

September 26, 2024, Planning Board/Board of Adjustment Meeting Minutes

These minutes were approved at the November 14th, 2024 meeting.

Call to Order and Notices: Acting-Chair Kirkpatrick called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00pm.

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 notice dated January 18, 2024, as published in the Hunterdon County Democrat and notice dated January 19, 2024, 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.

Flag Salute

Members Present: Mayor DeGiralamo, Committeewoman Cherney, Mr. Kastrud, Mr. Nace, Mr. Neary, Mr. Kirkpatrick, Ms. Bartolomeo, Mr. Lepore, Mr. Tousignant, Mr. Glacken.

Board Professionals Present: Attorney Anderson, Robert Clerico, Engineer/Planner.

Members Absent: Mr. Belden, Chair Ford, Mr. Gatanis.

Others Present: Bruce Feld, Michael Schlafer, representatives of Liberty Stone Quarry; Sudha Kantor, Debra Jimenez, Joseph Manfredonia, Ann Masters

Approval of Minutes: Mr. Lepore made a motion to approve the minutes of the August 22, 2024, regular meeting. Committee member Cherney seconded the motion. **Vote: Ayes:** Mr. Nace, Mr. Neary, Mr. Kirkpatrick, Mr. Lepore, Mr. Gatanis, Mr. Glacken. **Abstain:** Mayor DeGiralamo, **No Nays. Motion carried.**

New and Pending Matters

- Pathan Variance – Resolution of Approval
2 Asher Smith Rd
Block 27 Lot 3.16

Mr. Kastrud made a motion to approve the Resolution of Approval for the Pathan Variance. Mr. Glacken seconded the motion. **Vote: Ayes:** Mr. Nace, Mr. Neary, Mr. Kirkpatrick, Mr. Lepore, Mr. Tousignant, **Abstain:** Mayor DeGiralamo, Committeewoman Cherney Mr. Kastrud, Ms. Bartolomeo Mr. Glacken. **No Nays. Motion carried.**

- The Wayne R. Schmied Revocable Trust Variance Application – Resolution of Approval
60 Perryville Road
Block 25 Lots 37.01

Mr. Lepore made a motion to approve the Resolution of Approval for the Wayne R. Schmied Revocable Trust Variance Application. Ms. Bartolomeo seconded the motion. **Vote: Ayes:** Mr. Nace, Mr. Kastrud, Mr. Neary, Mr. Kirkpatrick, Ms. Bartolomeo, Mr. Lepore. **Abstain:** Mayor DeGiralamo, Committeewoman Cherney, Mr. Tousignant, Mr. Glacken. **No Nays. Motion carried.**

- Liberty Stone Aggregate – 2025 Quarry License Renewal
Block 22 Lot 30

The applicant is present. Verification that the taxes have been paid was provided.

The memo dated September 20, 2024 prepared by Robert Clerico of Van Cleef Engineering was discussed.

This is an annual submission. Engineer Clerico submits a yearly review noting changes from year to year as well as revisions to ordinances if applicable.

The board had some questions regarding the 300' Riparian buffer and regulations with Engineer Clerico stating that there are no proposed changes in the area and new regulations are not triggered. Conversation took place regarding reclamation on site, inspections, screenings, maintenance of the existing site, and equipment on site. While the applicant will testify in detail, Engineer Clerico stated that this is all similar to the past.

At a Township Committee meeting, residents expressed ongoing concerns. Mayor DeGiralamo invited members present to come forward to share their concerns during the public hearing.

Public Witness #1 - Sudha Kantor – sworn in by Attorney Anderson. The quarry is her neighbor, and she appreciates their business, but she questions the ordinances and is looking for balance. Her understanding of the intent of the ordinance is a regulation for the people with operations to be a minimum annoyance. She had been in contact with the quarry and is here because they have not resolved the outstanding issues per the ordinance in the following ways:

#1 - Vibrations and rumble – during operations and only in certain parts. This is a new deep humming noise that vibrates the body when outside. The Quarry is not sure what it is.

#2 – Hours of Operation – 7 am till 4:30 pm. The Quarry works outside of the hours. The 6am trucks have been stopped but they are operating past 4:30 pm often till around 7pm. They are also working on weekends. The neighbors have used a drone to see this.

#3 – Booming loud tailgates – the Quarry says they are telling people to stop slamming the tailgate and there are signs on the property, but the neighbors are asking the board what can be done to enforce the ordinance.

#4 – Street sweeping – The neighbors are requesting more dust control as there is more maintenance on their properties because of the dust from the Quarry. What controls are in place and who will enforce them?

#5 – Visual Nuisance – In 2021 the neighbors expressed concerns with the location of equipment. Since, the equipment is still on the applicant's property but in full view. Discussions about plantings in the form of screenings had been suggested. The cargo containers are horrible to look at. Some often have doors left open so you see everything.

#6 – Sunday discharge of firearms on the property. It was suggested that the neighbors call the state troopers if they hear firearms on a Sunday. Contact the DEP to see if hunting is permitted. The township is not the enforcer for this complaint.

#7 – Enforcement – She believes the owners want to do the right thing, but this is just not working for everyone involved. The township is being asked to enforce the ordinances better. She is requesting resolution and not promises.

Mayor DeGiralamo asked if there were private discussions with the Quarry Management team or if there were official discussions with township representation. Her response was that one meeting was official and the others were unofficial. The mayor stated that conversations for all parties are the key to resolving issues. Ms. Kantor did mention that some concerns offered in the past had been addressed, and the mayor then asked what is not being addressed? Ms. Kantor said that the visual issue is a major concern, along with hours of operation, noise, dust, and hunting on Sunday.

Mr. Kirkpatrick responded to some of Ms. Kantor's concerns pertaining to the township. Some of the items are dealt with specifically in the ordinance, and complaints should be brought to the Township Zoning Officer, as enforcement of the ordinance is not within the jurisdiction of the Board. Matters concerning hours of operation, noise, dust, and cargo containers are controlled by the ordinance. Noise and dust are a particular concern where the Quarry Inspector can review activity to verify compliance. If a problem persists, it can be addressed through enforcement or modification to the ordinance, both of which are outside of the board's jurisdiction. There is nothing in the ordinance that specifically talks about vibration, but the neighbors are welcome to discuss this with the Inspector and the Zoning Officer, and the township may modify the ordinance if necessary. Visual screening is another topic of interest and the Quarry Inspector can view the property at various times as full foliage screening is different from screening when leaves are down. As for hearing firearms on a Sunday, no hunting is allowed in NJ on a Sunday. There can be recreational firearms activity, and the township does not have an ordinance. However, if there is a formal shooting range on the property, then an application for approval of that use would be required and the Board would need to review that application for potential approval.

After more discussions, it was suggested that the Quarry Inspector, Mr. Clerico, perform additional site visits and inspections.

Public Witness #2 – Debra Jimenez – sworn in by Attorney Anderson. She thanked Ms. Kantor for her summary and agrees. Things were going well but the last 18 months have been more challenging. The tailgates that slam echo and that the applicant operates well past 4:30 pm even on Saturdays. The rumbling or vibration is new, and they feel like they are on a conveyor belt that actually moves items in their homes. The windows actually rattle. The visual in the fall and winter is horrible and she can see all operations on the property. She said in 2020 that the applicant agreed to plant a green wall to help diminish the views they have.

Public Witness #3 – Joseph Manfredonia – sworn in by Attorney Anderson. He is new to the area and not adjacent to the quarry, but he can feel the blasting. Notice would be very helpful as it would be a warning. A visual barrier in the fall and winter would be helpful.

Public Witness #4 – Ann Masters – Sworn in by Attorney Anderson. Please make the quarry follow the ordinances. That is all that is being asked.

Applicant's Witness #1 – Bruce Field – sworn in by Attorney Anderson. He is the owner of Liberty Quarry and would like to address the complaints outlined this evening. The crushing equipment is the same. Tankers with water are used to keep the dust down. They believe they are following the ordinances and are in compliance. Dust is not good for anyone. The visual conversation is an elevation thing, and neighbors are higher in elevation so of course you can see what is below you. There is a wood buffer or natural buffer in place. The area he believes the neighbors are talking about regarding shooting is another neighbor's property to the quarry. No shooting is allowed on the quarry property. There is a range on the other side of 78 which is what they could be hearing. The quarry does actively try to discourage the slamming of tailgates, and he will look into the buffer situation.

Applicant's Witness #2 – Michael Schlafer – sworn in by Attorney Anderson. He spoke about dust and how it is monitored. They answer to MSHA (Mine Safety and Health Administration) which has high standards for dust. The property is inspected for dust and noise. The quarry has never failed an inspection. As for vibration, he will plan on visits to help determine what the vibration is. He would also like to see the drone footage of the neighbors. He is unfamiliar with how MSHA compares to the ordinances but stated that MSHA has very high standards to follow.

Discussion then took place about the hours of operation of 7 am till 4:30 pm and how the ordinance does allow for repairs on Sunday. There is some confusion between driving equipment around the lot which is not operating the equipment for use. It is often about parking a vehicle or preparing the vehicle for the workday. All were reminded that there are also other businesses in the area that could be causing confusion with who is working and not working.

All agreed that they want to work together with the township, the board, and the neighbors. A blasting alert is something that the applicant can work on. Visiting the neighbors to see and hear their complaints is something to work on.

Mr. Kirkpatrick stated that there is still time for the renewal of the application and that a pause is needed for all parties to work together. The Quarry Inspector can do inspections, and the quarry can also do some visits as outlined. This will continue to the meeting of October 24th as an agenda item.

The public had questions about things moving forward with no promises being made. The mayor expressed hope that everyone could work together and develop a compromise for all outlined concerns. Again, the Quarry Inspector will perform inspections. The quarry will perform site inspections with the neighbors. The buffer will be reviewed but all were reminded that the woodlands are thinner because of mother nature. The township receives notice of the blasting, and the neighbors can be put on the blasting list. Conversations will take place among the parties to resolve issues. All are welcome to attend the meeting of October 24, 2024 to discuss findings and resolutions.

Most left the room after this section of the meeting.

- V.A. Spatz & Sons, Inc. – Amended Site Plan & Variance – Public Hearing
35 Frontage Road
Block 22 Lot 5

Engineer Robert Clerico of Van Cleef Engineering prepared a memo dated August 20, 2024 for all to review. The Union Township Environmental Commission reviewed said letter and submitted a memo dated September 17, 2024 stating that they are satisfied that the with the amended Environmental

Impact Statement reflects the changes to the original application and that they would like to see additional storm sewer measures that would address the potential contaminates from the added improvements.

Everyone thought the applicant would be present and no one was present. The application was deemed incomplete at the June 13, 2024 meeting with items required to be addressed. There were waiver requests and landscaping that needed to be addressed. Technically this is still incomplete, and the recommendation is that this remains incomplete as outlined in the Robert Clerico memo cited above by.

Mr. Kastrud made a motion to deem the application for V. A. Spatz & Sons, Inc incomplete, Mr. Nace seconded the motion. **Vote: Ayes:** Mayor DeGiralamo, Committeewoman Cherney, Mr. Nace, Mr. Kastrud, Mr. Neary, Mr. Kirkpatric, Ms. Bartolomeo, Mr. Lepore, Mr. Tousignant, Mr. Glacken. **Abstain: None. No Nays. Motion carried.**

Comments from the Public

Mr. Kirkpatrick asked if there were any comments from the public. There were none.

Other Discussion

None

Correspondence

None

Motion to Adjourn

There being no further business to discuss, a motion to adjourn was made at 8:15pm by Mayor DeGiralamo and seconded by Committeewoman Cherney. **Vote: All Ayes. No Nays. Motion carried.**

Respectfully Submitted

Maria Elena Jennette Kozak – Acting Secretary