

CALL TO ORDER

Mr. Leuthe called the meeting to order at 7:30pm and stated it was open to the public in compliance with Public Law 1975, Chapter 231, Sections 4 & 13.

FLAG SALUTE

ROLL CALL: Members Present: Hughes, Suljic, O'Leary, Didyk, Taylor,
Van Sickle, Aikens, Potter, Madewell, Leuthe.

Members Excused: None.

Members Absent: None.

Also Present: Ursula Leo, Esq.
Nevitt Duveneck, PE

MINUTES: October 25, 2018

A motion to approve the minutes from the October 25, 2018 meeting was made by Ms. Van Sickle. It was seconded by Mr. Hughes and passed with a roll call vote. Ayes: Hughes, Taylor, van Sickle, Potter, Madewell, O'Leary.

Ms. Leo noted Mr. O'Leary is now occupying a Class III member of the Board and Mr. Corcoran is no longer a Board Member. Mr. Leuthe is now acting as the Board Chair.

COMPLETENESS / HEARINGS / CONCEPT:

1.) Restland Memorial Park B: 10 L:3.02,4 FSP18-8, FSP18-9 (Completeness Only)

Mr. Chad Warnken of Archer & Greiner, P.C. was before the Board for completeness. The application is for amended final site plan approval for phase 1a and final site plan approval on the remaining sections.

Mr. Duveneck went over the requested waivers with the Board. He recommended the application could be deemed complete with the noted waivers.

Mr. Hughes made a motion to deem the application complete with the noted waivers. It was seconded by Mr. O'Leary and passed with a roll call vote. Ayes: Hughes, O'Leary, Didyk, Taylor, Van Sickle, Aikens, Potter, Leuthe. Mr. Suljic abstained from the vote.

Mr. Warnken noted the applicant did not need to notice the application to which Ms. Leo agreed.

2.) Brean Royalty, LLC B: 1.02 L:1 PSP18-3, FSP18-4, VAR18-5

Ms. Leo noted that Ms. Van Sickle had been represented by Mr. Glen Kienz, Esq. a few years ago. Ms. Van Sickle said she felt that would not bias her decision in any way and remained on the Board for the hearing.

Mr. Glen Kienz, Esq of Weiner Law Group, LLP was representing the applicant. He said the application was deemed complete at the October meeting date. He said they are proposing a batch plant, which allows the applicant to change the material without much effort. Mr. Kienz said the equipment is large with a height of 95 feet, which includes the lightening rod, but it is portable. The equipment will be tucked within the site.

Owen Dykstra, PE of 11 Lawrence Road, Andover, N.J. was sworn in by Ms. Leo and gave his credentials, which were accepted by the Board.

Mr. Dykstra presented an aerial photo of the quarry which was marked and entered as exhibit A-1. Mr. Dykstra explained the photo and quarry site to the Board. He said the nearest residential property is about ½ mile away.

Mr. Dykstra presented a color version of the cover sheet of the submitted plans, which was marked and entered as exhibit A-2. He explained the interior of the quarry site to the Board. He

explained the stream, wetlands and topography to the Board. Mr. Dykstra gave a history of the site.

Mr. Dykstra explained the batch plant to the Board saying the drum plant is old technology and the batch plant is the new technology and explained the difference to the Board. Mr. O'Leary asked if the impermeable membrane would be necessary. Mr. Dykstra explained about the membrane and said it is no longer needed however, it is still in place.

Mr. Dykstra presented a color version of page 3 of the submitted plans, which was marked and entered as exhibit A-3. He said the batch tower is 92 feet in height however they are requesting 95 feet height variance for the lighting rod and any variation in the foundation. He said the lighting will be a downward facing concealed source and will be attached to the side of the structure. The conveyor will be about 85 feet in height. There will be no negative impact on the storm water. Mr. Dykstra said the silos will violate the buffer requirement; however the line is on the quarry site which is owned by the applicant. He explained the circulation to the Board. He said the bulk of the material needed for processing will come from onsite. Mr. Dykstra explained the different buildings and structures on the site. Typical hours of operation will be 5:00am to 4:00pm Monday through Friday and Saturday 5:00am to 1:00pm. The quarry operates 24/7 so this is consistent with the quarry operation. Mr. Dykstra said the truck traffic will be approximately 7 to 10 per hour. The truck traffic will travel on Limecrest Road towards Route 15 for the most part and the times of travel will vary since the paving projects work around peak traffic times. Truck Traffic will not pass any Lafayette residences only a few residences in Sparta, which are located in an industrial zone. The plant will be compliant with the ordinance noise standards and there will be no impact on residences.

Mr. Dykstra presented a color version of the elevation of the plant, which was marked and entered as exhibit A-4. He explained the plant to the Board.

Mr. Dykstra presented six photos of the site, which was marked and entered as exhibit A-5. Mr. Dykstra explained that they flew a drone to the height of the proposed plant and then superimposed a picture of the plant into the photo so the Board could see how the plant will be seen from the surrounding roadways.

Mr. Kienz handed out a packet of photos consisting of the six photos in exhibit A-5 plus an aerial photo from Google Maps which was marked and entered as exhibit A-6. Mr. Dykstra explained each of the photos to the Board.

Mr. Madewell asked if the asphalt plant would be a seasonal operation to which Mr. Dykstra said it will operate about 230 days per year.

Mr. Hughes asked if the applicant would conduct a noise survey once the plant is up and running. Mr. Dykstra said he did not anticipate any noise issues. Mr. Kienz said that could be a condition of an approval. Mr. Dykstra said the plant would be over 400 feet from Limecrest Road and there is a berm, which will buffer any noise.

Mr. O'Leary asked how the asphalt is made and stored. Mr. Kienz said the owner can answer that question. Mr. O'Leary expressed a concern with the noise from trucks backing up. Mr. Kienz said they must comply with the State Noise Standards. Mr. Dykstra explained how the trucks will circulate the site and said they almost never have a need to back up. Mr. Hughes asked for a noise survey to be conducted once the site is operating. Mr. Kienz agreed to the condition. Mr. Hughes asked about the existing tree buffer and if it will be maintained. Mr. Kienz said the existing buffer is part of the site plan and they would not be allowed to clear cut any of it without approval. Mr. Hughes asked about the color of the silo. Mr. Dykstra said it will be a tan color. Ms. Didyk expressed a concern with the color of the silo and wanted to see a neutral color.

Ms. Didyk asked if the truck traffic will be traveling on Route 15 North since there are residents living on Route 15 in Lafayette. Mr. Dykstra said most of the work is to the south. He said there may be some trucks heading north if there is work in that area but most will go south.

Mr. O'Leary asked about any additional septic systems to which Mr. Dykstra said they are not adding anything. What is currently in place is what they will continue to use. Mr. O'Leary

asked about the plant being an accessory use to the quarry. Mr. Kienz felt asphalt plants do not normally stand alone and therefore are an accessory use to a quarry use.

Mr. O'Leary asked if this application is an amended site plan to which Mr. Kienz said it is a new application. Ms. Leo said it will be a new stand-alone resolution.

Mr. Duveneck asked how close any resident in any town was from the site. Mr. Dykstra said it would be 2/3 of a mile away. Mr. Duveneck asked if the glass recycling facility across the street was a 24 hour operation to which Mr. Dykstra said that is what he has been told. Mr. O'Leary said he attended the Pace Glass hearing and it was approved as a 24-hour operation. Mr. O'Leary asked if the applicant would conduct a light study once the plant was operating to which Mr. Kienz said yes.

Mr. Leuthe opened the meeting to the public. With no public coming forward, the meeting was closed to the public.

Mr. Scott Brean, of 334 Crescent Ave, Wykoff, N.J. was sworn in by Ms. Leo. He said he is the president of Brean Royalty, LLC. He explained the asphalt making process to the Board. He said the drum plant would require multiple silos where the batch plant only requires one tower. He said the asphalt is usually made to order. Mr. O'Leary asked about the Phase II silos that were part of the application. Mr. Brean said they wanted that in the event production increased in the future. He said the silos may never get put in. Mr. O'Leary said he did not want to see empty silos sitting on the property. Mr. Brean said they are too expensive to put up if they are not being used.

Mr. Duveneck asked about the noise coming from a truck being cleaned out. Mr. Brean said they have that now and there have been no complaints. Mr. Duveneck asked about the noise coming from the plant. Mr. Brean said the plant is very quiet and one could have a conversation 10 feet from it while it is running.

Mr. Leuthe opened the meeting to the public. With no public coming forward, he closed it to the public.

Mr. Jason Dunn, PP of 11 Lawrence Rd, Andover, N.J. was sworn in by Ms. Leo. He gave his qualifications, which were accepted by the Board. Mr. Dunn said the height of the tower blends with the area and will be mostly hidden by the surrounding trees. He went over the positive criteria; the plant will supply asphalt for the safety of the roads and airports. The facility does meet the State policy on recycling. He said it is consistent with the Master Plan and it adds jobs. Mr. Dunn felt there was no negative impact on the surrounding neighborhoods. He explained this type of plant is temporary and must be made in parts that can be transported over the road thus making them more narrow and taller. They also must be raised up so trucks can drive under them. Mr. Dunn explained the buffering around the site. He said the quarry is the neighboring property which is owned by Brean Royalty.

Ms. Leo asked how many employees they will be hiring to which Mr. Brean said five or six employees.

Mr. Leuthe opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

Mr. Duveneck went through his report to make sure the applicant was in agreement with his requests.

Ms. Leo went over the noted conditions of an approval.

Mr. Leuthe opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

A motion to approve the variances for height of 95 feet and buffering of 110 feet and the preliminary and final site plan with the noted conditions was made by Ms. Didyk. It was seconded by Ms. Van Sickle and passed with a roll call vote. Ayes: Hughes, O'Leary, Didyk, Taylor, Van Sickle, Aikens, Potter, Leuthe. Mr. Suljic abstained.

3.) DeVenezia Realty, LLC B:4, L:2.04 ASP18-6, VAR18-7 (Incomplete)

Ms. Leo advised the Board the applicant's attorney sent an email requesting the application to be deemed incomplete so they can figure out how they want to proceed without incurring additional costs.

A motion to deem the application incomplete was made by Mr. O'Leary. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, O'Leary, Didyk, Taylor, Van Sickle, Aikens, Potter, Leuthe. Mr. Suljic abstained.

AUDIENCE:

Mr. Leuthe opened the meeting to the public. With nobody coming forward, the meeting was closed to the public.

OLD BUSINESS:

1.) Fence Ordinance

The Board agreed on a limit of a six foot height in the rear and side yards and a limit of four foot height in the front yard and 50% open fencing in the front. They agreed on the placement of not closer than six inches to the property line. Mr. Leuthe felt the town did not need a fence ordinance. Ms. Van sickle agreed. Ms. Leo will draft an ordinance for the Board's consideration.

NEW BUSINESS:

1.) Cannabis Retail Sales

Mr. Suljic advised the Board that a number of towns have addressed the retail sales of cannabis ahead of any State legislation allowing it. The Board agreed to wait for State regulation before moving forward with an ordinance.

2.) Food Trucks

Mr. Suljic suggested the Board consider a food truck ordinance since he has been getting requests for it. Ms. Didyk felt they produce a lot of trash from the customers. She said the city of Irvington is very strict about issuing permits for food trucks. She felt Lafayette needs more food establishments that are taxable and permanent.

Mr. Hughes felt the Board should consider food trucks for special events. He felt it helps promote special events. Mr. O'Leary suggested getting feedback from the Economic Development Committee on the matter.

Ms. Van Sickle felt food trucks are becoming very popular and the Township should consider allowing them with conditions.

Mr. O'Leary suggested the Board wait for feedback from the Economic Development Committee.

3.) 2019 Budget

The Board discussed the budget and agreed to request the same amount as 2018.

The Board Secretary had been asked by an applicant's planner if they needed to supply 14 copies of Stormwater Management Plans or could they supply less. The Board agreed that only seven copies need to be submitted.

The Board Secretary had emailed the Board Members a copy of the newly revised Land Use Board Application. The Board agreed to start using it.

Mr. O'Leary asked the Board Engineer to take a look at the mandatory curbing requirements in the R.S.I.S. and if Lafayette can deviate from those requirements. Mr. Duveneck will look at this and report back to the Board.

RESOLUTIONS: None.

ORDINANCES:

1.) Sign Permit and Zoning Permit Fees

A motion to refer the proposed ordinance to the Township Committee was made by Mr. O'Leary. It was seconded by Ms. Didyk and passed with a roll call vote. Ayes: Hughes, O'Leary, Didyk, Taylor, Van Sickle, Aikens, Potter, Leuthe. Mr. Suljic abstained.

ZONING REPORT: See Attached

BILLS: Bills List #12

Mr. Leuthe went over the bills with the Board.

Ms. Van Sickle made a motion to pay the bills. It was seconded by Mr. O'Leary and passed with a roll call vote. Ayes: Hughes, O'Leary, Didyk, Taylor, Van Sickle, Aikens, Potter, Leuthe. Mr. Suljic abstained.

CORRESPONDENCE:

1.) From: Damien O. Del Duca, Esq.

Re: Site Plan Application for Hampton Township

2.) From: Kevin O'Leary, Open Space Advisory Committee

Re: Open Space and Recreation Plan Update

Mr. O'Leary explained the letter to the Board.

ADJOURNMENT:

With no further business to come before the Board, a motion to adjourn as made by Ms. Van Sickle. It was seconded by Ms. Didyk and passed with everyone saying aye.

Respectfully submitted,

Stephanie Pizzulo
Secretary