Chairman Nanson called the meeting to order and the Administrative Officer read the opening statement.

ROLL CALL: The roll call showed the following members present: Matthew Hughes, Richard Mertens, Thomas O’Donnell, Jose Orozco, James Moretti, Jr., and Chairman Wendell Nanson. Herbert Massa, Michael Sanclimenti and Paul Sayah were excused

Also in attendance were Ronald Troppoli, Board Attorney, Charles Cunliffe, Board Engineer, Jack Mallon, Board Engineer, Jennifer Beahm, Board Planner, Matthew Howard, Director of Land Use and Eileen Rubano, Board Secretary

PLEDGE OF ALLEGIANCE:

SWEARING IN OF BOARD PROFESSIONALS: Charles Cunliffe, Jack Mallon, Jennifer Beahm and Matthew Howard were sworn in by Board Attorney Troppoli.

APPROVAL OF MINUTES: There were no minutes to approve at this meeting.

VOUCHERS: There were no vouchers to approve.

CORRESPONDENCE: There was no correspondence.

RESOLUTIONS: There were no resolutions to memorialize.

APPLICATIONS BEFORE THE BOARD:

a. Case No. BA18-06 / L and L Paving Co. Inc.

Mr. Butler, Attorney for the Applicant, and Mr. Doyle, Objecting Attorney, both appeared before the board.

Mr. Doyle informed the Board that he just received a page and a half review letter from T and M so after some objections by both attorneys the Board took a 10 minute recess so Mr. Doyle could review the letter with his client and witnesses.

Mr. Doyle had some comments regarding the detention basin which is now being shown on the drainage plans and the Chairman said the board doesn’t get involved in the drainage, the professionals review and work out as a condition of approval.

Mr. Mallon said that the drainage complied with the ordinance and after a conversation with the Township Engineer he agreed to ask the applicant to revise the plans so the water would not flow along the berm but rather have it retained in a swale and connect in the drainage system. He also said the additional information came in today and it is not a detention basin but the system works.

Mr. Doyle still had some objection, saying we should have had this all along and he will proceed if he has to, but under objection.

Chairman Nanson informed Mr. Doyle that the professionals are here to direct the Board and if the engineer is not satisfied with the drainage the applicant will have to come back to the Board.
After some additional discussion, Mr. Butler asked Mr. Mallon if the original plan meet the ordinance and since Mr. Mallon agreed that it did, Mr. Butler said the applicant will take the drainage off the table, and keep the original plan which meets the ordinance. Mr. Mallon had no objection and Mr. Troppoli, Board Attorney, said if it is off the table, there is no reason Mr. Doyle can’t proceed.

Mr. Doyle called Carolyn Feigin, PE, PP to testify. After being duly sworn and giving her credentials to the Board she was accepted as an expert. Ms. Feigin testified that she read the reports, reviewed the maps and site plans and in her opinion the applicant does not comply with the township ordinance for stormwater management. She did not agree with the applicant’s engineer’s testimony that they would be reducing impervious coverage and she felt that they were actually increasing it. Ms. Feigin also testified that a disturbance of more than one acre is a major development therefore they need to meet the NJAC code for a reduction in flow, soil erosion and sediment control plan reviewed by Freehold Soils, runoff quality and groundwater recharge. She also said that they are not allowed to recharge from an industrial facility they need to treat the runoff. Ms. Feigin continued testifying on the runoff water quantity and said you can’t release more off the site than there is now and if you look back over the previous five years you can use the lowest number. Ms. Feigin further testified that she hasn’t been to the site so she is not sure of the elevations and she thinks soil borings or test pits should have been done on the site.

There was some discussion on the cleanup of the site which removed all of the crushed concrete pipe and when Chairman Nanson asked if this would affect the impervious coverage Ms. Feigin said it could.

Mr. Doyle said the burden of showing the cleanup and impervious coverage is up to the applicant or owner of the land and Ms. Feigin said their engineer could do it.

Mr. Mallon commented that the professionals used their knowledge of the site. He asked Ms. Feigin if she was aware of the recharge pipe the applicant put in at the request of the planning board and she said she did know about that as it wasn’t in the reports and it isn’t shown on the plans.

The Board took a recess from 8:01 p.m. to 8:19 p.m.

Sid Husain, PE, PP, was duly sworn, gave his credentials to the Board and was accepted as an expert. He testified that he is familiar with the site as he worked nearby for nine years. He presented some exhibits to show the site and surrounding areas and explained each photo. Mr. Husain testified that the applicant needs to obtain outside agency approvals and they do not have a NJPDES permit.

Ms. Beahm, Board Planner, stated that outside agency approvals are a condition of approval, and if NJPDES permit is required it would also be a condition of approval which is the board’s standard operating procedure.

Mr. Doyle did not agree with Ms. Beahm’s statement and he said that courts have ruled it was not an application for the local boards to decide because the state approval would alter the site.

Mr. Butler disagreed with Mr. Doyle and said the Board has the authority to condition the approval on outside agency approvals and if they have to change the site plan they would have to back to this Board.
Board Attorney Troppoli asked the parties to move on as they spent over 25 minutes talking about permits that may or may not be required and is considered an outside agency approval.

The Board took another recess from 9:25 to 9:35 p.m.

Joseph Staigar, PE, Traffic Expert, was duly sworn, gave his credentials to the Board and was accepted as an expert. He testified that he went to the site, read the transcripts, review the site plans and other documents, specifically the Dolan and Dean Traffic Reports. Mr. Staigar said that in order to determine the validity of the Dolan and Dean reports they did some counts using Automatic Traffic Recorders (ATR) during the week of 3/23 and he found some discrepancies. He noted that the Dolan and Dean counts were done in August when schools were out and again in June and their counts showed 30% less than the average of the count he did.

When Chairman Nanson asked him where he did the counts he said he had one recorder on the northbound lane and one on the southbound lane of Yellowbrook Road just north of Cranberry Road. Mr. Nanson also asked if he had one on in front of Solomon’s and he didn’t know and when asked if he placed one on Cranberry Road he said no.

Mr. Moretti asked how the machines are calibrated and who certifies the calibration and Ms. Staigar said they do certify or test the accuracy by doing manual counts for an hour and check against the machine’s count. He testified that he didn’t know when it was done last or if it was done this time.

Mr. Staigar testified that they did not do counts at the intersections of Yellowbrook and Route 33, Yellowbrook and Adelphia Farmingdale or Cranberry and Colts Neck Road. He said they went out strictly to deal with Yellowbrook Road and to determine the number of trucks on Yellowbrook. He did agree that there is existing truck traffic on Yellowbrook Road.

Chairman Nanson said they are putting traffic testimony on the record so we should have the report to back it up and Mr. Staigar said he could provide the report.

Mr. Staigar also testified that the intersection of Yellowbrook Road and Route 33 operates at a level of service “F” and the ITE does not have a land use number to asphalt plants for trip generation. The most accurate way to get a count is to sit at their driveway and count and that was not done in the Dolan and Dean report. Mr. Staigar said taking a conservative approach would be to look at the capacity of the asphalt plant and how much it can generate.

Mr. Butler objected as the capacity of the asphalt plant is based on hypotheticals. He said that the maximum asphalt the plant can produce depends on the market and different types of mixes. The testimony the applicant put on the record is that their business plan is for 200,000 tons and he can’t produce more than he can sell.

Mr. Troppoli made a suggestion that we let Mr. Staigar put his testimony on the record, as we have spent another 15 minutes on hypotheticals. The plant is not built so we have Mr. Redealli’s testimony and Mr. Dean’s testimony. After Mr. Staigar puts his testimony on Mr. Butler can cross examine him.

Mr. Staigar said that Mr. Redealli testified that he can produce 400 tons per hour. If you multiply that by 12 hours a day it is 48,000 tons/day times 240 days equals 1 million tons.
They may not reach 1 million but I’m going to use 400 tons/hour. This equates to 360 trucks in and 360 trucks out over a 12 hour period and even if the plant shuts down at 10 p.m. trucks may run overnight as the silos can hold 1,800 tons. By his calculations they would generate 18 trucks per hour but the traffic counts show an average of 8 trucks overnight or less than one per hour.

Chairman Nanson disagreed with the counts since he knows that trucks leave George Harms location at 4:00 a.m. every morning and Eosso Brothers also have trucks which go to Colts Neck Road. Mr. Nanson also asked him if he took into account other asphalt plants doing night work.

Mr. Staigar said he would find out exactly where the tubes were placed and during the daytime while the plant is operating they could have up to 60 trucks and hour, 30 in and 30 out. Mr. Staigar also testified on the level of service for the intersection of Route 33 and Yellowbrook Road and said that the turning template and geometry of the roadway causes trucks to go into the opposing lane when turning.

Chairman Nanson asked if a traffic light would solve the problem at this intersection and Mr. Staigar testified that the traffic light would alleviate wait times, fix the geometry and the level of service.

Mr. Doyle asked Mr. Staigar where a GPS system would direct the drivers and he said if they were going to Route 9, Route 33 or Route 34 it will you via Yellowbrook Road.

Mr. Mallon pointed out that the applicant would be transporting asphalt material and would not be using tractor trailers.

Mr. Cunliffe asked about the traffic for the more intensive permitted uses and Mr. Staigar said he did not look at that but thinks the asphalt plant will generate more traffic than a warehouse use.

When Mr. O’Donnell asked how long a typical asphalt truck is Mr. Staigar agreed that his exhibits with turning templates would not apply if the trucks were only 30’ in length.

Mr. Doyle said he will put planning testimony on the record at the meeting of 4-15-19 and the Chairman said he should have been prepared to put them on tonight.

Since Mr. Doyle had no other witnesses it was decided that the meeting for 4/15/19 would begin at 6:00 p.m. and after Mr. Doyle’s planner, Mr. Butler would do his cross examination and then public questions of the witnesses.

The Chairman carried the application of L and L Paving Co. Inc. to April 15, 2019 at 6:00 p.m. with no further notice.

Mr. Moretti made a motion to adjourn. Motion was seconded by Mr. Hughes and the meeting adjourned at 10:40 p.m.

Respectfully submitted,
Eileen Rubano, Recording Secretary

NOTE: A CD or DVD of this meeting is available on request.