

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
September 6, 2016

Chairman Leonardis opened the meeting at 7:00 pm.

Please stand for the PLEDGE OF ALLEGIANCE.

This meeting was held in accordance with the Open Public Meeting Act and as such, proper notice of this meeting was published in The Observer and The Courier News and providing same to The Borough Clerk.

It is the policy of the South Plainfield Zoning Board of Adjustment, not to hear any new applications after 10:00 pm and no new witnesses after 10:30 pm.

ROLL CALL:

Present:

**Gino Leonardis, Chairman
David Miglis, Vice Chairman
Kenny Bonanno
Maria Campagna
Cindy Eichler
James Gustafson
Frank Lemos, 1st Alternate
Darlene Cullen, 2nd Alternate**

Absent:

Robert Hughes

Also attending: Larry Lavender, Esq.; Bob Bucco, PE, CME, CPWM; Nicholas Dickerson, PP, AICP

MINUTES: August 16, 2016 Meeting.

Mrs. Eichler made motion, seconded by Mrs. Cullen, to accept the above stated Meeting Minutes. Those in Favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Gustafson; Mr. Lemos; Vice Chairman Miglis and Chairman Leonardis.

RESOLUTIONS:

**A. Case # 16-16 -- Brian Figueiredo
Block 206: Lot 11: R-10 Zone
191 Ten Eyck Street**

Mrs. Eichler made motion, seconded by Mr. Lemos, to accept the above Resolution. Those in Favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Gustafson; Mr. Lemos; Vice Chairman Miglis and Chairman Leonardis.

HEARING: 2 (commercial applications)

**A. Case # 13-16 -- Bett-A-Way Beverage Distributors Inc.
Block 308: Lot 35.02 & 36: M-3 Zone
110 Sylvania Place**

The applicant is requesting a Preliminary and Final Site Plan with a Bulk Variance.

Aravind Aithal, Esq – Bob Smith & Associates – applicants' attorney confirms with Mr. Lavender that he has reviewed the Affidavit and Notice of Publication.

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Mr. Aithal states he will address the following reports: T&M Associates – Planners report dated August 10, 2016; Najarian Associates – Engineering report dated July 13, 2016; Environmental Commission report dated July 18, 2016.

Mr. Aithal addresses the Board. Approximately one (1) year ago there was a change of tenancy. The property went from Campbell Trucking to United Road. United Road rented space from Bett-A-Way as a 'drive-thru' repair facility for their trucks. Front of the building has been upgraded within the last year. Rear of the building is gravel.

John Vaccaro – 110 Sylvania Place, South Plainfield, New Jersey – (applicant) is sworn in. Bett-A-Way is a transportation logistics provider. Tractor trailers used to transport to food and beverage customers.

Copies of Exhibit A-1 is distributed to the Board. Colorized brochure consisting of ten (10) pages of photographs of the site.

Mr. Vaccaro using Exhibit A-1 states:

- **Page 2** - Transportation are the tractor trailer trucks and the logistics is the management / brokerage side of the company. They manage transportation of food and beverage. Some of that freight is transported by their trucks.
- **Page 3** - A before (1998) and after (2015) aerial photos of the building. Prior owner was Alfred Conhaggen who maintained pumps. When they looked at the site, they liked the borders around the property (no residential properties) and location. The front of the building was in disrepair. In 1990, the applicant moved to the site and has been in front of the Board several times. Since the initial purchase they purchased a narrow strip of land neighboring Stilo Paving. They land lease small squared area in the right rear corner. Would like to purchase the land. However, the owner does not want to sell.
- **Pages 4 and 5** - Before (June 5, 2014) and after (August 30, 2016) photos of improvements made to the building. First concentrated on the function of the property. Once function was complete, then concentrated on the building. Since a lot of their customers are Fortune 50 and Fortune 100 companies, it is important to them to have a nice headquarters. The front of the building is all limestone and took approximately one and a half (1.5) years to complete.
- **Page 6** - Aerial view of the site showing the existing paved portion and proposed area to be paved which is currently dirt and gravel. Each tractor trailer has to travel around the unpaved area which they call 'The Horseshoe' to the drop area. When it's dry, very dusty. The dust gets into the building, the warehouse and neighboring companies. When it rains, very muddy. When it snows, they can only plow so much. If they plow too much it creates ruts and potholes that get filled up with water or snow and become icy. They can't do anything until the spring to fill the holes. They have a bob cat and tow truck stationed so as the trucks get stuck they can pull them out.
- **Page 7, 8 and 9** – pictures of the tractor trailers kicking up dust.

Mr. Bucco questions Mr. Vaccaro. On page 6 there is a section labeled 'Gravel Stays'. What are you planning to do with that section? *It will stay as is. That's the portion that is leased. There is underground water retention. That area is not used as much. United Road usually parks their vehicles there.*

Chairman Leonardis requests a clarification. Is Bett-A-Way requesting to pave the entire back area or just the 'Horseshoe' area? Mr. Vaccaro states - *only the 'Horseshoe' area. Where the trailers are parked there are six (6) foot cement pads in the front area for landing gear. Under the trucks and rear tires will remain gravel. They don't kick anything up because they are backing in, parking and pulling out.*

Vice Chairman Miglis asks Mr. Vaccaro with the trailers in the back, when you plow don't you push the snow into the trailers? *There is approximately fifty (50) feet of grass behind the trailers. Stilo Paving clears the snow using a front loader. The snow is moved to the green area behind the parked trailers. In the spring, when the snow melts there are small piles of gravel. Two (2) to three (3) times a year, mainly in the spring, they have the gravel graded.*

Mr. Miglis asks why the back area is not getting paved. Mr. Vaccaro state that increases the percentage of impervious coverage. Mr. Bucco confirms, that that would be a coverage issue and would require another variance.

Bob Stilo – 104 Vail Court, South Plainfield, New Jersey – owner of Stilo Paving, a neighboring business is sworn in. Mr. Stilo states that the trailers are parked approximately one (1) foot apart. Mr. Vaccaro has a machine that cleans off the snow on top of the trailers. Therefore, little snow is on the gravel area. Mr. Stilo confirms that the gravel is DGA.

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Chairman Leonardis requests a clarification of DGA. Mr. Bucco states that DGA is considered impervious. If you roll it, it will compact.

Mr. Vaccaro states there is drainage system on the property as well as an underground system.

Mr. Bucco has some concerns: The site has potholes in the existing paving; Parts of the fence is in disrepair; Some general site clean-up is needed; Lightening meets the standard; Freehold Soil should not be waived.

Mr. Dickerson clarifies with Mr. Vaccaro that there is no change in use. *Correct, no change in use. Cleaning up the yard.*

Mrs. Campagna asks if trucks will be added. Mr. Vaccaro states that trucks come and go. They only have room for so many trucks. Other trucks stay at other drop locations.

Mr. Vaccaro confirms that this site is their headquarters.

Daniel Lamothe – Lapatka Associates – 12 Route 17, Paramus, New Jersey - is sworn in and accepted a Professional Engineer. Mr. Lamothe reviews Exhibit A-2 -- Site Plan For Paving Improvements dated January 3, 2016 with a revised date of May 27, 2016 (colorized). The same plans are before the Board (black and white).

- There is a two-way driveway.
- Parking along the front of the building.
- An exit driveway on the westerly side of the property.
- Back portion is gated, fenced and used to store trailers on-site.
- There are no proposed changes to parking, egress, ingress or any other vehicular traffic pattern.
- There is no increase in traffic.
- Proposing a drainage system under the 'horseshoe' with two (2) control structures which allow water to back up in drainage system. There is a restrictor plate in the catch basin which slows down the flow of water.

Mr. Aithal asks Mr. Lamothe if there are any conditions in Najarian Associates review that cannot be satisfied. *No... all can be satisfied.* Mr. Bucco brings to the attention of the Board and Mr. Lamothe Item 12 on page 9 of his review letter - A mechanism will be placed in the catch basin to prevent debris flowing through. Mr. Lamothe states he can do so.

Mr. Stilo states that he cleans the catch basins every three (3) months.

Mr. Aithal confirms with Mr. Lamothe that there is an existing front yard setback - Fifty (50) feet is required - only providing forty-two (42). That will not change.

Mr. Bucco re-confirms with Mr. Lamothe that he is able to comply with his review letter. Yes.

Chairman Leonardis asks Mr. Bucco to review his Engineering Report with the applicant.

- Page 2 - Items 1,2,3 -- satisfied
- Page 3 - Item 4 -- Freehold Soil Conversation Permit. Mr. Lamothe testified they received their approvals.
- Page 3 - Item 5 -- satisfied.
- Page 4 - items 1-4 -- no objection to waivers.
- Page 5 - Item 5 -- 8 no objections.
- Page 6 - Items 9-13 -- no objections.
- Page 7 - Items 14-17 -- no objections.
- Page 8 - Items 18 -19 -- should not be waived – Engineer's estimate and Performance Guarantees.

Mr. Gustafson questions where the disrepair of the fence is located. Per Mr. Bucco, there are sections of the perimeter fence that require some attention.

Chairman Leonardis asks the applicant if they have any objections to the following items in Mr. Bucco's review letter:

- Items D, E, F, H, J, K. *No objections.*
- Item G. *Will show turning template for WD-50.*
- Item I. *Will diagram the lighting. No changes.*

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Chairman Leonardis requests that Mr. Dickerson to review their Planners Report letter. Mr. Dickerson states that since most of the work is drainage and paving, there is not much to comment. The only question is if there would be any change of use. Per Mr. Aithel - *no*. All other questions were previously answered.

Mr. Leonardis states Fire Department, Health Department and Police Department have no objections.

Mr. Gustafson would like it stated in the resolution if the vote is favorable that there is no change in use and no additional trucks than what exists currently.

Chairman Leonardis asks the applicant when would the improvement be done. Mr. Vaccaro would like to have it completed before the snow... by the end of the year.

Chairman Leonardis re-iterates... they are improving the site and the paving is part of the clean-up.

With no further questions, Chairman Leonardis calls to vote... Preliminary and Final Site Plan. Mr. Lemos made motion, seconded by Mr. Bonanno. Those in Favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Gustafson; Mr. Lemos; Vice Chairman Miglis and Chairman Leonardis. Those Oppose: None

B. Case # 8-16 -- Sil-Crete, Inc.
Block 388: Lot 10.02: M-3 Zone
438 Hollywood Avenue

The applicant is requesting a Major Amended Site Plan, Preliminary and Final Site Plan, Bulk and Use Variances to construct a permanent garage.

Mr. Lavender has reviewed the Affidavit and Notice of Publication. The Board has jurisdiction.

Mr. Clarkin addresses the Board. The applicant would like to construct a permanent garage. Before discussing the garage, Mr. Clarkin states he will address the issues that the Borough has with the applicant's business operation in the area of dust control and spillage of concrete without prejudice. These matters should not be addressed by the Zoning Board. If there is dust issue it is a property maintenance issue. If there is concrete on the roadway, it is a Title 39 Motor Vehicle issue. However, since these are good working citizens, he will try to resolve it. With that said, the purpose of the garage is to complete minor repairs and maintenance to the fleet. The capacity of the garage will be four (4) vehicles. There will be no body work, no engine work, no transmission work. There will be one (1) mechanic and (1) mechanics helper. There will be offices but the offices will be for this business only. There will also be an office for the New Jersey Department of Transportation (DOT) which is mandated by law. Property is located in the M-3 heavy manufacturing zone. It is a non-conforming use but have been before the Board on two (2) occasions and have been approved on two (2) occasions. They are seeking a Use Variance to expand an existing Non-Conforming Use Variance. As part of the construction of the garage, the single family home that is currently being used as offices will be demolished. There may be a need for a height variance for the garage. Mr. Clarkin does not believe that the proposed garage is an accessory building which has a fifteen (15) foot height restriction but as a second principle structure. Originally, the proposed height of the garage was to be thirty-six (36) feet. However, it has been reduced to twenty (20) feet. Therefore, an amendment to the site plan. There are four (4) witnesses... two (2) employees representing Sil-Crete; Craig Stires - applicants Engineer and Angelo Valoutoo - applicants Planner.

Sean Earlen – 11 Flemish Way, Lumberton, New Jersey - and Frank King – 542 Hartford Road, Mount Laurel, New Jersey - are sworn in. Mr. Earlen is the Vice President of Real Estate Environmental and Public Affairs with Silvi Group Companies which Sil-Crete is a member of and has been employed approximately for eight (8) years.

Frank King is the Vice President of Operations for Silvi Group and has been employed for five (5) years.

Mr. Clarkin asks Mr. Earlen to describe the operation of the business. Mr. Earlen states they manufacture ready mix concrete. They bring in sand, stone and cement which they mix with water. This is done in the central mix concrete plant. Dump the mixture into a ready mix truck which delivers to customers work site. Any unused concrete from a job that has a large enough quantity gets recycled into blocks – landscaping blocks. They get poured into forms and stored

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on-site. Smaller quantities of unused concrete get 'ribboned out' or 'stripped' on site then stacked in a pile. Once or twice a year, a portable crusher comes to the site and crushes the pile. The crushed concrete is used for other purposes.

Mr. Clarkin questions Mr. King on the number of employees and hours of operation. Currently there are thirty (30) employees.... Twenty-four (24) drivers, four (4) plant employees, a sales men and quality control person. The hours of operation are 6:00 am to 8:00 pm Monday through Saturday.

Mr. Clarkin questions Mr. Earlen if this business has been before the Board on two (2) prior cases. Yes... *Both insitences they got approval to run their business.*

Chairman Leonardis asks for the business hours of operation to be repeated... *6:00 am to 8:00 pm - Monday through Saturday.*

Mr. Clarkin asks Mr. Earlen if on the prior resolutions is there any limitation to the hours of operation. *No.*

Mr. Clarkin questions Mr. King:

- How many company trucks use this site as home base? *Twenty-three (23).*
- How many other company vehicles are on site? *Three vehicles.*
- What are they? *Plant pick-up truck, a service truck and a front end loader.*
- Are there NJDOT inspectors on site? *Yes*
- Why is that? *The requirements for the State and Turnpike.*
- How many inspectors? *One no more than two.*
- Right now, where are the trucks being repaired. *Millstone for our New Jersey locations and Fairless Hills for Pennsylvania locations.*
- How often do the trucks go for service? *They are scheduled four times a year depending on hours and mileage.*
- If this garage is constructed, will this reduce truck traffic in and out of the site? *Yes.*
- What are the dimensions? *It will be 90' X 60' and 20' high.*
- What kind of structure? *It will be a steel building on a concrete slab - foundation.*
- What will be the vehicle capacity inside the structure? *The capacity for four (4) mixer trucks.*
- What else? *It will house DOT personal, Silvi office personal, a drivers changing room and lunch room.*
- What type of repairs and maintenance will be performed in the garage? No major engine or transmission repair correct? *That is correct.*
- Spray paint booth? *No.*
- Hydrologic lifts? *No.*
- Tool boxes and compressor? *Yes.*
- Will there be an area to store parts? *Yes... it will be a caged area to store the parts.*
- What will be stored there? *Wiper blades, lights, antifreeze, filters, washer fluids, tires, etc.*
- Will there be a waste container for fluids? *Yes.*
- How will the waste be removed from the site? *Typically, once a month by a third party contractor.*
- What dust control measures are being utilized? *There is a centralized dust collector which collects the dust from the process and it recycled back into the operations.*
- Is that part of the structure of the ninety-three (93) foot tower? *Yes, it is.*
- Can you explain it in more detail? *It is basically a dry vacuum that sucks the dust from the processing plant as it mixes the concrete and sucks it into a bag just like a regular vacuum. The bag empties itself back into the mix.*
- Any dust control measures with regards to the raw material? *Yes. We have sprinklers on our stone aggregate and sand aggregate to control the dust as it gets loaded.*
- Have you had instances with spills from your trucks? *Yes.*
- One (1) incident in 2014. *Correct. Two (2) indicates this year. Yes.*
- When was the first spill this year? *The first one was February 1, 2016 on Durham Avenue on the way to 287.*
- How did you learn about it? *I believe it was the State or the city police. We went out with our plant pick-up truck to clean it up.*
- Was the driver identified? *Yes.*
- How did you do that? *By using our GPS system.*
- Was there disciplinary action given? *Yes, the driver received a three (3) day suspension.*

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- When was the second spill? *It was on or about May 19, 2016 also on Durham Avenue just before the Quick Chek light.*
- How did you learn about that spillage? *I believe it was the township inspector -- township engineer.*
- Did you clean up the spill? *Yes, we did.*
- Were you able to ascertain the driver in this instance? *We were not.*
- Why was that? *There were two (2) trucks in the vicinity during the time we think the spill occurred.*
- What kind of training do we give the drivers? *The driver is given two (2) weeks in capturing. They receive a trainer manual. Basically, from A to Z on concrete delivery and handling of concrete. Then put with an experience driver / trainer for two (2) weeks. Covering how to handle the truck, wash it down, spill, accident etc. After the two (2) weeks are done... when the trainer and plant manager is comfortable that he is capable of driving by himself, he goes piggy backing where he gets his own truck and is followed to the job site. Usually by another truck driven by the trainer. Then when the trainer is comfortable, he is released to drive on his own.*
- Do your drivers get training on how to avoid spills? *They do.*
- Can you explain what that training involves? *They are front discharge trucks. Under braking and declines the concrete will move to the front of the truck. They are trained to put the truck in a full spin or charge which pulls the concrete to the back of the truck away from the front.*

Mr. Clarkin requests a better understanding of Mr. Bucco's Engineering Review letter dated June 7, 2016 with regards to the dust control and spillage.

Chairman Leonardis questions Mr. King:

- Is the current centralized dust control mandated by any agency? *Yes... we have an Air Quality Permit from New Jersey Department of Environmental Protection.*
- With regards to the bulk materials, how is it controlled? How is it measured? Was there any engineering done to put the system in place? *The sprinkler system gets 100% coverage on the stock pile. The operator of the loader takes an opacity reading – a visual inspection of dust. If there is no dust coming off, then the process is working properly... if there is dust coming off the pile then they use water.*
- How often is the opacity reading taking and do you keep logs? *There are no logs. It is done every time the loader scoops the pile.*
- There is no agency that governs for aggregate? *Not on aggregate.*
- Do you measure general yard dust? Opacity readings? How do you measure? *We do not measure yard dust. We do sweep the roads as required.*

Mr. Clarkin states that the regulations that they have are for crushing. Mr. Clarkin hand Chairman Leonardis what is now labeled as Exhibit A-1 (DEP Certificate to Operate Control Apparatus) and Exhibit A-2 (NJDEP Air Quality Permit).

Mr. Miglis questions Mr. King:

- What is the dust... is it Portland, sand, stone? *Most of it is dirt from the property. Bare Earth being tracked.*
- Previous time to the Board, we were told the sand and stone are in bins that are part of the mixing process... so how is sand and stone at the bottom of the ramp. *Depending upon the orders, we stock pile sand and stone. The loader will get a bucket full, go up the ramp and put it in the bin.*
- Does anyone else go up and down the ramp? *Only the loader and dump truck.*
- How often are the dump trucks there? *Depending on the need.*
- Are they there everyday? *Yes... 20 to 30 dump truck loads a day. Staggered throughout the day.*
- I see the big trailer bringing in the Portland. Are they pumped into the tank? *Yes... Portland cement is self-contained.*

Chairman Leonardis re-iterates that there is no measuring of the yard dust. The process of mixing the cement is governed by the State. There is a volunteer opacity protocol that perhaps we can implement a more structured opacity test as part of the standard protocol.

Mr. Clarkin states that there was testimony that every time the loader goes into the pile, the pile is wet down. Therefore, what would be more structured? Per Chairman Leonardis, logging in the measurements, making sure the water has substantial coverage, that there is enough water. If there is a measurement mechanism, there must be a threshold that one can measure if its watered down enough.

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Mr. King states that the opacity reading is a visual inspection of dust. Either you see dust or not. When the loader dives into a pile and sees dust it means that it was not watered down adequately. That's when adjustments are made.

Mr. Clarkin asks Mr. King if there are tools available. Mr. King states he is not an air quality expert and does not know.

Mr. Bucco states with his discussion with the Borough Engineer / Director of Public Works there is constant concern about the dust. He would like to see a schedule. You must come up with a way to satisfy the Borough Engineer / Director of Public Works to control the dust on the site. Mr. Clarkin, he does not believe that this has anything to do with this case of a permanent garage. They do not want this to be part of this case.

Chairman Leonardis states when the applicant brought up air control we went it to be clear. There are Particulate Analyzers that may help with this issue. Some use lasers, others use technology he is not knowledgeable about.

Mr. Clarkin asks Mr. King and Mr. Earlen if they would be willing to look into such devices. Yes.

Mrs. Campagna questions Mr. King and Mr. Earlen about the purpose of having a State Representative on-site. *Department of Transportation (DOT) is on-site when they have orders for cement. The DOT personal does a quality control check on the cement mixture as it is being manufactured and prior to leaving the site for delivery to NJ Turnpike or State DOT jobs.*

Mrs. Campagna continues... Resolution from 2013 states the hours of operation to be 7:00 am to 5:00 pm Monday through Friday and 7:00 am to 12 noon on Saturdays. When did the hours of operation change? Mrs. Eichler states the number of employees have changed as well... From 18 employees to 30 employees. Mr. Earlen states that the nature of their business depends on the demand of their customers. A lot of customers like to beat the heat. Lately, they have had a lot of State work. The State likes to pour early in the morning or late afternoon into the evening.

Mrs. Campagna states that the Resolution was July 2013... so when did the time change? Mr. Earlen states that business started to pick up approximately two (2) years ago... which would be approximately one (1) year after the previous Resolution.

Chairman Leonardis states the employees have doubled.

Mr. Gustafson states that 40% increase in hours and 100% increase in employees. Is the garage intensifying the use of the site that does not conform to the previous resolutions? Mr. Clarkin states that there is no question that business has gotten better. However, that resolution did not have any limitation to the number of employees or hours of operation. Mr. Gustafson agrees.

Mr. Clarkin states that was the factual pattern at that time... now the factual pattern is different. Currently, there are approximately twenty-three (23) vehicles – twenty-four (24) drivers. We are proposing a mechanic and a mechanic's helper which brings you to 25 employees. There is a Sales Manager and an assistant, Plant Manager and Plant Mechanic.

Mr. Gustafson states that since the Resolution of 2013, there has been a substantial increase of employees however, the size of the yard has not increased. Mr. Earlen states that a lot has changed from 2011 to 2013 and to today. They are proud that business is growing. They have expanded the property since 2011. They purchased a half acre in the rear and purchased the other half acre next to it. Therefore, expanded to six (6) acres. Part of the 2013 application was to bring all of that together and make the property more efficient.

Vice Chairman Miglis asks if any of that expansion went to parking? No... Currently, the employee parking is behind the existing house. There is room for twenty-three (23) concrete trucks and a confirming number for cars.

Vice Chairman Miglis states he witnessed a cement truck pulling out of Ryan Street at 5:15 am this morning. You may reconsider your hours of operation. I have been by early in the morning and late in the evening. You have been outside of your hours of operation. Mr. King states our normal hours are 6 am to 8 pm. However, we do get request from DOT or Turnpike for earlier deliveries or late deliveries especially on hot days.

Mr. Gustafson states that the cars are not parking in the parking lot. They are parking in the green space that you established as improvements in the 2013 Resolution and that was today at 10:00 am.

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Chairman Leonardis stated that at approximately 10:00-10:30 pm he drove by and the gates were open. Someone was jack hammering. The tower lights were one. The house was wide open. Mr. King states that they do maintenance from 10:00 am to 6:00 pm but occasionally maintenance may run longer especially if the plant is to open the next day.

Chairman Leonardis states after hearing all that has been said and reading the application put before us previously, we are hearing a different intensity, timing, noise and dust. The Resolution states 5:00 pm. We are driving out there at 10:00 pm or better seeing tower lights are lite up and people jack hammering. That was not what was presented to us two (2) years ago.

Vice Chairman Miglis questions, was that the barrel being jackhammered. Yes.

Chairman Leonardis states that the noise can be heard clearly from the street. It sounded like a construction site. There is a noise ordinance. Looking at today's application - intensifying the site by adding a garage, adding mechanics – there is concern. You are going to come back when the hours of operations change or operation of the business changes. The site plan that was sent to us shows nothing of concrete spoils twenty (20) to twenty-five (25) feet in the middle of the yard. The excess concrete would be used to make bin blocks, not stock piling spoils to the point that it looks like a concrete dump. Those spoils are not just we went over a little. I cannot imagine you put that much excess in the trucks. Are we taking concrete in from other folks? Per Mr. King, to the best of their knowledge, they do not. We ship out to our customers what they order and bring back what they do not use.

Mr. Clarkin asks Mr. King and Mr. Earlen... are we accepting concrete from any other source? *No we are not.* Chairman Leonardis asks... it's all your own? Yes. Mr. Clarkin states that the answer here is to increase the frequency of the outside company to come and crush.

Vice Chairman Miglis states he did a site visit on a Sunday. There was a tremendous collection of dust during the crushing... either the crusher was not using water or the system was down. There seems that there maybe a managing issue. We heard that hours of operation are Monday through Saturday... But this was a Sunday. Mr. Clarkin states that this contractor does work on the weekend. Vice Chairman Miglis continues by stating that he witnessed this a lime green beautiful concrete crushing plant that must cost a half a million dollars - a state of the art machine - with dust spilling from the top and on a Sunday. Mr. Clarkin states that when they return, they will bring a representative from Danco General Contracting – the company who crushes the concrete.

Mr. Bucco states that was what he understood... the crusher would be working on a Sunday. Mr. Bucco asks for a clarification. Is the applicant taking outside materials to be recycled? Per Mr. Clarkin they are not taking outside materials.

Mr. Clarkin asks the Board if there are any other concerns.

Chairman Leonardis re-iterates that they have DEP governing the process. An air quality issue. They have to issue a separate air quality permit to run the crusher. That was submitted earlier (Exhibit A-1). He was under the impression that the air quality permits submitted earlier were for the air quality control on the manufacturing. Mr. Bucco confirms that they do have a Certificate to Operate a portable apparatus – jaw crusher.

Vice Chairman Miglis has heard there are new regulations for Silica. Mr. King and Mr. Earlen are not air quality control experts. Mr. Gustafson asks if they have an air quality person. No, they use a consultant.

Vice Chairman Miglis are all your plants operated in the same manor or does this one have more issues. Per Mr. King all the plants are operated the same. This is the busiest or second busiest operation. Therefore, small issues get magnified. It is one of the smallest by acreage.

Vice Chairman Miglis states that the last time they were in front of the Board, one of the principles of the company states they were going to use shoot guards. Is there a reason that has not gone into the operation? Mr. King states that back in 2013, OshKosh who manufactures the ready mixt trucks did not offer them for the model of truck they use. However, learning about the resent spillage, they have asked their Fleet Manager to work with OshKosh to come up with something specifically for their issue.

Mr. Earlen states that in the past two and a half (2.5) to three (3) years Sil-Crete has gotten busier as well as being a construction site. Having a new work place will help with the congestion on the site.

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Mr. Gustafson states he saw a mechanic working outside... by the scale. He continues to say that prior testimony, it was stated you will have no hydraulic lifts. Mr. King states no car lifts. The fork lift and the shoots are hydraulic.

Chairman Leonardis states he is concerned about the huge spoil pile in the middle of the site. Its unusable space... in a smaller site.

Mr. Dickerson asks to confirm... there are thirty (30) employees currently – Sil-Crete employees only. Correct... Does not include DOT representative.

Mr. King states that the DOT employee is on-site approximately 80% of the time. This is mandated by DOT. The DOT employee does a pre-delivery quality inspection of the concrete prior to the truck leaving Sil-Crete to delivery to DOT State jobs or New Jersey Turnpike jobs. The inspector is checking the air in the concrete, consistency of the concrete and if it matches the approved DOT formula.

Mrs. Campagna asks where the other locations are. Mr. Earlen states that Sil-Crete only owns the South Plainfield location. However, it is part of the Silvi Group which has nine (9) facilities in New Jersey and Pennsylvania. The largest location is Millstone, New Jersey which is approximately 13 acres.

Chairman Leonardis asks who makes up the Silvi Group. Silvi is owned by two (2) brothers. There are four (4) divisions: Sil-Crete is a real estate holding company that does business as Silvi Concrete of South Plainfield; Sahara Sand is their sand mining division; Gibraltar Rock is their hard rock quarry; Riverside Cement which is an import terminal in the Delaware River which imports the Portland cement from Greece, Italy, Korea etc.

Mr. Dickerson re-iterates:

- Thirty (30) Silvi employees.
- One (1) DOT employee there 80% of the time.
- Twenty-four (24) drivers.
- Twenty-three (23) trucks.
- Pick-up truck - Ford shop 350 - Front end loader
- The use is still manufacturer of ready mix concrete.
- They recycle unused concrete.
- Part of the thirty (30) employees is a sales person.
- Are there any other people that are on site? Just the crusher.

Mr. Gustafson noticed that when he was doing a visit site, looked like the body of one truck was being pulled off and fitted onto another truck. In that number of 23 trucks, does that count the truck that is down. There are 23 trucks on site. If one is down for long term, they may pull another truck from another location but typically 23 trucks. In the facility is there room to have a truck down and have another truck come in. Do they swap gliders on the site? Mr. Earlen states they do not plan on doing large repairs or maintenance. They do not do them in other sites. They are done in the Fairhills, Pennsylvania site.

Chairman Leonardis requests that at the next meeting, the applicant to have a list of activities that will be done at this facility.

Mr. Dickerson asks with the new structure, do they anticipate any change in the number of employees? Mr. Earlen states they do not anticipate a change in number of employees. However, depending on the market that may change.

Chairman Leonardis states that with the new facility, there will be deliveries of oil, parts, materials etc. He would like testimony to the intensity to support the operations in the building.

Mr. Bucco asks if the applicant has any objections as to putting a height limit on the spoil pile. Mr. Clarkin states that they will look into increasing the frequency of the crusher. Currently, it only comes twice a year.

Craig Stires – 43 West High Street, Somerville, New Jersey - is sworn in and accepted as a Professional Engineer. He states that the 2013 work is coming to conclusion. South side has a loading ramp. Behind the top of the ramp are the loading bins. The conveyor has been rotated to align with the bins. West of that is a series of storage bins for sand and

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stone. North of the ramp is the storage of the concrete spoil pile. Further west is the parking and storage of the trucks. There are four (4) more north of the plant. Currently have nineteen (19) spaces for the trucks. The small house that is the office at the north end by Hollywood Avenue has nineteen (19) parking spaces. The house will be demolished. There is an eight (8) foot setback. There is no bulk variance required other than possibly a height variance. There is a possible height change from thirty-seven (37) feet to twenty (20) feet by using a flat roof. The pitch of the roof would change not the inside dimensions.

Chairman Leonardis questions Mr. Stires:

- Will there be any overhead cranes? *No.*
- Any lifts? *No.*
- Auto or Truck lifts? *No.*
- Will there be a structure in the building for hoisting? *No. The building will be 90' X 60' with an open floor plan.*

Mr. Gustafson asks if the road is being redesigned on Mack Place. Mr. Clarkin states that they were asked to curb up to the entrance of the facility. There was no legal obligation to curb and pave to the end. Mr. Gustafson states that the reasons he asks is that the trucks exit onto Hollywood then a left onto Mack then left back into the site to the scale. They are using the right-a-way twice for their operation. Mr. Clarkin states that they improved the portion of Mack Place that they utilize.

Mr. Bucco states that the Borough can request the site improvement in the front of the property. Mr. Clarkin states that he does not believe the nexus exists.

Mr. Stires reviews Mr. Bucco's review letter dated June 7, 2016 – Grading, Drainage & Utility comments. Mr. Stires states that the site has been designed for the fifteen (15) year and hundred (100) year storm. The inlets are not being inundated. There are permanent measures inside the catch basins.

Mr. Bucco would like to meet with Mr. Stires to review the drainage plans closer.

With reference to Lighting and Landscaping Comments in Mr. Bucco's review letter, Mr. Stires can provide an As Built survey. Mr. Bucco states there is un-stabilized soil in the north east corner. Again, Mr. Stires and Mr. Bucco will review thoroughly during their meeting.

Mr. Stires states that they have updated their lighting plan from the previous approval.

Mr. Clarkin addresses Item I – Miscellaneous on Mr. Bucco's letter. He states that since the site is still being worked on from the previous approval, will an As Built survey be acceptable. Mr. Bucco state yes.

Chairman Leonardis requests from the applicant for the next meeting to have a list of improvements not completed as of yet from the 2013 Board approval.

Chairman Leonardis asks Mr. Stires to demonstrate the location of the new building using Exhibit A-3. The proposed 60' X 90' building will be construct where the existing parking lot is located. The new parking lot will be where the existing home (office) currently is located. There will be nine (9) additional parking spots going along the driveway. The current parking lot has not curbing. The proposed parking will have curbing.

Chairman Leonardis would like landscaping enhanced in front and east of the proposed building. Mr. Stires states that with the catch basin and sight lines, they are limited on what they can do.

Vice Chairman Miglis questions Mr. Bucco if he is comfortable with the number of parking spaces. *Yes.*

Mr. Stires states the drivers park their personal vehicles in the space that their truck is in. Therefore, an additional 15 parking spaces available. Currently have 34 parking spaces. There are 45 parking spaces proposed. The shed and trailer will be removed. No land/sea boxes or trailers will remain on the property once garage is built. All storage will be inside the proposed building.

Chairman Leonardis asks if the proposed garage will be an insulated metal panel building. *Yes*

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Vice Chairman Miglis asks if there is a diagram of what is paved. Mr. Stires states on sheet three (3) of the plans shows the areas of concrete:

- The storage bins areas.
- Loading ramp.
- The storage area north of the ramp.
- Middle of the site.
- Truck parking area.
- Around the process plant.
- The two (2) driveways coming in and out.
- The proposed parking area.

Vice Chairman Miglis asks Mr. Stires if there is a sweeping plan? Do you have a contract with someone to come in? Yes, *once a week for six (6) hours*. Vice Chairman Miglis suggest that they may want to increase the frequency. They sweep Ryan and Hollywood Avenues.

Mr. Stires states he will add a page to the plans showing the layout - what is concrete, paved, gravel etc.

Mr. Gustafson asked where on the proposed plans is the recycling pile to be located? Mr. Stires states on sheet three (3) the area marked 'Riveting'.

Chairman Leonardis states that for the next meeting they will show on the plans the area of the recycled concrete with dimensions of the area and height.

Chairman Leonardis asks what the parking in front will be used for. Mr. Stires states they will be used for the employees.

Sil-Crete will return to the Board on October 4, 2016.

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURMENT: 9:35 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary