

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
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BOARD OF ADJUSTMENT MINUTES OF SEPTEMBER 13, 2017

The September 13, 2017 meeting of the Borough of Totowa Board of Adjustment was held at the Municipal Building. Chairman Fierro called the meeting to order at 7:36 p.m.; followed by the Flag Salute. Attorney Briigliodoro read the Open Public Meetings Act. The minutes from the August 13, 2017 meeting was approved by Commissioner Bavazanno and seconded by Commissioner Nash.

1ST CASE: SOUTHPORT LLC (CARRY OVER)
200 WEST END ROAD, BLOCK 170.02, LOT 2

Attorney Vogel states cross examination of witnesses will continue this evening starting with Mr. Meeker.

Witness, Jeff Meeker from Meeker Equipment Company is still under oath. Attorney Susan Rubright is representing Star Stainless Screw and Precision Custom Coatings. Attorney Rubright would like an explanation of what raw materials are. Mr. Meeker explains asphalt is made of 95% aggregate which is composed of stone, sand, and RAP the other 5% is liquid bitumen, or liquid asphalt. The RAP, recycled product that gets added, with other additives such as polymers-this improves the quality of the liquid asphalt. Attorney Rubright asked if the aggregate gets delivered to the site and how it gets to the site, Mr. Meeker responds yes and he assumes it gets delivered by truck. The aggregate gets stored somewhere on the property. Attorney Rubright would like to know the maximum tonnage can this plant produce yearly of asphalt, Mr. Meeker responds it can drop a maximum of 7 tons out of the tower. Attorney Rubright asked how many per day of 7 ton drops, Mr. Meeker responds that it depends on the jobs, 1 batch per minute equals 420 tons per hour. If it can produce 420 tons per hour, what would the quantity of aggregate be needed, Attorney Vogel states that cannot be answered, you cannot say with 24 hours of running that's not actual and Mr. Meeker cannot answer. If 7 tons per drop, how much aggregate is needed, Mr. Meeker responds approx. 95%. How much is stone-sand-RAP, Mr. Meeker responds the RAP can be up to 30% it depends on the mixture. What is RAP, Mr. Meeker explains the contractor's mil up the road and that gets taken to the quarry to be crushed up and then sent to be processes. This is brought to the site separate from the stone and sand, Mr. Meeker responds yes. How is that delivered and stored, Mr. Meeker assumes it is delivered by truck and is not sure where on the site it will be stored, but it will be on the site. How much of 95% is RAP, Mr. Meeker explains it can be 30% and depends on who is buying the product. What is bitumen, Mr. Meeker

explains it is liquid asphalt; it is used as a binder that keeps everything together. How is the bitumen delivered, Mr. Meeker states it is delivered typically by a tanker truck that can hold about 55 hundred gallons. How long are these tanker trucks, Mr. Meeker states they are the typical length you see on the highway. Where is the bitumen stored, Mr. Meeker states it is stored in the liquid asphalt tanks on site in a silo located next to the batch tower. What kind of sand is used and where does it come from, Mr. Meeker says it could be natural sand or manufactured sand and is not sure where it comes in from. How is it delivered and where is it stored, Mr. Meeker states it is delivered by truck and is not sure where it will be stored. How much is needed for this size plant, Mr. Meeker states it is subject to jobs. If 600 thousand tons of asphalt per year is what this plant can produce, how much sand is needed for that, Mr. Meeker replies it is based on mix design or recipe and will vary month to month. What would a range for 600 thousand tons be, Mr. Meeker states all the mixes are done by mix design and that is out of his expertise. Does the design of this plant get affected by the mixes, Mr. Meeker states this is a state of the art plant, it can produce top mixes and base mixes-this is what is asked for by the State of NJ. Is the design of this plant to accommodate all mixes, Mr. Meeker replies yes this is a state of the art plant to be able to make whatever mixture is required by the buyer. What is a polymer, Mr. Meeker replies it is made at the refineries and is an additive to increase the properties of certain properties of liquid asphalt. Will there be piles of the aggregate and RAP, Mr. Meeker replies yes to both. Are there any other raw materials that will be stored onsite, Mr. Meeker is not aware of any. How is the aggregate off loaded by the trucks, Mr. Meeker replies the trucks open tailgate and dump on open pile. Will the aggregate be stores outside and will it be cover and how tall will the pile be, Mr. Meeker states the aggregate will be stored outside and is not sure if it will be covered and not sure how tall the pile will be. How tall are the piles on other plants he has designed, are they taller than the towers, taller than him, how wide? Mr. Meeker replies the piles are not taller than the towers but would be taller than him and is not sure how wide. How is the aggregate transferred to production plant, Mr. Meeker states it is put into the cold feed bins-which are hoppers that store the various aggregates? A computer controls the amount of materials leaving the cold feed bins and goes into the dryer by belt conveyor, this gets onto the conveyer by belt feeder and proportions the amount of material onto conveyor belt that sits under the bin and has no human contact. How long does that process take, Mr. Meeker replies a couple of minutes. How is the RAP unloaded, Mr. Meeker responds by truck-they use a front end loader to load. How high are the conveyors, Mr. Meeker replies conveyors are sit 3' above the ground. How much aggregate could be onsite at one time, Mr. Meeker does not know that answer. Do you design a plant with how much aggregate it can handle, Mr. Meeker responds they look at the client and what they would like to achieve. Did you design this plant for 420 tons per hour, Mr. Meeker replies yes. What is raw storage based on, Mr. Meeker does not know. When you design a plant do you want to know where everything is going to be, Mr. Meeker does not get involved with where the piles go. You do not design the site plan, Mr. Meeker states no. Do you have say to where things go, Mr. Meeker normal course of how a plant gets laid out is there are some considerations of where things need to be to be productive; there is no conveyor in the pile to bin process. The bitumen is in a separate are, is that a tank, Mr. Meeker states it is. How does that get into the mix, Mr. Meeker states the liquid asphalt pump that puts into the batch tower than drops into the mixture of

sand, stone, etc. that gets mixed and then gets dropped into the trucks. Is there any dust generated from the aggregate when it goes onto the truck and is there any dust from the aggregate pile when it goes into the bin, Mr. Meeker cannot answer that question-but there is no dust from the bin to the conveyor because of a central vac that is built into the plant. Is there dust control in the tower, Mr. Meeker responds that there is. Is there any dust control measures for the RAP, Mr. Meeker states the dust fans pull into the central vac system. Is there any dust generated from the truck to the pile of sand, Mr. Meeker does not know that answer. The sand from the cold feet bin to conveyors is there any dust from that, Mr. Meeker states there is no dust controls needed. Have you been to the Haledon plant and viewed the aggregate piles there, Mr. Meeker has been to the Haledon plant but did not notice the piles. Did you see the RAP piles and how many piles there were Mr. Meeker states he does not know how high the RAP piles were and does not know how many piles are on that site. What is the temperature of the bitumen when it is being transferred; Mr. Meeker states 300 degrees Fahrenheit. How does the bitumen get transferred from the tanker truck to the plant, Mr. Meeker responds it is pumped from tanker truck via stainless steel hose from the truck to the tanks. What is the speed to be emptied, Mr. Meeker states 300 gallons per minute. Are there any precautions for spills and have you seen any, Mr. Meeker replies the precaution is the container and he has seen maybe one spill in his 31 year career. Are there air pollution controls from vapors from the bitumen, Mr. Meeker states there is no special pollution controls. Are there any gases or vapors from tanker trucks to the plant, Mr. Meeker responds it is well contained. Are there any volatile organic compounds, Mr. Meeker responds that he is not a chemist and does not know that answer. Does this plant need an air permit for anything, Mr. Meeker replies yes, particulate. Do you have a process in place for any spills that may occur, Mr. Meeker does not. Any process from spills from any waste that may be dropped in the plant, Mr. Meeker believes there is a contaminate for that. Do you have a design that in your plans, Mr. Meeker does not have to, the owner of the plant does. Do you get into any process of any cleanup of spills, Mr. Meeker does not. Does bitumen contain petroleum hydrocarbons or PAH, Mr. Meeker replies he is not a chemist, but it is a petroleum product. Does bitumen have an odor, Mr. Meeker states odors are subjective. Do you design the plant to control odors, Mr. Meeker states they have positive control over odors-a fan that pulls off any airborne particles back into the bag house. The State of NJ and Southern California are the strictest with air control. What is a bag house, Mr. Meeker replies that is where the air goes like a vacuum. How big is a bag house, Mr. Meeker replies approximately 66' long and approximately 35' to the top and approximately 11' wide-it looks like a box. Is that where the dust gets handled, Mr. Meeker replies yes. Odors will be controlled at this site and there will be no odors, Mr. Meeker replies yes. Does the aggregate or sand have crystalline silica, Mr. Meeker does not know. Does the RAP contain any contaminants from roadway, Mr. Meeker does not know. Is any lead contaminates in RAP, Mr. Meeker states they do not test for that. Will there be any testing for lead on the site for RAP, Mr. Meeker states that is not part of his job. What other types of trucks will be delivering materials, Mr. Meeker does not know. General height 13' where they discharge the asphalt into the truck. Any trucks that deliver RAP have any covers, Mr. Meeker believes they do and that it is state required but that has no impact on how he designs the plant. When designing this plant, how many trucks can be onsite to load, Mr. Meeker states that is not his expertise. The design

for this plant is for 98' batch towers with pre-stored materials to help get the trucks in and out fast. How many trucks can be staged onsite, Mr. Meeker states that is not his expertise. What are the silos used for, Mr. Meeker replies it is used to store finished hot mix asphalt. How many silos will be at this plant, Mr. Meeker states there will be 3 at 88' high and a computer control station that is 22'3 feet high. Will there be an air silo, Mr. Meeker states there will be a dust silo that is 60' high and located next to the batch tower. What is purpose, Mr. Meeker responds it is an ingredient. How many hoppers will be at this plant, Mr. Meeker replies there will be 6 cold feet bins. Could there be more hoppers put in down the road, Mr. Meeker states there could be. Are air omissions standard from cold feet bins, Mr. Meeker states not from cold feet bins. What is a particulate, Mr. Meeker replies it is a particle-in the drying process when drying the stone some particulates can come off and that goes into the bag house. Is that particulate tested, Mr. Meeker replies no. Can the RAP release particulates, Mr. Meeker states no because of the vac system. Is cleaning required to any aspect of this plant, me. Meeker states no-the hot mix is stored in the silos and cleaned every day. The dust silos-what happens to the dust? Me. Meeker replies it sits in there and as the batch tower calls for ingredients to be sent to the dust gets sent to the batch tower. Where does the dust come from, Mr. Meeker states from the bag house. Is the bag house ever tested for silicate or carcinogens, Mr. Meeker does not know that answer. Are the bags ever cleaned, Mr. Meeker states it is designed to be cleaned, there is maintenance-but no cleaning solutions are used-it is a vacuum. How is it cleaned, Mr. Meeker states the dust is reused to make product. The dust silo-any residual of the dust needed to be cleaned, Mr. Meeker states no-its used to mix product and is actually an essential part of the mixing. As far as noise, does the insulation make things quiet and where is the insulation? Mr. Meeker replies the batch tower has bins that are insulated to keep the heat inside-there is an extra outer layer that is also insulated. Anything to reduce the noise of the dropping process, Mr. Meeker does not know that answer. Are the lights going to be on any of the towers or silos, Mr. Meeker does not know about the exterior lighting. In your 31 years have you supplied any other plants with silos or batch towers lower than 98', Mr. Meeker replies yes but not normally less than 80'. Is the standard in the industry 88'? Mr. Meeker replies that is correct. Do some customers have smaller silos, Mr. Meeker replies a client may ask for smaller ones, but the height is usually 50' or higher.

At this point the Board suggest a break at 9:01 pm.

The meeting is resumed at 9:13 pm with a roll call.

Attorney Rubright refers to the site plan that was submitted in the sample pack, sheet # 3 of 7. Mr. Meeker shows where the Contaminate Area, Silos, Batch Tower, Bag House, Hoppers, Cold Feet Bins, Tanks, and RAP bins are. We now refer to sheet 7 of 7 which is the Southport LLC hot mix asphalt plant mix details. The top 2 photos and bottem right say typical. The photo top left is the batch tower the sits next to the dust silo and that is next to the surge silo with conveyor and drag slacker hanger. These pictures were taken from a plant called Highway Materials Inc, in Plymouth Meeting PA. The batch towers are approximately 89' high. The top right photo is the vertical asphalt tanks which are 40'. That is where the liquid asphalt is stored. To the right of that is the dust

silo and the fuel tank and between them is the batch tower. Are there any type of crane test or balloon test, Mr. Meeker has never been asked that. How many plants have you designed in the State of NJ, Mr. Meeker takes a guess of 30. The bottom left photo is the typical operations building with 2nd story control tower. The bottom right photo is the internal lighting which is usually done by a local lighting contractor, only the interior lighting is done by Mr. Meeker. Have you supplied an applicant with any drawings of what the plant will look like, Mr. Meeker states that is part of his power point presentation. At this time we view Mr. Meekers power point presentation. The power point shows the 6 major components of a batch plant. The first is the cold feet bins which height is 20'7", this is where you supply various size stone and sand to the dryer. The second is the batch tower which is 98'5" to the very top of the tower, this is where they create sand, stone, recycled asphalt pavement and liquid asphalt according to recipes. The third is the tank farm which is 45' high including the handrails, this is where the liquid asphalt is stored before it gets delivered to the batch tower. The fourth is the silos which are 88' to the top of the elevator, this is where they store premade asphalt at the plant. The fifth is the bag house which is 34'4" high, this area creates a vacuum and collects particulate matter. The sixth is the dryer which is 23'2", this is where they raise the temperature of sand and stone to desired temperature.

Attorney Tim Donohue is representing Grandview Printers. Mr. Donohue refers to the handout on the second page, there are major parts of the asphalt facility. Are each of these separate from each other, Mr. Meeker replies yes. The batch towers are proposed at 98' high where 40' is permitted, Mr. Meeker replies yes. How tall are the silos that the conveyors go into, Mr. Meeker replies approximately 60'. So there are 8 structures that will be higher than the variance allows, Mr. Meeker agrees. This facility can do 7 tons a minute of final product and in an hour do 420 tons, Mr. Meeker replies yes to both. The RAP, sand, and stone from the quarry comes in on a dump truck and gets dumped- doesn't that create dust? Mr. Meeker would assume that would create some dust but the aggregate comes in wet. Where is the aggregate getting dumped, Mr. Meeker stated before that he does not know where it will be stored. If 420 tons in an hour then the plant can do 100 tons a day in theory, Mr. Meeker replies yes. The bitumen comes into the plant at 300 degrees hot, isn't that dangerous if it spills? Mr. Meeker replies it can be dangerous if it spills. Where does the particulate come from, Mr. Meeker replies it comes from all the products. Is the plant in Plymouth Meeting PA the closest to what is being presented at this meeting, Mr. Meeker replies yes.

Attorney John Testa is representing Moreng Metals and Spiral Binding. Attorney Testa asked about the particulate omissions and the standard of 0.2 grams per dry standard foot is that the allowed omissions, Mr. Meeker states it is. How is that calculated, Mr. Meeker replies it is given to them by the NJ Department. How is it created, Mr. Meeker responds it is designed to be consistent for the life of it. Is there a different type of particulate that would come of one or the other, Mr. Meeker does not know that answer. The dust from product being dumped at the site-is that being calculated at all with the testing we just spoke about, Mr. Meeker states there is no testing at the stack. What is the consequence if they go over the 0.2 grams, Mr. Meeker states Mr. Braen would be fined. In your 31 years of experience, do the bag houses have issues, Mr. Meeker replies yes. What

happens if there is a malfunction with the bag house, Mr. Meeker replies it needs to be fixed asap. What is the greatest leak you have experienced, Mr. Meeker states if there is a tear in the bag you would see it immediately. Have you designed a plant with any polymers, plastics, or resins? Mr. Meeker replies that all comes with the bitumen mix. Granulated rubbers or fibers? Mr. Meeker replies sometimes it is in the mix sometimes it is not. Where is it stored, Mr. Meeker replies in super bail sacks. Is that the cold storage bins, Mr. Meeker replies somewhere else. How small are the bags, Mr. Meeker states they are about 25 pounds. How does it get included in the mix? Mr. Meeker states it goes in through the batch tower. Do you create or manufacture the RAP bins, Mr. Meeker states the RAP bins hold probably 25 tons. The bin itself, does it have a cover? Mr. Meeker replies no. Is there any other area for the product to leech out or fly out, Mr. Meeker states no. Why aren't the heated aggregates covered, Mr. Meeker replies some are but the industry does not normally do that. Are any lead materials in the RAP, Mr. Meeker does not know that answer. The RAP materials seem to be clean, Mr. Meeker replies yes. The silos are where the finished product is stored-what is the temperature that silo, Mr. Meeker replies between 280 and 300 degrees. Is it that temperature because it is easier to move, Mr. Meeker states yes-once it gets cold you cannot move it. How long will it last at that temperature, Mr. Meeker replies usually it is used within 24 hours. What happens if it is not used, Mr. Meeker replies it needs to be emptied before it gets cold-if it gets cold you have to jack hammer it out. Any omissions from the silos, Mr. Meeker states no. Could there be air omissions, Mr. Meeker states no odor, just steam. At the July 12 meeting you were asked about odors that are generated, Mr. Meeker states that is odor from oxidation of the asphalt. What are steam odors, Mr. Meeker replies he does not know. Is there going to be odor if you don't do a warm mix, Mr. Meeker replies yes-but much less than a warm mix. What can be produced by this plant, my calculation can be 3.6 million tons per year, can the plant do a million tons? Mr. Meeker replies yes, but doubts a plant would get that type of order. If you did get the orders can a million tons be done? Attorney Vogel responds Mr. Meeker already testified it would be highly unlikely. Regardless of the contracts what is the capability of what this plant can do? Mr. Meeker does not know.

At this time the meeting is open to the public.

No public to be heard, a motion to close the public portion was made by Commissioner Patten and seconded by Commissioner Mancini.

Dan Keough refers to the handout and asks if it gives a depiction of what the proposed plant will be like, Mr. Meeker replies yes a depiction. The last page of the handout, how big is the site, Mr. Meeker replies approximately 2 acres. What is around the plant? Mr. Meeker responds there is a neighborhood about a half mile away. You sell asphalt plants, Mr. Meeker responds yes. Does an applicant ask if a site is appropriate, Mr. Meeker states no. Is trucking an agile to most asphalt plants, Mr. Meeker replies yes. The trucks are 40' loaded trucks, Mr. Meeker states yes. Where there any other plants used in the photos presented this evening, Mr. Meeker replies yes-Cape May County. How big is the plant in Cape May County, Mr. Meeker replies a couple acres. In Engineer Murphy's letter on line 4 section a-he is asking for the applicant to supply documentation on how

this application compares to the existing asphalt plant. Mr. Meeker responds these are two different types of plants. Is Tilcon a customer of yours, Mr. Meeker replies yes.

Meeting is carried to the October 11th, 2017 meeting at 7:30 pm with no future notice needed.

At this time a motion was made to adjourn the meeting by Commissioner Bavazzano and Vice Chairman Krautheim at 10:41 pm.

Special Session

Roll call was taken.

Attorney Briigliodoro addresses the Board about the VanEss case. The Board denied the application and the attorney for the applicant has challenged the denial, the Board was served with the complaint and Attorney Briigliodoro is advising the Board should vote to have Attorney Briigliodoro represent the case. A motion was made to have Attorney Briigliodoro represent the Borough of Totowa Board of Adjustments by Commissioner Nash and seconded by Commissioner Mancini. Motion was passed 7-0 at 10:47 pm

A motion was made by Commissioner Patten to adjourn the meeting and was seconded by Vice Chairmen Krautheim at 10:45 pm.

Respectfully submitted,
Pam Steinhilber, Secretary