

REGULAR MEETING

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

February 25, 2014

The 879th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:00 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Laul, Mr. Schmidt, Ms. Bleck, Mr. Weiler, Mr. McKee, 1st Alternate Gerlich, 2nd Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse. The following Township Committee members were present: Ms. Schriver and Mr. Wunder.

Excused: Mr. Rich, Mr. Piasecki and Mr. Cryan, Committeeman.

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 on February 25, 2014 at 7:00 p.m. The purpose of this joint meeting is to continue the discussion 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 February 12, 2014 & February 19, 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 February 19, 2014.

PRESENTATION OF MINUTES: February 4, 2014 Regular Meeting/Joint Meeting

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

EXTENSION OF TIME:

- a. Muller Toyota Block #3 Lot #5.01
Preliminary/Final Site Plan/Variiances Route 31 B2
(Ltr from Attorney Winter)

Ms. Glashoff informed the board that she received a letter from Attorney Winter requesting an extension of time. Ms. Glashoff read the letter into the record at this time. Attorney Gallina announced that Muller Toyota will be in to continue their Public Hearing on April 1, 2014 at 7:00 p.m. Motion by Mr. Gerlich and seconded by Ms. Bleck to approve the extension of time for Muller Toyota.

ROLL CALL **Yes:** Mr. Milkowski Ms. Bleck **Absent:** Mr. Rich
 Mr. Laul Mr. Weiler Mr. Piasecki
 Mr. Schmidt Mr. McKee
 Mr. Gerlich Mr. Skidmore
 Mr. MacQueen

PRESENTATION OF BILLS:

- a. John Gallina, Esq. \$1,051.25
- b. Michael Bolan, PP \$1,339.20
- c. Bayer/Risse Engrs. \$ 510.00
- Total: \$2,900.45**

Motion by Mr. Gerlich and seconded by Mr. Schmidt to approve the bills as presented. Unanimously approved.

ITEMS FOR DISCUSSION:

a. Ordinance Amendment Finalize – Attorney Gallina

Attorney Gallina reviewed for the board the revisions that the board requested. After a brief discussion, motion by Mr. Gerlich and seconded by Mr. McKee to approve the amended ordinance and send to the Township Committee for Introduction and Public Hearing. Unanimously approved.

b. Highlands Area Exemption Ordinance – Planner Bolan

The board discussed the Exemption Ordinance and with the recommendation from Planner Bolan the following changes will be made: Exemption #5 will read as part of the Zoning Permit process, the Zoning Officer will sign off with no additional fees being required only the Zoning Permit Fee. Exemption #4.3 (Exemption Designees) will have an additional sentence: Exemption #5 may be granted as part of the Zoning Permit Application. Exemption #4.7a (Application & Review Fees) will have an additional sentence added: Except for Exemption #5 when it is part of the Zoning Permit Application for which the General Zoning Permit fees shall apply. At the conclusion of the board's discussion, motion by Mr. Laul and seconded by Mr. Gerlich to approve the changes as stated and send to the Township Committee for Introduction and Public Hearing.

ROLL CALL **Yes:** Mr. Milkowski Ms. Bleck **No:** Mr. Schmidt
 Mr. Laul Mr. Weiler **Absent:** Mr. Rich
 Mr. Gerlich Mr. McKee Mr. Piasecki
 Mr. MacQueen Mr. Skidmore

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c. Letter from State of New Jersey (SADC) – Engineer Risse

Ms. Glashoff informed the board that after the last Township Committee Meeting, Mr. Milkowski brought in to her the letter from the State SADC and said that the Township Committee passed this on to the Planning Board for their input. Engineer Risse reviewed for the board the information regarding Farm Preservation for Block #18 Lot #28. There was a question regarding a ROW. Engineer Risse said that Ms. Glashoff sent him a copy of the approved subdivision plan for Lots 328.01/28.02 & 28.03 which show a ROW. Unfortunately, there is no subdivision plan for Lot #28 when a subdivision was done back in 1974 to create Lot #28.01. Engineer Risse informed the board he will contact the Tax Assessor tomorrow to see what is in the deed for Lot #28. Engineer Risse said if there is no ROW for Lot #28 does the Township want to purchase a ROW in the event one doesn't exist. Chairman MacQueen asked who was looking to purchase this property and can you still subdivide it. Engineer Risse said the State Agricultural Development Committee is looking to purchase the 66.9 acres with a 2.5 acre exception area. Engineer Risse stated that he spoke to the Road Supervisor and was informed that there were no plans for widening Cokesbury Road. At the conclusion of the board's discussion, motion by Mr. Gerlich and seconded by Ms. Bleck to have Engineer Risse check with the Tax Assessor on Lot #28 to see if a 25' ROW was created, if not a ROW should be reserved to be consist with the other subdivision of the property. Once Engineer Risse reviews the deed, then a recommendation to the Township Committee on whether an additional ROW is needed. Unanimously approved.

d. Quarry

At this time, Mr. Milkowski excused himself from the discussion on the Quarry due to a conflict of interest.

Chairman MacQueen noted that the board had discussed this issue on the Quarry back on February 4th and decided to continue the discussion tonight. Members from Glen Gardner Boro Council, residents of Glen Gardner along with Michael Guida from US Concrete-Eastern Division were also present this evening. Chairman MacQueen asked Planner Bolan for his input. Planner Bolan asked if the only question is, do we send a letter endorsing the land swap. Planner Bolan said from a municipal perspective that the expansion is advantageous, just from Lebanon Township's perspective because we have no other mechanism at this point that you can require reclamation on that property. This would be the opportunity with the expansion to accomplish a reclamation on the expanded 30 acres and the existing 35 acres of land in the Township. In reviewing our open space inventory, this 30 acres would be a minor amount of land that we would lose. This would still be surrounded by open space. Planner Bolan noted this would not be an impact to our open space inventory. We have no idea what will happen at the end of the reclamation period. Planner Bolan said at the end of the reclamation, there will be very steep slopes which will be around 40% and it could be passive recreation. Planner Bolan said because where it is situated in the Township, the real impact is with the Boro of Glen Gardner. They get the traffic, dust, the noise from the blasting. From Lebanon Township perspective it is an isolated parcel. Mr. Schmidt asked if anyone from the Planning Board has been up to the site. No one has been to the site.

Chairman MacQueen asked Engineer Risse for his input. Engineer Risse started by saying that he agreed with Planner Bolan comments. Since this is almost fully mined out there is not much room for doing a reclamation. Engineer Risse agreed that the impacts of this are with Glen Gardner. Engineer Risse said it would be nice if it could be reclaimed in a way to be useable and not just a big hole in ground.

Chairman MacQueen opened the meeting to the public and noted that this is just for discussion. Glen Gardner Mayor Stan Kovach asked to address the board. Mayor Kovach noted that Mr. Guida had been here to the Planning Board and had given his presentation to the board and then wanted to be on their agenda last week and wasn't but shown up and gave overview during comment period of what he had presented to this board. Mayor Kovach said this is ill advised because of the problems it is going to cause not only to the watershed area but they are in a deficit area. Mayor Kovach stated they have two wells that are close to the quarry and the other is radon gas and they don't know what will happen with the radon gas. Mayor Kovach said it is not advantageous to either municipality for the expansion. US Concrete will have to go before the NJ Land Trust in order to acquire this property. They tried last year and it fell through. Mayor Kovach said this will have a big impact on the Boro. The Boro is the only access in and out for the quarry. Mayor Kovach said with all the blasting the ground shifts quite a bit. Mayor Kovach said he has had to replace well casings because of all this. Mayor Kovach informed the board that 5 Councilman are against the expansion, 1 has questions and 2 are for it. The impact to Lebanon Township is minimal compared to the Boro. Mayor Kovach said the majority is against this and doesn't want this to go through. Mayor Kovach noted that over the years there has been a big turnover with ownership and no one has ever presented them with a plan once they are done mining. Chairman MacQueen asked if they walked away now, what would Glen Gardner do. Mayor Kovach said it would be just an empty piece of property that the State Police would have to patrol. Mr. Schmidt said that Lebanon Township would also be partly responsible for it. Mayor Kovach said when Hagadorn was operating, their police patrolled the area including the Boro, but now that Hagadorn is gone their hasn't been any patrolling and if the Boro needs Police they have to call the State Police. At this point, Steve Yaros, Water Commission came up and joined Mayor Kovach at the microphone. Councilman Yaros thought it was interesting that US Concrete now wants a reclamation project when it is to their advantage to continue their business for another 35 years. They never came to anyone before this.

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Chairman MacQueen asked Mr. Guida how long has the quarry be operating. Mr. Guida said since 1967. But there was some mining going on before that. Chairman MacQueen asked how long US Concrete has been operating at this site. Mr. Guida said prior to US Concrete, Pinnacle Corp. had the quarry and Ed Herbert had started a process but not with either municipality, they went directly to the State and the property in question fell into the hands of the N.J. Land Trust. Pinnacle tried to work something out with the N.J. Land Trust which was in 2002-2003. Mr. Guida said when Mr. Herbert died it was all dropped and not followed up. Mr. Guida said US Concrete took over the quarry they approached the Land Trust but at that time they were not interested in a land deal. Councilman Yaros said they haven't seen the presentation yet but is scheduled for March 4th. Councilman Yaros asked what the Planning Board believed that the land could be used for once the quarry was gone. Mr. Schmidt said our Planner had addressed that since it was a concern. Mr. Laul said since the property has been tampered with it is unlikely that the Land Trust would take back the property. The question is who would get stuck with that property. Mr. Laul said he had a question for Engineer Risse during the presentation, Mr. Guida had stated if they could not get the reclamation, they would have to go 50' deeper, but if they got the reclamation then they wouldn't have to go deeper. Mr. Laul said if they went 50' deeper, it would affect the water in the Boro. Mr. Yaros said once a reclamation is done, who from Lebanon Township will see it. You can only see it from Route 31. Also how much better will it be and what will the use be. Mr. Yaros said 35 more tax years of the quarry might be good for Lebanon Township, but not for Glen Gardner. But Lebanon Township doesn't deal with the dust, and traffic with the trucks everyday 6 days per week. Mr. Laul said this was why the board wanted to meet and discuss this with the Boro because they are the ones who deal with all the dust, traffic and water issues.

The next person to speak was President Council Jack O'Brien. Councilman O'Brien said he wants a reclamation, but does not want to take any quick action, need to know the negative impact will be if any. They were told 2 years ago by the Raritan Valley Watershed Association that if the blasting went below their water table that it would drain their wells. Unless they have some studies and assurances they are not just going to write a letter supporting this. Councilman O'Brien said they won't be taking a vote until after they see the presentation next Tuesday evening. They will be inviting all the residents that will be affected by this. They are very concerned about the blasting impact and the water quality, also the liability on their water system. Back in 1967 when the quarry started, they didn't have the development that they have now. In 1967 they had around 600 residents, they now have over 2000 residents and this is their concern. Councilman O'Brien reiterated they would like to see a reclamation but not looking to take any quick action. Councilman O'Brien said they have to do what is best for the residents of Glen Gardner.

Chairman MacQueen asked him if the quarry was there when he moved in to the Boro. Councilman O'Brien said yes. Councilman O'Brien said for awhile it wasn't as active as it is now and back then no one really talked about it like they do now. It is in full operation now. He informed Chairman MacQueen he has been on the council for 30 years, but it has only been in the last 4-5 years that he has heard so many complaints about the quarry. Mr. Schmidt asked what developments were near the quarry. Councilman O'Brien said none, but those in the Grandview Estates still feel the blasting and he gets phone calls. There are many older homes near/by the quarry that feel the impact of the blasting. Chairman MacQueen asked Councilman O'Brien for his overall opinion. Councilman O'Brien said he doesn't want to see another 30 years of impact on the Boro and giving them another 30 years won't solve the problems. If they go deeper, it will affect the water supply, and then we would have to go to court. Chairman MacQueen asked wouldn't it be better to have another 30 years. Chairman MacQueen said he was only asking the question and wasn't taking sides. Councilman O'Brien said we are only trying to be good neighbors, they are impacting us, but they are not impacting you. If the quarry were to impact their water supply then they are going to have a big problem.

Councilman Michael Gronau asked to address the board. Councilman Gronau said he was for the expansion because with only 8 years left, the quarry will have to go 50' deeper. At this point we don't know what the impact will be. Councilman Groneau said that he was given a tour of the quarry by Mr. Guida. We need to look at the facts and to look at the impact of the aquifer before moving any further. At the end of the 8 years, there will be a big hole and a liability for both municipalities. Councilman Gronau said if they get the 30 acres, then we have something to negotiate. Councilman Gronau said that blasting moves earth but the earth is always moving. The Railroad had purchase the property back in 1920. Everyone that purchased a house knew the quarry was there. Councilman Gronau said the reason he is for this, is so we have a negotiating tool. Chairman MacQueen said in speaking for himself, Planning Board's don't seem to be planning for the future anymore. Chairman MacQueen said in the future, won't it be nice that in 40-50 years, people said what a great job the board did with the quarry property. It's not going to be perfect but it is a quarry. Chairman MacQueen asked if the board had any questions. Mr. Schmidt asked Mr. Guida how often on an average does the quarry blast. Mr. Guida said he didn't think it was more than 5 times a month. Last year it was only about 3 times per month out of the 6 years they have been there. Mr. Guida said the blasting is March through December. Then don't blast in January and February. Mr. Guida said that Glen Gardner's perspective is much different then Lebanon Township. Mr. Guida said they will be replacing some of the equipment and getting more modern equipment. They understand the dust issue. At this time, Mr. Guida gave a brief presentation on the plans and what they will be showing the Boro in their Power Point Presentation. Mr. Guida said he plans on having other people there for the presentation and he understands the concerns of the Boro which are different from Lebanon Township.

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Mr. Schmidt asked about the dust issue and is there more modern equipment regarding dust. Mr. Guida said the system they installed in 2008 didn't do the job as adequately as they wanted but the new system which will be on line April 1st will be a big improvement regarding dust. Ms. Bleck asked if you are in the reclamation process and your business goes under and someone else buys, do they have to uphold the reclamation program that is going on or does it get dropped? Planner Bolan said it runs with the property. Ms. Bleck said her other concern is the water issue. Would you company drill new wells if something were to happen. Mr. Guida said in Pennsylvania it is in the mining laws that if a well(s) become dried up because of the quarry they will re-drill the well or drill a new well deeper. Mr. Guida said in discussing the re-writing of the Glen Gardner ordinance, the quarry won't object to them putting that in the ordinance regarding re-drilling or drilling a new well. Mr. Guida said regarding water, the actual static level of the water, they have a monitoring well on site and they have to take readings and send it to NJDEP to see if it is rising or lowering. That well has stayed between 70-72 feet down to the top of the water since they have installed it.

Ms. Bleck said from the minutes, if no action is taken, asked Mr. Guida that he made the comment about if pumping is stop from one pond to the other what happens with the water, does it just fill up in the quarry. Mr. Guida said if they don't have to work at the lower levels then what would they do is test regarding going down the additional 50' to see with the springs that are in the banks that are above Main St. and Spruce Run. Mr. Guida stated, there was discussion on what would happen if the water level rises. They would have to be concern if the water rose, with an artesian level regarding someone well down on Main Street. It has never been allowed to have a high level of water in the quarry.

Ms. Bleck said also in the minutes it refers to if no action is taken, there was talk about the loss of habitats, control of invasive species, but you also said the pumping would be stopped. Does that mean from one pond to the other? Ms. Bleck said if the pumping is stopped does the water just fill. Mr. Guida said during Hurricane Irene they took on about 16' of water and they could not remove it fast enough. Mr. Guida said if they stopped right now, the water would rise to a certain level then drain out. They have a pipe and it would discharge and free flow into the Spruce Run. With no more questions from Mr. Guida, Chairman MacQueen asked if anyone else from Glen Gardner wanted to speak. Mr. Joe Tapp, Boro Planning Board Member asked to address the board. Mr. Tapp referred to the discussion at the last meeting; Mr. Guida said the slope was 2.5 to 1. Mr. Guida said this is on the back wall. Mr. Tapp asked if that was 40 degrees. Planner Bolan said no, it is 40%. Mr. Guida explained to Mr. Tapp the comment from the last meeting. Mr. Tapp informed the board he has been doing some research and was looking at Pennsylvania Law on quarries in order to gather information. Mr. Tapp said that the biggest concern they have is for pit mines and strip mines, referring to the back walls and how steep they are and making sure they are okay. Mr. Tapp said that every mine in Pennsylvania has to carry a bond and it can't be taken away. Mr. Tapp stated said that would answer a lot of the questions both municipalities have regarding reclamation. Mr. Tapp said he doesn't see our state doing anything and that he see this mine going away in 9 years and to protect both municipalities we need to have a bond in place. Mr. Tapp said in checking into bonding companies that will work with you to make sure you have the proper bonding in place and said it is very important to have a bond. At this point, Mr. Tapp thanked the board for their time.

Chairman MacQueen asked, do you bond now or let them reclaim it first. Mr. Tapp said bond now. Mr. Schmidt said the only leverage we have is to let them expand then we can get them to bond. Mr. Guida said they have a new CEO, Bill Sandbrook since August 2011 who is very safety minded and very concerned with the environment. US Concrete is the only largest ready mix company in this Country. Mr. Tapp said his concern is for the Boro and it's residents. Chairman MacQueen asked Mr. Guida to send Ms. Glashoff the link to the Pennsylvania Law on Quarries. Mr. Laul said we should wait until Glen Gardner as seen the Power Point Presentation before we make a decision. The board discussed this issue at length and decided to wait to see what happens at the Glen Gardner Meeting. Mr. Gerlich said the two municipalities need to work together on this and come up with something that will work for both and we need to keep an open mind.

Chairman MacQueen announced that the board will take a recess at this time 8:30 p.m. When the board reconvened at 8:40 p.m. the board continued with the Items for Discussion. Mr. Milkowski returned to the board.

d. Highlands Land Use Ordinance – Planner Bolan

Planner Bolan said this is the end of 2 years worth of work. We started reviewing this in the Winter and Spring of 2012. We sent a comment letter to the Highlands in the Summer of 2012. Then the Highlands Council decided to revised this whole model ordinance and came back to us last year. The comments we sent in May of 2012 which led them to revise the ordinance in the Summer of 2012. Planner Bolan said at this point there isn't a lot to say. Planner Bolan said it is largely enact-able. If we don't do this, we will lose control over any applications. Planner Bolan said if we had just adopted the checklist ordinance, we would not see Muller Toyota until after the Highlands had reviewed and approved it. We need to do it in order to adopt the Exemption Ordinance. Planner Bolan said he has already sent the Ordinance to the Highlands Council for approval, but hasn't heard anything back yet. Planner Bolan said if there are any policy issues, he will bring them back to the Planning Board. Regarding Exemption Ordinance, this will also deal with Subdivisions and Site Plans, they will fall under Exemptions 2 & 4.

