

**Bass River Township Planning Board**

**January 16, 2014**

The regular meeting of the Bass River Township Planning board was held on January 17, 2013 in the Municipal Building and was called to order at 7:15 PM. The meeting was opened with the flag salute. In accordance with the Sunshine Law, notice of the meeting was posted in The Beacon and the Atlantic City Press.

Planning Board members present were: Mrs. Cope, Mr. Capriglione, Mr. Brower, Mr. Shuff, Mr. Gomez, Mr. Bien, Mr. Neuweiler, Mr. Mathis, Mr. Hazard, Mr. Steele and Mr. Crowley.

The minutes of the regular meeting of November 21, 2013 were available for the board and the public. A correction is to be made regarding the treatment plant. The minutes currently state that the treatment plant was designed with the company had 1300 employees. The minutes will be amended to state that the treatment plant is designed to handle 25,000 gallons per day and has never come close to that amount. A motion to approve amended minutes was made by Mr. Mathis and was seconded by Mr. Bien. All were in favor and said minutes were approved. Mrs. Cope, Mr. Capriglione and Mr. Hazard abstained.

Mrs. Cope and Mr. Capriglione excused themselves at this point, as they can not sit in on a variance application

Mr. Brower announced at this point that Mr. Pennella had resigned from the Planning Board after many years of service- and that he will be missed.

**Correspondence:** Correspondence was gone over.

**New Business:** N/A

**Old Business:**

Viking Yacht Company- Continuation of hearing for Site Plan application. Mr. Hyland spoke and stated the reason for the application- an addition of approximately 53,000 square feet to the existing plant facility- to an area that is in between previously constructed buildings. There is a height variance being asked for- they are requesting 43'. They are providing additional information at this time. The facility was toured by the fire department and selected board members as previously requested. The board has the letter with recommendations from the fire chief. They have also submitted a revised plan and they are prepared to address Engineer Kluk's review letter that they received this evening. Viking has one additional witness this evening- James Miller- licensed professional planner in the state of NJ. Masters from Rutgers University. Mr. Miller is accepted as an expert before this board.

Mr. Babek spoke at this time, he presented exhibits- updated site plan- 9 pages. Several of the pages have the wrong date- stating 2013 instead of 2014 – this will be corrected. He stated that Viking will be building less bigger boats. They need the additional space for the larger molds. They are also starting a motor yacht line. A 92’ sport fishing boat is the largest boat they will be building. There was a sheet in the plans that showed why they need the additional height – requested for the variance. As each sheet in the plans were gone over (on the easel) they were marked exhibits.

- A1- 9 Sheets – new plan
- A2- color coded – shows proposed new buildings
- A3- 92’ sport fishing boat
- A4- layout of building and proposed expansion
- A5- shows clipping of one building to provide emergency road access- 360 degrees
- A6- fire truck access plan

(A5 was done this way because the way that was originally proposed would require DEP and CAFRA approval and that may have been difficult with the wetlands delineation). This is how they could 100% assure the board they could provide the full 360 degree access around the building as the board had requested).

Mr. Babek addressed the Fire Company letter and agreed with all the issues. They will all be addressed. There is also going to be a lockbox placed on the guard shack- the fire department will have access to this. This will eliminate any issues with the guard shack being unoccupied when/if fire officials arrive.

On Monday December 9<sup>th</sup>- 2013 was the walk-through at Viking with Board members and fire officials. Chris Mathis went over the report of findings: Most of the tour consisted of discussion of concerns over fire company access to all areas of the facility, the location of fire hydrants, standpipes and the fire company’s ability to locate and access them in case of an emergency situation. The Fire Company pointed out items that were placed along the buildings and in fire access, which hampered their access, and some of the standpipes had items blocking them and had stuff piled in front of them. They moved to the far southeast corner of the building where fiberglass operations occur. They found insufficient room for a fire truck to get around the building. Mr. Mathis went through the walk-through and mentioned each area of concern. Mr. Babek explained how the sprinkler and pump system work. This system is tested multiple times per year per insurance company regulations. Steve Mazur discussed exhibit A-6. (Fire truck access plan) this demonstrates how fire trucks can make it around the parking spaces...this is gravel not paved and lined parking. They want to physically barricade and sign an area for no parking...and they will work with the Fire Company when they do this. These plan show the “clipped” building and how doing this provides the access required. Mr. Mathis stated that he was not sure that the Fire Company could get around traffic during busy hours when people are exiting or entering the facility. Mr. Wetmore (Fire Chief) stated that they have never had trouble in the past getting around the traffic.

Mr. Mazur stated that when a Fire Truck gets to a traffic light, cars move over...this would probably be the case at Viking also.

Mr. Bien questioned the Fire Chief – that if necessary- could they pump out of the river.

Mr. Wetmore: Although not ideal- yes they can.

Mr. Brower questioned the 4 stacks, they are ventilation stacks and they will be transferred to the roof.

The new infusion process is much cleaner and an almost fume free process.

Mr. Mathis questioned the new building and the amounts of styrene. EPA and DEP want styrene out of the building- how much can go in air will be 100% in compliance with DEP and OSHA.

Mr. Brower questioned why sometimes the town can smell the styrene? It has to do with the direction of the wind. The wind primarily comes out of the West. Health effects- In November 2013- OSHA did a 2-day Styrene study at the direct point of contact- where the workers are physically working. The results of that were that they were within 20% of the acceptable range- and that was at the point of contact. Mr. Bien asked how Styrene was classified. Mr. Babek stated he was not sure but there was a study done he believes in 2008 by the DEP and it was classified as non-carcinogenic exposure. Styrene breaks down in the Ozone. The DEP and OSHA monitor levels very closely. Water quality- 3 times per year an outside company comes in and takes the samples, tests it and sends it directly to the state.

Mr. Hyland stated they were ready to deal with the Engineers review letter of January 16, 2014.

Viking is still requesting the same submission waivers.

They are asking for Major preliminary and final site plan approval. Mr. Hyland stated he hoped that with the requested submission waivers, that the Board would have the information they needed to make an approval on this submission this evening.

The Board still had some items that they want to see on the plans. Impervious surface coverage was brought up. Mr. Babek asked if they are looking for a reason to deny this application due to impervious coverage. The Board stated they are not. Mr. Kluk told the Viking representatives that the Board needs to see and is entitled to see everything that is on these two lots- on the site plan, whether or not it pertains to this particular application or not. Mr. Neuweiler has a set of plans and is compiling a list of things that the board will go over and request to see on the next submission.

Mr. Babek does not want the board to nit-pick this application and agreed that it is a good idea that the board gets all of its requirements together and present it to them and they will be happy to comply and present a completed application next month for approval.

Mr. Babek stated the 2005 survey should be adequate since nothing has changed. The Board wants a new survey showing everything stating that if there were any inaccuracies on the 2005 survey- they do not want it to continue. They want a new and accurate survey.

Mr. Neuweiler stated he believes the survey from 2005 is adequate- as a baseline – they want a plan with existing conditions...it needs to be updated. Mr. Norman asked if the 2 separate lots can be consolidated. Mr. Hyland was not sure- they are financed separately. He will provide the impervious coverage for each lot. Mr. Norman stated that perhaps if in the future either lot was ever sold- that the Board could make it a

condition that they would have to come back before the board. Mr. Hyland said he could not answer that at this time.

They will submit the existing survey- reviewed, signed and sealed by a licensed surveyor. They will revise the plan of existing conditions...the difference between a “plan” and a “survey” was discussed at great length. The property lines have not changed. Things have been added to the site- and they will be shown on the new plan, NOT on a new survey.

Kris Kluks Letter- Waivers- Page 2-

Survey- already discussed.

- A. Area of each lot within a square foot – Yes
- B. Existing and proposed property lines with and adjoining the tract – Yes
- C. No
- D. No
- E- Does not apply
- F- Already Have

16:12:040- Manholes, sewer lines, pump stations- etc- need to be shown

16:12:060 – performance standards for the site plan- already covered on previous items.

Item 6 – site lighting. It is dark- they want additional site lighting for safety –not sure if they can require it but would like to see it for safety issues.

There are a little over 800 employees. 1300 max – this was in approximately 2005. Parking is adequate at this time. Sewage treatment plan was based on approx. 1100 employees, usage is based on projected use and actual flow- when the reach 80% of capacity they have to apply for upgrade. The standards come from the DEP.

Back to review letter- New comments- these are basically drafting comments. CAFRA no longer an issue since they are “clipping” the building to complete the Emergency management plan.

13- Will show compliance with ADA

14- What happens to septic from boats- it goes into the treatment plant

15- Improvements to entrance of Plant- they are adding that in- Conduits are already in for lighting. They are redesigning it at this time.

**9:22 PM- Meeting adjourned for a short break** (motion by Mr. Brower, 2<sup>nd</sup>- Mr. Mathis, all were in favor)

**9:24 PM- Reopen the meeting** (motion by Mr. Brower, 2<sup>nd</sup> Mr. Shuff, all were in favor)

Mr. Hyland called Mr. Miller to testify regarding the D6 variance- giving the positive and negative criteria. The variance is to go to a height of 43 feet where 35 feet is the normal height limit. The site will remain appropriate- it remains consistent with previous board

approvals and is consistent with other building heights on the property and will easily blend it. This building is over 600' from Route 9. It will be within the footprint of already existing structures. It is less tall than the structure previously approved. It is necessary for this additional height to accommodate the operations that are going to occur within this structure.

This completed Vikings presentation.

Mr. Brower questioned the expense and advantages from the Gas powered Turbines. It was asked that the Turbines be labeled clearly on the next plan submission.

**9:44-** A motion was made by Mr. Neuweiler to open the meeting to the public and was seconded by Mr. Mathis, all were in favor.

Mike Sinkeveich from the Lawfirm of Leiberman and Blecher spoke first – he was representing a new group The Bass River Citizens Action Committee. Bill Aaronson is the President and Carol Bitzberger is the Vice President and Treasurer. Mr. Sinkeveich was requesting that all permits should issued before any approvals are given, such as CAFRA and Soil Conservation District, etc. He urged the Board to get answers before taking a vote on this application. He stated giving approval would be in violation. He discussed their concern with fire safety and that all fire safety issues need to be resolved before any approvals are given. (Such as a condition of approval) He discussed the D6 variance and how there is no public benefit to this project. He believes the contents of the positive criteria are lacking. He does not want a vote to be taken this evening. He called Mrs. Bitzberger to testify. She was sworn in – not as a member of the Environmental Commission but as a Bass River resident only.

Questioned again the “if” statement and was offended at the answer she received last month. She stated that she asked if a permit could be issued with an “if” statement. She stated this was not even in the minutes from the last meeting (it is- on page 5). She wants to know how to be sure that there will not be larger amounts of Styrene Gas in the future. She thought there was an ordinance with a 0% odor amount. She is concerned about fire safety. She wants a performance bond to be issued and Mr. Kluk stated it is required and it was mentioned in his review letter. She questioned the period of time that they would have to comply. She suggested 30 days. Mr. Kluk suggested that fire access lane will have time restrictions on completion time. Mr. Brower stated perhaps the fire access lane should have to be completed maybe even before a building permit is issued.

Mr. Hyland agreed that the emergency access road can and will be done before the other construction begins.

Mrs. Bitzberger questioned the pressure of the water- how is it tested. Mr. Babek stated an outside company comes in and checks the flows over a period of time.

Mrs. Bitzberger stated that the captains of the boats do not observe the “no wake” zones when they take the boats out on test runs. She said they fly by and create a huge wake.

Mr. Babek agrees that the captains need to be conscientious. He stated he will make sure the correct people at Viking will be informed of this.

Mrs. Bitzberger – “Please do not issue the permit until all safety issues are corrected”. She said she believes that if someone gets injured at Viking Yacht- that the Board might be liable.

**10:10 PM-** A motion was made by Mr. Hazard to close the public portion and was seconded by Mr. Neuweiler. All were in favor and the public portion was closed.

Mr. Hyland discussed the request of not giving any approvals with conditions. He stated that the permits in question- they already have- these are for renewals.

Variance- less than approved before, within an area that is already within an accepted height, 600 feet from Route 9. Positive- enables project to go forward. Negative- substantial detriment? None, as a similar relief has been previously granted.

Mr. Hyland realizes there is much work to be done but that they are anxious to get things moving. Regarding the “conditions plan” that the Board wants- Mr. Hyland asked that the submission of this plan be allowed to wait until they have all the updates done that they are requesting approvals for.

Mike Sinkeveich asked to make one additional comment- he stated that this is not an appropriate condition to issue approvals.

Mr. Norman- disagreed- this is a standard condition in the Land use law. You run the risk of an automatic approval if you hold things up.

Mr. Kluk does not even believe that outside agency approvals will be needed.

Lot area was discussed- impervious coverage- lot 2 shall be treated just as lot 8 for an impervious surface issues in the future. Approvals will run with the land.

Mr. Mathis came up with 13 items: Sealed survey, emergency road plan- signing and designating it annually inspected. Can we get last 3 years fire inspection report- Mr. Babek stated yes.

Mr. Mathis- how can we give approval when we do not know what we are going to get? Mr. Brower stated Board would like to see requested items before any approval.

Mr. Norman- come back next month with amended plan with the Boards recommendations- and get approval at that time.

Mr. Mathis- DOT must maintain traffic light. Mr. Bien states the light is currently working.

Bond or escrow must contain enough to cover inspections.

Mr. Hyland is asking for approval with conditions.

The Board wants the plan submitted- and does not want to wait until the new improvements are completed.

Mr. Hyland does not see why they can not get preliminary approval. Mr. Norman suggested plan changes get submitted next month, he will come up with a draft resolution with the additional changes- and if everything is on the amended plan, they will be ready for an approval next month. He is concerned the Board will come up with a new set of requests – the Board assured them that this will not happen.

Mr. Hyland asked for a copy of Mr. Mathis's notes. He said he would send them to Mr. Norman and have them sent to him. Mr. Neuweiler stated he would also let him see the mark ups he had put on one of the sets of plans.

A motion to carry the hearing to the next meeting (2/20/2014) without requiring further notice was made by Mr. Hazard and was seconded by Mr. Shuff. All were in favor and the motion was passed.

**10:58 PM-** Being no other business at this time, a motion to adjourn the meeting was made by Mr. Shuff and was seconded by Mr. Neuweiler. All were in favor and the motion was passed.

Respectfully Submitted,

Elizabeth Godfrey  
Planning Board Secretary