

**REGULAR MEETING
JOINT MEETING**

**Lebanon Township Planning Board
Municipal Bldg 530 West Hill Road Glen Gardner, N.J.**

February 4, 2014

The 878th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:04 p.m. by Chairman Gary MacQueen. Present were: Mr. Laul, Mr. Schmidt, Mr. Rich, Ms. Bleck, Mr. Weiler, Mr. McKee, 1st Alternate Gerlich, 2nd Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse. Mr. Piasecki arrived at 7:15 p.m. **Excused:** Mr. Milkowski

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Planning Board will hold a Joint Meeting with the Township Committee and Environmental Commission on February 4, 2014 at 7:00 p.m. The purpose of this joint meeting is to see a Power Point Presentation on the Quarry. At the conclusion of the Joint Meeting the Planning Board will conduct Regular Business if time permits. Notice of this Joint Meeting was published in the Hunterdon Review on January 29, 2014. Copies of the agenda were faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on January 29, 2014.

PRESENTATION OF MINUTES: January 14, 2014 Reorganization/Business Meeting

Motion by Ms. Bleck and seconded by Mr. Rich to approve the minutes as presented. Unanimously approved.

ADOPT PROFESSIONAL CONTRACT:

a. Biggs Engineering Associates (Jess Symonds, Engr. - Alternate Engr.)

Ms. Glashoff reviewed for the board the contract of Engr. Symonds. Motion by Mr. Rich and seconded by Mr. Laul to approve the contract for Engineer Symonds. Unanimously approved.

NEW BUSINESS:

Michael Guida
c/o U.S. Concrete-Eastern Division
3620 Route 23
Hamburg, N.J. 07419

POWER POINT PRESENTATION ON THE QUARRY (Block #9 Lot #6 Sanitorium Road)

Mr. Guida introduced himself to the board and public present. He gave a brief presentation before starting the Power Point Presentation.

Mr. Guida told the board the basis for the land exchange was 1) Potential public hazard due to existing high benches created by previous owners; 2) Previous owners mined within the 25' setback to the current property line and into the neighboring Trust land, 3) Prior owner led US Concrete to believe that a land exchange was feasible. They would like to exchange 30.5 acres of Trust land (Preserved) adjacent to Glen Gardner Quarry in Lebanon Township. Mr. Guida said in order to comply with the Trust Guidelines for conveyance of land, US Concrete is proposing to: exchange 152.7 acres in Hamburg Quarry (Hamburg Exchange Site) located in Hardyston Township, restore degraded intermittent stream corridor having several vernal pools (runoff from ATV paths increased siltation at lower end of the stream corridor) control invasive and plant and seed native species. Mr. Guida said they would establish a Trust Endowment, which would ensure long term stewardship of all lands to the Trust, \$.10 per ton of aggregate removed from the property with an (estimate of \$50,000 to \$60,000 annually to the Trust or 1 million-1.5 million over the projected 20-25 year excavation period). US Concrete is proposing to over a period of time, restore a natural slope by excavating into Trust Exchange Land, and restore the habitat within the entire quarry concurrent with excavation. (Current requirements do not require habitat restoration at the conclusion of mining). Convey the Quarry (59.5 acres) and Trust Exchange Land (30.5 acres) to the trust after restoration is completed.

Mr. Guida noted the Trust Exchange Land's existing conditions are: composed of a single habitat, previously logged mature oak-dominated forest heavily impacted by white-tail deer. Invasive Japanese barberry and Japanese stilt grass, southern side of the Trust Exchange Land was logged and dominated by successional sassafras stands changing to mature forest and threatened and endangered species habitat for 152.7 acres. Complex, high-quality ecosystem with a diversity of habitats. The Hamburg Exchange Land has Riparian wetlands bordering Wallkill River and the US Fish and Wildlife Wallkill National Wildlife Refuge, threatened and endangered species habitat for the wood turtle, sedge wren, cooper's hawk, bog turtle to name a few.

Mr. Guida said if no action is taken then the following will occur: demand for stone will increase into the future past the remaining 10 year quarry life, benches and public safety issues will remain loss of preservation of 181.5 acres of preserved land, loss of habitat restoration and invasive species control on Trust Land, loss of Trust Stewardship Endowment. At closure: no restoration required, pumping will be stopped and land will be disposed, future land use uncertain, demand will be met by other quarries, some of which are located outside of NJ and result in increased truck trips and increased air pollution. Mr. Guida

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referred to a new quarry alternative. It would be the same conditions as in No Action Alternative, limited distribution of stone type locations in NJ and most areas of occurrence are in restricted areas, numerous permitting issues for new quarry site, other quarries, some of which are located outside of NJ will result in increased truck trips and increased air pollution.

Mr. Guida at this time spoke on the expansion of existing quarry alternative. The excavation of 30.5 acres of preserved Trust Exchange Land, removal of public safety hazard-slopes similar to those in vicinity, increased ecological value by the concurrent restoration of 59.5 acres of Glen Gardner Quarry, immediate transfer and preservation of 152.7 acres of ecologically important land in Hamburg adjacent to Walkill River, quarry restoration would allow public access to additional 242.7 acres of ecologically desirable land, habitat improvements to Trust Land adjacent to Quarry not conveyed and Trust Endowment for maintenance of lands. Mr. Guida referred to the compliance with 5:1 requirements: Trust Exchange Land, Commercial Valuations and Ecological Valuations per NJDEP.

Mr. Guida said the objective of the expanded Glen Gardner Mine restoration project is to increase the biodiversity and to simulate natural communities in the area concurrent with quarrying. Mr. Guida spoke about the goals. At least 4 habitats will be created in the restored area at the completion: lake, forest, intermittent stream corridor and wetlands along the edge of the lake, restore Trust Exchange Land concurrent with excavation, decrease siltation impacts to the intermittent stream corridor on the Trust property, decrease ATV use on the Trust property, increase in the wildlife utilization of the restored area, control of invasive species during the restoration of the area to allow for self sustaining habitats to develop and increase in public use of the restored area at completion. Restoration of habitats would be along the lake, hardwood forest, intermittent stream corridor, vernal pools and rock ledge.

Mr. Guida spoke about the adaptive management plan which would be initiated with restoration activities, periodic monitoring, control of invasive species, identification of potential problems and correction of problems throughout the restoration. Mr. Guida gave a breakdown of conveyances from year 2 through year 35. At the end of year 35, all mining ceases, last of stockpiled material is sold, pit dewatering pumps are turned off, Glen Gardner Quarry begins to fill to final end lake and stockpile areas are reclaimed. Maintenance facilities are removed and complete site clean up. Reclamation and Restoration Project complete. 15.4 acre end lake is full with outlet at 472' elevation, entire site reclaimed with access trails, end lake has capacity of 404,000,000 gallons and NJNLT takes ownership of entire 90 acre site.

At the conclusion of the presentation, the board asked if Glen Gardner Boro has seen this Power Point Presentation. Mr. Guida said no. Ms. Glashoff was asked to contact the Boro regarding having a presentation on the Quarry. Ms. Glashoff asked if the board was planning to attend that meeting since a quorum would require noticing. If only 4 board members attend then it wouldn't be a problem. It was decided to have only 4 members attend and 2 Township Committee members attend. Mr. McKee and Mr. Cryan will represent the Township Committee. Chairman MacQueen asked if the board and Township Committee had questions of Mr. Guida. Several board members and Committee members had questions. Questions ranged from bonding, taxes, water runoff, putting together a reclamation plan, land swaps and possible options. At the conclusion of the questions, Chairman MacQueen asked the board if they felt a letter should be written supporting the expansion of the quarry or do we need more information. The following board members said they would like more information: Mr. Laul, Mr. Piasecki, Mr. Rich, Mr. Gerlich, Ms. Bleck, and Mr. Skidmore. The following board members said to write the letter: Mr. MacQueen, Mr. Schmidt and Mr. McKee.

Chairman MacQueen opened the hearing to the public for questions and comments. Warren Newman and Nancy Lawler from the Environment Commission were present. Ms. Lawler said there are several issues that are important from an environmental perspective. The following are Ms. Lawler's comments and statements: The property in question for the land swap are as follows: The Hagadorn Preserve there are five state endangered species indicated on that land, the land has been forested since the 1930's. In 2002 the land was acquired by NJ Land Trust to be preserved in perpetuity. The mission of the NJLT is to specifically protect the ecological value of the lands it holds from actions by the state such as land swaps. If the swap takes place it will end up with the quarry owning it in fee and asked who will own it if it is reclaimed. The entire ecological value of a preserved land will be wiped out. A reclamation plan does not replace trees, soil, geology and these are things that make up a habitat. NJNT has never done this type of land swap which basically destroys the ecological value of the land totally. The swap that is being proposed is in Sussex County and will not benefit Lebanon Township or Glen Gardner residents.

Regarding the Highlands Region: Legislation placed this section of the Township in the Highlands Preservation area, for the purpose of preserving water quantity as well as water quality. Quarrying is only permitted in the Highlands if it was already a permitted use before the Highlands Act became law. No new quarrying is permitted. Ms. Lawler asked if Eastern Concrete has approached the Highlands Council. The land in Lebanon Township is zoned residential and mining is not a permitted use. The Township does not have an ordinance permitting mining on land zoned residential. The Township would have to create an ordinance if they swap were to take place. Ms. Lawler asked how this project fits into the Lebanon Township Master Plan and do we want mining in residential zones.

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Ms. Lawler asked if Eastern Concrete can show a successful reclamation plan that has been done in NJ and what are the risks to the Township on this project and if there are risks who bears the cost. What entity or regulations guide reclamation projects and are there standards? Will wetlands be re-created and who has jurisdiction over the new wetlands, also Mr. Guida said they will restore a stream, will a stream encroachment permit be needed. How useful will this land be when project is finished? Ms. Lawler asked about safety considerations after land is reclaimed, if there is a new lake who will be responsible for inspecting, monitoring etc.

Ms. Lawler noted that Glen Gardner Boro is the most affected with the dust and blasting that occurs all the time. In conclusion, Ms. Lawler stated that the Township should not support a plan to correct what basically was a bad business decision, the Hagedorn Land is held in Trust for the public, it is well known that land next to open space retains its value better than land that doesn't. If we allow open space to be destroyed simply because a mining company says it needs it to satisfy some interest it has and what does that mean for property owners that pay a premium for buying next to open space. This land has three levels of protection on it and how many more levels can the people of New Jersey put on land to insure that it is protected. Mr. Newman referred to the letter sent to the Township Committee and Planning Board from Mayor Kovach of the Boro of Glen Gardner stating that the Boro is opposed to any proposed land swap between the Glen Gardner Quarry and the NJ Lands Trust. Mayor Kovach expressed concern that the quarry operations have contributed to the draw down and depletion of the Boro's municipal wells, located up hill from the quarry. Mr. Newman concurred with Ms. Lawler's comments.

Mr. Bill Kibbler of the Raritan Headwater Association stated that they are against the land swap and that it would be a horrible precedent that would be set. Mr. Henderson of Main St. Glen Gardner Boro and Mr. Delasy of Mountain Lane Glen Gardner Boro both expressed their concerns. They both informed the board about the lack of air quality, blasting, dust that is created by the quarry on a regular basis. Mr. Joe Taft, member of the Glen Gardner Boro Land Use Board also expressed concerns.

At the conclusion of the public comments, the board discussed a meeting date for the continuation of the discussion on the Quarry. It was decided to have the meeting on Tuesday February 25, 2014 at 7:00 p.m. Ms. Glashoff will put the notice in the newspaper.

ITEMS FOR DISCUSSION:

- a. Ordinance Amendment Finalize – Attorney Gallina
- b. Highlands Land Use Ordinance – Planner Bolan (To be handed out at meeting)
- c. Highlands Area Exemption Ordinance – Planner Bolan - enclosed

Chairman MacQueen stated because of the late hour, all items for discussion will be on the February 25, 2014 agenda.

PRESENTATION OF BILLS & REPORT:

| | |
|-----------------------|-------------------|
| a. John Gallina, Esq. | \$ 870.00 |
| b. Michael Bolan, PP | \$2,376.83 |
| c. Bayer/Risse Engrs. | \$ 255.00 |
| Total: | \$3,501.83 |

Motion by Mr. Gerlich and seconded by Mr. Piasecki to approve the bills for payment. Unanimously approved.

CORRESPONDENCE: a. Letter/John Gallina, Esq.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Laul to adjourn the meeting at 10:05 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK