Calakos: Abstain
David Manders: Yes

RESOLUTIONS – Approval of resolution from the March 12, 2014 board meeting.
The Chairman Mr. Manders entertained a motion to approve the resolutions. Roll call:

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Michael Pantalone: Yes
Maria Pere: Yes
John Casadia: Yes
Stephen Plevins: Abstain
Sandy Velez: Yes
Ryan Headley: Abstain
Angela Calakos: Abstain
David Manders: Yes

PUBLIC HEARING

Roll Call:

Michael Pantalone: Yes
Maria Perez: Yes
John Casadia: Yes
Stephen Plevins: Yes
Sandy Velez: Yes
Ryan Headley: Yes
Angela Calakos: Yes
David Manders: Yes

D'Ottavio Blueberry Farm- Northerly side of Maple Avenue between Brewster Road and Lincoln Avenue, Block 3301, Lots 37, 38, and 39, Project #14-1364, resubdivision approval to convey a portion of one lot and combine the area with two other lots. The proposed resubdivision will reconfigure the three lots into two lots for a net loss of one lot.

The applicant was represented by Mr. Steven Fabiotti, Esq. The purpose of the application is to create a family farm and separate that from the house. The house is the applicant's mother, and the lot is oddly shaped because of the wetlands. There will be two lot frontages along Maple Avenue. Lot 37 needs a variance for frontage. As to the shed in comment 8b, the shed is in disrepair and may need to be removed. Comment 9, the gravel driveway will not be used for the farm.

Mr. O'ttavio testified on his own behalf and indicated that his mother wanted the reconfiguration of the lots to preserve more land for framing.

The Chairman entertained to close the public hearing. Mr. Pantalone so moved, Ms. Perez seconded.

Maria Perez: Yes
John Casadia: Yes
Stephen Plevins: Yes
Sandy Velez: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
Angela Calakos: Yes
David Manders: Yes

The Chairman entertained to approve the request. Mr. Pantalone so moved, Ms. Perez seconded.

John Casadia: Yes
Stephen Plevins: Yes
Sandy Velez: Yes

Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Yes
Angela Calakos: Yes
David Manders: Yes

Lerco Fuel Co., INC. - Located on the northerly side of Chestnut Avenue between South East Boulevard and Sixth Street, Block 4116 Lots 17 & 18, Project #14-1360, major site plan approval to install two 30,000 gallon propane storage tanks of approximately 9 feet in diameter and 66 feet in length together with a 500 gallon cylinder evacuation tank, as part of a development of a proposed propane bulk storage facility.

The applicant was represented by Mitchell Kizner, Esq. The use of the site has already been determined by the Zoning Board. There is an impervious coverage variance because the site has to be capped. The capping is handled by DEP and the state.

Robert Woodruff, Sr. testified on behalf of Woodruff. It is a family business for almost 145 years. The company has 55 fulltime employees. They handle all kinds of fuels. Lerco Fuel Company began in 1974 and they moved to the Chestnut Avenue location in 1982. When they obtained the property, they handled fuel oil, gasoline, and kerosene. In the early 1990's, they had a 1,000 gallon propane tank for small canisters. They decided to become a propane distributor in 2012.

Mr. Manders wanted to know if the foundations for the tanks were constructed after they received an approval.

Mr. Woodruff indicated that they were done with an approval and they are 4' high and 8' across. They are large enough to support the tanks. He explained that \$224,000.00 was spent based on the Zoning Officer's approval. Since then, they have stopped the work immediately.

Gerald C. Stocker, Professional Engineer, testified on behalf of the applicant. He is the president of Thomas Associates located in Lebanon, NJ. They specialize in the design of compressed gas systems such as Acetylene, Propane, and Butane. He is a member of the New Jersey Administrative Code (NJAC) regulates liquefied petroleum and propane products under the control of the Department of Community Affairs. He explained that propane has been used since 1920 and Federal government has certified it to be a safe and clean fuel. The state of New Jersey has not had any incidents since 1954. They made application to the state on September 12, 2012. The state approved the concrete foundations, piping, electrical, and the two 30,000 gallon tanks. The propane tank has a built in excess flow valve and a switch shuts off the entire system. The State of New Jersey inspected the area and site for public health, safety, and welfare. The site is designated as safe. LP tanks larger than 4,000 gallons require a fire analysis. The City of Vineland Fire Marshall signed off on the analysis. They work together with the fire officials for safety.

Mr. Casadia wanted to know how many tanks installed had arsenic contamination in the soil.

Mr. Stocker explained that arsenic contamination would not affect the propane. He has been involved with 2 or 3 sites with contamination.

Mr. Manders wanted to know if there have been propane accidents in other fifty states.

Mr. Stocker explained that there have been accidents in other states. New Jersey is a safe state with its own regulations.

Ms. Perez wanted to know if there are 30,000 gallon tanks in other cities located in center city.

Mr. Stocker explained that there are other cities with large tanks and one near a school.

Ms. Hicks wanted to know if NJDCA were aware of the proximity of the school.

Mr. Stocker indicated that he was not present for the inspection so he did not know.

Mr. Manders want to know if a propane tank exploded, how far would it impact in the area.

Mr. Stocker explained that the impact would be $\frac{1}{4}$ to $\frac{1}{2}$ mile.

Mr. Hawk wanted to know about the 500 gallon evacuation tank being 10' away from the property line. He is concerned about that tank being close to the property line.

Mr. Stocker explained that a 500 gallon tank by code can be 10', and 30,000 gallon can be 50' away.

Ms. Velez wanted to know if the Fire Department would need special training.

Mr. Stocker indicated that the applicant would meet with the Fire Department.

Mr. Headley wanted to know the purpose of the evacuation tank.

Mr. Stockers explained that it is used to empty small tanks delivered to the site. Once it is full, the contents are transferred to a larger tank.

Mr. Gary R. Brown, Professional Environmental Engineer, testified on behalf of the applicant. In 1999, environmental work began at this site. They had above ground storage tanks for gasoline and kerosene. Arsenic contamination from a former industrial site on the south side of Chestnut Avenue was discovered. It was also discovered at the adjoining sites. He explained that capping contamination is common and has been done since 1980. The capping will prevent rain water from spreading contamination and it controls both petroleum and arsenic contamination. The only other remediation would be to remove the soil which would cost millions of dollars. The applicant is not permitted to dig up the site without NJDEP approval.

Jack Neff, Woodruff employee, testified on behalf of the applicant. The footings for the propane tanks are 3' deep. He oversaw the installation of 30,000 and 60,000 gallon propane tanks and has never had explosions on his sites. Propane tanks can only be filled to 80% capacity which would be 48,000 gallons for the two tanks proposed.

Mr. Hawk wanted to know how many gallons are sold each year.

Mr. Neff indicated the last 14 months 280,000 gallons.

Mr. Hawk explained that the Zoning Officer said that the use may continue without increase in intensity.

Mr. Woodruff indicated that 2.5 million gallons go through the plant a year at peak time.

Matthew Baldino, Professional Engineer, testified on behalf of the applicant. The site plan shows a one way loop for trucks to enter the site, empty their tanks, and depart. The entire site will be fenced with privacy slats. The applicant is seeking a variance for impervious coverage due to the capping of the site. They also need parking on the side. As for comment 9, the applicant agrees to redesign the driveway opening. Comment 11b, the applicant will change the proposed crushed concrete to decorative stone. Comment 13b, he sees no problems with the proposed sign on the propane tank. They agree with the Engineering report and the applicant agrees to consolidate the two lots by way of an All Inclusive Deed.

Michael Cifaloglio, Fire Marshall for the City of Vineland provided a sworn testimony. They would like the evacuation tank moved from 10' to 25' from the property line because it is next to a residential property. The Fire Department is not happy with this location but the use is permitted by DCA.

Victor Nordberg, member of public, provided sworn testimony. He had many concerns about the site and work being done prior to obtaining approvals. He also compared this location to others in the area.

The Chairman entertained to close the public hearing. Mr. Pantalone so moved, Ms. Perez seconded.

Stephen Plevins: Yes
Sandy Velez: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Yes
John Casadia: Yes
Angela Calakos: Yes
David Manders: Yes

The Chairman entertained to approve the request. Mr. Pantalone so moved, Mr. Headley seconded.

Sandy Velez: Yes
Ryan Headley: Yes
Michael Pantalone: No
Maria Perez: Yes
John Casadia: No
Stephen Plevins: Yes
Angela Calakos: Yes
David Manders: No

ADJOURNMENT

The Chairman entertained a motion to adjourn. Mr. Pantalone so moved, Ms. Perez seconded.
Roll call:

Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Yes
John Casadia: Yes
Stephen Plevins: Yes
Sandy Velez: Yes
Angela Calakos: Yes
David Manders: Yes

TIME: 10:52 PM

Respectfully submitted,

Yasmin Ricketts
Planning Board Secretary