

**BRIDGEWATER TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MAY 13, 2025
Adopted July 8, 2025**

CALL MEETING TO ORDER:

Chairman Foose called the meeting to order at 7:01 pm.

OPEN PUBLIC MEETING ANNOUNCEMENT:

ANNOUNCEMENT: Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A.10:4-6. On January 15, 2025, proper notice was sent to the Courier News and the Star-Ledger and filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the Zoning Board of Adjustment policy for public hearings: No new applications will be heard after 10:15 pm and no new testimony will be taken after 10:30 pm. Hearing Assistance is available upon request. Accommodation will be made for individuals with a disability, pursuant to the Americans with Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Department Secretary before the public meeting." However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

SALUTE TO FLAG: Chairman Foose lead the flag salute.

ROLL CALL

James Weideli	Present	Jeff Foose	Present
Donald Sweeney	Absent	John Gayeski	Absent
Bruce Bongiorno	Absent	Claudio Vescio	Present
Jeffrey Sicat	Present	Andrew Fresco	Present
Pushpavati Amin	Present	Chris Gabbett	Present
John Kulak	Present		

Board Professionals in attendance were Board Attorney Rich Oller, Esq., Board Engineer William Burr, and Board Planner Katherine Sarmad.

OPEN TO THE PUBLIC

Chairman Foose opened the meeting to the public. With there being no members of the Public wishing to speak, the Board closed this portion of the meeting.

APPROVAL OF MINUTES

February 11, 2025 Regular Meeting Minutes

On motion by Mr. Weideli, seconded by Mr. Fresco, the minutes were adopted based on the following roll call vote:

Roll Call:

Ayes: Mr. Weideli, Mrs. Amin, Mr. Fresco, Mr. Sicat, Mr. Kulak, Mr. Vescio,
and Chairman Foose
Nays: None
Ineligible: Mr. Gabbett
Abstain: None
Absent: Mr. Sweeney, Mr. Bongiorno, and Mr. Gayeski

March 25, 2025 Regular Meeting Minutes

On motion by Mr. Weideli, seconded by Mrs. Amin, the minutes were adopted with corrections based on the following roll call vote:

Roll Call:

Ayes: Mr. Weideli, Mrs. Amin, Mr. Fresco, Mr. Sicat, Mr. Kulak, Mr. Vescio,
and Chairman Foose
Nays: None
Ineligible: Mr. Gabbett
Abstain: None
Absent: Mr. Sweeney, Mr. Bongiorno, and Mr. Gayeski

April 8, 2025 Regular Meeting Minutes

On motion by Mr. Weideli, seconded by Mrs. Amin, the minutes were adopted with corrections based on the following roll call vote:

Roll Call:

Ayes: Mr. Weideli, Mrs. Amin, Mr. Fresco, Mr. Sicat, Mr. Kulak, Mr. Vescio,
and Chairman Foose
Nays: None
Ineligible: Mr. Gabbett
Abstain: None
Absent: Mr. Sweeney, Mr. Bongiorno, and Mr. Gayeski

RESOLUTIONS

Application No. 24-032-ZB; Balagopalan, Sharat 756 Wingate Drive; Block 466, Lot 5

On motion by Mr. Weideli, seconded by Mr. Fresco, the resolution was adopted with revisions based on the following roll call vote:

Roll Call:

Ayes:	Mr. Weideli, Mrs. Amin, Mr. Fresco, Mr. Sicat, and Chairman Foose
Nays:	None
Ineligible:	Mr. Kulak, Mr. Vescio, and Mr. Gabbett
Abstain:	None
Absent:	Mr. Bongiorno, Mr. Sweeney, and Mr. Gayeski

Application #24-021-ZB; Visions & Pathways 8 Third Avenue; Block 508, Lot 4.01

On motion by Mr. Weideli, seconded by Mrs. Amin, the resolution was adopted with revisions based on the following roll call vote:

Roll Call:

Ayes:	Mr. Weideli, Mrs. Amin, Mr. Fresco, and Chairman Foose
Nays:	None
Ineligible:	Mr. Sicat, Mr. Kulak, Mr. Vescio, and Mr. Gabbett
Abstain:	None
Absent:	Mr. Sweeney, Mr. Bongiorno and Mr. Gayeski

LAND DEVELOPMENT APPLICATIONS

Application #24-033-ZB; Yu, Chia 859 Brown Road ; Block 601, Lot 77

Procedure: Bulk Variance/s

Summary: Alterations to exterior (deck, patio, retaining wall/s).

Chairman Foose called the applicant up to proceed. Mr. David Stires, the Engineer for applicant was sworn in by Mr. Oller.

David Stires, engineer for the applicant, addressed the board introducing himself and his credentials as an Engineer.

Mr. Stires explained the application and noted this was a hardship lot. The applicant had removed a deck and replaced it with a patio, which exceeded improved lot coverage.

Mr. Stires addressed the comments from the Township Engineer's and the Township Planner's memos.

Chairman Foose asked if there were a safety issue with deck. Mr. Stires stated that there were rotting planks.

Chairman Foose asked about the retaining wall. Mr. Stires stated it was safe, clean, and did not need additional permits because it was 4 and 2 feet.

Chairman Foose if relief would be need if it were a flat lot. Mr. Stires replied that there would not be a need for relief.

Chairman Foose asked if the tree canopy was affected. Mr. Stires replied that it was not, and no trees were impacted.

Mr. Burr asked for clarification that replacing the wall and replacing the patio were contained within the slopes of zero to ten percent. Mr. Stires explained that it was correct.

Mr. Burr then asked if there were any drainage issues that would affect the neighbors. Mr. Stires stated that it is such a minor increase, but any drainage would be diverted to Brown Road and away from neighbors.

Ms. Sarvad asked how the variance came to be. Mr. Stires explained that Mr. Yu was issued a Zoning Violation for the patio, and the lot coverage was discovered when he hired Mr. Stires.

Ms. Sarvad explained that this case was a perfect example of the usage of the Hillside Development Ordinance. Chairman Foose agreed.

Chairman Foose opened up the hearing to public comment or questions. Being there were no public wishing to speak, Chairman Foose closed this portion of the hearing.

The board had positive comments regarding the approval of the application.

On motion by Mr. Weideli, seconded by Mrs. Amin, the application was approved with conditions based on the following roll call vote:

Roll Call:

Ayes:	Mr. Weideli, Mrs. Amin, Mr. Fresco, Mr. Sicat, Mr. Kulak, Mr. Vescio, and Chairman Foose
Nays:	None
Ineligible:	Mr. Gabbett
Abstain:	None
Absent:	Mr. Sweeney, Mr. Bongiorno and Mr. Gayeski

Application #24-009-ZB; Gurmukh Oil, LLC

24 Finderne Avenue; Block 319, Lot 8

Amended Site Plan, D Variances, Bulk Variances

Summary: Expansion of pre-existing, non-conforming gas station use & addition of new food mart.

(See attached Transcript)

This application will be carried to May 27, 2025 for scheduling purposes.

OTHER BOARD BUSINESS

2024 Zoning Board Annual Report

The Zoning Board members asked for a summary. Mrs. Sarmad explained the downfall of the simple variance forms. Although it was created to help residential applications, it actually is misleading and hurts them.

On motion by Mrs. Amin, seconded by Mr. Weideli, the board unanimously approved the 2024 Zoning Board Annual Report with revisions.

ADJOURNMENT

On motion by Mr. Weideli, second by Mr. Sicat, The Board unanimously voted to adjourn at approximately 7:51pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Maria DeSimone".

Maria DeSimone
Land Use Office Specialist

1 TOWNSHIP OF BRIDGEWATER ZONING BOARD
2 COUNTY OF SOMERSET - STATE OF NEW JERSEY

3 - - - - -

4 REGULAR MEETING FOR:

5 GURMUKH OIL, LLC
6 BLOCK 319, LOT 8
7 24 FINDERNE AVENUE

8 *Amended Site Plan, D Variances, Bulk Variances*

9 APPLICATION NO. #24-009-ZB

10 - - - - -

11 MUNICIPAL BUILDING
12 COUNCIL CHAMBERS
13 100 COMMONS WAY
14 BRIDGEWATER, NEW JERSEY 08807

15

16 - - -

17 TUESDAY, MAY 13, 2025

18 7:00 P.M.

19 - - -

20 TRANSCRIPT OF PROCEEDINGS

21 PUBLIC HEARING
22 - CONTINUATION -

23

24

25

26 AB COURT REPORTING, LLC
27 Certified Court Reporters
28 26 Algonquin Terrace
29 Millstone Township, New Jersey 08535
30 Tel: (732)882-3590
31 angelabuonocsr@gmail.com

1 BOARD MEMBERS PRESENT:

2 JEFF FOOSE, CHAIRMAN
3 PUSHPAVATI AMIN
4 CHRIS GABBETT
5 JOHN KULAK
6 JEFFREY SICAT
7 CLAUDIO VESCIO
8 JAMES WEIDELI, VICE-CHAIRMAN
9

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PROFESSIONALS AND STAFF PRESENT:

14 RICHARD L. OLLER, ESQUIRE, Board Attorney
 Oller & Breslin, LLC
15 WILLIAM H. BURR, IV, P.E., Township Engineer
16 Township of Bridgewater
17 KATHERINE SARMAD, P.P., Board Planner
 Sarmad Planning Group, LLC
18 MARIA DESIMONE, Land Use OFFICE SPECIALIST
19 Township of Bridgewater
20

21

22

23 STENOGRAPHICALLY REPORTED BY:

24 ANGELA C. BUONANTUONO
25 NJ License No. 30XI00233100

1 A P P E A R A N C E S:

2

3 HEROLD LAW, P.A.

4 BY: JOHN P. KAPLAN, ESQUIRE

5 25 Independence Boulevard

6 Warren, New Jersey 07059-6747

7 T: (908) 657-2022

8 F: (908) 647-7721

9 Email: jkaplan@heroldlaw.com

10 --Counsel for the Applicant

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18 A L S O P R E S E N T:

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20 Manjit Bajwa, Applicant

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INDEX OF TESTIMONY

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WITNESS

PAGE

NONE.

PUBLIC QUESTIONS AND/OR COMMENTS:

NAME

ADDRESS

PAGE

NONE.

E X H I B I T S

1			
2	<u>No.</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
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5	None.		
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1 CHAIRMAN FOOSE: Good evening,
 2 everyone. Call the meeting to order. Bridgewater
 3 Township regular meeting, Tuesday, May 13th, 2025.
 4 Adequate notice of this meeting was
 5 provided in accordance with the Open Public Meetings
 6 Act, N.J.S.A. 10:4-6. Specifically, on January 15,
 7 2025, proper notice was sent to the Courier News and
 8 the Star-Ledger, and filed with the clerk at the
 9 Township of Bridgewater, and posted on the municipal
 10 bulletin board.

11 Please be aware of the Zoning Board of
 12 Adjustment policy for public hearings: No new
 13 applications will be heard after 9:30 p.m., and no
 14 new testimony will be taken after 10:00 p.m.

15 If you're able, please rise for a
 16 salute to the flag.

17 [Pledge of Allegiance.]

18 Good evening. If we can have a roll
 19 call, please.

20 SECRETARY DESIMONE: Mr. Weideli?

21 VICE-CHAIRMAN WEIDELI: Here.

22 SECRETARY DESIMONE: Mr. Sweeney?

23 Ms. Amin?

24 MEMBER AMIN: Yes.

25 SECRETARY DESIMONE: Mr. Fresco?

1 MEMBER FRESCO: Here.
 2 SECRETARY DESIMONE: Mr. Bongiorno?
 3 Mr. Gayeski? Mr. Sicat? Mr. Kulak?

4 MEMBER KULAK: Here.

5 SECRETARY DESIMONE: Mr. Vescio?

6 MEMBER VESCIO: Here.

7 SECRETARY DESIMONE: Mr. Gabbett?

8 MEMBER GABBETT: Here.

9 SECRETARY DESIMONE: And
 10 Chairman Foose?

11 CHAIRMAN FOOSE: Here.

12 SECRETARY DESIMONE: And also,
 13 Mr. Oller?

14 ATTORNEY OLLER: Here.

15 SECRETARY DESIMONE: Mrs. Sarmad?

16 PLANNER SARMA: Here.

17 SECRETARY DESIMONE: And Mr. Burr?

18 ENGINEER BURR: Here.

19 SECRETARY DESIMONE: Thank you.

20 CHAIRMAN FOOSE: Great. Thank you
 21 very much.

22 - - -

23 (Whereupon, the board continues with
 24 the agenda as posted.)

25 - - -

1 (Member Sicat arrives at 7:09 p.m.)

2 - - -

3 (Time noted, 7:25 p.m.)

4 - - -

5 CHAIRMAN FOOSE: All right. Next
 6 case, Gurmukh Oil, 24 Finderne Avenue.

7 ATTORNEY KAPLAN: Hi, good evening.

8 CHAIRMAN FOOSE: So before we even
 9 jump in, you have a tank on your property. I was
 10 there today.

11 ATTORNEY KAPLAN: Yes, sir.

12 CHAIRMAN FOOSE: It says stamped
 13 275 gallons. And I don't even want to put anything
 14 official into the record. It happened to be just
 15 coincidental, Mr. Burr, our township engineer and
 16 the hardest working man in the township, was there.
 17 Bill, why don't you tell the board and
 18 the applicant and the attorney what you saw. And
 19 keep in mind we're going to reference a letter from
 20 our zoning officer, I think it was Point Number 5,
 21 that mentioned these criteria that need to be
 22 satisfied before this hearing was to take place.

23 It's the last bullet point, and one of
 24 those points mentioned is a safe environmental and
 25 operating condition.

1 ATTORNEY OLLER: Just so we're clear,
 2 Mr. Chairman, the zoning violation after number --
 3 it does list five particular points and then,
 4 thereafter, says "The property owner has the
 5 responsibility to maintain the site in a clean, safe
 6 and sanitary condition."

7 CHAIRMAN FOOSE: So I want to talk
 8 about the safe condition and I want to talk about
 9 the tank that was stamped at 275 gallons, and I'll
 10 hand it off to you.

11 ENGINEER BURR: Yeah, Mr. Chairman, I
 12 did happen to visit the site at the same time that
 13 you did as a coincidence today.

14 And I was looking through my notes from
 15 the March meeting and there was a commitment to
 16 actually visit the site by me and report back to the
 17 board at this meeting, better late than never. But
 18 I was out there and made a few observations.

19 It did look like a new fence was
 20 installed around the location of where the building
 21 is proposed. So there was a chain-link fence
 22 installed and the previously installed rebar was
 23 capped, so you no longer had the exposed rebar.

24 What I did notice, though, two things
 25 stuck out to me. One is the lawn was still largely

1 unkept; it looked like it hadn't been mowed in a few
2 weeks. And I know that that was an issue, Number 5,
3 that was raised on the zoning officer's violation
4 from January.

5 The other issue that I noticed that
6 wasn't raised was it looks like there is a
7 spill-containment tank almost -- when I first saw
8 it, it looked to me like a tank that is usually used
9 for storing pesticides. It's in the lawn area
10 adjacent or behind the fueling station along Third
11 Ave. And it struck me as odd being in the lawn
12 area.

13 I don't know if what that tank is being
14 used for is the way it should be used for spill
15 containment, and I suspect we're going to hear from
16 the applicant about that. But I was not excited
17 about the location of it, for lack of a better word;
18 if it's used for spill containment it shouldn't be
19 in the lawn area.

20 CHAIRMAN FOOSE: Bill, did that
21 containment have a valve at the bottom?

22 ENGINEER BURR: It did have a valve at
23 the bottom for sure, Mr. Chairman.

24 It's an enclosed condition, but I can't
25 speak if it's leaking or not.

1 CHAIRMAN FOOSE: Okay.

2 ENGINEER BURR: Yes. And it was the
3 tank, 275 gallons. It was about half full with
4 fluids. And as I understand it's when if there are
5 small overflows or, et cetera, during the major
6 refuelling operations, that's used, you know, as a
7 secondary containment.

8 So I think there needs to be a
9 discussion on that. But those were really the two
10 issues I happened to notice, was that tank and then
11 the unkept nature of the lawn area and, you know,
12 just generally, you know, the site as a whole.

13 CHAIRMAN FOOSE: Yeah.

14 ENGINEER BURR: I will mention, though,
15 you know, a short while ago actually, Maria showed
16 me that the zoning officer did -- the township
17 zoning officer texted Maria and said most, if not
18 all, of the issues on his prior violation have been
19 addressed, but he didn't have a chance to issue
20 anything in writing in advance of the meeting.

21 So, you know, I think I can -- I can
22 agree that several of these issues have been
23 addressed, but you still have the lawn and that
24 storage tank.

25 CHAIRMAN FOOSE: Right. Well, I do

1 recall the March meeting very clearly. I did ask
2 the tank to be moved.

3 I don't know what's in the tank. The
4 tank has a valve at the bottom. It's a greenfield
5 site.

6 The site slopes -- and, Bill, you can
7 correct me if I'm wrong -- slopes west to east, so
8 if this tank were to be inadvertently opened by a
9 child with a soccer ball, football, et cetera,
10 you're going to be leaking at least about 100/150
11 gallons of whatnot onto that property.

12 So, as I see it -- and I'm going to put
13 this back to our board attorney -- the safety
14 criteria is up in the air. I feel that this is an
15 unsafe condition.

16 Bill, what is your bottom line answer;
17 is this a safety issue on the site, based on what
18 you saw today?

19 ENGINEER BURR: Yeah, based on what I
20 saw today it should not continue in the location
21 that it's currently existing at. I agree with that.

22 CHAIRMAN FOOSE: And, Counselor -- I
23 didn't catch your name, by the way.

24 ATTORNEY KAPLAN: My name is John
25 Kaplan. I'm from Herold Law in Warren Township, New

1 Jersey, on behalf of the applicant.

2 CHAIRMAN FOOSE: Mr. Kaplan?

3 ATTORNEY KAPLAN: Yes.

4 CHAIRMAN FOOSE: I don't know how we
5 can continue because most applicants when they come
6 to this board they listen to us and they take action
7 and they do things. Unfortunately, by virtue of us
8 being here, by virtue of things being in the wrong
9 place, by virtue of your applicant not paying any
10 mind to what I said at the last meeting about moving
11 this tank, I think we're past that phase.

12 So what is your recommendation here on
13 how we go forward, being that there's 100-some-odd
14 gallons of assorted material on the property with a
15 valve at the bottom that could be opened tonight and
16 leak and flow from west to east in the residential
17 neighborhood adjacent to your client's property?

18 ATTORNEY KAPLAN: Our intention this
19 evening was to start with the applicant himself, the
20 owner/operator of the property, to go through the
21 zoning violation that Mr. Burr just --

22 CHAIRMAN FOOSE: You have a safety
23 issue, so why don't we start there. Because we
24 don't have to hear your case unless you address all
25 the safety issues.

1 ATTORNEY KAPLAN: I do have the
 2 applicant here to address the tank, why he has the
 3 tank, why every gas station has a tank like that.
 4 If the tank needs to be moved, needs to
 5 be put on something else, we would like some
 6 guidance from the board as to where you want it,
 7 because right now we don't have a building --
 8 CHAIRMAN FOOSE: We gave you the
 9 guidance in March; I told you to move it. You
 10 didn't move it, and here we are.
 11 And I did you one more favor, I had
 12 Rich contact your office and said "You should really
 13 fix this and not come tonight," which you didn't
 14 want to do either.
 15 So before someone gets hurt in the
 16 neighborhood and you have 100-gallons plus of
 17 chemicals that are flowing through this
 18 neighborhood, Mr. Kaplan, what is your plan to fix
 19 it?
 20 ATTORNEY KAPLAN: Our plan is to fix
 21 it. But as I was trying to say, Mr. Chairman, every
 22 gas station has one of these tanks.
 23 Currently, without an approval to
 24 reconstruct the building, to put it behind a fence,
 25 we don't have anywhere to put it at this moment.

1 CHAIRMAN FOOSE: Why would you have a
 2 tank with a valve at the bottom that could be
 3 opened, that could flood this neighborhood with
 4 chemicals? It doesn't make any sense.
 5 So whether or not this is -- I'm not an
 6 expert on gas station operation, but why would you
 7 have a storage tank with a valve at the bottom that
 8 is not locked and can be opened?
 9 Would you like to see the picture that
 10 I took?
 11 ATTORNEY KAPLAN: I have a picture,
 12 Mr. Chairman.
 13 CHAIRMAN FOOSE: Excuse me?
 14 ATTORNEY KAPLAN: I have a picture,
 15 Mr. Chairman.
 16 CHAIRMAN FOOSE: There it is --
 17 ATTORNEY KAPLAN: I have one.
 18 CHAIRMAN FOOSE: -- with the valve at
 19 the bottom.
 20 So what are you going to do right now
 21 to prevent this from leaking in the neighborhood,
 22 Mr. Kaplan?
 23 ATTORNEY KAPLAN: We would like to put
 24 it in a place with a fence around it, if possible,
 25 to secure it. But at this moment we don't have any

1 approvals to construct anything on this site.
 2 CHAIRMAN FOOSE: So when you put a
 3 fence around it, how do you prevent the valve at the
 4 bottom from leaking the 100-plus gallons of material
 5 that are in the container?
 6 ATTORNEY KAPLAN: I, myself, am not an
 7 expert in gas stations either. I do not -- I can
 8 figure out how to plug the tank, I'm not sure if
 9 it's legal. I'm not sure of the proper way to --
 10 CHAIRMAN FOOSE: Why didn't your
 11 client move the tank like he was asked and
 12 instructed by the board at the March hearing?
 13 ATTORNEY KAPLAN: He was under the
 14 influence that he was just remediating the zoning
 15 violations that were issued to him.
 16 And it's our understanding, aside from
 17 the length of the grass at this moment, that those
 18 were remediated.
 19 CHAIRMAN FOOSE: Was your client in
 20 the room at the March meeting?
 21 ATTORNEY KAPLAN: I believe so.
 22 CHAIRMAN FOOSE: Did your client hear
 23 the board ask him to move the tank?
 24 ATTORNEY KAPLAN: I don't know. I
 25 can't answer that for him.

1 CHAIRMAN FOOSE: Okay.
 2 Mr. Kaplan, we're going to ask for an
 3 extension of time to act on this hearing so you can
 4 find a way to remedy the situation. Are you going
 5 to grant this board more time?
 6 Rich, why don't you take it from here,
 7 where we're going with this.
 8 ATTORNEY OLLER: Right now we have
 9 time to act through May 30th.
 10 SECRETARY DESIMONE: 31st.
 11 ATTORNEY OLLER: 31st of May.
 12 So we would have to look at when this
 13 matter could be heard, and grant an extension past
 14 that date.
 15 ATTORNEY KAPLAN: That would not be a
 16 problem.
 17 CHAIRMAN FOOSE: So just so we're
 18 clear, when you leave tonight what is going to
 19 happen tomorrow on-site?
 20 Not on Wednesday -- not on Thursday,
 21 not on Friday; what is going to happen tomorrow,
 22 Wednesday, May 14th?
 23 ATTORNEY KAPLAN: With your guidance,
 24 we will find a way to secure the tank without the
 25 valve on the bottom being operational.

1 CHAIRMAN FOOSE: I'm not an expert.

2 ATTORNEY OLLER: Well, I think your
3 engineer and the board engineer and the township
4 engineer could come to some agreement on how to
5 safely secure that tank and where.

6 ATTORNEY KAPLAN: That's fine. I just
7 need an understanding whether it's just a fence,
8 just a valve, both?

9 CHAIRMAN FOOSE: Mr. Burr, what are
10 your thoughts here?

11 ENGINEER BURR: My thoughts, at a
12 minimum, are that that tank needs to be relocated up
13 onto the paved area where the fueling operations
14 take place. And it needs to be fenced off in a
15 secured area so it can't be tampered with.

16 I have not seen an arrangement like
17 this on other sites. I'm used to seeing something
18 that is more permanent in nature in terms of spill
19 containment, so I haven't seen a tank like this.

20 If this needs to be in operation for
21 the time being to allow the fueling operation to
22 continue, it has to at least be located up onto the
23 paved area and placed in a secured location and
24 fenced off so it can't be tampered with.

25 CHAIRMAN FOOSE: If the contents are

1 flammable and we're back into, you know, that's an
2 operating gas station, I just don't know what to do
3 here.

4 We're not hitting the safe criteria
5 that, you know, it's Point Number 5 in the zoning
6 officer's letter.

7 ATTORNEY KAPLAN: If I may, the reason
8 it is where it is, is because of the guardrail that
9 is there, which is actually protecting the tank from
10 being hit by anything.

11 CHAIRMAN FOOSE: The rusted,
12 deteriorated guardrail, correct?

13 ATTORNEY KAPLAN: Correct.

14 ATTORNEY OLLER: Okay.

15 Well, it sounds like your engineer and
16 Mr. Burr need to just come to some agreement on how
17 to properly secure the tank and where.

18 It sounds like Mr. Burr is suggesting
19 it be moved to a paved area. Isn't the building
20 area secured now by a fence?

21 ENGINEER BURR: Yeah, that is the one
22 area that I was thinking.

23 I don't know what condition it's in
24 because it had been excavated for footings and it
25 has partial rebar, but there has to be a spot in

1 that area that's already fenced off that maybe that
2 can be placed in there. But I have to get on-site
3 and look.

4 MEMBER KULAK: I don't want to
5 complicate things, but I do have one question, and
6 that is do we know what's in the tank and is it
7 labeled appropriately?

8 ENGINEER BURR: I don't know what's in
9 the tank. I suspect it's not labeled correctly.

10 If you take a look at what the tank --
11 now I don't have all the information --

12 MEMBER KULAK: Because I looked up the
13 label --

14 ENGINEER BURR: -- I can't speak about
15 it.

16 MEMBER KULAK: -- I looked up the label
17 and it's some chemical solvent that's used to
18 treat --

19 ENGINEER BURR: It's a storage tank,
20 which, obviously, is not fuel --

21 MEMBER KULAK: Right.

22 ENGINEER BURR: -- or gasoline.

23 MEMBER KULAK: So we don't know what's
24 in it, and we are pretty sure it's mislabeled.

25 We can find out; do you guys know if

1 it's mislabeled?

2 ATTORNEY KAPLAN: It's not necessarily
3 mislabeled, it might just be a reused tank for that
4 purpose, and previously it was used for something
5 else. But it is a mixture of gasoline and water.

6 MEMBER KULAK: It's a mixture of
7 gasoline and water?

8 ATTORNEY KAPLAN: Correct.

9 MEMBER KULAK: Okay.

10 So the labeling it appropriately would
11 be not only recommended but required, and useful if
12 in the event the fire department had to arrive and
13 wonder what it is that they're trying to put out.

14 So mislabeling something that is
15 flammable and that puts the neighborhood in jeopardy
16 is something that just can't stand. So it has to
17 either be labeled appropriately, located, with the
18 help of Mr. Burr, and protected.

19 And I'm sure there's some kind of
20 lockout valves that could be constructed as well in
21 terms of trying to create a safer environment.

22 Also in agreement that this must be a
23 temporary solution, stopgap measure, I'm not sure
24 what to call it. Because if you go beyond that and
25 look toward the safe operation of the gas station in

1 the future, and if the applicant's request is
2 approved, then what provisions have been made for
3 the storage of those materials?

4 I don't recall any being in the plans;
5 it's pretty much a convenience store.

6 So I'm not going to ask you to answer
7 every one of those questions, but they need to be
8 answered as part of your application.

9 ATTORNEY KAPLAN: That's
10 understandable. We will find a permanent location
11 for the tank, with the help of Mr. Burr, that it is
12 in a safe location and secure.

13 CHAIRMAN FOOSE: So we're not even
14 going to discuss future dates until all five points
15 on that letter are satisfied.

16 And I don't want to take a date away
17 from a resident that's trying to do an addition or
18 another case, because you're not in compliance.

19 ATTORNEY KAPLAN: Can I have a date
20 for scheduling purposes?

21 ATTORNEY OLLER: We could do that.

22 CHAIRMAN FOOSE: Okay.

23 ATTORNEY OLLER: So how much time do
24 you think you will need?

25 So what I would suggest is give

1 yourself some time to be able to relocate this tank
2 safely. We'll give you a date where you would come
3 back just to get a new date for scheduling purposes.

4 So a month?

5 ATTORNEY KAPLAN: The client says he
6 can have it completed within a week to ten days. So
7 the earliest we can get in for a hearing -- a
8 hearing so that we can get a hearing date, at the
9 earliest would be fantastic. If it's in two weeks,
10 that would be great.

11 CHAIRMAN FOOSE: May 27th. You have
12 to -- they want to come in and prove that they
13 satisfied it, and then we can give them a date from
14 there, I'm willing to do that.

15 ATTORNEY OLLER: So by -- our next
16 meeting is May 27th. Then we have Memorial weekend
17 right before that.

18 ATTORNEY KAPLAN: Yes.

19 ATTORNEY OLLER: So it's not a full two
20 weeks, really.

21 ATTORNEY KAPLAN: Okay.

22 ATTORNEY OLLER: But if you think you
23 can have that relocated and be ready to proceed --

24 CHAIRMAN FOOSE: And that's only going
25 to be a meeting where I'll put you first up, you're

1 going to give us a status update; you're going to
2 prove that this is safe. Mr. Burr is going to come
3 in here and say it's safe.

4 And at that point we will grant you a
5 night where we could hear this case and continue
6 where we left off.

7 ATTORNEY KAPLAN: Understandable.

8 CHAIRMAN FOOSE: Is that okay, Rich?

9 ATTORNEY OLLER: Yes.

10 CHAIRMAN FOOSE: Mr. Burr, are you okay
11 with that?

12 ENGINEER BURR: Yes, I am
13 Mr. Chairman.

14 CHAIRMAN FOOSE: All right.
15 Any other board comments?

16 All right...

17 ATTORNEY OLLER: Okay, so then for
18 purposes of the public, with respect to the Gurmukh
19 Oil application, this matter is concluded for this
20 evening. It will be rescheduled for May 27th, in
21 this room, at 7:00 PM, and as you heard for the sole
22 purpose of scheduling a new hearing date sometime
23 after that.

24 Okay?

25 CHAIRMAN FOOSE: Thank you.

1 ATTORNEY KAPLAN: Thank you.

2 ATTORNEY OLLER: Thank you.

3 - - -

4 (Whereupon, the application was
5 adjourned.)

6 - - -

7 (Time noted, 7:41 p.m.)

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1 CERTIFICATE

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3 I, ANGELA C. BUONANTUONO, a Notary Public
4 and Certified Court Reporter of the State of New
5 Jersey and Registered Professional Reporter, do
6 hereby certify that prior to the commencement, the
7 witness was duly sworn to testify the truth, the
8 whole truth and nothing but the truth.

9 I DO FURTHER CERTIFY that the foregoing is a
10 true and accurate transcript of the proceeding as
11 taken stenographically by and before me at the time,
12 place and on the date hereinbefore set forth.

13 I DO FURTHER CERTIFY that I am neither a
14 relative, nor employee, nor attorney, nor counsel of
15 any of the parties to this action, and that I am
16 neither a relative, nor employee of such attorney or
17 counsel, and that I am not financially interested in
18 the action.

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21
22


23 Angela C. Buonantuono, CCR, RPR, CLR
NJ License No. 30XI00233100

24 Notary Public Commission No. 50014616

25 Dated: June 11, 2025