

September 20, 2022

The meeting of the Wantage Township Land Use Board was held on Tuesday, September 20, 2022. The meeting was held in compliance with the provisions of the Open Public meetings act, P.L. 1975, Chapter 231. It was properly noticed and posted to the public.

SALUTE TO THE

Mr. Dudzinski invited all persons present to participate in the Pledge of Allegiance.

ROLL CALL

Present: Chris Darmstatter, Patricia Green, George Unverzagt, Dan VanDerBerg, Warren Wisse, Justin Dudzinski. Absent: None. Also present; David Brady, Attorney, Harold Pellow, Engineer, Jessica Caldwell, Planner and Secretary, Jeanne McBride.

APPLICATION

L-2022-06

Charles Meissner / Tri-State Topsoil

Block 117, Lots 34

260 Route 565

The property is located in the Highway commercial (HC) Zone. The applicant is seeking preliminary major site plan approval and a “D” variance. The applicant proposes to operate a commercial topsoil processing operation or similar use.

Mr. Brady introduced the professionals Ms. Caldwell & Mr. Pellow. Mr. Brady explained because of procedural issues the court remanded the application back to the Land Use Board, to a temporary appointed board. The board is to hear the case anew. Mr. Brady then explained meeting procedures with the Board.

Neither Mr. Hooker or Mr. Kelly had anything to add to Mr. Brady’s remarks.

Mr. Pellow deemed the application complete.

Mr. Brady asked for a motion, to deem the application complete and grant the waivers requested. Mr. Unverzagt made the motion seconded by Mr. Darmstatter. Ayes: Carried, Opposed, None.

Mr. Tod Hooker of the firm Askin & Hooker, LLC representing Mr. Charles Meissner introduced the himself and explained the application. Tri State Bulk Topsoil is the tenant on the property. Mr. Hooker described the business operations.

Mr. Ken Dykstra, PE, planner and surveyor of Ball Green Parkway, Jefferson, was sworn in and accepted as an expert.

Exhibit A101, dated 09/22/2022 a colorized version of the site plan submitted with the application. Mr. Dykstra described the approximate (7) seven-acre site, including the vehicles, truck maneuvering and materials. He also described the required drainage and the stormwater management plan approved by the County and the DEP. Mr. Dykstra explained the sign placement and the reason for the variance. He discussed the temporary office trailer and the placement of the future permanent office building, septic, well and security lighting. Discussion regarding the presence of fill and land disturbance ensued.

Mr. Brady opened the application to the Board for any questions of Mr. Dykstra. Mr. Dudzinski, question the road opening size Mr. Dykstra explained the size of the opening is based on the business.

Mr. Unverzagt asked if there was a revised current site plan, Mr. Dykstra as per the recommendation of Mr. Hooker explained the site plan.

Exhibit A102 is the site plan submitted with the packet, dated 03/26/2019 revised 03/04/2022 sheet three of thirteen.

Mr. Dykstra described the site plan, setbacks, parking, building and topography including low areas.

Mr. Brady asked if the sign was lit (no).

Ms. Caldwell asked if the lights were security or work assistance. (security).

Mr. Kelly questioned the screening from Route 565, Mr. Dykstra described the partial tree screening. Discussion of the driveway in partial wetlands transition area, stormwater detention basin in wetlands (no). Is there an after the fact application before the DEP for the wetlands? (yes, applied 8/2021). Mr. Kelly discussed the County report and the traffic, Mr. Dykstra explained he assisted the County with the information in the report. Discussion regarding dust control and the water truck plan ensued. Mr. Dykstra recommended the questions regarding business operations be directed to Mr. Franchino, the business owner.

Mr. Dudzinski opened the application to the public for any question of Mr. Dykstra.

Mariusz Zadroda, 240 Route 565, questioned the hours of operations, and the noise control. Mr. Dudzinski explained those questions will be reserved for the business owner.

Mr. Emil Conforth 197 Route 565, discussed a berm and its purpose, Mr. Dykstra explained it is a buffer for privacy. Nothing to do with drainage.

Chris Barklow, 87 Brink Road, requested the DEP approved permits. (The permits have not been approved as of yet, the DEP has been to the site and has not shut down the operation.)

Mr. Brady swore in Mr. Nick Franchino, 260 Route 565. Mr Franchino has his own representation, Mr. Robert Mattia. Mr. Franchino describe his location, prior location,

hours of operation 7:00 am to 5:00 pm, Mon – Fri, Saturday 7:00 – 2:00 pm, closed on Sundays. six employees. They truck in sand, compost materials and screen together. The sand comes from 284 Aggregates; compost comes from DEP approved sites in NJ. The compost comes decomposed and ready to use. He sells four or five different color and blends of mulch, crushed stone, stone dust and quarry process. Mr. Franchino described the trucks he owns; one tractor trailer, four tri axel dump trucks, one single axel dump truck, and two front end loaders. He then described the screening process using the power screener, water truck and a sprinkle system using the well next door. The water truck is used once a day and filled once a day.

Exhibit A103 document Tri State Bulk letterhead titled Dust Control Plan 08/13/2001 Wantage Township.

Eight to ten trucks in, and eight to ten trucks out, on a busy day.

Dan VanDerBerg asked about the smaller landscaping jobs. (five or six per day)

Discussion regarding holidays ensued. (closed on all major holidays)

Mr. Darmstatter, asked what happens to the rejected screened materials. (Mr. Franchino explained it is used for fertilized)

Mr. Kelly asked how long the business has operated at the Meissner property (third year), discussion regarding the prior location, approvals, lease, the running of the business, the testing of the sand and compost material. (The material is only tested if Mr. Franchino's customer requires testing.) Mr. Kelly questioned the piles and the watering of them, Mr. Franchino stated the dust from the piles doesn't blow.

Mr. Dudzinski opened the application to the public for any questions for Mr. Franchino.

Mr. Emil Conforth, 197 Rt 565, asked what is the compost made of, and the testing of the product, Mr. Franchino explained he only buys finished products.

Mariusz Zadroga, 240 Route 565, questioned the sprinkler and the water truck area to control the dust.

Kevin Juchiewicz, 216 Rt 565, asked the operational months, optimal weather for making the topsoil, the process and the residual product, weather issues, employees and their positions, (four truck drivers and two people in the office).

Mr. Dudzinski closed the application to the public.

Mr. Dudzinski announced a five-minute break.

Mr. Hooker discussed the watering procedure, Mr. Franchino explained the piles do not produce dust, the roadway with the trucks driving over causes the dust.

Mr. Dudzinski open the application to the board for Mr. Franchino.

Mr. Brady asked if any water was applied to the piles of materials, Mr. Franchino explained around the piles not on top of the piles.

Mr. Brady swore in Kim Maguire, 35 Deerfield Dr., Franklin NJ.

Mr. Hooker asked Ms. Maguire to explain her position and duties, she is the office assistant she runs the office. She explained they only buy certified compost; the certificate allows the sale of compost. There is a website with DEP approved mulch. A104 certificate allows the sale of compost, A105 defined by classes, certificate allows compost and additional materials.

Exhibit A104 license certificate for three MUA's as a certified DEP only compost approved to be sold.

Exhibit A105 NJDEP Class C recycling facilities. Millburn and Springfield are Class C recycling facilities that Tri-State does business with.

Discussion ensued regarding, 284 Aggregates sand testing, leaching from the piles, truck testing, the Wantage Soil Importing and Exporting Ordinance. Ms. Maguire, explained she went to town hall to pick up a permit, at the town, she was told it was not applicable to the business. Tri state bulk is closed on all major holidays. She discussed the customer base; local schools, DPW's, Townships.

Ms. Green asked if they have ever received a bad test result. (Once, but when tested at the lab it passed)

Mr. VanDerBerg asked if they were open for special requests in the winter, (yes with stockpiled product).

Mr. Dudzinski closed it to the Board and opened questioning to Mr. Kelly.

Mr. Kelly asked who told them to get a soil permit, Ms. Maguire explained it was on the paperwork. She was advised by Ms. McBride in 2020 that a soil importation permit was not applicable.

Mr. Dudzinski open the application to the public.

Mariusz Zadroga, 240 Route 565, discussed the testing of the sand from Route 284 Aggregates, and also holidays.

Emil Conforth, 197 Route 565 asked if Morris County MUA and RER was a source of the materials? (yes) He also discussed 901 requirements, and soil testing.

Chris Barklow, 87 Brink Road, asked if Tri State has all the approvals and licenses required by the Wantage Township. (yes)

William La Sala, 123 Rose Morrow, discussed DEP approvals and the operation of the business.

Mr. Kelly asked Ms. Maguire how you become a participant of the company they purchase mulch from, Ms. Maguire responded that each year the approved facilities send the pricing list.

Mr. Dudzinski, closed the application to the public for Ms. Maguire,

Mr. Kelly stated if Mr. McDonough is unable to be here how does Mr. Flynn testify to Mr. McDonough's work. Mr. Dykstra stated he will check for Mr. Flynn's availability.

Mr. Brady asked for a memo from the attorney's regarding the soil importation and their opinion on how it relates to this business.

Mr. Dudzinski stated the application is being carried to the October 18, 2022 meeting

ADJOURNMENT

Mr. VanDerBerg made the motion seconded by Ms. Green to adjourn. Ayes Carried.

Respectfully submitted,
Jeanne M McBride, Secretary