

July 27, 2017

Mr. Ford called the Meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Members Present: Mr. Mazza, Mr. Stothoff, Mr. Walchuk, Mr. Eschbach (7:05 pm) Ms. Rocca, Mr. Ford

Members Absent: Mr. Nace, Mr. Kastrud, Mr. Ryland

Others Present: Board Atty. Mark Anderson, Board Engineer Robert Clerico, Atty. Jay Thatcher, Michael Schlaefel, Bruce Feld and Wassim Nader

Open Public Meetings Act Notice: I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notices dated January 19, 2017, as published in the Hunterdon County Democrat and January 20, 2017, as published in the Courier News. A copy of the Notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Municipal Clerk.

Approval of Minutes: Ms. Rocca made a motion to approve the minutes of the June 22, 2017 Meeting. Mr. Mazza seconded the motion.

Vote: Ayes: Ms. Rocca, Mr. Mazza, Mr. Stothoff, Mr. Eschbach, Mr. Ford

Abstain: Mr. Walchuk

Liberty Stone & Aggregates-Clinton Quarry, LLC: Block 22, Lot 30, Frontage Road: Mr. Ford apprised Board Members of their role in the Quarry License Application matter. Atty. Jay Thatcher, representing Liberty Stone & Aggregates, gave an overview of the owners proposed plans for the property and their request to obtain a temporary license. Atty. Anderson explained the requirements set forth in the Quarry Ordinance regarding action to either approve or deny that the Municipal Clerk issue the License. Mr. Anderson said if the Board denies approving the application it will be referred to the Township Committee.

Mr. Ford asked that Liberty Representatives be sworn. Michael Schlaefel and Bruce Feld were sworn by Atty. Anderson. Mr. Schlaefel displayed an Existing Plan of the Site. He described the debris that has been removed and the improvements made to the site since Liberty purchased it in 2016. Applicant plans to bring in certified clean fill. Liberty had been given temporary permission to import and stockpile clean fill by action of the Township Committee at their November 2, 2016 meeting. Development of the property is anticipated in approximately ten years. Mr. Feld described improvements to the entrance, i.e., planting of trees, cleanup and policing of garbage on Route 173 near the site. Mr. Schlaefel said a Mine Safety Inspector had been at the site. Applicant will comply with all Mine Safety requirements.

Mr. Schlaefer introduced Wassim Nader. Mr. Nader was sworn by Atty. Anderson. Mr. Schlaefer continued. He displayed Exhibits of the equipment and described the specific use of each piece. Mr. Ford asked the depth of quarrying. The Quarry Ordinance depicts that quarrying cannot be done lower than the lowest depth of the adjoining property or road. Mr. Schlaefer referenced the area of proposed quarrying. He also said there is no Category 1 Water on the property.

Mr. Schlaefer addressed the Race Street access. He said Liberty does not intend to utilize that access. Mr. Feld said Frontage Road is NJDOT rated for 80,000 gross-vehicle weight vehicles. Mr. Walchuk asked about reclamation. Mr. Feld explained that applicant plans to quarry, fill the site and seek the highest and best use of the property. Mr. Schlaefer said applicant's first intent is safety and then filing the site for ultimate development.

Mr. Ford asked about the area outside of the quarry. Mr. Feld mentioned a portion of that area is in Forestry Management. Mr. Schlaefer mentioned buffers and water features on the property. Quarrying is not proposed in that area. Regarding drainage on Frontage Road, Mr. Feld said he met with a representative from NJDOT who granted a waiver to install a pipe to eliminate problems at the quarry driveway entrance. Mr. Mazza asked about buffers by the pond. Mr. Schlaefer said that is not a pond, it is a storm water management feature and is not governed by the NJDEP. Dr. Crow, applicant's Environmental Consultant, determined the feature is man-made.

Mr. Ford questioned the previous statement about a Category 1 Water. Mr. Schlaefer said that has been confirmed in a letter from the NJDEP. Mr. Ford was concerned about runoff from the storm water management feature. Applicant has not found any evidence of a well. Ms. Rocca asked about hours of operation. Mr. Schlaefer indicated they would comply with the Quarry Ordinance. Mr. Mazza had a question about completion of paperwork and monitoring of materials brought to the site. Mr. Schlaefer explained there is a protocol and procedure and all jobs are policed. Mr. Stothoff asked about the number of trucks coming to the site. Mr. Schlaefer said it would presently be between four and ten trucks per day. Mr. Stothoff also asked about the compaction standard. Mr. Schlaefer explained.

Mr. Ford asked Mr. Clerico to review his letter dated July 25, 2017. Mr. Nader said he had discussed Mr. Clerico's comments with Mr. Schlaefer and they are prepared to address and resubmit requested information. Mr. Clerico noted the plan should state the license is for 2017. Atty. Anderson emphasized the Quarry Ordinance is specific that the license is for the calendar year. Atty. Thatcher said the license would expire on December 31, 2017 and had asked for a temporary license. Atty. Anderson said there is no provision for a temporary license. Mr. Anderson indicated they could apply for their 2018 license now. Mr. Clerico said it would probably be best to deal with the area applicant is quarrying and filling rather than future proposed plans. He emphasized additional documentation is required prior to the Board considering approval.

After a brief discussion regarding a special meeting, applicant agreed to continue the Hearing at the regular Board meeting scheduled for August 24, 2017.

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Motion to Approve: Mr. Eschbach made a motion to continue the matter until August 24, 2017. Mr. Mazza seconded the motion.

Vote: All Ayes, No Nays, Motion Carried

Atty. Anderson said the record should indicate there were no members from the Public.

Comments from the Public/Other Business:

Motion to Adjourn: Mr. Stothoff made a motion to adjourn. Mr. Mazza seconded the motion.
(9:00 p.m.)

Vote: All Ayes, No Nays, Motion Carried

Grace A. Kocher, Secretary