

STATE HOUSE COMMISSION
PROPOSED MEETING AGENDA

~~ June 27, 2013 9:00 AM ~~

Committee Room 3, First Floor
State House Annex, Trenton, New Jersey

CALL TO ORDER:

- ~ Amy E. Melick, Acting Senior Counsel, Governor's Office
(on behalf of Governor Chris Christie)
- ~ Robert A. Romano, Deputy State Treasurer
(on behalf of State Treasurer Andrew P. Sidamon-Eristoff)
- ~ Charlene M. Holzbaur, Director, Office of Management & Budget
- ~ Senator Gerald Cardinale
- ~ Senator Bob Smith
- ~ Assemblyman Paul D. Moriarty
- ~ Assemblyman David P. Rible

OLD BUSINESS:

1. Approval of the May 6, 2013 State House Commission Meeting (SHC) Minutes – The verbatim record of the May 6, 2013 SHC meeting will serve as the official minutes.
2. RPR #12-10, Vineland Developmental Center, West Campus, Block 2101, Part of Lot 53, Vineland City, Cumberland County

Requesting Party: The NJ Department of the Treasury, on behalf of the Department of Human Services, requests approval to lease property located on the campus of the Vineland Developmental Center, West Campus, to the Vineland Board of Education for the term of one year, to be used for a public school.

Terms: The base rent will be \$286,000 annually, with the Lessee being billed directly for all utilities supplied to the premises. The previous approval was for an annual rental of \$260,000, plus \$122,000 for utility expenses. This action was previously approved by the State House Commission at its meetings of October 13, 2011 and March 15, 2012. The lease term will expire on September 30, 2013 and the new term must be approved by the Commission. Real Property Review clearance was completed with no Department or Agency expressing formal interest or possible conflict with the proposed action.

NEW BUSINESS:

DEPARTMENT OF TREASURY REQUESTS:

3. RPR #13-22, Ancora Psychiatric Hospital, Block 6801, Part of Lot 1, Winslow Township, Camden County

Requesting Party: The NJ Department of the Treasury, on behalf of the Department of Human Services, requests approval to lease space located on an existing water tower on the grounds of the Ancora Psychiatric Hospital, as well as a small parcel of vacant land adjacent to the water tower, to AT&T Wireless, for the installation and maintenance of cellular antenna and associated equipment.

Terms: It is to be noted that AT&T has a current lease at this site under RPR #92-38. That lease and all renewal options are expiring and a new lease must now be approved. The lease will be for a term of five years with three, five year renewal options. Rent shall be \$38,000 for the first year, with annual increases of 3.5% based on the previous year's rent. Real Property Review clearance was completed with no Department or Agency expressing formal interest or possible conflict with the proposed action.

4. RPR #13-23, Ancora Psychiatric Hospital, Block 6801, Part of Lot 1, Winslow Township, Camden County

Requesting Party: The NJ Department of the Treasury, on behalf of the Department of Human Services, requests approval to lease space located on an existing water tower on the grounds of the Ancora Psychiatric Hospital, as well as a small parcel of vacant land adjacent to the water tower, to Verizon Wireless for the installation and maintenance of cellular antenna and associated equipment.

Terms: It is to be noted that Verizon Wireless has a current lease at this site under RPR #93-30. That lease and all renewal options are expiring and a new lease must now be approved. The lease will be for a term of five years with three, five year renewal options. Rent shall be \$38,000 for the first year, with annual increases of 3.5% based on the previous year's rent. Real Property Review clearance was completed with no Department or Agency expressing formal interest or possible conflict with the proposed action.

5. RPR #13-28, Kean University, Block 104, Part of Lot 1, Union Township, Union County

Requesting Party: The NJ Department of the Treasury, Division of Property Management & Construction, requests approval to convey approximately 10.66 +/- acres of vacant land and improvements to Kean University for a public/private partnership development of student housing and parking facilities. Since this conveyance is to another State agency and has a direct benefit to the State, the property will be conveyed to the University for \$1.00.

Terms: There is a precedent for this request, as the State House Commission approved similar conveyances to Montclair State University and the College of New Jersey for \$1.00 for the development of student housing. Real Property Review

clearance will be completed if no Department or Agency expresses formal interest or possible conflict with the proposed action.

DEPARTMENT OF TRANSPORTATION (DOT) REQUESTS:

6. Project: Route 9, Section 22, Parcel VX94B, Block 140, Lot 1, Howell Township, Monmouth County

Requesting Party: The NJ DOT, Division of Right of Way, Property Management Unit, requests approval to sell to the only adjoining property owner, Gill Petroleum Inc., (Bikram Gill, Tarlochan Grewal and Kashmir Gill, Principal Partners), an irregular shaped, approximately 0.172 acre parcel at the intersection of Wycoff Mills Road and Route 9.

Terms: The recommended sale price is \$152,450, appraised value. The parcel will be assembled to the adjoining commercial property, which currently has a closed gas station for development into a possible gas and mini-market.

7. Project: Route 78, Section 5G, Parcel VX49B, Block 2726, Lot 1, Newark City, Essex County

Requesting Party: The NJ DOT, Division of Right of Way and Access Management, Property Management Unit, requests approval to sell by public auction a 3,426 +/- square foot parcel.

Terms: The minimum starting bid will be \$29,000, appraised value. The appraiser concluded that this parcel could be independently developed.

8. Project: Route 33, Section 4, Parcel VX16A2, Block 23, Adjoining Lot 11, Millstone Township, Monmouth County

Requesting Party: The NJ DOT, Division of Right of Way, Property Management Unit, requests approval to sell a rectangular shaped parcel of vacant land having an area of approximately 0.684 acres or 29,785 square feet. The parcel is encumbered in its entirety with a drainage easement.

Terms: The property will be sold directly to Edward Brock Sr. and Angelina Brock as to 50% interest as Tenants by the Entirety and Edward Brock, Jr. and Linda Arcoleo, jointly, as to a 50% interest as Tenants in Common, the only adjoining owner. The recommended sale price is \$20,000, appraised value. The parcel will be used to combine with their existing adjacent commercial property which is currently being farmed and will enhance and make more feasible any future development.

9. Project: Route 35, Section 5, Parcels VX16 & VXR2J2, Block 816, Adjacent to Lots 5 & 9, Wall Township, Monmouth County

Requesting Party: The NJ DOT, Division of Right of Way, Property Management

Unit, requests approval to sell a rectangular vacant lot having approximately 0.29 acres or 12,720 +/- square feet, located off of Lakewood Road and near Route 35. The property is not a buildable lot.

Terms: There are two adjoining owners that have both expressed an interest to acquire and, therefore, the parcels are being sold by public auction to the highest bidder with a minimum starting bid of \$49,000, the appraised value.

10. Project: Route 1, Section 3H, Parcels VX26C2 & VX27B2, Block 1701, Part of Lots 5 & 6, Plainsboro Township, Middlesex County

Requesting Party: The NJ DOT, Division of Right of Way, Property Management Unit, requests approval to sell irregular shaped, vacant land, having an area of 0.280 +/- acre or 12,225 +/- square feet, to the adjoining property owner, Princeton Healthcare Systems. The property is intended to be utilized for drainage, sewer and utility purposes for the construction of a new children's hospital.

Terms: The recommended sale price is \$53,000, appraised value.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) REQUESTS:

11. Project: South Mountain Reservation, Block 1.02, Lot 1 (p/o), Block 1.03 Lot 1 (p/o), Maplewood Township, Essex County, Block 5501, Lot 1 (p/o), Block 5503, Lot 1 (p/o), Millburn Township, Essex County

Requesting Party: The NJ DEP, on behalf of the County of Essex, requests approval to allow the County to dispose of approximately 1.54 acres of the South Mountain Reservation in fee and divert an additional 1.35 acres of parkland for drainage easements as part of a County project to improve traffic and safety conditions along a 1.6 mile section of South Orange Avenue (County Route 510).

Terms: As compensation, the County proposes to construct park improvements valued at over \$5 million, including a replacement pedestrian bridge, two new pedestrian bridges, a new park entrance at Crest Drive and new trail extensions within the Reservation. In addition, the County will vacate and add to the Reservation approximately 0.42 acre of existing right of way for South Orange Avenue. Although the proposed disposal involves the taking of small slivers of land along South Orange Avenue, this area is heavily wooded and the project will require the removal of approximately 360 trees. To limit the disturbance, stone facade walls, approved by the State's Historic Preservation Office, will be constructed along the new right of way rather than sloping the embankment back to grade. An approved NJ Forester performed a tree survey and calculated tree replacement requirements at 8,500 trees (of 2-inch diameter). During Hurricane Sandy, it was estimated that over 1,500 trees were lost in the Reservation. Tree replacement within these disturbed areas and along the newly realized South Orange Avenue will greatly improve the aesthetics. Essex County is committed to maintaining and watering the replacement trees as needed. Any of the new trees that do not survive for at least two years will be replaced by the County.

Public hearings were held on July 13, 2011 and March 11, 2013. At both public hearings a number of residents in attendance raised various questions and comments concerning the road improvement project. (A copy of the comments are included with each Commission members' briefing materials.)

12. Project: Assiscunk Creek Park 2, Block 144, Part of Lot 10, Burlington Township, Burlington County

Requesting Party: The NJ DEP, on behalf of Burlington Township, requests approval to allow the Township to establish a 10' wide subsurface sewer line easement across approximately 0.10 acre of Assiscunk Creek Park 2 to allow the connection of a gravity fed sanitary sewer main extension from the Pinewald Lane Pumping Station to the Township's LaGorce Pumping Station located adjacent to the Park. This extension will eliminate the existing Pinewald Lane Pump Station through the construction of a gravity fed sewer line within the Park.

Terms: As compensation, the Township shall pay \$2,500 to be deposited into the Garden State Preservation Trust Fund and add the decommissioned Pinewald Lane Pump Station parcel (approximately 0.10 acre in fee) to the Park for recreation purposes. Once the pump station is decommissioned and removed, this 0.10 acre parcel will become part of the Park. The easement will not affect any trees within the Park and, therefore, no tree compensation is due.

13. Project: Hamburg Mountain Wildlife Management Area, Block 190, Portion of Lot 20, Vernon Township, Sussex County

Requesting Party: The NJ DEP, Division of Fish and Wildlife, requests approval to convey a non-exclusive access easement along an existing road (known as Mountain Trail) to Philip and Donna Girlando, the owners of an adjacent undeveloped lot (Block 194.05, Lot 14). Although the Girlando property has legal access along Meadow Lane, a public street, the proposed access easement will allow the Girlando's to develop their property without constructing a road across an area of freshwater wetlands and steep slopes.

Terms: As compensation, the Girlando's propose to convey to DEP a 3.2 acre portion of their property for addition to the Hamburg Mountain WMA and either pay an additional \$5,500, increase the replacement land by 0.73 acre, or a combination of both. The Girlando's have requested to defer their decision on addressing the shortfall in replacement value until all other approvals are obtained. Since the DEP does not intend to convey the proposed access easement until such approvals are obtained, the DEP has agreed to this request. In addition, the value of the proposed replacement parcel is subject to upward adjustment if the final survey establishes a larger acreage for the proposed replacement parcel. Therefore, the DEP will allow the Girlando's to tender a combination of replacement land and cash compensation equal in value to \$29,500 (appraisal value of proposed access easement) as long as at least 3.2 acres of replacement land is conveyed to the DEP. Any cash compensation received by the DEP as a result of this conveyance will be

deposited into the Garden State Preservation Trust Fund for use by the DEP for future State land acquisition purposes. The Girlando's will be responsible for all technical costs associated with the proposed easement conveyance, including survey and recording fees. The Girlando's shall be required to maintain the access easement area to residential use. (The Block and Lot numbers associated with this transaction are subject to change.)

DIVISION OF PENSIONS AND BENEFITS' REQUESTS:

14. Judicial Retirement System -
Requesting Party: The NJ Department of the Treasury, Division of Pensions & Benefits

Terms: The SHC shall sit as the Board of Trustees for the Judicial Retirement System to approve the following:

1. Approval of the Minutes of the Meeting Held on May 6, 2013
2. Confirmation of Death Claims, Retirements & Survivor Benefits
3. Receive Financial Statements from January, 2013 to March, 2013

EXECUTIVE SESSION (as necessary)

OTHER BUSINESS (as necessary)

ADJOURNMENT

Commission Meeting

of

STATE HOUSE COMMISSION

LOCATION: Committee Room 3
State House Annex
Trenton, New Jersey

DATE: June 27, 2013
9:00 a.m.

MEMBERS OF COMMISSION PRESENT:

Amy E. Melick, Chair
Senator Bob Smith
Senator Gerald Cardinale
Assemblyman Paul D. Moriarty
Assemblyman Christopher J. Brown
Charlene M. Holzbaur
Robert A. Romano



ALSO PRESENT:

Robert J. Shaughnessy
Secretary

Gary A. Kotler
Counsel

Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

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EXECUTIVE SESSION (as necessary)

OTHER BUSINESS (as necessary)

ADJOURNMENT

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MR. SHAUGHNESSY (Commission Secretary): Good morning.

Welcome, everyone, to the June 27, 2013 State House Commission meeting.

We are in compliance with the Open Public Meetings Act. Notice of this meeting was given by way of notice filed with the Secretary of State, delivered to the State House press corps, and posted at the Office of the State House Commission.

I'm going to, at this point, call the roll.

Acting Senior Counsel Melick.

AMY E. MELICK (Chair): Present.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Present.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Here.

MR. SHAUGHNESSY: Senator Cardinale. (no response)
Senator Smith.

SENATOR SMITH: Present.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Here.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Present.

MR. SHAUGHNESSY: We have a quorum.

Thank you, Counsel.

At this time I would like to welcome Acting Senior Counsel Melick, who is serving as Chair to this Commission now.

And, again, Assemblyman Brown, thank you very much for your participation.

ASSEMBLYMAN BROWN: Thank you.

MR. SHAUGHNESSY: Moving on: Under old business, we have two items. Approval of the May 6, 2013 State House Commission meeting minutes: May I have a motion?

ASSEMBLYMAN MORIARTY: So moved.

MR. SHAUGHNESSY: Second?

DEPUTY TREASURER ROMANO: Second.

MR. SHAUGHNESSY: All in favor? (affirmative responses)

Any opposed? (no response)

Any abstentions?

ASSEMBLYMAN BROWN: Abstain.

MR. SHAUGHNESSY: Thank you, sir.

No. 2 on the agenda today is RPR 12-10, Vineland Developmental Center, West Campus, Block 2101, part of Lot 53, Vineland City, Cumberland County.

Treasury, on behalf of the Department of Human Services, requests approval to lease property located on the campus of the Vineland Developmental Center, West Campus, to the Vineland Board of Education for a one-year term to be used for a public school.

The base rent will be \$286,000 for the year, with the Vineland Board of Education being billed directly for all utilities supplied to the premises. The present lease of the building will expire in September, and the new lease must be approved by the Commission.

Do we have any Commission members who have comments?

(no response)

Any members of the public wishing to be heard? (no response)

If not, may I have a motion, please?

ASSEMBLYMAN BROWN: So moved.

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Motion and second.

I'll call the roll: Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Cardinale. (no response)

Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: Under new business: Nos. 3 and 4 are proposed cell leases at Ancora Hospital. No. 3 is RPR 13-22, Ancora Psychiatric Hospital, Block 6801, part of Lot 1, Winslow Township, Camden.

Treasury, on behalf of the Department of Human Services, requests approval to lease space located on an existing water tower at

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Any board members want to discuss this?

SENATOR SMITH: Kind of an obvious question, but I assume it's the State of New Jersey that's getting the rent, right?

MR. SHAUGHNESSY: Yes.

SENATOR SMITH: General fund?

MR. SHAUGHNESSY: Yes, absolutely.

SENATOR SMITH: Okay.

MR. SHAUGHNESSY: Any other board member comments?

(no response)

Any public comment on this matter? (no response)

Hearing none, I'll ask for a motion.

SENATOR SMITH: Move it.

ASSEMBLYMAN MORIARTY: Second.

MR. SHAUGHNESSY: Thank you.

I'll call the roll: Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

Moving onto a similar matter, is No. 4: RPR 13,23, likewise at Ancora Hospital.

Treasury, on behalf of the Department of Human Services, requests approval to lease space located on an existing water tower, again at Ancora, to Verizon Wireless. It is noted, again, that Verizon Wireless has a current lease at this site under RPR 93-30. The lease term will be for an initial term of five years, with three renewal options. The initial rent will be \$38,000 for the first year, with annual increases of 3.5 percent based on the prior year's rent.

Any board member discussion? (no response)

Any members here from the public? (no response)

Hearing none, may I have a motion on this matter?

ASSEMBLYMAN MORIARTY: I'll make that motion.

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Thank you, Assemblyman; thank you, Senator. Motion and second.

Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: Thank you. That matter is approved.

No. 5 on your agenda is RPR 13-28, Kean University, Block 104, part of Lot 1, Union Township, Union County.

The State of New Jersey requests approval to convey approximately 10.66 plus-or-minus acres of vacant land to Kean University for a public/private partnership development of student housing and parking facilities. Since this conveyance is to another State entity and has a direct benefit to the State entity, the property is recommended to be conveyed to the University for \$1.

There is a precedent for this request, as the State House Commission approved similar conveyances to Montclair State University and The College of New Jersey for \$1 for the development of student housing.

Do we have any board member comments on this matter?

SENATOR SMITH: We received a lot of stuff in the package. I understand there was substantial public comment. I would like to reserve until after we hear from the public.

MR. SHAUGHNESSY: Thank you, Senator.

Any other board member comment? (no response)

I do know that we have a number of people here who signed in to talk or discuss this matter and make public comment. So I'd like to have people come up now based upon, I guess, the sign-in sheet.

We have Mayor Clifton People, from the Township of Union.

Hello, Senator.

SENATOR CARDINALE: Hello.

MR. SHAUGHNESSY: Senator Cardinale has joined us.

We're on Item No. 5, and this is the first of, I think, some public comment on this matter.

Please introduce yourselves.

And one thing I neglected to do before is-- Please be mindful of your microphones and please speak into your microphones.

Please, kindly give us your identity and your affiliation.

MAYOR CLIFTON PEOPLE JR.: Thank you, Mr. *(sic)* Chairman. I thank you and the committee for this opportunity to -- that I can be heard in reference to some of the concerns that I might have here.

I'm here with my Business Administrator, Ron Manzella.

RONALD MANZELLA: Yes, I'm Ron Manzella. I'm the Business Administrator for the Township of Union. I'm also listed to speak, and I was hoping to accompany and add onto the comments made by my Mayor.

MR. SHAUGHNESSY: Thank you, Mayor.

MAYOR PEOPLE: As I stated in my letter dated June 18, I feel that the transfer of this acreage, and then use, would need legislative approval, and that would be based on the actual cost of the project.

But moving on from there, I walk through my neighborhood -- walk through the neighborhood to get a feel and a visual understanding as to how an 8-story dorm would impact that neighborhood. As I walked through -- to visualize this project -- all I could see was the negative impact of this 8-story dorm -- overshadowing the quality of life that these people -- these residents who I represent tend to enjoy.

I have a problem with 8 stories. I understand that Kean University says that their dormitories are outdated. If that's the case-- Any time there is anything that is outdated, they could be rehabilitated. I think that's the route to take. And if you wanted to build new dormitories, then comply with our standards.

It's unfortunate that a University such as Kean doesn't come to our Planning Board to discuss these issues. If that happened, I'm quite sure at some point we wouldn't be here discussing these items today. We probably could have worked things out. Unfortunately, that didn't happen. And as a result, I am here to voice my concerns in reference to the cost of service from the University.

From June 1, 2012 to 5 of this year -- '13 -- we had six Signal 11s -- that's reported smoke and confirmed fires -- at the University dorms; 14 Signal 13s reported, inside gas leaks and smoke conditions; 100 Modified 12s, normal response, for activated fire alarms in the dormitories;

84 Signal 12s, normal response, for auto alarms. These are services that stress our particular departments.

If we talk about adding more dormitories -- and especially 8 stories high -- those complaints will double and put more strain on our budget that we have to manage.

Our residents in our area at the present time, because of lack of parking, have to have permits -- because the students tend to take up all of the parking around -- in the neighborhoods at the present time. These are issues that are going to multiply, and it's going to create a terrible hardship for our community.

I am really concerned about that neighborhood though. When you talk about increasing dormitories, you talk about -- especially in a college setting -- you talk about frat houses. We have problems with frat houses now. We have to sit on them. We have to have our police force sit on some of the frat houses to eliminate them. They're disturbances; they're nuisances in our community.

We don't have any problem with education. We have problems with what is trying to be built without input from our community. If at all possible, Kean should at least give us the opportunity to participate in planning so that our residents could have -- and our Board, our committee -- could have a better understanding as to what their visions are. Their vision might be the same as ours. We'll never know until we sit down and talk. That hasn't occurred. And it's unfortunate because we'd like to be good neighbors. But that hasn't happened. This is one of the circumstances that we're talking about here.

Our resources are-- We managed our resources this year. I'm not sure that we'll be able to manage those resources with the construction of three, 8-story dormitories in that particular area. It will decrease our property values, it will increase the frat houses, and it will put a terrible strain on our budget.

I'm appealing to this board to consider tabling this matter until such time as the Township of Union and Kean University can sit down and try to work out our differences.

Thank you.

MR. SHAUGHNESSY: Do you have anything to add, sir?

MR. MANZELLA: Again, I'm Ron Manzella, Township Administrator.

I'd like to dovetail to what my Mayor has indicated. To put this in perspective, we all know that we are now required to live with a 2 percent levy cap, and we're doing very well with that. We have a full paid police force and fire force. They are strained. As the Mayor indicated, there are many, many calls for service. And since the Seton Hall fire many years ago -- and the tragedy -- we've taken the approach that anytime a Signal 11 is called, we go in full force. That's all three fire stations responding with full manpower. We are a lead in the joint effort between mutual aid in Union County.

There are some other things you need to know. Recently, there have been two buildings of multiple stories added right on Morris Avenue, which is a State highway. There is another one that is going to be built on the corner of North and Morris Avenue. These dormitories, as proposed,

are in the back end in a residential neighborhood, on a residential street. No one knows what the impact of this will be offsite.

As you know, we are a member of the Joint Meeting Sewer Commission. That area of town is the end of a line that starts in West Orange. When it rains, we have severe flooding and sewer surcharges in that area. I don't know if the line can take any more input there. I don't know right at this moment how much stormwater we can take with more pervious areas taken offline. These are questions that-- If this is the beginning of the process, then these answers should be before you and us as a community.

We represent the Township of Union. You have the fate of those people in your hands. If you allow this to go forward, I know, historically, this will take off and run, and there will be no looking back. And there are too many unanswered questions. Shadowing questions -- on those residents. I don't care if it's 6 or 8 stories, no tree is going to block my view. My question for you is: When do my residents get to see the sun? Due east is New York. The sun rises there. Would you want to go out of your house in the morning and look up at three buildings, and you can't see the sun? Do you want all that dust and material there?

We all know that education is important. We're all products of a good education. And our institutions are good, but they need to understand they're a resident of our community. We do all of these services, and we get nothing in return -- not \$1 of taxes. If these buildings are built out, I will have to be forced to add firemen, and maybe even more equipment, and maybe even another station in that area. This is not a product -- a process that is benign. We are for education.

You must understand the impact on the community. This is not a rural community. We're a fully built-out community. We're 55,000 people. During the day we're well over 100,000 because of Route 22, because of Morris Avenue, because of Kean University. Morris Avenue is a parking lot. It's the main thoroughfare to Elizabeth, which is the County seat. In the morning and in the evening, you cannot move.

Now, yes, it's dormitories. They'll live there. Kids, as you know, have cars. Kids have visitors. This is a gigantic problem for the Township of Union. And you must give further consideration to this. There are too many unanswered questions before you. What will it look like? What impact will it have on my sewer system, my storm (indiscernible)?

Now, if we can't come to answers today, how can we move forward? I assure you, if you approve this, the next time you hear about it will be the cornerstone being laid on those buildings. For these reasons, we don't think you have enough information to make a sound judgement about 10 acres of land.

I thank you. And I know the Mayor, and the Township Committee, and more importantly the citizens off Woodland Avenue will appreciate your conscious deliberation on this, recognizing this is not an isolated matter. It touches to the heart of the quality of life in a community that prides itself in having a real strong fabric of community, of neighborhoods. This will destroy this neighborhood.

Thank you for your time and patience.

MR. SHAUGHNESSY: Thank you very much.

I'm going down the sign-in sheet.

SENATOR SMITH: How about a couple of questions?

MR. SHAUGHNESSY: Absolutely, Senator.

SENATOR SMITH: The Mayor made the comment that perhaps if the University met with the Township, some of these issues could have been ironed out. What efforts have there been to the communication between the two parties?

MR. MANZELLA: If I may answer that, I do get minutes of their meetings. By law, Kean is a part of the State of New Jersey -- the superior government. They don't have to come to our Planning or Zoning Board. In my former life, I was the County Administrator in Essex County. I needed to go-- If we were doing a project, I went to the Town Council of Verona, or Belleville, or Bloomfield and explained the issues at hand to those elected officials.

SENATOR SMITH: Right. Obviously, you have concerns. Did you ask to meet with them about the issues?

MR. MANZELLA: We've met.

SENATOR SMITH: You've begged?

MR. MANZELLA: We've met.

SENATOR SMITH: Oh, you've met. Tell us about that.

MR. MANZELLA: We had a very open meeting a couple of weeks ago. But it was already in motion. It wasn't something where we sat down and said-- At the beginning of it, we didn't know-- I read about it in the notes. And Phil Connelly is here. He is a wonderful gentleman. And we've talked. But it's already taken place when we talk. It's already more than an idea.

SENATOR SMITH: When you met with him, did you bring up the issues that you brought to us today?

MR. MANZELLA: Certainly.

SENATOR SMITH: What was the reaction?

MR. MANZELLA: They understood our concerns. But we're here today.

SENATOR SMITH: Did they say they would do anything about those?

MR. MANZELLA: No.

SENATOR SMITH: So there is no discussion about any possible revenue to support local services? There is no discussion about the height of the building?

MR. MANZELLA: 2007 was the last in-lieu-of-taxes payment we received, for \$30,000.

SENATOR SMITH: Right. You get that from the State anyway, right?

MR. MANZELLA: It comes to us in their name.

SENATOR SMITH: Okay.

MR. SHAUGHNESSY: Any other members have questions for these gentlemen?

ASSEMBLYMAN MORIARTY: I'm reading a letter here from Mr. Connelly. You had a meeting at a restaurant, I guess -- the two of you.

MR. MANZELLA: There were other people in attendance about three or four weeks ago on another matter. But this came up.

ASSEMBLYMAN MORIARTY: And in the letter from Mr. Connelly, he says that Kean will insist that the project is designed and

constructed with consideration of the neighboring property owners in mind. Did he expand on that at the meeting?

MR. MANZELLA: No. In the letter he explained that there would be a setback of 250-feet on the first phase, 175 on the second phase with two rows of trees.

My question is-- My statement is: Once I go above the height of the trees, there is a building there. And we're talking 6 to 8 stories.

ASSEMBLYMAN MORIARTY: And they're how far away, 250 feet?

MR. MANZELLA: From the property line. If you can picture Kean as one large, square city block with Green Lane to one, Morris to the other, North Avenue, and Woodland -- is their main campus. Woodland is a residential neighborhood; Morris is a State highway, North is a county road, Green Lane is the Township's property. It is like having -- not quite like a city university, where you're intermingled. It is separate. But it's right there, and it's right at the end of Morris Avenue. It is a bottleneck. I invite anyone to try to go from my office at Town Hall to Elizabeth Town Hall in under an hour at rush hour.

ASSEMBLYMAN MORIARTY: You mentioned that there are problems with parking in the neighborhoods.

MR. MANZELLA: Right. The neighbors there have come and petitioned the Township Committee to pass an ordinance for residential parking permits only so that we can enforce people who didn't have a permit, which would be students.

ASSEMBLYMAN MORIARTY: They proposed to add some parking as part of this expansion. Would that help?

MR. MANZELLA: I don't believe it would nearly meet the needs.

ASSEMBLYMAN MORIARTY: Would you say that the relationship between the governing body -- the municipality and the University have been strained?

MR. MANZELLA: Over the years, yes.

ASSEMBLYMAN MORIARTY: For how long would you say?

MR. MANZELLA: I've been with the Town for 10 years. I would say at least that long.

ASSEMBLYMAN MORIARTY: Is it basically over--

SENATOR SMITH: No, it has to do with his being a citizen of the town. That's when everything went to hell. (laughter)

MR. SHAUGHNESSY: Members, I'm going to ask you to speak into the microphone as well, please.

Thank you.

ASSEMBLYMAN MORIARTY: Is that basically over the use of services and not feeling that you're getting some compensation?

MR. MANZELLA: I think it's the lack of communication before the facts.

ASSEMBLYMAN MORIARTY: That's unfortunate.

Thank you very much.

MR. SHAUGHNESSY: Assemblyman Brown, please.

ASSEMBLYMAN BROWN: Thank you, Mr. Shaughnessy.

How are you?

MR. MANZELLA: Good.

ASSEMBLYMAN BROWN: Could you describe the property?
What is there now?

MR. MANZELLA: Well, there are some older buildings that, years ago, were used as classrooms for, I believe -- that taught children of professors or people who attended. It's underutilized now. It's not part of the campus. It's part of the campus, but it's not the newer area.

Kean has really undergone an amazing amount of growth over the last years -- from basically a teaching college. It's taken on -- similar to Montclair State, where it's grown. But it's typical of your State schools in the north -- landlocked. I mean, the homes were there before the college started to grow. So you're building a lot and you're taking a lot of impervious surface away. And you're adding a lot of human beings in a very small area.

ASSEMBLYMAN BROWN: Can you describe the buildings that are there now? Are they 1-story, 2-stories? How many buildings?

MR. MANZELLA: On the campus there is, I believe, three, relatively new, multi-story dormitories.

ASSEMBLYMAN BROWN: No, no, no. I'm talking about on the property that's being sold.

MR. MANZELLA: That's already there.

ASSEMBLYMAN BROWN: There are already dormitories there?

MR. MANZELLA: Yes.

ASSEMBLYMAN BROWN: Okay.

MR. MANZELLA: Relatively new. I think within the last five, six, seven years.

ASSEMBLYMAN BROWN: And they're looking to expand off of--

MR. MANZELLA: They're looking to add three additional, from my understanding.

ASSEMBLYMAN BROWN: Okay. So there is no tax revenue coming right now from those particular buildings or that land now, as it stands.

MR. MANZELLA: As it stands, no.

ASSEMBLYMAN BROWN: The only issue is the height of the new dormitories that this would bring.

MR. MANZELLA: I think any additions will, to some degree, cause additional infrastructure problems, additional neighborhood problems. I wish we could have sat prior to this and talked about what would work for us.

ASSEMBLYMAN BROWN: The students who would live in this dormitory-- I went to The College of New Jersey, and we didn't have a lot of dormitories. And we would live in the community and rent houses. Is that the situation now at Kean University, where a lot of kids-- Maybe they only give on-campus housing for a certain time period.

MR. MANZELLA: There is a lot of on-campus housing.

ASSEMBLYMAN BROWN: There is, but up to a certain age and--

MR. MANZELLA: No, I believe it's-- But I think what's happening is, the older kids will try to have -- we're using the term *fraternity*. It's not a fraternity like Rutgers. But four or five people get on a lease, and it's off-campus -- it's all throughout the town.

ASSEMBLYMAN BROWN: Right. And they're living throughout the towns. And you're sitting on these houses. Is this being built-- And I can ask this to Kean, and I will. Is this being built to attract those students back onto the campus, or are they expanding?

MR. MANZELLA: I believe it's to attract foreign students.

ASSEMBLYMAN BROWN: Foreign students.

MR. MANZELLA: Yes.

ASSEMBLYMAN BROWN: All right. But there is already housing there. It's already a use that they're doing now. The use isn't the question, it's the amount of use.

MR. MANZELLA: The amount. I think-- Again, thank you for your questions, because that shows how much more information we need to have before anyone can make a decision.

ASSEMBLYMAN BROWN: Well, I think this committee's only job is to sell property, not to evaluate the plan that's being done here.

MR. MANZELLA: I appreciate that. But it's the beginning.

ASSEMBLYMAN BROWN: You're presenting questions. I understand, but our job is to evaluate whether we should transfer this property or not -- whether this is a conforming use or not.

Am I correct?

SENATOR SMITH: I don't know if I 100 percent agree.

The bottom line question is: Do we sell or not sell?

ASSEMBLYMAN BROWN: Right.

SENATOR SMITH: There is a whole subset of questions. For example: Is the price right? Should there be conditions of the sale? And I

don't think we know that until we really know what's intended for the property.

I'm going to suggest to the Chair that maybe, instead of following the order, why don't we get the University up here and find out what they're planning to do and how this deal is going to work, if that's not a problem?

MR. SHAUGHNESSY: I also note that Assemblyman Cryan is here and has signed in indicating a willingness to communicate on the matter. So whatever order you want to go in--

SENATOR SMITH: Well, we always defer to Assembly people. But I don't know if he wants to go next or wants the University to go next.

ASSEMBLYMAN JOSEPH CRYAN: Good morning.

MR. SHAUGHNESSY: Good morning, Assemblyman.

ASSEMBLYMAN CRYAN: I like it better on that side.
(laughter)

ASSEMBLYMAN BROWN: I like it better out in the parking lot. (laughter)

ASSEMBLYMAN CRYAN: I bet you do, Chris. (laughter)

Thank you, members of the Commission and to all of you, not only for your service, but for the opportunity to speak today.

I just want to follow up very briefly on some of the comments Administrator Manzella made, just to make sure we're on the same page.

Where this project is currently proposed for are not new dormitories. They are 1- or 2-story buildings, to be correct. They're 1-story buildings that are old by any reasonable standard. The University does have new dormitories that have been constructed in the past four or five

years. They're located in the central part of the campus, not here. Part of the problem that we come here today with is because it's not only the location of the dormitories, and the size, and the proposal-- But to be clear, it's the spot, that is being proposed for this construction, is not currently multi-story facilities in any way. So when the residents -- the taxpaying residents, which I would argue are part of the mission of this Commission, as it is for the mission of any board in New Jersey -- the taxpaying residents of Woodland Avenue, Summit Avenue, Lowden Avenue, Birch Avenue, Summit Lane -- all those folks would be directly impacted because they're currently seeing 1 or more stories -- 1 or 2 at the most -- going to 8. So there is a significant difference, not only in terms of visual, in terms of height, but also quality of life, which I do believe is the mission of this Commission and anybody else.

Thank you for that -- and just the opportunity to follow up. Hopefully that makes it a little clearer.

My first question to the Commission, before I begin my real comments, is: You have a letter from Mayor People to Mr. Shaughnessy -- it's dated June 18 -- where it raises the legal issue of whether or not the Commission has the opportunity and actually the ability -- the authority to do this today. I'm assuming some of you have had the opportunity to take a look at it. It's the contemplated transfer of 8.6 acres -- Kean University -- and cites the N.J.S.A. statute. Has that had an opportunity to be reviewed by Counsel?

MR. KOTLER (Counsel): Assemblyman, very briefly, I did take a look at that citation. Unless the citation is wrong, or I looked at the

wrong section, I find that language to exempt this sort of project from local property taxation or any special municipality assessments.

ASSEMBLYMAN CRYAN: So as Counsel you disagree with the citation -- the opinion.

MR. KOTLER: Well, there's not an opinion stated, per se. There is a cite to a statute. I don't know if the Mayor is an attorney.

ASSEMBLYMAN CRYAN: No, it's cited from the redevelopment attorney for this particular area.

MR. KOTLER: Yes, but this letter is authored from the Mayor.

ASSEMBLYMAN CRYAN: It's from the Mayor. You're right.

Second: I'd like to note -- in Item 5 of your agenda, it does note the previous public/private partnerships of Montclair State University and The College of New Jersey. While I certainly can't speak to The College of New Jersey at all, I was on this Commission for part of the Montclair State discussion -- which, by the way, was tabled by this Commission at least twice to my memory, perhaps more. And as many of you may recall -- not only the contentiousness of the issue at the time, but significant input from the local communities of Montclair and Clifton -- something that's clearly missing in terms of this application. So citing it here -- if we want to use the Montclair State example, I would ask -- which is my only goal here -- is to ask you to table this today so you know where I'm coming from and to get a project that is actually workable within -- which is a win-win. I'm not looking for a win-lose; I'm looking for a win-win. Certainly 8 stories is a win-lose for the Township of Union and its taxpaying residents.

I'd like to just note a couple of other items to you so that you have them. This project is slated to be \$120 million. And while the vote today is considered to be in the State's best interest, I certainly have to -- at least from the head-scratching idea -- wonder how a project can be sold for \$1 and then do a development for \$120 million, with the profit motive as part of it, and not have the State of New Jersey share in any of that profit line. But certainly, I think, at least from a shock-to-conscience standpoint, I have to wonder how that is, in fact, in the State's best interest.

You've heard already from the Mayor and from the Business Administrator that there are significant concerns. I want you to just take a moment and picture it. While we may or may not be here as planning board members -- which we obviously, in the Township of Union, as an elected official, don't have any input on -- Kean University has made that very clear that they will not participate in the Township of Union's proposals or ideas along the way, as we've seen from the multiple-story buildings that are there already.

What I want you to understand is that it's 175 feet, according to Mr. Connelly's letter, to the closest street -- 250. I want you to think about that for a minute. These are communities that have paid -- paid repeatedly-- And I don't expect you to affect your judgement-- For example, the Township of Union paid \$4.1 million for the opportunity to build a rail station, which Kean University has used to accentuate its growth without a dollar of the University's funding to participate in that. We here on the State Commission -- for those of you who are veteran members may remember -- we signed a lease -- as a matter of fact, I believe it was my second to last meeting here -- that took almost a decade to get, and in my

view -- and I'm sure they would disagree -- from the insurgence of Kean University.

And finally, in terms of the State's best interest for this project-- For those of you who are elected officials here -- and today we may actually vote in terms of the transferring of the bond issue and the moneys where Kean University receives \$34 million. I want you to understand the benefit to the State of New Jersey for this project. This project is designed for international students. I had a discussion with an elected official last night who said to me, "What's the problem? If it's going to help New Jersey students stay here, what's the problem?" This isn't designed for New Jersey students. These are suites. They're designed to be year-round use. Estimated usage -- because I don't -- I absolutely admit this is an estimate -- of over 1,000 new students by the time this is done, which is larger than many communities in the State of New Jersey -- would be added by this. And I want you to, again, understand, when we vote, we vote for the best interest of the State. So today we'll be voting potentially on a project that would transfer, for \$1, \$120 million capital investment without the State of New Jersey receiving one penny from that. We would vote to import students as opposed to New Jersey students getting the full value or opportunity for that. And we would impact the people who actually pay our salaries, the taxpayers of New Jersey, the folks who reside and live on the streets that I named to you earlier. And those reasons, as well as the precedent from Montclair State; the concern over the fact that, as you've heard today, the Township of Union has significant concerns about the project; and the fundamental desire to simply have a working project that works for both sides. And, again, understanding that we are

not against dorms. We are not against an opportunity for the University to have an opportunity to grow. We are, in fact, opposed to this project for size, dimension, accountability, and impact to our community -- to the community I have the opportunity to be an elected official -- represent. For those reasons -- and most primarily because it's not in the State's best interest -- I would ask that you defer the vote today. I would ask that you ask the sides to come back and have a manageability of the project that actually makes sense so that we're clear on what our purpose is today.

I'd be happy to answer any questions you may have.

SENATOR SMITH: Do you have any more knowledge of the financial arrangements? This was framed as a public/private partnership. What's the deal, as you know?

ASSEMBLYMAN CRYAN: What I understand from the documents that I've read so far-- And by the way, they're documents, that showed a bid project that was out there, that were received well after the fact. Obviously, as the Mayor and the Business Administrator noted, they were already conceptualized without input at the beginning of the process.

I understand it to be \$120 million (indiscernible).

Bob, to be perfectly blunt, I understand they need the bill that's up today, with the 70 pages of amendments on the New Jersey Economic Opportunity Act, in order to fill it. And I only got those amendments last night about 8:00, so I haven't had the opportunity to review them.

SENATOR SMITH: I just got them this morning.

ASSEMBLYMAN CRYAN: Yes, you just got them this morning.

My understanding is that they need that piece as well to finish this deal. I don't know if there has been a developer selected. I had conversations with a couple of folks who said there was. I'm not sure of that.

SENATOR SMITH: We need to hear from the University.

MR. SHAUGHNESSY: Fine, Senator.

Thank you very much.

ASSEMBLYMAN CRYAN: Any other questions? (no response)

I thank all of the Commission. Thank you.

MR. SHAUGHNESSY: Thank you.

May we please hear-- I know a number of people on behalf of Kean have written in. I don't know if you want to arrange your comments in any particular order. But we had Mr. Hansen and Mr. Coyle, I believe. We also have Ms. Murray-Laury and Mr. Connelly. But there are a number of people here on behalf of Kean.

Please identify yourselves and your affiliations.

M I C H A E L A. T R I P O D I, ESQ.: Yes. Good morning, Mr. Secretary, members of the Commission.

MR. SHAUGHNESSY: Good morning.

MR. TRIPODI: My name is Michael Tripodi, and I'm University Counsel at Kean University.

ASSEMBLYMAN MORIARTY: Could you spell your last name?

MR. TRIPODI: Sure, T-R-I-P-O-D-I.

And as Mr. Shaughnessy mentioned, we do have our team here to address specific questions. With me is Mr. Phil Connelly, Executive Vice President for Operations. And, again, we're here to address any questions from the Commission.

Some things were brought up by members of the Commission and Township officials. Just to, again, confirm why we're here today, we're here about the conveyance of the property pursuant to your statutory authority that the State House Commission has.

I concur with Counsel about the -- this project is a public-purpose project. Our University -- this property is part of the existing 117 acres that are currently there. So this isn't an additional 10 acres -- 10-plus-or-minus acres within the 117 acres of the Union Campus. So it's not any new development acreage; it's already on the campus.

The other thing, as far as statutory authority goes, Kean is a State public higher education institution. And my reading of one of the statutes actually-- It's my opinion that this is an intra-agency transfer. Approval by the Commission is a formality by statute: 52:31-1.3A exempts State House Commission approval for public lands for public purpose. And nothing is changing on the Kean University campus. We have our Vice President for Student Affairs, Janice Murray-Laury, who can talk about the need for our dorms. The Township officials touched upon it. There are outdated residential facilities that need to be rehabilitated. In some of those cases, the buildings are almost 30 or 40 years old. They're beyond rehabilitation. So we need to get new, updated facilities to accommodate our students. Ms. Murray-Laury can talk about the-- There was mention about -- for the foreign students. But it's my understanding that it's not

only for international students, but also our freshmen students and graduate students, because there is a real need for this housing. But I will let her address that issue.

I just want to emphasize, again, that this is a public purpose. We are a higher education institution. As staff referenced in your agenda item, the precedent is before this Commission for The College of New Jersey and MSU projects -- also which the Assemblyman noted before. And we are following the same public/private partnership legislation that the Legislature passed in order to help the State colleges grow and further their public purpose. In this instance, I think you see most of the colleges and universities are building residence halls to attract students.

There is a big brain drain amongst our graduating high school students. A lot of them are going out of state. So we need the tools, as State colleges, to keep our students and attract them, and that's through having these residence halls. But I won't speak to that.

Those were just my general comments and my legal comments.

I will turn it over to Mr. Connelly.

PHILIP CONNELLY: Thank you, and good morning.

My name is Philip Connelly. I am the Executive Vice President of Operations at Kean University, and I've been in that function since September of 2002.

We are here today to ask for your conveyance of this property so we can improve Kean University. There is a tremendous amount of data that has been gathered throughout the years about what makes a college and university successful.

One of the challenges we are having right now at Kean University is the fact that our graduation rate is just above 20 percent. There is a tremendous amount of data that is out there that says a residential student will graduate -- 80 percent of residential college students will graduate within four years. It is in our best interest to have these students be given all the resources and facilities that we can possibly give to them so that they will graduate in a timely fashion. For every year that a student defers their graduation, they are losing approximately \$65,000 of financial benefits themselves. And that would be the additional cost to them of going to school, plus the loss of revenues that they would be able to attain as they're gainfully employed.

So this is part of the mission that we're doing here. Also, looking forward to when they graduate and become alumni, again there are overwhelming statistics and data that has been gathered that the people who are more likely to contribute back to the university after they have graduated are those people who have resided in those institutions. And that is part of the goals that we are setting for Kean University.

As far as this project and what we're trying to achieve here-- Yes, we are trying to become a global institution. Because if you take a look at the economics of not only the State of New Jersey, but the country, one of the few products we can sell to foreign countries is higher education. Right now we presently operate in partnership with Wenzhou University in China -- is on the campus -- an English-speaking campus. We have full plans of having those Chinese students come to us this summer. That's economic development. They are coming here, paying tuition, fees, housing to us. So here is a way where we're trying to turn the economic tide --

where the Chinese are actually paying us for something rather than us paying the Chinese for all the products we consume.

Also, we're trying to give our American students -- ultimately as this University gets built up -- the opportunity to go and experience the culture and life of living in China if they choose to. That's their option. And that's what we're attempting to do here. We're attempting to build a global institution. And while our primary focus is on China, we also have relationships with universities in France and India that we're also trying to bring those students here so they will pay us tuition and fees. And they would be paying the out-of-state rates. They would not be paying the state rates. So that is also part of what we're trying to achieve here. We're trying to expand the number of beds that we have on our campus, because we have the lowest bed-to-student ratio of any four-year public college in the State of New Jersey. And we're trying to improve that.

A couple of comments-- I would like to address a couple of the comments that were made. The parking issue is one that -- they blame the Kean students for the parking, and we've been trying to address that. One of the things we did -- and we used to have a \$100 parking fee for the students. So in trying to remove that obstacle so the students wouldn't have another \$100 fee, we eliminated it. So we try to encourage the students -- "Don't park on the Township roads. We're not going to charge you \$100." I will say, based on my own observations, that many of the people who do park in those neighborhood areas are the people who are trying to avoid paying the parking fee for New Jersey Transit, because the New Jersey Transit parking lot is right there. So you go a couple of

hundred feet, park in front of somebody's house, walk to the train station, and you don't have to pay the Transit fee.

As far as the location: Again, we are very limited in the amount of land we have. There aren't a lot of opportunities for us to -- unless -- and I know the Township wouldn't like this -- if we went out and acquired land on the open market and then took it off the rolls. So we're trying to stay within the confines we have.

Also, as far as our existing residence halls: We have done major renovations there over the past 10 years that I've been there. There used to be kitchenettes in the rooms, and there used to be a tremendous amount -- and I will readily admit -- there were tremendous amounts of calls for fire services with the fire alarms going off. All of those kitchenettes have been removed. We've done total renovations of our existing residence halls to eliminate that call for service for the Union Fire Department. And all the planned residence halls will not have those. We have community kitchens now. On the first floor, there would be large kitchen areas that would be similar to a commercial kitchen that would have all the amenities that would allow any student to go down there and cook whatever food they want to. But it wouldn't be in that isolated area that would be more tempted to set off the fire alarm. So we are addressing many of the issues, as we have.

And going back to the communications between the Township: Kean University is governed by our own Board of Trustees. We need their approval when we submit items for them to approve before we can submit it to the Township. I think it's only proper and prudent that our Board take that action before we share the information with the Township, and we do.

We send the Township both electronic and hard copies of every item that comes before our Board of Trustees, of which this public/private partnership did. And it was sent to the Township. And we believe it was sent appropriately as soon as our Board of Trustees took those actions. So we do try and work with the Township. However, we do have-- Hopefully you can appreciate that we are a self-governed institution, and we are responsible to the Board of Trustees who set the policies for our institution, and they adopt the mission of Kean University, which is an institution of accessibility, affordability, and opportunity. And that's all we're trying to achieve here.

I'd just like to thank you. If you have any questions--

MR. SHAUGHNESSY: Thank you, Mr. Connelly.

Any questions?

Senator Cardinale.

SENATOR CARDINALE: The status of the title is an interesting point. It isn't fully covered in the information that I've received and that I've read. What is the status of title that we're dealing with here? You mentioned that this is part of the University campus presently.

MR. TRIPODI: Yes.

SENATOR CARDINALE: Is the rest of the University campus, absent this piece, titled in the State? What is our whole--

MR. TRIPODI: Sure, I can answer that, Senator. I indicated before that the main campus is situated on 117 acres. So this property is deeded under the State of New Jersey for the beneficial use of Kean University. Within our 117-acre campus-- Probably the members are familiar with the New Jersey Educational Facilities Authority. When we

fund projects, we convey the building and 10 feet around the building to the New Jersey Educational Facilities Authority. So I believe we have at least three buildings that were funded with EFA bonds. So there were little cut-outs where the New Jersey Educational Facilities Authority owns those buildings that they funded. But this acreage that we're talking about is owned by the State of New Jersey for the beneficial use of Kean University.

SENATOR CARDINALE: So what we're being asked to do is essentially a technical--

MR. TRIPODI: Correct.

SENATOR CARDINALE: To facilitate the issuance of bonds.

MR. TRIPODI: Through the EDA, through the public/private partnerships, correct.

SENATOR CARDINALE: Right, but it's only a technical transfer. This is not a practical transfer of land. We couldn't use this land to build a police station if we wanted to for the State Police. That's not a purpose that we would be able to use this land for.

MR. TRIPODI: Correct. It's in the middle of a college campus. You can't build a Wawa there either.

SENATOR CARDINALE: Okay. Thank you.

MR. TRIPODI: You're welcome, Senator.

MR. SHAUGHNESSY: Any other Commission members have--

Yes, Senator Smith.

SENATOR SMITH: Tell me about the public/private partnership.

MR. TRIPODI: Sure. The public/private partnership act was passed and made a part of the State College Contracts Law.

SENATOR SMITH: Right. What are the details of this public/private partnership?

MR. TRIPODI: I can bring someone up to address those specifics, which is currently in negotiation. We have an EDA deadline also to meet.

J O S E P H M. C O Y L E: Good morning.

My name is Joe Coyle. I'm the President of University Student Living. We are the negotiating developer on the project with Kean University.

SENATOR SMITH: What do you mean you're the negotiating developer?

MR. COYLE: I'm sorry?

SENATOR SMITH: You are?

MR. COYLE: We've been chosen as the developer to move the project forward. We're still in the process of negotiating, so it's not a finished product. We have not signed any documents as of yet. We've just been awarded the opportunity to negotiate.

ASSEMBLYMAN MORIARTY: Who are you with again?

MR. COYLE: University Student Living. It's a member of The Michaels Organization, which is the largest owner and operator of affordable housing in the country, and certainly in New Jersey. We're local. We're in Marlton, New Jersey.

ASSEMBLYMAN MORIARTY: Have you done student housing elsewhere?

MR. COYLE: Yes, actually in my career I've done it for 20 years. But the company -- The Michaels Organization has only been in the business for two years. But just last year we completed a \$55 million project for Rutgers-Camden. That was originally a public/private partnership. We were going to master lease to the University for a very short period of time. The University decided to acquire it instead somewhere in the middle of the development.

SENATOR SMITH: And what's the plan for this facility?

MR. COYLE: So the overall process is: We're trying to find the least expensive way to finance a transaction on behalf of the University without affecting the credit of the State and the University itself.

SENATOR SMITH: So you're going to build it.

MR. COYLE: We will be building the project and taking the risk of construction. We will not own the project. It will be owned by a conduit, not-for-profit who will raise 100 percent of the financing based on our ability to manage this property to 120 percent of the debt service coverages after expenses. So we need-- Unlike the University -- they can manage to one-to-one coverage -- we have to provide some return for the--

SENATOR SMITH: Of course. What is the rate of return?

MR. COYLE: Twenty percent over the cost -- 20 percent over the debt service. It has to be 1.2 coverage.

SENATOR SMITH: In terms of your organization, what are the annual revenues anticipated from this project?

MR. COYLE: Again, we wouldn't be taking the revenues. It goes to a nonprofit that will own it. But the nonprofit will get about \$11 million in gross revenues.

SENATOR SMITH: I thought you said you were going to operate the facility afterwards.

MR. COYLE: We will operate it. We will act as the manager on behalf of the--

SENATOR SMITH: You're not doing that for free.

MR. COYLE: No, no, of course not.

SENATOR SMITH: So what is the revenue?

MR. COYLE: Two percent of the gross revenues would go to our company, and then we'd defer 2 percent below the line to make the return, so it's a 4 percent development -- 4 percent management fee.

SENATOR SMITH: Of \$11 million.

MR. COYLE: That's correct, sir.

SENATOR SMITH: It's about \$400,000 a year.

And how long is your contract anticipated to run?

MR. COYLE: I believe we're negotiating a five-year contract to manage, with the right to renew.

SENATOR SMITH: And the nonprofit-- I assume that it's going through the nonprofit. The nonprofit is paying off the bonds.

MR. COYLE: That's correct.

SENATOR SMITH: Okay. And how about the cost of construction? Are you doing it?

MR. COYLE: We are doing the construction.

SENATOR SMITH: Okay. In one of the documents -- and I think it was probably a misprint -- but it said that there was going to be a public labor agreement. Did somebody mean to say it was a project labor agreement?

MR. COYLE: Project, yes. That's correct.

SENATOR SMITH: So it will be all done union.

MR. COYLE: That's correct.

SENATOR SMITH: Okay. When you've done this at other universities, did -- was there -- because you now have some experience with this. Did the university ever go out to the community to see if there were concerns in those other projects?

MR. COYLE: Certainly there were projects where they've gone out to the community with concerns.

SENATOR SMITH: Mr. Connelly, the comment that you made that you wanted to wait until your Board of Trustees acted-- The problem with that is the Board of Trustees gets presented with a plan and they say yes or they say no. Do you believe that if you met with the Town a year or year-and-a-half ago to talk about this project that you wouldn't be at a meeting today where the Town is now in opposition to the State moving ahead?

MR. CONNELLY: I'm not sure, sir.

SENATOR SMITH: Do you have regular meetings with the Town to discuss what's going on at the University?

MR. CONNELLY: Formal meetings, no, sir.

SENATOR SMITH: Why not?

MR. CONNELLY: We send them our agendas as they're approved by the Board of Trustees, and then we wait for them to say what they want to discuss. I mean, there are a multitude of items that are on our agendas, and we send them to them in anticipation they will contact us

with the items they want to discuss. I mean, we do that on a regular basis, sir.

SENATOR SMITH: There might be an improvement to that.

MR. SHAUGHNESSY: Senator, would you be able to speak--

SENATOR SMITH: I'm sorry, you're right.

MR. SHAUGHNESSY: Your words are important.

SENATOR SMITH: It might be-- I'm not telling you how to do your business, but for the future I think you would be wise to set up quarterly meetings. I know in other universities around the state they do that, if for no other reason than to say hello and have a cup of coffee so that tensions like this don't build up to the level that they're at today. I mean, it's not a wonderful thing to have one government fighting with another governmental entity. It puts everybody in a very uncomfortable position.

The comments heard from the Mayor and the Assemblyman was that they are not necessarily in opposition to the project, but they have two major issues which are the way in which the development is proposed and perhaps some help to municipal services. Is there any value to you sitting down with them and talking those issues through?

MR. CONNELLY: Yes, there is value. But I also want to make one correction. Several years ago, we contributed \$300,000 to the Township for the specific purchase of a fire engine. So to say we did nothing-- I need to make that correction.

SENATOR SMITH: And listen, that's a good thing.

MR. CONNELLY: And that was all part of another project we were working on, and they wanted some participation.

SENATOR SMITH: Right. I understand that.

Tell me about the cost of construction. Was the Assemblyman correct in that you're talking \$120 million?

MR. COYLE: Over two or three phases of a project, that would be correct. We're not expecting to build all of this at one time.

SENATOR SMITH: And what is the anticipated profit margin, even though I know there's the risk of construction? Nobody does anything for free. What's the anticipated profit margin in that \$120 million of construction cost?

MR. COYLE: Of the \$120 million, it would be about \$5 million.

SENATOR SMITH: Five million dollar profit.

MR. COYLE: Correct.

SENATOR SMITH: And then the \$400,000 per year afterward.

MR. COYLE: That's correct.

SENATOR SMITH: Okay. Just so that we're not -- any of the lawyers -- so that nobody is getting in any trouble, especially lawyers, University Student Living -- who are the principals of it? I want to make sure I don't have a client in this.

MR. COYLE: Sure, that's fine. Michael Levitt is the single owner of all of the entities of The Michaels Organization. So University Student Living is 100 percent owned by Michael Levitt of The Michaels Organization -- again, the largest affordable housing developer in the country and in the State of New Jersey.

SENATOR SMITH: It would be helpful, I think, to know a little bit more about the project. Give us the 60-second summary of what the project will be.

MR. COYLE: Sure. Would you like to see pictures of what it's going to--

SENATOR SMITH: If you have pictures, it would be better.

MR. COYLE: We do.

SENATOR SMITH: That's 10,000 words you would be taking care of like that.

MR. COYLE: That's exactly right. (laughter)

While that's happening, I wouldn't mind mentioning -- and better experts will give you better advice here -- but it's really the back of the properties. There is not a public street there. It's the back of homes that already have pretty tall, deciduous trees on the back of their property facing the University. And rightfully so; they're a good buffer. We're going to add to that buffer, and that's what we will show you here, as well as show you the site line.

R O N A L D J. H A N S E N: Good morning.

I'm Ron Hansen. I'm a Senior Vice President at University Student Living.

Accompanying me, along with Joe Coyle, is Larry Uher. He's from Netta Architects. He's the project architect.

We've handed out some things based upon the questions you've already gotten, thinking that maybe we can give you some answers, specifically.

MR. SHAUGHNESSY: Mr. Hansen, would you identify what you've handed out here today?

MR. HANSEN: Sure. Before you I have four 11x17s showing initially where are the parcels of land in relation to Kean and its neighboring community, as well as some aerial photos that show you what exactly is on that land. And I will describe that so you can see what the aerial really shows you.

We've talked about the totality -- the three parcels that we're talking about for Kean. We know them as Parcel 1, 2, and 3. They add up to that 10.6 acres, you see. The only exception is that there is a stream that Kean would still own that wouldn't have any facilities on it. It's important for some of the water -- controlling stormwater.

So looking at Parcel 1: This is really what the Township was talking about today, about where the facilities we're talking about building and the adjacency issues. On that parcel today are five buildings totaling 45,000 square feet. It was a campus school building. I think it was a former elementary school built in the '50s or '60s -- single-story. It's a relatively inefficient building. You see the structure there. It's kind of like the little -- like you see most elementary schools built back in the day -- 1-story with classrooms with windows. There's some parking. The red line indicates the boundary of the survey for where we're talking about the lease being. The red line is roughly a 250-foot line, just to give you the perspective. And on the center of the photo you see the houses -- basically the neighbors that would be neighboring that parcel of land. They're all normally 2-story structures with a back yard, six-foot fence. And I will

show you the picture if you're really interested. That site is where we're talking about the student housing being built.

Based upon the concern of the President of the University-- He asked that we stay as close to Cougar Walk -- which is right on the upper, right-hand corner where the line comes across, you see it marked Cougar Walk -- it's kind of toward the middle in light print -- to try to stay as far away from the neighboring residential area as we possibly could. And that's essentially where we're contemplating putting in the 8-story buildings that have been discussed.

Now, the footprint is large enough to where another facility could be built. Initially, it was planned that it should be an 8-story building. But given the concerns, we put it down to a 6-story building because-- And I will show you more pictures.

What I just handed you is-- We heard the concern about line-of-sight, and what would the neighbors be looking at. In the upper, top-left corner -- 1, 2, 3 -- are pictures looking from where the residential -- should anybody sit on their fence looking out into the land we're talking about. And you see there is a number of large, 50- and 60-foot trees that basically border Kean that I'm looking under. And then Picture 5 is looking from that same parking lot toward the houses in a panoramic view. So it's somewhat a little bit curvilinear. But you can see basically a couple of things from that picture on the bottom of the one marked 5. One is that you see the shadows are facing in toward Kean. This was taken around 1:00 in the afternoon. So the sun actually moves along the southern hemisphere. And basically, during the afternoon the sun actually shines into the property, not out of it.

SENATOR SMITH: Did you say that the dorms are now planned to be 6 stories high?

MR. HANSEN: Along Cougar Walk, the idea is 8, because we're trying to get 600 beds. That's what the market study said is the need for Kean University for having housing mostly for current freshmen -- 460 of that is for freshmen, and 140 for upper classmen, international students, etc.

SENATOR SMITH: You're killing me with details.

MR. HANSEN: I'm sorry, sir.

SENATOR SMITH: Are all three dormitories 6 stories, or is one dormitory 6 stories?

MR. HANSEN: The first phase is two buildings, 8 stories apiece. The face closest to the residents will be 6 stories.

ASSEMBLYMAN MORIARTY: Which parcel is 6 stories, Parcel 1?

MR. HANSEN: In Parcel 1 there is -- the buildings we're talking about -- the 8 stories on Cougar Walk.

ASSEMBLYMAN MORIARTY: If you may, which parcel would be 6 stories, which parcels are 8?

MR. HANSEN: In Parcel 1 there is a combination of two 8-story buildings and one 6-story building.

ASSEMBLYMAN MORIARTY: Just in Parcel 1.

MR. HANSEN: In Parcel 1.

In Parcel 2 is where the plan calls for a parking structure to go and replace what is currently a maintenance facility. And Parcel 3 would be the remainder of the residential buildings. Currently, the plan is to

demolish one of the older residence halls and replace it. And for planning purposes, Phase 1 is really what we're trying to get approval for and get it financed so that those houses are ready for 2015.

Again, sir, stop me at any time.

The red building is what we're planning on building -- starting construction around the beginning of next year and having it delivered by 2015. That's approximately 600 beds of 8-story building along Cougar Walk. This blue building is what we're calling our second phase, which is closest to the neighbors. That's why we're focusing on that. That would be a 6-story building, staying about 170 feet away from that southern-most boundary nearest the neighbors.

DIRECTOR HOLZBAUR: And so on this diagram, is that the 6-story building?

MR. HANSEN: The 6-story building would be closest to the--

DIRECTOR HOLZBAUR: And then how close is the blue to the red?

MR. HANSEN: The blue to the red is 50 feet, and then these buildings are about 250 away from--

LAURENCE K. UHER: Probably closer to 300 feet away.

ASSEMBLYMAN MORIARTY: The trees that you would add -- are they at ground level, or is there a berm that's being added?

MR. HANSEN: No, it's all at ground level. The site is relatively flat. The only issue is, where the existing trees across the street -- they're all deciduous trees. So in the winter, obviously, they lose their leaves. So the idea would be to put some evergreens in there to block it basically year round.

SENATOR SMITH: Did you show this draft site plan to the Town?

MR. HANSEN: I believe Mr. Connelly sent a letter saying that they were going to consider that.

ASSEMBLYMAN CRYAN: (speaking from audience) No, the only thing that the town has seen is this.

MR. SHAUGHNESSY: We can't hear you.

ASSEMBLYMAN CRYAN: We actually just asked for a copy. I'm going to speak up here. It's a little bit -- it's amazing to see drawings here. The only thing we saw, Bob, was this--

MR. SHAUGHNESSY: Your testimony is not being received.

ASSEMBLYMAN CRYAN: I hear you. But for common-sense approaches -- I'm telling you that as an elected official on behalf of the Mayor and Business Administrator, this is the first we've heard of parking. We haven't seen any (indiscernible). It's ridiculous.

SENATOR SMITH: You were saying.

MR. HANSEN: So, anyway, on that line of sight to this blue building, if you're in these houses here-- What we planned on is, these trees then would deal with or address the concern that we heard -- that there was a concern about the view from the neighbors looking into the property. So what we did was reduce the height of the building. We plan on putting in the landscape buffer so that the view would be improved. And the diagram in the middle -- this is trying to figure out how big these trees would be to block the building -- they would have to be about 25 to 30 feet tall.

MR. UHER: If I could just add a comment: There are several plans that we have developed, and none of--

MR. HANSEN: This is Larry Uher, from Netta Architects.

MR. UHER: Larry Uher, Vice President, Netta Architects.

ASSEMBLYMAN BROWN: Where are you located?

MR. UHER: I'm sorry.

ASSEMBLYMAN BROWN: Where is your office located?

MR. UHER: Mountainside, New Jersey.

None of these plans have been approved by the University. We are still in development of many of these plans. We have presented three different options on site layouts to the University. They are all in -- presently being reviewed by the President and his committee. So what I'm showing you today has not even been approved by the University. So they're not in a position at this point to even go to the Township to present it to them because the University itself has not accepted these plans presently.

SENATOR SMITH: Would it be fair to say that if the Board of Trustees said, "You're not being aggressive enough. We would like this to be 13 stories high," that it would be in your purview to do that?

MR. UHER: I can tell you from the initial RFQ that was issued, they stated that the buildings could not be any larger or taller than 8 stories.

SENATOR SMITH: You can change an RFQ.

MR. UHER: Correct. From all the information we've received--

SENATOR SMITH: They don't want to do more than 8.

MR. UHER: They don't want anything more than 8 because that's the tallest building they have on the site currently.

SENATOR SMITH: When you did the draft site plan -- or the three alternative site plans, did you consider other locations for the dormitories on campus?

MR. UHER: We were provided this lot as the lot to--

SENATOR SMITH: You were told that was the lot.

MR. UHER: Correct.

SENATOR SMITH: Have you looked at the rest of the-- Maybe I should ask the University. Have you looked at other sites on the University property that might be appropriate just to make sure we've checked out the alternatives? Whoever wants to take the ball.

MR. HANSEN: I know I can answer that. When we were looking at the RFQ, we were given this parcel of land. And we were also looking at where other facilities could possibly be built in a better place. And the answer is that this location is where there is the old, 1-story building. It seemed to be the largest piece of land that we could build a housing facility on with the minimal amount of demolition required.

SENATOR SMITH: Okay. I thought I heard Mr. Connelly say that -- and it could be supplemented by the Dean of Student Housing -- that there are a number of existing dormitories that are in pretty decrepit condition. Is that true?

JANICE MURRAY-LAURY: There are at least two that--

MR. SHAUGHNESSY: Please come up.

MS. MURRAY-LAURY: Thank you very much.

My name is Janice Murray-Laury. I'm the Vice President for Student Affairs at Kean University. I have been associated with Kean University for many years and in this position for 10 years. So I have an

appreciation for the campus prior to our two current buildings -- the ones we were speaking about as being new. And I'm also participating on this committee as we're discussing our future.

SENATOR SMITH: Tell us about the existing dormitories that are not in the best of condition.

MS. MURRAY-LAURY: The existing residence halls-- The residence halls at Kean University are all up to code, and they are acceptable. There are two in particular--

SENATOR SMITH: You had to struggle getting that word out.
(laughter)

MS. MURRAY-LAURY: The only reason I say that is that there is always somebody who loves that old building, and they just like it that way. And we make sure that it has all the fire safety and it gets all the support with regard to security and so forth. But sometimes the renovations, the modifications are just not efficient in terms of cost or in terms of the effect. Students may want to be in that old building for some reason or another, but on the other hand it doesn't give them the convenience of the elevator, it doesn't give them the convenience of the type of air conditioning, and so forth. So there is that kind of experience.

SENATOR SMITH: How many beds are in those two buildings?

MS. MURRAY-LAURY: We're looking at about 200-plus beds in those two facilities.

SENATOR SMITH: In the two buildings total?

MS. MURRAY-LAURY: Yes, in those two small buildings.

In addition to that, we have buildings that are-- Those are the really old ones. Then we have four buildings that are in the 40-, 35-year range. And those buildings are apartment-style. They are well-maintained. Those are the buildings where we used to have stoves. They have been retrofitted so that students now have community kitchens in each one of those buildings, the air conditioning, the plumbing, and so forth. They've been renovated very carefully. Students still like that option. However, the students really prefer the new facilities, which helps us appreciate the fact that we would be able to fill the new facilities. We'd also be able to support the ones we currently have.

As someone already testified, Kean University has the lowest student-to-bed ratio for our peer institutions. We're looking to sustain enrollment, to make sure that students who are first-generation -- most of our students are from the State of New Jersey -- come in and make effective and efficient progress to earn their degree. It helps us, it helps the State, it helps the economy.

SENATOR SMITH: Back to the dormitories.

MS. MURRAY-LAURY: Okay.

SENATOR SMITH: Where are the old buildings located on the campus map.

MR. HANSEN: If we look at Parcel 3 -- those two buildings -- Dougall and Whiteman are the oldest ones that Janice was talking about. On the map they're right dead center. They have *DO* and *WH* in it -- if you look at the Kean University campus map.

ASSEMBLYMAN MORIARTY: It's those two.

MR. HANSEN: And they're the same buildings -- how the aerial view of -- one perpendicular to the other in Parcel 3.

ASSEMBLYMAN MORIARTY: Did you say there are 200 beds or 200 rooms in those?

MS. MURRAY-LAURY: Two hundred rooms.

ASSEMBLYMAN MORIARTY: Two hundred rooms. How many people in each room? I'm sure it varies. How many people altogether?

MS. MURRAY-LAURY: On average we're looking at 2.

ASSEMBLYMAN MORIARTY: So about 400 people live in those two buildings. (affirmative responses) And then the other four buildings that are apartment-style -- how many people live in those buildings?

MS. MURRAY-LAURY: Total we have about 800 -- a little over 800 in those.

ASSEMBLYMAN MORIARTY: I'm sorry. I interrupted your line of questioning.

SENATOR SMITH: It's all right.

How old are the two that are on Parcel 3?

MS. MURRAY-LAURY: I'm not sure of the exact date of those. I do know that they're older than the quad buildings, which are the 35-year-old ones.

SENATOR SMITH: I have to ask what is kind of the obvious question to me: Why not tear them down and build your new buildings there? Parcel 3 is nowhere near the residential neighborhood.

MR. HANSEN: Part of the reason is in order to sustain the current student capacity. If we tore those buildings down, we'd take those 200 offline for a year-and-a-half. So the idea is building on a green space to sustain the capacity. And then when the capacity is built, then we can go and tear the other one down.

SENATOR SMITH: So there is a plan for Parcel 3.

MR. HANSEN: Yes.

SENATOR SMITH: What is the plan for Parcel 3?

MR. HANSEN: Larry was right. Obviously, we're in discussions with the University. The President has been receiving input. We have meetings essentially every week to talk about design and aspects of the project. The purpose of today is that this is one of the key steps in order for us to be able to move forward on a timeline. And the public/private venture enactment has to be in by August 1. And then that law hasn't been extended yet. So essentially we're on a tight timeline. So the plans that we're developing, we're presenting to the President essentially almost every other day as we get more input, and put it into play. So the overall plan is to build out Parcels 1, 2, and 3, totaling up to 1,200 beds with parking. The first phase of that is to add the capacity so that it allows us to essentially tear down other houses.

ASSEMBLYMAN MORIARTY: So the first part would be to tear down the buildings on Parcel 1, build the red portion that you show there, and then at a later time build the second phase -- the blue portion that's on that diagram. And then at some point in the future you'll tear down these two buildings on Parcel 3 and build something new there as well? Is that correct?

MR. HANSEN: Yes, sir.

ASSEMBLYMAN MORIARTY: And Parcel 2 would be potentially a future parking area where you would tear down those buildings and create just parking?

MR. HANSEN: Yes.

ASSEMBLYMAN MORIARTY: I think I understand.

Can you tell us how many-- Can you, for the record, Janice -- and can you spell your last name?

MS. MURRAY-LAURY: Murray, M-U-R-R-A-Y-L-A-U-R-Y.

ASSEMBLYMAN MORIARTY: Can you, for the record, put on the record who would be in these new dormitories? There has been conflicting testimony. I've heard testimony that these are being designed solely for international students and would not benefit New Jersey students at all. I've heard on the other side that this would be for many New Jersey freshmen and graduate students. Can you put on the record, from your point of view, who would likely be living in these dormitories?

MS. MURRAY-LAURY: Principally they would be students of Kean University who, for the most part, are New Jersey residents and, for the most part, are undergraduate students. We are also looking to build and strengthen graduate housing. There is a focus for graduate housing. We want a design that would support the interest of international students as well. It is not unusual for international students to be part of the American undergraduate and graduate experience, especially now with the global orientation of the economy. Therefore, particularly in the summer and during other down periods, having international students present is definitely a plus.

With the campus in China, we will have students there who will benefit from an opportunity to learn at Kean University, very possibly during the regular academic year, just as our students would have the opportunity to study in China during the regular academic year. That's the strategic focus or interest at some point. That's down the road.

Immediately -- and our feasibility study is based upon undergraduate, Kean University students as they are present to us. They are New Jersey residents, and undergraduates and graduate students. We have some international students, but that will grow.

ASSEMBLYMAN MORIARTY: So would you say the overwhelming percentage of students in this housing would be New Jersey students?

MS. MURRAY-LAURY: Yes.

ASSEMBLYMAN MORIARTY: Okay. Thank you.

DIRECTOR HOLZBAUR: Once all three phases are finished, what is the net add of beds?

MS. MURRAY-LAURY: Twelve hundred beds.

MR. HANSEN: Yes, but we're taking the 200 off so it would be somewhere around 1,000.

DIRECTOR HOLZBAUR: A thousand.

MR. HANSEN: It would be somewhere around 1,000 because we have to take out the 247 apartments that we'd be tearing down and adding 1,200. So the overall net would be about 1,000.

SENATOR SMITH: How high will the dormitory be on Parcel 3?

MR. HANSEN: It would probably be 8 stories because the adjacent buildings are 8 stories also.

UNIDENTIFIED SPEAKER FROM AUDIENCE:
(indiscernible)

MR. HANSEN: I stand corrected. Obviously, we still have a lot of planning to do.

MR. SHAUGHNESSY: Nothing can be heard from the audience, by the way.

MS. MURRAY-LAURY: Could I add something to that? That's absolutely correct. We haven't finalized a plan.

At the last meeting we had, the President made it absolutely clear that he wanted this design and this footprint to reflect the interest of our community. When he speaks about the interest of our community, he thinks about the interest of Union City, Union County.

SENATOR SMITH: Why (indiscernible) fighting?

MS. MURRAY-LAURY: Sometimes the best people, with common interests, have issues. But it doesn't mean they don't necessarily hear each other. And I do-- After this meeting, I'm confident that there will be more conversation. I do think this particular project, in terms of the information that Kean has brought forth, should fit what we're required to provide. But I think there is that other part that is that element of communication that needs to be enhanced.

SENATOR SMITH: Big time.

MS. MURRAY-LAURY: But you have to appreciate too that we are looking at trying to build a design that will support the interests of

all involved. The opportunity to build a design and realize this project really requires you to take an action that allows us to go forward.

MR. SHAUGHNESSY: Any other questions from the members? (no response)

Any other public comment on this particular matter? (no response)

SENATOR SMITH: That was it for the sign-ups?

MR. SHAUGHNESSY: I just want to make sure. Did anyone else sign in wishing to be heard on this matter? (no response)

If there are no other questions or comments, I'll call for a motion.

SENATOR SMITH: Well, let's talk about that for a second.

The very strong statement in the materials provided to the committee is there is precedent for this. And the reference is to Montclair State and The College of New Jersey. And I, for the good of the order, have no problem with the transfer for \$1 to help our colleges and universities. And I do think, at the end of the day, there is a lot of merit to this project.

But the one fatal flaw in all of this is the way in which the Town has been treated. I mean, they've been treated with utter disrespect. There's been no communication, no chance to have any input, no chance to really discuss their issues. And if we're talking about precedent, when we had Montclair we said, "Go meet and come back. Try to come to a resolution. Come back." And I think we did that on several occasions because we weren't happy with the result.

Now, I understand there is a time issue here. It sounds like we have the proverbial gun at our heads because, number one, we want to see--

First of all, we want to see construction in this state, we do want to see people working, and we do want to see better higher education. But we're not the ones who created the situation. The University created the situation by not doing communication 101 with the Town in which they are located. So I'd like to make a suggestion that we defer this for two to three weeks, not for the next year. I don't mind coming down. We'll try to do it on a day where we aren't all at the beach. But I don't have a problem coming down. But I'd like these two parties to sit in a room and actually try to work out their issues. Because once we let this go, it's carte blanche. They're going to do anything they want. And by the way, I'm sure what they want to do is for the good of New Jersey. I don't have a question about that. But I do think that there needs to be some discussion between the Town and the University. So I am going to move that we adjourn this for 21 days. Let's give them three weeks to meet, we'll come back, and we'll get it down at that time.

MS. MELICK: Senator Cardinale.

SENATOR CARDINALE: I tend to agree with my fellow Senator most of the time, but I think I'm going to disagree this time because we're getting into planning board-like issues. We're not giving them an extra 10 acres. They already have this property. We're dealing with a technical glitch that they need in order to sell their bonds, in order to engage in whatever project that--

As a practical matter, I don't think that we're equipped with the kind of expertise. I mean, we individually have a great deal of expertise, but we don't have the experts to advise us to do the studies. We're going to

have to rely on the same information that we've heard. And I just don't think we should be getting into planning board-like issues here.

SENATOR SMITH: I agree. Listen, I go to a planning board three nights a week. I don't want to be on another planning board. I don't want to be a planning board member.

SENATOR CARDINALE: I did it for eight years as a member of a board.

SENATOR SMITH: And you remember it fondly.

SENATOR CARDINALE: I am very glad that I'm not in that milieu any longer.

SENATOR SMITH: You did your service. And I don't disagree with you, Gerry. I don't want to do a planning board issue. I don't think we should move buildings around, talk about sight lines, talk about the height, whatever. But I do think the Town should have some chance to work with the University Administration to get some input on the project. And by the way, they can come back in three weeks and say they couldn't do anything.

SENATOR CARDINALE: And we can ask them to do that. But in three weeks from now I don't think anything is going to be different that we're going to be looking at. Because I think they're fairly hardened in their positions. I can sympathize with the Town. I mean, I was a local official before I was here. I can sympathize with the Town and how it feels. But you're going to have that in every situation that is similar to this because some wise people, at some point in time before either of us were in the Legislature, determined that these colleges would not be subject to local review.

SENATOR SMITH: Right.

SENATOR CARDINALE: And they were made independent. And that's going to create this kind of--

SENATOR SMITH: And, listen, I'm not suggesting local review. But, for example, the architect mentioned they have at least three different plans. Why not let the Town take a look at them and say, "Plan B is better than Plan A as far as we're concerned." They have no regulatory authority. They don't have the ability to say yes or no. But I think Kean needs to understand that they don't do this in a vacuum. They should have some local input. And I don't see how three weeks kills their schedule.

MAYOR PEOPLE: (speaking from audience) Mr. Chairman, if I may, we would be willing to meet any time with Kean University.

MR. SHAUGHNESSY: Mayor, your comments are important. Please come up and speak into the microphone.

Thank you, sir.

MAYOR PEOPLE: The Township of Union would be willing to meet with Kean University at any time if that's agreeable with them.

SENATOR SMITH: With the understanding the Town has no authority to say, "You have to do this." But at least they should have the opportunity to say, "This might be a better alternative." And the University can say no, and then they would be back here in three weeks. And then we would have to deal with whatever the issue is at that time. But they should at least have input.

MAYOR PEOPLE: We have not seen any plans.

SENATOR SMITH: This is the first time you've seen them.

MAYOR PEOPLE: This is the first time we've seen these plans.

SENATOR SMITH: It's terrible.

MAYOR PEOPLE: It's unfortunate that we weren't a part of the discussion, and we would like to be a part of the discussion.

ASSEMBLYMAN BROWN: Mr. Shaughnessy.

MR. SHAUGHNESSY: Yes, Assemblyman Brown.

ASSEMBLYMAN BROWN: Just one last comment. The Senator is correct. We shouldn't be used as the catalyst of communication between the Township and-- I'm sure that communication should have been established a long time ago before this particular issue had come to a head. Kean's been there a long time.

If they weren't talking before, and we're using our approval process to get them to talk, I think there are other issues than this particular project. Our only objective here is, as the Senator said, a technical objective to allow the University -- which the Township doesn't collect any taxes from. There are already existing buildings there. A plan is being put together. I think based on what's been said here, the University is going to speak with the Town. I don't want to hang it over their heads to say, "We've become a planning board unless you do this." Our job is to convey and allow the University to provide the public service it's supposed to with the grounds that are already within their footprint. They're not expanding their footprint.

MAYOR PEOPLE: Once there is approval -- if there is approval -- then the University has carte blanche to do anything they want to do.

ASSEMBLYMAN BROWN: I don't think the University looks at their decision as carte blanche to do whatever they please.

MAYOR PEOPLE: I beg to differ on that.

ASSEMBLYMAN BROWN: But I've also seen where this process has worked very well for our State universities for their expansion of additional seats -- that are absolutely necessary in this state because we are losing 35 percent of our students once they graduate, and they don't come back. So I don't want to be the one who stops that progress. And this is a technical meeting to convey the right for Kean to bond for their project.

Now, the process on what they're bonding for is in an idea stage, if anything. It hasn't even been formally voted on. We're looking at different sketches, different ideas. I think now is the time for all the community, the University, the Township, the Assemblyman to sit down and talk about what the concerns are and make those changes. But I think they needed to start here to decide if they even can do it, because they have to get the financing to do whatever ideas they have to do.

MAYOR PEOPLE: But losing students -- that's not the construction of dorms. That has to be some other factor. When you lose students from a university, it has nothing to do with the construction of a building.

ASSEMBLYMAN BROWN: Yes, it does.

MAYOR PEOPLE: And if it does, that's a sad state of affairs in terms of education.

ASSEMBLYMAN BROWN: It has many factors -- it does. And this is one of the factors -- adequate facilities within a particular university to compete with not only the universities in the state, but the other states that are grabbing-- Other states love getting our kids. They absolutely love getting our students, because they pay out-of-state rates, and they don't default.

MAYOR PEOPLE: Again, does it have to do with the facility?

ASSEMBLYMAN BROWN: It does.

MAYOR PEOPLE: You're saying that because of the facility it attracts the student. It should be the quality of the education that attracts the student, not the facility.

ASSEMBLYMAN BROWN: It goes hand-in-hand.

MAYOR PEOPLE: Okay.

ASSEMBLYMAN BROWN: The facility and-- Now we're getting into a bigger discussion on philosophy. (laughter) But here-- I just look at my job here to say, "Are we in compliance to do what is being asked for the greater public service?" And that's what I believe we're doing. We can't use this hearing to hold over another governmental entity's head -- to do something another government wants done. That's not what we're here to do or decide that. The law has been set on what the universities are allowed to do with their properties. They're not expanding their footprint. They own this ground. There are buildings there that they own or that they have control of.

MS. MELICK: Assemblyman and Mayor, I appreciate that you're having this discussion.

ASSEMBLYMAN BROWN: I'm sorry.

MS. MELICK: But I think we've been through a lot of this, and I think it's maybe time for us to have a discussion and figure out what we want to do. I can tell you that I personally believe that the timeline is limited. Hopefully this discussion today has made both the Township and the University aware that they really need to engage in discussion about this. Maybe the people from the Township need to go when the Board has

meetings, and the University needs to reach out and make contact. But given the timelines, I would recommend that we approve this motion -- make motion and approve this sale.

MR. SHAUGHNESSY: Motion to--

ASSEMBLYMAN BROWN: Motion.

MR. SHAUGHNESSY: Do I have a second to the motion?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Motion and second.

I'll call the roll.

Acting Senior Counsel Melick.

ASSEMBLYMAN MORIARTY: Can I just say something? Did we hear from any of the neighbors or anyone else who signed up?

MR. SHAUGHNESSY: I don't think-- Is there anyone else in the room who would like to be heard?

ASSEMBLYMAN CRYAN: (speaking from audience) We didn't ask the neighbors to come down, Paul.

ASSEMBLYMAN MORIARTY: Okay. I didn't know if there was anyone.

ASSEMBLYMAN CRYAN: There's significant opposition. They thought their Mayor was good enough.

MR. SHAUGHNESSY: I note a motion and second on the matter.

Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Senator Smith would like to say to the President of Kean and the Board of Trustees that you're acting like amateurs. You need to have better communication with the Town in which you live. And I'd appreciate it if you'd take that message back.

Abstain.

UNIDENTIFIED SPEAKER FROM AUDIENCE: You don't have to take it back because I'm a Trustee, and I take offense to that. And I'm also a resident of Union.

And the precedent has been set here that anybody can say whatever they want.

MS. MELICK: Excuse me, sir, you're out of order.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: I'd like to just say a few things. We've had a similar situation down in my neck of the woods for a long time, down in Glassboro, where for years and years the governing body of Glassboro and the Board of Trustees and President of Rowan University -- then Glassboro State -- were at loggerheads. And both of them suffered because of it. And it wasn't until both sides came to their senses and realized that they needed to work together for the benefit of the community that things blossomed, and I mean took off. That University is poised to double from 12,500 students to 25,000 students. There have been

public/private partnerships, and they have built new dormitories 6 stories high across the street from houses with no tree buffer and no opposition, because what's happening in Glassboro is that economic opportunity is blooming, there are jobs, and people are happy, and an old downtown is coming back to life.

I would mirror the comments of Senator Smith that both sides in this need to sit down and talk. It's to your detriment that you aren't. And I don't know why you don't understand that your future is tied to each other. I hope that you will sit down and talk. I hope that Kean University will sit down and take into consideration what the neighborhood is saying, what the governing body is saying, and incorporate it into your development as you go forward.

I won't make any friends with my Assembly colleague because I am voting yes on this today. And I do so because I think we do have a brain drain in the State of New Jersey. We need to keep more students in this state. This will help. We need to grow our university system, keep more people here. I think this is one of the ways that this will effectuate that. And so I vote a reluctant yes and hope that both sides will sit down and come to some agreement that will help the future of both Union and Kean.

Thank you.

MR. SHAUGHNESSY: Thank you, Assemblyman.

Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

Moving on to No. 6 -- Department of Transportation requests.

No. 6 on the agenda is Route 9, Section 22, Parcel VX94B, Block 140, Lot I, Howell Township, Monmouth County.

DOT requests approval to sell to the only adjoining property owner, Gill Petroleum -- with the principles listed in the agenda -- an irregular-shaped, 0.172 acre parcel at the intersection of Wycoff Mills Road and Route 9. The recommended sale price is \$152,450, the appraised value.

The parcel will be assembled to the adjoining commercial property, which currently has a closed gas station on it, for development into a possible gas station and mini-market.

Do we have any members with comments on this or questions?

SENATOR SMITH: Just the citizen letter that we received. She indicated that -- Barbara Dixel. She said, "I'm asking that you deny it. It is highly contaminated from the gasoline that leaked into the soil and groundwater." Do we know anything about the environmental condition of the property?

MR. SHAUGHNESSY: I think there are representatives from DOT here who could be helpful on that question, Senator.

Who is here from DOT to speak to that, please?

I will note that on this particular matter there is a plan on the table, as Counsel has mentioned, which was provided -- a full copy of the plan of the objective.

Sir, please identify yourself and your affiliation. And speak into the microphone.

Thank you.

DAVID KOOK: Yes, sir.

My name is David Kook. I'm a Manager at the Department of Transportation for the Technical Support Bureau.

We are aware of the contamination that exists there. It's a matter of public record that they have an LSRP on board. They are now subject to SARA as far as the requirements for remediating the property. It is an existing spill that they are dealing with. Whether we sell them the property or not, that spill will be addressed under DEP regulations that were put in place after SARA.

One other issue that we looked at was that they are in the process of developing. If we were to withhold the sale of the property until such time as they were eventually done with the normal process that's involved in addressing a gas station spill, they would have developed the property and our land would then not be worth anything because there would be no point in them reopening the development years later, and adding on, and going through that whole process. They're either going to build what they can on what they have, or they're going to build what they can on what they can get from us and their land together. And we did not feel that it was appropriate for us to step in and deal with issues NJDEP is charged with, under the law, to address.

SENATOR SMITH: Is Gill Petroleum the responsible party?

MR. KOOK: I'd have to bring up Mr. Bevans on that. I did look on the Internet, but I'm not sure that I got the parties straight when I looked at it for just my own information. He has the files.

SENATOR SMITH: There is no question they're assuming responsibility for the cleanup.

MR. KOOK: Correct. They were one of the people who were there before the gas station companies -- are responsible. But I don't have that information.

SENATOR SMITH: Could have been a predecessor in time, but they're taking responsibility.

MR. KOOK: Yes. They are on the DEP list, and there is an LSRP on board who is handling that in accordance with the requirements of SARA -- that they are mandatorily required to go forward with a cleanup regardless of whether DEP suggests it to them or not, unlike in the past. So they have their timetables now to deal with. Admittedly in the past it wasn't there, and that's why so many of the tank spills weren't moving along as the Legislature addressed.

SENATOR SMITH: Thank you.

MR. SHAUGHNESSY: Any other members with questions?

(no response)

Anyone else from the public want to be heard on this matter?

(no response)

Hearing none, may I have a motion?

SENATOR CARDINALE: Move the approval.

ASSEMBLYMAN BROWN: Second.

MR. SHAUGHNESSY: Motion and second.

I'll call the roll.

Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Can we also transmit to the person who sent in the letter something to let them know that this is being cleaned up? Because they're under the wrong impression. I would hate for them to think we just approved something and didn't take into account what they had to say.

MR. SHAUGHNESSY: That's reflected in the verbatim minutes, I think.

ASSEMBLYMAN MORIARTY: So they have to go look in the minutes?

MR. SHAUGHNESSY: We can send them a copy of the minutes.

ASSEMBLYMAN MORIARTY: That would be great. Thank you.

I'm a yes.

MR. SHAUGHNESSY: Thank you.

Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: Thank you very much. The matter is approved.

No. 7 is a DOT request concerning Route 78, Section 5G, Parcel VX49B, Block 2726, Lot 1, Newark, Essex County.

DOT requests approval to sell, by public auction, a 3,426 plus-or-minus square foot parcel. The minimum starting bid will be \$29,000, the appraised value. The appraiser concluded that the parcel could be independently developed. I think the minimum lot size is 2,500 square feet.

I believe on this matter the members did receive a comment from Barbara Sachau, as well as some others. And those comments were transmitted to the members previously.

Any members wishing to be heard on this matter? (no response)

Any members of the public wishing to be heard? (no response)
Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: I just have a question. It looks like it's a park to me. Are we selling a park?

MR. SHAUGHNESSY: Not to my knowledge, but we have someone -- a representative from DOT who can add to that.

ASSEMBLYMAN MORIARTY: Yes.

J A M E S D A R R A R: James Darrar, DOT, Property Management Supervisor.

That's a streetscape -- a streetscape that we build when we do a lot of these intersection improvements. Unfortunately we tried consistently with the City to get them to lease it or buy it, but they don't want to have any involvement with it. We had an adjoining owner who has a gas station who was interested in it. They often complained of the condition of the

streetscape with the homeless and other problems. We explained to him we were looking to see if we could sell it. It turns out it's actually buildable. He'll have to compete for it at auction.

But you're correct. It is a streetscape that we often build when we do projects. Unfortunately, we build these things and we don't often get a commitment from the municipality to take them. We do not have the manpower to keep maintaining these. I regret that-- We tried numerous times -- and I don't mind saying we reached -- using our front office to go to Cory Booker's office direct because we weren't getting anywhere with our traditional (indiscernible) to the municipal clerk -- just say, "We'll lease this to you for \$1 month. Would you want this?" Unfortunately, there was no interest.

ASSEMBLYMAN MORIARTY: There's that \$1 again that just keeps floating around. (laughter)

ASSEMBLYMAN BROWN: Who says you can't get anything for \$1? (laughter)

ASSEMBLYMAN MORIARTY: Ten acres, cityscape, whatever you want.

MR. DARRAR: Only for leases we have \$1 a month.

MR. SHAUGHNESSY: Any other members with comments?

ASSEMBLYMAN MORIARTY: I'm not finished. I'm sorry.

MR. SHAUGHNESSY: I'm sorry, Assemblyman.

ASSEMBLYMAN MORIARTY: What's your first name again?

MR. DARRAR: James Darrar. I'm a Property Management Supervisor.

ASSEMBLYMAN MORIARTY: Darrar. (indicating pronunciation)

MR. DARRAR: Darrar. (indicating pronunciation)

ASSEMBLYMAN MORIARTY: Darrar. (indicating pronunciation)

MR. DARRAR: Yes.

ASSEMBLYMAN MORIARTY: I'm sorry.

MR. DARRAR: It's all right.

ASSEMBLYMAN MORIARTY: I'm looking at a map here that has a red square that looks like it's not covering up to the street corner but set back maybe a bit.

MR. DARRAR: It would be what we acquired, so it wouldn't be the sidewalk. Whatever we had purchased. It was an old building at one time.

ASSEMBLYMAN MORIARTY: So what's on-- What's right at the corner?

MR. DARRAR: I'd have to take a look. My eyes aren't what they were.

ASSEMBLYMAN MORIARTY: I'm sorry to be so difficult.

MR. SHAUGHNESSY: We may lose this if you say anything off the record. You need to speak in the microphone.

Thank you.

ASSEMBLYMAN MORIARTY: Can you go back and comment?

MR. DARRAR: It's actually-- That red square looks like it's out of place. It should be at the corner. It's actually the streetscape.

ASSEMBLYMAN MORIARTY: I was wondering. So it is actually this corner.

MR. DARRAR: If you look in your folder, there is actually a general property parcel map that actually indicates the actual parcel. In your folder there should be a general property parcel map which will correctly outline the parcel as we acquired it.

ASSEMBLYMAN MORIARTY: So it is actually-- It looks like a rather busy street corner.

MR. DARRAR: Yes. And the property behind it is actually owned by the municipality. I guess they own it from a tax lien or something.

ASSEMBLYMAN MORIARTY: Okay.

MR. DARRAR: So it's actually the streetscape. Unfortunately, like I said, we build these. We have them across the street. Unfortunately, they're owned by the State so they're actually our responsibility to maintain if we don't have a jurisdictional agreement or any other agreement with the municipality.

ASSEMBLYMAN MORIARTY: And you do not have the manpower to upkeep this, and it's falling into disrepair. Is that your testimony?

MR. DARRAR: I don't know if it's falling into disrepair yet. But we don't have enough--

ASSEMBLYMAN MORIARTY: Well, I mean, the grass isn't being cut regularly, I'm guessing.

MR. DARRAR: If you consider twice a year regularly, then we're regularly cutting the grass.

ASSEMBLYMAN MORIARTY: Twice a year. (laughter)

MR. DARRAR: That's what we cut for the State. We don't have the manpower. We own a lot of property in Newark and throughout the state. The county owns my front lawn, but I cut it regularly. If I wait for the county it will never get cut. It's the same thing with the State. We just don't have the manpower to get out and cut everything. And I don't believe there is that much grass there. It's almost all pavers. But it's just--

ASSEMBLYMAN MORIARTY: And this is zoned commercial?

MR. DARRAR: I believe-- You know what? I'd have to check the file. I'm not sure if it's a commercial or residential piece. But it is being auctioned off.

ASSEMBLYMAN BROWN: It's commercial.

ASSEMBLYMAN MORIARTY: It's a really busy corner, and \$29,000 would be an appropriate starting bid?

MR. DARRAR: Well, I've had experience in the past where we haven't had much success selling anything in Newark. We've come back repeatedly on other properties that were residential, and we didn't get anybody showing up at auction. So it was done in-house by one of our appraisers, it was reviewed by one of our reviewers, and I guess they felt that would be a fair price to try to get. That's starting. Hopefully we'll get somebody out there who will actually bid on this.

ASSEMBLYMAN MORIARTY: I'm sorry to be persistent about this. This seems to be a very busy commercial corner. Caddy corner from that is a Dunkin' Donuts. I'm wondering how much they paid for that location. I'm just wondering if \$29,000 is a responsible starting bid.

MR. DARRAR: I don't know. I do know that if there are multiple parties interested we will actually get something closer to what the market will bear. I'm not even sure at \$29,000 we'll get somebody who will show up to bid for the property.

ASSEMBLYMAN MORIARTY: I guess if you can't get the City to give you \$1, I guess it might be worth asking whether you can get \$29,000 from someone else.

MR. DARRAR: We're certainly going to try.

ASSEMBLYMAN MORIARTY: I certainly wanted to ask the question. I'm not inclined to oppose, but it's baffling, to say the least.

MR. DARRAR: It was appraised, and it was reviewed. I'm not an appraiser.

MR. SHAUGHNESSY: Any other members? (no response)
Any other members from the public want to comment? (no response)

Hearing none, may I have a motion, please?

SENATOR CARDINALE: Move to approve.

MR. SHAUGHNESSY: Motion. Thank you, Senator.
Second?

ASSEMBLYMAN BROWN: Second.

MR. SHAUGHNESSY: Motion and seconded.
Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved. Thank you.

We're on to No. 8: Route 33, Section 4, Parcel VX16A2, Block 23, adjoining Lot 11, Millstone Township, Monmouth County.

The Department of Transportation requests approval to sell a rectangular shaped parcel of vacant land having an area of approximately 0.684 acres. The parcel is encumbered in its entirety with a drainage easement. The property is proposed to be sold by direct sale to Edward Brock Sr. and Angelina Brock, as to a 50 percent interest as tenants by the entirety; and Edward Brock, Jr. and Linda Arcoleo, jointly, as to a 50 percent interest as tenants in common, the only adjoining owner. The recommended sale price is \$20,000, the appraised value.

Any members want to comment or be heard on this matter? (no response)

Any members of the public want to be heard? (no response)

May I have a motion?

SENATOR CARDINALE: So moved.

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Motion and second. Thank you.
Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

No. 9 is DOT again: Route 35, Section 5, Parcels VX16 and VXR2J2, Block 816, adjacent to Lots 5 and 9, Wall Township, Monmouth County.

DOT requests approval to sell a rectangular vacant lot having approximately 0.29 acres located off of Lakewood Road and near Route 35. The property is not a buildable lot. There are two adjoining owners that have both expressed an interest to acquire. Correspondingly, it's going to be proposed to be sold by public auction to the highest bidder, with a minimum starting bid of \$49,000, the appraised value.

Any members wanting to be heard on this? (no response)

Any members of the public here to comment? (no response)

Hearing none, may I have a motion, please?

SENATOR CARDINALE: So moved.

ASSEMBLYMAN BROWN: Second.

MR. SHAUGHNESSY: Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter No. 9 is approved.

On to No. 10: Route 1, Section 3H, Parcels VX26C2 and VX27B2, Block 1701, part of Lots 5 and 6, Plainsboro Township, Middlesex County.

DOT requests approval to sell an irregular-shaped vacant land having an area of 0.28 acres to the adjoining property owner, Princeton Healthcare Systems. The property is intended to be utilized for drainage,

sewer, and utility purposes for the construction of a new children's hospital. The recommended sale price is \$53,000, the appraised value.

Does any member of the Commission want to be heard on this matter? (no response)

I note that there was an individual who would like to testify or provide comment. Please come up and identify yourself and your affiliation, sir.

HENRY KENT SMITH, ESQ.: Henry Kent Smith, partner with Fox Rothschild. I'm the attorney on behalf of Children's Hospital. I just wanted to thank the Commission and the Department of Transportation for your proactive and timely addressing and consideration of our request. Children's Hospital is extremely excited about partnering with Princeton Healthcare Systems to develop a premiere location here in central New Jersey. And I just want to thank you for your time and effort.

MR. SHAUGHNESSY: Thank you, Mr. Smith.

I note that a number of people called in support of this matter hoping that it's approved today.

SENATOR SMITH: I move the application.

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Motion and seconded.

Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

Thank you very much.

Now on to Department of Environmental Protection requests: No. 11 is South Mountain Reservation, Block 1.02, part of Lot 1, Block 1.03, part of Lot 1, Maplewood Township, Essex County; as well as Block 5501, part of Lot 1, Block 5503, part of Lot 1, Millburn Township, Essex County.

DEP, on behalf of the County of Essex, requests approval to allow the County to dispose of approximately 1.54 acres of the South Mountain Reservation in fee, and divert an additional 1.35 acres of parkland for drainage easements as part of a County project to improve traffic and safety conditions along a 1.6 mile section of South Orange Avenue.

As compensation, the County proposes to construct park improvements valued at over \$5 million, including a replacement pedestrian bridge, two new pedestrian bridges, a new park entrance at Crest Drive, and new trail extensions throughout the Reservation. In addition, the County

will vacate and add to the Reservation approximately 0.42 acres of existing right of way for South Orange Avenue.

Are there any members who want to be heard with regard to this matter? (no response)

There's a public member? (affirmative response)

Please, sir, come up and identify yourself. And please speak into the microphone.

Thank you, sir.

BILL WOLFE: Good morning.

My name is Bill Wolfe. I'm Director of a group called New Jersey PEER, Public Employees for Environmental Responsibility. We do support work for the professionals in natural resource and environmental agencies.

I just want to make one technical point. The last time I was here-- I like to focus on the area of public policy decisions that you make, the DEP regulatory framework that they follow that has driven some of the calculations here, and the methodology itself.

The last time I was here we talked about a lease to Tennessee Gas Pipeline that was undervalued and the public interest wasn't well-protected. And that testimony and that critique of the methodology -- of the appraisal methodology led to both an agreement of this body to, on a case-specific basis-- I think we doubled the appraised value in that case and led to legislation to reform the larger valuation methodology.

SENATOR CARDINALE: Four times.

MR. WOLFE: Excuse me, four times. Correct.

Thank you, Senator.

And that was at the leadership of Senator Cardinale.

At any rate, we have a very similar issue here, and it deals with the cutting of 300-- I haven't looked at the overall larger project in its totality, so I can't comment on that. But the issue with respect to cutting 360 mature trees; and the certified forester's application of DEP regulations translating that to 8,500, two-inch caliper trees-- That's following a standard methodology that the DEP uses under their regulations that does not take into account the most important features of those trees that transcend the biological biomass of the tree itself. You deal in real estate all the time. You know location is an important variable that drives value. These trees have aesthetic value, they have historic value. The park system that they're an integral part of is part of the oldest county park service in the country. They form an urban greenbelt between some of the most densely populated places in the world. So this is literally like a tree evaluation -- say a tree in Central Park, which would have enormous value as opposed to, say, a tree in the forest in Sparta Mountain, in Sussex County.

The DEP methodology doesn't take into account any of those factors. So the ideal solution, obviously, would be regulatory reform at the DEP to promulgate regulations that incorporate criteria that address these considerations. That would be the way I would solve the problem if I was the DEP Commissioner. That's not doable, obviously, in your case. You're not bound by the DEP regulations. Obviously you make policy determinations. You have discretion. So I would ask and suggest two alternatives at this time to kind of improve the public interest component here. One would be-- The forester noted there were 1,600 trees that were

blown down during Sandy. Part of the solution -- one alternative would be to supplement those 8,500 two-inch calipers with either larger caliper trees, and supplement the blowdown -- 1,600 additional trees. So make it 10,100 trees, and increase the caliper size. A two-inch caliper tree is a pretty tiny tree. So that's one alternative.

The other way is to try to, on a case-specific basis -- the four X rule would work. So let's -- you have precedent on the four X. I would suggest that you go in with a four X. And if they're going to stick with two-inch calipers, make it 32,000. But do more -- clearly do more. And I think you can do more, I think you should do more. I think there's precedent for doing more. And maybe the DEP can get the message that they might want to supplement their regulations. And maybe a legislator here might want to put a bill in to do that on a statewide scale.

I appreciate your consideration.

MR. SHAUGHNESSY: Thank you, Mr. Wolfe.

Any members have any questions for Mr. Wolfe? (no response)

Does anyone else want to be heard on this matter? (affirmative response)

Again, the same rules apply. Please, your name, affiliation, and speak into the microphone.

MARK W. KATARYNIAK: My name is Mark Kataryniak. I'm a principal with French & Parrello Associates. My firm is the consulting engineering on behalf of Essex County for this project.

This is a federally funded project. And in light of the comments you just heard, I just want the Commission to realize or to be aware that we have taken the concerns of the DEP into strong consideration

as a part of this project. We've been working hand-in-hand with them for a number of years on this project.

The total final design package that we're proposing as part of this project includes the installation of over 6,000 trees on this project. And the minimum caliper size that we're proposing on this project is four-and-a-half to five inches in caliper trees. So we have taken those concerns into consideration, and we're proposing much larger trees than would be conventionally installed under the DEP's minimum regulations.

MR. WOLFE: Clarification, that's not what your agenda-- We have a conflict with the testimony and your actual written materials. Your written materials talk about 8,500 trees, two-inch caliper. That's what you're technically approving here. And it also talks about-- I would suggest the DEP rep come in and clarify the fact that this is based on the DEP calculations that do not factor in the location features, the aesthetic features, the historic features, the greenbelt features, the urban population density features, etc.

SENATOR SMITH: Stop for a second, Bill. What Mark is saying is that they have enhanced this such that 6,500 trees at four-inch caliper.

MR. WOLFE: Right, but is that in addition to the 8,500 at two-inch?

SENATOR SMITH: I don't think so, but let me ask.

MR. KATARYNIAK: No, the 8,500 was a calculation made by the DEP as sort of the minimum replacement requirement. We chose to exceed that requirement with the quality of the trees, and we have exceeded their requirement. The net total is not the full 8,500, but that 8,500 was

established based on the two-inch caliper size. We've gone to a larger caliper size. So our actual basal area calculation exceeds the requirements set forth by Green Acres in terms of tree replacement. And those trees are being replaced. They're being placed in the Reservation, along the roadway, and in large sections within the Reservation rather than spot tree replacement areas. We are putting those trees in large clusters within the Reservation so that the environmental aspects -- or the benefits that you get from these larger, mature trees can be achieved in a shorter timeframe.

MR. WOLFE: And how would that relate-- Through the Chair, how would that relate to the blowdown you've recognized?

SENATOR SMITH: Well, they would just change the terms.

MR. SHAUGHNESSY: May we hear from DEP as well?

JUDETH PICCININI YEANY: I'm Judeth Yeany, from the Green Acres Program.

The tree replacement formula in the Green Acres rules is what is called the *basal area replacement formula*. So it does take into account the size of the trees being removed and says that trees that add up to that same basal area need to be substituted. So the consultant is correct that if two-inch trees were used, the number would have been 8,500. The City is not required to use bigger trees under our formula. But if they have opted to, then that would reduce the total number of trees. So you're just trying to get to a replacement area that's been calculated based on what was removed. And the numbers can change that way. So if we're now being told by the City that they're using bigger trees, we can certainly--

SENATOR SMITH: You're okay with that. DEP is fine with that.

MS. PICCININI YEANY: Yes.

Now, Bill is also correct that we don't take these other factors into account under the formula. Our formula we consider to be more strict than no net loss as far as how we approach tree replacement. But we've never gotten into these other factors as far as the particular location. And it happens in this case that the Reservation did suffer some damage in the storm, and it provides an obvious place to plant some of the trees. Sometimes it's difficult to find locations for the plantings. But we think it will benefit the Reservation in this case, and we're happy to see the bigger trees.

SENATOR SMITH: Is there a provision in this to move the trees that have been felled by Sandy?

MS. PICCININI YEANY: Not as part of our approval.

SENATOR SMITH: Mark, do you know if that's going to happen?

MR. KATARYNIAK: The plan is to remove the ones that have been felled, yes.

SENATOR SMITH: Anyway, it looks like this is at least 50 percent better. You multiply the number of trees times the diameter or the radius, whatever -- diameter -- you end up with 8,500 times two, which would be 17,000 inches of tree versus 6,500 times four, and you end up with 26,000 inches of tree. So that's a significantly better approach.

Now, Mr. Shaughnessy, is the right way to do this just to simply say that the terms would not be 8,500? You have one term about tree replacements. Instead of 8,500 at two, 6,500 at four?

MR. SHAUGHNESSY: There hasn't even been a motion yet.

SENATOR SMITH: I just want to know that that would be how you would effectuate it.

MS. MELICK: Can we amend it to do the -- what they're projecting with the larger trees?

MR. SHAUGHNESSY: I think so.

SENATOR SMITH: Okay.

ASSEMBLYMAN BROWN: Actually, I think the motion would be either/or, because that's what the testimony is. If they decide to go back to the 6,500 for whatever reason it may be, that should be either one. Those are the regulations. Why we're deviating from what was testified to--

SENATOR SMITH: It would be better for the State, and the State is okay with it.

ASSEMBLYMAN MORIARTY: Yes, if someone has come forward and testified that they're going to give us better, we should nail them down and take it. (laughter)

SENATOR CARDINALE: But, you know, we're dealing here with two public entities.

ASSEMBLYMAN BROWN: Exactly.

SENATOR CARDINALE: We're not dealing here with a private company, which is where we did work together to change that formula. So I think that it's very difficult for me to second guess the DEP's formula for tree replacement on Green Acres property. I don't have that kind of background or expertise.

SENATOR SMITH: Gerry, I don't think we're second guessing. I thought what Judeth was saying was that this exceeds the DEP standard, and therefore the DEP has no objection to it.

Or did I miss it?

MS. PICCININI YEANY: That's correct.

SENATOR SMITH: So we're not second guessing DEP. They're thrilled with this too.

ASSEMBLYMAN BROWN: They're fine with it either way.

MS. PICCININI YEANY: Yes.

MR. WOLFE: I'm asking for more.

SENATOR SMITH: And Essex County is willing to give more.

MR. KATARYNIAK: Essex County is willing to give more. They have agreed to exceed the basal area requirement. The exact number of trees, I think, is about 6,000 -- is the latest count here. That number may fluctuate a little bit. So rather than an exact calculation of area, our commitment -- Essex County's commitment is to exceed the basal area requirement of DEP and install trees of a higher quality of four inches rather than two.

ASSEMBLYMAN MORIARTY: So I would just say take yes for an answer. Our attorney said there is not a problem with doing that. And if there is not a problem with DEP, I would ask that we do that.

SENATOR SMITH: So we want to make a motion. And the motion would just simply be to revise the one term that the applicant will exceed the DEP basal area and plant trees of four inches in caliper -- minimum of four inches in caliper.

MR. SHAUGHNESSY: Okay. That's the motion made by the Senator.

Do I have a second?

ASSEMBLYMAN MORIARTY: Second.

MR. SHAUGHNESSY: Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: I'm going to abstain.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

On to No. 12: Assiscunk Creek Park 2, Block 144, part of Lot 10, Burlington Township, Burlington County.

DEP, on behalf of Burlington Township, requests approval to allow the Township to establish a 10-foot-wide subsurface sewer line easement across approximately 0.10 acre of Assiscunk Creek Park 2 to allow the connection of a gravity-fed sanitary sewer main extension from the Pinewald Lane Pumping Station to the Township's LaGorce Pumping

Station, located adjacent to the Park. This extension will eliminate the existing Pinewald Lane Pump Station through the construction of a gravity-fed sewer line within the Park.

As compensation, the Township will pay \$2,500 to be deposited into the Garden State Preservation Trust Fund and add the decommissioned Pinewald Lane Pump Station parcel to the Park for recreation purposes. Once the pump station is decommissioned and removed, this 0.10 acre parcel will become Park.

Any members have any questions or comments about this? (no response)

Any members of the public want to be heard on this? (no response)

SENATOR SMITH: Move it.

ASSEMBLYMAN MORIARTY: Second.

MR. SHAUGHNESSY: Motion and second.

Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

DIRECTOR HOLZBAUR: You missed me.

MR. SHAUGHNESSY: I note the abstention.

DIRECTOR HOLZBAUR: On the first one, and on this one coincidentally. I live in this township.

MR. SHAUGHNESSY: Thank you, Director, for that clarification.

No. 13: Hamburg Mountain Wildlife Management Area, Block 190, a portion of Lot 20, Vernon Township, Sussex County.

DEP requests approval to convey nonexclusive access easement along an existing roadway to Philip and Donna Girlando, the owners of an adjacent undeveloped lot, which is Block 194.05, Lot 14.

As compensation, the Girlando's propose to convey to DEP a 3.2 acre portion of their property for addition to the Hamburg Mountain WMA and either pay an additional \$5,500, increase the replacement land by 0.73 acres, or a combination of both.

Do any members have any questions or comments on this matter? (no response)

Hearing none, any members of the public here wishing to be heard on this matter? (no response)

I believe this matter, as well-- We've had some submitted written comment on this matter which has been provided to the members.

Do we have a motion on this matter?

SENATOR CARDINALE: So moved.

MR. SHAUGHNESSY: Second?

ASSEMBLYMAN BROWN: Second.

MR. SHAUGHNESSY: Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

Assemblyman Brown.

ASSEMBLYMAN MORIARTY: I didn't answer.

MR. SHAUGHNESSY: Oh, I moved too quickly. (laughter)

ASSEMBLYMAN MORIARTY: I had a question before I vote.

MR. SHAUGHNESSY: Okay.

ASSEMBLYMAN MORIARTY: You said that there was some public comment that was provided. I don't have it.

SENATOR SMITH: It's Barbara Sachau.

MR. SHAUGHNESSY: There were a number of public comments. There was a package provided. I believe it was provided--

SENATOR SMITH: Barbara Sachau.

MR. SHAUGHNESSY: Yes.

ASSEMBLYMAN MORIARTY: Okay. I'm a yes.

MR. SHAUGHNESSY: Okay. Thank you, Assemblyman Moriarty.

Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

Thank you.

We are now quickly moving on--

SENATOR CARDINALE: Before you do that, I believe there were four votes that were taken before I got here. I wish to vote in the affirmative on all four of those matters.

MR. SHAUGHNESSY: Okay. That's so noted. We appreciate that, Senator. Thank you very much for reviewing them and approving those matters.

Finally, I need a motion to sit as the Judicial Retirement System.

SENATOR CARDINALE: So moved.

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Motion and second.

All in favor? (affirmative responses)

Any opposed or abstentions? (no response)

We're now sitting as the Judicial Retirement System board. We have to take certain actions. First is approval of the minutes of the meeting held on May 6, 2013.

SENATOR CARDINALE: Move the approval.

SENATOR SMITH: Second.

MR. SHAUGHNESSY: Motion and second.

All in favor? (affirmative responses)

MS. MELICK: Excuse me. Are these minutes part of the -- what's -- there's an absolute transcript -- since I wasn't at this meeting -- if we have a word-for-word transcript?

MR. KOTLER: No, it's a summary.

MS. MELICK: All right then, I'm going to abstain.

MR. SHAUGHNESSY: Thank you for your abstention.

Any opposed? (no response)

The minutes are approved.

ASSEMBLYMAN BROWN: I'm abstaining also.

MR. SHAUGHNESSY: Assemblyman Brown.

No. 2: Confirmation of death claims, retirements, and survivor benefits.

May I have a motion to approve and confirm those?

SENATOR SMITH: So moved.

MR. SHAUGHNESSY: Second?

ASSEMBLYMAN BROWN: Second.

MR. SHAUGHNESSY: Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: That matter is approved.

No. 3: Receive approval of the financial statements from
January 2013 to March 2013.

Motion?

SENATOR SMITH: So moved.

MR. SHAUGHNESSY: Second?

SENATOR CARDINALE: Second.

MR. SHAUGHNESSY: Motion and second.

Acting Senior Counsel Melick.

MS. MELICK: Yes.

MR. SHAUGHNESSY: Deputy State Treasurer Romano.

DEPUTY TREASURER ROMANO: Yes.

MR. SHAUGHNESSY: Director Holzbaur.

DIRECTOR HOLZBAUR: Yes.

MR. SHAUGHNESSY: Senator Cardinale.

SENATOR CARDINALE: Yes.

MR. SHAUGHNESSY: Senator Smith.

SENATOR SMITH: Yes.

MR. SHAUGHNESSY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. SHAUGHNESSY: Assemblyman Brown.

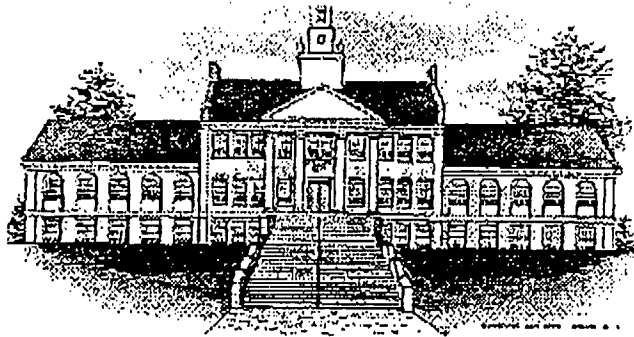
ASSEMBLYMAN BROWN: Yes.

MR. SHAUGHNESSY: Motion to adjourn? (affirmative responses)

(MEETING CONCLUDED)

APPENDIX

Jun. 19. 2013 3:09PM



No. 6385 P. 1
TOWNSHIP OF UNION

IN THE COUNTY OF UNION

DEPARTMENT of ADMINISTRATION
1976 MORRIS AVENUE
UNION, NEW JERSEY 07083
908-851-8500
908-851-4660 FAX

Clifton People, Jr., Mayor
Township of Union

June 18, 2013

Robert J. Shaughnessy, Jr.
Assistant Deputy Director
Office of Real Property Acquisition & Disposition
State of New Jersey
P.O. Box 229
Trenton, NJ 08625-0229

RE: State Property Transferred to Kean University

Dear Mr. Shaughnessy,

Thank you for your letter of May 22, 2013. First, it appears that the contemplated transfer of 8.6 acres from the State to Kean University (the "Property") requires legislative approval, since the value of 8.6 acres in the Township of Union, regardless of use, would exceed the Commission's authority, as set forth in N.J.S.A. 52:31-1.3, to act to dispose of the Property.

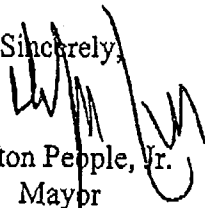
The Township of Union is equally concerned about the impact on the Township from the contemplated use of the Property. As indicated in your letter, the Property will be used for the construction of additional dormitories and parking as part of a proposed public-private partnership ("PPP"), presumably pursuant to the NJ Stimulus Act of 2009, Higher Education Public Private Partnerships, N.J.S.A. 18A:64-85 (HEPPP). We understand that the PPP intends to build approximately 3 (three) new 8 (eight) story dormitory rooms on the Property. That increase translates into a substantial increase in the population of the Township. There can be no dispute that the increased population will cause a concomitant increased demand on services from the Township, with potentially no analogue payment, in the form of taxes or otherwise, to pay for those services. The HEPPP specifically contemplates that property acquired and developed under the HEPPP may be subject to taxation (N.J.S.A. 18A:64-85b.(2)). Equity demands and the Commission is respectfully requested, if the Property is transferred at all, to condition the transfer on either the payment of local property taxes or some other payment to compensate the Township for its increased costs, so as not to further burden the municipality.

I, Mayor Clifton People, Jr., on behalf of the citizens of the township of Union request to speak at the State House Commission Meeting on Thursday, June 27, 2013 to express our deep concerns about the negative impacts and drain of service this transfer of property will result in.

lx

If you require additional information from the Township, please contact Ronald Manzella, Township Administrator at (908) 851-8500. Thank you for the opportunity to inform the Commission of the Township's concerns.

Sincerely,



Clifton People, Jr.
Mayor
Township of Union



June 20, 2013

Mr. Ronald Manzella
Union Township
1976 Morris Ave
Union, NJ 07083

RE: New Residence Hall Plans for Kean University's proposed Public-Private-Partnership under the New Jersey Economic Stimulus Act

Dear Mr. Manzella:

As a follow up to our lunch conversation at the Garden Restaurant, please find the enclosed Site Plan for above mentioned project. As you can see, the first phase, the eight-story buildings in red and yellow, are more than 250 feet away from the nearest house, and Phase 2, which is limited to six stories, is no more than 175 feet at the closest point. In addition, the double buffer of trees shown will be a beautiful landscape barrier of tall evergreens.

As you know, Kean University is requesting that the State House Commission authorize the conveyance of the state's property interest in Kean campus parcels upon which Kean seeks to construct new residence facilities to support its growing student population. The State House Commission is only asked to authorize the ownership interest on the land, as Kean is pursuing a Public Private Partnership for the development, and application for which will be submitted for approval by the New Jersey Economic Development Authority (NJEDA). This program has already been utilized for facilities expansions by a number of New Jersey colleges and Universities, and the property interest transfer sought has already been approved by the State House Commission for other Universities similarly situated.

Kean needs to build additional the new facilities to accommodate its consistently growing enrollment. Currently Kean has one of the lowest ratios of beds to FTEs in the state. Kean needs replacement facilities as some of the current residence halls are more than 40 years old. Finally, Kean needs new and improved facilities in order to be a competitive University to attract New Jersey's student talent. New Jersey is the number one exporter of students. By creating more attractive options for our students we will keep these valuable resources within our state.

OFFICE OF THE
EXECUTIVE VICE PRESIDENT, OPERATIONS

1000 Morris Avenue, Union, New Jersey 07083-0411 • 908-737-7020 • Fax 908-737-7025 • www.kean.edu

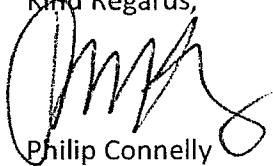
3x

Through the Public Private Partnership tools established by the State, Kean can address these needs at no cost to the University while igniting approximately \$120,000,000 in private investment. Moreover, consistent with Kean University's Board of Trustees directive, Kean is preparing a Public Labor Agreement for the development.

Kean University will insist that the project is designed and constructed with consideration of the neighboring property owners in mind. As always, we will work with township, and take all reasonable measures to accommodate neighborhood interests.

Please do not hesitate to contact me with any questions you may have.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Philip Connelly', written over a circular stamp or seal.

Philip Connelly
Executive Vice President for Operations

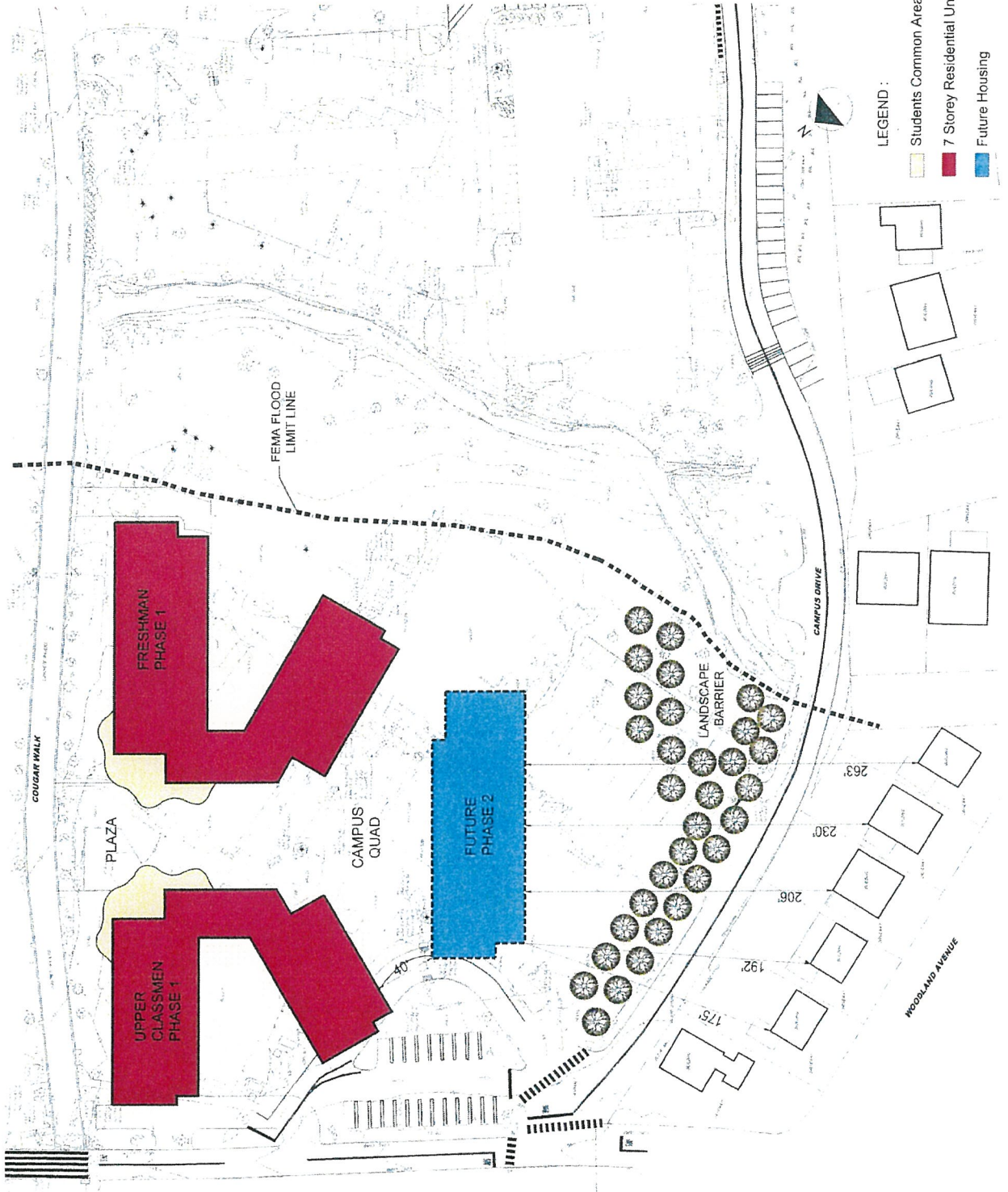
Proposed Student Housing

KEAN UNIVERSITY
Date: 6.19.2013



NettaArchitects
ARCHITECTURE · PLANNING · INTERIOR DESIGN

Proposed Site Plan Scheme C Scale : 1" = 30'



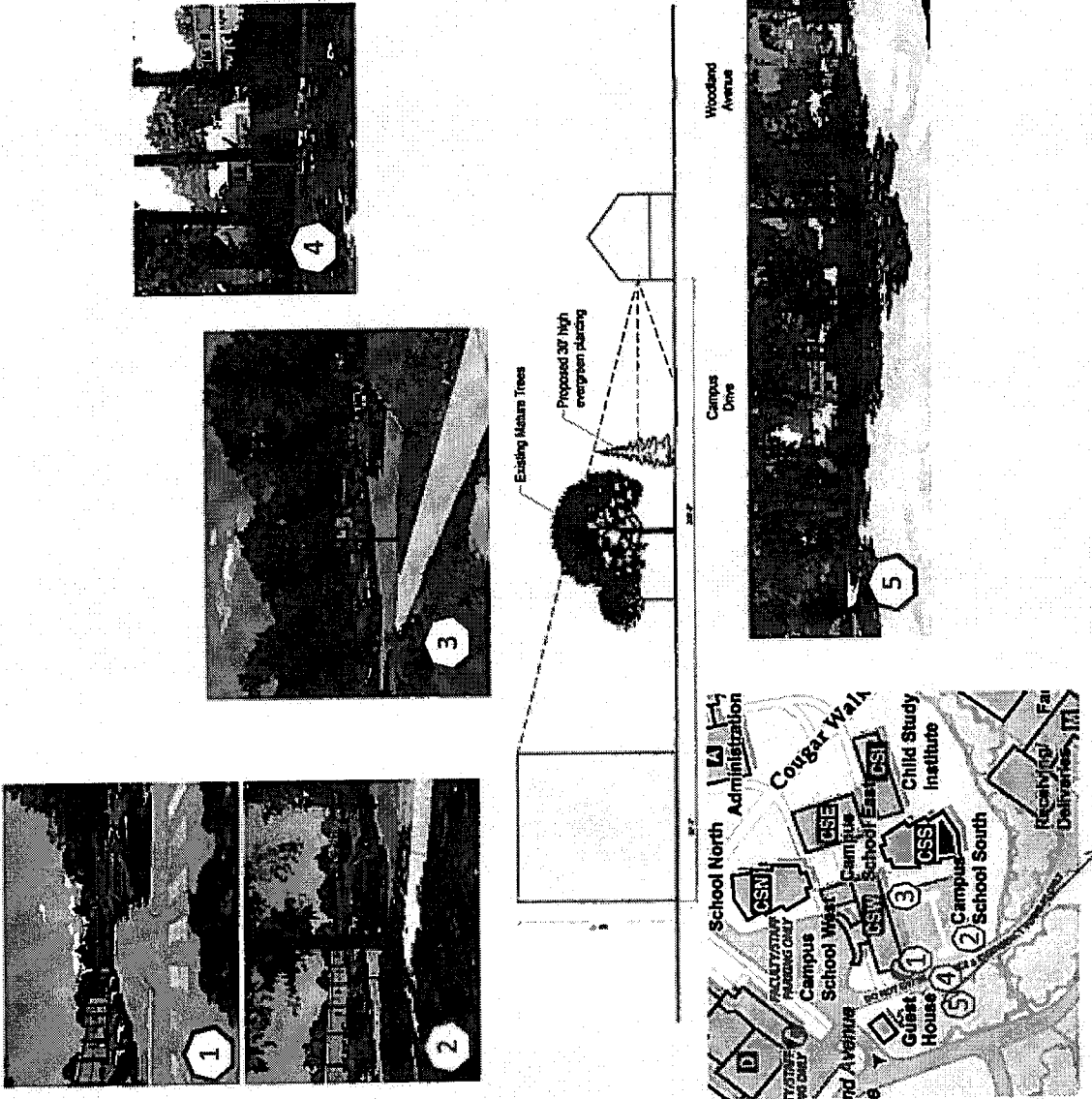
5x

Proposed Student Housing

KEAN UNIVERSITY
DATE: 6/28/2013

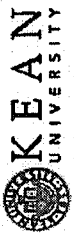


Sightline Diagram



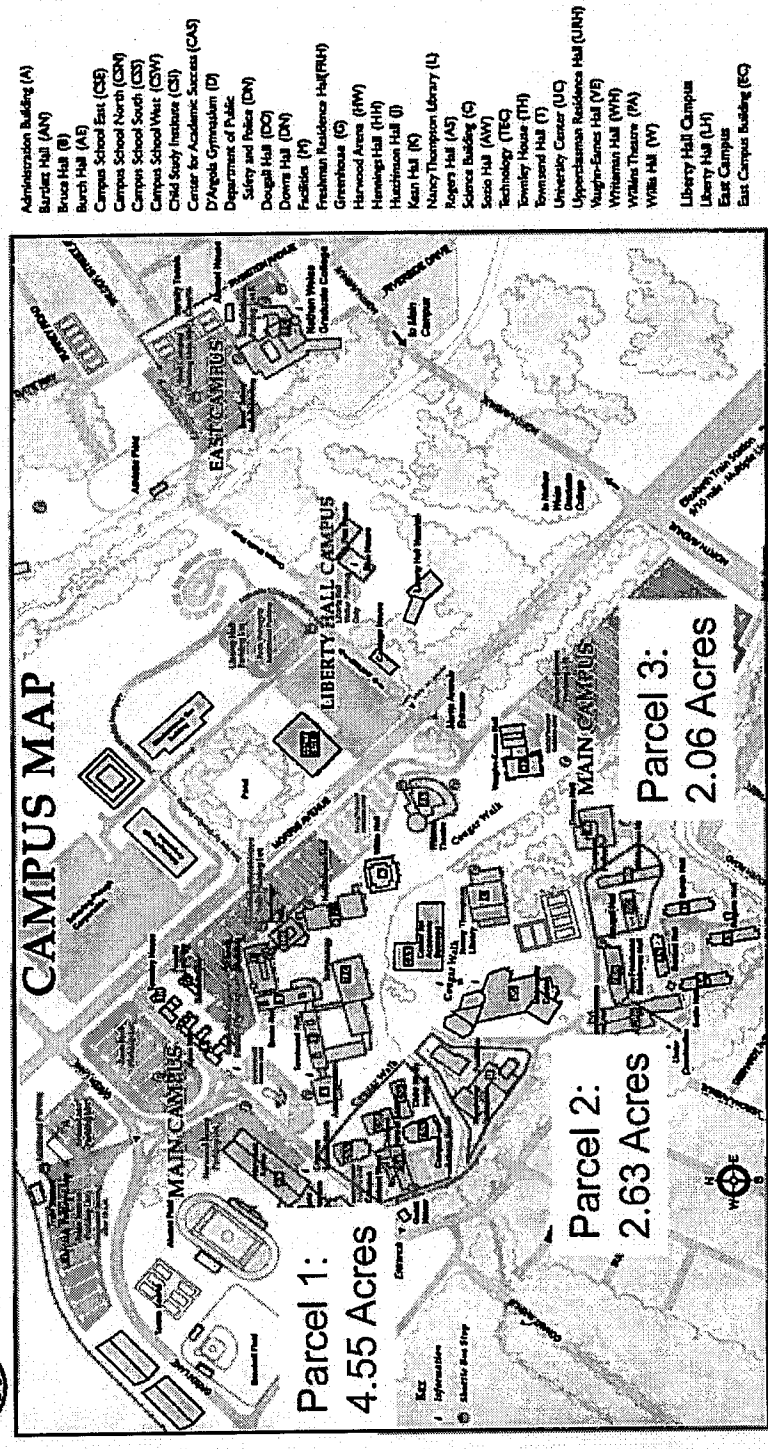
lox

Land for Lease



World-Class Education

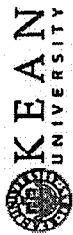
KEAN UNIVERSITY



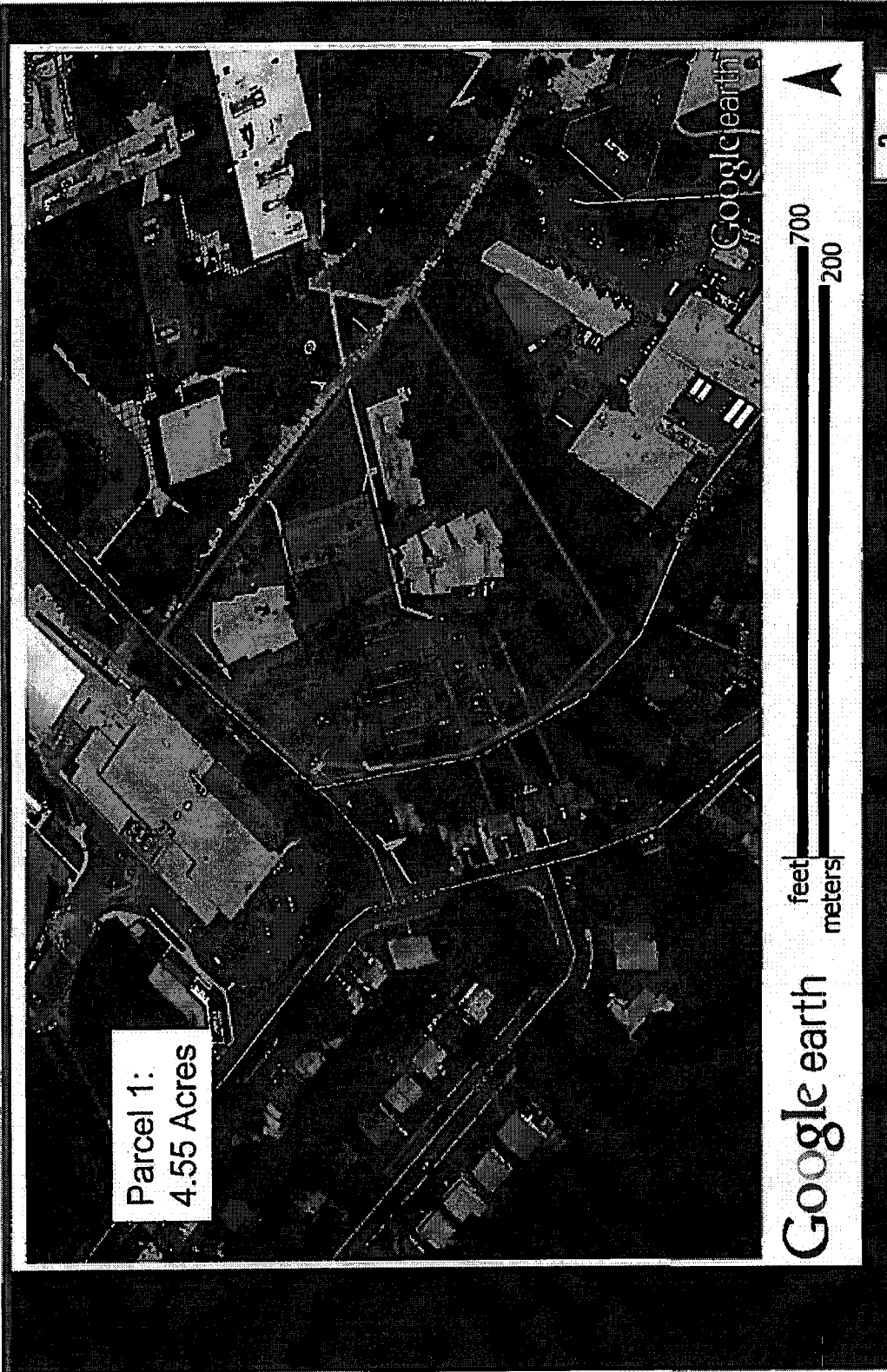
Kean University
Design Charrette

7x

Parcel 1



World-Class Education



Parcel 1:
4.55 Acres

Google earth

feet
meters

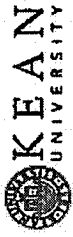
700
200

Kean University
Design Charrette

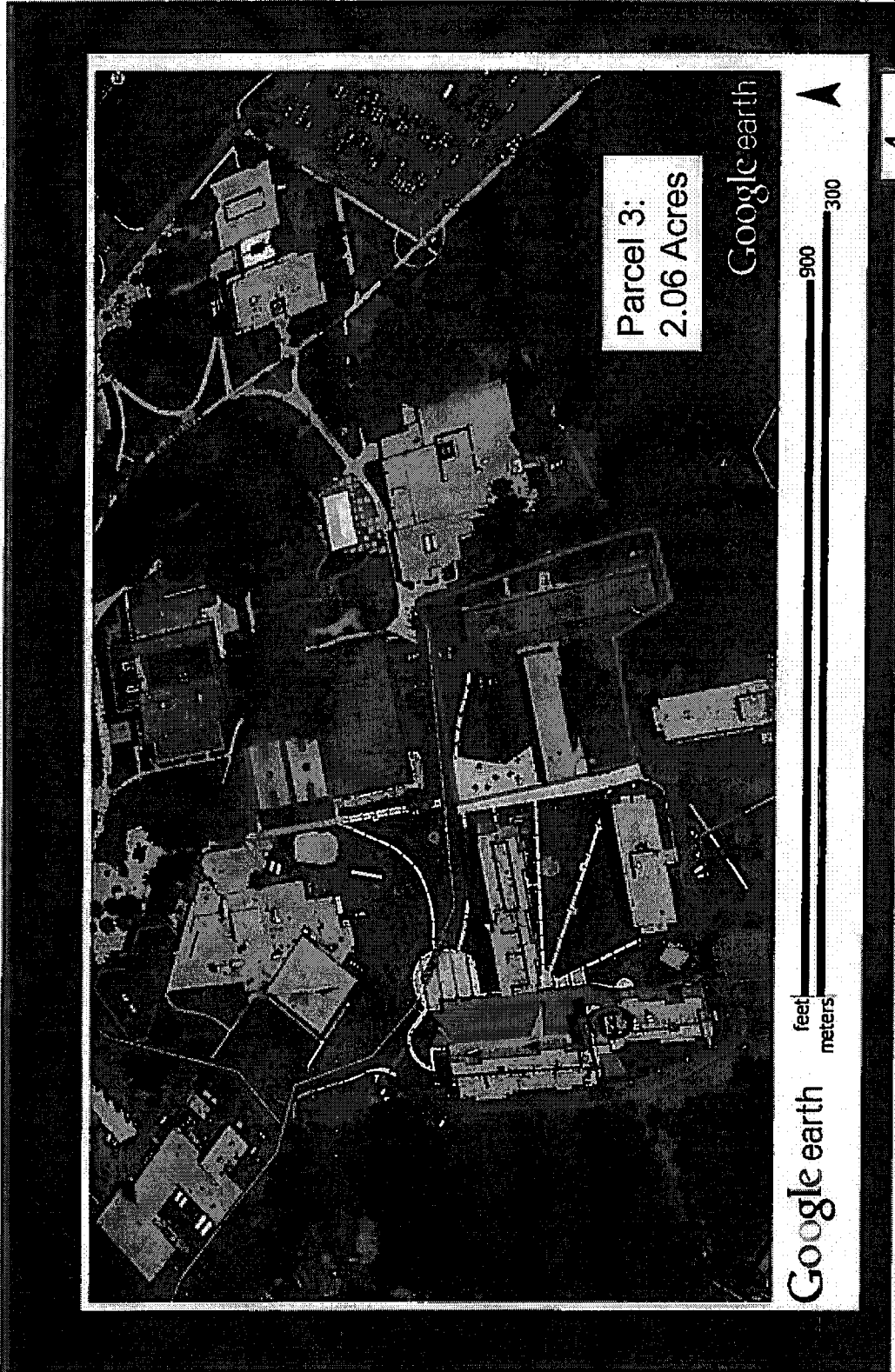


8x

Parcel 3



World-Class Education



Parcel 3:
2.06 Acres

Google earth feet meters 900 300



4

Kean University
Design Charrette



9x

Corrigan, Jean

From: jean public [jeanpublic1@gmail.com]
Sent: Tuesday, June 25, 2013 2:42 PM
To: Corrigan, Jean
Subject: comments on state house commission matters for this thursday

please make sure all members receive a copy of these comments on the numbered matters.

5. i am definitely opposed to allowing kean university to expand further. the debt of this university is beyond belief. the fact is going to college does not mean you get a job so that students will soon recognize that fact and enrollment will fall. also the huge debt will so raise tuition that no student will be able to afford this school in the future. its time for the legislature to tell our colleges to stop the debt situation. every taxpayers has had to cut back. the universities should do so also.

7. i oppose nj dot selling newark property of 3,426 sq ft for only \$29,000 and believe the sale price should be higher. we consistently get very low appraisal rates for nj land and then when taxpayers go to buy we pay through the nose. please get another appraisal.

11. the deal with county of essex requires that when they get property that they give back open space at triple the vacated land. i think that is a necessary part of any deal with essex county. the history of south mountain use by essex county govt shows continual takings of land that was to be open space with trees. Essex county has instead been building restaurants and devouring the open space. Its time to require this govt entity with no regard for open space to give back land for use of the land they want. they want 3 acres. the taxpayers want 15 acres back in open space contiguous. they are cutting down 360 trees, again showing a complete disregard for what their citizens require, clean air from those trees.

13. no agreements should be made by nj dep with girlando until a more definite agreement is presented. presenting amorphous agreements with out definitive terms should not ever be approved by this body. let them come back with exactly what their proposal is.

barbara sachau

June 20, 2013

To: Robert J. Shaughnessy Jr. Secretary
State of New Jersey
Department of the Treasury

From: Barbara Dixel
Villages Resident
Former Elected County Committee Woman

Re: Parcel VX94B Route 9 Section 22 Project
Howell Township Monmouth Cnty - Hill
Petroleum.

I am writing to you to ask you to deny the sale of this parcel of land to Hill Petroleum. It is highly contaminated from the gasoline that leaked into the soil and groundwater that is also heading toward the Manasquan River - drinking water. Your parcel of land has the monitoring wells on it and it should not be disturbed. This parcel of land is at the point of Route 9 and Wyckoff Mills Road and is a major visibility problem and a fatal accident waiting to happen. It is also less than 50ft across Wyckoff next to the Villages, a senior development of more than 1000 residents and also less than 200ft away from the nursing home on Route 9 South that is not allowed by Ordinance of Howell I've been told.

I would have attended the hearing
1 1/2 years ago I got very sick and I am
still in the hospital.

Again, I ask you to deny the sale of
your parcel of excess inventory to Gill
Detroit as the safety of our drinking
water and environment is at stake. This
gas station should never be built.

Respectfully,
Barbara Lipel
Village Resident
Former Elected County Committee Woman

From:
Barbara Dixel
Farmer Elected County
Committee Woman



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

CHRIS CHRISTIE
Governor

JAMES S. SIMPSON
Commissioner

KIM GUADAGNO
Lt. Governor

Please deny the
applicant wanting to buy
your property, please put it
back in your inventory.

June 13, 2013

Barbara & Gerald Dixel
62 Piazza Vittoria, Unit A
Howell, New Jersey 07728

Re: June 27, 2013 State House Committee Meeting

Dear Mr. & Mrs. Dixel:

You requested information on where to send your comment on the NJDOT request to the State House Commission to sell property known as parcel VX94B of Route 9, Section 22 project located in Howell Township, Monmouth County to the only adjoining owner, Gill Petroleum, LLC. I was provided the following e-mail address for the State House Commission: StateHouseCommission@treas.state.nj.us The secretary for the State House Commission is Robert J. Shaughnessy, Jr., who is also a Director with Treasury. His office address is as follows:

State of New Jersey
Department of Treasury
Division of Property Management & Construction
Robert J. Shaughnessy, Jr., Secretary
33 West State Street, 9th Floor
Trenton, New Jersey 08625

If you have any questions, please contact me at (609) 530 - 2528.

Sincerely,

James Darrar
James Darrar
Supervisor
Property Management

This parcel of DOT Surplus
property is highly contaminated and
is an accident waiting to happen. The
contamination is going through the
monitoring wells & is heading for the
Manasquan River drinking water.

"IMPROVING LIVES BY IMPROVING TRANSPORTATION"

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13x

February 29, 2012

Mr. James Darrar
NJDOT
Property Management
PO Box 600
1035 Parkway Avenue
Trenton, New Jersey 08625

Re: Route 9 North / Wyckoff Mills Road Part of Parcel 37, Lot 1, Block 140 Howell
Monmouth County

Dear Mr. Darrar:

Thank you for speaking with me with regard to the above N.J.D.O.T. parcel of land. I am in receipt of a copy of the D.O.T. letter dated January 10, 2012 stating that this property has been declared as excess surplus property and that the D.O.T. wants to sell it. The Howell Council gave me a copy of the letter you sent them after it was decided at a Howell Council Meeting that The Governing Body of Howell had no interest in buying the property.

Please note that your parcel of land is directly attached to the former BP Service Station #5146 located at 695 Route 9 North and is Block 140 Lot 2. Please further note that this former BP Gas Station was bought by another gas station company who wants to put 10 pounds of potatoes in a 5 pound bag with a larger gas station and a convenience store; however, this is an undersized non-conforming lot where 80,000 square feet is required per Howell Ordinance and only 21,196 square feet is existing.

Further note that this former BP Gas Station had a major gasoline leak in 2003/2004 into the soil and groundwater and when the tanks were removed in 2008, it was realized that the leak was worse than originally thought and more remediation activities were needed. Piping laterals in the ground where the tanks were on the site (SEE PHOTOS) and nutrients were poured into these piping laterals to kill the contamination. Locally impacted groundwater was collected from the excavation and Water Monitoring Wells were put in on the D.O.T. grassy property because the gasoline leak was going South through your property toward The Manasquan River & Bannen Meadow Brook that is part of our drinking water. In order to protect the river and our drinking water, monitoring wells were also put in on The Villages side that goes all the way to the river because the contamination in the soil and groundwater may have crossed the roadway on Wyckoff Mills Road to The Villages side. The Manasquan River runs completely through The Villages, a senior development of 671 homes and more than 1,000 residents, and it runs under Route 9 and ends up in Moores Landing. The river also runs completely up through Howell to the Manasquan Reservoir. The Villages, located on Wyckoff Mills Road is about 45 feet across the roadway from this gas station and your

14x

D.O.T. grassy area site and any proposed overdevelopment of the gas station site would be a safety and quality of life issue for The Villages Residents

THIS FORMER BP GAS STATION IS ON THE NJDEP SITE REMEDIATION LIST AS OF FEBRUARY 13, 2012 THIS BP GAS STATION IS LISTED ON THE LIST OF "ACTIVE SITES WITH CONFIRMED CONTAMINATION." THE SITE # IS 4554, AND THE NJDEP CASE # IS 03-05-05-1017-52. THE PI # IS 000975. I AM GIVING YOU A COPY OF THIS NJDEP LIST.

The gasoline leak into the soil and groundwater was first detected in 2003. In August of 2009, Stantec Consulting Corp. sent letters to Villages residents living within 200 ft. of (per the NJ State rule) this BP Gas Station telling the residents of the contamination find and hinting it was sold by calling it the "former" BP Gas Station.

Why did it take from 2003 to 2009 for BP to notify Villages residents there was a gasoline leak and that this gas station was contaminated? A letter was sent to all Villages residents who live on the gas station side. Mr. Kleeman, a Villager, lives directly opposite the gas station probably less than 50 ft. away looking out his home windows. Mr. Kleeman called me and gave me his letter. I immediately called David Nickerson of the NJDEP and John Bolakas of Stantec and raised hell and our deep concern about this contamination being a threat to our drinking water and to The Villages as well as being a quality of life issue for The Villages Residents. There are also storm water drains on both the gas station side and the Villages side of Wyckoff Mills Road.

Mr. Nickerson and John Bolakas made the decision to have a guy by the name of Ryan Turner, a Senior Geologist from Stantec flown in from North Carolina to personally meet with me and Mr. Kleeman. We met with Mr. Turner on the gas station site and I personally walked him through every inch of it and also through your D.O.T. property at the end of this gas station and showed Mr. Turner the piping laterals on the gas station as well as the water monitoring wells on your property to monitor the contaminated groundwater and gasoline that was flowing South down Route 9 toward the Manasquan River and Bannen Meadow Brook. We also looked at the several large monitoring wells across the roadway of Wyckoff Mills Road on the Villages side that go in a straight line right down to the base of the river bank. I took Mr. Turner to the river that flows under the bridge on Route 9 North and South that ends up in the Moores Landing Development.

I took Mr. Turner to the other side of The Villages where The Long Brook is located that is also part of our drinking water and that flows through Howell. I gave Mr. Turner a throwaway camera and he took pictures. I also took pictures and sent them to David Nickerson of the NJDEP.

Mr. Darrar, I printed out the meanings of all the contamination chemicals found at the gas station where leaks originated and I am also giving you a copy of the letter sent to Mr. Kleeman that has contamination chemicals listed on it. At the end of my meeting Mr. Ryan Turner he gave me the 10 pages of the Groundwater Sampling Results of the monitoring wells as well as the copies of the maps of the site showing the monitoring

wells on the site and the explanation of what the amounts of contamination were. MR. TURNER TOLD ME THAT IT WOULD TAKE 10 TO 20 YEARS TO REMEDIATE THE CONTAMINATION ON THIS GAS STATION SITE. I am giving you copies of what Ryan Turner gave me

Another petroleum company now owns the gas station and may have owned it since we got the 2009 letter from Stantec. They have also been to the Howell Zoning Board several times with their proposed application because this is an undersized non-conforming lot that they need a Use Variance for because they want the moon. Their last hearing was on September 26, 2011. The 12 questions on the Environmental Check List were answered in a Petro Science, Inc. report. but the applicant has not been clear on giving The Board The Environmental Impact Statement required by Howell Ordinance and the Board. Per Petro Science, page 9 of their August 31, 2011 report – “Groundwater monitoring is still going on.” Also on page 9 – “Low contaminant levels remain in the soil.” I do not think that Petro Science is an LSRP.

I objected to them wanting a waiver from The Environmental Impact Statement at the September 26, 2011 Zoning Board Meeting because of the contamination on and off the site and the fact that there is still groundwater monitoring going on and the fact that there is still contaminant levels in the soil, so the Zoning Board ordered a Site Review that was done on October 29, 2011 in the snowstorm.

I fail to understand why the piping laterals on the gas station site where the tanks were located were not too long ago taken out of the ground and are no longer there. If stuff was being poured into these piping laterals to kill the contamination, maybe they should not have been pulled out of the ground at all especially if there is any contamination on and off the site and groundwater monitoring is still going on.

This site is plainly and clearly still listed on the NJDEP Site Remediation List of Active Sites With Confirmed Contamination. I printed the list on 2/13/2012. The Site # is 4554, the PI # is 000975, and the NJDEP Case # is 03-05-05-1017-52.

Your D.O.T. Parcel of land directly attached to this contaminated gas station has many Monitoring Wells on it to chart the flow of the contamination on and off the site coming from the gas station heading South toward the Manasquan River and Bannen Meadow Brook.

MR. DARRAR, IT IS MY OPINION THAT YOUR D.O.T. GRASSY PARCEL LOCATED AT THE MAJOR INTERSECTION BETWEEN ROUTE 9 NORTH AND WYCKOFF MILLS ROAD SHOULD NOT BE SOLD TO ANYONE – EVER – BECAUSE YOUR PARCEL CONTAINS THE MONITORING WELLS FOR THE CONTAMINATION ON AND OFF THE SITE THAT IS COMING FROM THE CONTAMINATED GAS STATION THAT IS RUNNING THROUGH YOUR SITE ACROSS WYCKOFF MILLS ROAD TO THE VILLAGES SIDE OF WYCKOFF MILLS ROAD AND THAT CONTINUES WITH MORE MONITORING WELLS

16x

GOING IN A STRAIGHT LINE ALL THE WAY TO THE MANASQUAN RIVER
THAT IS OUR DRINKING WATER!!

KEEP IN MIND THAT IF ANY ONE OF THE MONITORING WELLS ON YOUR
D.O.T. PARCEL IS DISTURBED OR DUG UP OR PAVED OVER, IT COULD
UNLEASH AN ENVIRONMENTAL DISASTER THAT COULD CONTAMINATE
THE DRINKING WATER FROM THE RIVER, THE STORM WATER DRAINS ON
BOTH SIDES OF WYCKOFF MILLS ROAD (VILLAGES & GAS STATION SIDES)
AS WELL AS ROUTE 9 AND THE FISH STORE DIRECTLY NEXT TO THE GAS
STATION ON THE CORNER OF ROUTE 9 NORTH AND STRICKLAND ROAD.

PLEASE PUT YOUR GRASSY PARCEL OF LAND BACK IN YOUR INVENTORY
AND DO NOT SELL IT.

Please keep me informed of any and all information and hearings with regard to your
D.O.T. Parcel as well as with the contaminated gas station. I am available for meetings.

Respectfully,

Mrs. Barbara Dixel
Senior Citizen Resident, The Villages
Elected County Committee Woman

September 26, 2011

Gill Petroleum – Zoning Board

Why is another gas station being proposed for this former BP site when Howell Ordinance 188-87E service stations shall not be located on any highway or street within 2,500 feet of any automobile service station situated on the same side of the street. Are you aware that the proposed Gill gas station is only 470 feet from the Exxon Gas Station located on the same side of the Street and that GILL IS IN VIOLATION OF ORDINANCE 188-87E? The Board should not grant permission for this violation of Ordinance 188-87E.

Ordinance 188-87E Service Stations – Per Mr. Mallon’s letter Applicant must give testimony on all properties within 1,000 feet of the proposed site – requires gas stations to be said distance from public or private schools, hospitals, churches, places of assembly seating more than 50 persons, theaters, libraries, clubs or public buildings housing offices & records of the municipality. Are you aware that the proposed Gill Gas Station is well within 1,000 feet of the Assisted Living Home located on Route 9 South directly opposite this site and may also be within the 200 foot state requirement AND IS IN VIOLATION OF THIS SECTION OF ORDINANCE 188-87E AS WELL? See Photos of site.

Are you aware that The Villages – Senior Community of 671 homes and more than 1,000 residents is located directly across from this former gas station on Wyckoff Mills Road less than 40 feet from curb to curb? Why does your map say there is 60 feet between The Villages and this gas station when my husband & I pulled a tape across Wyckoff Mills Road and from asphalt to asphalt across the roadway and we measured less than 40 feet?

Do you realize that if this application of a new gas station is approved, it will be a major infringement and disruption to the 1,000 Villages Senior Residents quality of daily life as well as being a detriment to the public good, and may pose an additional environmental issue as well as a stress and health issue?

If Gill now owns this former BP gas station why haven’t you taken away all the debris weeds and garbage that exists on the property that has been there for years? Do you understand that this deteriorated, garbage filled former gas station that Gill now owns is already a health risk for The Villages residents as there may be rats, mice and other unhealthy conditions on the property that have been there since BP ran the gas station? CAN I ASK THE BOARD TO HAVE CODE ENFORCEMENT GO OUT TO THIS SITE TOMORROW AND ORDER GILL TO CLEAN UP THIS GAS STATION THEY NOW OWN? CAN I ASK THE BOARD TO ASK CODE ENFORCEMENT TO FINE GILL FOR EVERY DAY THIS STATION IS STILL IN THIS CONDITION? Do you realize that this Gas Station has been a quality of life issue, a health & safety to The Villages residents plus detriment to the public good for all the years it was in business due to the broken down condition of the site plus all the garbage thrown around on the site and now that it is closed it is more of a health & safety issue and detriment to the public good due to the contamination of gasoline in the soil and groundwater on and off

the site and the continuation of the deterioration of the site and debris & garbage on the entire site? **SEE PHOTOS. THIS CANNOT CONTINUE TO EXIST!!**

Why wasn't The Villages notified when in 2003 during an environmental test on the BP property, petroleum hydrocarbons were found in the groundwater and soil on & off the site and that the DEP was notified? This is unacceptable! This is a dangerous detriment to the public good. Does anyone realize or even care that The Villages storm drains on Wyckoff Mills Road are directly opposite the storm drains on this gas station property and that it is possible that some of this gasoline and contamination on & off site has already leaked into The Villages groundwater, storm drains & water system? Look at the new photos I gave everyone.

Why wasn't The Villages notified in 2004 when hydrocarbons were also detected in on-site & off-site soil samples and remediation was started on the site? This is also a detriment to the public good as well as to The Villages/

Why wasn't The Villages notified in 2008 during the removal of the underground storage tanks on the site when soil was excavated under the tanks and additional remediation had to be done on and off the site because it was found out that the gasoline had leaked even further on site and off site? Will you provide written proof with an Official Environmental Record to the Board, Board Professionals, The Villages Board of Trustees and to The Villages residents who are living on the Wyckoff Mills Road side of your gas station that the leakage of groundwater, soil, and gasoline contamination from your site has not leaked on to The Villages property or into The Villages Storm Drains? **Look at the photos**

Why did it take from 2003 to August of 2009 for Stantec Consulting Corp. on behalf of Atlantic Richfield & BP the former owners of the gas station to finally notify The Villages residents living within the 200 feet of the gas station on the Wyckoff Mills Road side that the gas station had been sold and that there was a major contamination problem and that Benzene, Toluene, Ethyl-Benzene, Total Xylenes, Methyltertiary Butyl Ether, Tertiary Butyl Alcohol, & Volatile Organic Tentatively Identified Compounds had been found in the groundwater and soil on and off the site?

The Groundwater and Soil Contamination on this site since 2003 and the broken up pavement, driveways, kiosk and the deteriorated garbage filled condition of this gas station since then till now has been and continues to be a Detriment to The Public Good as well as a quality of life issue and a health, stress, and safety issue for the 1,000 Villages residents. Why is there all of a sudden now that you want a new application, a lot of new sand on your site and where are the monitoring wells that were there and are not there now? **See the photos**

In August of 2009 when Richard Kleeman, a Villages resident living directly opposite the gas station less than 60 feet away finally got a letter from Stantec notifying him of the contamination on and off site, why did it take me, Barbara Dixel to call David Nickerson

of the NJDEP, Walter Hufford of BP, and John Bolakes of Stantec in order to get answers?

Did you know that after many phone calls & a Google Earth on the computer with the DEP, authorization was given for a guy named Ryan Turner, a Senior Geologist from Stantec to be flown in from North Carolina to meet with me & Richard Kleeman of The Villages on the site?

Ryan Turner & I met on September 23, 2009 and we walked every inch of the site. Mr. Turner showed me the nutrient wells & pipes that were sticking up out of the ground & told me the contamination started monitoring well #2 where the tanks were, & that when the gasoline was delivered, the gasoline at the bottom of the tanks in the soil leaked into the on site and off site soil and then to the on and off site groundwater & that the groundwater was 10 feet down. Mr. Turner told me the groundwater is flowing in the direction of Route 9 South toward the river – note: that the Manasquan River inside the Villages near the residents living on Wyckoff Mills Road is very near the gas station. There is a lot of contamination at well #8 at the end of the property heading toward Route 9 South. At the end of our tour of the site and of the Bridge on Route 9 South that goes over the Manasquan River & Bannen Meadow Brook and ends up in Moors Landing, Mr. Turner gave me the maps and the set of groundwater sampling results containing all the amounts of contamination of all the monitoring wells and he told me plainly & clearly that it would take the next 10 to 20 years to remediate the contamination on the site. MR. TURNER ALSO TOLD ME THAT NUTRIENTS WERE BEING POURED INTO THE CONTAMINATION WELLS TO KILL THE CONTAMINATION. **AGAIN, I ASK GILL – WHERE ARE THE CONTAMINATION WELLS THAT WERE ON SITE WHEN I TOURED THE SITE WITH RYAN TURNER IN SEPTEMBER OF 2009? WHY ARE THEY NOT THERE NOW GIVEN THE FACT THAT I WAS TOLD IT WOULD TAKE 10 TO 20 YEARS TO REMEDIATE THE SITE? ARE YOU GOING TO PROVIDE ABSOLUTE PROOF TO THE BOARD, THE PROFESSIONALS, THE VILLAGES BOARD AND ME THAT THIS SITE IS IN FACT SAFE?**

In walking the gas station last week on September 19, 2011 I looked at the sand on the contamination area and noticed that new sand had been put down and that the black monitoring wells were not there. Given the amount of contamination on the property since 2003, where are they? Why are they not there? **WHY IS IT O.K. TO TAKE THEM OUT NOW, AHEAD OF YOUR COMING TO THE BOARD TO REOPEN THIS GAS STATION? DOES THE NEXT 10 TO 20 YEARS OF CONTAMINATION JUST GO AWAY?**

Why am I reading a report dated August 31, 2011 from PetroScience that says on Page 9 last paragraph, that the proposed development is in areas that were previously developed & that the proposed development should not adversely impact the existing remedial plan, & that based on the relatively low contaminant levels remaining in the soils, the proper use of engineering controls & personal protective equipment should mitigate potential contaminant exposure risks during redevelopment work. The site will use present day

20x

state of the art tank containment and monitoring systems better than the ones previously used. Ground water monitoring is still going on. Who are YOU kidding?? I ASK GILL & I ASK THE BOARD IF ANYONE REALIZES THAT BY DIGGING UP THE CONTAMINATED AREAS ON SITE FOR THE NEW AREA, THAT IT MAY CAUSE A MAJOR HEALTH RISK TO THE VILLAGES RESIDENTS WHO LIVE LESS THAN 40 FEET FROM THE SITE ACROSS WYCKOFF MILLS ROAD IF BY THE DIGGING AND THE CONSTRUCTION THERE IS ANOTHER LEAKAGE OF GASOLINE INTO THE SOIL & GROUNDWATER AND IF GASOLINE FUMES BECOME AIRBORNE, OR IF THERE IS AN EXPLOSION FROM THE PETROLEUM CONTAMINATION ON SITE STILL IN THE GROUND? **THIS IS A DETRIMENT TO THE PUBLIC GOOD AND A MAJOR CAUSE FOR CONCERN AND A REASON FOR THE BOARD TO DENY THIS APPLICATION!**

Why is Gill asking for a Waiver from providing an Environment Impact Report from all sections of Howell Ordinance 188-6? Don't you agree that given the amount and type of contamination of the site since 2003 with The Villages not being notified until August of 2009 that it is Gill's obligation to comply with all Howell Ordinances if you want to come to Howell to do business? According to the April 27, 2011 report from Mr. Mallon of Ernst, Ernst & Lissenden he mentions the letter of March 15th 2011 and questions whether this Waiver can be granted since the property owner IS PRESENTLY involved in a remedial action process for groundwater contamination STILL EXISTING on this property. Mr. Mallon's report further mentions that the applicant has to provide testimony to support this request, and that a Letter of No Further Action in accordance with NJDEP Regulations from a New Jersey Licensed Remediation Professional will be required before the issuance of any permits. (Further to Mr. Mallon's comments, Per the June 27th Zoning Board Meeting, Gill was told by Mr. Mallon that as per Howell Ordinance 188-6 an Environmental Impact Statement must be given at the next meeting & if the Gill can't get or do it THEY'RE NOT COMPLETE & THE CASE CANNOT BE HEARD) Gill wants a Waiver from providing the Environmental Impact Statement This Waiver should not be granted by the Board under any conditions! This entire application is a detriment to the public good given the dangerous contamination that was and still is existing on the site and the fact that per Ordinance #188-77 this site is too small 21,196 square feet when 80,000 square feet is required, in addition to Howell Ordinance #188-56 that prohibits 2 principal uses on one lot that Gill wants to put there. In addition, there is the real possibility of a gasoline tanker, delivery truck, or customer vehicle backing into or crashing into the any one of the proposed 12 gas tanks for this site or into a delivery truck or gasoline tanker truck that could cause an explosion and major environmental disaster that would destroy the station & Villages houses given the fact there is little or no turning radius on this site for emergencies or to be able to turn a gasoline tanker or vehicle around.

The request for a Waiver from providing an Environment Impact Statement given all the contamination on and off this site since 2003 is a Detriment to the Public Good and will continue to adversely impact the Howell Township Land use Ordinances listed for this site and the Master Plan as well as continuing to impact the quality of life of The Villages

Residents who have already been suffered enough from this gas station being in the condition it has been for the many years BP owned it with nothing having ever been done. I AM ASKING THE ZONING BOARD - THAT UNDER NO CONDITIONS SHOULD THIS APPLICANT BE GRANTED RELIEF FROM PROVIDING THE COMPLETE ENVIRONMENTAL IMPACT STATEMENT PER HOWELL ORDINANCE 188-6. I AM FURTHER ASKING THE BOARD TO REQUIRE THE APPLICANT TO GET A "NO FURTHER ACTION LETTER" FROM THE STATE OF NEW JERSEY D.E.P. & NOT FROM THIS ENVIRONMENTAL COMPANY THEY HIRED DUE TO THE CONTINUING MONITORING OF GROUNDWATER ON THE SITE & GASOLINE CONTAMINATION STILL LEFT ON THE SITE IN THE AREA TO BE DEVELOPED PLUS THE FACT THAT THE MONITORING WELLS THAT WERE ON SITE ARE NOW NOT THERE.

188-22 – Lighting - PER THE ORDINANCE - All area lighting must provide for lights focused downward & shielding to prevent light spillage off the site. The light intensity shall be a minimum of 0.3 footcandles with a maximum of 0.5 footcandle over the entire area. The light source must comply with heights for residential & nonresidential standards. Any outdoor lighting must be shown on site plan in detail to allow determination of the effects at the property line & on nearby streets, driveways, residents & overhead sky glow. No light shall shine directly into windows or on streets and driveways in such a manner as to create a nuisance or interfere with or distract driver vision. Gill is proposing a spillage of light over the 0.5 footcandle per Mr. Mallon's report. This is not Yankee Stadium. The Villages Residents homes are less than 40 feet from asphalt to asphalt on Wyckoff Mills Road. This will reek havoc, ill health, and stress, will keep residents from sleeping at night, and will cause traffic accidents on both Wyckoff Mills Road and Route 9 North & South from glare and distraction. It will also impact the Assisted Nursing Home on Rt. 9 South directly opposite the gas station. THE BOARD SHOULD NOT GIVE GILL RELIEF ON THE LIGHTING AS THE BOARD SHOULD INSIST ON NO MORE THAN 0.3 FOOTCANDLES FACING DOWN WITH NO LIGHT SPILLAGE AT ALL IN ALL DIRECTIONS.

LIGHTING: HOWELL ORDINANCE 188-18 – GLARE: Per Mr. Mallon's letter, the applicant plans to use lighting in excess of the 0.5 limit of the Ordinance. Per Ordinance #188-18 NO USE SHALL DIRECT REFLECT A STEADY OR FLASHING LIGHT BEYOND ITS LOT LINES. LIGHTING SHALL BE SHIELDED, BUFFERED AND DIRECTED SO THAT ANY GLARE, DIRECT LIGHT OR REFLECTION WILL NOT INTERFERE WITH THE NORMAL USE OF NEARBY PROPERTIES, DWELLING UNITS AND STREETS. **THE APPLICANT WILL BE IN VIOLATION OF #188-18 AND #188-22 IF THERE IS A LIGHTING USEAGE GREATER THAN 0.5 FOOTCANDLE. DOES THE APPLICANT UNDERSTAND THAT THIS SITE IS NOT YANKEE STADIUM?**

Hours of Operation & Fuel Deliveries - Why are you proposing to be opened 7 days per week / 24 hours per day? Don't you realize or even care that less than 40 feet from your gas station on Wyckoff Mills Road – asphalt to asphalt because Jerry & I pulled a

tape, is The Villages Senior Development of 1,000 residents & 671 homes? Are you willing to scale down your operation every night after 8:00 p.m.? Why are you are proposing 3 shifts with 3 employees during the day & 2 at night? **WHY DO YOU NEED 3 SHIFTS DURING THE DAY? AGAIN, THIS AREA OF RT.9 MAY BE A STATE ROAD AND HD1, BUT IT IS NOT A SUPER HIGHWAY LIKE THE TURNPIKE! YOUR PROPOSED BUSINESS PLANS ARE A DETRIMENT TO THE PUBLIC GOOD IN A MAINLY RESIDENTIAL AREA & A THREAT TO THE QUALITY OF LIFE OF THE VILLAGES RESIDENTS.**

FUEL DELIVERIES & STORE -

Where are you going to fit in 12 fueling stations and one diesel station, plus a convenience store, 16 parking spots, a kiosk, and a garbage enclosure on this small non-conforming lot? **WHY ARE YOU PROPOSING FUEL DELIVERIES EVERY 3 DAYS AT 1:00A.M. TO 4:00A.M. OF 8,500 GALLONS OF GAS?** Do you understand that gasoline tanker trucks are very large and that if these gasoline tanker trucks come rumbling down Wyckoff Mills Road in the middle of the night they will cause stress, destroy the quality of life of The Villages Residents, they will create a noise disturbance that will cause our residents to lose many hours of sleep and stress. These tanker trucks will violate Howell's Noise Ordinance Chapter 208-7 – Noises Prohibited - #13 standing or operating a motor vehicle weighing more than 10,000 pounds on a public right-of-way in a residential district or in any designated quiet zone. **THE BOARD MUST NOT ALLOW GASOLINE DELIVERIES TO THIS SITE PAST 8:00P.M. AND 7:00A.M. THE NEXT MORNING AS THE VILLAGES RESIDENTS HAVE THE RIGHT TO LIVE IN PEACE AND WITH DIGNITY!** Per your Convenience Store, you will be in violation of Chapter 208 -7 #5 – Loading & unloading crates, boxes, and merchandise between the hours of 9:00p.m. & 7:00 a.m. the following day. **THE BOARD SHOULD PROHIBIT ANY ACTIVITY ON THIS SITE PAST 8:00P.M. AGAIN, THIS ENTIRE APPLICATION IS A SAFETY & DANGER CONDITION AS WELL AS A DETRIMENT TO THE PUBLIC GOOD.**

How do you plan to keep your site clean if that is possible given the garbage on site now for as many years as it has been there ? Will you keep your garbage enclosure closed? Right now there are filled garbage bags stuffed in the garbage area that have not been touched in years. Do you know that The Villages Ground Crew are have been picking up garbage from this site and from the back of Woolly's on The Villages side of Wyckoff Road and have been for many years and we're sick of it? I am asking The Board to tell BP and or Gill to clean this site tomorrow and I am asking The Board to have Howell Code Enforcement go out tomorrow to fine these people every day until this site is spotless. Howell Township Ordinances have been ignored for all the years this gas station was in business.

Runoff – Will gasoline leaks and runoff from your tanks and or vehicles go into filtered trenches so that Gill can collect this and dispose of it? **UNDER NO CONDITIONS SHOULD THE BOARD ALLOW DISCHARGING RUNOFF TO EXISTING DRAINAGE SYSTEMS ON WYCKOFF MILLS ROAD. THE VILLAGES STORM DRAINS AND GILL'S STORM DRAINS ARE OPPOSITE EACH OTHER ON**

WYCKOFF ROAD AND THERE IS ALREADY GROUNDWATER CONTAMINATION ON THE SITE THAT IS STILL BEING MONITORED (See photos). THERE IS ALSO STILL GASOLINE CONTAMINATION IN THE GROUND AS WELL SO, IF THERE IS ANOTHER SERIES OF LEAKS OF GASOLINE & WATER INTO THE GROUNDWATER AND SOIL ON AND OFF THE SITE, LET ME TELL ALL OF YOU THAT WE CAN HAVE AN ENVIRONMENTAL SITUATION WORSE THAN THE EXXON VALDEEZ OIL SPILL. THIS APPLICATION IS A DETRIMENT TO THE PUBLIC GOOD, IS A THREAT TO THE SURROUNDING AREA & THE VILLAGES, ITS RESIDENTS, IT WILL REEK HAVOC ON THE HEALTH, TRANQUILITY AND QUALITY OF THE LIVES OF THE VILLAGES RESIDENTS AS WELL AS BEING A THREAT TO THE MANASQUAN RIVER AND BANNEN MEADOW BROOK. Per Gill, discharge will wind up in the Storm Drains on Wyckoff Mills Road. All runoff should go into drywells & then be disposed of at sites that take gas station runoffs. **THE BOARD SHOULD NOT UNDER ANY CONDITIONS ALLOW GILL TO PUT ONE DROP OF RUNOFF FROM ANY GAS TANK, CUSTOMER VEHICLE, DELIVERY TRUCK, OR CONVENIENCE STORE TO ENTER INTO THE STORM DRAINS ON WYCKOFF MILLS ROAD. ALL HOWELL TOWNSHIP STORMWATER ORDINANCES MUST BE ADHEARED TO NO MATTER WHAT GILL WANTS.**

PARKING AND TRAFFIC- If your lot size is 21,196 square feet where 80,000 square feet lot size is required by Ordinance, do you realize that there is no room on this site for your proposed 16 parking spots, in addition to the proposed 12 fueling stations, a convenience store & a garbage enclosure and still have no room for vehicles safely entering and leaving this site from Route 9 North & Wyckoff Mills Road to purchase gasoline without causing an accident? Does the New Jersey D.O.T. know and realize that there will be long lines of vehicles on both Route 9 North & Wyckoff Mills Road on the same road as The Villages, waiting in lines to purchase gasoline and that these long lines on Route 9 North & on Wyckoff Mills Road will be an accident waiting to happen of vehicles entering the station and from vehicles leaving the station? **CAN THE BOARD REQUIRE THIS APPLICANT TO HAVE THE NEW JERSEY D.O.T. BE INVOLVED IN THIS APPLICATION BECAUSE THERE CAN POSSIBLY BE FATAL ACCIDENTS AND ROAD RAGE ON BOTH ROUTE 9 NORTH, & WYCKOFF MILLS ROAD AND THAT THE INTERSECTION OF ROUTE 9 AND STRICKLAND ROAD CAN BE IMPACTED IF VEHICLES WAITING IN LINE TO GET ON TO THIS STATION ON ROUTE 9 NORTH DECIDE TO GO AROUND THE CORNER ON TO STRICKLAND ROAD AND THEN ON TO WYCKOFF MILLS ROAD TO ENTER THE STATION FROM THE WYCKOFF MILLS ROAD SIDE? IS EVERYONE AWARE THAT WYCKOFF MILLS MAKING THE RIGHT TURN OFF ROUTE 9 NORTH IS A STATE OF NEW JERSEY ROAD ALL THE WAY UP TO THE CORNER OF WYCKOFF MILLS ROAD & STRICKLAND ROAD AT THE VILLAGES ENTRANCE?** Do you realize that your gasoline delivery tanker trucks are going to block off parking spots and be over the parking spots on the station when gasoline is delivered? Did you ever think that during a gasoline delivery one of these tanker trucks could crash into a customer vehicle parked on

the site for use of the convenience store or vice versa? THIS APPLIATION IS A DETRIMENT TO THE PUBLIC GOOD, IS A HEALTH, WELFARE, SAFETY AND STRESS ATROCITY TO THE VILLAGES RESIDENTS, AS WELL AS BEING A TRAFFIC AND PARKING NIGHTMARE AND A FATAL ACCIDENT OR EXPLOSION WAITING TO HAPPEN TO THE ENTIRE AREA OF ROUTE 9 NORTH, STRICKLAND ROAD, WYCKOFF MILLS ROAD. UNDER NO CONDITIONS SHOULD GASOLINE BE ALLOWED TO BE DELIVERED BETWEEN THE HOURS OF 1:00A.M. TO 4:00A.M. 3 TIMES A WEEK. GASOLINE MUST NOT BE DELIVERED PASSED 8:00P.M. AT NIGHT AND 7:00A.M. THE NEXT MORNING.

188-231B – SIGNS - Allows 1 wall-façade, projecting or pole-mounted type sign. Gill wants: 1 pole-mounted sign, 3 wall-façade signs, 2 of which are 12 sq.ft. message boards, and 3 BP symbol signs on the canopy for a total of 7 signs. THIS IS NOT YANKEE STADIUM OR A MAJOR SUPER HIGHWAY!! THIS MAY BE HD1 BUT IT IS ALSO A RESIDENTIAL AREA IN EVERY DIRECTION. WHY DO YOU FEEL YOU HAVE THE RIGHT TO REEK HAVOC ON THE TRANQUILITY & QUALITY OF LIFE OF THE VILLAGES RESIDENTS AS WELL AS THE ASSISTED LIVING NURSING HOME ON ROUTE 9 SOUTH? DO YOU REALIZE THAT YOU WILL CAUSE HEALTH ISSUES OF NO SLEEP STRESS & BRIGHT LIGHTS & GLARE FOR OUR RESIDENTS? 1 MAIN BUSINESS SIGN IS ALL YOU SHOULD ASK FOR AND ALL YOU SHOULD GET!!!

188-231B (3) – Requires freestanding pole signs to be setback 20 feet from the Road right of way. THESE SIGNS ARE TO BE SET BACK 10 FT. FROM PROPERTY LINES. GILL MOVED IT TO 10 FT. FROM THE SOUTH PROPETY LINE.

188-231B (3) – Allows freestanding pole signs to be a MAXIMUM OF 80 SQ. FT. APPLICANT PROPOSES TOTAL SIGN AREA OF 125.21 SQ.FT. Again, this is not a major super highway or Yankee Stadium.

All parts of 188-231B are a detriment to the public good & will reek major havoc on the entire area as well as The Villages Residents quality of life and will cause major stress & health issues. The Board should not allow Gill to have anything or any sign that is not permitted by Howell Ordinance.

Variiances & Waivers Requested by Gill: The Board should not under any circumstances grant any Variiances or Waivers for all of the following: The Applicant is putting 10 lbs. of potatoes in a 5 lb bag. There is no room on this non-conforming smaller lot size to stuff any of this in.

1. 188-87 - Use Variance required for expansion of a non-conforming use. Gill's proposal does not meet the minimum required size of the site.

25x

2. 188-56 – Use Variance required to have two principal uses on one lot which is prohibited. A gas station plus a store is two principal uses & is a no no.
3. 188.87A – Use Variance required- any structures like gasoline pumps, air pumps & islands where the pumps are located has to be setback from all streets & property lines a minimum of 60 feet. The proposed pump islands are set back 18.82 ft from Rt. 9 & 24.39 ft from Wyckoff Mills Road Right of way lines & the eastern pump island is 58.49 feet where 60 feet is required .
4. 188-87A – Use Variance required for a Conditional Use as a minimum space of 25 feet must exist between any pump islands. Gill is proposing 20 feet between pump islands.
5. 188-87E. – This gas station site shall not be located on any highway or street within 2,500 feet of any automobile service station situated on the same side of the highway or street. The Exxon Gas Station is only 470 feet away from this site on same side of street.
6. 188-77- Bulk Variance required – Front Yard Setback 60 feet required & Gill proposing 8.79 feet on Route 9 & 13.78 Feet from Wyckoff Road.

188-77 – Side Yard Setback Bulk Variance required – 25 feet minimum is required & Gill proposing 3 feet Side Yard Setback.

188-77 – Variance required for exceeding maximum impervious coverage of 70%. Gill proposing 77.4% maximum impervious coverage.

188-77 – Minimum Lot Area required 80,000 Sq. Ft.. Non-Conforming Lot Area of 21,196 sq.ft. is existing and proposed.

188-77 – Minimum Lot Frontage 200 ft. required. Non Conforming Lot Frontage of 189.34 ft. is existing & proposed on Wyckoff Mills Road.

FOR ALL OF THE ABOVE REQUESTED VARIANCES – TOO MUCH IS BEING PUSHED INTO TOO LITTLE SPACE. THE BOARD SHOULD NOT GRANT ANY OF THE ABOVE VARIANCES.

WAIVERS REQUIRED FOR THE FOLLOWING:

188-106F (1)(A) Requires all main driveways into commercial sites to be 30 ft. wide. Driveway on route 9 is 28 ft. wide & one access driveway on Wyckoff is 25 ft. wide. These are both new driveways. Waiver is required

Commercial sites must have a 30 ft. wide circulation aisle for emergency purposes. 8.8 ft is proposed along Route 9 of the duel dispensing pumps and 10.4 ft. is proposed on the Wyckoff Road side of fuel dispensing pumps. Waiver is required

26x

188-106A – Requires driveway centerlines to be 30ft from any property line. centerline of the South driveway on Route 9 is 19ft + scaled from the south property line of site.

188-106B – Parking spaces cannot have direct access from public streets or major interior driveways and roads. **ALL APPLICANT PROPOSED PARKING SPACES VIOLATE THIS REQUIREMENT. Waiver Required**

188-106G – requires all areas between the parking lot and building shall be landscaped. Gill is proposing no landscaping in this area. Waiver is required.

188-106I(1) – Prohibits off-street loading from being located in any front yard. The loading zone for the off loading of fuel to the underground fuel storage tanks is located in the front yards of both Route 9 and Wyckoff Mills Road.

Loading zone per the site map is located within the Southern Driveway which limits the stacking of cars to the fuel dispensing area & blocks off 4 parking spaces.

188-107 – How many handicapped parking spaces are proposed and will they meet code in size and length & width?

188-32B – Requires a 2nd storage area for recyclable materials. Gill proposes 1 area.

188-225A – Requires curbing in new developments to be made of granite. **Gill is proposing concrete curbing.**

188-226E – Requires parking lots exposed to public view to be surrounded by a 3 ft. high year round screen or hedge. **Applicant proposes 3.5 ft. hedge of evergreens around all parking stalls & along Wyckoff Road & none are provided along route 9.**

188-226F – (5 ft. landscape strip is required. Landscape strip of 4 ft wide along Wyckoff Road & 0 on Route 9) **IS THIS 188-226F IN THE PLAN? I DON'T SEE IT.**

188-227F – Requires a 5 ft. wide strip from the right of way line to the parking lot. **Gill provided 4.25 ft. on Wyckoff road and 0 none on Route 9.**

188-12A – prohibits fences more than 4ft in height within front yard setback. **Gill wants a 6ft high solid PVC fence for dumpster enclosure within the front yard setback on Wyckoff Mills Road. Solid fences not allowed.**

MR. CHAIRMAN, MEMBERS OF THE BOARD, PROFESSIONALS & APPLICANT, WE ARE YOUR PARENTS, GRANDPARENTS, AND GREAT YOUR GRANDPARENTS. WE HAVE REACHED OUR SENIOR YEARS. FOR MOST OF US, THE VILLAGES IS OUR LAST HOME BEFORE WE DIE. I ASK YOU, PLEASE ALLOW THE 1,000 SENIOR CITIZEN RESIDENTS OF THE VILLAGES TO LIVE OUT OUR YEARS IN OUR HOMES, IN PEACE, WITH DIGNITY, AND WITH A DECENT QUALITY OF LIFE. THIS APPLICATION

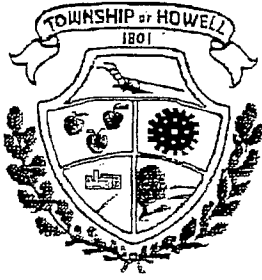
BEFORE THIS BOARD IS AN ATROCITY, IS A DETRIMENT TO THE PUBLIC GOOD AND WILL REEK UNTOLD HAVOC, STRESS AND ILL HEALTH ON THE VILLAGES RESIDENTS AS WE HAVE ALREADY SUFFERED ENOUGH OVER THE YEARS FROM THE EFFECTS OF CONTAMINATION OF GASOLINE IN THE SOIL AND GROUNDWATER ON AND OFF THE SITE, WITH GARBAGE EVERYWHERE, PLUS A BROKEN DOWN BUILDING. THERE IS ALSO DEEP CONCERN THAT THE MONITORING WELLS THAT WERE THERE ON SITE FOR SEVERAL YEARS WITH NUTRIENTS BEING POURED INTO THEM TO KILL THE CONTAMINATION THAT RYAN TURNER TOLD ME WOULD TAKE 10 TO 20 YEARS TO FIX ARE NOW SUDDENLY NOT THERE.

THIS PROPOSED GAS STATION IS A NON-CONFORMING USE ON AN UNDERSIZED NON-CONFORMING LOT WITH 2 PRINCIPAL USES ON ONE LOT BEING PROHIBITED BY HOWELL ORDINANCE. THE PROPOSED CONSTRUCTION WILL BE IN THE AREA OF THE PREVIOUS SITE AND WE CANNOT RISK ANY FURTHER GASOLINE CONTAMINATION INTO THE SOIL AND GROUNDWATER ON AND OFF THE SITE AND WE CANNOT RISK AN ENVIRONMENTAL DISASTER WORSE THAN THE EXXON VALDEEZ IF A GASOLINE TANKER TRUCK OR OTHER VEHICLE BACKS INTO A GASOLINE PUMP & IT EXPLODES BECAUSE THERE IS NO ROOM ON THIS STATION FOR WHAT GILL IS PROPOSING!

FOR ALL OF THE ABOVE PER THE REQUIREMENTS OF HOWELL ORDINANCES, ZONING REQUIREMENTS & THE HOWELL TOWNSHIP MASTER PLAN REQUIREMENTS, PLEASE DENY THIS APPLICATION WITH A NO VOTE.

**RESPECTFULLY,
BARBARA DIXEL**

28x



TOWNSHIP of HOWELL

251 Preventorium Road
Post Office Box 580
Howell, New Jersey 07731-0580

(732) 938-4500
FAX (732) 938-9645
PLANNING BOARD AND
BOARD OF ADJUSTMENT

MEMORANDUM

DATE: October 12, 2011

TO: Zoning Board
Environmental Commission

FROM: Barbara Capitan, Administrative Officer
Planning and Zoning Boards

RE: **SITE REVIEW-GILL PETROLEUM**
Block 140, Lots 2,3,4.01

*after I asked
for a site review at a
Zoning Board meeting
there was a meeting*

DATE: SATURDAY, OCTOBER 29, 2011 @ 10:00 AM

A site review has been scheduled for the above mentioned applicant for Saturday, October 29th at 10:00 AM.

All members should meet at the site located on the east side of NJSH Route #9 and the west side of Wyckoff Road approximately 270 ft south of Strickland Road.

JK Mrs. Dixel requested that Board be aware that there are monitoring wells in the DOT grassed area, where the tanks were located and they were put there for ground water going south.

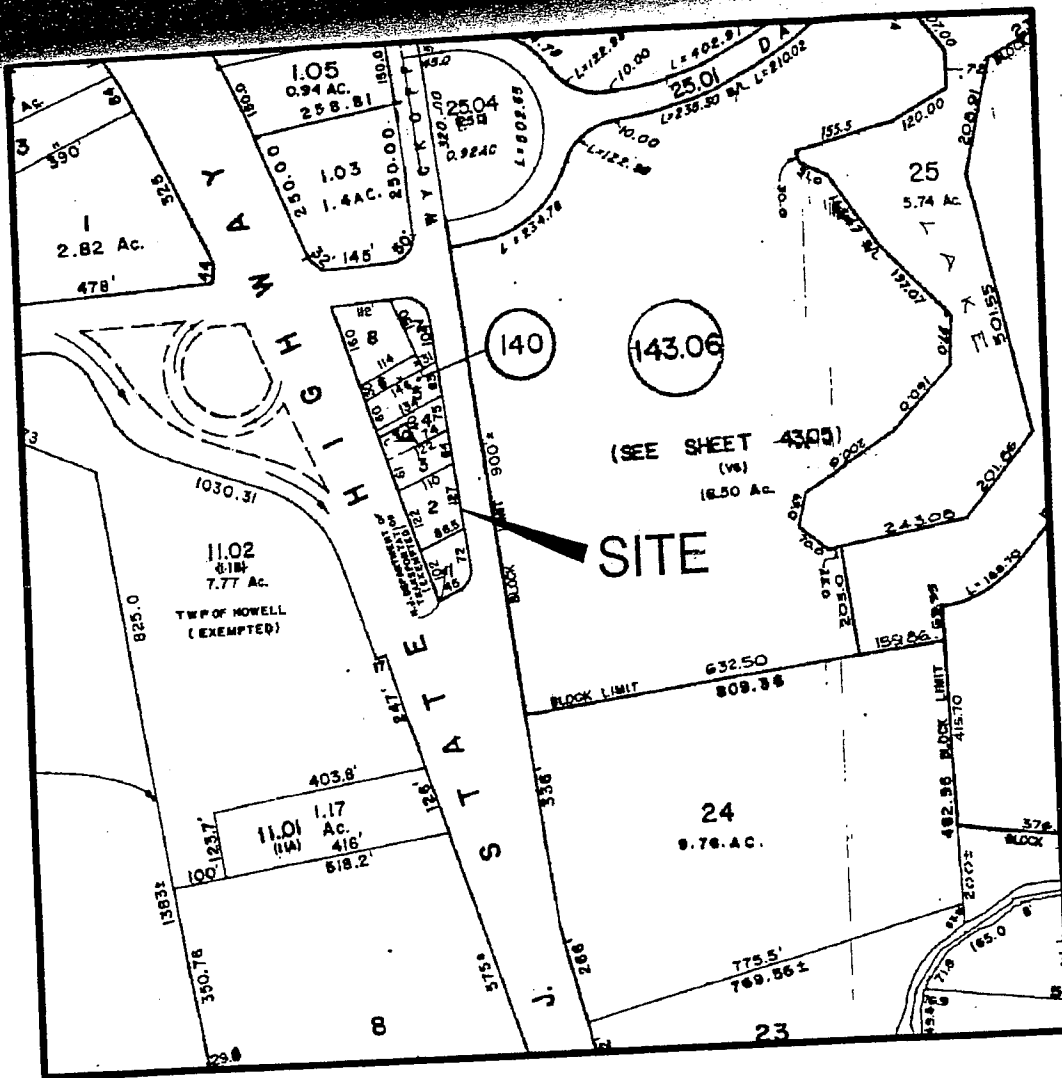
For your information, a copy of the Key Map is enclosed.

If I can be of any further assistance, kindly let me know.

cc: Salvatore Alfieri, Esq., Applicant's Attorney

BC/jl

29x



TAX MAP

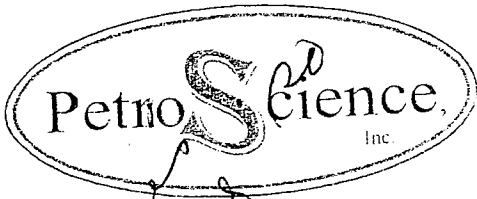
SCALE: 1"=360'
 HOWELL TOWNSHIP - TAX MAP SHEET 43

ZONING DATA

ZONING DISTRICT: HD-1 HIGHWAY DEVELOPMENT 1 ZONE

	REQUIRED	EXISTING
MINIMUM LOT AREA	80,000 SQ. FT.	21,196.07 SF * 0.487 ACRES
MINIMUM LOT FRONTAGE	200 FT.	189.34/242.12 FT. *
MINIMUM FRONT YARD SETBACK	60 FT.	27.28 FT. *
	25 FT.	28.78 FT.

30x



Handwritten signature

August 31, 2011

VIA EMAIL & REGULAR MAIL

Mr. Bikram Gill
Gill Petroleum
863 Highway 55
Middletown, New Jersey 07748

Re: Environmental Document Review
Former BP Remediation File Review
695 Route 9 North, Freehold, Monmouth County, New Jersey
NJDEP Incident No.: 03-05-05-1017-52
Program Interest No.: 032990
PSI Project No.: PS0793H

66 Glen Avenue
Glen Rock, NJ 07452
Telephone: 201-444-9784
Fax: 201-670-9788
Email: psi@petroscience.com
www.petroscience.com

Handwritten notes:
Why is the LSRP paying for it is OK to build the when it is no contaminated station I do not agree with their judgement.
See Page 9

Dear Mr. Gill:

PetroScience, Inc. (PSI) has been retained to provide limited environmental consulting services regarding the above referenced site. Said work included an environmental document review (EDR) and peer review services regarding the investigatory and remedial work performed by the previous owner(s) to determine compliance with current New Jersey Department of Environmental Protection (NJDEP) protocols including the *Technical Requirements for Site Remediation* (N.J.A.C. 7:26E et. seq.) and to evaluate potential residual impacts as they relate to site redevelopment. PSI's work included review of environmental documents provided by your office as well as site reconnaissance to ascertain existing site conditions.

PSI understands that the subject property has historically contained a BP Service Station that was taken out of commission in 2007 and the underground storage tanks (USTs) at that station were removed in 2008. The site currently is vacant and slated for redevelopment as a new gasoline service station. BP is the Responsible Party required by NJDEP to remediate the identified contaminant conditions. BP has opted into the Licensed Site Remediation Professional (LSRP) program on March 11, 2011.

A summary of PSI's EDR and conclusions reached regarding said EDR are provided below.

1.0 Environmental Document Review

PSI performed limited preliminary EDR services on certain correspondence/reports provided to PSI and a summary of pertinent observations/points of interest is provided herein (where applicable).

1.1 Client Documents Review – Paper File

The following hard copy of documents was provided for review by your office. Additional and apparently extraneous materials were also provided; however, a discussion of redundant or extraneous information will not be provided herein.

- A Public Notice cover letter and *Public Notice Fact Sheet* to Gill Petroleum prepared by Stantec Consulting Corporation. (SCC; Lawrenceville, New Jersey), dated August 25, 2009, prepared for Atlantic Richfield Company, a BP Products North America affiliated company (BP) indicated the following:
 - In 2003, residual petroleum hydrocarbons (gasoline constituents) were identified in ground water and a spill incident was reported to NJDEP and Case No. 03-05-05-1017-52 was assigned.
 - Soil and ground water remediation was initiated in 2004.
 - A Remedial Action Workplan (RAW) was approved by NJDEP in 2007.
 - Additional remediation including soil removal was performed in conjunction with UST removal in 2008.
 - Work was proceeding by SCC in response to residual petroleum hydrocarbons observed in ground water and soil. Contaminants of concern include Benzene, Toluene, Ethylbenzene, Total Xylenes (collectively referred to as BTEX), Methyl tertiary butyl ether (MTBE), Tertiary butyl alcohol and volatile organic compounds (VOCs) tentatively identified compounds (TICs) in ground water as of April 2009 and Xylenes and MTBE in soil as of 2003 through 2008.
 - Current remediation includes environmental monitoring as approved by the New Jersey Department of Environmental Protection (NJDEP).
- A Groundwater Analytical Map, December 23, 2008 and March 25, 2009 prepared by SSC depicted the highest BTEX levels in monitoring wells MW1 and MW2 which are situated just south of the former pump islands.
- A Groundwater Elevation Contour Map dated November 10, 2006 and a Groundwater Elevation Contour Map dated March 25, 2009 illustrate ground water flow to be toward the south.
- A Historic Soil Sample Results April, September and November 2003 map illustrates the highest concentrations of contaminants in soil at approximately 15 ft below ground surface (bgs).
- A Historical Ground water Gauging and Sampling Results tabulated summary spans the timeframe of October 16, 2003 through June 18, 2009. The most current results indicated impacts above Groundwater Quality Standards (GWQSs) in monitoring wells MW1, MW2, MW4 and MW8.
- An undated hand written note to “whom it may concern” authored by Ms. Barbara Dixel, Elected County Committee Woman, District 12, 30th Legislative District Resident indicates Ms. Dixel’s



disapproval of the proposed redevelopment of the site; however, the stated objections were not well supported by specific technical data.

- An April 7, 2011 hand written note to "Barbara & Board Members & Professionals" authored by Ms. Barbara Dixel, Elected County Committee Woman, The Villages. Ms. Dixel cites a letter she received from Richie Klegman who apparently lives near the station. Ms. Dixel again indicates her disapproval of the proposed redevelopment of the site without well supported data.
- A Classification Exception Area (CEA) Biennial Certification from BP to Mr. David Nickerson of NJDEP dated 7/22/10. The CEA Certification conclude the following:
 - There were no applicable laws or regulations that would affect the site.
 - There are no planned changes in ground water usage.
 - A revised CEA was unnecessary.
 - No wells were installed which would potentially affect human health since preparation of the July 22, 2008 CEA Certification.
 - Monitoring well inspection logs were unnecessary due to BP's policy to replace well locks and locking caps as necessary during ground water sampling events.
 - No site related monitoring wells had been decommissioned.
 - No land use disturbances were determined to be within the CEA boundary.
 - The lateral extent of the CEA is approximately 260 ft downgradient of the site property boundary into the adjacent vacant lot.
 - No residential properties that overlay the CEA were identified.
- A Site Layout Plan prepared by Stout & Caldwell Engineers, LLC last revised 07/15/10 which depicts the proposed site layout. The plan depicts a proposed convenience store and gasoline filling station including three pumping islands with 6 dispensers under a single canopy. The proposed building is situated in the northern portion of the site with the canopy centrally located. Two USTs are proposed to be situated in the southern portion of the site. According to the owner, the plan has since been slightly modified by reducing the proposed building size from 2,520 SF to 2,100 SF.
- A Notification of Environmental Remedial Activities issued to Gill Petroleum by EnviroTrac dated August 17, 2011 on behalf of BP. The letter indicates that remediation is being completed at the site. The cleanup was in response to residual petroleum hydrocarbons observed in groundwater and soil. Contact information for EnviroTrac as the Licensed Site Remediation Professional and BP as the Responsible Party.

1.2 Client Provided Documents - Electronic File

The following electronic copy of documents was provided for review by your office on a compact diskette (CD). Additional and apparently extraneous materials were also provided; however, a discussion of redundant or extraneous information will not be provided herein.



- A blank Confidentiality Agreement and Disclaimer were provided within the electronic file "Read First Confidentiality Agreement". The unexecuted document was apparently to be executed by BP and an unspecified "Recipient."
- A New Vending and Storage Building for Amoco Station SS5146, US Route 9 & Wyckoff Road, Howell Township, New Jersey map prepared by Dassa Richardi, last revised August 21, 1991 illustrates proposed improvements (building) in the northern portion of the site.
- The following documents were provided within the electronic folder "Compliance":
 - Cathodic Protection Test Results from testing performed on 02/05/07, 02/27/06, 01/03/06, 04/03/07, 04/17/06, 06/20/06, 08/18/06, 10/16/06, 12/13/06 from Crompco (Plymouth Meeting, Pennsylvania).
 - 05/03/06 and 05/12/06 line leak detection test results from Crompco.
 - 11/17/98, Stage II Vapor Recovery Test Results from Crompco.
 - Various correspondence regarding regulatory fees, testing results, disposal manifests.
 - A 05/03/06 internal BP inspection report of regarding the UST system.
 - A 02/02/02 internal BP Fuel System Field Survey.
 - A report documented that a 04/12/07 test was cancelled due to station closing
 - A 8/1/83 unsigned map titled *Plan of Survey* prepared by Lee Engineering Enterprises.
 - A 8-16-88 map titled *Site Plan, Elevations & Notes* prepared by Wagner Associates, Inc.
 - A 6-1-84, last revised 7-11-88, map titled *Key Plan & Site Plan* prepared by Dassa Richardi.
 - Copies of Amoco Site Survey checklist dated 8-4-99 including a waste manifest and tightness test by Crompco under the file 05146_JMM_NJ_Misc.pdf
 - UST Registration Certificates from NJDEP to Amoco for 1989, 1990, 1991, 1992, 1993, 1994, 1995-1997, 1998-2000, 2001/2002 and 2004/2005. Three tanks totaling 30,000-gallons was registered.
 - A UST Registration Certificate from NJDEP to BP for 2005/2006 and 2006. Three tanks totaling 30,000-gallons was registered.
 - Applications for an Air Permit to NJDEP from Amoco Oil Company dated 03/25/85, 11/03/89 and 7/9/99.
 - Air Permits for gasoline dispensing operations issued by NJDEP to Amoco Oil Company effective 04/19/85 with an expiration date of 04/19/85, effective 07/15/99 with an expiration date of 07/14/09.
 - A 20-yr warranty for STI-P3 tanks.
 - A UST Registration Certification dated 3/15/89, 4/15/91, 4/21/92, 4/23/93, 6/29/94, 1/10/95, 11/3/97, 10/15/00, and undated Certifications.
 - Tanknology piping line test certification dated 6/26/91, 10/30/92,
 - Veeder-Root (tank monitoring system) compliance reports dated 2/10/03, 3/4/03, 02/04/02, 01/07/03, 11/05/02, 10/09/02, 09/06/02, 08/05/02, 07/04/02, 08/06/02, 05/02/02, 04/04/02, 03/05/02, 08/02/01, 01/04/02, 02/06/01, 11/05/01, 10/04/01, and 08/31/01.
 - Tightness test and inspection reports from Crompco dated 8/4/99, 11/30/98 and 10/30/92.
 - Corrosion protection inspection report dated 8/3/95 from Tanknology
 - Corrosion field survey data and tables dated 2/24/92 and 01/31/92 by PCA Engineering, Inc.
 - A Cathodic Protection Survey report prepared by PCA Engineering dated 11/9/92.
 - A Certificate of Tightness dated 10/30/92 prepared by Tanknology.



- A Certificate of Underground Storage Tank System Testing report prepared by Tanknology dated 11/09/01, 6/25/01, 05/09/00 and 9/4/98.
 - A Cathodic Protection Compliance Survey UST System dated 04/03/01 and 11/08/00 issued by Tanknology.
 - A Compliance Survey UST System report prepared by Tanknology-NDE dated 9/25/98
 - FMS Compliance Reports by Veeder-Root dated 4/27/07 which documented monthly testing from 10/05/01 to 02/07/06 and 04/15/06 to 07/17/06.
 - An FMS Compliance Report for 04/03/06 where "no records found" from 01/01/00 to 02/28/05.
 - FMS Compliance Reports by Veeder-Root dated 3/29/06 which documented monthly testing from 7/24/01 to 03/07/06.
 - An analytical laboratory report from Roy F. Weston for TCLP-metals analyses of a soil sample dated 11/23/92.
- The following documents were provided within the electronic folder "Remediation":
- A 30-day Notice of Intent to close an Underground Storage Tank System for intended removal of 80-ft of piping on 8/27/01.
 - A Deficiency in UST Substantial Modification Permit Application dated 9/17/01 issued by NJDEP.
 - Laboratory Data Reports prepared by New Jersey Accutest Laboratories dated 4/24/03, 11/04/03, 12/04/03, 06/04/04, 08/25/04, 12/13/04 and 12/22/04.
 - A Site Investigation Report (SIR) dated 05/12/03 issued by Delta Environmental Consultants, Inc. (Delta). Delta did not identify soil impacts but impacts to groundwater from gasoline related constituents (benzene, Xylenes, MTBE and TBA). Delta indicated that field screening and sampling of soil would be conducted during proposed tank upgrade work and that additional assessment of groundwater would be performed.
 - A SIR Addendum (SIRA) prepared by Delta dated 05/27/03 presented the results of a well search. The closes public water supply wells or withdrawal points of 100,000 gpd or greater were identified some 0.4-mile to the subject site. No domestic (potable) wells were identified within 1,000-ft of the site.
 - A 06/17/03 Comment Letter issued by NJDEP in apparent response to the SIR/SIRA. NJDEP conditionally approved Delta's soil sampling proposal and required additional soil sampling, installation of at least 3 ground water monitoring wells, a Receptor Evaluation and establishment of a Classification Exception Area (CEA).
 - A request for extension of time from Delta dated 9/10/03.
 - A Remedial Investigation Report (RIR) dated 12/8/03 by Delta documented the results of soil testing, installation and sampling of 4 groundwater monitoring wells and the results of vicinity well canvassing.
 - The closest water body was determined to be the Manasquan River situated 1,725 south of the property.
 - A public potable well was situated at a commercial shopping center situated at 800 Route 9 South (approximately 750-ft southwest and downgradient of the site).
 - A public potable well was identified along Wyckoff Road some 1,719-ft north and upgradient of the site.
 - The Ecological Evaluation concluded that there were no ecological receptors identified in close proximity to the site and no further evaluation of ecological receptors was required.



- MTBE was reported at a concentration above Impact to Ground Water Soil Cleanup Criteria.
- Impacts to ground water included Benzene, MTBE and TBA.
- Additional ground water investigation (delineation) was recommended.
- A Conditionally Approved Remedial Action Workplan (RAW) dated 12/10/03. Points of interest included:
 - Monitored natural attenuation with quarterly sampling was proposed through November 2006
 - Installation of four additional monitoring wells was proposed.
 - Delta concluded that no vapor monitoring was conducted nor warranted since there were no basements within 1,000-ft of the site, no immediately downgradient utility vaults and an absence of soil impacts.
 - Delta projected the ground water contamination to be present for 5 years.
- NJDEP issued a RIR Comment Letter dated 01/13/04. NJDEP required:
 - Sampling of all potable wells within 1,000-ft of the known downgradient edge of the contamination including the potable well situated at 800 Route 9 South.
 - Establishment of a CEA with the RAW.
- A Potable Well Sampling Report dated 04/01/04 documented the sampling of the well at 800 Route 9 South. No contaminants were identified above minimum laboratory method detection limits (MDLs) or applicable Drinking Water Standards.
- Waste manifests for disposal on 06/23/04, 11/17/04, 01/05/05, 02/10/05, 03/10/05, 04/05/05, 05/03/04, 06/08/05, 07/21/05, 09/21/05, 10/11/05, 11/21/05, 12/09/05, 01/25/06, 04/25/06, 07/31/06, 08/22/05, 09/25/06, 11/20/06, 12/29/06, 02/19/07 and 02/27/07.
- A July 2004 Remedial Investigation Update Report (RIUP) prepared by Delta concluded:
 - Ground water impacts were now limited to only one well that was delineated by the remaining wells.
 - An amendment to the monitoring schedule from quarterly to semi-annually was proposed.
- An August 11, 2004 RAW Approval was issued by NJDEP which required quarterly monitoring after two semi-annual rounds were completed. Monthly enhanced fluid recovery (EFR) treatments were required from MW2.
- A 10/05/04 Remedial Action Progress Report (RAPR) documented:
 - EFR Treatments performed in 08/04 and 09/04
 - Ground water monitoring on 08/06/04
 - Continued monthly EFR treatments and quarterly monitoring was proposed.
- A 01/31/05 RAPR documented:
 - EFR Treatments performed in 11/05/04, 11/12/04 and 12/27/04
 - Ground water monitoring on 10/04/04, 11/24/04 and 12/06/04
 - Temporary well point sampling on 12/06/04
 - Continued monthly EFR treatments and quarterly monitoring was proposed
- A Highway Occupancy Permit issued to BP for installation of a monitoring well within the highway right of way.
- A letter dated 05/28/05 from DOT which modified the plan for installation of a monitoring well.
- A 05/31/05 RAPR documented:
 - EFR Treatments performed in 01/05/05, 02/10/05, 04/05/05 and 05/03/05
 - Ground water monitoring on 02/07/05, 11/24/04 and 12/06/04



36x

- Temporary well point sampling on 05/24/05
- A 09/21/05 request to amend the NJDOT permit.
- A 10/04/05 RAPR documented:
 - EFR Treatments performed in 06/08/05, 07/21/05 and 08/22/05
 - Ground water monitoring on 07/01/05
 - The conversion of a temporary well point to a monitoring well (MW8) on 08/17/05
- A 10/07/05 approval to amend the DOT permit
- A 04/06 RAPR documented:
 - EFR Treatments performed in 09/21/05, 10/11/05 and 11/21/05
 - Ground water monitoring on 10/25/05
 - Installation of a monitoring well (MW9) on 10/28/05
- A 09/29/06 RAPR authored by Secor International documented:
 - EFR Treatments performed in 05/30/06, 06/09/06, 07/27/06 and 08/22/06
 - Ground water monitoring on 06/26/06
- A 01/25/07 RAPR authored by Secor International documented:
 - EFR Treatments performed in 09/25/06, 10/20/06 and 11/20/06
 - Ground water monitoring on 11/10/06
- A 03/2/07 letter from NJDEP which required submission of a Biennial Certification in support of the CEA
- A 04/26/07 RAWA authored by Secor International documented:
 - Concentrations of Benzene decreased from 95 to 2 parts per billion in monitoring well MW2
 - EFR Treatment recoveries had decreased to 0.176 lbs/hr
 - Enhanced bioremediation was proposed
 - 12 temporary injection wells was proposed
 - Sodium persulfate and Sodium Nitrate were proposed to be injected to stimulate bioremediation
- A 07/23/07 RAPR authored by Secor International documented:
 - EFR Treatments performed in 12/28/06, 01/17/07, 02/27/07, 03/09/07 and 04/23/07
 - Ground water monitoring on 02/05/07
 - Two additional monitor wells (MW9I and MW9D) were installed to complete vertical delineation of the plume on 04/13/07
- A Biennial Certification Monitoring Report for a CEA dated 09/14/07 concluded that the CEA Fate and Transport model did not need to be updated.
- A 12/03/07 CEA Report Approval was issued by NJDEP
- A 04/03/08 Approval was issued by NJDEP regarding (not provided for review).
- A Biennial Certification Monitoring Report for a CEA dated 07/22/08 concluded that the CEA Fate and Transport model did not need to be updated.
- A 07/23/08 RAPR authored by Secor International documented:
 - Ground water monitoring on 06/19/08
 - A series of 12 soil borings was proposed around the former UST field to characterize the soil
 - The report references a 11/14/07 Permit By Rule Approval for persulfate injections performed on 05/28/08.
 - Pre-injection (01/28/08) and post-injection monitoring (06/19/08) was performed.
- A 07/29/08 CEA Report Approval was issued by NJDEP



- A 08/04/08 Approval was issued by NJDEP regarding the 07/20/08 RAPR

1.3 *Site Reconnaissance*

PSI performed preliminary site reconnaissance on August 10, 2011 to evaluate the existing site conditions. The site is vacant with the canopy remaining. Monitoring wells were observed to be generally consistent with the locations mapped (by others).

1.4 *Interviews*

PSI contacted Mr. David Nickerson (referenced NJDEP Case Manager) via telephone on August 9, 2011 in an effort to further ascertain the remedial status of the site. PSI was informed by Mr. Nickerson that BP had "opted into" the LSRP Program on 03/11/11; therefore, Mr. Nickerson would not be reviewing this case any further.

2.0 *Summary of Findings*

The following is a summary of findings regarding the historical documents reviewed to date and/or otherwise identified:

- An investigation in support of a UST upgrades revealed residual petroleum hydrocarbons (gasoline constituents) impacts to groundwater in 2003. A spill incident was reported to NJDEP and Case No. 03-05-05-1017-52 was assigned. BP is the Responsible Party required by NJDEP to remediate the identified contaminant conditions.
- A soil investigation was performed including the collection of some 24 soil samples between April 2003 and November 2003. NJDEP concluded that no additional soil investigation was required at the time (08/14/04 NJDEP Correspondence).
- Soil and ground water remediation was initiated in 2004. BP through its consultants proceeded to prepare a Remedial Action Workplan (RAW) which initially proposed a natural attenuation compliance monitoring program. A natural remediation compliance monitoring program evaluates the extent of contamination in relation to potential receptors, uses modeling to predict the anticipated extent over time and "monitors" the contamination during that time to confirm that potential receptors are not being impacted while the contamination degrades naturally through microbial degradation.
- The use of enhanced fluid recovery (EFR) technology was incorporated into the remedial plan and was approved by NJDEP on August 11, 2004. EFR technology uses high vacuum extraction to remove contaminants from soil and ground water as total fluids recovery. The EFR events proceeded monthly until January 2008.
- BP's consultants concluded that the EFR technology had ceased to become effective as supported by a decreasing trend in mass recovery. In January 2008, the EFR events ceased in favor of an alternative remedial strategy.



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- In January 2008 the UST system and locally impacted soils in the area of the southeastern gasoline dispenser were removed and disposed of off-site. Locally impacted groundwater was also collected from the excavation and subjected to off-site disposal. BP installed piping laterals be used as future injection delivery conduits for the proposed enhanced bioremediation plan.
- Sodium persulfate was injected into the piping laterals to allow for enhanced bioremediation. An enhanced bioremediation technology modifies the existing soil and groundwater chemistry in favor of conditions more conducive for bioremediation.
- Most recently a Classification Exception Area Biennial Certification dated July 22, 2010 concluded that the existing CEA remained protective of human health and the environment.
- Ground water monitoring is still on going and is being reviewed by a New Jersey Licensed Site Remediation Professional (LSRP). BP voluntarily "optioned into" the LSRP Program on March 11, 2011. The LSRP Program is intended to allow for more responsive actions by the responsible parties (BP) by empowering properly trained environmental professionals to act on behalf of the State of New Jersey (in lieu of NJDEP). By May 2012, all existing cases similar to the existing BP case are required to enter into the LSRP program. EnviroTrac Environmental Services was retained by BP to provide LSRP services.
- Site redevelopment proposes installation of a convenience store and continued use as a gasoline filling station. The proposed development appears to be in areas that were previously developed. The proposed development should not adversely impact the existing remedial plan which presently is limited to monitored natural attenuation. Based on the relatively low contaminant levels remaining in soils, the proper use of engineering controls and personal protective equipment should mitigate potential contaminant exposure risks (if any) during the redevelopment work. The redeveloped site will use present day "state of the art" tank containment and monitoring systems which are superior to those used previously.

Thank you for the opportunity to be of service to you. If you have any questions or comments, or require additional information, please do not hesitate to contact me at (201) 444-9784 ext. 121.

Sincerely,

PetroScience, Inc.



Edward W. Redfield
General Manager

petro_backup\PetroProjects\079311\APCO Freehold\EDR_083111.doc



39x



Stantec

Stantec Consulting Corporation
993 Lenox Drive, Suite 200
Lawrenceville, NJ 08648

August 25, 2009

Kleeman, Richard
152A Cours De Pasteur
Freehold, NJ 07728

Subject: Former BP Service Station No. 5146 – Public Notification
695 Route 9 North, Freehold, Monmouth County, New Jersey
NJDEP Case No. 03-05-05-1017-52

This gas station should never have been allowed to be sold to Hill! Ryan Turner of Hill ever wants to open this station + put new tanks, they will spread the contamination up + it will spread everywhere. helpfully remediate this BP station. Hill must be forced to clean it up. BP + Hill business told me it will take 10 to 20 years + it is not fair to the village residents!

Dear Current Occupant,

On behalf of Atlantic Richfield Company, a BP Products North America affiliated company (BP), we are writing to inform you that we have been working to address environmental conditions at Former BP Service Station number 5146 located at 695 Route 9 North, Block 140 Lot 2 of Freehold, Monmouth County, New Jersey. The work has been and will continue to be done under rules established by the New Jersey Department of Environmental Protection (NJDEP), which has assigned it case number 03-05-05-1017-52.

These actions were prompted by the presence of residual petroleum hydrocarbons, which have been observed in the groundwater and soil. Our work includes environmental monitoring as approved by the NJDEP. Please be assured that these residual petroleum hydrocarbons attributed to the site have not affected local drinking water sources.

During the course of the work, we will provide periodic updates about our progress. A copy of any and all of our reports regarding the work will also be made available to Freehold, New Jersey officials, upon request. If you have any questions please call Stantec's contact service number (609) 858-5569. In addition, you may contact the NJDEP Office of Community Relations at (609) 984-3081.

We anticipate the work we are doing will progress smoothly and, in the end, address the environmental conditions noted. In the meantime, we appreciate your concerns and your patience and pledge to conduct our work efficiently and as responsible members of the community.

Sincerely,

Stantec Consulting Corporation

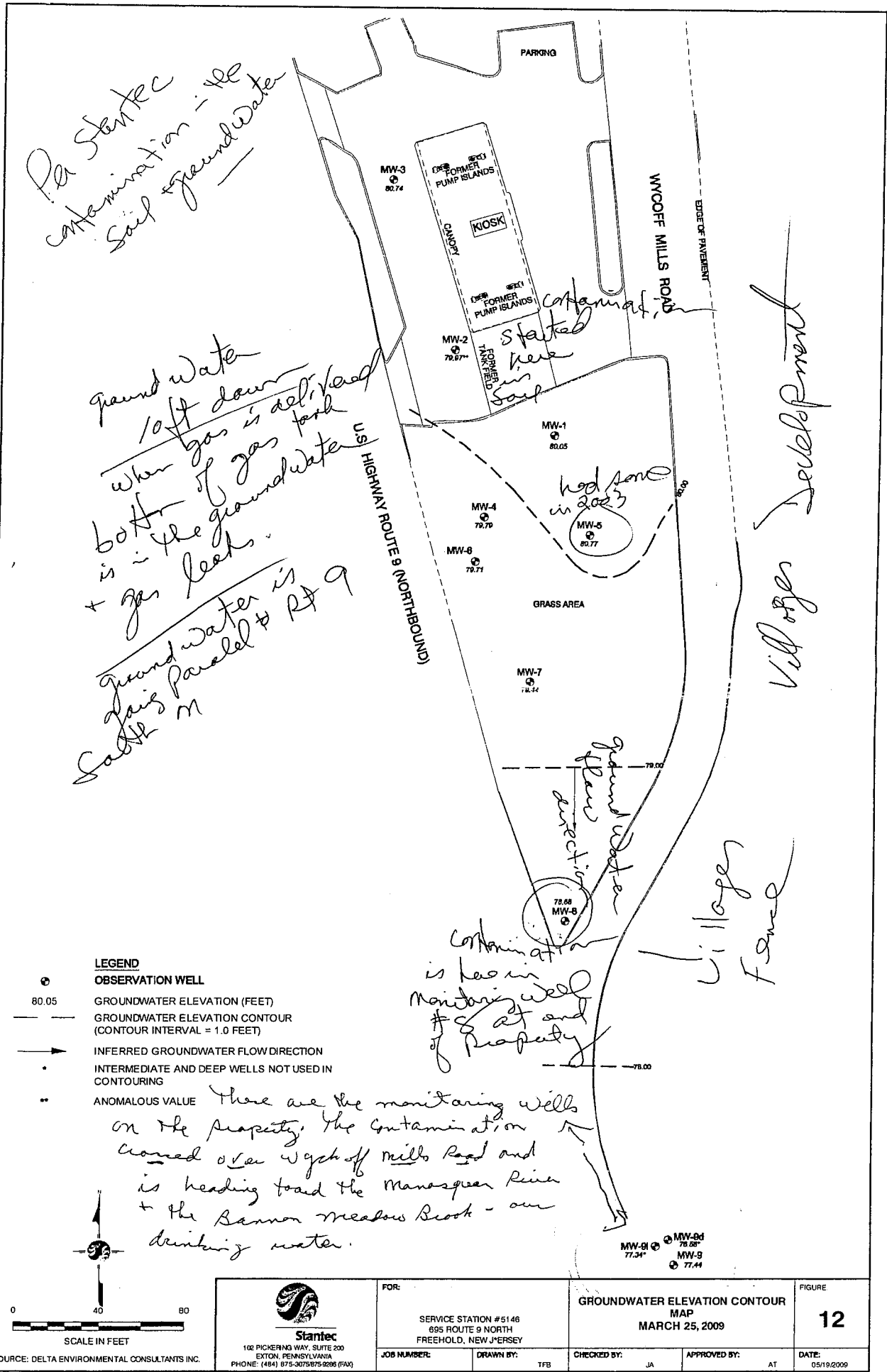
C: Douglas S. Reinhart, Esq. - BP
Walter Hufford - BP
John Bolakas - Stantec
Project File

The contamination is in ground water & soil
Call state of NJ US DEP/BPP/PPA
left - lunch
Friday saw
contractor
active sites
around the site
Monmouth
Handled

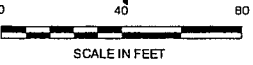
609 984 3081
PI 000975
40x

*Pa Stantec
contamination in the
soil & groundwater*


*groundwater
10ft down
when gas is del. head
both of gas took
is in the groundwater
+ gas leaks.
groundwater is
this parcel + Rt 9
south m*



- LEGEND**
- OBSERVATION WELL
 - 80.05 GROUNDWATER ELEVATION (FEET)
 - GROUNDWATER ELEVATION CONTOUR (CONTOUR INTERVAL = 1.0 FEET)
 - ➔ INFERRED GROUNDWATER FLOW DIRECTION
 - INTERMEDIATE AND DEEP WELLS NOT USED IN CONTOURING
 - ** ANOMALOUS VALUE



SOURCE: DELTA ENVIRONMENTAL CONSULTANTS INC.

 Stantec 102 PICKERING WAY, SUITE 200 EXTON, PENNSYLVANIA PHONE: (484) 875-3075/875-9298 (FAX)	FOR:	SERVICE STATION #5146 695 ROUTE 9 NORTH FREEHOLD, NEW JERSEY		GROUNDWATER ELEVATION CONTOUR MAP MARCH 25, 2009		FIGURE 12		
	JOB NUMBER:	DRAWN BY:	1FB	CHECKED BY:	JA	APPROVED BY:	AT	DATE:

411v



MW-3		µg/L	
	12/23/08	03/25/09	
B	ND(0.90)	ND(0.90)	
T	ND(0.80)	ND(0.80)	
E	ND(0.80)	ND(0.80)	
X	ND(0.90)	ND(0.90)	
MTBE	ND(1.0)	ND(1.0)	
TBA	ND(30)	ND(30)	
TICS	0	17 J	

MW-2		µg/L	
	12/23/08	03/25/09	
B	ND(9.0)	ND(9.0)	
T	3,700*	3,800*	
E	1,900*	2,400*	
X	10,000*	12,000*	
MTBE	ND(10)	ND(10)	
TBA	ND(300)	ND(300)	
TICS	9,080 J*	20,190 J*	

MW-4		µg/L	
	12/23/08	03/25/09	
B	2.2 J*	ND(0.80)	
T	7.9	ND(0.80)	
E	88	18	
X	50	12	
MTBE	4.3 J	2.7 J	
TBA	ND(30)	ND(30)	
TICS	2,360 J*	298 J*	

MW-7		µg/L	
	12/23/08	03/25/09	
B	ND(0.90)	ND(0.90)	
T	1.6 J	ND(0.80)	
E	1.2 J	ND(0.80)	
X	4.0 J	ND(0.90)	
MTBE	ND(1.0)	4.2 J	
TBA	ND(30)	ND(30)	
TICS	5 J	0	

MW-1		µg/L	
	12/23/08	03/25/09	
B	ND(4.5)	ND(1.8)	
T	39	1,800*	
E	680	1,400*	
X	410	7,100*	
MTBE	ND(5.0)	ND(2.0)	
TBA	ND(150)	ND(60)	
TICS	3,449 J*	6,480 J*	

MW-8		µg/L	
	12/23/08	03/25/09	
B	2.1 J*	1.1 J*	
T	ND(0.80)	ND(0.80)	
E	2.2 J	68	
X	2.8 J	20	
MTBE	610*	220*	
TBA	570*	150*	
TICS	391 J*	1,103 J*	

MW-8i		µg/L	
	12/23/08	03/25/09	
B	NS	ND(0.90)	
T	NS	ND(0.80)	
E	NS	ND(0.80)	
X	NS	ND(0.90)	
MTBE	NS	5.5	
TBA	NS	ND(30)	
TICS	NS	NA	

MW-8d		µg/L	
	12/23/08	03/25/09	
B	NS	ND(0.90)	
T	NS	ND(0.80)	
E	NS	ND(0.80)	
X	NS	ND(0.90)	
MTBE	NS	ND(1.0)	
TBA	NS	ND(30)	
TICS	NS	NA	

MW-9		µg/L	
	12/23/08	03/25/09	
B	NS	ND(0.90)	
T	NS	ND(0.80)	
E	NS	ND(0.80)	
X	NS	ND(0.90)	
MTBE	NS	ND(1.0)	
TBA	NS	ND(30)	
TICS	NS	0	

LEGEND
OBSERVATION WELL

NJDEP GROUNDWATER QUALITY CRITERIA LISTED

MW-1	µg/L
12/23/08	
B	1
T	600
E	700
X	1000
MTBE	70
TBA	100
LEAD	5

WELL IDENTIFICATION/UNITS

- SAMPLE DATE
- BENZENE
- TOLUENE
- ETHYLBENZENE
- TOTAL XYLENES
- METHYL TERT-BUTYL ETHER
- TERTIARY BUTYL ALCOHOL
- LEAD

ND(0.90) NOT DETECTED (METHOD DETECTION LIMIT)

* RESULTS ABOVE NJDEP GROUNDWATER QUALITY CRITERIA

ug/L MICROGRAMS PER LITER

J INDICATES AN ESTIMATED VALUE

NA NOT ANALYZED

NS NOT SAMPLED



0 40 80

SCALE IN FEET



102 PICKERING WAY, SUITE 200
EXTON, PENNSYLVANIA
PHONE (484) 875-3075/875-8296 (FAX)

FOR:

SERVICE STATION #5146
695 ROUTE 9 NORTH
FREEHOLD, NEW JERSEY

GROUNDWATER ANALYTICAL MAP
DECEMBER 23, 2008 AND
MARCH 25, 2009

FIGURE

5

JOB NUMBER:

DRAWN BY:

CHECKED BY:

APPROVED BY:

DATE:

TFB

JA

AT

05/19/2009

42x

752 78 44

Public Notice Fact Sheet Service Station 695 Route 9 North, Freehold, NJ

Site Location

695 Route 9 North
Freehold, Monmouth County, New Jersey
Tax Block 140; Lot 2

Site Information

Preferred Program Interest Name: Former BP Service Station 5146 *at*
Preferred Program Interest Number (Preferred ID#): 000975
New Jersey Department of Environmental Protection (NJDEP) Case Number: 03-05-05-1017-52

History of Site Operations: The site operated as a service station prior to 2007. The underground storage tank system was removed in 2008 by BP.

Release information: In 2003, residual petroleum hydrocarbons were identified in groundwater during an environmental investigation conducted at the property. The NJDEP was notified and a case number was assigned to the Site. Residual petroleum hydrocarbon constituents have been detected in on-site soil samples. Residual petroleum hydrocarbon constituents in groundwater have been detected on-site and off-site. A summary of recent soil and groundwater data is provided in the table below. *K*

Description of Actions Taken to Minimize Impact to Public: In 2004, groundwater and soil remediation was initiated at the site. In 2007, a Remedial Action Work Plan Addendum was approved by NJDEP for additional groundwater remediation activities. In 2008, during the removal of the underground storage tank system, soils were excavated and additional remediation activities performed. Routine groundwater sampling is conducted to monitor groundwater conditions on-site and off-site. Reports summarizing environmental activities are submitted to the NJDEP on a routine basis. The current groundwater and soil data indicates that the environmental conditions associated with this Case Number poses no known public health issue to the nearby communities. *A*

Notice/Contact Information

Stantec Consulting Corporation	New Jersey Department of Environmental Protection Office of Community Relations
993 Lenox Drive Suite 200 Lawrenceville, NJ 08648 609-858-5569	Division of Remediation Support New Jersey Department of Environmental Protection 401 East State Street, 6 th Floor P.O. Box 413 Trenton, NJ 08625-0413 Attention: Office of Community Relations 609-984-3081

*Open Pa
T-amber*

*484-875
3075*

*#5 David
Nickerson DEP*

43x

**Public Notice Fact Sheet
Service Station
695 Route 9 North, Freehold, NJ**

Constituents in Groundwater (ug/L) (April 2009)							
Constituent	Benzene	Toluene	Ethyl- benzene	Total Xylenes	Methyl tertiary butyl ether	Tertiary butyl alcohol	Volatile Organic Tentatively Identified Compounds
NJDEP Ground Water Quality Criteria	1	600	700	1,900	70	100	100/500
Concentration Range	below standard to 1.1	below standard to 3,800	below standard to 2,400	below standard to 12,000	below standard to 220	below standard to 150	below standard to 20,190

ug/L = micrograms per liter

Constituents in Soil (mg/kg) (2003- 2008)		
Constituent	Xylenes	Methyl tertiary butyl ether
NJDEP Standard (Impact to Groundwater)	67	3.1
NJDEP Standard (Direct Contact)	410	NA
Concentration Range	below standard to 500	below standard to 12.8

mg/kg = milligrams per kilogram

Information on the chemicals listed above can be found at:
<http://www.epa.gov/superfund/health/index.htm>
or <http://www.atsdr.cdc.gov/toxfaq.html>

Date Fact Sheet Prepared: August 25, 2009

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entire gas station contaminated

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NJDEP
 department of environmental protection
 OPRA New Jersey
 Open Public Records Act

[opra home](#) | [contact opra](#) | [njdep home](#)

did not want to print 22 pages so I printed the title page plus pages for Howell Township: Howell user
 Pages 8 + 9

**New Jersey Department of Environmental Protection
Site Remediation Program**

Active Sites With Confirmed Contamination

Prepared: 2/13/2012

see pg 2

- Monmouth
- Aberdeen Twp

Site # 4554 PI# 000975

Site ID	PI Number	PI Name	Address	Home Owner
85530	G000044818	18 CENTRAL AVE	18 CENTRAL AVE	No
80419	G000043575	71 MARSHALL CONCOURSE	71 MARSHALL CONCOURSE	No
21652	032092	740 LLOYD ROAD	740 LLOYD RD	No
442524	556279	766 CLIFFWOOD AVENUE	766 CLIFFWOOD AVE	Yes
214753	280433	776 MALDAN DRIVE	776 MALDEN DR	Yes
165596	217546	87 COUNTY ROAD	87 COUNTY RD	No
14313	009604	ACE-MANZO INC	436 CHARLES ST	No
202947	032146	ALL STAR FUEL INC T/A DELTA	1155 RT 34	No
69404	G000029781	CLIFFWOOD PLAZA	RT 35 & CLIFFWOOD AVE	No
4395	001815	CLIFFWOOD STATION INC	390 RT 35	No
66062	G000001292	ERNST ZOBEL COMPANY	100 HARRISON AVE	No
4384	008669	EXXON R/S 32289	RT 34 & LLOYD RD	No
56041	030350	FUTURE CHEVROLET	507 S ATLANTIC AVE	No
40159	030669	KASTLE KREATIONS	657 LINE RD	No
42233	002310	L & L OIL SERVICE INCORPORATED	740 LLOYD RD	No
35355	019122	LLOYD ROAD ELEMENTARY SCHOOL	401 LLOYD RD	No
66476	G000005750	NJ TRANSIT ELECTRICAL SUBSTATION	749 LLOYD RD	No
130248	001814	RACEWAY - ABERDEEN	1051 RT 34	No
144714	191606	ROUTE 35	RT 35	No
341630	422523	RT 35 SECTION 4 ROADWAY	RT 35	No
4404	003479	SHELL SERVICE STATION 138420	1027 1037 RT 34	No
15626	008220	SOMERSET ANCHOR LLC	145 CLIFFWOOD AVE	No
66578	G000008373	SOUTH RIVER METAL PRODUCTS CO	100 CHURCH ST	No
4383	004409	SPC MATAWAN LLC	125 HARRISON AVE	No
124861	184853	STOP & SHOP STORE #807	1121 RT 34	No
4397	001555	STRATHMORE CLEANERS INCORPORATED	1121 RT 34	No
94238	012660	STRATHMORE SERVICE STATION	RT 34 & LLOYD RD	No
45464	016090	STRATHMORE TREATMENT PLANT #2	30 NOBLE PL	No
43456	005726	TWIN TOWERS MARINA	483 S AMBOY AVE	No
4398	006633	VERIZON MATAWAN WC (51101)	1196 RT 34	No
15257	014700	WEHRLE BUS SERVICE INC	436 MATAWAN AVE	No
31	Site Count			

Allenhurst Boro

45x

57046032543	VACCARO PROPERTY	2874 RT 35	No
4154024697	WOROCO INCORPORATED	241 RT 36	No
24	Site Count		

Highlands Boro

Site ID	PI Number	PI Name	Address	Home Owner
4319007765		GATEWAY NRA NATIONAL PARK SERVICE/DOI	ATLANTIC DR	No
46361007956		SCENIC EXXON	440 RT 36 & SCENIC DR	No
2	Site Count			

Holmdel Twp

Site ID	PI Number	PI Name	Address	Home Owner
450623566646		11 SUNRISE CIRCLE	11 SUNRISE CIR	Yes
438740551600		20 SOUTH HOLMDEL ROAD	20 S HOLMDEL RD	Yes
393067491767		35 HUNTLEY ROAD	35 HUNTLEY RD	Yes
448097563340		5 TILTON PLACE	5 TILTON PL	Yes
184410241213		64 TELEGRAPH HILL ROAD	64 TELEGRAPH HILL RD	Yes
4613006307		701 ASSOCIATES INC	701 HOLMDEL KEYPORT TPKE	No
148271195879		816 HOLMDEL ROAD	816 HOLMDEL RD	Yes
24020018605		COMDATA SYSTEMS INC	RT 35 & LAUREL AVE	No
4325008362		EXXON R/S 3-2102	2055 RT 35	No
4616008647		EXXON R/S 3-8900	RT 35 S & LAUREL AVE	No
53840022468		HOLMDEL PARK	845 HOLMDEL KEYPORT TPKE	No
80737G000059833		HOLMDEL TOWN CENTER	2101 RT 35	No
15945008311		LUCENT TECHNOLOGIES BELL LABS	101 CRAWFORDS CORNER EVERETT RD	No
4611008313		LUCENT TECHNOLOGIES INC BELL LABS	791 HOLMDEL KEYPORT TPKE	No
4610019763		MAINTENANCE DISTRICT #4	GARDEN STATE PKWY MM 116.0	No
4231010666		MIDDLE ROAD CLEANERS	479 MIDDLE RD	No
37657003261		PENNWALT CORP S S WHITE DENTAL DIVISION	100 SOUTH ST	No
4622002194		RACESTAR	700 HOLMDEL KEYPORT TPKE	No
79570G000038094		SOVERIGN BANK	HOLMDEL KEYPORT TPKE & MAIN ST	No
19	Site Count			

Howell Twp

Howell

Site ID	PI Number	PI Name	Address	Home Owner
395168494460		107 CASINO DRIVE	107 CASINO DR	Yes
453762570855		155 GEORGIA TAVERN ROAD	155 GEORGIA TAVERN RD	Yes
434870546255		15 HICKORY AVENUE	15 HICKORY AVE	Yes
383145478065		22 STRATHMORE ROAD	22 STRATHMORE RD	Yes
444567558934		238 SOUTHARD AVENUE	238 SOUTHARD AVE	No
394964494179		2 CASTLE COURT	2 CASTLE CT	Yes
359186444154		2 FLAMINGO DRIVE	2 FLAMINGO DR	Yes
427371535369		315 COLTS NECK ROAD	315 COLTS NECK RD	Yes
453905571078		41 PEARL DRIVE	41 PEARL DR	Yes
453757570845		428 BRICKYARD ROAD	428 BRICKYARD RD	Yes
62769G000062131		AMERICAN RUSSIAN WELFARE SOCIETY	234 ALEXANDER AVE	No
40720G000003346		BOG CREEK FARM	EASY ST & HERBERTSVILLE RD	No
4554000975		BP SERVICE STATION 5146	695 RT 9	No
123593016965		CENTRAL JERSEY CONCRETE PIPE CO	89 YELLOWBROOK RD	No
4592006711		CUMBERLAND FARMS 126458	4001 RT 9	No
4566007864		EXXON R/S 38576	3400 RT 9	No
4677G000004410		FREQUENCY ENGINEERING LABORATORIES	100 CENTRAL AVE	No
66248G000004410		FREQUENCY ENGINEERING LABORATORIES	LAKWOOD FARMINGDALE RD	No
15262017625		GRATTONS GARAGE	288 SQUANKUM YELLOWBROOK RD	No

4/10/12

TABLE 1
Historical Groundwater Gauging and Sampling Results
Service Station No. 5146
Freehold, New Jersey

Well ID Screen Interval Total Depth (Feet)	Date	Gauging Data (feet)				Constituent of Interest (micrograms per liter)											
		Top of Casing	Depth to Water	Apparent LPH	Groundwater Elevation	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA	Total TICs					
		NJDEP Groundwater Quality Criteria															
	10/16/2003	91.46	11.00	ND	80.46	1	600*	700	1,000	70	100	500					
	11/13/2003	91.46	11.16	ND	80.30	31	594	599	1,970	847	ND(130)	4,260					
	5/18/2004	91.46	9.43	ND	82.03	NA	NA	NA	NA	NA	NA	NA					
	8/6/2004	91.46	10.77	ND	80.69	ND(0.33)	0.22	ND(0.22)	ND(0.26)	14	ND(10)	0					
	10/4/2004	91.46	11.24	ND	80.22	5.8	6.2	12	40	744	100	611					
	11/24/2004	91.46	11.13	ND	80.33												
	2/7/2005	91.46	11.25	ND	80.21												
	7/1/2005	91.46	11.36	ND	80.10												
	10/25/2005	91.46	10.94	ND	80.52												
	2/23/2006	91.46	9.36	ND	82.10												
	6/26/2006	91.46	10.61	ND	80.85												
	11/10/2006	91.46	10.67	ND	80.79												
	2/5/2007	91.46	10.06	ND	81.40												
	6/12/2007	91.46	9.69	ND	81.77												
	10/24/2007	91.46	11.63	ND	79.83												
	1/18/2008	91.46	11.73	ND	79.73	ND(5)	610	1,300	4,400	13 J	ND(150)	8,140 J					
	6/19/2008	91.46	10.93	ND	80.53	ND(0.90)	4.5 J	38	85	15	90 J	1,373 J					
	7/17/2008	91.46	11.32	ND	80.14	2.5 J	87	240	580	14	91 J	2,987 J					
	10/21/2008	91.46	12.47	ND	78.99	4.7 J	62	850	150	25	74 J	2,275 J					
	12/23/2008	91.46	12.19	ND	79.27	ND(4.5)	39	680	410	ND(5.0)	ND(150)	3,449 J					
	3/25/2009	91.46	11.41	ND	80.05	ND(1.8)	1,800	1,400	7,100	ND(2.0)	ND(60)	6,480 J					
	6/18/2009	91.46	10.61	ND	80.85	ND(4.5)	670	1,400	7,700	ND(5.0)	ND(150)	9,750 J					

MW-1
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TABLE 1
Historical Groundwater Gauging and Sampling Results
Service Station No. 5146
Freehold, New Jersey

Well ID Screen Interval Total Depth (Feet)	Date	Gauging Data (feet)				Constituent of Interest (micrograms per liter)						
		Top of Casing	Depth to Water	Apparent LPH	Groundwater Elevation	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA	Total TICs
MW-2 5-16 16	NJDEP Groundwater Quality Criteria											
	10/16/2003	92.10	11.37	ND	80.73	95 J	15,400	3,870	20,300	ND (100)	ND (2500)	24,700
	11/13/2003	92.10	11.59	ND	80.51	NA	NA	NA	NA	NA	NA	NA
	5/18/2004	92.10	9.83	ND	82.27	40	13,500	2,850	17,100	82.0	ND (510)	21,960
	8/6/2004	92.10	11.16	ND	80.94	52	12,700	3,880	22,200	80.2	ND (510)	13,660
	10/4/2004	92.10	11.72	ND	80.38	ND (25)	1,390	798	7,170	ND (25)	ND (250)	4,950
	11/24/2004	92.10	11.84	ND	80.26	13	5,160	2,470	13,300	130	ND (250)	17,700
	2/7/2005	92.10	11.96	ND	80.14	6.7	1,760	533	3,880	54.1	ND (51)	NA
	7/1/2005	92.10	12.03	ND	80.07	ND (1.1)	2,290	20.0	5,680	37.4	ND (88)	NA
	10/25/2005	92.10	11.48	ND	80.62	5.8	2,950	1,220	7,370	ND (4.3)	ND (220)	6,470
	2/23/2006	92.10	9.83	ND	82.27	ND (2.9)	5,430	2,410	13,000	ND (4.3)	ND (220)	NA
	6/26/2006	92.10	11.07	ND	81.03	ND(0.44)	619	404	2,480	1.4	ND(24)	NA
	11/10/2006	92.10	11.13	ND	80.97	ND(0.35)	504	440	2,630	2.2	ND(19)	NA
	2/5/2007	92.10	10.59	ND	81.51	5.4 J	4,140	1,820	10,400	8.4 J	ND (96)	13,510 J
	6/12/2007	92.10	10.07	ND	82.03	ND (0.44)	1,170 a	615	3,230 a	6.0	ND (24)	NA
	10/24/2007	92.10	12.44	ND	79.66	ND(3.5)	3,460 a	2,980	13,700 a	ND(6.9)	ND(190)	NA
	1/18/2008	92.10	12.22	ND	79.88	ND(0.9)	340	240	3,300	ND(1)	ND(30)	12,700 J
	6/19/2008	91.80	11.32	ND	80.48	ND(9.0)	2,000	1,400	6,600	ND(10)	ND(300)	10,000 J
	7/17/2008	91.80	11.69	ND	80.11	ND(9.0)	5,300	2,500	15,000	14 J	ND(300)	12,240 J
	10/21/2008	91.80	12.83	ND	78.97	ND(9.0)	5,400	2,700	16,000	ND(10)	ND(300)	13,998 J
12/23/2008	91.80	12.62	ND	79.18	ND(9.0)	3,700	1,900	10,000	ND(10)	ND(300)	9,080 J	
3/25/2009	91.80	11.83	ND	79.97	ND(9.0)	3,800	2,400	12,000	ND(10)	ND(300)	20,190 J	
6/18/2009	91.80	11.02	ND	80.78	ND(1.8)	1,100	710	3,900	ND(2.0)	ND(60)	7,690 J	

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TABLE 1
Historical Groundwater Gauging and Sampling Results
Service Station No. 5146
Freehold, New Jersey

Well ID Screen Interval Total Depth (Feet)	Date	Gauging Data (feet)				Constituent of Interest (micrograms per liter)						
		Top of Casing	Depth to Water	Apparent LPH	Groundwater Elevation	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA	Total TICs
		NJDEP Groundwater Quality Criteria										
	10/16/2003	93.07	11.90	ND	81.17	1	600*	700	1,000	70	100	500
	11/13/2003	93.07	11.61	ND	81.46	ND(1.0)	ND(1.0)	ND(1.0)	ND(1.0)	2.1	ND(25)	0
	5/18/2004	93.07	10.34	ND	82.73	NA	NA	NA	NA	NA	NA	NA
	8/6/2004	93.07	11.68	ND	81.39	ND(0.33)	ND(0.11)	ND(0.22)	ND(0.26)	28.3	ND(10)	0
	10/4/2004	93.07	12.14	ND	80.93	ND(0.33)	ND(0.11)	ND(0.22)	ND(0.26)	11.9	ND(10)	0
	11/24/2004	93.07	12.09	ND	80.98	Well Not Sampled						
	2/7/2005	93.07	12.16	ND	80.91	Well Not Sampled						
	7/1/2005	93.07	12.42	ND	80.65	Well Not Sampled						
	10/25/2005	93.07	11.33	ND	81.74	Well Not Sampled						
	2/23/2006	93.07	10.28	ND	82.79	Well Not Sampled						
	6/26/2006	93.07	11.12	ND	81.95	Well Not Sampled						
	11/10/2006	93.07	11.96	ND	81.11	Well Not Sampled						
	2/5/2007	93.07	11.01	ND	82.06	Well Not Sampled						
	6/12/2007	93.07	10.59	ND	82.48	Well Not Sampled						
	10/24/2007	93.07	12.96	ND	80.11	Well Not Sampled						
	1/18/2008	93.07	12.72	ND	80.35	ND(0.9)	ND(0.8)	ND(0.8)	ND(0.9)	ND(1)	ND(30)	0
	6/19/2008	93.07	11.87	ND	81.20	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	0
	7/17/2008	93.07	11.23	ND	81.84	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	420 J
	10/21/2008	93.07	13.43	ND	79.64	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	0
	12/23/2008	93.07	13.21	ND	79.86	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	0
	3/25/2009	93.07	12.33	ND	80.74	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	17 J
	6/18/2009	93.07	11.51	ND	81.56	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	120 J

MW-3
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16

49x

TABLE 1
Historical Groundwater Gauging and Sampling Results
Service Station No. 5146
Freehold, New Jersey

Well ID Screen Interval Total Depth (Feet)	Date	Gauging Data (feet)				Constituent of Interest (micrograms per liter)							
		Top of Casing	Depth to Water	Apparent LPH	Groundwater Elevation	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA	Total TICs	
		NJDEP Groundwater Quality Criteria											
	10/16/2003	90.40	10.22	ND	80.18	1	600*	700	1,000	70	100	500	
	11/13/2003	90.40	10.40	ND	80.00	16 J	591	2,200	11,200	35	ND (6.30)	23,460	
	5/18/2004	90.40	8.69	ND	81.71	NA	NA	NA	NA	NA	NA	NA	
	8/6/2004	90.40	10.03	ND	80.37	ND (0.33)	0.26	2.4	7	20.8	ND (10)	141	
	10/4/2004	90.40	10.47	ND	79.93	ND (3.3)	85	807	3,690	178	ND (100)	6,980	
	11/24/2004	90.40	10.56	ND	79.84	ND (2.5)	15.1	194	798	17.1	ND (25)	1,800	
	2/7/2005	90.40	10.71	ND	79.69	0.74 J	1.7	3.5	60.0	109	ND (10)	387	
	7/1/2005	90.40	15.65	ND	74.75	ND (0.33)	0.61	0.55	3.0	45.9	ND (10)	NA	
	10/25/2005	90.40	10.16	ND	80.24	ND (0.11)	ND (0.14)	ND (0.38)	ND (0.18)	ND (0.17)	ND (8.8)	NA	
	2/23/2006	90.40	8.57	ND	81.83	ND (0.11)	ND (0.14)	ND (0.38)	ND (0.18)	ND (0.17)	ND (8.8)	0	
	6/26/2006	90.40	9.82	ND	80.58	ND (0.11)	ND (0.14)	0.50	ND (0.18)	0.43	ND (8.8)	NA	
	11/10/2006	90.40	9.90	ND	80.50	ND (0.18)	ND (0.31)	ND (0.23)	ND (0.25)	ND (0.35)	ND (9.6)	NA	
	2/5/2007	90.40	9.32	ND	81.08	ND (0.18)	2.5	58.1	63.6	2.6	ND (25)	NA	
	6/12/2007	90.40	8.92	ND	81.48	ND (0.18)	ND (0.31)	ND (0.23)	ND (0.25)	ND (0.35)	ND (9.6)	0	
	10/24/2007	90.40	11.23	ND	79.17	0.77 J	9.6	161	365	35.2	ND (9.6)	NA	
	1/18/2008	90.40	10.81	ND	79.59	ND (0.9)	ND (0.8)	ND (0.8)	ND (0.9)	ND (1)	ND (30)	0	
	6/19/2008	90.40	10.13	ND	80.27	ND (0.90)	ND (0.80)	ND (0.80)	ND (0.90)	ND (1.0)	ND (30)	0	
	7/17/2008	90.40	10.52	ND	79.88	1.5 J	31	110	240	4.9 J	ND (30)	1,335 J	
	10/21/2008	90.40	11.66	ND	78.74	2.5 J	2.9 J	340	20	30	ND (30)	NA	
	12/23/2008	90.40	11.53	ND	78.87	2.2 J	7.9	88	50	4.3 J	ND (30)	2,360 J	
	3/25/2009	90.40	10.61	ND	79.79	ND (0.90)	ND (0.80)	18	12	2.7 J	ND (30)	298 J	
	6/18/2009	90.40	9.82	ND	80.58	ND (0.90)	ND (0.80)	63	16	ND (1.0)	ND (30)	696 J	

MW-4
5-16
16

50x

TABLE 1
Historical Groundwater Gauging and Sampling Results
Service Station No. 5146
Freehold, New Jersey

Well ID Screen Interval Total Depth (Feet)	Date	Gauging Data (feet)				Constituent of Interest (micrograms per liter)							
		Top of Casing	Depth to Water	Apparent LPH	Groundwater Elevation	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA	Total TICs	
MW-5 6-16 16	NJDEP Groundwater Quality Criteria												
	11/13/2003	89.91	9.90	ND	80.01	1	600*	700	1,000	70	100	500	
	5/18/2004	89.91	8.18	ND	81.73	ND (1.0)	ND (1.0)	ND (1.0)	ND (1.0)	105	ND (25)	4.5	
	8/6/2004	89.91	9.51	ND	80.40	ND (0.33)	11	2	11	ND (0.41)	ND (10)	0	
	10/4/2004	89.91	9.61	ND	80.30	ND (0.33)	ND (0.11)	ND (0.22)	ND (0.26)	0.68	ND (10)	0	
	11/24/2004	89.91	10.03	ND	79.88	ND (0.50)	0.82 J	0.58 J	4.9 J	5.8	ND (5.0)	0	
	2/7/2005	89.91	10.27	ND	79.64	ND (0.33)	1.1	0.49 J	3.2	38.5	ND (10)	0	
	7/1/2005	89.91	10.27	ND	79.64	ND (0.33)	0.84	0.33	2.7	12	ND (10)	NA	
	10/25/2005	89.91	9.72	ND	80.19	ND (0.11)	ND (0.14)	ND (0.38)	ND (0.18)	ND (0.17)	ND (8.8)	NA	
	2/23/2006	89.91	8.09	ND	81.82	ND (0.11)	0.22	ND (0.38)	ND (0.18)	ND (0.17)	ND (8.8)	0	
	6/26/2006	89.91	9.33	ND	80.58	ND (0.18)	ND (0.31)	ND (0.23)	ND (0.18)	5.7	ND (8.8)	NA	
	11/10/2006	89.91	9.44	ND	80.47	ND (0.18)	ND (0.31)	ND (0.23)	ND (0.25)	ND (0.35)	ND (9.6)	NA	
	2/5/2007	89.91	8.83	ND	81.08			Well Not Sampled					
	6/12/2007	89.91	8.43	ND	81.48			Well Not Sampled					
	10/24/2007	89.91	12.04	ND	77.87			Well Not Sampled					
	1/18/2008	89.91	NG	NG	NG			Well Not Sampled					
	6/19/2008	89.91	NG	NG	NG			Well Not Sampled					
	7/17/2008	90.91	10.03	ND	80.88			Well Not Sampled					
	10/21/2008	90.91	12.39	ND	78.52			Well Not Sampled					
	12/23/2008	90.91	12.33	ND	78.58			Well Not Sampled					
3/25/2009	90.91	10.14	ND	80.77			Well Not Sampled						
6/18/2009	90.91	9.35	ND	81.56			Well Not Sampled						

57x

TABLE 1
Historical Groundwater Gauging and Sampling Results
Service Station No. 5146
Freehold, New Jersey

Well ID Screen Interval Total Depth (Feet)	Date	Gauging Data (feet)				Constituent of Interest (micrograms per liter)						
		Top of Casing	Depth to Water	Apparent LPH	Groundwater Elevation	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA	Total TICs
MW-6 8-18 19	NJDEP Groundwater Quality Criteria											
	11/13/2003	90.22	10.29	ND	79.93	7.6	600*	700	1,000	70	100	500
	5/18/2004	90.22	8.55	ND	81.67	ND (0.33)	0.34	ND (0.22)	110	68	ND (25)	495
	8/6/2004	90.22	9.89	ND	80.33	ND (0.33)	ND (0.11)	0.46	4.6	31	ND (10)	24
	10/4/2004	90.22	10.47	ND	79.75							
	11/24/2004	90.22	10.41	ND	79.81							
	2/7/2005	90.22	10.52	ND	79.70							
	7/1/2005	90.22	10.66	ND	79.56							
	10/25/2005	90.22	10.12	ND	80.10							
	2/23/2006	90.22	8.47	ND	81.75							
	6/26/2006	90.22	9.73	ND	80.49							
	11/10/2006	90.22	9.84	ND	80.38							
	2/5/2007	90.22	9.22	ND	81.00							
	6/12/2007	90.22	8.79	ND	81.43							
	10/24/2007	90.22	11.16	ND	79.06							
	1/18/2008	90.22	NG	NG	NG							
	6/19/2008	90.22	10.04	ND	80.18							
	7/17/2008	90.22	10.37	ND	79.85							
	10/21/2008	90.22	12.64	ND	77.58							
12/23/2008	90.22	12.48	ND	77.74								
3/25/2009	90.22	10.51	ND	79.71								
6/18/2009	90.22	9.71	ND	80.51								

52x

TABLE 1
Historical Groundwater Gauging and Sampling Results
Service Station No. 5146
Freehold, New Jersey

Well ID Screen Interval Total Depth (Feet)	Gauging Data (feet)				Constituent of Interest (micrograms per liter)							
	Date	Top of Casing	Depth to Water	Apparent LPH	Groundwater Elevation	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA	Total TICs
MW-7 6-16 16	NJDEP Groundwater Quality Criteria											
	11/13/2003	88.76	9.10	ND	79.66	1	600*	700	1,000	70	100	500
	5/18/2004	88.76	7.39	ND	81.37	12	2.4 J	27	95	10,700	7,270	677
	8/6/2004	88.76	8.75	ND	80.01	ND (0.33)	0.16	ND (0.22)	ND (0.26)	4.9	ND (10)	0
	10/4/2004	88.76	9.14	ND	79.62	ND (0.33)	ND (0.11)	ND (0.22)	ND (0.26)	0.75	ND (10)	0
	11/24/2004	88.76	9.27	ND	79.49	7.3	0.74 J	1.3 J	19	186	ND (5.0)	273
	2/7/2005	88.76	9.43	ND	79.33	2.1	3.6	1.9	26	155	35.6	200
	7/1/2005	88.76	9.51	ND	79.25	1.3	1.7	0.65	6.4	161	29.5	NA
	10/25/2005	88.76	8.75	ND	80.01	ND (0.11)	0.75	ND (0.38)	2.5	1.4	ND (8.8)	NA
	2/23/2006	88.76	7.28	ND	81.48	ND (0.11)	ND (0.14)	ND (0.38)	ND (0.18)	ND (0.17)	ND (8.8)	0
	6/26/2006	88.76	8.52	ND	80.24	ND (0.18)	ND (0.31)	ND (0.23)	ND (0.25)	0.49	ND (8.8)	NA
	11/10/2006	88.76	8.65	ND	80.11	1.7	ND (0.31)	ND (0.23)	1.2	188	22.6	NA
	2/5/2007	88.76	7.98	ND	80.78	ND (0.18)	ND (0.31)	ND (0.23)	ND (0.25)	39.8	ND (9.6)	0
	6/12/2007	88.76	7.62	ND	81.14	ND (0.18)	ND (0.31)	ND (0.23)	ND (0.25)	ND (0.35)	ND (9.6)	NA
	10/24/2007	88.76	9.97	ND	78.79	ND (0.18)	ND (0.31)	0.37 J	0.66 J	ND (0.35)	ND (9.6)	NA
	1/18/2008	88.76	9.62	ND	79.14	ND (0.9)	ND (0.8)	ND (0.8)	ND (0.9)	ND (1)	ND (30)	0
	6/19/2008	88.76	8.86	ND	79.90	ND (0.90)	ND (0.80)	ND (0.80)	ND (0.90)	ND (1.0)	ND (30)	0
	7/17/2008	88.76	9.23	ND	79.53	ND (0.90)	14	8.5	44	2.6 J	ND (30)	46 J
	10/21/2008	88.76	12.07	ND	76.69	ND (0.90)	ND (0.80)	ND (0.80)	ND (0.90)	2.7 J	ND (30)	0
	12/23/2008	88.76	11.89	ND	76.87	ND (0.90)	1.6 J	1.2 J	4.0 J	ND (1.0)	ND (30)	5 J
3/25/2009	88.76	9.32	ND	79.44	ND (0.90)	ND (0.80)	ND (0.80)	ND (0.90)	4.2 J	ND (30)	0	
6/18/2009	88.76	8.54	ND	80.22	ND (0.90)	ND (0.80)	ND (0.80)	ND (0.90)	3.5 J	ND (30)	35 J	

53x

TABLE 1
Historical Groundwater Gauging and Sampling Results
Service Station No. 5146
Freehold, New Jersey

Well ID Screen Interval Total Depth (Feet)	Date	Gauging Data (feet)				Constituent of Interest (micrograms per liter)							
		Top of Casing	Depth to Water	Apparent LPH	Groundwater Elevation	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA	Total TICs	
MW-8 6-16	NJDEP Groundwater Quality Criteria											500	
	12/6/2004	---	---	---	---	1	600*	700	1,000	70	100	13,950	
	7/1/2005	---	---	---	---	2.8	4.9 J	327	1,150	154	ND(51)	13,950	
	10/25/2005	87.56	8.39	ND	79.17	4.5	0.38	23	19.4	143	31	377	
	2/23/2006	87.56	6.86	ND	80.70	2.0	1.4	150	126	59	ND(8.8)	NA	
	6/26/2006	87.56	7.94	ND	79.62	4.3	ND(1.0)	24	4.1	103	33.9	NA	
	11/10/2006	87.56	8.07	ND	79.49	4.9	ND(1.0)	4.7	4.5	68.4	33.3	NA	
	2/5/2007	87.56	7.57	ND	79.99	6.0	0.85 J	85.1	65.7	74.2	ND(9.6)	786 J	
	6/12/2007	87.56	7.24	ND	80.32	0.81 J	ND(0.31)	32.5	5.8	75.7	ND(9.6)	NA	
	10/24/2007	87.56	9.38	ND	78.18	3.3	0.49 J	35.8	13.3	423 a	47.9	NA	
	1/18/2008	87.56	9.08	ND	78.48	7	ND(0.8)	25	17	1,100	240	626	
	6/19/2008	87.56	8.32	ND	79.24	2.5 J	ND(0.80)	29	5.8	900	370	709 J	
	7/17/2008	87.56	8.77	ND	78.79	2.6 J	13	25	39	1,100	520	656 J	
	10/21/2008	87.56	10.81	ND	76.75	1.9 J	ND(1.6)	12	7.9 J	950	590	448 J	
	12/23/2008	87.56	10.82	ND	76.74	2.1 J	ND(0.80)	2.2 J	2.8 J	610	570	391 J	
	3/25/2009	87.56	8.88	ND	78.68	1.1 J	ND(0.80)	68	20	220	150	1,103 J	
6/18/2009	87.56	8.89	ND	78.67	0.99 J	2.7 J	56	18	180	150	998 J		

S4x

TABLE 1
Historical Groundwater Gauging and Sampling Results
Service Station No. 5146
Freehold, New Jersey

Well ID Screen Interval Total Depth (Feet)	Gauging Data (feet)				Constituent of Interest (micrograms per liter)							
	Date	Top of Casing	Depth to Water	Apparent LPH	Groundwater Elevation	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA	Total TICs
MW-9 6-16	NJDEP Groundwater Quality Criteria											
	5/24/2005	---	---	---	---	1	600*	700	1,000	70	100	500
	10/25/2005	---	---	---	---	ND (0.33)	ND (0.11)	ND (0.22)	ND (0.26)	27.9	ND (10)	10.1 J
	6/26/2006	85.92	7.59	ND	78.33	Well Not Sampled						
	11/10/2006	85.92	7.54	ND	78.38	ND (0.18)	ND (0.31)	ND (0.23)	ND (0.25)	28.6	ND (9.6)	NA
	2/5/2007	85.92	7.29	ND	78.63	ND (0.18)	ND (0.31)	ND (0.23)	ND (0.25)	15.5	ND (9.6)	0
	6/12/2007	85.92	7.05	ND	78.87	ND (0.18)	ND (0.31)	ND (0.23)	ND (0.25)	15.1	ND (9.6)	NA
	10/24/2007	85.92	9.41	ND	76.51	0.99 J	ND(0.31)	0.32 J	1.9	118	42.7	NA
	1/18/2008	85.92	8.96	ND	76.96	ND(0.9)	ND(0.8)	ND(0.8)	ND(0.9)	ND(1)	ND(30)	0
	6/19/2008	85.92	8.12	ND	77.80	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	4.0 J	ND(30)	0
	7/17/2008	85.92	9.56	ND	76.36	ND(0.90)	8.0	5.1	28	11	ND(30)	11 J
	10/21/2008	85.92	11.71	ND	74.21	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	32 J	ND(30)	34 J
	12/23/2008	85.92				NOT GAUGED OR SAMPLED						
	3/25/2009	85.92	8.48	ND	77.44	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	0
	6/18/2009	85.92	7.80	ND	78.12	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	16	ND(30)	0

SSX

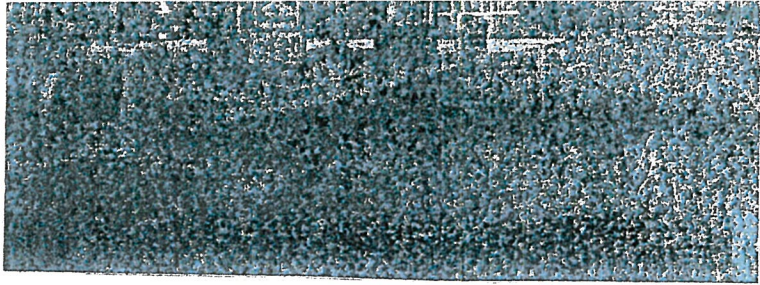
TABLE 1
Historical Groundwater Gauging and Sampling Results
Service Station No. 5146
Freehold, New Jersey

Well ID Screen Interval Total Depth (Feet)	Date	Gauging Data (feet)				Constituent of Interest (micrograms per liter)								
		Top of Casing	Depth to Water	Apparent LPH	Groundwater Elevation	Benzene	Toluene	Ethylbenzene	Xylenes	MTBE	TBA	Total TICs		
		NJDEP Groundwater Quality Criteria												
	6/12/2007	85.16	6.46	ND	78.70	1	600*	700	1,000	70	100	500		
	10/24/2007	85.16	9.29	ND	75.87	ND(0.18)	ND(0.31)	ND(0.23)	ND(0.25)	1.9	ND(9.6)	0		
	1/18/2008	85.16	8.19	ND	76.97	ND(0.18)	ND(0.31)	ND(0.23)	ND(0.25)	10.3	ND(9.6)	NA		
	6/19/2008	85.16	7.43	ND	77.73	ND(0.9)	ND(0.8)	ND(0.8)	ND(0.9)	17	ND(30)	0		
	7/17/2008	85.16	7.95	ND	77.21	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	4.1 J	ND(30)	0		
	10/21/2008	85.16	10.98	ND	74.18	Well Not Sampled						2.2 J	ND(30)	NA
	12/23/2008	85.16	10.77	ND	74.39	NOT SAMPLED						5.5	ND(30)	NA
	3/25/2009	85.16	7.82	ND	77.34	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	0		
	6/18/2009	85.16	7.10	ND	78.06	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	0		
	6/12/2007	85.17	7.36	ND	77.81	ND(0.18)	ND(0.31)	ND(0.23)	ND(0.25)	4.4	ND(9.6)	4.2 J		
	10/24/2007	85.17	8.63	ND	76.54	ND(0.18)	ND(0.31)	ND(0.23)	ND(0.25)	5.1	ND(9.6)	NA		
	1/18/2008	85.17	9.07	ND	76.10	ND(0.9)	ND(0.8)	ND(0.8)	ND(0.9)	2 J	ND(30)	0		
	6/19/2008	85.17	8.21	ND	76.96	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	0		
	7/17/2008	85.17	9.01	ND	76.16	NOT SAMPLED						ND(30)	0	
	10/21/2008	85.17	12.42	ND	72.75	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	0		
	12/23/2008	85.17	12.36	ND	72.81	NOT SAMPLED						ND(30)	NA	
	3/25/2009	85.17	8.59	ND	76.58	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	0		
	6/18/2009	85.17	7.90	ND	77.27	ND(0.90)	ND(0.80)	ND(0.80)	ND(0.90)	ND(1.0)	ND(30)	0		

LEGEND: LPH = Liquid-phase hydrocarbons
 MTBE = Methyl tertiary butyl ether
 TBA = Tertiary butyl alcohol
 TICs = Tentatively identified compounds
 NJDEP = New Jersey Department of Environmental Protection
 ND = Not detected (Reporting Limit/Method Detection Limit)
 NA = Not analyzed
 NG = Not Gauged
 J = Indicates an estimated value
 a = Result from second run

NOTE: BOLD results above NJDEP Groundwater Quality Criteria
 Wells resurveyed on June 4, 2007 to NAVD88
 MW-2 resurveyed on May 19, 2008
 600* = The NJDEP GWQC was reduced from 1,000 ppm to 600 ppm on July 27, 2006

Stox



FORMER AND PROPOSED FREESTANDING BP HELIX SIGN, POLE SIGN AND POLE AFTER RE-IMAGING TO GP/AMSCO

Robert R. Stout 4/3/09

ROBERT R. STOUT
PROFESSIONAL ENGINEER
PROFESSIONAL LAND SURVEYOR
N.J. LICENSE No. 38421

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Stout & Caldwell Engineers, LLC, NJ Cert. Of Authorization No. 240A25092700

SITE PLAN
GILL PETROLEUM, INC.
ROUTE 9 & WYCKOFF ROAD
Block 140, Lots 2, 3, & 4.01
Howell Township, N.J.
(732) 671-9034
Zone HD-1

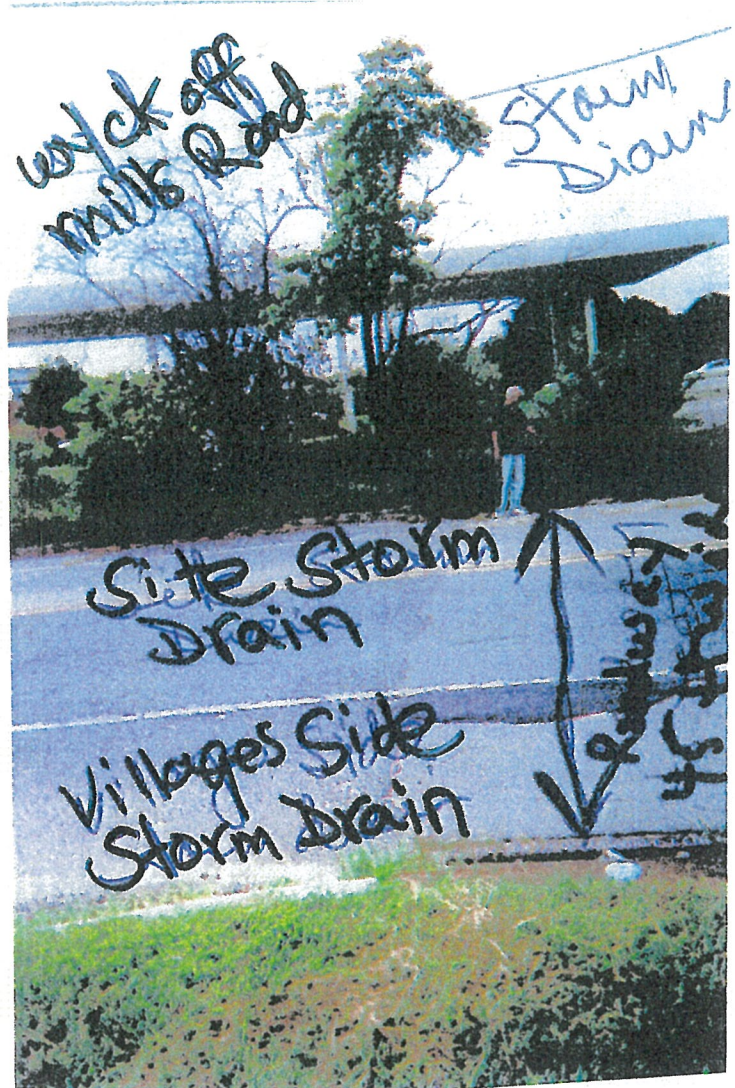
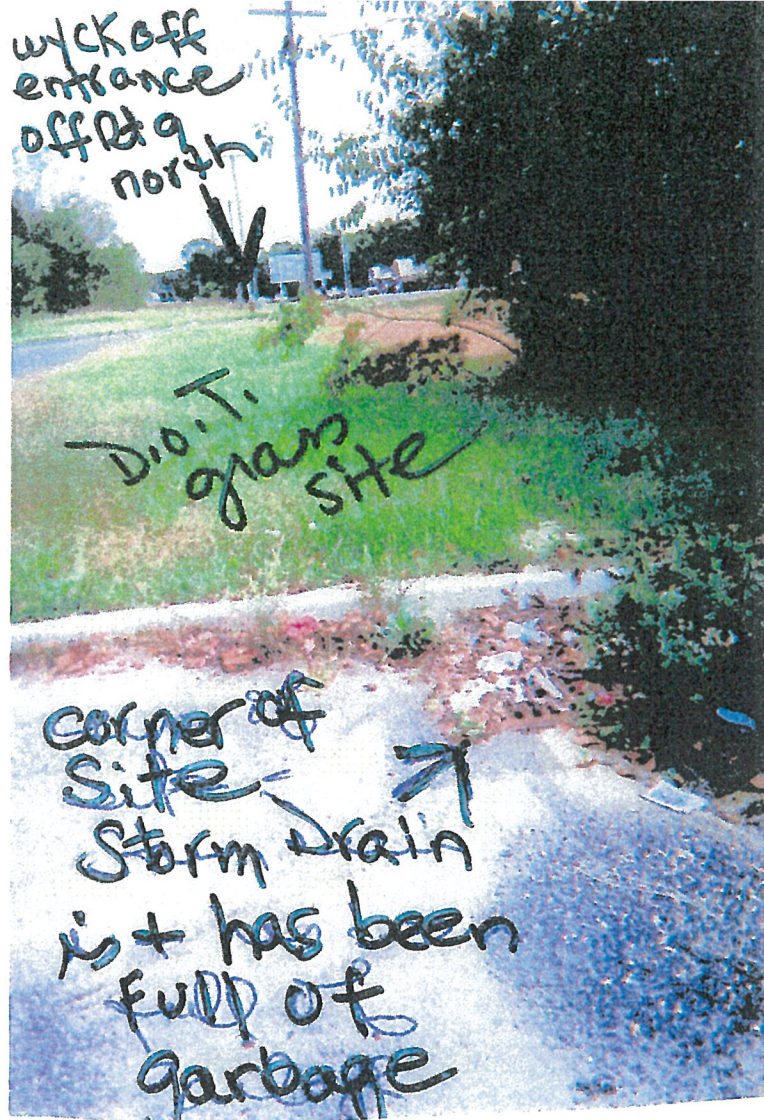
4/20/09
09-03
1 Petroleum

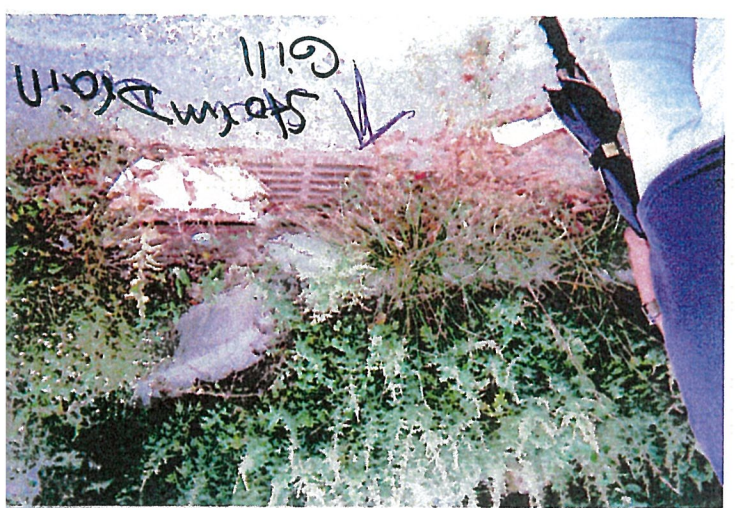
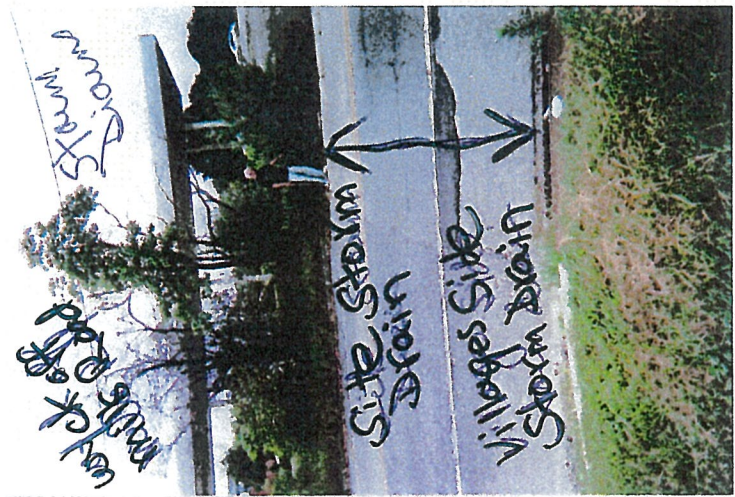
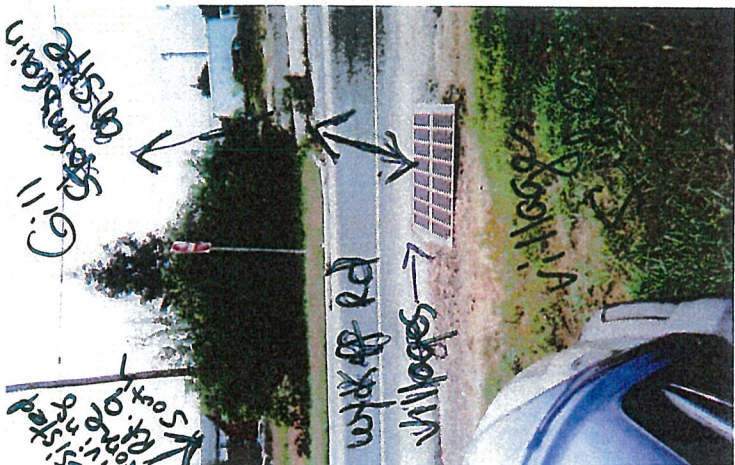
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Job Number 0804-035			Sheet No. 1 OF 3

END ISLANDS, KIDS, & ADDITIONAL DISPENSERS PJ

PLEASE NOTE: This Site Plan size was too large to reproduce in the State House Commission Office (approximately 35" x 24"). A copy of this Site Plan is available to State House Commission members and is available prior to and during the June 27, 2013, 9:00 am meeting.

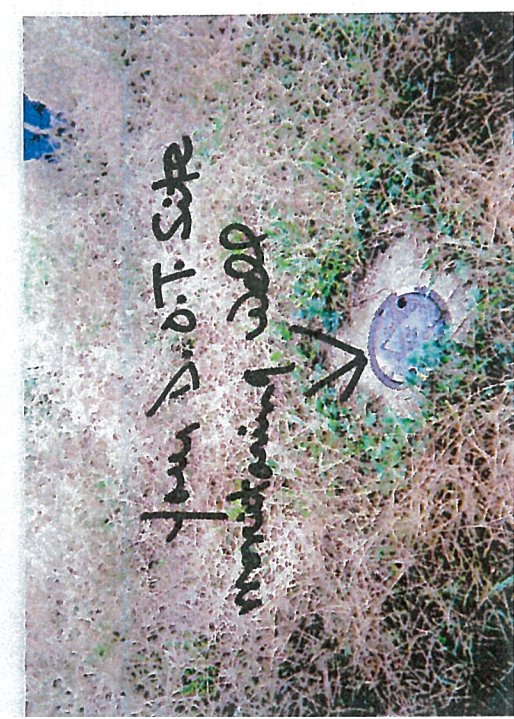
57x





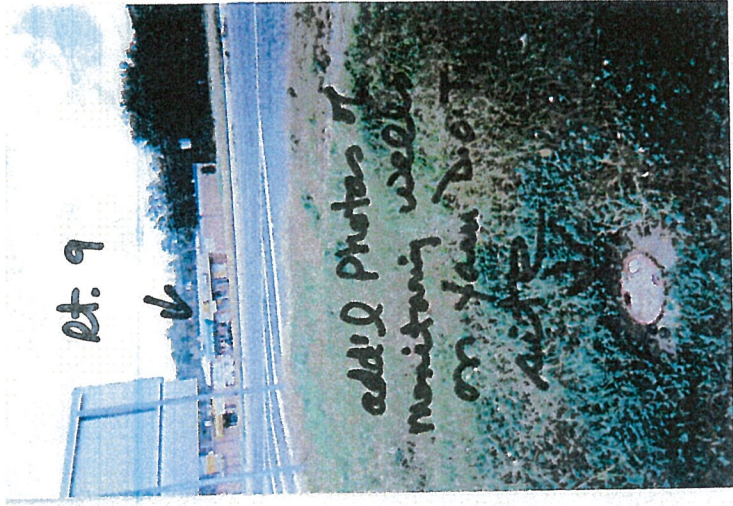
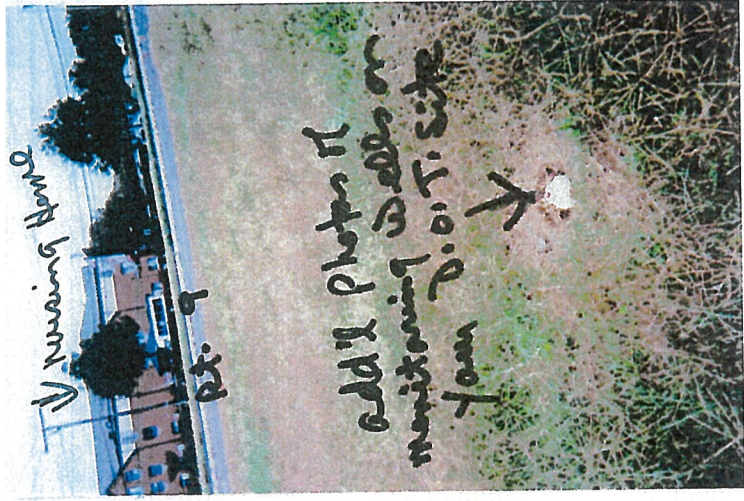
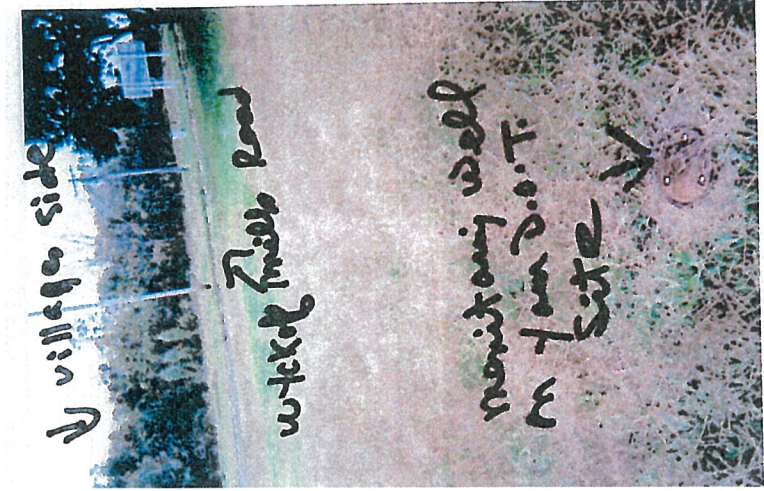


pumping house
 less than 200 ft
 from the station
 against. However
 as an over



Monitoring wells - your D.O.T. Site. Every
 one of the monitoring wells on your site has a different + has
 different letters + symbols on them. The monitoring wells
 on the village side also has different symbols + letters on them.

60X



Both the gas station and your D.O.T. site are located between Rt 9 north on one side and Wyckoff Mills Road on the other side. The Villages Senior development is located on the Wyckoff Mills Road side of both the gas station + your D.O.T. site with about 45 feet distance across Wyckoff Road from the gas station + your site + Wyckoff Mills Road is 1 lane w/s right turn coming off Rt 9 north onto Wyckoff Mills Rd + becomes 2 lanes at corner of Wyckoff Mills Rd + Strickland Rd at corner of Villages entrance, Elyon gas station + Woodley's Fish Market located on both Wyckoff Mills Rd + fronts on Rt 9 north.

+ I'm not sure of the exact amount, but I think there may be at least 8 monitoring wells on your site + about 6 large monitoring wells on the Villages side going toward the river



Monitoring Well - Village Side - Near Manosque



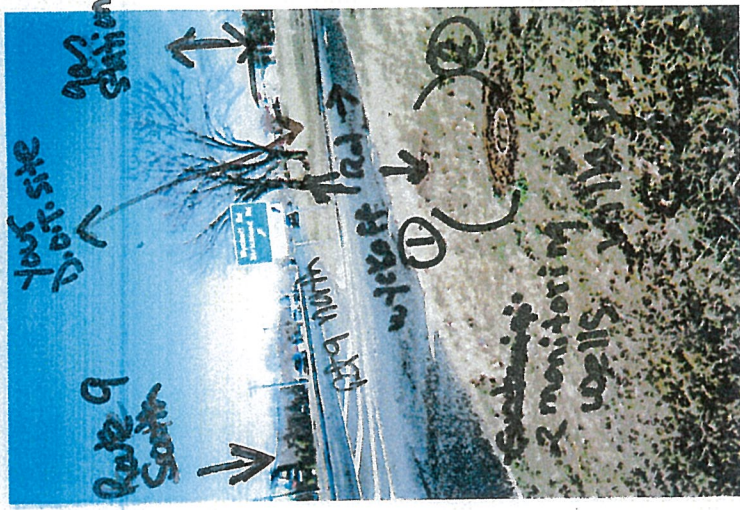
Monitoring well - Village Side - Development side



Monitoring well Village Side near River



These are monitoring wells - Village side of gas station - These monitoring wells chart the flow of the gasoline contamination from the former BP Gas station that leaked into the soil + ground water in 2003 + leaked worse in 2008 when the tanks were removed. The gasoline flow is headed toward the Manosque line / Banner Meadow Brook, this is our drinking water - the wells are charting the flow of the gasoline that is - the groundwater - going to the river Site still on DEP active contamination list - BP gas station



The ground water - rail contamination from the gas station crosses your D.O.T. Site through your monitoring wells + crosses over Wreckoff Mills Rd to Villages Side at these 2 monitoring wells + then goes to the river in a pretty straight line of large monitoring wells.

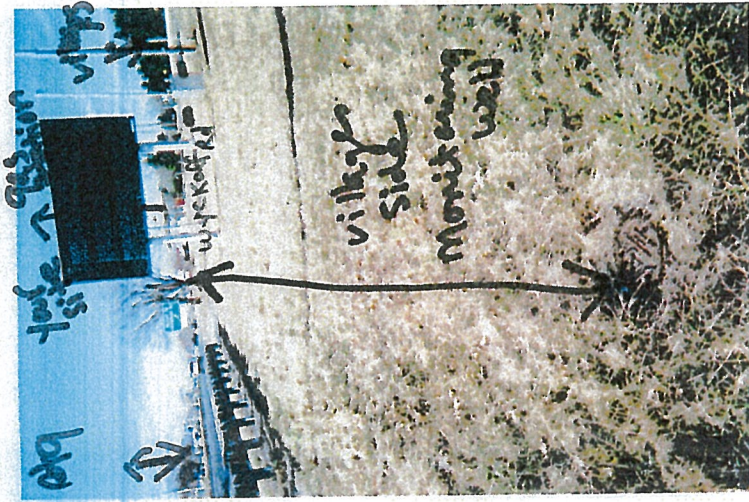


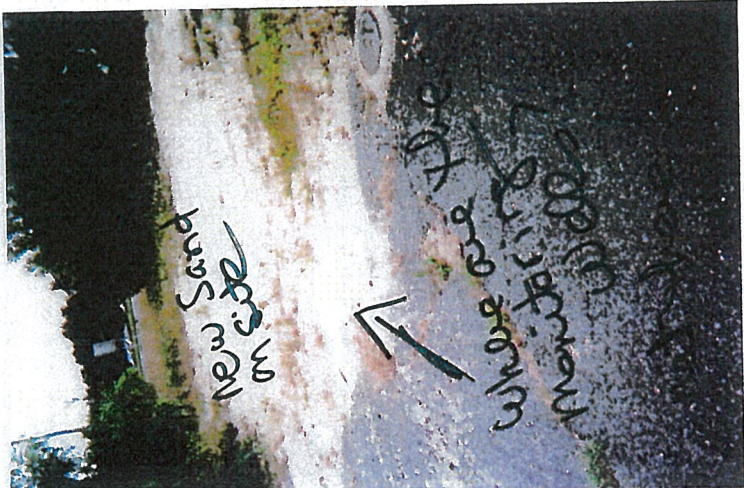
Photo shows straight line from your D.O.T. Site + gas station + crosses Wreckoff Rd to Villages side + continues to go down village side of R.9 north with the monitoring wells going in a straight line to the river to monitor the flow of contamination going toward the river + our drinking water.



Monitoring well on village side. Monitoring wells on village side go in straight line to river. Last monitoring well on village side is just before river bank



Rt 9 North + South - Village side Rt 9 north shows some monitoring wells about flow of contamination going toward river. crosses river + stays on either side of river



64x



Lex

