

BRIDGEWATER TOWNSHIP PLANNING BOARD
Regular Meeting
Tuesday, September 13, 2022
—MINUTES—

CALL MEETING TO ORDER

Chairman Vescio called the meeting to order at 7:00 p.m. in the Bridgewater Township Municipal Building.

OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT & FLAG SALUTE

Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act N.J.S.A.10:4-6. On January 14, 2022, proper notice was sent to the Courier News and the Star-Ledger, filed with the Clerk at the Township of Bridgewater and posted on the bulletin board in the Municipal Building. Please be aware of the Planning Board policy for public hearings: No new applications will be heard after 10:00 pm and no new testimony will be taken after 10:15 pm. Hearing assistance is available upon request. Accommodation will be made for individuals with a disability, pursuant to the Americans With Disabilities Act (ADA), provided the individual with the disability provides 48 hours advance notice to the Planning Board Secretary before the public meeting. However, if the individual should require special equipment or services, such as a CART transcriber, seven days advance notice, excluding weekends and holidays, may be necessary.

ROLL CALL

PRESENT*

Chairman Maurizio Vescio
Councilman Timothy Ring
Ms. Ashely Sikora
Mr. Henry Wang
Mr. Inderpreet Banga
Mayor Matthew Moench
Mr. James Magura
Ms. Lauren Zarro
Ms. Sonja Chartowich
Mr. Michael Pappas

ALSO PRESENT

Mark Peck, Board Attorney
Board Planner, Scarlett Doyle, P.P.
Board Engineer, William Burr, P.E.
Joseph Bell, Esq., Special Counsel
Nancy Probst, Board Administrator

ABSENT

n/a

MEETING OPEN TO THE PUBLIC

Members of the public wishing to address the Board on any matter not listed on the agenda were invited to do so. There was no public comment.

The Minutes of 8/23/22 were tabled.

RESOLUTIONS

North Bridge Woodlawn, LLC

Block 525, Lot 2 (81 Woodlawn Avenue)

APP#22-014-PB – Preliminary & Final Major Subdivision

Mr. Pappas asked for additional time to review the resolution.

***Motion** by Mr. Pappas, **seconded** by Ms. Sikora and unanimously carried to approve the resolution, as presented.

Roll Call:

Aye: Chairman Vescio, Ms. Sikora, Mr. Wang, Mr. Banga

Nay:

Abstain: Councilman Ring

MASTER PLAN RE-EXAM REPORT & AMENDMENTS

Scarlett Doyle explained that the purpose of the re-exam was to facilitate the replacement of 40 units of [required] affordable housing that were originally part of the COE approval but eliminated as part of the recent settlement with them. She explained that the Township was proactive in siting units elsewhere, specifically at the Hyatt House where there are already 128 existing units.

Mayor Moench spoke in support of the plan. Councilman Ring spoke about procedural steps. Mr. Banga asked about long-term viability and whether this would be precedent setting for placement of other affordable housing developments. Ms. Doyle explained that this is a proactive way to address a potential future affordable housing obligation without new construction.

Mayor Moench addressed Mr. Banga's question about the potential for precedent setting. Ms. Doyle explained that future units would not have to be located in this zone and as such, asserted that this would not be precedent setting.

A discussion ensued as to the expansion of public facilities as it relates to paragraph 4b on page 12. Referring to section (d), Ms. Doyle offered that they should revisit all stormwater procedures.

Motion by Mayor Moench, **seconded** by Ms. Sikora to adopt the Master Plan Re-examination.

Roll Call:

Aye: Chairman Vescio, Mayor Moench, Councilman Ring, Mr. Pappas, Mr. Magura, Mr. Wang, Ms. Sikora, Ms. Zarro, Mr. Banga, Ms. Chartowich

Nay:

Abstain:

MASTER PLAN CONSISTENCY REVIEW

Referencing her 9/13/22 memo, Ms. Doyle explained the consistency review process and provided an overview of the ordinance presented for the Board's consideration which would amend Township Code in order to create the RMDU-26 Multifamily Residential Zone at the site of the Hyatt House (located at 530 Route 22 - Block 400, Lot 7).

On a finding that the Ordinance was NOT inconsistent with the Master Plan, the Board moved to recommend it for adoption as written, in accordance with Ms. Doyle's recommendation.

Mayor Moench spoke about the next steps and how the new designation would impact the site. Ms. Doyle expounded on this.

Motion by Mayor Moench, **seconded** by Ms. Sikora to recommend the Ordinance, as presented to the Governing Body.

Roll Call:

Aye: Chairman Vescio, Mayor Moench, Councilman Ring, Mr. Pappas, Mr. Magura, Mr. Wang, Ms. Sikora, Ms. Zarro, Mr. Banga, Ms. Chartowich

Nay:

Abstain:

QUARRY RECLAMATION PRESENTATION

Brian Montag, Esq. of K&L Gates appeared on behalf of the Quarry. He provided an overview of his experience and introduced **Engineer, Wayne Ingram** (Engineering & Land Planning Associates), **Mike Gentosso (President of Stavola)**, **Tom Branch (VP of Engineering & Regulatory Compliance)** and **John Marmora, Esq.**

Mr. Montag spoke about the history of the site as a copper mine dating back to the mid 1700's and the 1890's when it became a Salt Quarry. He spoke about the vision for the site, as it relates to the Reclamation Plan which he dated back to 1987 when re related, Somerset County was interested in creating a solid waste facility. He estimated that there are 30-40 years of life left in the Quarry.

Mr. Montag spoke about the owners and about dialogue they have had with Township officials in the interest of finding common ground. He spoke about the importance of being good neighbors over the long term and offered that the Stavola family is committed to New Jersey business, as is evidenced by their +/-45 year old family run business. He spoke about the phasing plan and about possible future uses prior to providing an overview of the highlights of the presentation.

Mr. Ingram was sworn in and provided copies a PowerPoint presentation entitled **"2022 Bridgewater Township Planning Board presentation for Stavola Bound Brook Quarry Reclamation,"** prepared by Skelly and Loy which was broadcast. He also provided copies of a document entitled **"Stavola's Bound Brook Quarry Reclamation Program Update Memorandum,"** prepared by K&L Gates and Skelly and Loy (dated August 18, 2022).

- In a discussion of Sheet 1, Mr. Ingram oriented everyone to the location of the Quarry.
- In a discussion of Sheet 2, Mr. Ingram pointed out the contrast between the active and inactive areas of the site.
- In a discussion of Sheet 3, Mr. Ingram provided historical context.
- In a discussion of Sheet 4, Mr. Ingram identified the recorded Reclamation Plan.
- In a discussion of Sheet 5, Mr. Ingram focused on the eastern side of the site in an aerial photo from 1930.
- In a discussion of Sheet 6, Mr. Ingram spoke about the expansion of the site as shown in an aerial map from 1963.
- In a discussion of Sheet 7, Mr. Ingram spoke about further expansion as shown on an aerial map from 1980, as well as elevations.
- In a discussion of Sheet 8, Mr. Ingram identified an aerial map from 2002.
- In a discussion of Sheet 9, Mr. Ingram discussed existing conditions based on a current aerial map which was based on 2020 GIS and 2022 drone footage.
- In a discussion of Sheets 10 and 11, Mr. Ingram pointed out the zone limits, extent of mining limits, expansion to the south and conditions in the C3 zone (surrounds the site).
- In a discussion of Sheet 12, Mr. Ingram identified the Quarry customer base.
- In a discussion of Sheet 13, Mr. Ingram spoke about transportation routes and the convenience of the location, as well as proximity to mass transit.
- In a discussion of Sheet 14, Mr. Ingram spoke about the four stages of the 1986 Reclamation Plan Agreement.
- In a discussion of Sheet 15, Mr. Ingram spoke about reserves. He explained that sales fluctuate based on economic conditions.
- In a discussion of Sheet 16, Mr. Ingram identified the County facility on the east side of the site and advised that Reclamation Stage 1 is complete.
- In a discussion of Sheet 17, Mr. Ingram identified a stabilized rock slope area in the northeast corner of the site and explained that Reclamation Stage II is also complete.
- In a discussion of Sheet 18, Mr. Ingram identified the back-quarry area [western portion of the site] and described this stage as ongoing.
- In a discussion of Sheet 19, Mr. Ingram explained that Stage IV is Phase 2 of the primary Quarry area and is also still ongoing. He explained that both Stage 3 and Stage 4 would be mined simultaneously/reclaimed in similar periods.

- In a discussion of Sheet 20 which he identified as the 2022 Mine License Plan, Mr. Ingram pointed out the areas of active growth and expansion as well as completed areas.
- In a discussion of Sheet 21, Mr. Ingram spoke about planned Stormwater Facilities.
- In a discussion of Sheet 22 (Reclamation Plan Update), Mr. Ingram explained that they are in compliance with the Plan on file as it relates to the Quarry Ordinance.
- In a discussion of Sheet 23, Mr. Ingram discussed conceptual future land uses. He identified an approximate area for redevelopment in green outlined by what he identified as stabilized slopes. He identified an area outline in orange which he described as showing perspective from outside of the site. He explained that there is a 170' drop from the perimeter of the site to the Quarry floor. He also discussed landscaping.
- In a discussion of Sheet 24, Mr. Ingram spoke about extending rail service in order to accommodate future land uses.
- In a discussion of Sheet 25, Mr. Ingram spoke about the processing of materials as it relates to conceptual future land uses and referred to Appendix C.
- In a discussion of Sheet 26, Mr. Ingram spoke about conceptual future land uses in the light industrial/manufacturing realm complimentary to material processing.
- In a discussion of Sheet 27, Mr. Ingram spoke about conceptual future land uses in the commercial/office space realm.

Chairman Vescio opened the floor to questions of Mr. Ingram at 7:47.

Mayor Moench asked Mr. Ingram to speak about what the term reclamation means as it relates to Stage 3 in particular. Mr. Ingram explained that the actively mined areas are still viable and spoke at length about readying the site (re-grading, sloping and drainage work) while working in two stages simultaneously.

Mr. Pappas asked Mr. Ingram to review the memo in order to address questions about sequence. He asked what the document labeled "page 54" was and pointed out that there was no reference to the document having been recorded. Mr. Ingram indicated that it was part of the agreement. Mr. Pappas asked how that could be verified and then asked what reclamation plan they are following. Mr. Montag advised that this was the first time he was hearing questions about the validity of the document and assured Mr. Pappas that they would research it.

The accuracy of the document (as presented) was discussed at length. Mayor Moench ultimately asked for a simultaneous check of both the Township's and Stavola's records.

The Chairman solicited questions of the Board.

Mr. Magura commented on the amount of material being processed and asked about any major environmental problems. Stavola's team indicated that they were not aware of any.

Mr. Pappas asked Mr. Montag and Mr. Ingram whether they wanted to entertain questions about the document this evening. Mr. Montag ultimately suggested that it might be better to address questions in another session.

There was further discussion about the history of the site. Mr. Vescio asked about a Brunswick Formation and Mr. Ingram advised that he would look into it. Mayor Moench clarified. Mr. Ingram advised that there was no anticipated change to the viewscape.

Mr. Ingram identified Steel Gap Road in response to a question from Mayor Moench about the 170' limit. Mayor Moench asked whether they intended to take material from the left side of the site and move it to the back in order to create access from Route 22. Mr. Ingram advised that they were not.

Mayor Moench proposed that some of the Board members meet with Stavola's team and report back to the Board.

Mr. Bell asked for clarification on the different blocks/lots (citing four lots in all) and added that he did not believe quarrying was conducted on three of them. Mr. Ingram indicated that he did not have a breakdown of the different lots.

Referencing statements made earlier that slopes/grades were not consistent with State regulations at the time of the Reclamation Plan, Attorney Bell asked whether current grading/sloping had been brought into compliance. Mr. Ingram indicated that there had been a lot of discussion revolving around differences of opinion due to safety concerns on different slopes but that the slopes at this point, are compliant. Mr. Bell advised that state law called for 30%. Mr. Ingram indicated that what was agreed to, as well as slopes that had been created were compliant.

Mr. Bell asked whether there was any type of before/after of the Reclamation Plan and how it had been modified. He asked where things currently stood and pointed out that the Plan references a physical model. Mr. Montag deferred to a later discussion given the balance of the questions.

With respect to Quarry reserves, Mr. Burr asked Mr. Ingram how they arrived at the amount of stone available [70-80m tons]. Mr. Ingram explained that mining engineers provide these calculations based on reserved studies. He provided further explanation.

Mr. Burr asked what else is being mined and whether there were any secondary products [anything other than shale]. Mr. Ingram indicated that shale is the secondary product together with ancillary product.

Referencing the cross section of the Plan and the lines delineating both the mining and property limits in particular, Mr. Burr asked whether the buffer is 150'. Mr. Ingram affirmed that it was. Mr. Burr asked whether this is governed by the existing Quarry Ordinance and Mr. Ingram affirmed that it was.

Mr. Burr asked whether the current operation is within the limits of the buffer. Mr. Ingram indicated that it appeared to be and offered that aeriels do not show any areas of noncompliance.

Mr. Burr asked whether a 6' chain link fence had been installed when the mining got to the area within the 150' buffer in accordance with the Ordinance. Mr. Ingram indicated he was not aware of whether it had been.

Referencing the slide/map showing the stormwater basing in blue, Mr. Burr asked about the history of the existing basins and what areas they capture. Mr. Ingram offered that they appear recent and that they change as the Quarry evolves.

Referencing the slide/map with the dark blue coloring delineating proposed basins, Mr. Burr asked at what point in the reclamation this would be done. Mr. Ingram advised that this evolves as work progresses.

With respect to drainage, and the impacts of Hurricane Ida in particular, Mr. Burr asked how the area downstream of the Quarry and Chimney Rock Road functioned. He asked whether anything could be

improved to help with downstream drainage issues. Mr. Ingram offered that while he did not know, quarries tend to be beneficial in this regard. He was unable to answer another question from Mr. Burr about whether the basins overflow to the West Branch of the Middle Brook.

Ms. Doyle offered that it would be helpful to have something definitive to reconcile to, with respect to the progress of the Reclamation as it relates to current slopes, fencing and basins in particular.

Referencing Section 124-5 of the Ordinance, Mr. Peck commented on an inconsistency with the deadlines for completion.

Chairman Vescio opened the floor to questions of the public at 8:26.

A resident of 1110 Washington Valley Road (*name unintelligible*) asked whether the Quarry was in the business of manufacturing asphalt. Mr. Ingram indicated that they did not testify to this and had no comment in response to a follow up question about the presence of road millings.

In furtherance of his comments on millings, the resident commented that are they highly regulated by the State because they contain carcinogens (BPA's). He asked for clarification on how much of this material is on the site and what the Quarry intends to do with it. Mr. Ingram indicated that he did not have the answer to this. The resident persisted, asking whether "large quantities of road millings" were on the site. Mr. Ingram offered that millings are dealt with "in accordance with all state regulations." The resident asked whether the Quarry plans to "take them offsite" or "make this a landfill."

Mr. Montag advised that studies conducted by the NJDOT have concluded that recycled asphalt pavement (RAP) does not leech into water or soil and that State law passed in 2019 approved RAP to be used as filter for bedrock quarries.

Citing concerns about material being washed away due to weather conditions/flooding, the resident asked what guarantees that materials will stay onsite. Mr. Montag offered that he was not aware of this being a concern for the Quarry. Mayor Moench suggested that the professionals could look into this as well.

The resident offered that there would need to be stabilization of fill if they are going to be taking in road millings for the next 30 years. Mayor Moench offered that there are things they can look at in the Reclamation since they are already aware of the flooding/water problem in the area.

The resident asked whether there is routine testing of "poly" on site. Mr. Montag indicated that he was not aware of what testing had been done. The resident spoke about his familiarity with bpa's and hazardous potential of road millings in the context of his experience as Chair of the Environmental Commission of Sunset Lake. Mr. Montag suggested he read the RAP legislation.

Mr. Marmora commented on long term remediation.

A resident (*name unintelligible*) of **10 Van Nostrand Rise** expressed concerns over the impact on his home of explosions associated with the Quarry. He referenced a prior appearance (one year ago) during which time testing was discussed. He suggested that there are flaws in the testing which he related, should be consistent over the course of a few months (namely that they are selectively choosing days for same). He suggested that the Township ask for State or Federal help. Mayor Moench spoke about the Township's limitations on testing given State jurisdiction. He offered that berming could be part of future discussions.

The resident asked whether it would be possible to ask the State for help with respect to consistent monitoring. Mr. Montag explained that every blast is monitored/regulated by the Department of Labor under State standards by certified [State approved] testing companies. Further discussion about testing procedures ensued.

The resident expressed concerns about his neighbor's home. Mr. Ring shared his experience with the impacts of quarrying from living above it on Chimney Rock Road. He talked about variations in blasting due to shifting areas of Quarry. The resident expressed concern about the safety of his home. Mayor Moench recalled a time when a blast exceeded the permitted limits and advised that the Township is made aware of any violations.

Mr. Montag responded to a question from the resident about the availability of data. Mr. Peck reiterated that the State has exclusive jurisdiction over this. Mayor Moench offered that the Quarry has been a good neighbor while acknowledging that there were inherent problems with the nature of operations which is why the Township is looking at it.

George Bateman of 94 Catherine Lane asked how far down they are mining. Mr. Ingram explained that depth is regulated by Township Ordinance and that they would comply with regulations relevant to the area of the Quarry. Further discussion ensued. Mr. Ingram explained that he did not have the exact elevation and that this is part of the reclamation plan.

Mr. Pappas commented on concerns expressed earlier by Ms. Doyle regarding depth. Mr. Ingram explained that they are trying to keep positive drainage. Mr. Montag offered that this was an issue to take up. Ms. Sikora asked how it would affect future building on the site. Mr. Ingram offered that this was dependent upon the reclamation as there has to be a balance of different materials on the property.

Mr. Bateman asked about use of the property as a flood plain. Mr. Ingram explained that any redevelopment would have to meet stormwater regulations and that they while they are not envisioning this to be a regional basin, they are not going to be a contributor to the problem. Mr. Ingram offered that they had not explored the idea of using the property to assist the community downstream or whether it had any open space value in response to another question from Mr. Bateman.

The public comment portion of the meeting was closed at 8:52.

Mr. Montag pointed out that they appeared on a voluntary basis. Mayor Moench thanked them. **This concluded the Quarry presentation.**

*Chairman Vescio asked for a motion to adopt the Woodlawn resolution which Mr. Pappas had asked for additional time to review earlier.

DISCUSSION

Ms. Doyle offered to contact Quarry representatives regarding timeframes with respect to the Reclamation Plan. She spoke about comments made earlier regarding site inspection. She asked for clarity with respect to whether the Board wanted a '22 reclamation plan. Mr. Ring offered that they would first need clarity on the '80 plan/'87 settlement. Mayor Moench affirmed Mr. Ring's statement. Ms. Doyle opined that it would be good to have updated information. Speaking again to his personal experience growing up near the Quarry, Mr. Ring offered that it would make sense to prepare questions/comments in advance.

Ms. Chartowich asked about noise monitoring. Councilman Ring referenced a presentation made before Council last year.

Chairman Vescio asked whether the Board has the right to question current practices if they are bound by the 1980 agreement. Mr. Peck offered that the plan could be amended if not consistent with current standards/practices. Ms. Zarro offered that although the Engineer stated that they were complaint, he was unable to provide any specific data. Mr. Banga asked whether it would make sense to undertake an independent assessment of the presence of carcinogens and water/drainage. Regulation of other activities on the site were discussed.

Mr. Pappas asked Mr. Burr [in his capacity as Quarry Master] about the frequency of site visits. A brief discussion about revision of the fee ordinance ensued. Mr. Burr responded to a question from Mr. Banga about when the last inspection had been done. Mr. Burr advised that it had not been done quarterly/visits were not done due to the pandemic but that it had been done earlier this year and that a visit was due at the end of the year. He spoke about the financial benefit [to the Township] of revising the fee ordinance (as discussed).

Ms. Chartowich asked about DEP authority over/regulation of materials on site. Mr. Pappas suggested that this could be covered in the public information session on October 13th.

Mayor Moench asked Attorney Bell if he could provide a summary of his memo regarding ordinance changes with respect to Quarry licensing. Councilman Ring suggested he share his memo from the last Council meeting.

Further discussion ensued in response to a comment from Ms. Sikora about inconsistent information provided (to Council vs. current presentation) about the reclamation timeline. Mr. Pappas offered that this is why they were asking for someone with credentials to substantiate their projections. Attorney Bell clarified.

Further discussion ensued with respect to the frequency of the reclamation plan update and presence of road millings. Mr. Pappas confirmed that he would arrange the tour for the Board members. Mayor Moench acknowledged this and Councilman Ring spoke about the history of the site with respect to the golf course.

The status of the PSE&G Concept Plan was discussed in response to a question from Councilman Ring. Ms. Doyle advised that it the matter was still scheduled for 9/27. Mr. Ring suggested that the Board should be prepared given interest from the residents at recent Council meetings.

ADJOURNMENT

Motion by Mayor Moench, **seconded** by Councilman Ring and unanimously carried to adjourn the meeting at 9:18 p.m.

Approved: 10/25/22

Respectfully submitted,


Nancy Probst, Land Use Administrator