

BOROUGH OF TOTOWA

PASSAIC COUNTY, NEW JERSEY

BOARD OF
ADJUSTMENT



MUNICIPAL BUILDING
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BOARD OF ADJUSTMENT MINUTES OF OCTOBER 11, 2017

The October 11, 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 September 13, 2017 meeting was approved by Commissioner Patten and seconded by Commissioner Mancini.

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

Continue of Attorney Dan Keough to Mr. Meeker. Attorney Keough refers to the handout that was received at the last meeting that a batch plant is superior to a drum plant that it moves things more quickly, Mr. Meeker replies it produces 1 batch per minute depending on what the truck needs it can be several minutes. A silo will load faster than a batch plant. A drum mix is made in a continuous matter. Mr. Meeker states the batch plant makes a mix in the batch tower, then the mixer drops into the truck. A batch plant is making on mixture at a time. There are two different processes, the silos load out material, in a drum batch it comes from the tower itself. Asphalt is made in the drum itself from a drum mix plant. Attorney Keough asked about the cold feed bins, if 7 tons per minute and the plant operated for 24 hours 7 days a week that comes to 420 tons in one hour in a perfect setting-is that correct, Mr. Meeker replies yes. And 95% of material that goes into making the asphalt is aggregate, which is stored in the cold feed bins Attorney Keough asks how many tons of asphalt can be held in the batch plant, Me. Meeker replies it does not store finished product, only hot and cold aggregates. Attorney Keough asks once mixed if it's not being used is it stored in a silo, Mr. Meeker replies it could be. Attorney Keough asks how many tons of asphalt can the proposed silos hold, Mr. Meeker replies 300 tons each. Can asphalt be dropped from silos into the trucks? Mr. Meeker replies if feeding into the silos a device called a flop shoot is used. Can a batch plant discharge finished asphalt into a truck or sends to a silo to be stored? Mr. Meeker replies yes. Can it do it at the same time he batch plant is running? Mr. Meeker replies not at the same time, when a truck pulls in the truck will say how many tons it needs-you then enter in the computer it will set up the hot mix asphalt into the truck in 1, 2, or 3 batches. What would be the reason to drop asphalt into trucks from silo verses the batch plant? Mr. Meeker replies it could be top in one and base in another. While applicant seeks approval of 3 silos it may not happen right away depending how business goes, can the 3 silos discharge at the same time? Mr. Meeker states no, under the silos is

a truck scale-only one truck on a scale at a time. At what rate of speed can asphalt be discharged from the silo into the truck? Mr. Meeker replies 1 per minute more or less. The liquid tanks-is the handout layout going to be very close? Mr. Meeker replies three of them hold 30 thousand gallons each. The 7 tons per minute, if 400 tons in one hour, the 6 cold feed bins are they different aggregates? Mr. Meeker replies usually they are. How much is stored in the cold feed bins? Mr. Meeker is guessing 25 tons each. That material will be 95% of amount of finished asphalt. Of the 6 bins, are there always 6 different aggregates or can more than one have the same? Mr. Meeker replies there are various size aggregates, some only use 3, and some use 4, rarely is all 6 used. If the plant produced the 420 tons per hour-how do you get enough in the bins to operate properly? Mr. Meeker replies when cold feed bins are operating the computer then says it needs to feed material onto the conveyer belts to dryer. What if there are no silos and only cold feed bins? Mr. Meeker replies if there are no silos you are only making aggregate as the trucks come in. If you don't have silos and you get a 420 ton order, is it accurate to say it would have to make in cold feed bins and whatever is on the ground on an ongoing basis? Mr. Meeker replies aggregates are dried and stored in batch tower and basically stored to have stuff ready for when the trucks come in. Can the size of the piles vary if no silos? Mr. Meeker replies, yes depending on the circumstances. If there are no silos you could have 250 to 300 tons of aggregate in piles to complete an order? Mr. Meeker replies yes. You are the plant maker, but you do not run a plant? Mr. Meeker states that is correct. How much does this cost? Attorney Vogel objects to the question.

Is the Silo's and Batch tower insulated? Mr. Meeker replies the batch tower is insulated twice and the silos and liquid asphalt tanks are also insulated. You also testified the noise is at 90 decibels, does the insulation reduce the noise but does not eliminate it? Mr. Meeker replies yes. The bag house, this area reduces particulates but does not eliminate them completely? Mr. Meeker replies the state mandates 0.2 grains, which is a very low number in comparison to the rest of the United States. Referring to the handout labeled A-3, is the burner shown in this handout? Mr. Meeker states it does not, the burner is to dry the aggregates which comes in wet so it needs to be dried to go into the batch tower. Is it in the burner that oxidation occurs? Oxidation occurs when the finished asphalt gets loaded onto the truck. Are there any accidents on the plant, like the silos ever break or fall over? Mr. Meeker replies none that he has seen. How about fires or explosions? Mr. Meeker states if you are careless there could be a fire. Are your plants designed so that the asphalt vapors are vented so that wind disperses them away from the burner? Mr. Meeker replies he has never heard of that. The polymers, what are there roll in the making of asphalt? Mr. Meeker replies that is not his expertise. Do you know how the polymers get added? Mr. Meeker replies that is done back at the refineries but doesn't know more than that. For the price of the asphalt plant, are there any protective plans included? Mr. Meeker replies the plant is controlled by a computer that has several levels of redundancies, so there are safeties. Since you have not seen fires or explosions, do you provide any instructions? Mr. Meeker replies there is training given by Mr. Meekers Company. What is the purpose of training plant owners. Mr. Meeker replies proper training for operation and maintenance of the equipment. Has there been any discussion between you and Mr. Morris? Mr. Meeker replies he has had no conversation with him. Commissioner Patten asks do the burners differ from the dryers?

Mr. Meeker replies the burner is part of the dryer. Commissioner Patten also ask is there is anything stored in the silos? Mr. Meeker replies no. Alternate Korsakoff would like to know what is the maintenance schedule of the plant. Mr. Meeker replies the plant is run on an Allen Bradley PLC, there are updates that come-which can be done remotely and are sub-programs to check the motors. Alternate Korsakoff would like to know if there are security software on the computers? Mr. Meeker responds there is. Vice Chairman Krautheim asks if there is a maintenance schedule or shut down period. Mr. Meeker replies the owner will provide their own maintenance schedule. Vice Chairman Krautheim asks about any shut down of the plant. Mr. Meeker replies typically there is a shutdown which is usually in the winter time. Commissioner Bavazzano would like to know if there would be a shut down if an overload? Mr. Meeker replies yes, there would be a warning first then the plant would shut down. Chairman Fierro would like to know about the EPA, can they shut the plant down? Mr. Meeker replies every 5 years on particulate but every 90 days on omissions testing is required. Vice Chairman Krautheim asks; if your plant technology wise is it better than 2 years ago? Mr. Meeker replies this is a state of the art plant; there is nothing better as of right now. Alternate Korsakoff asks how does the technology advance? Mr. Meeker replies software gets updated every now and then.

At this time Chairman Fierro opens the meeting up to the public.

Carlos Santaniello, resides at 4 Craig Court, was sworn in by Attorney Brigliadoro. Mr. Santinello has lived at this address for 40 years and is close to where the plant is being built. His concerns are there is too much traffic on Riverview Drive currently and this will just make it worse. He would like to know what are the odors and how are they controlled. It seems to be there will be a lot of trucks, noise and fumes. He also questions the work being done during the winter and if this will be less. Mr. Meeker replies on a modern asphalt plant there are no fumes coming off this plant, which is one of the benefits of a plant being built in New Jersey. Mr. Santaniello is also concerned because of all the kids in the neighborhood and this being a health issue to them.

AnnMarie Kane, resides at 118 Winifred Drive, has a question for Attorney Brigliadoro that at this time are questions only being addressed to Mr. Meeker. Attorney Brigliadoro replies yes.

At this time a motion was made by Commissioner Patten to close the public portion of the meeting and seconded by Commissioner Bavazzano.

Jeffery Morris, Engineer for applicant has worked for Boswell Engineering for 35 years. Mr. Morris was also the Totowa Borough Engineer from 1992 to 2001. Mr. Morris was asked if his firm is on retainer for Braen Industries. Mr. Morris replies yes. When was your firm retained? Mr. Morris replies about a year ago. What was the scope of services for your firm in respects to this project? Mr. Morris replies to perform a typical site plan, do a survey of the property, and to get the layout from the plant manufacturer, put on a site plan and design the site plan accordingly. Did you visit other plants that Mr. Braen

operates? Mr. Morris replies yes. How many does Mr. Braen operate? Mr. Morris replies he is not sure. Is it fair to say that Mr. Braen is a major provider of asphalt in the State of New Jersey? Mr. Morris replies he assumes so. Have you ever visited an asphalt plant that has a quarry attached to it? Mr. Morris replies yes in Haledon, NJ. Are you familiar with the Haledon operations? Mr. Morris replies he is not. What is the benefit of having a quarry adjacent to the plant? Mr. Morris replies he is not an expert with the operations of an asphalt plant, but maybe it is better because the aggregate is closer. Have you worked with any highway or road projects with Mr. Braen? Mr. Morris replies he has worked on road projects with him, but not highway. Mr. Morris seems confident that someone from Bosewell has worked on highway projects with Mr. Braen. How many acres is the Haledon plant? Mr. Morris replies he is not sure. Is there a fence around the property and how much is fenced in? Mr. Morris replies some of it is fenced in but not sure exactly how much of it is. Is the Haledon operation anywhere near a neighborhood like Mr. Santinello lives in? Mr. Morris replies it is surrounded by residents. Have you designed any other asphalt plants and where? Mr. Morris replies he has and the most recent is in Bayonne. Can you tell us a site design engineer, what are some of the conditions you must consider to determine if a site is appropriate? Mr. Morris states it would have to provide proper circulation for trucks coming in and out of the plant, the proper area for the asphalt plant to occupy, and proper storage facilities for the aggregate. The location of this plant in Totowa, the lot it is located on, how many other uses are on this lot? Mr. Morris replies a concrete crushing operation and a mulch operation. What are some of the functions that you provide as the site engineer? Mr. Morris states the circulation; the site has proper layout for plant and area for the liquid asphalt and proper area for the storage of aggregate. Does this meet Totowa's Site Plan Ordinance? Mr. Morris replies it does. When you drew the site plan, was it drawn in accordance to satisfy the ordinance in Totowa? Mr. Morris replies it was. Is there items A through B in section 415-72 under site plan-which constitutes the site plan application? Mr. Morris replies yes. The drawings which you submitted, those are the set of drawings the board is considering? Mr. Morris replies yes. Was there any amendments or revisions to that site plan since it was submitted? Mr. Morris does not believe so. Is this application considered a major site plan? Mr. Morris agrees it is. Looking at the site plan, sheet 3 of the site plan, what is the circulation plan for this site? Mr. Morris replies the trucks would enter on West End Road, enter the driveway directed to under the batch plant or silo and exit on Maltese Drive. How many trucks can queue on the property? Mr. Morris states 12.

There is a request from the board for either a waiver or variance for outdoor storage? Mr. Morris was not aware of that, the outdoor storage is permitted. Engineer Murphy states the applicant is asking for a variance of outdoor storage. Mr. Morris replies it is probably a relief for not screening 100% of the area causing the request for relief. Where on the site plan do you propose the outdoor storage? Mr. Morris states the area north approx. 1.75 acres of the 3.6 acre lot. Is this considered a class B recycling plant? Mr. Morris is not sure of that answer. Are you familiar with any recycle mulch facilities? Mr. Morris has only done them for municipalities. Are you familiar with requirements for an approved site plan that permits only a certain height of pile? Mr. Morris states a compost facilities your piles are restricted. Do you know whether or not the same

standard applies to aggregate? Mr. Morris states no. Is that your opinion or are you relying on authority? Mr. Morris responds he is relying on authority for that answer. Is there any way this Board can regulate the height of the piles, if approved. Mr. Morris replies not that he is aware of, but the piles are regulated by the machinery used to make the piles and it cannot be any more than 20' high. When designing an intense industrial site like this that is surrounded by more benign uses where the applicant is seeking a D variance for the height of the silos, you as the site engineer must evaluate certain potential impact? Mr. Morris replies yes. Is air pollution a concern? Mr. Morris replies, air pollution is in accordance to the design standards if the borough and has to meet air pollution standards. Does this also apply to storm water impact, ground water impact, traffic impact, and esthetic impact? Mr. Morris replies yes to all and states the esthetic impact-this lot is in an industrial zone. Do you know what an environmental impact statement is? Mr. Morris replies he does. What is it? Mr. Morris explains, it is a statement guided by whatever regulations requires it to address certain aspects of the impacts that this development would do to the site. As an experienced engineer, do you feel a written environmental impact statement would be an appropriate course for you to follow in order to provide this board with sufficient information as to what impact this project will have? Mr. Morris believes they have provided proper information and the board is not requesting an environmental statement. Are you familiar with an executive order of 2002 concerning environmental impact statements? Mr. Morris replies he has. Is there any particular reason why on this application you have permitted an EIS? Mr. Morris replies you submit an EIS when an EIS is required, it was not required. The Borough engineer did not require it? Mr. Morris replies no. What is the potential impacts on air pollution, is it fair to say with petroleum products you should take into an account the surrounding businesses and properties? Mr. Morris replies that plant is monitored for off gases and it has to meet New Jersey DEP standards for air pollution. Are you familiar with any of the bi-products that a plant like this can put out such as phamaladahyde, hexane, etc.? Mr. Morris relies no. The storm water section 352 of the borough ordinance of vital storm Mr. Morris replies no. Is it fair to say that the purpose of that section is to establish minimum storm water management requirements from major developments? Mr. Morris replies yes. Is this a major development? Mr. Morris replies yes. What constitutes this as being a major development? Mr. Meeker replies a major development is when you distribute over an acre of property or a ¼ acre of new impervious area. Can you identify the 18 page document? Mr. Morris replies the state storm water control ordinance of major projects. Section 352-10 and NJA-7, do they apply to this project? Mr. Morris replies 352-10 does. The report that was proposed and is part of the application, how many pages of the report? Mr. Morris replies 11. What is the date of that report? Mr. Morris replies June 2017. This report is in response to the 18 page of requirements? Mr. Morris replies yes. Were there any revisions or changes to the report from the date submitted? Mr. Morris replies not that have been submitted. What is the plan on storm water management? Mr. Morris replies they will store excess run off, will be stored under piles and gravel will run off to discharge to inlet. Engineer Murphy was not satisfied with that, but the revisions have not been submitted yet. Where will the gravel be located on the site? Mr. Morris replies the 1.75 acre will have gravel. What is there now? Mr. Morris replies right now there is a stock pile from the concrete

crusher. The applicant has agreed to provide an above ground detention system at south west portion of the property.

At this point the board has decided to break at 9:09 pm

The meeting is resumed at 9:26 pm and a roll call was taken.

Documents presented are labeled, Attachment to the Executive Order is OC-1, Chapter 415 is the Site Plan Requirements OC-2, Storm Water Control; section 352(18 page document) is OC-3, and Storm Water Report which is part of the application and does not need to be labeled. In addition to the piles of aggregate-means raw and recycled asphalt. Mr. Morris states there are 6 different cold feet bins and 1 pile of RAP. The RAP remains in outdoor piles and is subject to the elements? Mr. Morris replies yes. Where and what is stored outside? Mr. Morris states the equipment that moves the piles, aggregate, and the RAP. You testified that the gravel is being distributed around this site as a method to mitigate the storm water? Mr. Morris replies yes, a gravel base is under the piles. So the gravel base will be under the raw aggregate along with the RAP? Mr. Morris replies yes. Explain to the board exactly what activities will occur on the gravel. Mr. Morris replies trucks will unload the raw materials and a ground loader will put in piles and load into a cold feet bins and RAP bins. The gravel that is on the site is intended to filter the water? Mr. Morris replies it is used to match the infiltration that exists on the site currently. The Attorney has a problem with not knowing what the new site plan is and is at a serious disadvantage. Attorney Vogel responds take the transcript from the first meeting and the request from Engineer Murphy were made and the revisions were agreed to be made.

Attorney Susan Rubright asks, would like to evaluate the negative criteria, which the board has to examine in connection with this application. Attorney Vogel states a revised storm water management report will be available at the next meeting.

Certain activities will take place on the gravel area? Mr. Morris replies yes. Do you have in place a plan for this site to address any environmental spills that occur on the site? Mr. Morris replies there is not one in place, the only thing that could happen is a leak from trucks or loaders and if this happens the owner, Mr. Braen would have to follow state regulations. Since gravel is being used as a storm water tool, what will stop any of these spills from entering the storm water system? Mr. Morris replies the spill would have to be immediate before that happens-unless there is a really bad down pour, which would not happen because the plant would not operate during that kind of rain. All the trees will be removed? Mr. Morris states yes on the storage area. Why are all the trees being removed? Mr. Morris states it is consistent with any development-the trees have to go to maximize the development. As a licensed and professional engineer, are you planning that the existing storm water management plan meets the requirements of the ordinance and NJ storm water regulations? Mr. Morris replies no. Will this be revised by next month's meeting for discussion? Mr. Morris states yes.

Susan Rubright, representing Precision Custom Coating and Star Stainless Steel. The piles will take up about 1.75 acres of the site, have you estimated the size of the aggregate piles that could be on the site at any one time? Mr. Morris states that is going to vary depending on the size. Is the height a maximum of 20'? Mr. Morris replies yes, that is as high as a loader can reach. Are there any loaders higher than 20'? Mr. Morris replies not that he knows of. Are there any brand names that are used? Mr. Morris is not sure who Mr. Braen uses. The wider the piles the higher it can go? Mr. Morris states if you have the machinery that can load it, then yes. You made a statement that the building coverage here is very very minor, what did that mean? Mr. Morris replies the coverage of the building. What is the impervious coverage? Mr. Morris does not know that answer. For this site would it be 100% or more than 90? Mr. Morris states it wouldn't be 100 and doesn't think it would be 90. What circumstance would gravel be impervious or pervious? Mr. Morris replies sounds like gravel would be considered impervious stated in 415-4). Will you be calculating the impervious coverage? Mr. Morris replies he will have that information. What was your comment on clean gravel base? Mr. Morris replies it is a 10" layer of clean gravel, which has been washed, is consistent in size, and there is no dust. Would you show any sanitary sewer on the plan? Mr. Morris states he would think so, since there will be people working on the site. Will there also be water hook up? Mr. Morris replies yes. The lighting plan, would there be lights on 24 hours a day and where would they be located? Mr. Morris replies yes to lights being on 24 hours a day and the location would be mostly on the building. How about illumination and lights for the driveways? Mr. Morris states illumination lights are not required and at this time there is no lighting for the driveways. Will there be any lighting by the piles? Mr. Morris replies yes. Can the lighting spill over to the other properties? Mr. Morris states no. Do you have any reports from other municipalities on water, sewer, or emergency services? Mr. Morris does not remember seeing any. Fire suppressions system, is that connected to the plant? Mr. Morris states you would have to ask the planner. Do you have to apply to the FAA for lighting? Mr. Morris states if the lighting is 100' or higher you would, but he will check on that. There is no direct access from Route 80 to this site? Mr. Morris replies that is correct. Do industrial areas have to provide less protection to odors? Mr. Morris replies no, they have to comply with EP requirements.

John Testa, representing Moreng Metal and Spiral Binding. The height of the piles are approximately 20' tall? Mr. Morris replies that is governed by the diameter of the piles. If the diameter was wider than the pile can it be higher? Mr. Morris replies the loader cannot make a pile over 20' high unless you use a ramp and there is no room for that. Can the aggregate co-mingle if the piles are big enough? Mr. Morris replies the plant owner would not want to contaminate the aggregate. The RAP has had contaminates such as lead, are you aware of that? Mr. Morris replies yes to contaminates, but has not heard of lead but PAH's. Is the RAP covered? Mr. Morris replies no. The RAP goes into a container? Mr. Morris replies it goes in a RAP bin. Not the entire RAP goes into a bin, some will be on the ground? Mr. Morris replies yes. The sand is being stored on the top of the gravel? Mr. Morris replies yes. The dust management or particulate matters will particulate the gravel? Mr. Morris replies yes. Was that taken into account when doing the storm water management? Mr. Morris replies no, that is why they are

revisiting it. Has the sand been tested for crystalline silica? Mr. Morris replies no, because sand is defined by the DOT and is granular size not silica sand. Is that the sand that is coming from one of the applicant's quarries? Mr. Morris replies yes. The applications are for 3 silos, but that may not happen all at once, is there an opportunity to add more than 3? Mr. Morris states the applicant would have to come back in front of the board to approve and may only be able to add one more. Is there natural drainage and will the entire site be graded? Mr. Morris replies yes to both. Will you channel the water into the proposed basins? Mr. Morris replies they are still counting on sheet run off. Are any new trees proposed on this site? Mr. Morris replies not at this time. Storm water management, there is no vegetation being proposed? Mr. Morris states that is correct. When you did the design, why was the plant put in this design? Mr. Morris replies it was dictated by the plant contractor, proper circulation for the silos, and batch plant. The dust suppression, will you be hosing the driveways down or is a sprinkler system in place? Mr. Morris replies usually a water truck would be used or someone would have to hose it down by hand. Are there fire hydrants on the property? Mr. Morris replies yes.

Tim Donohue, representing Grandview Printers; is asking questions of Mr. Morris at this time. What do you use to heat the product in the silos? Mr. Morris states to refer to the plant designer, but his understanding is its natural gas. What about the loader? Mr. Morris replies that is diesel. The environmental impact statement, do you feel this is not necessary or required? Mr. Morris states that is correct. The storm water management plan, what you have here is not final? Mr. Morris replies it is not final.

Dan Keogh, representing RJ Realty located at 77 West End Road. You have done work for the Borough of Totowa as the engineer? Mr. Morris replies yes, from 1992 to 2001. When the site plan and storm water was prepared were you unaware of the items to be revised at the request of Engineer Murphy? Mr. Morris replies when preparing the report, the borough engineer reviewed and disagreed with the method of design and we agreed with his disagreement and we are changing the whole method of design. Shouldn't you have anticipated this? Mr. Morris states no. How wide is the roadway entering in on the site before it hits the bath plant or silos? Mr. Morris replies he believes it is 15' and it is a one way. How far is the pumping station? Mr. Morris states it is a little over 20'. Is the pump station active? Mr. Morris replies yes. What does it do? Mr. Morris replies it handles the west end of towns sanitary sewerage.

Meeting is carried to the November 8, 2017 meeting at 7:30 pm with no future notice needed.

At this time a motion was made to adjourn the meeting by Vice Chairman Krautheim and Commissioner Bavazzano at 10:35 pm.

Respectfully submitted,
Pam Steinhilber, Secretary