

7:01:00 PM - - DENNIS TOWNSHIP CONSOLIDATED LAND USE BOARD
Regular Meeting - August 25, 2022 - 7:00 p.m.

Attendance: Turner, McEvoy, Martucci, Walsh, Hope, Penrose,
Cowan, Chambers, Batastini, Watson, Caproni, Frie, VanArtsdalen,
Fralinger, Gibson

Call to Order.

Roll Call.

Applications:

HANSON AGGREGATES PENNSYLVANIA, LLC - Block 120, Lots 63,
64-67, 74, 75 and 79: Located on NJ State Highway 83 in a
Business (B), Rural Density Residential (R3) and Low Density
Residential (R10) Zone. Applicant seeking preliminary and
final site plan approval to renew their resource extraction
permit.

PIERSON-PLEASANTVILLE, LLC - Block 224, Lots 68.01, 73, 74.02,
75.03 and 78.04: Located on Woodbine-Ocean View Road in a
Business District (B). Applicant seeking preliminary and final
site plan approval, a use variance, bulk variances, waivers
from subdivision and/or site plan standards and any and all
waivers and/or approvals necessary to add ready mix concrete as
an additional use associated with an existing gravel pit.
(Continued from July 28, 2022.)

NARRIGAN, STEVE & SUSAN - Block 261, Lot 23, Unit 2:
(Adjourned.)

KLEBAUR, FRANCIS JOHN - Block 225.02, Lot 4: (Adjourned.)

Other Business:

Correspondence.

Discussion: Master Plan review.

Resolutions: Zamac CM, LLC

Executive Session: Discussion of pending litigation.

Minutes: July 28, 2022.

Bills.

Adjourn.

7:01:00 PM - - Start Recording
7:01:01 PM - - Walsh - call meeting to order
7:01:57 PM - - Roll call
7:02:00 PM - - Walsh - first matter Hanson Aggregates Pennsylvania, LLC
7:02:28 PM - - Batastini - administer oath to Mr. McEvoy as Alternate #3 and
Jack Gibson. Also advise Fralinger that he will be needed at
some point this evening and will let him know when.

7:05:23 PM - - Rocco Tedesco, Esquire - attorney for Hanson Aggregates. Applicant seeking renewal of their resource extraction permit. No changes have been made since last renewal. Has Mr. Gibson's report and commented on same. Applicant is willing to accept all comments and conditions of Mr. Gibson's report; ask Board if any need for testimony.

7:07:20 PM - - Batastini - ask for testimony as to existing and possible changes.

7:07:49 PM - - Batastini - administer oath to Tim Poppenberg.

7:08:06 PM - - Poppenberg - have average 20 to 30 tons removed each year and moved to Upper Township site and anticipate this will continue.

7:08:51 PM - - Batastini - ask Gibson if he has any questions and ask for Gibson's report.

7:09:09 PM - - Gibson - read recommendations from his report and made comments with respect to same.

7:13:33 PM - - Batastini - is fence in need of repair?

7:13:46 PM - - Gibson - from time to time and they repair it, but hard so see and believes some clearing should be done; also certain signage needs to be addressed

7:14:20 PM - - Batastini

7:14:24 PM - - Tedesco - security signs have already been ordered for replacement

7:14:51 PM - - Jesse Dougherty - take oath from Batastini - advise Batastini that he has appeared before this Board on this applicant's previous application. Advise Board members of his credentials. He was accepted as expert. Agreeable to adding 200 foot list to plan; ask to have until February to complete all updates requested by Gibson for topography work and will work on other requests.

7:17:53 PM - - Batastini -

7:17:58 PM - - Tedesco - 200 foot list was obtained in June, 2022

7:18:17 PM - - Batastini - ask Board for questions/comments - none - open to public - none - close public portion.

7:19:19 PM - - Batastini - ask Tedesco if he wants to add anything

7:19:39 PM - - Tedesco - nothing

7:19:47 PM - - Batastini - form of motion approving application for renewal of resource extraction permit with recommendations

7:20:31 PM - - Turner - motion to approve

7:20:39 PM - - Cowan - second

7:21:17 PM - - All voting members were in favor

7:21:32 PM - - Tedesco - thanked Board.

7:21:45 PM - - Walsh - next application Pierson-Pleasantville, LLC (continued from 7/28/22 meeting)

7:22:40 PM - - Batastini - two other applications scheduled for this evening have been adjourned - Narrigan, Steve and Susan, no further notice required, 9/22/22 next dated; and Klebaur - will require additional notice.

7:24:27 PM - - Kevin Balistreri, Esquire - attorney for opposition

7:25:09 PM - - Paul Baldini, Esquire - attorney for applicant - ask if certain exhibits are permissible as submitted

7:25:49 PM - - Balistreri -

7:26:10 PM - - Baldini - refer to exhibits that have been marked

7:26:31 PM - - Batastini - ask Balistreri to prepare list of exhibits being entered into evidence and provide

7:27:08 PM - - Baldini - ask to be provided with copy of Balistreri's list

7:27:32 PM - - Baldini -

7:27:38 PM - - Turner - advise that Mr. VanArtsdalen is now present

7:28:18 PM - - Brian Murphy, P.E. - respond to questions from Balistreri -

7:30:11 PM - - Balistreri - ask for screen share - ask Murphy to read highlighted section outloud.

7:30:50 PM - - Murphy - read referred to section

7:31:12 PM - - Balistreri - ask Murphy to read another highlighted section outloud

7:32:26 PM - - Murphy - read section referred to

7:32:38 PM - - Balistreri - sections read say that once a permit expires for whatever reason, the number of permits in the Township decrease by one and certain conditions must be met.

7:34:22 PM - - Murphy - respond to Balistreri's question with regard to those sections read.

7:35:36 PM - - Balistreri - is it proposed to store equipment on site specifically to move and haul material off-site

7:36:40 PM - - Murphy - can be interpreted that way.

7:37:19 PM - - Balistreri - ask Murphy to read "restoration" section again and then question Murphy

7:38:01 PM - - Murphy - respond regarding restoration

7:38:25 PM - - Balistreri - at previous meeting referred to Matalucci concrete plant on Route 83 operated for years as gravel pit and concrete plant and eventually concrete plant was removed. If there is a need for additional concrete plant, why did they close?

7:40:16 PM - - Murphy - doesn't know why they closed.

7:40:25 PM - - Balistreri - mentioned several other concrete plants in the area and asked Murphy if he was familiar with them.

7:40:58 PM - - Murphy - responded with respect to each mentioned as to whether or not he was familiar with that operation and to what degree. Also advised that Pierson could provide larger quantities than other plants in area and had better quality control. Assumes that Pierson's operation would be viable but not privy to their bookkeeping.

7:45:16 PM - - Balistreri - additional questions to Murphy.

7:45:32 PM - - Murphy - respond to Balistreri - identify existing structures on site - office, storage, fuel storage, scale house already on site, only need to bring in concrete plant, wash out station and area for broken concrete. His opinion that it can be identified as a "light industrial use."

7:48:13 PM - - Balistreri - in 2008 this Board stated that the proposed project was not a light industrial use.

7:48:53 PM - - Murphy - that application included an asphalt plant.

7:49:28 PM - - Balistreri - via screen share showed copy of Resolution 8-20 from the Land Use Board. Asked Murphy to read highlighted section.

7:51:12 PM - - Murphy - read section

7:51:21 PM - - Balistreri - Resolution defined that project was not a light industrial use in that Resolution for asphalt plant and ready mix concrete plant - asked Murphy if he agreed.

7:53:03 PM - - Murphy - yes, but he wasn't present at that time

7:53:31 PM - - Balistreri - listed uses and asked Murphy if he considered them "light industrial uses."

7:54:26 PM - - Murphy - advised that uses listed by Balistreri were "light industrial uses" and gave samples of his idea of "heavy industrial uses."

7:56:34 PM - - Balistreri - referred to Township's Business Industrial uses and read examples - office buildings, warehouses, service stations, among others.

7:57:49 PM - - Murphy - his opinion that items listed by Balistreri were light industrial uses. Advised of types of businesses and their equipment, some of which are in the immediate area of this site, that use similar equipment as used by this applicant.

8:01:32 PM - - Balistreri -

8:01:43 PM - - Murphy - respond to Balistreri

8:02:06 PM - - Balistreri - ask Murphy to read ordinance section regarding permitted/prohibited uses - and if not permitted they are prohibited

8:03:14 PM - - Murphy - doesn't make sense, for example, solar panels aren't listed as permitted but are.

8:04:47 PM - - Balistreri - questions to Murphy

8:05:09 PM - - Murphy - respond to Balistreri. Advised that he was not part

of the previous applications of this applicant and could not answer. With respect to plant operations as they exist testified that trucks going both ways hauling different materials (sand, stone) is more efficient. Concrete operation would operate much in the same way for trucks coming and going from the site. Additional employees would be hired - shouldn't increase traffic. Traffic patterns on site would be much the same with trucks either going to the concrete area or the sand/stone area or the washout facility; entrances to the site will remain essentially the same except that the County wanted some widening of the road in front of the site for ease of left turns into the site and for an acceleration lane for the trucks leaving the site. Doesn't know the width of the trucks. Discussed ingredients and additives used in making concrete and the purposes of the additives. Chemicals are stored in an existing storage facility on the site in a secure area, all of which are stored in accordance with their safety requirements. Stored chemicals are not toxic. Concrete is an inert product. Doesn't know if chemical additives are combustible or not. With respect to endangered species in area, believe there are none to the best of his knowledge. With respect to campsites in area, agrees that there are several close by; also added that campgrounds fall in the same category that if not renewed for any reason, Township will delete number of allowed by one.

- 8:23:37 PM - - Baldini - questions to Murphy
8:23:46 PM - - Murphy - reclamation plan for the gravel pit talks about the perimeter, vegetation established - when completed there will be a lake with a vegetative border; when completed will be similar to the Walter Brothers and Cape May County facilities in the immediate area. With respect to endangered species and Great Cedar Swamp - discussed location in relation to area of site being used. Discussed widening of road and whether or not this application is granted, trucks will continue to enter and leave site with sand and stone. Widening of the road will not only benefit this applicant, but will also benefit Walters Brothers in the moving in and out of their very large equipment. Discussed that concrete is a widely used product and gave several examples. Confirmed that this site is suited for the concrete plant as much of what it requires is already on site and also used by the sand and gravel use - office, storage, scalehouse, etc. This use fits perfectly with minimal changes to the site.
- 8:34:08 PM - - Baldini - no further questions.
8:34:17 PM - - Bastastini - there are several things happening this evening and will need to end at 10:00 p.m. Board needs to go into closed session and also discuss Master Plan review. It is clear that this application will not be complete this evening. Asked Board members to look at their schedule and for Thursday, 9/29/22 as a possible special meeting date. Called for 10 minute break.
- 8:37:32 PM - -
8:37:37 PM - - Pause
8:48:22 PM - - Resume
8:49:08 PM - - Back to order - roll call - all present
8:49:24 PM - - Batastini
8:49:29 PM - - Baldini - Mr. Shropshire may have a conflict on 9/29/22 but should know if couple of days.
- 8:50:05 PM - - Balistreri - will see what he can do about 9/29/22 - he has a commitment and now sure about a couple of his experts
8:50:38 PM - - Batastini - will see what can be done
8:50:47 PM - - Baldini - next expert Robert Todd, work for Pierson Materials and manager of concrete division
8:51:58 PM - - Batastini - administer oath to Todd

8:52:08 PM - - Baldini - questions to Todd

8:52:15 PM - - Todd - has lived in Cape May County for nearly 50 years, worked for Pierson for 15 years. Respond to Baldini's questions. Familiar with concrete plants in New Jersey; has basically grown up in the operation; oversees operation of plant. Described location of the proposed concrete plant - behind the public area; equipment currently stored in that area; no additional clearing of area required. Hours of operation will be from 6 to 6 or whatever hours are permitted; will not operate 24 hours a week; Monday to Friday operation; try to stay away from Saturdays; concrete plant only operates when weather cooperates. Will use aggregate produces on site but will also bring in additional from off site. Washout area is already there. Will recycle unused concrete off site when it dries. There will be 3 to 6 employees and they will park in existing area where other employees park. Employees arrive between 6:00 a.m. and 8:00 a.m. Described plant operation and how order is filled. When done, truck makes delivery and returns. Anticipates there will be 3 to 6 concrete trucks. No additional dump trucks will be added to bring in aggregate for the concrete operation. Concrete will be provided for residential contractors, commercial contractors and residents. A typical day would produce 100 - 120 yards. Everything that need to operate the concrete plant is essentially already there - office, storage, scale, etc., existing roadways and gates. He lives in the area and wants to be a good neighbor. Existing lighting on site is adequate. There is already a dust control system in place; a water spray system to keep dust down on roadways on site and parking area; concrete trucks won't produce anymore dust that trucks already in use on site; there is also a sweeping system for the street. Described process of how the concrete is made - material is dumped into weigh scale and then into truck and mixed on way to job site. Customers are mix of local contractors (provided several names). Once material is in truck try to get it unloaded within 90 minutes - has a limited shelf life - depends on the weather. Intention is to give better service to Dennis Township and Cape May County. Confirmed that plant will be in compliance with all permits that are required. Because it is a "dry batch" plant it will be in compliance with noise levels. Confirmed that trucks from both operations will use the same entrance/exit to the site. Described traffic patterns for trucks entering and exiting the property for each facility. When not in use all trucks are parked in a specific area behind a gate. There are trees at least 60 - 70 feet tall in area and will block site of trucks. Not asking for any type of recycling on site.

9:17:39 PM - - Baldini - no further questions

9:17:49 PM - - Batastini - open to Board to ask questions of Todd

9:18:02 PM - - Penrose - where doe concrete go for recycling

9:18:12 PM - - Todd - their facility in Bridgeport

9:18:26 PM - - Cowan - how much does it weigh

9:18:38 PM - - Todd - approximately 4000 pounds

9:19:02 PM - - Cowan - accleration/decelaration the same as dump truck

9:19:28 PM - - Todd - yes

9:19:31 PM - - Martucci - how often are chemicals disposed of

9:19:48 PM - - Todd - if needed to get rid of, truck comes in from a company that pumps them out

9:20:09 PM - - Cowan - use heated water in winter

9:20:26 PM - - Todd - yes

9:20:31 PM - - Penrose - how is water heated

9:20:49 PM - - Todd -

9:20:56 PM - - Walsh - are chemicals same as used in operation across street

9:21:31 PM - - Todd - yes

9:21:49 PM - - Penrose - what kind of chemicals are used

9:22:01 PM - - Todd - explained and advised that amount is not that much - several ounces

9:23:05 PM - - Batastini -

9:23:25 PM - - Watson

9:23:30 PM - - Batastini - any further questions of Mr. Todd -none - open to Mr. Balistreri

9:23:53 PM - - Balistreri - questions to Todd

9:24:09 PM - - Todd - operation from 6 a.m. to 6 p.m.; can't operate 24 hours per Township ordinance; if a job required special night work and would possibly be a job they wouldn't do. The plant could operate at night. Has not worked a Saturday at either plant for about a year; couldn't put a number on how many Saturdays they work in a year. Can't pour concrete in the rain or below 15 degrees - weather has an impact on when it concrete can be poured. Goal is to try to use 30 - 40 percent of aggregate from site and rest comes from Pennsylvania. Difficult to answer how many times concrete is hauled to their Bridgeport site for recycling per month. There are 11 - 18 employees at this site; if additional employees are needed for any reason would call in from their Vineland site. Employees are done work usually between 2 p.m. and 6 p.m. Confirm that trucks that need to back-up have warning beepers that are not that loud; concrete trucks do not have strobe lights on them unless required at the job sites and then the contractors provide those lights. There are presently 18 concrete trucks in the Pierson fleet and if needed could be called in for the job and would then go back to their original site. Concrete trucks are probably about 8 feet wide; fit in a normal traffic lane; are street legal and don't require any special permits. Gave examples of very large projects that Pierson has been involved in in the past and currently. A truck takes approximately 6 1/2 minutes to load and can hold 11 yards. Most concrete produced is sold to other contractors and not used by Pierson. Confirmed that there is a water truck on site, but it is not taken out on the street and there is a company that is hired by Pierson to spray down the main road on an as-needed basis. The on-site water truck is similar to a tanker truck that a fire company would use, but smaller. Have been servicing Cape May County customers out of their Vineland plant and before that out of their Pleasantville plant. Confirmed that chemical additives are several ounces and are delivered in tanks which hold between 500 and 1,000 gallons. The chemicals are not toxic or combustible; and they have never had a spill; if need be, there is a company that comes to pump them out. Does not use fly-ash or chicken wire. Busiest months are April, May, September, October and November; slowest months are July, August, December with January and February being relatively slow. Doesn't know whether or not there is a limitation on how much gravel is removed from site, that is a mining department question. Goal is to have a truck loaded and washed down and out of the yard in 20 minutes. Explained a normal in and out procedure for a truck and the time it takes to complete each step. Discussed shelf-life of the concrete and that it can be extended somewhat depending on certain factors.

9:51:38 PM - - Baldini - questions to Todd

9:51:50 PM - - Todd - have never had a chemical spill in the 40 years he has been there. Biggest job they have had in Cape May County is Walmart. There is adequate parking on site for the additional 3 - 6 employees for the concrete plant. If trucks are going to be on site waiting for a length of time, they are shut off while they wait. Run minimum amount of trucks necessary to fill orders for the day. All trucks aren't there at the same time

because they can't all be loaded at the same time. Several of their current employees are Dennis Township residents that work at their Vineland facility.

9:55:51 PM - - Walsh - ask Board for additional questions - none. This is probably a good spot to stop.

9:56:18 PM - - Batastini - at this point unless there is further notice, this application will continue on 9/22/22 at 7:00 p.m. and if another date notice will be made appropriately. Testimony is now concluded for this evening on this matter.

9:58:04 PM - - Walsh - next matter Master Plan review. Randy is tied up at this time. Walsh reported that meeting is scheduled for end of month and another meeting prior to the September meeting and Randy will be ready to make recommendations at the Board's September meeting.

9:59:09 PM - - Turner - September may be too soon.

9:59:20 PM - - Walsh - sounds like on an aggressive time line, but will keep in mind

9:59:45 PM - - Walsh - Resolution for Zemac CM, LLC

10:00:43 PM - - Batastini - review of Zemac application, discussion of charging stations and present Resolution for approval

10:05:30 PM - - Turner - motion to approve

10:05:39 PM - - Chambers - second

10:06:39 PM - - Motion passes by all members voting

10:06:48 PM - - Batastini - minutes and bills - do before closed session

10:07:16 PM - - Walsh - minutes 7/28/22

10:07:47 PM - - Cowan - motion

10:07:55 PM - - Penrose - second

10:08:10 PM - - All in favor

10:08:17 PM - - Walsh - bills

10:09:19 PM - - Turner - motion to pay

10:09:24 PM - - Chambers - second

10:09:58 PM - - All voting members in favor

10:10:06 PM - - Bastastini - motion to go into closed session

10:10:22 PM - - Cowan - motion

10:10:27 PM - - Walsh - second

10:10:38 PM - - Closed session begins

10:10:51 PM - - Pause

10:11:22 PM - - Resume

10:12:16 PM - - All in favor of closed session

10:12:23 PM - -

10:12:27 PM - - Pause

10:40:46 PM - - Resume

10:40:54 PM - - Back from Executive Session -

10:41:09 PM - - Walsh - meeting adjourned

10:41:20 PM - -

10:41:25 PM - - Stop Recording

