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November 27, 2020

Township of Union
140 Perryville Road
Hampton, New Jersey 08827

Attention: Grace Kocher (via e-mail plan@uniontwp-hcnj.org)

Reference: Plushanski 2021 Quarry Application – Rpt #1
Brian Plushanski Construction Co. Inc. Block 22 Lot 15
Township of Union, Hunterdon County, New Jersey

Dear Grace:

I received the above referenced 2021 Quarry License application on November 18, 2020. The documents provided to my office included:

- A. **A copy of the 2021 Quarry License Application Form dated November 13, 2020 prepared by Theodore H Bayer PE on behalf of Brian Plushanski Construction Inc.**
 1. The application states that it is for Block 22 Lot 15 along with the adjoining Lot 15.01 which is the Recycling Operation run by the applicant. The Title Sheet and Sheet 2 of the Quarry plan properly notes that the Quarry License is limited to just Lot 15 however, sheets 3-6 in the set of plans incorrectly notes that the Quarry License also covers Lot 15.01. **The application form and plan sheets 3-6 must be corrected to properly reflect the fact that the Quarry is limited to Lot 15.**
- B. **A signed and sealed copy of a Quarry Permit Map for “The 2020-2021 Quarry Permit Application” on Block 22 Lot 15.**
 1. The map was prepared by Bayer-Risse Engineering Inc. (Theodore H Bayer PE) and is dated December 11, 2013 with revisions through 11/17/20 and consisting of 6 sheets. The plan is a further update of the plan provided for the 2020 License application which was last revised on 12/02/19.
- C. A copy of insurance certificate dated November 16.2020.
 1. It should be noted that the Township Attorney needs to review this certificate to confirm if it conforms to the Insurance Requirements under the ordinance. **According any action taken by the Board should be conditioned upon the insurance certificate being submitted to and approved by the Township Attorney.**
- D. **A copy of an LOI issued by NJDEP on September 21, 2010** which expired on September 21, 2015. As part of the Boards Records from the prior license applicants is a copy of a Mach 20, 2017 updated verification letter prepared by Jeff Tarella (Wetland Ecologist) which was previously provided and accepted by the Board as part of 2017, 2018, 2019 & 2020 license renewal. A copy of the previously provided “Wetlands Location Map” prepared by James J Mantz PE & LS dated March 9, 2017 was not included with the current submission. Upon examination of aerial photos it appears that the limit of area being disturbed as part of the quarry operation on lot 15 has not

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changed so the Board could again determine that March 20, 2017 updated verification is sufficient to address the currently expired LOI.

- E. **A letter from Insurance Office of America (IOA) dated November 17, 2020** stating that the Site Restoration Bond in the amount of \$100,080.00 is “continuous and in full force and effect until release by Township” and further states that the Premium for the Site Bond (#B1110594) is paid through 01/16/22.
- F. **A copy of the November 2020 “Online Tax Payment” receipt was provided along with a copy of Certification on payment of Taxes dated November 1, 2019.** It is not clear why the outdated Certification was included as part of the current application

The Board can also reference other documentation that was filed with the 2019 License which included.

- G. **A copy of NJDEP –Class B Recyclable Materials Permit issued to GreenRock Recycling LLC dated March 23, 2018 which expires on March 23, 2023.**
 - The Permit covers both Lot 15 and the adjoining lot 15.01.
- H. **A copy of the Union Twp. Planning Board Resolution #17-01 which granted Use and Bulk Variance to allow a dual use (Quarry and Recycling) operation on Lot 15.**

My comments relating the application are as follows:

1. The applicant seeks to renew his quarry license for calendar year 2021. His prior permit covered the operation during calendar year 2019 which included the ongoing quarry operation within the westerly 50 ft. buffer bordering the adjoining property (formerly Red Hills Quarry) which is currently owned and operated by Liberty Stone and Aggregates (Clinton Quarry LLC) under a separate license. **This activity has been in violation of the Quarrying Ordinance and (as was the case in the prior applications) did require issuance of a separate authorization by Union Township Committee in order to grant the necessary waivers from the Ordinance Requirements. However the Township recently adopted an amendment to the Quarry Ordinance that now generally covers the following**
 - a. Quarrying which will reduce the quarried area below the grade of the lowest adjoining property or road is prohibited, except along the boundary line with a licensed adjoining quarry, in which case, the grade of the quarried area cannot be below the grade of the adjoining quarry at the boundary line.
 - b. No quarrying shall be permitted which will endanger the lateral support of abutting properties or roads.
 - c. A minimum leveled (or natural) buffer area of 50 feet shall be provided between any quarry boundary line (except boundary lines between adjacent licensed quarries) and the commencement of the slope.
2. Under the new regulation the applicant’s ongoing quarrying operation along the Western Boundary adjacent to the Clinton Quarry is currently in conformance with the new ordinance however, the applicant needs to keep in mind that
 - a. Under 1a – along the western boundary they can continue quarrying within the 50 ft. buffer of the adjoining quarry as long as they do not excavate below the grade

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- of adjoining property.
- b. Under 1c- they cannot disturb any of the property within the 50 ft. buffers along any of the other property lines.
3. I conducted an inspection of the quarry on November 25, 2020 and has prepared the attached photo report in order to show the current operation on the site. In review the report you will note the following:
- a. The applicant continues to utilize the area of Lot 15 for both the Recycling and Quarrying Operation as permitted by the Board (ref: submission item “G”) although the most of the western side of the property is currently utilized as part of the quarrying operation.
 - b. The quarrying operation on the north face (front) portion of the quarried area and in the northwest corner appears to be approaching about the half-way point to the excavation limits allowed under the ordinance and as depicted on the plan. As part of prior license renewals I recommended that the Board include a condition that updated mapping with “as-built” grades of that area be provided as part of the next year’s application. I will restate that recommendation and advise the applicant that updated aerial survey be provided as part of next year’s 2022 License.

I understand that the Board will be reviewing this report with the applicant at the December 17, 2020 meeting. **If the Board is in agreement with the above, then the current application could be found to be consistent with the Ordinance and referred to the Township Clerk for issuance of the 2020 License upon approval of the insurance certification by the Township Attorney.**

Very truly yours,

A handwritten signature in blue ink that reads "Robert J. Clerico". The signature is written in a cursive, flowing style.

Robert J. Clerico, P.E.
Board Engineer

RJC:

R-5811.2-201127-Rprt 01.docx

cc: Board Members
Mark Anderson, Esq. (unionpb@woolsonlaw.com)
Trishka Cecil Esq. (trishka@mgplaw.com)
Ella Ruta, Clerk (clerk@uniontpw-hcnj.org)
Brian Plushanski (brian@plushanski.com)
Ted Bayer PE (tbayer@bayer-risse.com)