

**PLANNING BOARD  
MINUTES**

**May 21, 2012**

On the above date at the Port Republic School, 137 Pomona Road, Port Republic, New Jersey, Planning Board Vice-Chairman Gail Haviland called the meeting to order at 7:00 PM and made a statement in compliance with Sunshine Law.

**Roll Call**

**Members Present:** Steven Allgeyer, Nick Capille, Mayor Gary Giberson, Gail Haviland, Robert Haviland, Barry Horas, Jack Kelly, and Virginia Laird.

**Board Secretary:** Vicki Cantell

**Board Attorney:** Mike Fitzgerald

**Members Absent:** John Fallucca, Councilwoman Donna Riegel and Wayne Smith.

**Minutes** – On the motion of Mr. Horas, second of Mr. Capille and carried unanimously to accept the minutes of May 14, 2012.

**City Council Report** – No report.

**NEW BUSINESS**

**City of Port Republic** - City Attorney Keith Davis presented an application for resource extraction (mining of gravel) at Block 24, Lot 34. A D use variance is required. The site would consist of an open pit, an office trailer, parking, and a truck weigh station. This site has a history of mining gravel having been used for the construction of the parkway, emergency city repairs and as a site for dredging spoils (which will be remediated during the project if approved.) This site is uniquely situated to the parkway interchange scheduled to be constructed. If the interchange is not constructed, direct access to the parkway could easily be created.

Councilman Roger Giberson and Matt Doran, City Engineer, were sworn in.

Councilman Giberson stated that he has been on city Council for 10-12 years and that Council has been working towards opening this gravel pit for years to use the income to help defray city costs and keep our taxes down. With the need for construction of a new city hall that income would be timely. This property had been acquired through a tax lien and had been used to supply the parkway construction in the past. The city has received request for gravel and the City Council hopes to use the gravel in this latest parkway expansion. A CAFRA permit has been obtained. Councilman Giberson felt this was a good idea and an appropriate site. The location has naturally good buffers to help reduce noise and views of the project. When completed the site would be gently graded and the city would then have five buildable lots. The property would

be leased through bidding with the City having final responsibility. There will be a \$400,000 bond

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and one year's rent if the leaser fails to fulfill their obligations. This project would fund the city hall, buy a needed backhoe, and have money leftover.

Matt Doran presented the site plan. The existing access would be used from Moss Mill Road. The site consists of 28 acres of which only 18 acres would be mined. He presented an aerial view showing a 250 foot natural buffer to Pomona Road and 50 foot buffers to Galloway and the city-owned open spaces 'Raring' property. The pit would be 400 feet to the nearest home, 580 feet to the next nearest, and 505 feet to the campground. He noted that the water at this site runs toward the creek. When completed it would be graded with a 4 to 1 slope with seeding and will revegetate in a few years.

An enlarged plan was presented showing the location of the trailer and weigh station being 22 feet from the property line. During construction the site would be totally enclosed by a 6 foot high chain link fence and after completion a split rail fence would delineate the start of the slope. The existing access is gravel and will need minimal repair. Emergency vehicles would be able to use the road easily.

Mr. Doran noted that the location is particularly suitable due to the parkway access eliminating the need for trucks to go through town. There is plenty of buffers to reduce noise and that the site must meet noise control standards.

Lance Landgraf, Board consultant, was sworn in. Mr. Landgraf has reviewed the plan submitted and stated that he found no fault with the plan. It meets all the requirements and addresses all concerns. The application meets all the use variance criteria. The location is outside of Pinelands, it's not in town, and has access to the parkway and county roads thereby eliminating the need to go through town. The buffers are more than adequate and meet the guidelines in the city requirements. Using the city ordinances as guidelines, all required information is on the plans. The top soil will be saved and along with the dredging spoils will be available for restoration with seeding being done for stabilization. The site will be grown back within 5 – 15 years. Responsibility and bond are adequate. The trailer and weigh station are to be removed upon completion.

There would be a review/update before Planning Board required every five years. There is no problem or impact with soil retention. The site would be fenced in during the operation and a split rail fence after completion. Moss Mill Road access is acceptable. The maximum depth of 31 feet would not be a problem as the ground water level is below that. Restoration requirements are met and end use will be housing and the 250 foot buffer reinforces the suitability.

Concerns with storm water will be addressed by adding storm water retention to the plans.

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**Questions** from the Board were answered.

The city is asking that the operation be approved for up to ten years to allow for possible delays in start-up. The intention is for short-term lease for three years with a possible fourth.

Reconstruction begins at the 250 foot buffer with a 4:1 slope which will be a basin like appearance.

Once complete any planned development would come before the Board for a subdivision approval.

As part the CAFRA approval, the City has deed restricted an equal 28 acres along Nacote Creek as remediation for disturbance at the site.

The project will be awarded in an open bid process as required of the city.

Mr. Haviland suggested that the tenant be held responsible for maintenance of the fence and that it should remain in place after completion to control ATV access.

The growth of the pit will be monitored by the city requiring a survey for review every six months.

### **Open to the Public**

Mrs. Daniels who has the property across the street from the site expressed her concerns regarding the noise in general and at night in particular. She asked if the city were willing to limit the hours of operation. She was informed that controls were in place and the site must meet state noise requirements. The City agreed that the leasee will be responsible for checking noise control. The lease will require the leasee to submit noise level reports in the six month review.

Mr. Daniels also noted his concerns with the hours of operation, dust, and property values. The possibility of loaders using strobe lights instead of audible alarms was suggested

The possibility of a solid wood fence was discussed and approved

It was also suggested that the removed top soil be used as a berm to reduce the noise but it was noted that the clearing necessary for its construction would eliminate any noise reduction gain.

All were informed that anyone can review the lease before it is adopted.

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The Mayor restated that this is intended to be a short term project and the city plans to be careful when choosing a leasee. Supplying the parkway construction is the main objective.

It was reiterated that the 10 year request is due to an unknown start date. Once started the project has an anticipated run of 3 to 4 years. The city anticipated that 1.6 million yards of gravel can be safely removed and that the proceeds will help keep taxes low.

A motion was made to approve the use variance along with granting preliminary and final approval with the change of a solid fence along Pomona Road with periodic noise sampling at least every six months if OSHA approves, strobes lights are to be used at night, fences will be left up permanently, and the project is limited to five years once the mining begins.

On the motion of Mr. Horas, second of Mr. Allgeyer and carried unanimously to approve the use variance with the conditions noted.

On the motion of Mrs. Laird, second of Mr. Allgeyer and carried unanimously to approve the resolution subject to noted changes.

**PAYMENT OF BILLS** - On the motion of Mr. Allgeyer, second of Mr. Horas and carried by unanimous roll call vote to pay the bills.

**ADJOURNMENT** - On the motion of Mr. Allgeyer, second of Mr. Haviland and carried unanimously to adjourn the meeting at 8:27 PM.

Respectfully submitted,

Vicki L. Cantell  
Secretary