

TOWNSHIP OF MOUNT OLIVE
PLANNING BOARD
Public Meeting
Thursday, December 17, 2020 at 7:00 pm
Remote/Virtual Meeting

In accordance with Township Ordinance # 26-09 the Mount Olive Planning Board is authorized pursuant to N.J.S.A. 40:55D-25(c)(2) to hear all variance applications including the six variance categories set forth in N.J.S.A. 40:55D-70d.

MINUTES

Public meeting / Remote Virtual Meeting of the Mount Olive Planning Board of December 17, 2020 commenced at 7:00 pm.

The Pledge of Allegiance was recited.

Open Public Meetings Act Statement was read into the record by Ms. Strain, PB Secretary

Roll Call

Present: Mr. Scapicchio, Mr. Schaechter, Mr. Forlenza, Ms. Mott, Ms. Natafalusy, Mr. Mania, Mr. Nelsen, Mr. Ottavina, Mr. Batsch, Mr. Weiss.

Excused: Mr. Ouimet

Board Professionals in attendance were:

Present: Edward Buzak, Esq., Board Attorney
Susan Crawford, Esq. Board Attorney
Chuck McGroarty, PP/AICP, Board Planner
Michael Vreeland, PE / Board Engineer
Mary Strain, Board Secretary

Audio and video technology and platform.

Approval of Meeting Minutes

July 16, 2020 Public Meeting

Mr. Weiss: We have on our agenda tonight, the approval of minutes from July 16, 2020. We all have a copy of those minutes. If someone would please move.

Mr. Mania: I'll move.

Mr. Weiss: Thank you John.

Ms. Mott: I'll second it.

Mr. Weiss: Second, Kim. Thank you very much. Does anybody have any comments? I see none. Mary, roll call please.

Roll Call:	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes

John Mania	Yes
Dan Nelsen	Yes
Paul Ottavina	Yes
John Batsch	Yes
Howie Weiss	Yes

Resolutions

PB 19-14 New Jersey Foreign Trade Zone Venture, LLC, ITC East, Block 105, Lot 1; Block 106, Lots 2 and 3; Block 202, Lot 1

Mr. Weiss: Next item on our agenda is a Resolution for PB 19-14. That Resolution is going to be carried until January 14th. The applicant has been notified of such. We're fine for the extension. We don't need an extension because that's good through January 31st. Correct?

Mr. McGroarty: No. No, Mr. Chairman. Unfortunately, although it says January 31st, that's the anticipation. We did not receive confirmation yet, from Mr. Selvaggi's office, that he is granting the extension. The time actually expires at the end of this month.

Mr. Weiss: Okay.

Mr. McGroarty: Given that the building was closed today, there was a little confusion as to whether this was going to be on or not. So, Mary you can correct me if I'm wrong, but you advised Mr. Selvaggi's office that you requested an extension, but we have not received it. Is that correct?

Ms. Strain: Yes, that's correct.

Mr. McGroarty: So, Ed, I don't know what we do.

Mr. Buzak: What I would do is this... I would anticipate that we will be receiving an extension given the complexity of this Resolution. In fact, as you recall, the Board authorized a drafting of the Resolution but had not actually taken action on it. I would say that you should carry this to the January 14th 2020...2021 meeting as the Chairman has said. But recognize, ladies and gentleman, that if we do not get that extension, which I would ask to be followed up on tomorrow, that we should hold a special meeting between now and the end of the year. And take care of it because the alternative is similar to not acting on an application. It's a default approval and this is certainly one that we don't want to have a default approval on.

Mr. Weiss: Okay. Mary, quick question. When was Mr. Selvaggi's office notified? Is it perhaps maybe they were closed with the snow as well?

Ms. Strain: They were notified on Wednesday. And I got an email back from his assistant saying that they were both working remotely. That they are aware of it. Today they are working remotely. So, I'll follow up first thing tomorrow morning.

Mr. Weiss: All right. I so, I guess...everyone on the Planning Board be on alert that if need be we are going to have a special meeting between now and the end of the year. We hope we don't need to do that. And Mary, I take it once we get confirmation you'll notify everyone.

Ms. Strain: Yes I will.

Mr. Weiss: Otherwise it's going to be carried until January 14th. Correct? Ed? Nothing else.

Mr. Buzak: Yes. I'm sorry, Mr. Chairman. Yes, it will be.

Mr. Weiss: Okay. Perfect. So it brings us to our developmental applications for this evening. And before I jump to...

Inaudible.

PB 20-03 ZL Construction, LLC, 14 First Street, Block 3106, Lot 6

Mr. Buzak: Don't we have one more Resolution Mr. Chairman?

Mr. Weiss: I'm very sorry that's right. We do. I'm looking at the agenda...it was for PB 20-03.

Mr. Buzak: Mr. Chairman, if I may. This is a Resolution memorializing the denial of the variances in connection with the proposed construction of a single family dwelling on the undersized lot known as Block 3106, Lot 6 on the official tax map, 14 First Street, ZL Construction application that the Board heard on November 19, 2020.

Mr. Weiss: Thank you for that clarification. I don't have the specifics, that's why your review is very much helpful now. Ed, Thank you very much.

Mr. Buzak: You're welcome.

Mr. Weiss: That being said we have a copy of the Resolution. Would someone please move that Resolution?

Mr. Mania: I'll move that Resolution, Mr. Chairman.

Mr. Weiss: Thank you, John.

Mr. Nelsen: Second.

Mr. Weiss: Second by Dan. Thank you. Do we have any comments? Questions? Or concerns? Seeing none, roll call. Before we take the roll call...obviously a yes vote ratifies the fact that we turned this application down.

Mr. Buzak: That's correct.

Mr. Weiss: Okay. Go ahead, Mary.

Roll Call	David Scapicchio	Yes
	Brian Schaechter	Yes
	Ken Forlenza	Yes
	Kim Mott	Yes
	Catherine Natafalusy	Yes
	John Mania	Yes

Dan Nelsen	Yes
Paul Ottavina	Yes
Howie Weiss	Yes

Development Applications

PB19-25 Hunkele Equities LLC, Minor subdivision w/variance, 160 Gold Mine Road, Block 4400, Lot 85.02

PB 19-28, Hunkele Equities LLC, Preliminary final site plan, 160 Gold Mine Road, Block 4400, Lot 85

PB 19-29 Hunkele Equities LLC, Amended site plan, 160 Gold Mine Road, Block 4400 Lot 85

Mr. Weiss: Thank you everybody. And thank you for that correction. Now we can move to our developmental applications for the evening. We have three...we have a few applications...three applications that are going to be carried until January 21st. Those applications are PB19-25 Hunkele Equities LLC, for minor subdivision with variance at 160 Gold Mine Road, Block 4400, Lot 85.02. I have application PB 19-28, Hunkele Equities LLC, preliminary final site plan, 160 Gold Mine Road, Block 4400, Lot 85 and PB 19-29 Hunkele Equities LLC, amended site plan, 160 Gold Mine Road, Block 4400, Lot 85. Those three application will not heard tonight and they are carried until January 21, 2021. There will be no more notification. They will be carried. No further notice. It will be heard during this process unless otherwise changed. I don't expect any change. It will be carried until January 21st, 7:00 pm on Zoom.

Mr. Buzak: Nothing to add Mr. Chairman, Thank you.

PB 20-13, Saxton Falls Sand and Gravel, Waterloo Valley Road, Block 700 Lots 2,3,4,5 & 8; Block 701, Lot 4 & 6; Block 800, Lot 40

Mr. Weiss: That brings us to our loan application, our developmental application for this evening, which is PB 20-13 Saxton Falls Sand and Gravel, here for an updated operation, interim restoration and final reclamation plan for the property on waterloo Valley Road, Block 700, Lots 2,3,4,5 and 8; Block 701, Lot 4 and 6; Block 800, Lot 40. Dane, lets bring up the applicant.

Mr. McGroarty: I have them up, Mr. Chairman.

Mr. Weiss: Okay, thank you.

Mr. McGroarty: Its Mr. Rodgers, Mr. Houston, Mr. Schindelar.

Mr. Buzak: Before we start the application, lets give it a little context, if I might, legally.

Mr. Weiss: Sure Ed, absolutely, because you know I like to explain what we are doing, but as we are bringing everybody up, I know that its Mr. Mike Rodgers is the attorney for the application, so if you don't mind, Mr. Rodgers, you are muted, so I couldn't hear you. We need some video on all of the applicants. Thank you I see, Mr. Schindelar. I am waiting for Mr. Mike Rodgers. Mr. Rodgers, Mr. Buzak said he wanted to put a little context behind it. I will then introduce our...help our Planning Board members as to what we are doing and then I'll gladly turn it over to you. If we can, Mr. Buzak, why don't you give the explanation that you were going to give.

Mr. Buzak: Thank you very much, Mr. Chairman. This is a unique application we don't see many of these kinds of things before this Board, and indeed in other Planning Boards. Under the land use law, you know that when a development regulation is transmitted...is introduced by the

governing body, its referred over to the Planning Board for determination as to consistency with the Master Plan. That is a statutory requirement under the MLUL. There is also another section of that MLUL, a companion section, which gives the governing body the ability to delegate to the Planning Board, any matter of high ordinance that it deems the Planning Board should weigh in on and make recommendations. It can't give the Planning Board any power to approve other things beyond what's in the MLUL. But it can give the Planning Board the power to review certain matters that it, the Township Council in this case, determines the Planning Board ought to review and make recommendations on back to the Council who will make the ultimate decision. This application or the ordinance provision under which this application comes before the Board, is just such a recommendation. Its not technically an application for development, its an application to the Township itself, the governing body, for the annual license. And its part of that process, the Township has seen fit to require the applicant to appear before the Planning Board for the Planning Board to hold a hearing, including comments from the public on the request for the license. There is a series of things that have been outlined in the various reports that we are talking about that should be the subject matter of the Board's inquiry and the subject matter of the testimony that we are going to receive tonight. At the end of this process, it is incumbent that the Board make recommendations to the Township, sort of following the parameters or the criteria that the Township has set forth in the ordinances. It is not an approval. We don't approve this. We simply make recommendations to the Township Council. So with that, Mr. Chairman, let me turn it back to you. Thank you for the opportunity.

Mr. Weiss: Okay thank you. I just want to add, Ed, and thank you for doing that. What I just want to add, put it into perspective to our Planning Board members. Many times we do an ordinance review where we go over some of the text of what we want to put into an ordinance and we make a recommendation to Council. This process that's ahead of us is similar to that ordinance review and we want to make sure there is compliance in this case to the existing ordinances. Ultimately its going to be the goal of the Planning Board to determine if this application is in consistent with the Master Plan. As Ed mentioned any recommendations that we have will be made to the Council. Of note too, the process does allow for the residents and the public to speak and in this particular application all the residences who are nearby...Chuck...was is 200 feet or more?

Mr. McGroarty: We noticed everyone, Mr. Chairman. Well beyond the 200 feet.

Mr. Weiss: So all residences have been notified to the best of our ability, and we are confident that we can start the process. I don't know if, Mr. Rodgers, if there is anything that you would like to add to our introduction? If anybody from the Planning Board has any questions about what we are about to partake lets talk about it now so we all understand what we are about to do. With that let me turn it over to Mike Rodgers. Welcome this evening.

Mr. Rodgers: Thank you. Now I have never done a Zoom Planning Board meeting. So please if I am doing something that you could improve on, please tell me.

Mr. Weiss: Thank you.

Mr. Rodgers: I believe I am supposed to raise my hand, but I don't see a raise my hand button, but since I have the floor I'll just go ahead.

Mr. Weiss: Right. Let me just explain... you are not going to have to...because you are part of the panel.

Mr. Rodgers: Okay.

Mr. Weiss: The hand raising will come as we open to the public, to those that are not on the panel, if they have a question, we can acknowledge them. Right now you are part of the discussion as is the rest of your team. I see Mr. Schindelar, and I think you have another member.

Mr. Rodgers: Jim Houston. Okay so that's fine. Thank you, that's perfect. The only thing I want to say before we start is we're required to submit a plan that shows our current operations and our plans going forward. We have done that. That is the ten sheets of maps and there is one report that gives a description of our operation. The way I anticipate going forward tonight is that we are going to have a brief overview of who we are and what we do. Then we are going to go into Mr. McGroarty and Mr. Vreeland's reports. Mr. McGroarty's report itemizes your ordinance and sets forth what we have to show in order to obtain your approval. We are going to go right through those and show how we believe we do comply with all of them. There are a couple where we are going maybe seek some variation, and that's permitted under the ordinance and we will explain why we need that. I have two witnesses. One is Rich Schindelar, who is the President of Saxon Falls and he is there on the site every day and is very familiar with what is going on and what their future plans are. The other is Jim Houston who is a Civil Engineer with Bohler and Co. He has prepared the plans that you see in front of you and will discuss the more technical aspects of the plans and what they contain and how they comply with the ordinance. With that I'd like to suggest that we swear in both witnesses because we would like to refer to them back and forth as we go through each of the various criteria that we have to meet.

Mr. Weiss: That's fine. I think I just want to clarify one point, Mr. Rodgers. You said that you were looking for the Board's approval and I don't think that's what we are going to be doing. Mr. Buzak, let's make sure we understand that the Board is going to be looking to make a recommendation to Council. Not necessarily approving...maybe that might be one in the same but ultimately...inaudible.

Mr. Rodgers: You are absolutely correct. You are absolutely correct and I used that word too loosely.

Mr. Weiss: No that's okay. This is not a common thing. As long as understand what we are going to be doing here. That's fine. I don't want to have any confusion later.

Mr. Rodgers: Right. We are going to show you who we are and what we do and hopefully you will recommend that we be permitted to continue. Subject to the various details that we spell out.

Mr. Weiss: Okay. So with that, Mr. Buzak, would you like to swear in Mr. Schindelar and Mr. Houston?

Mr. Schindelar and Mr. Houston were both sworn in for the record.

Mr. Buzak: Mr. Rodgers, who is going to go first?

Mr. Rodgers: We are going to alternate back and forth. Mr. Schindelar will go first but I would as that Mr. Houston be permitted to give his credentials and be accepted as an expert?

Mr. Buzak: That is where I was going. First of all can each of you gentleman, starting with Mr. Schindelar just state your name and business address for the record, spelling your last name?

Mr. Schindler: Richard Schindelar, S C H I N D E L A R. I'm President of Saxton Falls Sand

and Gravel, PO Box 576, Stanhope, New Jersey, 07874.

Mr. Buzak: Thank you, sir. Mr. Houston?

Mr. Houston: Yes, sir.

Mr. Buzak: Mr. Houston?

Mr. Houston: Yes sir?

Mr. Buzak: Can you just give us your name and business address and any affiliations, spelling your last name?

Mr. Houston: Yes. James R. Houston, Jr. H O U S T E N. I'm with the firm of Bohler Engineering which is located at 200 Independence Boulevard, Warren, New Jersey.

Mr. Buzak: Okay. Thank you. So let me turn it back to Mr. Rodgers since he is going to go back and forth and he was going to I think question Mr. Houston regarding his credentials. So Mr. Rodgers, please proceed.

Mr. Rodgers: Mr. Houston, will you please set forth your certifications and your work experience and prior approvals before this Board or other Boards? Or at least give an overview of that?

Mr. Houston: Yes. I'm a New Jersey licensed professional Engineer. Land Surveyor, Planner, Municipal Engineer and certified Flood Plain Manager. I've been with the firm of Bohler Engineering for 20. I've exercised at the capacity as a Sr. Project Manager. Prior to that I was with the firm of Richard H. Schindelar and Associates for 35 years. I've testified before this Board and have been accepted as an expert and many, many other Planning/Zoning and other municipal bodies throughout the State on this very type of site plan that you have before you tonight. I've prepared the original site plan for this approval back in 1998 and a subsequent one in 2001.

Mr. Rodgers: I'd like to as that Mr. Houston be accepted as an expert?

Mr. Weiss: Okay. I'd really like....Mike Vreeland, do you have any questions? Anything that we would be concerned about?

Mr. Vreeland: I'm satisfied with his credentials.

Mr. Weiss: Okay. Does anybody from the Planning Board have any questions for Mr. Houston? If not, let's accept Mr. Houston as the expert engineer for this evening's application and welcome. Jim did you say you were here in front of Mount Olive, before?

Mr. Houston: Yes, with this original application.

Mr. Weiss: You did say that. Well, welcome back. It's been a long time.

Mr. Houston: Thank you very much.

Mr. Rodgers: Before we begin with Mr. Schindelar, does the Board have any preference as to whether we refer to the large maps that you were all issued. Or would you prefer that we bring the

map on screen and point to it in that way?

Mr. Weiss: I think the on screen version works a lot better in a Zoom meeting.

Mr. Rodgers: Okay. So I'd like to start with Mr. Schindelar. Mr. Schindelar, I would appreciate it if you would please put Page 2 of the map on the screen, or maybe Mr. Houston can do it for you, and then explain to the Board in an overview fashion...because we'll get into more detail later...of what the map shows and what you do and what is on that site.

Inaudible.

Mr. Buzak: Mr. Rodgers, while we are waiting, we do...in Mount Olive, mark all the exhibits that are referenced in testimony even though they have already been submitted to the Board. We can begin with this one and we'll mark this A-1 and your expert can give us the title and the information and then go into his testimony.

Mr. Houston: Mr. Rodgers, again which drawing did Mr. Schindelar want?

Mr. Rodgers: Sheet 2.

Inaudible.

Mr. Rodgers: Mr...they've asked...Jim Houston would you please identify the plan by its name?

Mr. Houston: Yes. Its Sheet 2 of the submission that was made before the Board. Its entitled, Operational Restoration and Reclamation Plan, its Existing Conditions Plan.

Mr. Rodgers: Okay. Mr. Schindelar, go ahead and explain to the Board, roughly what this map shows.

Mr. Schindelar: Good Evening Planning Board Chairman and Board Members. I'd like to explain what we do at Saxton Falls Sand and Gravel. We're celebrating our 60th year in business and happily in Mount Olive. We are a mining company and what is that? We excavate or dig up material and we cross materials into construction aggregates that are used to build buildings. Over the years some of the machines that we have used are large excavators, loaders, drag line cranes, floating crane dredges, hydraulic dredges and air lift dredges. Technology over the last 60 years have advanced to allow us to continue to mine our property. Since our inception, we have mined\excavated or moved material around our whole property. Currently we are mining or excavating material in and around Pond 1 and Pond 2 of Sheet 2.

Mr. Rodgers: Now with the curser...do you happen to know where those ponds are?

Mr. Schindelar: I'm pointing to Pond 1 here, Pond 2 in the back, here and 3 is over here.

Mr. Rodgers: Okay. Continue.

Mr. Schindelar: We excavate material from different places down back. Let me explain why we excavate material from different places down back. Unlike a hard rock quarry, we do not blast for material. So we have to rely on what glaciers left behind. Mother Nature did not leave a homogeneous pile of great bank run that we can process into construction aggregates economically. So, we need to

move around and mix material from different places. When we excavate we determine if the material is fine...and let's say a lot of sand. Or course, very gravelly or having boulders. And we mix these materials to make an optimal mix that's so we can run it through our plant. We use large haul trucks to bring the bank run up to the plant. This brings us to the plant. We take our stock piled material and use it to feed our plant. It goes through a large jaw crusher that breaks down any large boulders to two to four inches or less. Then it goes up to a large wash screen and there we add water which helps move and separate the material through our large vibratory screen. Here the material is separated in size according to what we want to make for a finished product. We make inch and a half gravel, three quarter inch gravel, three eighths inch gravel, quarter inch gravel and sands. Larger material on the plant flows through another crusher and gets crushed down to three quarter inch or smaller and is put back over the large screen to get washed again. Sand from this vibratory screen flows through what is called a classifier. The sand particles are separated by size and remixed in proportion to make certain spec sands. Like concrete sand, mason sand, septic sand. Sands that are not used for making one of these products is sent to a cyclone, that separates it further. The result is a very fine sand used for utility trench backfill. Then the wash water and remaining fines, flow down to settling ponds. Here the fines which are very fine sands, silt and clay settle out and the clear water is then pumped back up to our main plant to get reused. This is how are main plant operates. Other products we have been making over the years has been topsoil, screened fill and different crushed rocks. We bring in material from other quarries or sand pits or construction sites and compost facilities to make other products. Like QP, topsoil and screened fill. Periodically we will bring in a large portable crusher to crush down large boulders for rocks. When bringing in soil fill material from other construction sites, all material is tested by a certified DEP testing facility. We only accept material that meets the NJ-DEP residential correct contact clean soil standard. That way, we can process the soil to make topsoil and re-sell it if we choose. This imported material has been used to reclaim the area along Waterloo Valley Road next to our berm. That's the overview.

Mr. Rodgers: Okay. Excellent. What does that railroad...is that the railroad going through the middle? Mr. Schindelar?

Inaudible

Mr. Houston: I'm pointing to it now.

Mr. Schindelar: Yes, that is the NJ Transit Railroad that runs through.

Mr. Rodgers: Okay. So thank you for that. So that is an overview of who we are and what we do. I now want to lead the witnesses through the various criteria that we have to meet, which are set forth in Mr. McGroarty's report starting on Page 5. If everyone would turn to Page 5 of that report, what I'm going to do is summarize each of the conditions that he alludes to and then ask one or both of our witnesses to elaborate. So...

Mr. Weiss: Mr. Rodgers were you talking about actual Page 5 or Chuck's point 5?

Mr. Rodgers: Page 5.

Mr. Weiss: Okay.

Mr. McGroarty: They are actually the same.

Mr. Weiss: Okay.

Mr. Rodgers: Now, on Page 5, his first Point, Number 1, says that a plan shall be submitted showing the area of disturbance for this exceeding 12 month period. This area shall not exceed 20 acres but upon showing of need therefore it can be expanded up two one third of the total site. We have not shown the proposed work area on this plan. We intend to add the plan but we do intend to ask the Board for a deviation from the 20 acre requirement up to the one third of the total site, which is 80 acres. There is a special reason for that related to the nature of this site and what we do. I'm going to ask Mr. Schindelar to elaborate.

Mr. Schindelar: The overall mining will take place within a 45 acre area that is listed on the plan which encumbers on one, two and three. We put that down there just to show, basically, where we are moving around and moving material. That's on Sheet 2. The ordinance asked to list an area of 20 acres. I believe the ordinance is trying to control the total area of disturbance but this whole area has been mined already and we ultimately will be leaving a large lake. And where we are mining it's already a sunk so we have to come down to the area where the material is. I'm asking for a waiver of the 20 acre limit in request for approval to use one third of the total land of the quarry, which is 80 acres, which is section D of the ordinance. As a condition of approval we will show this 80 acres on the plan. The area that I would like to show on the plan, would be the area of Pond 1 and pond 2 and the areas in between it. So basically the larger area there, show, then over to the left a little. We will need to pull material from different places around this area because the operational necessity, we need a good mix of different size material to be able to make a finished product to sell. In other words we just can't dig in one location and get the perfect material that we can run through the plant. That's it, Mike.

Mr. Rodgers: Okay. So we'll be asking as a condition of this...the Board's action, if you approve of it, that we obtain the deviation from 20 acres to allow what the ordinance provides for if a need is shown. Up to one third of the total area, which would be 80 acres. And then we will submit a revised plan which will demonstrate exactly where that 80 acres will fall. I'm going to move on now, still in Mr. McGroarty's report, to the next item. In Item 2 he states the following shall be a prerequisite for the approval of an annual operation plan. So I'm going to go to the prerequisites, one at a time and ask my witnesses to explain how we comply with them. The first one is A, which says the applicant shall estimate the total volume of product thought to be...likely to be mined in the coming year.

Mr. Schindelar: So, Mike, I'd just like to testify that we are estimating that up to 300,000 yards will be removed from the property during the 2021 year.

Mr. Rodgers: Okay. The next criteria in Mr. McGroarty's report is that the operation plan shall show existing and proposed contours and elevations and proposed stock pile areas. We do show that and I'm going to ask Mr. Houston to put the appropriate plan on the screen and point out where that is.

Mr. Houston: Okay, Sheets 5 and 6, of the plan show the proposed condition. In other words the final reclamation.

Inaudible

Mr. Buzak: While you're wheel is spinning, lets mark these two. Are these two different sheets that you inaudible together...?

Mr. Houston: Yes.

Mr. Buzak: ...or is this one sheet?

Mr. Houston: No they are two sheets...they are two sheets of the ten sheet set that was submitted with the application.

Inaudible

Mr. Weiss: Sheet 5 will be A-2 and sheet 6 will be A-3.

Mr. Houston: Correct.

Mr. Buzak: Okay.

Mr. Weiss: Why don't you tell us what Sheet 5 is, Or A-2? What is A-2?

Mr. Houston: A-2 is the... sorry for some reason it's not cooperating...inaudible. Sheet 5 or A-2 is a final...its one of two... because the property is so long and to show it with some detail...let me back up. A-1 was a drawing at 200 foot scale. This drawing Sheet 5 and Sheet 6, A-2 and A-3, are 100 scale. Twice the size to be able to show the proposed contours and how we ultimately see the property being reclaimed. So again Sheet 5 or A-2 is a final reclamation plan. It's the left or westerly half, if you will of the tract. Sheet six...inaudible...or A-3, again, the other half, the easterly half of the property...I'll zoom in for a second...

Mr. Rodgers: Jim?

Mr. Houston: Yes?

Mr. Rodgers: I think you want to show them, actually, the other sheets because they are actually asking about the operations plan. Not about the final reclamation.

Mr. Houston: On this one, they are asking to show...the following shall be a prerequisite for the approval of an annual operation plan. And this one says, proposed contours and elevations. And so what we are looking for would be to point that out.

Inaudible.

Mr. Houston: Rich is correct also. I'll come back to A-1 which is Sheet 3, I believe. Sheet 5 and 6, when I zoom in, you will see that the proposed contours show ultimately which...the operation of this facility is to ultimately create a huge lake as Mr. Schindelar indicated...and that...this entire area would be one lake. I'm going to trace the bottom of the slope before the future water line. So he is working this property to create one humungous lake. That's what these two sheets represent. They show from the top of the slope, down to the slope. Then there is a safety shelf of ten feet wide then slopes into the water. We'll touch on that again, later. But now I'll go back to Sheet 3, which again is the...inaudible... So this is the existing conditions plan that Mr. Schindelar operates on a daily basis and again this is sheet three, which shows the left half this is your operation and interim restoration plan. Again the western or left half. Sheet 4...

Mr. Buzak: Sorry did you say Sheet 3 or A-3?

Mr. Houston: Sheet 3.

Mr. Weiss: I don't think we...

Mr. Buzak: We didn't mark Sheet 3 yet as an exhibit. We marked Page 5 and 6.

Mr. Houston: Okay. I'll stand corrected. Sheet 2, which is this sheet, I believe is A-1.

Mr. Weiss: That is correct.

Mr. Houston: And then Sheet 5 and 6 are A2 and 3.

Mr. Weiss: Correct.

Mr. Houston: Now I'm going to Sheet 3 which is your left half, or west half of the operation and interim restoration plan.

Mr. Buzak: Okay. So that's A4.

Mr. Houston: A4 and then Sheet 4, next, will be A5.

Mr. Buzak: That is correct.

Mr. Houston: So as Mr. Schindelar explained, Pond 1 which I'm encircling here with my mouse and Pond 2 will all become one in the future. And I see you testified too...I'll just zoom this up a little bit...the entire...we measured the entire edge...future water, which is 145 acres. But of course as Mr. Rodgers indicated, we are requesting the ability to take one third of the total tract, which is 241 acres. One third of that is about 80 acres and that will become our operational area for the foreseeable future but at least for the coming year 2021. Currently the operation is taking place along the edge of Pond 2 in this particular area and they have this land mass where the material that's dredged out of the lake, is put into trucks and processed and then taken by path or roadway back over to the plant, where they product the finished product. So the 80 acres will be generally in this area and Mr. Schindelar is going to outline that. We are going to put it on the plan. We would ask if that would be a condition of your Board's action tonight so that he can just define as best as he can, the limit of 80 acres for the coming year's license.

Mr. Rodgers: And of course you can see where the contour lines appear...inaudible.

Mr. Houston: I can zoom in quite a bit and you can see the existing conditions which in fact is based on a current aerial topography just done this past summer, prior to us...out submission in August.

Mr. Rodgers: Okay. So thank you, Mr. Houston. I'm now going to go on to the next...I'm just going right through Mr. McGroarty's report, the next criteria that we have to meet is Number C, the bottom of Page 5. And they asked for a certification that all permits have been secured. I'm going to ask Mr. Schindelar to address that.

Mr. Schindelar: So, Saxton Falls Sand and Gravel, we have a NJDOT mine registration permit. We also have a NJDEP water allocation permit, which allows us to move water around the property. We also have a Morris County Soil Conservation District permit, but that has expired back in 2005. I've had discussions with Sheila Hall over at the Morris County Soil District and she would like us to renew our permit. So we are putting together an application for that. She had also mention that we should investigate a storm water permit and I've engaged a consultant to put together an application

for the DEP to get a general storm water permit. These two permits will be supplied as a condition of approval for our license. I believe that we didn't need the soil conservation district renewal since we are a sump...inaudible...in the area and all the water that comes in stays on our site but Sheila feels and her boss feels that we should still come in and do one. So we are doing that, which is no problem.

Mr. McGroarty: Mr. Schindelar, Mr. Chairman...

Mr. Weiss: Yes, go ahead Chuck.

Mr. McGroarty: Mr. Schindelar, I just want to ask you...I thought you said you have a NJDOT mine registration? You meant...inaudible...

Mr. Schindelar: I'm sorry. Yes. Department of Labor, I'm sorry.

Mr. McGroarty: Okay.

Mr. Schindelar: Yes. Thank you for catching that.

Mr. Weiss: Rich, you also have another question. You mentioned two permits that you are going to be applying for. One of them Morris County Soil Conservation District, what was the other one?

Mr. Schindelar: A storm water management.

Mr. Weiss: Thank you.

Mr. Schindelar: A general, yes. A general storm water management.

Mr. Weiss: And who is that applied through?

Mr. Schindelar: Through the DEP.

Mr. Weiss: Thank you.

Mr. Rodgers: Okay thank you, Mr. Schindelar. Now, moving down Mr. McGroarty's report, Number D and the very bottom of Page 5, it asks that we explain our method of dust control. I'm going to ask Mr. Schindelar to start, but Mr. Houston may feel free to jump in if he wants.

Mr. Schindelar: Basically our method of dust control around the pit is that we have a water truck and we periodically drive around spraying water to keep the dust down on the haul roads.

Mr. Houston: And that's to maintain the soil on the property that would otherwise be blown off through the wind. On Sheet 10 of our drawings, you have the soil erosion...the standard soil erosion sediment control notes and measures. We are going to be adding a more detailed description of how one controls dust on a project like this. So that will simply be an addition to that last sheet on dust control specifically.

Mr. Weiss: Were you referring to Sheet 10 in that comment?

Mr. Houston: Well I'm just telling you that it's...

Mr. Weiss: Okay, that's fine.

Mr. Houston: I don't need to open it up, it's just a sheet full of notes on soil erosion and its part of your submission.

Mr. Weiss: Okay.

Mr. Rodgers: So there are certain things that we're saying we are going to present or we're going to have to do following the Board's determination tonight. We're hoping that we can get an approval subject to doing these things if that makes sense, when we get to the end. Then of course our compliance would be subject to the engineer's review and approval. Mr. McGroarty's or both. Okay. I'm now going on to Paragraph E which is the top of Page 6. We are supposed to show full description of onsite changes anticipated during the next 12 months. That's the guts of that right now. Mr. Schindelar if you would go with that.

Mr. Schindelar: Yes, I will. Starting off we are anticipating, in the next 12 months to continue moving material along the northeast corner of the property and we are re-contouring the area so we can have a roadway around the property in that area. Next to the roadway will be a slope down to a landing that will be about five feet above the water. This area will basically, we're following the plan for our reclamation from sheet...inaudible.

Mr. Houston: Mr. Schindelar, I'm pointing to the area you just referred to.

Mr. Schindelar: Yes you are.

Inaudible.

Mr. Houston: Northeast corner, these are the existing contours. There is an existing water body that was created. That's being removed. And as...I'll click now on sheet six which is A3...and you can see these are the finished contours along the area that will be modified. And again, there will be a road around the top of the slope then there will be a landing of ten feet wide at the bottom. And then of course we'll go into the water from there.

Mr. Schindelar: Okay, so then in general the other...and I'm not sure if I'm supposed to say this here or not...the other thing in the next 12 months is where we are going to mine. Which we, I think, we've already touched on, which is going to be around Pond 1 and Pond 2 with the dredge and with an excavator and we'll be back and forth and we'll show that 80 acres on a plan.

Mr. Houston: In this area...generally.

Inaudible:

Mr. Rodgers: Mr. Schindelar, am I correct that the area in the top right that you were talking about previously, that's actually being reclaimed?

Mr. Schindelar: Yes. We are reclaiming it.

Mr. Rodgers: Putting into a format were it might be...how it would ultimately end up?

Mr. Schindelar: Yes.

Mr. Rodgers: Okay.

Mr. Schindelar: So then the other areas, the other area that we will be working in is obviously the south side of the railroad, Block 701, Lot 4 and that is where we process material and where there is an old settling pond.

Mr. Houston: Pond 4, I'm pointing to here.

Mr. Schindelar: Yes, you should go over to the next...Page 3, I think. Yes...there you go. This is just saying that we're going to be processing material, stock piling material, moving things around there. In this area we'll have our main stationary processing plant, portable screener, and where we will bring in a portable crusher occasionally to crush large rocks. This portable screener is for screening other materials. We make topsoil, screened fill and size some crushed rock. As for our plan update, we would like to reclaim this old settling pond on 4. We have excess pond fill and fill from offsite that we can use in this area. On 4, is an old shallow settling pond that we would like to reclaim and have as useable land in the future. So those are the big items for what we are planning on doing in the next 12 months. Mike?

Mr. Rodgers: Okay, thank you. Now, the next thing...the next category in Mr. McGroarty's report is a slightly different category where he...inaudible...and he states, interim restoration plan, a restoration plan must be submitted for review and approval. The restoration plan shall contain the following information: So then there is 1, 2, 3, 4 and I'm going to go through those. So this is information that is in the restoration plan. Or if it isn't, will be in the restoration plan. One is slope stabilization detail and Mr. Houston I wish you would please explain that.

Mr. Houston: Yes. If anyone was to drive out and visit the site, where the slopes have been untouched for a year or two perhaps, you will find an extremely dense natural growth of shrubs etcetera. It's so thick you can't walk through it. It grows very quickly because the nutrient value in the slopes and the soils is great. Otherwise this material wouldn't be growing. The ultimate slope that's being created for the final reclamation is a 2:1 slope. This material is growing well. It retards any soil from washing down further...into the water, which really isn't a problem in any event...but again to maintain stabilization and to prevent soil erosion this natural growth takes over very quickly. It doesn't have to be maintained. It's natural. So that's how we intend, the slopes that are not being worked and will be left or created for the final plan will be vegetated and stabilized as a result.

Mr. Rodgers: Okay. Thank you. The next item, I think really what you just said, covered that as well. So let me just touch on it quick. Paragraph 2, states that set forth your method for restoration of disturbed areas not in active use or outside of the approved area of disturbance for the quarry operations for the coming year. Maybe Mr. Schindelar, you can handle that?

Mr. Schindelar: The areas outside of the area that's being disturbed is actually all stabilized. The area, the vegetative growth that occurs here is phenomenal. Jim, you might want to go onto Page 3, or C3, regarding specifically Pond 3, that pond has been there for quite a while. Since at least 2001 or 2002 and the vegetation just naturally grew in and there are trees and bushes and literally if you are on top of the slope and you dove off trying to dive into the pond, you wouldn't get but maybe two feet because you would just hit into this full growth of heavy vegetation. So the vegetation I don't think is going to be an issue or even having it stabilized because there is so much there. I could also talk about the topsoil but that's Number 4. Should we do that now?

Mr. Rodgers: No, let's take them in order so we don't get confused.

Mr. Schindelar: Okay.

Mr. Rodgers: All right, so Number 3 says, provisions shall be shown for the grading of the perimeter of the site and also the grading...the final grading of slopes interior to...interior slopes. The final grade shall be 3:1. I know we're thinking that 2:1 is much more reasonable here and the ordinance allows for the Board to permit a 2:1 slope for good reason. So I'd appreciate it Mr. Houston, if you would elaborate on the final grading intentions and then the necessity of 2:1 rather than 3:1.

Mr. Houston: I'll now go to Sheet 7, if you want to mark that Mr. Chairman.

Mr. Buzak: Mark that A-6.

Mr. Weiss: That is correct.

Mr. Houston: This is Sheet 6 and I will zoom in so we can see where we are going to be looking at across the property. You see this line here, going across, inaudible...at the bottom this is Waterloo Valley Road, this is the railroad, this is the easterly end of Pond 4 that was referred to and this sheet...excuse me on Sheet 7 which I'll bring up in a second, this is section A that is cut...if you took a giant knife and cut away the land to the right, you would be looking at what's left, to the left. So I'm going to pull up Sheet 7 and you'll see...inaudible...we'll go to 8 instead. This is Section B, if I go back to...

Mr. Buzak: So well have to mark that...inaudible.

Mr. Houston: Sheet 8 is...Sheet 8 would be your next exhibit.

Mr. Buzak: Okay and that's A-7.

Mr. Houston: Inaudible. Now we are back to Sheet 7. Sorry about that.

Mr. Weiss: This is A-6.

Mr. Houston: This is 6. So I described, on the property, what you are looking at or where section AA is taken across. It's basically taken across the right or easterly portion of the property. Now let me zoom in so you can see, better, what I'm talking about.

Mr. Weiss: Mr. Houston, also tell us...what are we looking at? What is the title of A-6 for the record?

Mr. Houston: It is...cross section...Section AA. This is the wrong...that's the old...inaudible. Sheet 7, and this cross section, again is starting at Waterloo Valley Road. We're following the existing ground, until you get to the...this is the centerline of the railroad, these heavy dark lines are the railroad right away width of 100...over 100 feet. Then there is...we were required on the original approval to provide a fifty foot buffer around the entire top of the future lake. That land is 50 feet wide. There is an existing railroad there already but some areas, Mr. Schindelar is creating it because it doesn't exist yet. And that cross slope is a 1 on 20 slope which is a mild slope. Then we head down to the water and what was approved on the original 1998 plan was a 2:1 slope which is very adequate for this type of a condition. Where it's going to be fully vegetated and a safe condition. So it slopes down and it gets to what we call a 10 foot landing. That's a safety ledge that the board asked for back in 1998. That again is at a very mild cross slope. Then you drop into the

water and go under water at a 1:1 slope which is the natural...basically the natural angle or repose. In other words the angle which is the angle, if you were to drop a giant scooper of sand from the sky and land on the ground as you build that pile it would create a shape of a side slope of 1:1 approximately. As I continue across the cross section, it shows you the existing Pond 1 elevation. Elevation 639 and if we continue this is the existing water level. Mr. Schindelar envisions that the future lake bottom would be at the elevation of 490. That's really a function of what kind of material comes out and how much he takes. Then this...there is a match line here so we go to the bottom of the sheet and we go to the left and we see the other half as we work our way across the future lake, to the north. So again we are following the existing pond level...the water level changes, between ponds. Fluctuates very slightly until you come back up out of the water. You have another 10 foot safety landing, you climb back up at a 2:1 slope and the existing grade. This is back in the northeast corner where Mr. Schindelar said he's going to be working to reclaim that area. Then there is an existing road that runs around behind that area. When we say roads, it's a quarry haul road. It's not a paved road, its gravel. Then we have our northerly boundary line. Then you have the Musconetcong River. So you can see that from where we would be finishing or reclaiming it's over 300 feet to the river. Of course it's well within our property as well. Okay. So that, going back to what Mr. Rodgers asked, we're on item, what...3?

Inaudible.

Mr. Houston: While the ordinance may require 3:1, this is a special condition and because of the vegetative growth that will take place and because of the potential future use of the property, we feel it is more than adequate and we would ask for a waiver to maintain what was originally approved in the 98 plan of a 2:1 side slope from top of the highest ground around the lakes down to the safety shelf, or the landing, before you drop into the water. Which would be several feet below the safety shelf or landing.

Mr. Rodgers: I would like to add that the ordinance itself and this is quoted in Mr. McGroarty's report "permits the Board to recommend a 2:1 slope...which is what we're showing...where it can be shown that that will not result in any danger to the general public's health and welfare and so forth". So, hopefully we have shown that and we will be requesting a deviation from the 3:1 to permit a 2:1. A 2:1 slope also, Mr. Houston, allows for a larger water surface. Am I correct? Which would be...

Mr. Houston: Absolutely.

Mr. Rodgers: ...advantageous recreationally...inaudible.

Mr. Houston: That's correct.

Mr. Rodgers: I'm now going down to Number 4, which is a requirement that were topsoil has been removed, provision be made for the setting aside and retention on the premises of sufficient air able topsoil and so forth. And I'm going to ask Mr. Schindelar to respond to that.

Mr. Schindelar: Sure. The topsoil around the site has mostly been depleted years ago. We have been here for 60 years and we've touched the whole area basically. But we do produce topsoil, so if we need any for the site we have it and we can use it. I would like to add that the natural overburden on the site is very healthy soil and it will support natural vegetative growth. We believe that the historical data from the site, the slopes that are left down which I was referring to before around Pond 3, with the re-vegetative growth, that the soil does support it and will grow vegetation.

Mr. Rodgers: Okay, thanks. So then the plan doesn't show a topsoil deposit...inaudible, but that's the reason why it doesn't. As he stated we can always provide it later if needed. Now down to Number 5. Which states that provision shall be made for reasonable portions of initial and existing quarrying operations to be reclaimed prior to the opening of new areas. I'm going to ask Mr. Schindelar how we are dealing with that.

Mr. Schindelar: I believe that this part of the ordinance, this section is actually for virgin hard rock quarries, but I'd like to say that after 6 years of all the property that we have opened and mined and moved around, that we are okay with reclaiming areas as we go along. Which is what we are proposing for the easterly side of the property along pond...inaudible.

Mr. Buzak: Mr. Houston, this is Ed Buzak the attorney, if you are not using anything on the screen can you unshare the screen please.

Mr. Houston: Sure.

Mr. Buzak: I don't want it to just keep coming up and down but we've been talking now for the last five minutes and we see it's a distraction as you're trying to do what you were doing. I know you aren't doing it right now but if you could take that off the screen unless we're using it and pull it up just as needed. I think that would be helpful. At least to me.

Mr. Houston: Yes, I agree.

Mr. Buzak: Thank you, sir.

Mr. Schindelar: Okay, Mike.

Mr. Rodgers: All right.

Mr. Schindelar: So that was five. So I'm willing to reclaim as we go. We're already working on that one area and we do periodically go through and reclaim areas.

Mr. Rodgers: I think what the Board should also bear in mind is that much of what is left after its been mined, is a lake. So there is not to much you can do in terms of reclaiming the lake. It's our intention to leave it there. All right the next one is Number 6. Mr. Houston I would ask you to address this. We're required to show that provision is being made for adequate drainage during quarrying operation and after termination.

Inaudible.

Mr. Rodgers: Jim, we're on Number 6 of Mr. McGroarty's report.

Mr. Houston: Right. Right. I can hear everything.

Mr. Rodgers: Okay great.

Mr. Houston: So as Mr. Schindelar referred to earlier, a number of times, this entire area of the tract that is mined is in a bowl. And literally that is what it is. Every drop of water that falls on this property stays on the property. It just...the water percolates down through the natural sands and gravels and becomes part of the aquifer. So there is nothing that leaves the property. And during his course of grading and reclaiming he moves soil along his haul roads, etc., so that it drains, it doesn't

cause an impediment for the movement of his vehicles. So it's a very unique situation in that typically you have water running off onto the road, the neighbor's property. But that's not the case at all here and we are very fortunate because of the way the operation goes on, it contains all the run off. It's very simple.

Mr. Rodgers: All right. Excellent. Now the next one is Number 7. We are required to show that provision is made for lateral support of slopes and grades abutting the street and on lands during quarrying operations. I think this has already been addressed, but you could just summarize it.

Mr. Schindelar: Go ahead Jim.

Mr. Houston: Back in the original approval, the Board saw fit to require Mr. Schindelar to prevent disturbed materials, along Waterloo Valley Road, from leaving the property and running out onto the road. So the Board required that he build, he called it a buffer, diversion area, berm whatever it was called, but that was built. It exists along the frontage, starting at the plant entrance along Waterloo Valley Road and goes towards the east to where the tract goes across the railroad. It contains A, the soil that's being moved about. It contains runoff. And it runs right along behind the hedgerow or the tree line along the road.

Mr. Schindelar: And Mike, I just want to add that we're talking about lateral support, slopes, grades abutting the streets and stuff, and that's one of the reasons why we have been reclaiming along the road where our berm is. Building that out so it does support and make a bigger buffer technically along the road. And we feel that the 2:1 slope in the back where we're mining, where the lake... ultimately the big lake is going to be we feel that these slopes are adequate also.

Mr. Rodgers: All right. Mr. Schindelar, I'm going to refer you to Number 8 in Mr. McGroarty's report. Provisions shall be made to limit adverse impact upon groundwater resources and surface water including ponds and lakes.

Mr. Schindelar: We can supply a copy of a report that was done by a professional and submitted and he testified to it and was accepted, this was back in 1988...uh 1998 excuse me. This report is on file in a matter of record. This report was from PK Environmental dated August 5th, 1998 regarding the health of the ponds and the health of the lakes. If need be we can supply a copy of it, but it should be in the record. Basically, the ponds and lakes in the back where we are mining, are very healthy. Ultimately they will be once everything is done, one large lake. A very healthy deep water lake.

Mr. Rodgers: Did he say anything about eutrophication? Fish habitat? Effective groundwater movement and the depth of the ponds?

Mr. Schindelar: Yes. And he said that basically because of the vegetative growth and the way it was overgrown and everything, that there was going to be very limited runoff around the site that would not help or increase the eutrophication of the lake. Also that the depth is going to be very deep and will create a nice living space for fish at some point.

Mr. Rodgers: Let's go to Number 9. Should the Board want that report, it's on file but we have extra copies. It was testified to and accepted.

Inaudible

Mr. Scapicchio: Mr. Chairman? I have a question.

Mr. Weiss: David, go ahead. You have a question?

Mr. Scapicchio: Yes I do. Mr. Schindelar. Did you say that report is from 1998?

Mr. Schindelar: Yes.

Mr. Scapicchio: Chuck, I guess I have a question for you? Should that report be updated?

Mr. McGroarty: That is certainly a good question. I'm not an expert in this area. Maybe Mike would have a better feel for this?

Mr. Rodgers: May I make a suggestion too? It may be helpful to read the report before you have it updated, because he explains why he comes to this conclusion. Nothing has really changed since then other than the fact that the ponds have gotten a little bigger.

Mr. Scapicchio: Fair enough.

Mr. McGroarty: We can provide that report. We must have it in the file.

Mr. Rodgers: And if you need a copy we can submit it.

Inaudible

Mr. Rodgers: I'm going to move on and some of this now, has been touched on before. It's a little bit repetitive so we can go... you can go only into a much depth as you think is necessary, but Mr. Schindelar, Number 9 says; Restoration will be a continuous process. Each portion of the parcel shall be restored such that ground cover be established within two years and tree coverage established within three years.

Mr. Schindelar: Okay. With that, I would just like to say that where we are actually mining we are leaving water, if you want to say, increasing the interior portion of the ponds. In between Pond 1 and Pond 2. And so we can't reclaim that spot. But I am willing to reclaim parts of the other property as we continue to mine on the site. Like what we are doing up in the northeast.

Mr. Rodgers: Number 10, it says there is two parts to this: It says sufficient topsoil should be replaced to support vegetative growth. Now you've already touched on this.

Mr. Schindelar: Yes.

Mr. Rodgers: Then it says, all topsoil removed shall be stock piled and any offsite material brought in shall be certified by the person responsible for the preparation for the interim restoration plan. I think...

Mr. Schindelar: Yes. Basically we went through this before but in this question we've answered it back in Number 4. If we need topsoil, we make topsoil. We'll put it around but our natural overburden is very healthy and it should suffice of growing vegetation. Then again, any offsite material will be tested before it comes in...into the site...by a certified DEP testing facility. Which I had described for, we're only going to accept NJ-DEP residential direct contact clean standard soil. Okay?

Mr. Rodgers: Now the next one, I'm not sure there is much you need to day, but it is one of

the criteria listed. Number 11 says, the interim restoration plan shall remain in effect until approval of a final reclamation plan is received in accordance with subsection...inaudible.

Mr. Schindelar: Yes. I'll agree to the interim restoration plan shall remain in effect until the final approval of the final restoration plan.

Mr. Rodgers: Now it says a copy of the reclamation plan and any amendments or revisions thereof shall be filed with the Township Clerk and the Department of Planning. Of course we agree to that.

Mr. Schindelar: Yes, we agree to that. I agree to it.

Mr. Rodgers: All right, now, moving on. Final reclamation plan. The report states that final reclamation plan shall adhere to the following standards. Some of this now is repetitive so we can go a little quicker but let's just touch on everything so we've covered all our bases. Part A under final reclamation plan at the bottom of page seven says, all restored areas shall be graded so as to conform to the approved final reclamation plan". We agree to that, right?

Mr. Schindelar: Yes we do.

Mr. Rodgers: It says the 3:1 or the 2:1 shall be adhered to...inaudible...

Mr. Schindelar: We are requesting a 2:1.

Mr. Rodgers: ...cooperation on that but we agreed to restore at 2:1, is that correct?

Mr. Schindelar: Yes.

Mr. Rodgers: Okay. Now, next one, B. Drainage flows, including direction and volume, should be restored to the maximum extent possible as stipulated in the final reclamation plan. Mr. Houston could you refer to that?

Mr. Houston: I think that this particular requirement or section in the ordinance is referring to a standard land excavation where you are going to intervene or you are going to divert the way the water flows, today, across the land to build or do whatever you are going to do. And then you have to restore that flow. In other words one typically is not entitled to change the course of water from where it starts to where it ends up. If it's coming from someone else's property onto you and it goes to your neighbor, you are going to maintain that path. But in this particular case, the water is not moving from the property. It's not coming onto the property from anywhere. It's only coming from the sky or coming up from under the aquifer up through the sand and gravel. So it's really...I don't think it's really an applicable comment in this case. But in fact we have existing lakes and ponds that we are working towards creating one very large lake, in the future, between the railroad to the north to the boundary along the Musconetcong River. We are going to maintain the existing flow but it's on the property only.

Mr. Rodgers: Okay.

Mr. Houston: Thank you.

Mr. Rodgers: Next, the final...this is Number 2.

Mr. Schindelar: No, C.

Inaudible.

Mr. Rodgers: I'm sorry, yes. Mr. Schindelar, would you take that? It states that all machinery and equipment shall be removed from the site when operations cease.

Mr. Schindelar: Yes, I will comply with this and if structures are needed, are beneficial, for whatever is going to happen afterwards, we can leave the structures or we can take them down.

Mr. Rodgers: Okay. Now, final reclamation plan shall be updated on a four year cycle and then shall contain the following information: Survey of entire quarry operation. Mr. Houston would you comment on that?

Mr. Houston: Yes. Again on the originally approved plan in 1998 there is a notation on that sheet that indicates that the boundary of this property as indicated on the current site plan is based on deed plotting, deeds of record and in some cases where the deed refers only to a tax map, the lengths of the boundaries are taken from the tax map. So it's based on a compilation of deed plotting and tax map data.

Mr. Rodgers: Okay.

Inaudible

Mr. Rodgers: So this is from the final reclamation plan we agreed to that. We'll show that as part of our final reclamation plan if it isn't on there already. Number B. Final reclamation plan shall show proposed final computeries. All finished grades, etc. Mr. Houston, please comment.

Mr. Houston: We've said that Sheets 5 and 6 clearly show how the final contours around the entire lake will be generated. And that's what Mr. Schindelar is working to every day, to reclaim the area around the lake. And it's going to become larger as he mines, but it's all according to Sheets 5 and 6 which show the final grading around the property.

Mr. Rodgers: All right. The final plan must show the anticipated depth of the ponds.

Mr. Houston: Yes, I showed you on section AA, on Sheet 7, the potential depth from the existing water surface today.

Mr. Rodgers: Okay. The final plan must show potential use, in accordance with the Township Master Plan. This is a question for Mr. Schindelar. Can you discuss that?

Mr. Schindelar: Yes. So, I'm not really sure what we are going to use the property for in the future. This is off in the future, quite a bit. But right as of now, we are looking at possibly putting some floating solar cells on the lake. But there is no definitive future plan yet for the area.

Mr. Rodgers: Okay. So that's a matter that will be debated and talked about as we go along and as we get closer to the termination of the facility, someday. All right. Number C...Number E, states that if a permanent lake is intended there shall be a report by a qualified hydrogeologist or qualified limnologist in conjunction with a licensed professional engineer, any lake shall provide details for public access, parking etc. So we've really touched on that Mr. ...

Mr. Schindelar: We answered this before, regarding the report from PK Environmental that was in the Resolution from 1998. And I will attest that today the Ponds 1, 2, and 3 are very healthy.

Mr. Rodgers: Okay. That essentially shows we have complied, hopefully, will comply with all of the conditions of the ordinance. What I'd like to do now is Mr. Vreeland's report has a number of comments on the plans. In general, probably of a more technical nature. And we would like to continue as we've been going and respond to each of those. So with no comment and no further ado, I'll just continue right on.

Mr. Weiss: Okay.

Ms. Natafalusy: Excuse me, Mr. Chairman?

Inaudible

Mr. Weiss: Go ahead Catherine. Catherine, go ahead.

Ms. Natafalusy: I don't have a copy of Mike Vreeland's report. Was it sent to the Board?

Mr. Weiss: Yes it was. I show that I have a copy of it. Catherine if you'd like I'll send it to you now.

Ms. Natafalusy: Yes, please.

Inaudible.

Mr. Weiss: Let's take a ten minute break. Its 8:22 pm. Let's come back at 8:32 pm and we'll pick it up from here. We'll be back.

Break

Mr. Weiss: Okay. Let's bring the meeting back into session. We were going to get ready to review Mike Vreeland's report. Mr. Rodgers, I'll turn it back over to you. It looks like Mr. Houston is muted. Mike there you are. Okay, we can get started.

Mr. Rodgers: We are on the report, Page 2, and Item 2, plans. We are going to go right down the list. 2.1, it is unclear why Block 800, Lot 40 is included in the plans since there are no sand and gravel quarry operations in place on this property.

Mr. Schindelar: I'll answer that. We have added Block 800, Lot 40 to the submission because they are listed on our State Mine Registration. I've talked to Chuck and we are in agreement that no mining will take place on that lot and block. So, I'm fine with that.

Mr. Rodgers: Okay. 2.2.

Mr. Houston: That's simply...Mr. Vreeland has indicated that we have some miss-shading on the property across different lots. We will modify that to make it more clear. Avoid any confusion.

Mr. Rodgers: All right. 2.3. Mr. Houston? Any additional referenced and legends should be added to the plans.

Mr. Houston: We will make sure it's clear, what the data is. For example of the new aerial topography. We'll modify the plan accordingly.

Mr. Vreeland: We were just making the suggestion because there is some soil information on there. Some...we were hoping that a legend would be added explaining what the labeling is for the soil information. It looks like the lots that are included on the plan sheets have a certain font and the neighboring lots that are outside have a circle around them. I think some additional notes and labels will make the plans more legible for the general public and also to the Board.

Mr. Houston: Absolutely. We will certainly comply with that.

Mr. Rodgers: All right. 2.4. Some of the noted pond water elevations appear to differ from the aerial information. The discrepancy should be reviewed by the applicant's engineer.

Mr. Houston: This is probably...and we will of course modify and correct that...but what we did to prepare these plans, we took the original or the second generation plans that were done in 2001 and we had to utilize what had been presented on those plans and bring in the brand new topography. In doing that, it was a monster task. Literally. And in doing so perhaps missed a couple of elevations that were shown on the original plan as opposed to what's now showing on the new topo. So, we'll check that more carefully and make sure that of course is correct.

Mr. Vreeland: Based on our review, it looks like it's really a labeling issue. So, if you are willing to go through that and check those elevations...inaudible.

Mr. Houston: Absolutely. Absolutely. And number 2.5, as Mr. Vreeland picked up, again, for the same reason on the existing conditions plan, we showed...the original approval...Mr. Schindelar was obligated to pave his plant entrance, the driveway entrance off of Waterloo Valley Road, and that was left on the existing condition plan by mistake, but it's going to be shown on the operational plan on sheets three and four. So that will be modified as well.

Mr. Vreeland: Any idea or sense of a timetable when you may do that paving?

Mr. Schindelar: In our old resolution we were given the time table that once we had gotten the approval from the council for the license, we would do that.

Mr. Vreeland: So that would probably be done in this annual renewal period coming up? Is that what you are saying?

Mr. Schindelar: Assuming that we are moving forward, yes.

Mr. Vreeland: Just for clarification.

Mr. Buzak: If I might interrupt? I'm not trying to...inaudible...I thought you said that in your original approval, it said when you get the license you were going to do that. But that was two decades ago.

Mr. Schindelar: Yes.

Mr. Buzak: I misunderstand what you said. You got your license, did you not?

Mr. Schindelar: No.

Mr. Buzak: So you've been operating for the last two decades without a license from the Municipality?

Mr. Schindelar: Yes. Chuck?

Mr. McGroarty: Yes. After the 1998 Planning Board issued its recommendations for compliance with the ordinance, in their Resolution, this applicant actually came back in 2000 or 2001, I don't remember...

Mr. Schindelar: 2001.

Mr. McGroarty: 2001. And that's when the hydrogeologist both for the applicant and the Township reviewed the plans and such. But the licensed procedure itself was never activated. There's been discussion of that but now we are here and we are going to move forward.

Mr. Schindelar: Right.

Mr. Buzak: I'm sorry. I just...I didn't understand. I didn't misunderstand what you said, I just misunderstood the context. So, thank you.

Mr. Rodgers: Okay. 2.6. The final reclamation plan included an existing berm along Waterloo Valley Road. However this feature does not appear to be illustrated in the existing plan. Mr. Houston, will you explain that?

Mr. Houston: Certainly. As I indicated earlier, a berm was required by the Board and a berm was build. Unfortunately, at the scale of sheets...any of the sheets...that show the aerial...that show the topography along Waterloo Valley Road, the width of the boundary line itself obliterates a lot of the contours showing the berm. You can find it...see in looking at the plan view it's difficult to see the contours. But when you zoom in on an electronic copy or digital copy you can very clearly see the contours that indicate the berm along the road. So it really does exist. It's not easy to see, but it's there.

Mr. McGroarty: Can you do an enlarged sheet for that?

Mr. Houston: I certainly can.

Mr. McGroarty: Thank you.

Mr. Rodgers: Okay. 2.7.

Mr. Houston: Wait Mike! He's asking for me to show a drawing.

Mr. Schindelar: No. I think he is asking for you to...

Mr. McGroarty: No, right.

Inaudible

Mr. Schindelar: Are you asking to see something or you want a new plan with that blown up?

Mr. McGroarty: A new plan with it blown up. I think that would address... I don't want to speak for Mike Vreeland, but I think that would help all of us.

Mr. Houston: I can do a strip along the road, blow it up, reduce the intensity of the boundary line so you can see the contours.

Inaudible

Mr. Vreeland: I think that would be helpful. That way we will a clear record that a berm exists.

Mr. Houston: Yes. Okay. Not a problem. We'll do.

Mr. Rodgers: 2.7. Mr. Vreeland notes that there are certain discrepancies between the 2001 plan and the current plans and he highlights each of these. So let's just take them one at a time. 2.7.1, he notes a significant change in the depicted mining operation area. We've already explained that we are seeking a larger area, although not as large as shown on the plan. Mr. Schindelar, do you want to elaborate on that?

Mr. Schindelar: Yes. I can pretty much say what I said before in the sense... we just labeled the entire area in the back. The two ponds and you know that's what we were going for. And then we were looking for that 1/3 percentage, or the 80 acres which we will then put on the plan.

Mr. Vreeland: The intent of my comment in review, was to give the Board some context on what changes you may be proposing or may have occurred since the previous 2001 plan. I think some of these comments you have addressed through the testimony, but I think it's a good idea to go through each of these points.

Mr. Schindelar: Okay so Mike, if I hear you correctly, maybe this is one of the things... is that back in 2001 we stopped pumping in the pump hall, okay, so and that is pond number three. This also is going to answer 2.7.2 of your letter, basically the original shows a lower water level because we were pumping. Okay. Then we ceased to do that. We stopped and then the water came up and this is the level and then it expanded out given the topography of the area that we were mining, in that Pond 3.

Mr. Vreeland: Other words since the side sloped outward, the pond looks bigger when the water gets deeper. Is that right, Rich?

Mr. Schindelar: Yes. When it slopes up to the top, then that water is going to fill up, yes, to a larger area. Exactly. So, and then other places around... there really hasn't been any real changes on...

Mr. Vreeland: Is that permanent change in the nature of your operation from back in 2001?

Mr. Schindelar: Yes. Yes. So we are not pumping out into the river. We did that before, and we ceased doing that and we are not going to do that anymore. We haven't done it in 20 years. Or 18...19 years whatever the time frame is. And no, so that is one thing definitely that is not going to happen.

Mr. Vreeland: Okay.

Mr. Rodgers: Okay. 2.7.3, a change in the configuration of the operation's settlement pond.
Mr. Schindelar, would you explain that?

Mr. Schindelar: Yes. The change that you see with the operation sediment pond, is that the pond is full. If I'm interpreting, Mike, your question, it looks like it's sort of two smaller ponds or not even a real pond. What happens is, over the years it fills up and when you not running the pump, and you know we weren't pumping that day, what shows up is more of an area that's filled. And that's in between the two little settling ponds that it shows. Its actually one settling pond that works around and that's right next to the high powered high powered tension lines to the left of it when you are looking at the sheet. We go in periodically and we will excavate near the exit pipe of the settling pond. What happens is actually, we'll take out the material and whatever water is there will flow back to that little sump that we just created and it will look like the rest of it is dry and not really part of a settling pond. But it actually is. It just needs to be cleaned out. And we need to clean it out.

Mr. Vreeland: So it's really more of a reflection of when the topography is taken verses a change in the operation?

Mr. Schindelar: Yes, exactly, Mike. That's exactly right.

Mr. Rodgers: Okay good. 2.7.4. Noting, again, Mr. Vreeland is noting the changes from the 2001 and current plans. He said the topsoil production rate has been eliminated.

Mr. Schindelar: Yes. The top soil production area has been moved. We moved it up front near...closer to the stationary processing plant. I'm not sure why, but we missed and didn't label it. It's across...that is on the plan. We will label it for and... it's no problem. It's just moving it to the front of the property, closer to Waterloo Valley Road and we will label this area and inaudible...as a condition of license or your approval tonight.

Mr. Vreeland: That would be helpful, because I think one of the things that...and what some of my comments are leaning to is...if you negate your license and there is inspection requirements associated with that, we want to have a set of plans that shows where the boundaries are and where things are supposed to be done and undertaken. So, when we...an inspector or someone goes out there to take a look at it, we can make sure you are in compliance with your...inaudible.

Mr. Schindelar: Yes. We will put that on the plan.

Mr. Rodgers: Okay. 2.7.5. Mr. Schindelar. States that the elimination of the pump site in Pond 1.

Mr. Schindelar: We decided to move the dredge, back in I think it was 2002, maybe. In doing so we didn't need that pump where it was or what that was showing. So we just basically took it off. It is not there. That's all it is. There is no pump there. Okay?

Mr. Vreeland: Again, just wanted to point out the change and make sure that that was the intent of the revised plans and not something that was missed.

Mr. Schindelar: Yes. Mike, you are catching a lot. That's great, thank you. This is good, but anyhow the 2.7.6, is the installation of a facility on Pond 2, which didn't show up in the older plans. And this is actually the air lift dredge that is down back, again, I don't know why it doesn't say air lift dredge or dredge on it. We will do that. You can see on the plan that there is a thin line that runs to this sort of boxy thing that is in Pond 2. On the southern end of Pond 2, and that is the dredge and those thin lines are conveyers that run material back to the solid ground. We will label this, definitely, Mike, as a condition. We have no problem with that.

Mr. Houston: And Rich, this dredge location will in fact fall within the 80 acres, correct?

Mr. Schindelar: Yes, it will.

Mr. Rodgers: Okay, good. 2.8. We recommend the operation and interim restoration plan be revised to clearly define activities and work areas anticipated during the next 12 to 24 months. Well we've touched on that Rich, but go ahead...

Mr. Schindelar: Yes. We will put this on the plan. We will tighten it up. Obviously the 145 acre big picture isn't going to work and we are requesting 80 acres and we will put that on the map. If we get it. As a condition of approval.

Mr. Rodgers: 2.9. Mr. Vreeland states that we reviewed the reclamation plan along with corresponding plans from the previous submittal and note... and the first note is 2.9.1, existing Pond 4 and the area between Waterloo Valley Road and the railroad will be filled rather than constructing a lake.

Mr. Schindelar: Yes. So, this is an existing old settling pond. Its labeled Pond 4. This pond is very shallow and it has...is used for water runoff and also plant...settling pond water. And we would like to reclaim this area and basically make it more productive for our use at some point.

Mr. Rodgers: So what he's picked up on is intentional. You do plan to do intend to fill that in?

Mr. Schindelar: Oh, yes. We have designed...I think that's one of the bigger things on our whole plan is that we have designed to lose that pond, basically. That old settling pond that's basically silted in and is very shallow.

Mr. Houston: And Rich, on Page 6 of the plans, it in fact shows the proposed contours on how that pond will be filled.

Mr. Schindelar: Great. Yes.

Mr. Rodgers: 2.9.2. It says...Mr. Vreeland states it is unclear whether the proposed ponds or lakes have been designed by a hydrogeologist or limnologist in conjunction with the applicant's engineer. And we had previously alluded to that.

Mr. Schindelar: Right. So, as I described before in the township planner's letter, there is a report on record by our professional and submitted and testified and was accepted. The report is the PK Environmental, which you have on file. If you need a copy we'll get you another copy.

Mr. Vreeland: For the Board's clarification...so the Board's aware of it... the general depth I think of the proposed ponds are consistent with the depths of the ponds that were shown on the 2001 plan. I'm assuming...I haven't seen that report...I'm assuming that the ponds that were designed on the 2001 plans were done by PK Environmental and are a result of that report?

Mr. Schindelar: Yes. From that report, which hopefully people will read, again, basically says because of the size of the ponds and the ultimate one big lake, it will be a good habitat and a good pond or lake.

Mr. Rodgers: It will not be stagnant. There will not be eutrophication and it will be a viable sustaining environment for fish.

Mr. Schindelar: Mike, I would like to add that if anyone in the middle of the night was dropped onto this property and they woke up in the morning, and I'm not kidding, you'd think that you were in the Caribbean. That is the color of the lake. It's incredible. Because it's a sand bottom. It produces that aqua color.

Mr. McGroarty: The snow would probably dissuade people from that.

Inaudible.

Mr. Rodgers: All right, the next couple of...inaudible...these are for Mr. Houston. The cross sections on certain plans should be updated to include 2020 information.

Mr. Weiss: Mr. Rodgers, can I interrupt for a second? As we look at these last couple of points, they seem to be recommendations, or I would imagine that we can move this quicker if we simply just agreed/disagreed or if you have comments on any of them. Otherwise if there is any...something that you don't agree with...lets chat about it. Otherwise, if we agree with it lets just move on.

Mr. Houston: Therefore, Mr. Chairman, I would agree to 2.10 and 2.11.

Mr. Weiss: Fair enough. Mike Vreeland? Are you okay with that?

Mr. Vreeland: Yes.

Mr. Weiss: Good. Okay, perfect. Hold on one second. 2.11 and 2.12 you are okay with.

Mr. Vreeland: No, 2.10 and 2.11.

Mr. Weiss: I'm sorry, 2.10 and 2.11. Okay.

Mr. Rodgers: 2.12. Details for proposed improvements and landscaping, have already been provided...or discussed.

Mr. Schindelar: We've already discussed it and we want to let it naturally regenerate. Because historically, you can see on the ponds, that's what's happening.

Mr. Rodgers: 2.13. The plan should indicate the restoration process. Are you thinking that a note should be added to this? Or...

Mr. Vreeland: My concern is if the area is just haphazardly backfilled in a non-controlled manner, that you may be creating a piece of property that is non useable in the future. So what I would ask is maybe some notes could be added to the plan that, you know, filling in and creation of embankments are done in accordance with DOT...inaudible...best management and construction practices. Something along those lines.

Mr. Schindelar: Jim, you can add that right?

Mr. Houston: Yes, certainly. It would be in keeping with the proposal, meaning reclaim the

lake. It's not your typical development slope.

Mr. Schindelar: Right. Now what are we on? 2.14?

Mr. Rodgers: Plan should indicate the method for restoring areas not in active use. And again, we've already testified as to that. Would a note on the plan be something that would be helpful?

Mr. Vreeland: I think a note should be added to the plan so everyone is aware of the means and methods you are going to utilize.

Mr. Houston: Okay fine. We can do that.

Mr. Rodgers: All right. 2.15. The plan should indicate all perimeter slopes not to exceed 3:1.

Mr. Houston: As we've testified, we're asking for a waiver to 2:1 from 3:1.

Mr. Rodgers: Not really a waiver. It's a...it's just a revision, because the ordinance contemplates going to 2:1 if you can demonstrate that that would be satisfactory.

Mr. Houston: Well this is true. Plus, it was previously approved in 1998.

Mr. Rodgers: All right. The plan should include all equipment, machinery and structures shall be removed within six months. That would be a note that we agreed to, right?

Mr. Schindelar: Yes. That will be fine.

Mr. Rodgers: Okay, now, the final two things on here Mr. Vreeland points out two approvals that we don't yet have. That's 3.1 and 3.2. Mr. Schindelar, would you address those?

Mr. Schindelar: Yes. As previously discussed we are in the process of applying for a Morris County Soil Conservation District permit. So we will...we are doing that. We will supply you with...when we are issued a permit...that information. And also, I've hired a consultant to apply to the NJ-DEP for storm water general permit also.

Mr. Vreeland: And again for the Board's information, the DEP General Storm Water Permits for sand and gravel operations, I think cover a lot of the concerns that were put forth in Municipal Ordinances before these regulations were adopted. As part of those permit applications, the applicant would be required to address storm water pollution, drainage, dust control, housekeeping, all of the typical issues and concerns that I think your ordinance raises in the licensing process.

Mr. Houston: Mr. Vreeland, I would agree in that because of the unique situation we have with this property, all of those best management practices can very easily be satisfied with this plan. The future reclamation plan. And Mr. Schindelar has agreed to do that, so...

Mr. Vreeland: And along with the DEP permit, I think there is an annual certification that needs to be submitted to the DEP...

Mr. Houston: That's correct.

Mr. Vreeland: ...And there is an inspection process that the DEP would engage in with all his permits that there would be some additional oversight and a review.

Mr. Schindelar: Even the Morris County Soil will do inspections.

Mr. Houston: Under the general permit even the township is responsible for monitoring it. All properties, all storm water management facilities are in fact following the regulations and supplying reports and that's generally what you are saying. That there is new regulations that require the monitoring and maintenance of all storm water runoff. But in this case it's not running off.

Mr. Rodgers: Okay. Now, that finishes our presentation. We are available for questions. And anything else that the Board would like to do before we sum up.

Mr. Weiss: Okay. Let me do this. Before we close Mike Vreeland's report, Mike, did you have anything else that you wanted to chat about on your report.

Mr. Vreeland: No. I think that was...generally covered.

Mr. Weiss: Thank you Mike. I wanted to go back to Chuck's report and give Chuck the same opportunity. I know we kind of looked it over it based at the pace Mr. Rodgers wanted to. I want to make sure Chuck is satisfied that all of his points have been addressed. Chuck?

Mr. McGroarty: Yes, I am Mr. Chairman. One of the things that I didn't mention and we have had...I have had this discussion with Mr. Schindelar...I didn't cite it but in the ordinance it also requires an aerial photograph of the site. Mr. Schindelar is aware of that requirement and perhaps he can address that.

Mr. Schindelar: Yes and we will provide it to you. We basically just added flow.

Mr. Weiss: Okay. Perfect. With Mr. Rodgers' comment that he is done with his presentation, let me see if anybody from the Planning Board has any questions for Mr. Schindelar or Mr. Houston based on their testimony.

Mr. Mania: Mr. Chairman, I have a couple of questions for Mr. Schindelar.

Mr. Weiss: Go ahead, John.

Mr. Mania: One is, how many years of mining are left and what are your hours of operation?

Mr. Schindelar: In the ordinance we are allowed to have hours of operation from 7:00 – 6:00. Personally I don't want to run my guys that ragged. Normally we are open for business from 7:00-4:00. In the winter we do cut those hours back to 8:00-3:00. Which really, probably we will be doing next week. You know, we...there is still a lot of material left. Obviously with any economy there is up and down in construction. I'm estimating, you know, probably another 40. Give or take. If the economy really slows down, it could be longer. If all of a sudden its hot potatoes and everything is moving, you know...so...it's tough.

Inaudible

Mr. Mania: Your mining operation, is it five days a week? Six days a week?

Mr. Schindelar: We are mining five days a week. Every once in a while we will open up on a Saturday. That's very rare. I surely don't like working Saturdays and I don't really want my guys too.

But there is some housekeeping that happens on Saturdays and that is usually half a day. That's about it.

Mr. Weiss: Thank you Rich. Anybody else from the Planning Board?

Ms. Mott: Yes, one question.

Mr. Weiss: Go ahead, Kim.

Ms. Mott: What would happen if there was a flood, with the river going into your pond water?

Mr. Schindelar: So, I don't know if you guys are familiar from back in...

Ms. Mott: Tilcon?

Mr. Schindelar: Right. Tilcon. So what happened with Tilcon, just so we know that there is a difference, okay? Tilcon was excavating very close to their property line. With that they were also pumping out into the river. There were these channels that went into the river for the water to flow. So when the Hopatcong or Cranberry Lake dam broke and it went into Hopatcong and then it came down the Musconetcong...basically right under the bridge of Route 80, is the old Tilcon property, and the Musconetcong makes a...right turn. Instead of making that turn, that happens to be where the inlet was, or the outlet from what they were pumping. The water basically just went back in through the outlet and then flooded their pit. It was incredible. I actually went after all that happened to check on our place and I drove past theirs and it was like a Niagara Falls of chocolate soup. Anyhow, with us, we have very large buffers, if you want to call it, between us and the river. Through all of the storms and all of the flooding, and stuff, that's happened, we have never had any issues at our site. The only issue that I have is the gravel/dirt road, will wash out, run down into our entrance and we get our loaders and we'll re-smooth it out. Basically it's all contained on our property. So I really don't think...inaudible.

Mr. Vreeland: The river does not overflow your property?

Mr. Schindelar: I'm sorry Mike, what?

Mr. Vreeland: The river does not overflow your property?

Mr. Schindelar: No.

Mr. Weiss: Okay and Ken you had a question, yes?

Mr. Forlenza: Yes. Question for Mr. Schindelar. When you create these new lakes, what's the source of the water? Is it the aquifer that you are pumping out of...creating the lake? Or is it...are you taking it actually from the river?

Mr. Schindelar: No. No, no. What it is...it is ground water and we are dredging materials. So we don't use any river water or anything like that. It's just the water that is in the ponds currently. We...honestly we don't even want the water. The water is a byproduct. We want the sand and gravel. So, this new dredge that we have is actually is an air lift dredge. How it works is like a Jacques Cousteau when he is down after a shipwreck, you pump air down and put it in a foot before the opening and it creates a Venturi (negative pressure) that sucks up the material. There will be some water that is brought up, obviously with it but we are hoping that it's mostly just material. So during that time,

there is no real fluctuation of the pond levels. Or anything like that. If that answers your question?

Mr. Forlenza: Yes, thank you.

Mr. Weiss: Okay. Does anybody else from the Planning Board have a question? I don't see any, so what I want to do is open it to the public. If anybody from the public has any questions for Mr. Houston or Mr. Schindelar based on the testimony that they just presented? I'm going to take a look...you have a button on your screen where you can raise your hand. Anybody that would like to ask a question, now would be a good time. I'm reviewing the list of attendees and I see we have a question from Mr. Alan Hunt. So Dane, if you could bring up Mr. Hunt? And Again, Mr. Hunt, you are going to ask a question of Mr. Houston or Mr. Schindelar based on their testimony. So as soon as you are up with the picture and the audio...you'll let me know?

Mr. Hunt: Okay. I can hear you guys, but you can't see me? Do you need the video on?

Mr. Weiss: Yes, we have to have the video on.

Mr. Hunt: I don't think I have that option.

Mr. Weiss: We under fairly strict guidelines. In order to participate, we need the video and audio.

Mr. Westdyk: Yes. I'll need to make him a panelist. One second.

Inaudible.

Mr. Buzak: Mr. Chairman, if I might...if Mr. Hunt is unable to provide...he has...no need to deal with it. Thank you.

Inaudible.

Mr. Weiss: Mr. Hunt, if you would, why don't you state your name and address for the record and then you can ask your question.

Mr. Hunt: Sure. I'm Alan Hunt. A L A N H U N T. I'm representing the Musconetcong Water Shed Association. I'm the Director of Policy and Grants.

Mr. Weiss: Sounds like we lost...

Mr. Hunt: Can you hear me?

Mr. Weiss: Inaudible...You had stated that you were with the Musconetcong... you were with somebody and we lost you and we are looking for the address.

Mr. Hunt: Yes. Musconetcong Water Shed Association, 10 Maple Avenue, Asbury NJ, that's Franklin Township, Warren County.

Mr. Weiss: Okay. And your question?

Mr. Hunt: My question is with regard to you... the ordinance sections E-7 and 9, I believe. I was looking at the restoration plan on sheet C-5 and 7 and my question is... it looks like

there is existing vegetation and soil that's being disturbed. Is any of that within 300 feet of the Musconetcong River?

Mr. Schindelar: It shouldn't be.

Mr. Rodgers: Mr. Houston?

Mr. Schindelar: One of the points that I would like to make is that...and Alan, I think I understand where you are going with this, but this whole site has been disturbed before. So this is not virgin property or material. What we're...like reclaiming...so...but if I'm correct it's at least 300 feet.

Mr. Hunt: The reason why I'm asking is because I think since the plans were originally repaired, the flood hazard area control act rules were introduced. It limits...

Mr. Weiss: Mr. Hunt? I think at this point we are just asking a question. I know you asked a question and you got the answer. If you had any testimony there will be a time for that.

Mr. Hunt: I'll stick to questions, thank you. Was...I noticed your report from PK Environmental. In that, did they identify fresh water wet lands for inaudible boundaries?

Mr. Weiss: Okay.

Mr. Schindelar: I'm sorry what was your question? Did it report, what?

Mr. Hunt: Did it state open water boundary for the fresh water wetlands? I noticed on the site plan there are wetlands indicated towards the Musconetcong River. But I did not see delineation. So my question was, did this report...were the freshwater wetlands delineated in State open waters...inaudible?

Mr. Schindelar: We have no wetlands on site. This is all been disturbed mining area...inaudible...this isn't wetlands.

Mr. Hunt: So let me ask, Mr. Houston, up on the top of your sheets C-05 and C-06...

Mr. Houston: Right. I'll have to share my screen to open them.

Mr. Weiss: That's exhibit A-2 and A-3.

Mr. Houston: Sheet 5, did you say first?

Mr. Hunt: C-5, yes.

Mr. Houston: Okay.

Inaudible

Mr. Houston: There is C-5. Where specifically are you speaking? This is the river here, and this is the edge of the...Pond 3.

Mr. Hunt: So along the river side, there are wetland marks. I'm asking if those wetlands

identified by the DEP. Like how did those wetlands come to be identified on your report?

Mr. Houston: I did not...I was not party to that delineation. If they were delineated it was done by perhaps by Mr. Peel's organization? Or by some other organization along the river. I am not aware...I am zooming in so I can hopefully see what you are referring to...

Mr. Hunt: On that part of the screen, there, you'll see the wetland icon. The two flat lines with kind of a five...

Mr. Houston: Here?

Mr. Hunt: Not there.

Mr. Schindelar: Up above the D. Up above the D.

Mr. Houston: This symbol here?

Mr. Hunt: Yes.

Mr. Houston: That is not a wetland line. That is an aerial topography mapping symbol for a low wet area. That is not a wetlands symbol. That was not...that came from the aerial topography company. Under national map standards, low wet areas are shown in this way along the water course.

Mr. Hunt: Okay.

Mr. Houston: All right?

Mr. Schindelar: That's part of the river.

Mr. Houston: Well, that's part of the riverine.

Mr. Schindelar: Right. Riverine, whatever, yes.

Mr. Houston: Riverine environment, yes.

Mr. Hunt: So, on your reclamation plan sheet, which one is it...6?

Mr. Weiss: Sheet 6 is A-3 for the record.

Mr. Hunt: Where you are proposing to have new grading and it looks like some of those grading areas are towards the river...

Mr. Houston: Right...towards...and this I showed during my testimony. This line traverses the property. My mouse is following now, that is section AA. We showed that it's approximately 300 feet from our boundary, to the river. And the work that we are proposing, you know the reclamation work, is further away from the river than that.

Mr. Hunt: Yes, but you indicated that the berm area that you are proposing there, is that within a regulated area for flood hazard area control act or freshwater wetlands act?

Mr. Houston: I'd have to review the flood hazard area mapping but there is considerable

relief from this area here which is the far northern portion of the reclamation area. Towards the river there is quite a relief...drop down to the river. So I doubt very much the flood plain encroaches in this area. Or the...inaudible...rights. But I can't say...I don't have that map to definitively answer your question. But based on the topography, I would seriously doubt that it does.

Mr. Hunt: Would the berm or bumper be vegetated facing the Musconetcong River and if so, why is that not shown on the restoration plan? I understand...

Mr. Schindelar: We're not touching the slope facing the river. That is all just there. From years ago. This is all within our boundary of the ponds, inside.

Mr. Hunt: So, then why on sheet C-6, the one you currently have, are there new contour lines shown next to the State DEP, it looks like circle six lot, towards the top facing the river? There are three contour lines shown in there.

Mr. Houston: All right. Let me zoom in so we can see for sure.

Mr. Schindelar: This is showing the final contour. If you look on top that's all we have...we aren't going to touch any of the stuff down...

Mr. Houston: This is all existing topography. And this is the center of the river, way back here. And this drawing, this particular drawing is one inch equals two hundred feet. So, this is a considerable distance from... This gray stripe, that's the proposed path around the top of the slope down to the lake.

Mr. Hunt: Mr. Houston, the dark black lines in the upper right hand of your screen, that's not proposed new grading? The dark lines? The light lines?

Mr. Houston: This line here?

Mr. Hunt: No...

Mr. McGroarty: To the right, Jim. To the right.

Mr. Houston: These lines here?

Mr. Hunt: Correct.

Mr. Houston: Yes. These are proposed contours. That's correct. But the river goes up off of our drawing in that location. Again one inch equals 100 feet...well he can't tell by looking at this drawing but the river...this is the center of the river, I'm following right now, that goes up off the drawing. And at Section A, that I showed on Sheet 7, clearly shows at least 300 feet beyond this proposed contour...is the river. And this area...all this area between this proposed contour here, all this land is to remain natural. It's not going to be disturbed. And as you can see, all these contours...there has got to be 20 feet of relief or fall from this particular property corner, down to the river. It really drops off steeply here.

Mr. Hunt: So, the reason why I'm asking is...you said vegetation is not going to be disturbed. Then you said this area will have new grading, and would be disturbed, and you are also not certain of where the 300 foot boundary is and I ask all of this because you are qualified as a flood plain manager so I am expecting you to know the flood hazard rules with regard to the 300

foot...inaudible...activities that are allowed or require permits...inaudible.

Mr. Houston: Yes, as I stated, and shown on Sheet 7, the cross section. This last piece of reclamation or proposed grading is over three hundred feet from the river.

Mr. Hunt: Is that true on sheet C-05? On the bottom left hand corner of that around future lake B on the river facing side?

Mr. Houston: Sorry, I have go back to get that sheet again.

Mr. Hunt: We are only talking about the river facing contours.

Mr. Schindelar: Right. Exactly. So, Alan, if this...we are not planning...you know that sheet that you are looking or want to look at...

Mr. Houston: This is Sheet 5 here.

Mr. Schindelar: Right. Are you talking there or down further to the left?

Mr. Hunt: Sheet 5, the area around future Lake B, towards the river, there are some new contour lines...

Mr. Schindelar: Right. Those are...those are proposed for the future. It's not what it is now and if we want to pull that back and you are worried about it, we can pull that back. But it's...keep going down Jim. This is what you are talking about right?

Mr. Hunt: Correct. And a little further to the left there.

Mr. Schindelar: Okay. We...I mean we haven't touched this area in a long time. We don't have to put those contour lines there if that's a huge issue. So...we don't have to make that a lake.

Mr. Houston: And Rich, that may very well come up in your storm water permit, too.

Mr. Schindelar: Well, It probably will. So... Yes.

Mr. Houston: This heavy line right... I'm sorry...

Mr. Hunt: It's just one of those questions if there's the ordinance that...

Mr. Schindelar: So, Alan? We can look at that when I do the storm water permit...The DEP...that will be all over us, as usual, you know just because we have permits and stuff and we can change this area. That's no big deal.

Mr. Houston: And also, as you can see, if you look carefully at the contours. You see these small circles of contours. Those are all left over, piles, but the land was all disturbed and mined in here and that's what still exists. So, this disturbance was all made back in the late '90s early 2000's.

Mr. Schindelar: Or even earlier than that because this is a settling pond area. This is one of our settling pond areas. Which we haven't used in a long time. Anyhow...okay.

Mr. Hunt: I will keep moving on here. So you mentioned that the berm would be

vegetated and again concerned about the part along the Musconetcong River, and if so, why is that not shown on the plan? Now I know that you testified about, it will naturally vegetate, is that also your plan in this area too? Facing the river?

Mr. Houston: Yes, it is.

Mr. Schindelar: Yes. And this is the proposed for the future. This is the finish. This is many, many, many years away. So we can change that but obviously we do not want to have any issues with ...you're saying buffers and all that stuff...but it is there...not these lines there now...but the site has been disturbed. We are just looking at the future of reclaiming it. But we can reclaim it in other ways if you want to throw out a suggestion.

Mr. Hunt: So you mentioned this is natural vegetation. Do you know if those are native species or invasive species?

Mr. Houston: We don't know. They naturally grow and cover the slopes very densely.

Mr. Hunt: Next question. So my understanding from the testimony is that the site contains glacial deposits including sand. Is that correct?

Mr. Schindelar: Yes it does.

Mr. Hunt: Its glacial moraine?

Mr. Schindelar: Yes is it.

Mr. Hunt: Okay. Thank you. Again, is this...in the proposed mining that is being done, is it only in the moraine or it is going further into the underlying bedrock?

Mr. Schindelar: Into the bedrock? No. We are not going into the bedrock.

Mr. Hunt: Okay. And with this being moraine, are there any connections between surface waters? Is the river and the ponds outside?

Mr. Schindelar: No. There is not.

Mr. Hunt: So, Is it non-porous...inaudible...between the two?

Mr. Schindelar: No. There is no connectivity. And that was proved actually back in 1998, when we were having other issues going on.

Mr. Hunt: Very good. Last question I had to ask...just about existing conditions...I did not see depicted on the plan, if there was a septic system or other way of handling on site waste water treatment for the personnel at the site? And that was just a question I had...inaudible.

Mr. Schindelar: There is a septic system for the office. It was put in many, many years ago. I am not even sure when it was put in but it's there, if that's what you are asking?

Mr. Hunt: Correct. And just to confirm, you said there would be no... you are not dewatering? Correct?

Mr. Schindelar: No, right. We are not dewatering.

Mr. Hunt: And there is no surface water discharge to the Musconetcong, correct?

Mr. Schindelar: None. No. We will not do that.

Mr. Hunt: All right. That was it for questions. I appreciate the time. Thank you.

Mr. Weiss: Well thank you very much. Jim, would you take this map down from the screen?

Mr. Houston: I will. There you go.

Mr. Weiss: Thank you. Okay. Let's see if there is anybody else from the public who's got a question? I see Mr. Lukas Franck? Dane, if you could bring him up? And as you are coming up, we'll make sure we have your audio and video.

Inaudible

Mr. Weiss: If you would state your name and address for the record.

Mr. Franck: My name is Lukas Franck. Spelled F R A N C K. First name is L U K A S. I am a home owner on Waterloo Valley Road. 23 Waterloo Valley Road. I am curious about the whole discussion...well I had a couple things. First of all, we had prepared, my neighbor Rob Meyer and I had prepared a power point. It's my understanding that we don't have the opportunity to present that.

Mr. Weiss: No. That is incorrect. Right now we are at the point in the hearing where you are here to ask questions of the experts as they testified.

Mr. Franck. Wonderful. Okay.

Mr. Weiss: If there are any questions now is the time to ask those questions.

Mr. Franck: My question concerns the licensure issue, which was briefly raised. Could that be explored a little bit further? Why this organization, this company, has been operating for 22 without a license? I don't understand how that happens.

Mr. Schindelar: From my knowledge, we went in 1998 and got an affirmative approval to go on, and we never...we were never called in front of the council. In 2001, I think the same...we didn't come in for an approval or anything but we never went in front of the council. We were never called in front of the council. And Chuck?

Mr. Franck: Inaudible...go ahead, sorry. That is a yearly license, is it not? As I understood it?

Mr. Schindelar: Yes.

Mr. Franck: Okay. Thank you.

Mr. Weiss: Do you have any other questions Mr. Franck?

Mr. Frank: I'll wait for our power point. Don't want to take any more of your time.

Mr. Weiss: Okay. Thank you. Let me see if there is anybody else from the public has a question? I see Rob Maier has a question. Dane, lets pull up Mr. Maier.

Mr. Maier: Hi folks. Hope everybody is doing well.

Mr. Weiss: Good Evening Mr. Maier. If you would, state your name, spelling your last name, for the Record, with your address, please?

Mr. Maier: It's M A I E R. And I'm 12 Waterloo Valley Road.

Mr. Weiss: Okay. Thank you Mr. Maier. And your question?

Mr. Maier: I have a few I guess. The first one is...what's changed at the site or in the regulations to allow the difference in ending dates? I know anything I could find back on the older Resolutions, and again this was going back 20 and there's been no updates. Time had estimated that it was going to happen in 2015 and the latest is another 40 years. It seems like a big difference.

Mr. Rodgers: Mr. Schindelar?

Mr. Schindelar: Back then, what we had put down was just an estimate and the economy slowed down so more material wasn't taken out as fast and also technology has changed, that we can pull more material out.

Mr. Maier: Okay.

Mr. Schindelar: It was an estimate.

Mr. Maier: I know there is currently an NJ-DEP solid waste investigation and the Engineer, I think it was Mr. Houston, he had talked a lot about water not leaving the site but water does go down. It's going to percolate through the substances and we were just wondering about the status of that. And going forward if the site is going to become a solid waste facility?

Mr. Schindelar: No it is not going to become a solid waste facility. As I stated before, any material that we bring in will meet the NJ-DEP residential green contact specification. The NJ-DEP did come out and investigate and it's been over four months and we haven't heard anything back.

Mr. Maier: Okay. I don't...I had a question. I think it's maybe more for Mr. McGroarty and going forward. But I think I can wait...if we can do the power point, it will let us address the questions for the Town...kind of.

Mr. Weiss: All right. Thank you Mr. Maier. Let me see if there is anybody else from the public that has any other questions? I'm not seeing anybody from the public with any more questions, so. Let me close it to the public and see if there's any other comments that we have from the Planning Board. I know Mr. Rodgers, you said you were wrapping up your testimony. You have no further testimony? Correct?

Mr. Rodgers: Correct.

Mr. Weiss: So, what I had heard from Mr. Franck and Mr. Maier is that they want to make a presentation through a power point. Mr. Buzak, is that something that we can do?

Mr. Buzak: Yes. During the comment portion, I think we can have them come up and share the screen in a manner similar to what has been done already.

Mr. Weiss: Just to make sure the differences here now, those gentleman will be sworn in.

Mr. Buzak: That's correct.

Mr. Weiss: Now they are going to be testifying and their testimony will be under oath. Then we'll have the opportunity to cross examine them, as well.

Mr. Buzak: That is absolutely correct, Mr. Chairman.

Mr. Weiss: Okay. So Dane, could you pull back up...I know I've taken liberty that I know Mr. Maier and Mr. Franck both mentioned that they wanted to make a presentation, so I am going to open it to the public for any comments or anything on anybody's mind, from the public. So let's start with Mr. Franck and Mr. Maier and let them come up together. They can both be part of the panel, to make their presentation. Okay. You are both muted. So as you come off of mute, as you heard just a minute ago, thanks Lukas and Rob, waiting for you to get unmuted...

Mr. Buzak: And Mr. Chairman, before...once we get everybody unmuted and in here I'd just like to make a comment, if I might.

Mr. Weiss: Okay. So it looks like Mr. Maier and Mr. Franck are ready so Mr. Buzak, go right ahead.

Mr. Buzak: Yes. There are evidential issues that may or may not arise during the course of this proceeding as it relates to the power point. I don't know what the power point is, but I may interrupt. I apologize in advance but there are certain rules that we need to follow. I can spend the rest of the night telling you what they are but I'd rather just have you proceed, as you intend to proceed. And if there is a need for me to interrupt, I will do so. Thank you Mr. Chairman.

Mr. Weiss: Thank you very much. I'm not sure who is going to start it. Either way we want to swear you both in if you are both going to testify. Mr. Franck are you going to testify to it as well?

Mr. Franck: Yes.

Mr. Weiss: As Mr. Maier, you will as well?

Mr. Maier: Yes.

Lukas Franck was sworn in for the Record
Robert Maier was sworn in for the Record

Mr. Buzak: Mr. Franck state your name and address for the Record?

Mr. Franck: My name is Lukas Franck. First name is L U K A S. Last name is F R A N C K and I own 23 Waterloo Valley Road.

Mr. Buzak: Thank you, Sir. Mr. Maier?

Mr. Maier: Robert Maier, M A I E R and I'm 12 Waterloo Valley Road.

Mr. Buzak: Thanks, sir. I apologize for mis...

Mr. Maier: No worries.

Mr. Weiss: Before you get started, gentleman, this power point that you are going to present? Have you sent this over to the applicant at all?

Mr. Franck: No. It has not been sent to the applicant. It was sent in earlier to...I imagine your IT. The gentleman running your IT, I think?

Mr. Westdyk: Mr. McGroarty and Mary Strain got it.

Mr. McGroarty: Wait a minute. It came in today. And the building was closed today.

Mr. Franck: But your email worked?

Mr. McGroarty: Yes. In answer to your question, Mr. Franck. It came in to the town, our email works, but as I indicated to Mr. Maier, we are not involved, as the township, we are not involved as the township, we are not involved in that. This is for you, tonight, to present it.

Mr. Franck: Great, thank you.

Mr. Weiss: I asked if the applicant saw it and the answer is, they have not, so...Why don't you...whoever is going to lead go right ahead and you can make your presentation.

Mr. Franck: Okay. We'll give it a shot. Are you all seeing that, all right?

Mr. Weiss: Yes. I can see it. Thank you.

Mr. Franck: Good. Thank you very much. So, the...just for an overview, we have some questions about the past, current and future plans for Saxton Falls. We have some questions about the town's monitoring of the site and enforcement of the quarrying ordinance. Now this...some of this is mitigated or answered by my previous questions about licensure so some of the points that we will make, which we were completely unaware of. Some of the points that we will try to make in this power point, will be answered by that, but we will ask the questions anyway. The ordinance which governs the operations at Saxton Falls Sands and Gravel, specifies that it was adopted for the protection of persons and property and for the preservation of the public health, safety and welfare of the township and its inhabitants. The last Resolution related to Saxton Falls that we know of was 98-14 which was shortly after they were issued a non-compliance notice for discharging water into the Musconetcong River during a dewatering operation. At the time NJ-DEP determined this affected wells in the area. Including one at the site and others on Waterloo Valley Road and also into Allamuchy. The last reclamation plan was submitted in 2001, even though the ordinance testifies every four years. As I said, this stands in regard or relationship to the licensure issue. From an OPRA request made to the township, the best estimate of a closure date was 2015. Mr. Schindelar just explained the extension, that's a hell of a miss for the first time. And with no updates for the operation plan since 2001, again related to a licensure issue. This is evidence of the 2015 prior date. I'm not

going to read it aloud. You can read it yourself. The quarry, or sand and gravel operations, will continue on this property for the next 15 to 17 years. There is time to fully address the feasibility of lakes at this location. Mr. McGroarty addressed this question from Mr. Greenbaum at the Town Council meeting and said there was a projection by Mr. Schindelar somewhere in the neighborhood of 2015 they would be maxed out. And this was in 2019. So this was quite recent. This is from August 4, 1998. There was an expectation that the life of the quarry would go on for 17 years. And there would be some 5.1 million cubic yards of material removed...17 years from, plus the 1998 date brings us to 2015. These are questions regarding the ordinance and again, many of these points are addressed by the fact that the quarry was operating without a license for over 20 years. To the best of our knowledge, most of these protections that are talked about there have not taken place since the year 2000. On April 20, 2020, we requested from Mount Olive Township through the OPRA documents that are required by Ordinance 50-60, there are...in response to the OPRA...there were no records kept, at that, at least that met the terms of the OPRA. Earlier mention that the requirement was made for an aerial photograph. Again, for the initial license and one every two years, there has been no documentation. No aerial photographs submitted for...at any time in many years. A plan shall be submitted for review and approval prior to issuance of an annual license. Well there was no annual license. That's remarkable. Isn't there...I'm sure everyone knew there should be a license and I mean everyone. OPRA request have not revealed any yearly plan submittals prior to issuance of annual licenses since 2001. Again, description of onsite changes anticipated during the next twelve months. There have been not yearly description of onsite changes. There has been no licensing. There should be interim restoration plans submitted in conjunction with an annual operations plan. Hasn't been done. But again it's not a licensed operation. Which everyone knew and no one pursued. The final reclamation shall be updated on a four year cycle. The last plan submitted was in 2001. Periodic inspection shall be made by the Enforcement Officer, to evaluate the performance of the applicant with respect to reclamation procedures. A report of his findings shall be submitted on a quarterly basis to the Township Council. We couldn't even do the math to figure out how many of these were missing. But OPRA requests revealed no periodic inspection reports. That was a responsibility of the town. The enforcement officer for the purpose of this section shall be the township planner or the township engineer or a designated agent. Who is the designated...currently designated and previously designated enforcement officer? Current concerns. In May and August of 2020, Saxton Falls Sand and Gravel was investigated by NJ-DEP for illegal solid waste activities. Their report dated May 18, 20...of this year indicates at least 343 truckloads of fill were deposited inside the berm. Here is the berm along Waterloo Valley Road. This report indicates fill came from locations in Orange, East Orange and Randolph, and here's the 343 number. Here are all the sites that the fill was taken from. The problem is...this is aerial photograph. We don't know the date on this one. It's a Google Earth photograph...But KDS was not in operation so its prior to 2019.

Mr. Buzak: Sir, I'm going to interrupt...

Mr. Franck: Go ahead.

Mr. Buzak: ...you for a second on this...

Mr. Franck: Please do.

Mr. Buzak: Can you tell me the source of this photograph?

Mr. Franck: Google Earth. The one on the left? Is Google Earth.

Mr. Buzak: And did you download that photograph?

Mr. Franck: Yes.

Mr. Buzak: Does that photograph depict what you saw on the screen, for lack of a better word, “live” before it was downloaded to be placed in this report?

Mr. Franck: I’m not quite sure what you mean?

Mr. Maier: No. No it doesn’t.

Mr. Buzak: It does not?

Mr. Maier: No. We were trying to mark it so it would easier....

Mr. Franck: Oh, I see.

Mr. Buzak: Oh, Okay. That’s a good point. Other than the markings that you put on here for the purposes of your presentation, does the underlying photograph itself reflect what you saw on the screen when you access this originally?

Mr. Maier: Yes. You can say anything but the red, like the A B C, the pond and the arrow.

Mr. Buzak: When you say the pond, do you mean the writing in the pond?

Mr. Franck: Yes.

Mr. Maier: Yes, anything that’d red.

Mr. Buzak: That’s fine. That’s fine. Now how about the one on the right?

Mr. Maier: Same thing.

Mr. Buzak: Okay.

Mr. Franck: This arrow indicates the same spot, we think, here.

Mr. Buzak: Okay. That’s fair enough. Please proceed.

Mr. Franck: Thank you.

Mr. Maier: Thank you.

Mr. Franck: This is from the NJ-DEP report based on special investigation. It was dated May 14, 2020. The purpose of this investigation was to determine the status of illegal dumping of solid waste and land filling...land filling of the subject property, located at Saxton Falls Sand and Gravel. The last line, the last sentence said, just to explain the facility was an active quarry however internal e-mails that we checked that, and its internal to NJ-DEP, indicate that this facility was being filled under a local mine closure plan. Which is an interesting phrase that I’d love to understand better.

Mr. Buzak: Again sir, I have to interrupt you. What’s the source of this material?

Mr. Maier: That was an OPRA that I submitted. I have the full report and we did send

all those to Mary Strain. I apologize for being late, but with the snow and I'm still teaching. I go in every day and I come home at night and Lukas and I were trying to put this together earlier.

Mr. Buzak: Okay, so this is an exurb from this report dated May 14, 2020 that you received in response to an OPRA request, is that your testimony?

Mr. Maier: Yes, that's correct. I'm sorry...

Mr. Buzak: No, go ahead.

Mr. Maier: I have the whole document here and we can get you the OPRA request and all that stuff.

Mr. Franck: If you would like I can stop sharing and Mr. Maier can share for a minute or two if you'd like to see more.

Mr. Buzak: No, No. Here's the difficulty with these kinds of things. I don't question at all your testimony as to how you obtain this information, but the difficulty that the Board has, that the applicant will have, is that this is a conclusory statement that they make. But...inaudible...if she is the author of this, is not here. So, I can't ask her the question I may want to ask her. Board members cannot ask the question and the applicant can't ask the question and candidly you can't ask the question...

Mr. Maier: You may be able to ask Mr. McGroarty. He was at the second inspection.

Mr. McGroarty: I'm not going to testify to the report.

Mr. Maier: Okay. Fair enough.

Mr. Buzak: Okay. So that's the difficulty and that's why I said at the outset, I may be stopping you in the middle of these things because...

Mr. Franck. That's fine.

Mr. Buzak: I submit that the Board really can't rely upon this. And I'm not casting dispersions on Ms. Bombace's or you as putting this together. All I'm saying is that we need...if we are going to have facts put on the record, we need the people who possess those facts if we put them on the record and subject them to cross examination. So I'm going to say that the Board should disregard this one slide. Slide 18 of this presentation for the reasons that I've just given.

Inaudible

Mr. Franck: Well let's take a look then...you may want to disregard this one too. This is from the data miner site of NJ-DEP. What they state here is that the fill material which was imported to the subject property by the property owner appears to have been placed above and just on the slope of the berm adjacent to a pond. The fill material appears to be a mix of soil and what appears to be asphalt millings and chunks, concrete chunks and concrete block, brick, metal pieces including rebar, dimensional lumber and other wood pieces, etc. So, I don't know if you want to...

Mr. Buzak: What's the source of this? Is...you said this was on...you asked is this to an official DEP online reporting site or something? Can you tell me exactly what that is?

Mr. Franck: Yes. That's correct.

Mr. Buzak: Okay. I think this is in a slightly different category because this is their...on their official site and this is an official record of theirs. The Board can give it whatever weight it wants given the fact that it sub face from the same impediment, what it is on their official website. So I think that's in a different category. So why don't you proceed then.

Mr. Franck: Thank you very much. Most of these points are also sort of...in response to the issue of licensure, they may become mute. But they are still significant. Any off site fill used in...material used in the restoration process shall be certified by the persons responsible for the preparation of the interim restoration plan and or the final reclamation plan to be free of any contaminants...which is not the official word...they used contaminates...that's why the...inaudible...is there. Said certification shall consist of an accredited laboratory report or other documentation. As the Planning Board and or the Township Council deem appropriate. So as far as we can tell soil importation being monitored to the best of our knowledge. They have been importing soil to create a berm and a shoulder.

Mr. Maier: And that's why the ordinance is really important. As a resident, I was kind of heartbroken that as we peeled this onion, so to speak, the Town let us down in this way.

Mr. Franck: This is a clip from the new reclamation plan. What's interesting about this, to us, is shows a proposed gravel drive and earthen shoulder. That's noted right here at this... I'm not sure which of those images this was taken from. But if we look here, you can see that there is the berm and here is the gravel drive as it exists today. So it seems that they are asking for permission to do what they've already done. The DEP report seems to indicate three hundred and forty-three truckloads of fill. There is also mention here in this document, at a Planning Board meeting on October 12th, of 2017 for KDS aggregates, Mr. Schindelar testified that he was looking into restarting a concrete plant that was...that used to be on the site. As best we know, KDS was also considering adding a concrete facility to their site. If one or both of these comes to fruition, how will the Township control the heavy trucking to and from the facilities and is there any mention of the concrete facility in any of the later documentation or in this current testimony? We are curious about that. Some of these things have been answered and some of these questions have been answered during the testimony today, which has been wonderful. What has changed at the site or in the regulations to allow the following difference in the remediation plan update from 2015 to "at least another forty-years"? What is the status of the NJ-DEP solid waste investigation and will the Township be adopting a soil importation ordinance that is enforced, going forward? That's critical and I know that's not in the purview of the Planning Board but if there is going to be fill coming in there, we've got to be checking what's going in. It's too close to the river not to do that. Why has the Town not required Saxton Falls to comply with the Quarrying ordinance for the last twenty years? What changes will be implemented going forward? How can the residents check on the enforcement of the quarrying ordinance? Huge question...How did that happen? Who will be the new enforcement officer? How will the Township control the heavy truck traffic to facilities if both KDS and Saxton ramp up operations? Will a weight limit in the residential area be considered? There was recently a weight limit adopted for the residential areas around Gold Mine Road because of the concrete facility there. Was good. Thank you by the way, to the Town. I know this is the Planning Board, not the Township for finally paving the road. It's very nice. Who's going to be in charge of maintaining the recently paved section of the road? Heavy trucks will destroy the surface. We have to question and Mr. Maier already raised this...Is the reason for the proposed business plan stretching forward to 2016...that this site is on the edge of the Musconetcong, is going to become a dumping site for fill from eastern New Jersey and other remote locations? Given past irregularities and non-compliance with regulation, how will

you ensure that Saxton Falls Sand and gravel remains in compliance? I have lived on the road for a long time and I have a sense of déjà vu. Mr. Schindelar, actually, I think alluded to it a moment ago. This is an editorial from The Chronical on February 19, 1998. There are only three homes along the lower end of Waterloo Valley Road. They should be given the same treatment as the rest of Mount Olive. A state geologist has vindicated the homeowners who have said, since December, that the quarry was using too much water and caused the homeowners wells to run dry. The problem also spread to families across the Musconetcong River and Allamuchy. All told water went dry to about 20 families. The quarry was apparently violating a state permit by flushing water into the Musconetcong River. Shame on them. But the Township is equally to blame. Same article of the paper...the quarry was issued a permit to pump two hundred and fifty-six million gallons of water each month. It is required to return the water to two retention ponds which drain to the underground aquifer. But the quarry was instead pumping the water into the Musconetcong River. On January 29th, was ordered to stop. The state geologist said water pumped into the river would probably...I don't see how it could...probably not find its way back to the underground aquifer. The quarry owner, Mr. Schindelar, did not return telephone call for comment but in the past Mr. Schindelar has said the shortages, our wells going dry, were caused by either drought conditions or draw downs in Lake Hopatcong and possibly the installation of sewers in Budd Lake. Mr. Canace, was the State Geologist, said the pit was deepened in 1992 had been pumping out an average of more than six million gallons per day, affecting local wells. Essentially that aquifer was pumped into the Musconetcong River. The geologist said the current quarry pit is about 30 feet deeper than it was in 1992. Nearby water levels were tested and showed that levels had declined by more than 75 feet in one residential well. I think that was mine...and 15 feet in another.

Mr. Rodgers: May I interrupt here?

Mr. Franck: Please.

Mr. Rodgers: We have testimony that the pumping stopped, years ago.

Mr. Franck: I do not argue that. I do not argue that point.

Mr. Rodgers: Okay. This seems to be irrelevant.

Mr. Franck: It's very relevant. It's a real liability.

Mr. Maier: I think it's relevant in that hopefully, after something like that happened, the town would have kept better tabs on the facility, for our safety.

Mr. Franck: One last slide, I think, back in 1985 the Planning Board Chairwoman, Barbara Melveger recalled that opposed Saxton Falls plan because it did not improve the area. It showed a large lake surrounded by a thin roadway. She said it was almost a crater with water in it. Interesting one, further review of the law shows that no quarry can excavate below the surface of the road. Technically it would mean that quarries are barred in Mount Olive, Mr. McGroarty said, because all did below road grades. He said the ordinance may have been initially been written to apply to a quarry off Gold Mine Road, where the rock was blasted off of a tall cliff. Then our own Councilman at the time David Scapicchio, good to see you again Mr. Scapicchio. You remember all this controversy from those days, I'm sure. So the council will review the quarrying law, the two reclamation plans and other issues, including hosting a weight limit law on part of Waterloo Valley Road, to keep trucks from passing through the residential areas. Mr. Maier and I put that together and that's it. Thank you very much for your patience.

Mr. Maier: Yes. Thank you for your patience and time, folks. We appreciate it.

Mr. Weiss: Okay, can you please remove that from your screen.

Mr. Franck: Done.

Mr. Weiss: Thank you very much. Let me see if anybody from the Planning Board has any questions for Mr. Maier or Mr. Franck? I don't see any. If anybody from the public, including the applicant, has any questions? Certainly let you...have a question?

Mr. Rodgers: I don't have a question of the applicant...members of the public but I would like to respond, through my witnesses, to some of the things that they brought up.

Mr. Weiss: Okay. I see no other questions so therefore let me open it then, to you Mr. Rodgers. Certainly feel free to direct it to Mr. Houston or Mr. Schindelar.

Mr. Rodgers: All right. Mr. Schindelar, I would just like you to, number one, indicate when did...is the pumping still taking place on this site?

Mr. Schindelar: No it is not. And it ceased many, many years ago.

Mr. Rodgers: Okay.

Mr. Schindelar: There was definitely discrepancies on what people thought on...if we affected that...or whatever. We had hydrogeologists' reports saying we did not. Everyone was pointing fingers. It is what it is. We stopped pumping. Okay.

Mr. Rodgers: Roughly how long ago? 10 years, 20 years, 15 years?

Mr. Schindelar: Oh no, about 19...20 years ago or something. Yes.

Mr. Houston: 22.

Mr. Rodgers: Okay. I have one other question, which has to do with your getting certification that fill is clean.

Mr. Schindelar: Yes. All those...

Mr. Rodgers: You testified that you get certifications, as required by regulation and practice, for all fill that you accept. Is that correct?

Mr. Schindelar: Yes.

Mr. Rodgers: Now, is it possible that occasionally something might get slipped in that is noncompliant?

Mr. Schindelar: Possibly and we usually go pick through it and try to pull it out if there is something. But Kathy Bombace went and actually...to those companies and checked the reports, and everything, that they had given us. And from what I'm understanding, she has not had a problem with the reports.

Mr. Rodgers: Occasionally if something sneaks in, do you remove it? Do you look at it and remove it?

Mr. Schindelar: Yes. We send it back to the contractor and say hey...this doesn't look good we're not taking it.

Mr. Rodgers: This particular material that is being referenced, you haven't had any response from the DEP that there is anything objectionable to it but if you get that response, what would do?

Mr. Schindelar: I would deal with the DEP and do what they want me to do. I want to be in compliance. What?

Mr. Rodgers: Would you remove it? Would you remove it as you sometimes do?

Mr. Schindelar: Yes.

Mr. Rodgers: Demand that the provider of it take it back?

Mr. Schindelar: Yes.

Mr. Rodgers: So, if there were some fill that was not up to standards would that be an aberration that you would address and correct?

Mr. Schindelar: Yes. It would be an aberration.

Mr. Rodgers: All right. I have no further questions at this time. Thank you.

Mr. Schaechter: Mr. Chairman, I have a question.

Mr. Weiss: Go ahead, Brian.

Mr. Schaechter: The report that Mr. Franck presided, is that the same report that you, Mr. Schindelar, are still waiting from the DEP to receive?

Mr. Schindelar: No. I am assuming from the dates on that...that was back in the spring, okay? But none of his paperwork, or anything, was from after August. And we have not heard anything from the DEP since they came out, in August, and I'm waiting if there is an issue. I know that contacted the contractor and looked through the paperwork and all that stuff, and they told them they didn't have a problem with them.

Mr. Schaechter: So that report was from May of 2020? And then you had a subsequent inspection on the site in August? And you are still waiting to hear back...

Mr. Schindelar: Yes.

Mr. Schaechter: ...from the DEP on that? Okay. I'm just trying to put the timelines together.

Mr. Schindelar: Yes.

Mr. Schaechter: Sometimes we go back 22 years and then...

Mr. Schindelar: No, no. That's this year.

Mr. Schaechter: I'd like to maybe, stay current...inaudible.

Mr. Weiss: Brian? I'm not sure we're hearing you, Brian?

Mr. Schaechter: How about now? I have no more questions.

Mr. Weiss: Okay. Does anybody else have any other questions? All right. Let me check one more time. I see nothing else. Let me close it to the public. Let me close the questions down. I suppose Mr. Rodgers, you've had your final comments? Did you have anything else with the twist? I think at that point.

Ms. Mott: Someone has their hand up.

Mr. Weiss: I'm not really sure...

Mr. Westdyk: That's Mr. Hunt. He was on before.

Mr. Weiss: I mean I asked the question. We gave plenty of time. I closed it to the public. Dane, if you could bring up Mr. Hunt? Mr. Hunt, do you have a question?

Mr. Hunt: My question was earlier you said if I wanted to introduce something that wasn't part of the testimony I would need to provide testimony. You had asked if we had...could provide a question or comment so is this the time to do that?

Mr. Weiss: Yes I made it very clear. If anybody from the public has any comments or questions, then that kind of spurred Mr. Franck and Mr. Maier to make their presentation. So, that direction was given.

Mr. Hunt: Okay. I believe it was around questions. I don't have questions.

Mr. Weiss: No. I opened it for comments. So do you have a comment? Concern? Issue?

Mr. Hunt: I do. Would it be okay to proceed?

Mr. Weiss: Now is the time.

Mr. Hunt: Thank you. Do I need to say who I am again?

Mr. Buzak: Yes.

Mr. Weiss: Please.

Mr. Hunt: I'm Alan Hunt. A L A N H U N T. I'm representing the Musconetcong Water Shed Association. We're at 10 Maple Avenue, Asbury New Jersey, Franklin Township, Warren County. I will keep it very brief. My...what I want to provide information with regard was around the areas of the site towards the Musc....

Mr. Weiss: Mr. Hunt, I'm going to interrupt you real quick. Mr. Buzak, I think we need to swear in Mr. Hunt. It sounds like he is testifying.

Mr. Buzak: I'm sorry and that was my fault, Mr. Chairman. Thank you.

Alan Hunt was sworn in for the record.

Mr. Hunt: I'll keep it brief. Was primarily concerned with the area of the site, toward the Musconetcong River and wanted to make sure that... if there were any outside permits that would be needed for the final restoration plan, if they could be addressed to this time? I reviewed the flood hazard area rules earlier today. NJAC 7:13-11.2 regulated activities in the riparian zone, which is a 300 foot zone, include cutting, clearing of vegetation, construction, disturbances and the applicant might need an approval from DEP with regard to anything within that three hundred foot zone, that's not already disturbed. I also reviewed earlier today the freshwater wetlands regulations. And this is NJAC 7:7A-2.2. That regulated activities of the freshwater wetland or state open water are regulated and that NJAC 7:7A-2.3 Regulated activities in a transition area which can include removal, excavation or disturbance of soil and obstruction of plant life which would alter the existing pattern of vegetation. Also it could regulate activities. The applicant might need to identify any of those wetlands in transition areas and that includes that state open water of the Musconetcong River, for activities there. Lastly, today I also reviewed the Morris County Soil Conservation District requirements. Their checklist does require delineation of wetlands, Identification of one hundred year flood plains. It also requires adherence to New Jersey State standards for soil erosion and sediment control. And that those standards require seeding. You can't just naturally vegetate all areas. As far as I can tell. And they require maintenance of native vegetation and remove of invasive vegetation for up to two years following whenever the vegetation was installed. That's all I want to share. I'd encourage the Board to require that any of the outside permits for regulated activities be required as part of a conditional approval. Thank you.

Mr. Weiss: Thank you Mr. Hunt. Does the applicant want to respond to that at all, Mr. Rodgers?

Mr. Rodgers: If there are requirements that apply, the applicant intends to comply with them. We are not aware that these apply and if they are we'd like to know about it.

Mr. Schindelar: I'm assuming, for myself, with the Morris County Soil Conservation District, Sheila Hall, she will definitely let us know, when she looks at our application. If we are deficient in anything. She is very capable person. Obviously when we go get a storm water general permit, I think the DEP will be looking at everything also. So...

Mr. Hunt: So, if I may add, that with the DEP, different units look after different parts of the law. Because you go for storm water, that may not cover you for wetlands. If you go for wetlands, it won't cover you for flood hazard area. They're separate rules and separate permits and...

Mr. Schindelar: You are actually right, Alan. And we had LURP, out here looking and they had no problem with what we were doing. Okay? So, thank you.

Mr. Hunt: Thank you.

Mr. Weiss: Okay. So let me...I see nothing else from the public. So let me close it to the public. Dane, we can take down some of the public.

Mr. Westdyk: Sure.

Mr. Weiss: I think at this point...I just have one quick comment and then we have a couple little...we have some work to do. Some three hours ago we identified the mission for tonight. It was very important for us to notify the public. Hearing from the public was important but I don't want us to go down a bad path. My opinion, Ed, certainly tell me if I'm wrong. I've been wrong before. But the goal from the Planning Board tonight was to really basically determine if this plan is inconsistent with the Master Plan. That's our goal. And a lot of these ideas and the power point and all of that probably best to be given to the Council. We're not really the body to address the violations or the concerns or the issues. The goal of the Planning Board is to determine if this plan is inconsistent with the Master Plan. Really very simple. After three hours, I think it's a simple quest, a simple goal from this Planning Board. Is that correct? Am I correct with that, Mr. Buzak?

Mr. Buzak: Well I think it's a two-step process, Mr. Chairman. I think that's one part of it. I do think, however, that there is a second part of it, because the ordinance itself, that the Township adopted, which is different from the regular zoning ordinances, effectively delegates to the Planning Board the obligation to review this application for a license under the terms of the ordinance. Then to make a recommendation to the Township Council regarding effectively, compliance with the ordinance requirements. So rather than the Township Council doing the job itself, and I'm not being critical of that, they saw fit in this ordinance, which they are allowed to do, to delegate that to the Planning Board. And that is what we spent the last three hours on. I understand the frustration here. I was trying to think through where we go from here as well, Mr. Chairman. And let me suggest this. We had Mr. McGroarty's report. He outlined in general, what the parameters were. And we have the presentation where Mr. Rodgers and his client went through the ordinance to talk about how they felt they were addressing the various items that were there. And they also went through Mr. Vreeland's report. There were a number of modifications that they agreed to make to the plans. Particularly related to Mr. Vreeland's report. It would seem to me as one alternative to the Board, to have those...have the applicant resubmit those revised...those documents to which he was referring with those revisions, and have our engineer look at those to ensure that they have complied with that. Because I think, if we would otherwise adopt a Resolution and say the plan shall be revised, and we are going to have 27 things on them... and I'm going to take Mike's report...and say here is the things that have to be done... then someone else has to check them. To ensure that's been done and I think that the goal is to get to the finish line here the one option is for the applicant to resubmit these documents in a form that is consistent with they've represented here, in response to the questions that have been raised. Then that can be reviewed administratively, based up the testimony that has been done. And then perhaps that can be represented to the Board at that point with the report from Chuck and or Mike saying we've looked at these plans. They've addressed the items that we wanted to address. And now we are sort of in a position to move forward. I think that that's what the Township was probably expecting from us. All I can tell you is, I use those words, expectations and anticipation because as has been clear in this Record, this started twenty years ago and somehow it fell through the cracks. It doesn't matter why or how or what happened, that's done. But now that it is in the forefront and we have an ordinance, I think that we are going to try to make that work. Thank you, Sir.

Mr. Weiss: And I think your plan is sound, because I'm looking at the tremendous number of notes. The amount of notes that I've taken. And it's basically like you said. It's following Chuck's report. Following Mike's report. And all the comments that the applicant made. So if we are going to make a recommendation, we do need a little bit more of that detail. Some of the missing documents. I started to make like, we do on most other applications. Ed, you and I make comments, we make notes about conditions and I don't know if condition is the right word, because there are lots of things that the applicant has offered to do. Lots of things that the...like for example, I'm looking at...there was a deviation for the 20 acres, or up to a third of the land area. The applicant made it very clear that they want to go for their 80 acres, which is a third. And according to the variance, they have the

right to do that. Though I think those are the kind of things that, if we are going to make a recommendation to Council, that should be very specific, with some of those missing reports. So, this one is a little bit odd.

Mr. Buzak: But...let me add to what I said, Mr. Chairman. Following what you are saying, I mentioned the plans because of our engineers report dealt largely with deficiencies or items in the plan that clarified by testimony but need to be then memorialized in the plans. I think the second thing that we probably need, based upon what you said, and I had the same problem, to tell you the truth...from the time to maintain adequate notes to be able to put together something...I would ask that the applicant, in light of the way they've presented this matter and the things they've committed to, as they were tied to the ordinance requirements, is Mr. Rodgers so painstakingly went through, that they produce a report to submit to The Board, that would set forth, follow that ordinance and in writing, set forth how they were addressing those items. It is on the record. But I think for me to take that, and prepare a Resolution...I'm not sure Resolution is the appropriate way to go anyway on this case, because we are making recommendations under an ordinance...and we'll deal with that. But I think that is would be very helpful because then we have a report that's tied to the ordinance requirements and its tethered to something as opposed to just testimony and information and then we have to try to put it together and make sense of it. So I'd make that suggestion...inaudible.

Mr. Weiss: Inaudible...I agree with you because...I agree with you Ed, because if we are going to make a recommendation, it should be thorough. There was quite a bit, I agree with you, that there is quite a lot of detail. Painstaking detail to address every single aspect of the ordinance's outline by Chuck. And of course some of the technical concerns outlined by Mike. Your suggestion is very well received on my side. Now I hope Mr. Rodgers hears us and figures that he can put together some kind of presentation. So let's assume that Mr. Rodgers, and feel free to jump in Mike...

Mr. Rodgers: Yes, I'd like to jump in.

Mr. Weiss: Go ahead.

Mr. Rodgers: Right now is a good time? Okay. Yes. The report is a good idea and we are happy to do it. Bus secondly, it would be helpful to us if you could at least give us a sense of the Board on two of the discretionary items that we addressed, which are, the eighty acres rather than the 20 acres and the 2:1 slope rather than the 3:1 slope so that we can put those appropriately on the plan.

Mr. Weiss: I don't want to speak for the entire Planning Board but I didn't see any objection as it became very clear that the ordinance allows you to have both. I think you explained why you were requesting both of those deviations. It's not a waiver, it's just a deviation that allows...you are allowed to do that. I don't personally have a problem with that as part of your plan and maybe we'll...since we are talking about those specific items, if anybody from the Planning Board has any objection to those two items? Otherwise I think it would be certainly okay to go forward with the plan with the deviation to 80 acres and 2:1 slope vs the 3:1 slope. Is that okay Planning Board? Any comments? Okay.

Mr. Rodgers: Excellent. Thank you.

Mr. Weiss: That being said...and Chuck, you are okay with that as well, right? That's how I am reading the ordinance and you spelled it out?

Mr. McGroarty: I read the ordinance the same way you do.

Mr. Weiss: Okay. That being said, you know all those comments that we made together...if we can put that into report. Strategically, do we wait for the report, review it and then read it in a meeting? How do you want to go forward with this Ed?

Mr. Buzak: I think we need to set a time period and we can look to the applicant and their expert, since they will be the one putting this information together. I mean they obviously have it all together because they put the presentation on. To translate that or transform into a report, how much time they would need? I think the first thing is that it ought to be reviewed similarly to what's been reviewed already. That it...by our Planner, by our Engineer, and they should issue...review letters as they've done now, to the Board. And then I think we have to put it back on the agenda, once we get those. And we get the reports from our experts, again, for the Board's consideration. I would ask at that time...I believe I would ask at that time...that Mr. Rodgers produces witnesses again, so that if there is issues that the Board needs to address, based upon the reports of Mr. McGroarty or Mr. Vreeland or the Board's own comments, we can do that. Then we would wrap it up at that meeting, hopefully and be able to make a recommendation to the Township Council. I did not see...Chuck, I'll refer to you, and I did not see a timeline in the ordinance that said similar to our applications for development that we have to act in a certain time period. I didn't see any such requirement in the ordinance. I'm not suggesting we just drag this out but I didn't see any time commitment that Township Council placed on us. I would think, anyway, that they would be amenable to having us be more deliberate and actually making their job in the end, a little but easier than not.

Mr. McGroarty: I don't see any time limit in the ordinance either.

Mr. Buzak: Okay.

Mr. Weiss: Thank you, Chuck. One of the things, to add on to what you said. I don't really see a need for more testimony. I think if there is a report read, submitted in time for Chuck and Mike to review. Let the Planning Board, obviously, compare the final product to some of the conversations from tonight. And then maybe get it into an agenda...have a very quick meeting to make sure that we are on the same page. If there is any questions, have everybody ready. But I don't know if we need more testimony. Let's just clean this up. Let's just get it in a presentable form for us to make the determination if we are ready to make this recommendation based on the report that going to be very, very specific. I think if you are looking for a timeframe, I'm going to just suggest February 11th, would be the time to do it. Only because our schedule jammed up on the 14 and the 21. Maybe if we asked the applicant to have this ready for February 11th.

Mr. Buzak: Maybe we need to...Mr. Chairman, I don't know if you want to...if we get a February 11 we need to give Mr. McGroarty and Mr. Vreeland enough time to take a look at it.

Mr. Weiss: I should be more fair. To have it ready for us to present in our public meeting on February 11th.

Mr. Buzak: Okay, so now we have to back up from there.

Mr. Weiss: Of course I would not do that without asking Mr. Rodgers and his team if that's enough time.

Mr. McGroarty: Mr. Chairman, if I may? I know...I think we've got matters scheduled into March, right now. Mary? Do you have the agenda with you?

Mr. Weiss: I'm looking at it.

Mr. McGroarty: Don't we have matters on February 11th.

Mr. Weiss: We do. We have...Inaudible.

Mr. Schindelar: Mr. Chairman, if I can interject. I would have no problem putting this stuff together like you are requesting, which is fine. I'm not sure if we will get our permits back, by then. Okay? For the soil conservation and the storm water. So, if that's understood, I have no problem doing what you are requesting.

Mr. Weiss: My thought with that, Rich, when we were talking about it, is that...that would be...I don't want to use the word condition...but part of our recommendation to Council would be assuming you have those permits in hand.

Mr. Schindelar: That's fine.

Mr. Weiss: If it was a site plan, it would be a condition of approval. In this case a recommendation is contingent upon you getting those permits.

Mr. Schindelar: Fine.

Mr. Weiss: I don't have a problem with that. I don't think legally there is a problem with that. Ed? We're making a recommendation.

Mr. Buzak: I agree.

Mr. Weiss: Okay.

Mr. Rodgers: I would be more comfortable that way too, Mr. Chairman, just because we would have a chance to review the plans and be comfortable with the plans if we are going to go for the permits. Not the other way around...inaudible.

Mr. McGroarty: When would we expect the plans and the report if we are anticipating the 11th? I know...I can tell you from the Board, we've got one large application coming in the first week of January that will be on the February agenda. We've got a full agenda the next couple of months so just trying to figure out our time limit here. Mr. Houston, Rich, if you could tell us when you get that stuff to us, please?

Mr. Houston: Probably it would be at least the middle of January.

Mr. Weiss: Chuck, the only reason I brought up the 11th, is I'm looking at the schedule we have a variance for a single family house, and then a variance for an addition. Kind of two type of applications that don't take a real long time. When we jump into the 18th, we have a much larger application. A bigger site plan.

Mr. McGroarty: Right.

Mr. Weiss: I though, otherwise we jump in until you know March 11th, and it's the same thing as February 11th.

Mr. McGroarty: Well, you're perfectly right, Mr. Chairman. I mean, we can get it done. I think

and Mike, we can get it done but I don't think we can let it go much past the middle of January.

Mr. Houston: I would ask Chuck, for example, how many days do you need to receive it by to report to the Board for that meeting for the 11th.

Mr. McGroarty: Well, how about I return the favor and ask you...when can you get it done?

Mr. Houston: ASAP. Like I said. It's not going to happen next week. It'll be...I would commit to the middle of January.

Mr. Rodgers: I'm on vacation the rest of this month.

Inaudible.

Mr. Buzak: That's why you have experts Mr. Rodgers. They are going to put together the report and you only going to take a look at the final product.

Mr. Weiss: Might you say that January 20th would be a deadline to receive the product?

Mr. McGroarty: Let me see, Mr. Chairman.

Mr. Weiss: That's like 22 days.

Mr. Houston: That's plenty of time for me. I just want to make sure he's going to have time to review it. He and Mike are going to have time to review it and report to you for that meeting.

Mr. Weiss: Yes. I'll back off to make sure they are comfortable with that time schedule.

Mr. McGroarty: What was your date?

Mr. Weiss: I suggested January 20th as a deadline to get you everything that we need.

Mr. McGroarty: Honestly that gives us...and Mike can speak here as well...that gives us about a week and a half. To get a report...review it and then get a report out to everybody?

Mr. Weiss: Okay. You tell me what you need, Chuck.

Mr. McGroarty: Mike? Don't let me be the villain here. What do you think?

Mr. Vreeland: We know what we are going to be looking for in the revised plans. Provided the applicant does a good job addressing all of our comments. It shouldn't be a heavy lift to re-review.

Mr. McGroarty: All right. January 20?

Mr. Houston: I'm good with that.

Mr. McGroarty: On the early side of January 20th.

Mr. Houston: Okay. In the morning. Not 5:00, okay.

Mr. Weiss: Let's look somewhere between the 15th of January. That's our target. We'll

stretch you for five days.

Mr. Houston: As I said, the middle of January.

Mr. Weiss: Perfect.

Mr. McGroarty: No later than the 20th.

Mr. Weiss: All right. Fair enough. So let us then...I guess we are going to carry this application until February 11th.

Mr. Rodgers: Mr. Chairman, can we agree that the testimony is complete and what's left will be the submission of the reports and the debate by the Board?

Mr. Weiss: I would certainly encourage that.

Mr. Houston: So it's a function how well we explain how we address each of the questions so that the Planner and the Engineer can go through it very easily. And if there have to be any questions than we can answer questions that the Board may have.

Mr. Weiss: I think we are looking for a memorialization of everything we spoke about tonight. Usually we...it's the other way around. We'll create a Resolution that memorializes what happening here. We're asking you to memorialize what you've promised.

Mr. Houston: Got it.

Mr. Schindelar: Got it. Okay.

Mr. Weiss: I would imagine the testimony is in place. We don't need more testimony. Unless there is a question that comes up in Chuck and Mike's review that requires engineering or some expertise from Rich, that's the way I see it.

Mr. Schindelar: That's fine with us.

Mr. Houston: Fair enough.

Mr. Weiss: Let's carry this meeting until February 11th, 7:00pm, via Zoom, no further notice. Do we need an extension at all? Probably not.

Mr. Buzak: I don't think there are any default approvals here because it's not an application for development.

Mr. Weiss: Okay. Anything else we need to add? Gentleman, we're good with that? Mike and Rich and Jim?

Mr. Rodgers: I have one more question. Can we get...the materials that the members of the public submitted are they going to me on the website, Ms. Strain? We can look at them if we want to respond to that at all?

Mr. Westdyk: Yes. Probably, tomorrow.

Mr. McGroarty: Wait, please, let me answer that. If I may, Mr. Chairman?

Mr. Weiss: Go ahead Chuck.

Mr. McGroarty: Let me ask our attorney. We generally don't put material on the website other than that that comes from the applicant or that that comes from the Board professionals.

Mr. Rodgers: All right. I'm fine with that.

Mr. McGroarty: I'm asking Mr. Buzak's direction on this.

Mr. Buzak: I think that's fine. It's now part of the record of this case because we've put up during the course of this proceeding and I'm not exactly sure how that's all reflected in the Zoom recording. Dane, how is all of that material that is put on the screen, shared...?

Mr. Westdyk: Basically everything that you saw on the screen tonight will show up on the video.

Mr. Buzak: Okay.

Mr. McGroarty: We can get, Mr. Rodgers, the gentlemen that presented tonight did say he that he sent it to us today. We can send you what they sent us.

Mr. Rodgers: That would be sufficient.

Mr. Buzak: That's fine. I think that may be that best way to handle it.

Mr. McGroarty: All right. We'll do that.

Mr. Weiss: Perhaps Mary, you'll share that with the Planning Board as well.

Ms. Strain: Okay.

Mr. Weiss: So, we are going to carry this hearing to February 11th, 2021, via Zoom, 7:00 pm, no further notice will be required and until then, gentlemen have a very nice holiday. We'll see you on February, 11th.

Inaudible

Mr. Schindelar: Mr. Chairman, Board members, thank you very much.

Mr. Weiss: Thank you gentleman. With that we have no other business on our agenda for tonight. As we end the year, 2020 as miserable as it was, I think we've all crossed some serious hurdles and came out better on the other end. Trying times, something that none of us have ever seen before. So as we end our 2020, I wish everyone a very Happy and Healthy New Year. We look forward to coming back in January, maybe fresh and maybe with some renewed optimism that 2021 can bring better times. As I say that, we've all gotten pretty good at this Zoom stuff, but I do look forward to the day we can all meet in person. There is something special about getting to see everybody twice a month and I've kind of missed that. So if anybody else has any comments? Like I said I look forward to being your Chairman again in 2021. Nothing, no more business unless we hear that we have a special meeting. We'll worry about it at that point. Otherwise everyone have a happy and healthy

new year. Unless there is a comment...anything else to say...someone make a motion to adjourn?

Mr. Mania: So moved.

Mr. Weiss: Thank you, John.

Mr. Nelsen: Second.

Mr. Weiss: Thank you, Dan. All in favor?

All: Aye

Meeting Adjourned at 10:30 pm

Transcribed by: Karen Grill

Mary Stain

Signature

September 9, 2021

Planning Board Meeting date approved