

**MINUTES OF THE ANDOVER TOWNSHIP LAND USE BOARD MEETING HELD
SEPTEMBER 6, 2011**

OPEN MEETING: Chairman O'Connell called the meeting to order at 7:30 p.m.

FLAG SALUTE: Chairman O'Connell led the flag salute.

ROLL CALL:

Diana Boyce – Present
Sue Howell – Present
Gerald Huelbig – Present
Gail Phoebus – Excused
Ellsworth Bensley Jr. – Present
CeCe Pattison – Excused
Christine Kretzmer – Present
Rick Melfi – Present
Paul Messerschmidt (Alt.1) – Present
Ken Roberts (Alt. 2) – Present
Chairman John O'Connell – Present

PROFESSIONALS PRESENT: Richard Briigliodoro, Esq.; Joseph Golden, P.E., P.P.; and Robert P. Guerin, P.E., P.P.

OPEN PUBLIC MEETINGS ACT NOTICE: Chairman O'Connell read the following statement: This is an open public meeting of the Andover Township Land Use Board. Notice of this meeting was given in accordance with the Open Public Meetings Act, Chapter 231, Public Law 85. The rules are generally as stated on the agenda.

RULES: Chairman O'Connell read the following rules: No new cases after 9:30 p.m. or testimony after 10:00 p.m. Comments from each member of the public are limited to 5 minutes during the public portion of the meeting. Transcript requests are to be in writing with check for 100% of costs. Material for the meeting is to be filed fourteen days before the next meeting once it has been heard for completeness. Individuals or members of a partnership must be present at the meeting or be represented by an attorney. Testimony is under oath. False testimony constitutes perjury.

MINUTES:

Minutes of the Andover Township Land Use Board Meeting Held August 2, 2011: A motion to approve was made by Paul Messerschmidt and seconded by Ken Roberts. There was no discussion. Roll Call: Diana Boyce – yes; Sue Howell – yes; Gerald Huelbig – yes; Christine Kretzmer – yes; Rick Melfi – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O'Connell – yes. The motion carried.

Minutes of the Andover Township Land Use Board Meeting Held August 16, 2011: A motion to approve was made by Paul Messerschmidt and seconded by Ken Roberts. There was no discussion. Roll Call: Diana Boyce – yes; Sue Howell – yes; Christine Kretzmer – yes; Rick

Melfi – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O’Connell – yes. The motion carried.

RESOLUTIONS: A-6-11-01, McNelis, Brian, “C” Variance, Block 122 Lot 5: A motion to adopt the memorializing resolution was made by Sue Howell and seconded by Paul Messerschmidt. There was no discussion. Roll Call: Sue Howell – yes; Gerald Huelbig – yes; Christine Kretzmer – yes; Rick Melfi – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O’Connell – yes. The motion carried.

COMPLETENESS REVIEW: There were no matters scheduled for a completeness review.

HEARING: A-7-11-01, Thompson, Robert B. “C” Variance, Block 121 Lot 1: Joseph Golden, P.E., P.P., provided a summary of his report dated July 26, 2011. He stated the house has two front yards. He stated the fence would not compromise sight distance, and he confirmed that the County is satisfied with the proposal.

Mr. Robert Thompson was sworn. He stated he would like to complete the fence in the interest of safety, as Newton-Sparta Road gets busier and busier. He stated a 4' fence does not cover the yard as well as the property is down grade from Newton-Sparta Road and is located on a corner lot. He stated he would like to go up an extra two feet. Mr. Thompson confirmed he would place landscaping at the fence in accordance with recommendations to be made by Mr. Golden.

Chairman O’Connell opened the meeting to the public. Mr. Anthony Massaro was sworn. He stated he passes the Applicant’s home and if the fence were permitted to be high, he would not be able to see in the Applicant’s windows from his truck. He stated he supports the granting of the application. No other members of the public addressed the Board on the matter. Chairman O’Connell closed the meeting to the public.

A motion to approve subject to landscaping requirements to be determined by the Board engineer was made by Paul Messerschmidt and seconded by Gerald Huelbig. Roll Call: Sue Howell – yes; Gerald Huelbig – yes; Rick Melfi – yes; Christine Kretzmer – yes; Ellsworth Bensley, Jr., – yes; Paul Messerschmidt – yes; Ken Roberts – yes; John O’Connell – yes. The motion carried.

10Z-780PSPV, Cambridge Pavers, Inc./Limecrest Quarry Developers, LLC, Preliminary Site Plan, “C” Variances, and Waiver Relief, Andover Township Block 108 Lot 4.02, Block 108.01 Lot 1, and Block 107 Lot 5; Lafayette Township Block 1.01 Lot 1.01; and Sparta Township Block 34 Lot 2: Bernd E. Hefe, Esq., appeared on behalf of the Applicant. He stated a water study was submitted as part of the EIS. He stated ordinance compliance and the water usage issue has been addressed via a modification to the application that includes the inclusion of water tanks for production use and a limitation on the number of employees to 21.

Exhibit B-1, an 8/17/11 letter from Matthew J. Mulhall, P.G., was marked and entered into the record. Mr. Hefe stated Mr. Mulhall’s letter indicated that if the water usage was below

800 gallons for domestic use and Applicant utilized the water tanks for production, the ordinance would not apply. He stated the Applicant had no problem complying with Mr. Mulhall's recommendations. He confirmed that the limit on the number of employees was set at 21.

Thomas F. Graham, P.E., previously sworn, reviewed the engineering modifications relative to the production tanks referencing Exhibit A-8 titled *Site Plan Layout A*, dated 8/5/11. He stated the threshold for the ordinance is 800 gallons per day, and the Applicant proposes to use a 30,000-gallon storage tank to be used for the manufacturing process plus a 10,000-gallon fire suppression tank. Mr. Graham stated the tanks could be connected by a valve in the event of a fire. He stated he would confer with Mr. Guerin on the details. Mr. Graham confirmed that in accordance with a fire department recommendation, a 12,000-gallon tank fire suppression would be shown in a subsequent revision. Mr. Melfi stated that a gooseneck connection would be preferable to the valve. Mr. Graham agreed to provide the detail.

Mr. Graham stated a number of commercial sources could provide water to fill the tanks. He confirmed that tank filling would occur approximately every 3.5 days; and initially, when one line is running, the water would last twice as long. Mr. Toedter discussed truck sizes that are used for water delivery. Mr. Hefele agreed that the Applicant would have the tanks filled during day hours.

Metering and enforcement concerns were discussed. Mr. Guerin recommended that the meter be recalibrated on an annual basis. Mr. Hefele agreed. Mr. Graham suggested utilizing NJDEP standards for violations. Mr. Guerin agreed. He suggested a monthly water usage report requirement. He also suggested a requirement that mandates the submission of a plan in the event the standard is exceeded for three consecutive months. Mr. Hefele agreed and confirmed that monthly reports would be provided. Mr. Hefele stated the water would be taken from outside the municipality.

With reference to the site's ability to produce 800 gallons of water per day, Mr. Graham stated the site is located in close proximity to a quarry. He presented that prior to 2004, the quarry, since 1973, was drawing between six and nine million gallons per day. He stated the current pumping rate is four million gallons per day. Mr. Graham stated he believed the 800 gallons per day could be provided by the area.

Mr. Toedter, previously sworn, discussed toilet facilities in the production facility and acknowledged that if the building were to have a potable use, the ability to hook-up to a sewer system needed to be shown. He confirmed that no potable uses are in the production building. With reference to eyewash stations, Mr. Toedter indicated that if that were a need, there are self-contained eyewash stations that could be utilized. Mr. Toedter confirmed that he is representing Limecrest, L.L.C., as their expert in concrete products and production.

The matter was opened to the public. Mr. Louis Coppolino was sworn. He stated the big picture with the water was the quarry using more water to provide the extra aggregate to the Applicant. He stated he believed they would be using more than nine or ten million gallons per day. Mr. Graham noted that the quarry had a *Water Allocation Permit*. Mr. Hefele stated he did not know where the Applicant would source the water. He stated the Applicant agreed to comply with the Township's water expert.

A recess was called by Chairman O'Connell at 8:20 p.m. The meeting resumed at 8:25 p.m.

Mr. John Reed was sworn. He asked about the calculations utilized in Mr. Graham's study. Mr. Graham stated the calculations were taken from an aquifer study that was not done in the municipality. He noted the study was done in the same aquifer. Mr. Reed asked how the Township could know where the water comes from. He stated the water should not come from this aquifer. Mr. Hefele stated that the Applicant has agreed to comply with the Township's recommendation that the water use for production purposes would not be derived from an onsite groundwater resource or any other groundwater resource located in Andover Township.

Mr. Reed asked why the Applicant did not do the water yield study. Mr. Graham stated he did not know. Mr. Graham stated he believed that the quarry has the ability to draw nine million gallons per day per their water allocation permit; and if they were to overdraw, they would need to go to the NJDEP. Mr. Guerin stated the NJDEP recommends that groundwater not be utilized for production activities.

Mr. Christodlous was sworn. He stated he would like an interpretation from Mr. Mulhall. He stated the Board has jurisdiction over the water table. He stated he did not believe the Board should proceed without Mr. Mulhall present.

Mr. Wolk was advised that he could not speak out. Richard Brigliadoro, Esq., reviewed procedure.

Mr. Guerin noted Mr. Mulhall, in a previous report dated March 8, stated that if the Applicant were proposing to divert water from the quarry to its manufacturing operations on Block 108 Lot 4.02, the diversion could possibly be supported, although the Applicant would still be required to meet the sanitary needs of its employees.

Mr. Christodlous asked what the penalty would be if they exceed the 800 gallons. He stated the penalty should be that they shut down. He stated that if approved, the Applicant could easily hire another person. He suggested the Applicant build a well for 42 people. He stated that if another person was hired, the Applicant could go six months in violation of a state statute. He stated that this was not a way to approve a project.

Mr. Jeffrey Wolk was sworn. He asked if the persons driving the trucks all day and night would use the facility and water. He asked what the ultimate usage would be and stated the Applicant would be over 800 gallons. He stated it was a shell game. Mr. Hefele stated the Applicant agreed to meter the water, and that the traffic expert testified to the number of trucks.

Mr. Graham presented that his calculations were limited to the employees over an eight-hour period. Mr. Wolk asked if truckers' water usage were included and presented a scenario.

Mr. Graham stated the water usage calculation was made based on NJDEP requirements.

Mr. Toedter explained that the numbers generated by the state are profile numbers that include accessory and alternate uses. Mr. Hefele stated the questions are not relevant as the facility is to be metered. Mr. Hefele stated the Applicant does not have to guess at the number of truckers.

Mr. Guerin stated the meter would be read monthly — at the beginning and at the end of the month. He explained the month's number would be an average. He confirmed that if the Applicant goes over, the operation does not stop until the water balance study is done. Mr. Wolk asked why they should be allowed to operate if they exceed. He suggested that a condition of

approval include a provision that the Applicant stop if they go over. Mr. Hefele stated the request to shut down is onerous. Mr. Wolk was advised that he had exceeded his time to speak. Mr. Wolk stated he was not finished and continued. He stated that if water is to be used from a groundwater resource beneath Andover Township, ordinance provisions apply. He requested that Mr. Mulhall be brought in.

Mr. Anthony Massaro was sworn. He stated he was confused. He stated there are two shifts and asked about scheduling. He stated it seemed there are 42 people. He asked about working shifts and production shifts. He stated it seems odd that 21 people on each shift would get four hours overtime each day.

The meeting was closed to the public.

Chairman O'Connell called a 10-minute recess at 8:55 p.m. The meeting was called to order at 9:05 p.m.

Mr. Hefele presented that he consulted with his client and was informed that a new permit was obtained that allows the pumping of 11 million gallons. He stated that the quarry is presently pumping four million gallons daily. He stated the Applicant was not willing to agree to a condition prohibiting the Applicant from pumping from the quarry.

Mr. Toedter was qualified and accepted by the Board as a noise expert. Mr. Toedter confirmed that he submitted the noise study submitted by the Applicant and was familiar with the particular operations that would take place on the subject property. He stated the built-out site would comply with the noise ordinance standards both day and night.

Mr. Toedter identified the following areas of concern: production machinery used to make the pavers and wall units, raw material delivery and handling, and shipping. With reference to the paving machines, he stated they use both vibration and hydraulic pressure to form the shapes prior to going to the kiln for curing. He stated the use of vibration and pressure creates noise. To attenuate the noise transmission, an enclosure around the machine is utilized during its operation. He stated the buildings constructed today are insulated and made with block walls that provide a secondary boundary against noise transmission. Mr. Toedter stated that the noise transmissions from the enclosed machines, placed on separate foundations, are not in violation of Andover Township's Code. He stated the plant building is proposed at a low point of the site, and the rising topography acts as a natural barrier to the transmission of noise.

With reference to unloading, the raw materials handling area, and the shipping, Mr. Toedter stated a medium-sized front-end loader works intermittently to assist the trucks distributing loads going to the hoppers. He explained site layout modifications and the utilization of walls to address noise issues. He stated that almost all of the materials coming to the site come during regular business hours. He stated that occasionally, special sands are needed to supplement the mix. He stated that this material delivery might be made at night. He stated the Applicant meets both day and night standards with the current design.

Norm Dotti, P.E., was sworn, qualified, and presented as the Board's acoustical expert. He submitted Exhibit B-2, titled *Cambridge Pavers Proposed Site Plan Review, Tractor-trailer Through Product Storage Area and Into Raw Materials Loading Extending Wall for Materials Storage Area*, a colored rendering of the site plan. Referencing said exhibit, Mr. Dotti identified

noise limits at various locations on the site and explained the noise study's methodology. He noted that noise limits are appointed by a land's use, not the zoning classification.

Chairman O'Connell stated he needed to break. He apologized and called a recess at 9:30 p.m. The meeting was called to order at 9:35 p.m.

Mr. Dotti submitted Exhibit 3, a colored rendering of the site plan titled *Cambridge Pavers Proposed Site Plan Review, Bucket-loader and Raw Materials Loading Area, Extended Wall for Material Storage Area Around Loading Bay*, that displays sound levels of an operating bucket-loader taken at various location intervals. He discussed a graph that plotted the maximum sound level at any given point emanating from a truck moving through the site. Back-up alarms were discussed. Mr. Toedter identified the location where trucks would be moving in reverse.

Mr. Dotti discussed the proposed sound-wall barriers. He submitted Exhibit B-4, titled *Cambridge Pavers Proposed Site Plan Review*, and discussed cumulative effects of onsite noise. He noted that the noise emanating from the proposed building would contribute nothing. He explained that the acoustical enclosures around the machinery inside of the building and the buildings insulation, substantially reduces noise. He stated the plan complies with the ordinance and if noise levels were exceeded, the problem would have to be abated.

The meeting was opened to the public. Mr. Louis Coppolino was sworn. Mr. Coppolino stated that noise from tailgate slapping was not discussed. He stated noise from Detroit engines and the use of Jake-brakes was not taken into account. Mr. Coppolino discussed truck routes to the site. He stated the trucks would cut across the town and there will noise all night long.

Mr. Victor Capo was sworn. He asked Mr. Dotti about decibels and noise standards. He asked about the proposed wall enclosures and the level of sound traveling upward. Mr. Dotti gave examples of noise levels and explained that sound would rise upward. He stated he was not concerned about the noise level that rises up over the top. Mr. Dotti discussed heights of walls and stated one would not see an 18' high wall from the road.

Mr. Jim Woodstrum was sworn. He stated tailgate dropping was standard operating procedure and asked about the sound emanating from tailgates dropping. Mr. Dotti stated tailgates dropping was an operational issue and should not be allowed. Mr. Woodstrum stated that everyone does it. Mr. Dotti discussed a concern about noise emanating from back-up alarms and provided an overview of the truck circulation pattern. He confirmed that noise is regulated by the state as well as by the town and the noise standards are the same. He confirmed that the County Department of Health is the noise enforcement agent.

Chairman O'Connell excused himself from the meeting at 10:10 p.m. Vice Chairman Howell assumed the Chairman's role.

Mr. Christodlous questioned the validity of the noise study stating that the study was based on equipment provided by Cambridge. Mr. Dotti stated he measured noise from trucks, tractor-trailers, and other construction facilities in Pennsylvania. He stated he also obtained data from his own database. He stated he studied noise utilizing the same type of equipment at a similar production facility. Mr. Christodlous asked if 240 trucks a day would create a noise problem. Mr. Dotti stated noise from cars and trucks on public streets is exempt.

Mr. Christodlous asked about missing minutes and if the Board could make a decision without all of the minutes being completed. He asked how the Board would know what to put in the resolution. He asked if it was fair that the citizens could not review the minutes. Richard Brigliadoro, Esq., explained Board procedure and noted that verbatim recordings are made of all hearings. It was further noted that the minutes were being prepared. Mr. Christodlous stated he would like to read the minutes before a decision is made.

Mr. Anthony Massaro complimented Mr. Dotti's presentation, and he asked how noise affects those located above the road at the nursing home.

Mr. John Reed asked about the decibels from a tailgate swinging. Mr. Dotti stated it was an impulsive noise and would measure 100 dba from one foot away. He stated the limit for an impulsive noise is 80. Mr. Dotti stated that the sound of raw material being offloaded is insignificant compared to the sound of vehicles. Mr. Dotti explained sound limits.

Mr. Dan Freed was sworn. He asked about impulse noise. He stated noise travels across the valley and asked if there were suggestions the Board could make to mitigate those sound impacts. Mr. Dotti explained there is an absorber on the wall. He further stated that operation's management could have an impact on noise.

Ms. Marlene Coppolino was sworn. She asked how many forklifts and bucketloaders would be on site. She asked if he had been to the Lyndhurst site. Mr. Dotti stated he did not know, and he confirmed he had not been to the Lyndhurst facility. Mr. Dotti provided an overview of noise enforcement. Ms. Coppolino suggested that Board members look at the Lyndhurst facility.

Mr. Jeffrey Wolk asked how the truck noise was assessed and if noise compounded. Mr. Dotti stated his study was conducted to review the maximum sound level. He explained that as the sound source doubles, decibels increase by three. Mr. Wolk asked who would be running the plant. He suggested that police video surveillance could be utilized to assist in the enforcement of turning dictates.

No other members of the public addressed the Board on the matter. Acting Chairman Howell closed the meeting to the public.

Richard Brigliadoro, Esq., entered Exhibit 0-3, a letter dated September 6, 2011 from Donna M. Erem, Esq., into the record. A copy was provided for the public's review.

Mr. Hefele stated he would summarize the matter at the next meeting. A motion to carry the matter to the meeting of September 20, 2011 was made by Ellsworth Bensley, Jr., and seconded by Paul Messerschmidt. All were in favor. The motion carried.

PUBLIC PORTION: The meeting was opened to the public. No other members addressed the Board.

The meeting was closed to the public.

OLD/NEW BUSINESS: There was no business scheduled for discussion.

VOUCHERS: A motion to recommend the Township's payment of the vouchers listed below was made by Paul Messerschmidt and seconded by Gerald Huelbig. Roll Call: Diana Boyce – yes; Sue Howell – yes; Gerald Huelbig – yes; Rick Melfi – yes; Ellsworth Bensley, Jr., – yes; Paul Messerschmidt – yes; Ken Roberts – yes. The motion carried.

BILL DATE	INVOICE	CONSULTANT	ACCOUNT	CASE	TOTAL
8/22/2011	1955	Joseph Golden, P.E., P.P.	717-113	08P-747APFMA: Mulford Road Easements	\$120.00
8/18/2011	1956	Joseph Golden, P.E., P.P.	1-01-20- 165-130	Planning OE	240.00
8/9/2011	3905809	New Jersey Herald	1-01-20- 120-021	Planning OE	19.75

UPCOMING MEETING: Vice Chairman Howell announced the September 20, 2011 and October 4, 2011 meeting dates.

ADJOURNMENT: Having no further business, a motion to adjourn was made by Paul Messerschmidt and seconded by Ken Roberts. All were in favor. The meeting was adjourned at 10:55 p.m.

Minutes respectfully submitted by:

Anne-Marie Wilhelm
Land Use Administrator