

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 7:30 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. , not needed |
| | Planner | Nicholas Dickerson, P.P. , not needed |

Absent: shown by strikethroughs

APPROVAL OF MINUTES FROM THE MEETING of April 5, 2022

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

Correspondence: BILL LIST

Members reviewed the Bill List, as follows.

Bill List –

Legal Bills: Parker McCay, P.A.

General Legal Matters

Thorough February 28, 2022, #3144253

\$204.00

Member Waltman moved to approve payment of this bill, Member Bailly seconded the motion.

Roll Call Vote

Aye: Waltman, Vocke, Katz, Macomber, Wright, Goldman, Westlake

Nay: None

Abstain: None

Absent: Gray, Coffey, Buchanan

Bill List, Escrow Charges,

Legal Bills: Parker McCay, P.A.

59/3 and 4, Trap Rock Escrow with Township, #3145647 \$442.00

Member Waltman moved to authorize payment of the noted bill(s) from the appropriate escrow account, Member Macomber seconded the motion, and members unanimously authorized payment.

CORRESPONDENCE – Old Business, to include Memorializations

- a. Memorialization(s) – Trap Rock, Block 59, Lots 3 and 4, and associated lots: resolution accepting reclamation plan for license renewal; and other items as required by Zoning Ordinance Chapter 272 and per the Reexamination of the Master Plan.

Attorney Miccio prepared a resolution that was distributed to all members for review and discussion. Items of clarification for wording and content were discussed. Said resolution follows the minutes. The resolution will be sent to the Township Committee.

Motion to approve as discussed and amended: Macomber

Second: Bailly

Roll Call Vote

Aye: Waltman, Vocke, Bailly, Katz, Macomber, Wright, Goldman, Westlake

Present, but ineligible to vote: None

Nay: None

Absent: Gray, Coffey, Buchanan

CORRESPONDENCE – New Business, to include Applications – none

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

Administrative Officer Klink noted that a concept application has been sent to this committee for its review on May 11, 2022, 7:00 p.m.

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

No one present to report

Open Space Committee – third Wednesday, 7:30 p.m., except January 18 and February 22;

Member Coffey to report. Members: Westlake, alternate Coffey

Chair Westlake stated that this committee met and went over comments on the farmland element on master plan. It was noted that all comments are due by May 1, so that the final document can be reviewed at the OS meeting in May so that it can be sent to the Planning Board for its June meeting.

It was reported that the Lee Lau property, once set for closure for farmland preservation, has changed hands. It was further noted that the new owners are considering preservation.

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

Chair Westlake stated that she has copies of the proposed revisions which will be collated into a form for review by the full Planning Board.

Ordinance Review Committee - *Member Coffey to report*; members: Coffey, Katz, Westlake

It was noted that the easement language in the ordinance is to be sent to Attorney Goodell for clarity and changes, per the recommendation of the Township Attorney in response to a letter of the Environmental Commission.

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

Member Macomber stated that the committee will meet on May 19.

Stormwater Management Committee – *Member Gray*

Member Katz reported that the SW Committee looked at the Township property by the Police Station and the DPW garage. It was noted that the Committee would look into grants to plant trees at the edge of the Police Station property that is nearest the Rose Creek. It was noted that such plantings would help with water runoff and help protect the Rose Creek.

Administrative Officer Klink was asked to send a citizenship form to Debbie King. She is interested in becoming a member of this committee. It was reported that Ms. King had water issues after TS Ida.

LIAISON REPORTS

Board of Adjustment – second Thursdays, 7:30 p.m., *Liaison Cline*

Administrative Officer Klink reported that the tennis training facility application is still active. She noted that the Board is hearing an appeal of a decision of the zoning officer which will also be an interpretation of the zoning ordinance concerning the commercial use of indoor horse training rings.

Environmental Commission – third Wednesdays, 7:30 p.m., *Liaison Katz*

Member Katz reported that the EC met, with no major actions. She noted that there is a Shredder Day on May 14. She further noted that at its next meeting, the EC will hear a presentation from Stephen Freeman, of the Devil's Tea Table Alliance, concerning the proposed NJ DOT rockfall mitigation plan along Route 29.

Historical Advisory Committee – second Wednesdays, 7:30 p.m., *Liaison Vocke*

Nothing new

Shade Tree Commission – fourth Thursdays, 7:00 p.m., *Liaison Coffey*

Not present, but the Shade Tree Commission only meets in the odd months.

Meeting opened to the Public for Comments or Questions

There were no comments or questions from the public. Jes Stahl was present but stated that she is only observing.

Chair Westlake closed the public portion of the meeting.

Meeting opened to the Board for Comments or Questions

NJCF has sent information about online training for ERI information. Administrative Officer Klink reported that she received this email as well and will send it out to the members.

NEXT MEETING: June 7, 2022

Chair Westlake stated that she is hoping to share the Farmland Preservation Plan, once approved by the Open Space Committee. She noted that the deadline for the reexamination of the Master Plan is approaching. She noted that the public review of this information can be done at a Planning Board meeting date.

Administrative Officer Klink reported that there may be an application for the July meeting. She noted that the deadline is June 7, no application has been submitted to date.

ADJOURNMENT: 8:10 p.m.

It was moved, seconded, and unanimously carried to adjourn at the noted time.

Respectfully submitted,

Kathleen E. Klink,
Administrative Officer

DELAWARE TOWNSHIP PLANNING BOARD
RESOLUTION #59-3,4 (2022)
TRAP ROCK RECLAMATION PLAN

TRAP ROCK INDUSTRIES
BLOCK 59, LOTS 3 AND 4

WHEREAS, Trap Rock Industries operates a quarry in Delaware Township commonly known as the “Lambertville Quarry”; and

WHEREAS, the quarry is located at Block 59, Lots 3 and 4 on the Delaware Township Tax Map; and

WHEREAS, the quarry is subject to regulation pursuant to the Delaware Township Quarry Ordinance, which has been codified at Chapter 272 of the Code of the Township of Delaware; and

WHEREAS, pursuant to Section 272-15 of the Township Code, the quarry license must be renewed every ten years upon filing an application, which shall ultimately be reviewed by the Township Committee; and

WHEREAS, pursuant to Section 272-5 of the Township Code, a reclamation plan, which shall show the ultimate plans for the quarry site after quarrying operations have terminated, must be submitted in conjunction with the renewal application, and shall be reviewed by the Township Planning Board; and

WHEREAS, Trap Rock Industries submitted its reclamation plan on January 25, 2022, which is identical to the reclamation plan approved by the Township in 2012; and

WHEREAS, the Board held a hearing to review the Reclamation Plan on April 5, 2022; and

WHEREAS, the following findings and conclusions detail the Planning Board’s review of the Reclamation Plan and rationale for approving same.

1. The Planning Board has jurisdiction to consider the Trap Rock Reclamation Plan pursuant to Sections 272-7 of the Township Code and Section 25 of the Municipal Land Use Law, which empowers the Planning Board to “perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.” [N.J.S.A. 40:55D- 25(a)(3).]

2. Trap Rock published notice of the hearing in the Hunterdon County Democrat on March 17, 2022.

3. The Planning Board considered the reclamation plan at its April 5, 2022 meeting.

4. The Quarry Ordinance regulates quarries in Delaware Township for the protection of persons and property and for the preservation of the public health, safety and welfare. The Quarry Ordinance “ensure[s] that the quarried area shall be safely and reasonably rehabilitated for alternative use after quarrying operations have been completed or otherwise terminated.” [Township Code Section 272-1.]

5. The Quarry Ordinance defines a reclamation plan as follows:

“Reclamation Plan” shall mean a written proposal approved by the Planning Board for reclamation of the area of land affected by quarrying operations, including land use objectives, specifications for grading, manner and type of vegetation, such safety devices as shall be used at the site, and such maps and other supporting documents as may be required by the Planning Board; the plan shall be signed and sealed by a licensed professional engineer and land surveyor licensed in the State of New Jersey, unless otherwise provided by statute. [Township Code, Section 272-2].

6. The requirements for a reclamation plan are set forth in Township Code Section 272-5 of the Township Code. A reclamation plan must:

- Include all information required under Section 272-4;
- Show the ultimate plans for the quarry site after quarrying operations have terminated;
- Contain the minimal provisions for the safety of the public and the preservation of land values; and
- Indicate measures to be taken during the quarrying operations which will progressively fulfill these provisions and the overall reclamation plan.

7. The procedures for review of a reclamation plan are set forth in Section 272-7 of the Township Code. An applicant must submit its plan to the Planning Board, which must conduct a hearing on the plan and then adopt a resolution with its recommendations for the Township Committee.

8. The Planning Board last reviewed the Reclamation Plan in 2012, conditionally approving the plan on November 20, 2012 in Resolution #2012-5.

9. Prior to that, the Planning Board reviewed the Reclamation Plan in 2008, conditionally approving the plan on November 5, 2008 in Resolution #2008-4.

10. The intent of Trap Rock’s 2022 Comprehensive License Renewal and Reclamation Plan update is to address the existing quarry operations, describe current quarry conditions, detail the expected future operations, and plan for land use opportunities at the completion of quarry operations.

11. The 2022 Reclamation Plan is virtually identical to the approved 2012 plan. Trap Rock asserted in its application materials and at the hearing that due to fluctuating market conditions the quarry has seen limited activity during the last several years, and, therefore additional reclamation activities have not been necessary.

12. Trap Rock was represented at the hearing by its Environmental and Safety Director, Joseph Chrobak, Sr. He presented testimony on behalf of Trap Rock.

13. Mr. Chrobak testified that the quarry conducts one “compliance blast” per year at the site in order to keep its licenses current.

14. The following professionals reviewed the plan on behalf of the Planning Board: Richard Roseberry, P.E., the Board Engineer; Paul Sterbenz, P.P., P.E., the Township Engineer; and Alex Ross, P.G., the Board’s Consulting Geologist. Mr. Roseberry testified at the hearing.

15. The Board reviewed the following reports: Report dated March 15, 2022, prepared by Mr. Roseberry; Report dated April 1, 2022, prepared by Mr. Ross and submitted by Mr. Roseberry; and report dated April 5, 2022, prepared by Mr. Sterbenz.

16. Mr. Roseberry concurred with Trap Rock’s assessment that minimal activity has taken place at the quarry over the past decade, and, therefore, there was no need to substantially revise the 2012 reclamation plan.

17. Mr. Roseberry noted that a site inspection had been performed by Township Engineer Paul Sterbenz. Mr. Sterbenz indicated in his report that the site is well maintained and is in compliance with the 2012 reclamation plan, but noted the following minor issues:

- a. Some of the wood slats that are part of the fencing along the Route 29 frontage of the property are in poor shape and need to be replaced. The Township should condition any renewal on the property owner making the wood slate repairs.
- b. The 225-foot distance indicated on the buffer signs is not very visible due to weathering. The Township should condition any renewal on the property owner replacing the weathered signs with new signs to allow the 225 foot distance to be visible.
- c. The warning signs attached to the wood fencing along the Route 29 frontage have faded and are no longer visible. The Township should condition any renewal on the property owner replacing these warning signs.
- d. The bottom rail of a section of chain link perimeter fencing along Seabrook Road was observed to be detached leaving a gap at the bottom of the fence. The Township should condition any renewal on the property owner repairing this section of fencing.

18. Mr. Chrobak indicated that the minor issues would be rectified.

19. Members of the public were sworn in and asked questions concerning the reclamation plan:

- Mr. Craig Geier, of 28 Seabrook Road, noted that there was debris build-up along a fence caused by flooding, and stated he is concerned with increased water flowing onto his property due to the fence damage. Mr. Chrobak stated he would bring in a crew to address the issue.
- Karen Kohler, of Lambertville HQ Road, asked about the blasting plan. Mr. Chrobak indicated that there are no immediate plans to begin blasting again, aside from the one blast per year that is required.

- Ms. Serrante of 24 Seabrook Road asked when the quarry would be operational again. Mr. Chrobak responded that operations are based on supply and demand, and that there is no definitive date at the moment.
- Marjory Egarian of 139 Seabrook Road asked why there is still blasting, even though the quarry is dormant. Mr. Chrobak stated that the quarry is required to have one blast per year to maintain its licenses. Mr. Chrobak stated the blast typically takes place in the fall and that the Township is notified in advance.
- Jonathan Case of 30 Seabrook Road noted that the Trap Rock quarry in Titusville was being turned into a state park, and asked if the same would happen for this quarry in Delaware Township. Mr. Chrobak responded that the Delaware Township quarry still has serviceable reserves, but that there is no known date on which operations will resume. Mr. Case also expressed concern about ensuring his well water/drinking water supply are protected.
- Mr. Richard Burkholder of Brookville Hollow Road asked to be notified about the annual blasts. Members of the public that wish to be personally notified of all blasts were asked to contact the Township's Quarry Compliance Committee to inquire about such notification.

20. The Board concluded that Trap Rock should continue to abide by the conditions set forth in Resolutions #2012-5 and 2008-4, as modified, and set forth below.

21. Subject to the conditions set forth herein, the Board generally finds that the Reclamation Plan provides a reasonable plan for the reclamation of the Lambertville quarry as required by Chapter 272 of the Township Code.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Delaware, Hunterdon County, that Trap Rock's 2012 Reclamation Plan is approved and recommended to the Township Committee for final approval, subject to revisions and conditions set forth herein.

CONDITIONS required by the Planning Board:

1. Trap Rock will provide copies of permits annually to the township engineer and the Township Committee.
2. Trap Rock will provide copies of any Mine Safety Section notice of violation to the township engineer and the Township Committee.
3. Trap Rock will provide notices of scheduled Mine Safety Section inspections to the township engineer as soon as it receives notice so the township engineer or his/her designee can accompany the inspectors.
4. Inspections by the township engineer shall be deferred until the quarry resumes operations.
5. If the Mine Safety Section inspects the quarry annually, then in that circumstance the Township will defer qualitative inspections to every five years instead of annually.
6. Trap Rock will note any new seepage, and there will be continued visual monitoring of seeps during the township engineer's annual inspection.
7. Quarterly monitoring of wells will continue with the data submitted by January 31st of each year.

8. The well data will include permit numbers, well names, the elevations of the measuring point, and the depth-to-water.

9. Monitoring will continue on TRL-SW with the caveat that any data should be correlated to the pumping record.

10. Landscaping for the berms on Lot 4 shall be revised upon consultation with the Delaware Township Shade Tree Commission, with final approval of the landscaping to be approved by the Planning Board. No amendments to the landscaping plan are required unless and until the NJDEP confirms that the berms can be built as proposed.

11. Trap Rock shall provide sufficient information to the Planning Board for the Board to review the effect of drainage from the berms on Lot 4 onto the quarry property and adjacent lots. This drainage plan will not be required unless or until the NJDEP confirms that the berms can be built as proposed.

12. Trap Rock shall provide the Planning Board with a plan addressing the phasing or sequencing of the construction of the berms on Lot 4. The phasing plan shall insure the maintenance of a visual buffer.

13. During its review process, the Planning Board only considered the berms on Lot 4. Subsequent revisions to the reclamation plan shall detail timing and construction of the berms to be located on Lot 3.

14. Trap Rock will return to the Planning Board for resolution of issues involving the berms on Lot 4 once it has received the NJDEP's resolution of Trap Rock's flood hazard act application.

15. Trap Rock shall address the following four issues noted in the township engineer's April 5, 2022 within 30 days of the adoption of this resolution:

- a. Some of the wood slats that are part of the fencing along the Route 29 frontage of the property are in poor shape and need to be replaced. The Township should condition any renewal on the property owner making the wood slat repairs.
- b. The 225 foot distance indicated on the buffer signs is not very visible due to weathering. The Township should condition any renewal on the property owner replacing the weathered signs with new signs to allow the 225-foot distance to be visible.
- c. The warning signs attached to the wood fencing along the Route 29 frontage have faded and are no longer visible. The Township should condition any renewal on the property owner replacing these warning signs.
- d. The bottom rail of a section of chain link perimeter fencing along Seabrook Road was observed to be detached leaving a gap at the bottom of the fence. The Township should condition any renewal on the property owner repairing this section of fencing.

16. Trap Rock must submit to the Township within 30 days of the adoption of this resolution current copies of its current R-13 Mining & Stormwater permit and Air Permits for Stk001, 3, 4, and 6-10.

17. Trap Rock shall revise the reclamation plan to include a surface water management plan. The surface water management plan shall depict existing drainage onto and off of the quarry. The plan shall be reviewed by the Board engineer, who shall approve the same. Any dispute between Trap Rock and the Board's engineer shall be resolved by the Planning Board.

18. Trap Rock shall, within 180 days of the date operations are resumed, submit a date for submission of an application to the New Jersey Department of Environmental Protection (NJDEP) for approval pursuant to the Flood Hazard Act of the berms proposed for Lot 4.

19. During its review process, the Planning Board only considered the berms on Lot 4. Subsequent revisions to the reclamation plan shall detail timing and construction of the berms to be located on Lot 3.

20. Trap Rock will return to the Planning Board for resolution of issues involving the berms on Lot 4 once it has received the NJDEP's resolution of Trap Rock's flood hazard act application.

21. Trap Rock shall submit a variance application for the monitoring wells to the NJDEP within 30 days of agreement on the well construction details.

22. Trap Rock shall provide a copy of the bench height variance that it has received from the State for review by the Board's geologist and shall incorporate the bench height variance as part of the Reclamation Plan.

23. All reports of the Township's and Planning Board's consultants shall be appended to the Reclamation Plan.

24. The ultimate depth of the quarry shall be as provided in the Reclamation Plan; however, Trap Rock is under a continuing obligation to provide information through the reclamation plan review process which shows that it can continue to quarry below grade level without adversely affecting neighboring wells and is otherwise proper from an engineering perspective.

25. Any other condition of Resolution #2008-4 and #2012-5 that has not been addressed or modified herein shall continue as a requirement of this approval.

ROLL CALL VOTE ON MOTION TO GRANT APPROVE AND RECOMMEND TO THE TOWSHIP COMMITTEE THE TRAP ROCK RECLAMATION PLAN, WITH CONDITIONS

April 5, 2022

Motion to Approve: Katz

Second: Macomber

Those in Favor: Waltman, Vocke, Bailly, Coffey, Katz, Macomber, Wright, Buchanan, Westlake

Concur: Goldman

Those Opposed: None

Those Absent: Gray

**ROLL CALL VOTE ON MOTION TO APPROVE
RESOLUTION OF MEMORIALIZATION**

May 3, 2022

Motion to Approve: Macomber

Second: Bailly

Those in Favor: Waltman, Vocke, Bailly, Katz, Macomber, Wright, Goldman, Westlake

Those Opposed: None

Those Absent: Gray, Coffey, Buchanan

Recused: None

Certified to be a true copy of a Resolution adopted by the Delaware Township Planning Board at a public meeting held on May 3, 2022.

Kathleen E. Klink
Administrative Officer