

The regular meeting of the Delaware Township Planning Board was held on the noted date, in the Delaware Township Municipal Building, 570 Rosemont Ringoes Road (County Rt. 604), Sergeantsville, New Jersey; in conjunction with virtual meeting procedures via ZOOM. Chair Westlake opened the meeting at 7:35 p.m.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

STATEMENT

Chair Westlake read a statement noting that the requirements of the Open Public Meetings Act have been satisfied. Notice of this meeting was properly transmitted to the Hunterdon County Democrat, Trenton Times, and Star Ledger, posted on the Delaware Township bulletin board and filed at Town Hall; all on February 2, 2022.

ROLL CALL

Present:	Class I	James Waltman
	Class II	Elliot Gray
	Class III	Joe Vocke
	Class IV	Joan Bailly, Larry Coffey, Kathy Katz, Richard Macomber, Mark Wright, Rosalind Westlake
	Alternate I	Seth Buchanan
	Alternate II	Josh Goldman
	Liaison from	Chuck Cline, Andrea Kenyon
	ZBA	
	Advisor	Christian Bench
	Administrative Officer	Kathleen Klink
	Attorney	Scott Miccio, Esq.
	Engineer	C. Richard Roseberry, P.E.
	Planner	Nicholas Dickerson, P.P. , not needed

Absent: shown by strikethroughs

APPROVAL OF MINUTES FROM THE MEETING of March 1, 2022

Prepared minutes were distributed to members for review. Member Macomber made a motion to approve the minutes from the noted meeting. Member Coffey seconded the motion, and members unanimously approved the minutes as written.

Correspondence: BILL LIST – none submitted as of meeting date

Legal Bills: Parker McCay, P.A.

General Legal Matters, Through February 28, 2022, #3144253 \$204.00

Member Bailly moved to authorize payment of the noted bill. Member Coffey seconded the motion.

Roll Call Vote

Aye: Waltman, Vocke, Bailly, Coffey, Katz, Macomber, Wright, Buchanan, Westlake

Alternate, concurs: Goldman

Nay: None

Absent: Gray

Request purchase of printer, per recommendation of Township IT company, Municipal Software – PB portion of \$185.00; NOT on Budget recommendation for 2022

Member Macomber made a motion to approve this purchase. Member Bailly seconded the motion

Roll Call Vote

Aye: Waltman, Vocke, Bailly, Coffey, Katz, Macomber, Wright, Buchanan, Westlake

Alternate concurs: Goldman

Nay: None

Absent: Gray

CORRESPONDENCE – Old Business, to include Memorializations - none

CORRESPONDENCE – New Business, to include Applications

Trap Rock, Block 59, Lots 3 and 4, ten-year license renewal and review of reclamation plan and other items as required by Zoning Ordinance Chapter 272 and per the Reexamination of the Master Plan.

Mr. Joe Chrobak was sworn in. Mr. Chrobak is the representative for Trap Rock Quarry, located on Route 29.

Chair Westlake stated that all information was submitted with the application. She noted that Board Members are reviewing the Reclamation Plan as part of the ten-year license renewal that coincides with the Reexamination of the Master Plan.

Planning Board Engineer Roseberry was sworn in. Mr. Roseberry stated that he has been doing inspections at Trap Rock for quite a few years. He noted that the hydrogeologist has reviewed the well records. He also noted that Township Engineer Paul Sterbenz did the site inspection of the quarry. It was noted in the report of Mr. Sterbenz that there are a few inspection items that need to be corrected. These items have been brought to the attention of Mr. Chrobak.

There was a discussion about blasts at this site. Mr. Chrobak stated that the Quarry must perform one blast per year to maintain compliance with the State for its license and to keep the State license current. Mr. Chrobak noted that there is no production and there are no sales at this plant.

Board Engineer Roseberry summarized the hydrogeologist data, noting that there is no impact on groundwater.

Board Engineer Roseberry noted that a site inspection was done by Township Engineer Paul Sterbenz. It was noted in the report that there are a few minor deficiencies, such as the following: replacing signage, broken chain link fence, broke wooden fence section on Route 29. In the report it was noted that the site is well maintained and is in compliance with the reclamation plan developed in 2012.

Mr. Chrobak showed an example of the new signage that is to replace the old signage. He noted that there are eight or ten slats to replace on the stockade fence. There was a discussion about a storm drain that goes under Seabrook Road and that it should be closed up more so that no one can get under it. It was noted that this repair may have already been done. Mr. Chrobak stated that all deficiencies should be addressed before week's end.

Board Engineer Roseberry stated that his last inspection was in 2017 and that there have been no changes since then.

Chair Westlake asked the Board members for questions.

Member Katz asked about the inspection report done by Township Engineer Sterbenz. She noted that one question she had concerned a condition from the 2012 Planning Board resolution. She noted that inspection checklist item #15 is about the rock face and its stabilization. It was noted that this is not needed until the quarry is operational. Member Katz asked about inspection checklist items #16 and #17, concerning quarry water seepage and expansion of the upper haul road. Board Engineer Roseberry noted that since the 2012 hearing there has been no expansion of the upper haul road and no water seepage increase. Member Katz noted that Trap Rock is required to submit water seepage reports. It was further noted that there has been no expansion at the quarry since it has not operated since 2009.

Mr. Chrobak agreed to a follow-up inspection to show the resolution of the four deficient items. It was noted that there is some seepage in the quarry pit. Board Engineer Roseberry stated that he does not feel that there is impact from that seepage. Member Katz stated that there should be a base line on this with annual data to see if any fractures have developed. Mr. Chrobak invited Member Katz to come and look.

Member Katz stated that the four items from the inspection report plus the water seepage issue should be addressed within 30 days, including a flow rate of any seeps. Mr. Chrobak stated that these items can be completed within 30 days.

Member Katz asked about the groundwater monitoring data from 2018 through the first quarter of 2021. She also asked about the data from 2016 and 2017, and the last three quarters of 2021. It was noted that review of the data is not in the Colliers report. Board Engineer Roseberry stated that he asked Hydrogeologist Alex Ross to review the data. Board Engineer Roseberry stated that he would follow up with the hydrogeologist.

Member Katz had a question about the reclamation plan, within the narrative. She noted that the Ordinance requires a dust control plan and a stormwater pollution prevention plan. Mr. Chrobak stated that Trap Rock can provide copies. Board Engineer Roseberry stated that he has the plans. There was a discussion about what is available now compared to the original submission.

Board Engineer Roseberry noted that as a part of the annual inspection it is noted that the site has become stabilized and that there is no need for silt fence or erosion control measures. He noted that the current submission and 2012 submission have the exact same report.

Member Katz asked about the status of all permit approvals, including Table 1 on page 16. She noted that she does not see that it has been updated for 2022. She also noted that it appears that all permits listed are expired. She noted that at the Quarry Compliance Committee meeting, it was noted that the Township needs to be updated on compliance with R-13 and air permits. Mr. Chrobak stated that he can forward any updated documents that Trap Rock has. He noted that the R-13 is a license that has been grandfathered, and was last updated in 2011.

Member Katz stated that in moving forward, quarterly data needs to be collected and reviewed by the Hydrogeologist. It was noted that in 2017, the review of the quarterly data can be every two years, but that the data still needs to be collected. It was noted that per the 2012 resolution, condition items 7-10 have been satisfied and data will continue to be collected.

Member Katz asked about the conditions surrounding the berm, 2012 resolution condition items #11-14. It was noted that the Township Committee asked for a flood hazard control permit, to be timed when the quarry is operational. It was noted that there will be 180 days notice to the Township, when the permit is submitted to NJ DEP. An approval from NJ DEP will then trigger the submission of the reclamation plan within six months.

It was noted that per 2012 resolution, Miscellaneous, #16: *Any other condition of Resolution #2008-4 not addressed or modified herein shall continue as a requirement of this approval.*

Attorney Miccio stated that any continuing conditions from 2008 and some modifications will be updated in this current resolution.

Member Katz stated that she can review items from 2008 and items from QCC meetings. She agreed that it would be helpful if everything can be current. She further noted that there could be a list or table for any outstanding items.

Member Macomber stated that he is a member of the QCC. He noted that this quarry has been operational since the 1890's; and has been dormant since 2009. Member Macomber stated that he appreciated the tour given by Mr. Chrobak. Member Macomber thanked Member Katz for all updated information.

There were no further board member questions.

Public Questions

Ms. Serrante of 24 Seabrook Road was sworn in. She questioned when the quarry will be operational. She expressed her concern about cracks and damage to homes in the vicinity. Mr. Chrobak stated that operations are based on supply and demand, so there is no definitive date for becoming operational in the future.

There was a discussion about blasting. Mr. Chrobak noted that Trap Rock's department is constantly educated in techniques to minimize sound and vibration from blasting. He noted that there is new technology and new advances have been made. It was suggested that there be a public forum for an explanation of any techniques or technologies that will mitigate blasting effects.

Mr. Chrobak stated that Trap Rock does all research to remain fully compliant with State and Federal regulations. He noted that the quarry is in good standing with its blasting operations. He noted today's technology may change when the quarry becomes operational. He further noted that the Township is notified when blasting is to occur.

Chair Westlake questioned the timing of the reopening of the quarry relative to the flood hazard permit application that must be submitted to the State. It was noted that this timeline includes a notification period of six months. She questioned the possibility of updating the current ordinance requirements to reflect this permit process.

It was noted that per the zoning ordinance, §272-4, there are many requirements for the quarry license. There was a discussion about the environmental impacts of the quarry operation. Another discussion concerned notification to property owners within 200 feet.

Member Macomber stated that technologies can update the quarry operations. He suggested that such updates can be brought to the QCC and this committee can update the public.

Marjory Egarian of 139 Seabrook Road was sworn in. She stated that there is still blasting, even though the quarry is dormant. It was noted that the quarry is required to have one blast per year when there is no production. Mr. Chrobak noted that it is a minimal blast using minimal blasting powder. He noted that this blast is typically in the fall and that the Township is notified. Mr. Chrobak stated that there are no sales, no production, and no processing at this site; he noted that this site went dormant in 2009.

Mr. Chrobak stated that the equipment and machinery and motors have been removed from primary and secondary crushers. He noted that there are no dump trucks, bulldozers, or front-end loaders. He noted that there is a John Deer farm tractor used to mow inside of the perimeter and along the fence.

When asked about a notice requirement for blasting, Mr. Chrobak stated that this is not in the ordinance. He noted that since the late 1990s, Trap Rock notified the Township in advance of blasts. He also noted that at one time, Trap Rock called neighbors that wanted to be notified. He reiterated that this is not required by the ordinance.

Member Katz suggested that a new listing of property owners within 200 feet of the quarry should be compiled and given to Trap Rock.

Ms. Egarian asked Member Katz a question about complaints related to the Trap Rock operation. Member Katz noted that the ordinance requires Trap Rock to reveal the outcome of any complaints received. Ms. Egarian stated that she knows of residents who have reported foundation damage. It was noted that the issues could be time sensitive and may be from a time when the ordinance did not have a provision for complaints. Attorney Miccio stated that Trap Rock cannot be required to do something if it is not in the ordinance.

Mr. Jonathan Case of Seabrook Road was sworn in. He noted that the quarry in Titusville is to be turned into a State Park. It was noted that the Titusville site is done with production so that the reclamation plan is being activated. Mr. Chrobak stated that the Route 29 site still has serviceable reserves, but that there is no date on when production will resume. Mr. Case asked about liability for surrounding properties. Attorney Miccio stated that in such cases, residents should consult an attorney about issues that arise.

Mr. Richard Burkholder was sworn in. He stated that he lives on Brookville Hollow Road and that he is not adjacent to the quarry. He noted that 15 years ago, he could hear blasts. He asked to be notified about the annual blasts.

It was noted that any conditions to the license are not part of the review of the reclamation plan.

Mr. Craig Geier of 28 Seabrook Road was sworn in. He stated that he is a neighbor of Jonathan Case and that both properties are adjacent to the quarry, with a fence along the property line. He stated that he noticed that there have been repair activities along this fence. He noted that there is much debris on the fence, caused by flooding. He noted that the debris is causing erosion. He questioned if the quarry is active.

Mr. Chrobak stated that the quarry is not active. He noted that someone is on site monthly to collect water samples. He also noted that there are annual inspections, such as the recent one showing compromised sections of fence. Mr. Chrobak stated that there is no day-in, day-out on-site person.

Mr. Geier asked about the damage from the Ida flooding. He stated that he is concerned with increased water flowing onto his property because of this fence damage. Mr. Chrobak stated that he will bring in a crew to address this issue. Mr. Geier stated that the two sections of concern are where the fence crosses the creek.

Member Katz noted that Mr. Conway, the former representative, gave out his contact information. Mr. Chrobak stated that he has no problem with that. Member Katz stated that this will be brought up at the next QCC meeting.

Karen Kohler of Lambertville HQ Road was sworn in. She asked about the blasting plan. Mr. Chrobak stated that this application is to review the reclamation plan. He further noted that there are no immediate plans to begin blasting again. He stated that Trap Rock is required to notify the Town when operations begin again.

Chair Westlake closed the public portion of this meeting as it pertains to the reclamation plan review.

Board discussion

Member Macomber stated that he has notes about items to be discussed at the next QCC meeting.

Member Katz made a motion to approve the reclamation plan with continuing conditions from the 2012 resolution and from the 2008 resolution. The motion included the results of a follow-up inspection to make certain that all items have been satisfied. The motion included quarry seepage data, submission of copies of the R13 reports, and air permits; all to be in compliance within 30 days. Member Macomber seconded the motion.

Other items that were added are as follows: monitoring well information, flow rates and locations, and results of the follow-up inspection; to be submitted by Board Engineer Roseberry and/or Board Hydrogeologist Ross.

It was noted that approval of the reclamation plan is part of the 10-year license renewal.

Roll Call Vote

Aye: Waltman, Vocke, Bailly, Coffey, Katz, Macomber, Wright, Buchanan, Westlake
Concurs: Alternate Goldman

Nay: None

Absent: Gray

COMMITTEE REPORTS

Scheduled Committee Meetings

Subdivision and Site Plan Review Committee - second Wednesday, 7:00 p.m., as needed per applications submitted. *Member Bailly to report.* Members: **Bailly**, Katz, Westlake; with Easement Monitoring Committee of the Environmental Commission
No application

Agricultural Advisory Committee – first Tuesday, 7:00 p.m.; *Member Coffey to report*
Members: Bench (Advisor), Coffey, non-Planning Board members: Bond, H. Denbigh, R. Denbigh

Member Coffey discussed a new requirement from the Township Committee concerning agendas and minutes. Agendas are to be submitted within 48 hours of a meeting; minutes are to be submitted within 72 hours of approval. Member Coffey noted that the Ag Advisory Committee is a subcommittee of the Planning Board; as such the requirements are not as stringent. He noted that the Ag Advisory Committee has never had a recording secretary, most reports have been verbal. He noted that most members are volunteers and not volunteering to be secretary. He further noted that the Chair should not be the recording secretary. Member Coffey stated that the Ag Advisory Committee is looking for direction on where to go.

Member Coffey stated that the SADC requires notes to help in the requirements for farmland preservation money. He noted that the Ag Committee has to state an opinion on any property using farmland preservation. He further noted that the Ag Committee is needed to get farmland preservation money.

Member Coffey stated that this requirement for agendas and minutes is a burden to farmers. He noted that all other Boards have paid secretaries.

Member Coffey reported that Christian Bench has prepared a flyer that is about to be approved. He noted that the purpose of the flyer is to find farmers and farms interested in preservation.

There was further discussion about the requirements of a secretary. Member Coffey stated that the Ag Advisory Committee has no financial authority or budget. There was a discussion about folding the Ag Advisory Committee into the Open Space Committee. Member Coffey stated that the SADC does not approve of this arrangement.

Mayor Waltman was present. He noted that all subcommittees are governed by OPRA requirements, per the Township Attorney. Board Attorney Miccio stated that there is no prohibition from recording the minutes and then doing them at a later date. It was noted that per SADC, there are certain things that need to be recorded as minutes.

Open Space Committee – third Wednesday, 7:30 p.m., except January 18 and February 22;
Member Coffey to report. Members: Westlake, alternate Coffey

Member Coffey reported that the farmland preservation plan is progressing. He noted that there is still interest in the Kohler property, but the SADC must make a determination that the pipeline condition no longer exists. There is interest in the Johnson property. Member Coffey noted that the Open Space Committee will meet with an agenda to finalize the farmland preservation element, to be presented in June.

Non-Scheduled Committee Meetings, please give me notice for proper newspaper notification, if needed

Master Plan Committee – *Member Westlake to report*; members: Coffey, Macomber, Westlake
No meeting

Chair Westlake reported that the Reexamination Report is looking for the farmland plan and the open space plan. She noted that there is a new “Green Element” that must be completed

Ordinance Review Committee - *Member Coffey to report*; members: Coffey, Katz, Westlake
No meeting

Member Coffey stated that the easement language needs to be directed to the Planning Board attorney. It was noted that the issue is the easement language found in protection easements: conservation, conservation and drainage, and natural resource areas.

Member Coffey noted that TS Ida highlighted the impact that serious runoff creates. He noted that the current easement language is unclear as to the responsibility of easement protection from items such as fallen trees, runoff debris, etc. It was noted that the Township Attorney recommended that the Planning Board attorney look at language going forward to be clear as to the responsibility of maintenance of these easements. It was further noted that there should be a reasonable time frame for maintenance, considering the possibility of large clean ups.

Quarry Compliance Committee – *Member Macomber* (Board Representative), Katz (resident rep.)
Done

Stormwater Management Committee – *Member Gray*
Not present, but has been added to the Stormwater Management Committee list.

LIAISON REPORTS

Board of Adjustment – second Thursdays, 7:30 p.m., *Liaison Cline*
Administrative Officer Klink reported that the tennis training facility is still on the agenda.

Environmental Commission – third Wednesdays, 7:30 p.m., *Liaison Katz*
Member Katz reported that there is an easement subcommittee working on a letter to announce the scheduling of an easement monitoring inspection. She noted that there will be a second letter for properties that change hand, and said property has an easement on it. The second letter is like an introductory letter, “So you have an easement!” The easement subcommittee is also working on a pamphlet of information: what is an easement, what you can do, what you cannot do, etc.

There are two upcoming events:
Tree giveaway April 13 – 3:30 to 6:30
Household Clean Up day – April 30 -

Historical Advisory Committee – second Wednesdays, 7:30 p.m., *Liaison Vocke*
Nothing to report

Shade Tree Commission – fourth Thursdays, 7:00 p.m., *Liaison Coffey*
Member Coffey reported that the Commission did meet and approved its 2022 Budget.

Meeting opened to the Public for Comments or Questions

There were no comments or questions from the public.

Meeting opened to the Board for Comments or Questions

Member Coffey asked about the Reexamination of the Master Plan and its progress concerning an electric vehicle component. Chair Westlake reported that this will be included and can be started with boiler plate language.

NEXT MEETING: May 3, 2022
Resolution for reclamation plan

ADJOURNMENT: 9:15 p.m.
It was moved, seconded, and unanimously carried to adjourn at the noted time.

Respectfully submitted,

Kathleen E. Klink,
Administrative Officer