

BOROUGH OF SOUTH PLAINFIELD  
ZONING BOARD OF ADJUSTMENT MINUTES  
June 19, 2018

**Vice Chairman Gustafson** 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 Adjustments, not to hear any new applications after 10:00 pm and no new witnesses after 10:30 pm.

**ROLL CALL:**

**Present:**

**James Gustafson, Vice Chairman  
Maria Campagna  
Darlene Cullen  
Cindy Eichler  
Frank Lemos  
April Wasnick, 1<sup>st</sup> Alternate**

**Absent:**

**Gino Leonardis, Chairman  
Ken Bonanno  
Joseph Scudato, 2<sup>nd</sup> Alternate**

**Also attending:** Larry Lavender, Esq.; Stanley Slachetka, PP, AICP, Bob Bucco, PE, CME, CPWM

**MINUTES:** None

**RESOLUTIONS:** (6)

**A. Case #12-17 -- Dolores Martin  
Block 148: Lot 2: R-7.5 Zone  
1115 Walnut Avenue**

Vice Chairman Gustafson calls for a motion to **approve** the above listed Resolution. Mrs. Campagna made motion, seconded by Mr. Lemos. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Vice Chairman Gustafson. Those oppose: None.

**B. Case # 17-18 -- Scott Bechtoldt  
Block 418: Lot 1: R-10 Zone  
2024 Hamilton Boulevard**

Vice Chairman Gustafson calls for a motion to **approve** the above listed Resolution. Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Vice Chairman Gustafson. Those oppose: None.

**C. Case # 18-18 -- Erin Wyzykowski-Murphy  
Block 369: Lot 3: R-10 Zone  
1142 Lorraine Avenue**

Vice Chairman Gustafson calls for a motion to **approve** the above listed Resolution. Mrs. Campagna made motion, seconded by Mrs. Eichler. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Vice Chairman Gustafson. Those oppose: None.

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**HEARING:** (2 Residential – 1 Commercial)

**A. Case #19-18 -- Brian Aguilar  
Block 176: Lot 5: R-7.5 Zone  
2330 Oxford Avenue**

The applicant is requesting to construct a 28' X 7.7' addition to a pre-existing non-conforming structure. Variances being requested: Lot Area -- Required: 7,500 sq. ft. -- Existing: 6,250 sq. ft. -- Variance 1,250 sq. ft.; Lot Width -- Required: 75' -- Existing: 62.50' -- Variance 12.50'; Side Yard Setback -- Required: 8. -- Existing: 7.7' -- Variance .3'.

The applicant did not have the Affidavit of Notice. However, has told the Board that it was in the Courier News. While Mrs. Broderick searches on the Courier News website for the Affidavit, the Board will hear the next case.

Brian Aguilar – 2330 Oxford Avenue, South Plainfield, New Jersey – applicant, is sworn in. Mr. Lavender stated that the Notice has been found. However, there is no Affidavit. Mr. Aguilar stated he has the email conformation. Mr. Lavender asked Mr. Aguilar to forward the email to Mrs. Broderick. Mr. Lavender stated that the hearing may proceed without the formal Affidavit since the Notice was located on the Courier News website.

Vice Chairman Gustafson asked Mrs. Broderick to confirm the side setbacks for the zone... confirmed eight feet (8'). The current setback is 7.7'. Vice Chairman Gustafson asked Mr. Aguilar if he can reduce his addition by three inches (3"). Vice Chairman Gustafson stated as the house exists, there is a 15.76' setback. Is unable to tell by the survey if Mr. Aguilar is requesting a 7.7' addition or side setback. Mr. Aguilar stated 7.7' from the property line.

Vice Chairman Gustafson advised Mr. Aguilar that he may want to proceed with the application with no guarantees of approval or he may want to reduce his addition by three inches (3").

Donna Bullock stated that on the floor plan that was submitted, the addition appears to be 7.7'.

Mr. Lavender explained to Mr. Aguilar that a setback of eight feet (8') is required... the addition needs to be eight feet (8') from the property line.

Stan Slachetka stated he believes the addition conforms. Vice Chairman Gustafson stated the plans are not to scale. Ms. Bullock stated by calculating the sizes, it's conforming. If the numbers are correct, the proposed setback is slightly over eight feet (8'). Ms. Bullock stated that the larger set of plans state the addition will by 7.7'. Therefore, the proposed setback will be approximately 8.1'.

Vice Chairman Gustafson stated that after the discussion with the Board Professionals, he recommended to the Board to take no action and have Mr. Aguilar return to the Zoning Official with the plans. Confirm with the architect that the proposed setback will be 8.1' – therefore, not requiring a variance. If there is a different determination, the Board will have Mr. Aguilar return to the Board without Prejudice and re-notice.

Ms. Bullock stated that the front setback closes to the street then the rear but meets all requirements.

Mr. Lavender advised Mr. Aguilar to speak with the Zoning Officer. That the Board determined that there is no side yard setback required.

Vice Chairman Gustafson open the discussion to the Public. No questions or concerns.

**B. Case #20-18 -- William J. & Lora J. McLean  
Block 210: Lot 12: R-7.5 Zone  
146 Jerome Avenue**

The applicant is requesting to construct a 20' X 11.9' deck to a pre-existing non-conforming structure (corner lot). Variances being requested: Lot Area -- Required: 7,500 sq. ft. -- Existing: 6,250 sq. ft. -- Variance 1,250 sq. ft.; Lot Width -- Required: 75' -- Existing: 50' -- Variance 25'; Second Front Yard Setback: Existing 14.50' --

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Required 30' -- Variance 15.50'; Side Yard Setback (dwelling) – Required: 8. -- Existing: 5.5' -- Variance 2.5;  
Side Yard Setback (deck) – Required: 8. -- Requesting: 6.7' -- Variance 1.3'.

William J. McLean – 801 Lorraine Avenue, South Plainfield, New Jersey – the applicant, addressed the Board. Mother lives in his first home. Trying to sell it. Has an existing deck that requires a variance... too close to the neighbor's property.

Mr. Lavender asked Mr. McLean if he is adding a new deck. Mr. McLean stated no... he built the deck thirty-five (35) years ago.

Mrs. Cullen asked if Mr. McLean took a permit out. Mr. McLean stated 'no one took permits back then'.

Vice Chairman Gustafson stated this is an undersized lot. The front of the home is on Jerome and side on Norwood Avenue.

Vice Chairman questioned Mr. McLean:

- Is deck running to the side of the house when looking at the home from Jerome? *Yes... it goes from the middle of the house in the back to the right side of the house.*
- How far pass the home to the back? *Approximately twelve (12') feet.*
- Is there approximately six feet (6') from the property line to the deck and the home? *Yes. Comes up to the footprint of the house. It takes up the footprint of a patio that was once there.*

Vice Chairman Gustafson stated that the front of the house is 14.5' from the right-of-way which is pre-existing non-conforming.

Vice Chairman Gustafson informed Mr. McLean that any decision made by the Board does not have anything to do with the requirements of the Building Department. Mr. McLean stated he understood.

Mrs. Campagna asked when looking at the survey on the left hand side, there is a notation of a 1 story.... What is it? Mr. McLean stated it is a screened in porch or a breezeway. It is still there.

Vice Chairman Gustafson stated there are two (2) front yard issues which are pre-existing non-conforming.

Vice Chairman Gustafson asked if the porch is enclosed or roofed. Mr. McLean stated no. Vice Chairman Gustafson continued... Would Mr. McLean except as a condition, that the deck cannot have walls or a roof. Mr. McLean stated absolutely.... Trying to sell the home. Ripped up some of the deck boards to show the architect the footings. At the time the deck was built, Mr. Marsh had lived across the street who was the Borough Engineer. When Mr. McLean built the deck, he would question Mr. Marsh. Since then, Mr. Marsh has passed away.

Mr. Lemos asked if the deck has been inspected by the Building Department. Mr. McLean stated no... He was told he had to have Board approval first.

Vice Chairman Gustafson opened the discussion to the Public. No Public comments or concerns.

Vice Chairman Gustafson stated that this is a typical pre-existing non-conforming issue. It is an existing deck for a number of years. The footprint of the house will not be moved for the setbacks. The applicant had agreed to the condition of not enclosing or roofing the deck.

Vice Chairman Gustafson calls for a motion of **approval**. Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Vice Chairman Gustafson. Those oppose: None.

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**C. 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. Carried from September 7, 2016 hearing.

James F. Clarkin, III – Clarkin & Vignuolo, PC, 1100 Centennial Avenue, Suite 203, Piscataway, New Jersey – attorney for applicant addressed the Board. This is an application for a D-2 Use Variance expansion. Also need a bulk variance for the height of the garage. The maximum height is fifteen feet (15') and proposed is twenty feet (20'). Also seeking an amended preliminary and final site plan approval. The property is located in the M-3 zone – heavy industrial zone. Would like to demolish the single family home that is used as an office and construct a garage structure that will allow the applicant to repair and maintain trucks and equipment onsite. The garage will have offices for the employees of the applicant as well as the requirement of having a separate office for the New Jersey Department of Transportation inspectors who are always onsite inspecting the product most of which go to Municipal, County or State roadway projects. Also acknowledged there are more employees and more concrete deliveries since the approval in 2013. Therefore, this is also an expansion of the business that will require a variance relief. Last before the Board in 2016 where the Board requested additional documentation for seven (7) particular issues that are documented in Mr. Slachetka's report on April 4, 2018. There has been a number of improvements that the applicant has made regarding dust issue which has been the primary issue. There will be testimony that the crushing of concrete has been discontinued. It stopped in the summer of 2017. In the applicant's opinion, the crushing of concrete is a major contributor to the dust issue. Waste concrete is now taken off site to a Class B recycling facility which is not in South Plainfield. Sil-Crete has switched from dry, crushed stone to washed aggregate. Washing of the stone removes the dust from it. Relocating the 'bag house'... a vacuum system that sucks up the dust. It has been relocated closer to the mixer. Purchased a modern water trailer which is used to wet down the stone and dirt areas. One (1) of the proposed improvements is five thousand (5,000) square feet of additional paving... areas of dirt and stone. If this paving is approved, there will be no areas of dirt or stone left on site. A lot of the improvements are result of a dust management survey conducted by an Engineer - a Air Quality Consultant. Copies of the reports have been submitted and will be introduced as evidence. At all times that this facility is in operation it is in accordance of the State of New Jersey Air Quality regulations. Have permits. Have passed the unannounced visits from the State of New Jersey Inspectors. There are four (4) witnesses. One (1) being from the applicant who will discuss the business operation... the second is Robert Frank who is the Air Quality Consultant and followed by Craig Stires, Engineer who will review the amended site plan and Richard Lapinsky, Planner who will justify the variances.

Mr. Slachetka stated that the applicant is seeking a D2 variance and there are variance standards specified in the Borough's ordinance. Mr. Clarkin stated that the first witness will testify that all of those items, noise, smoke, heat, glare and risk of fire is not present. The only item that needs to be dealt with is dust and does not believe it needs to be a variance because the applicant has the proper permit and meets all inspections.

Mr. Slachetka continued... that is important because the Board Members must be convinced that the applicant meets all those standards. If the Board does not think this is all in compliance, that would require a D1 – Use Variance. The requirement in the ordinance states that any use that is not in compliance with any of the standards in the ordinance is not permitted in the industrial zone.

Frank King – Vice President of Operations for Concrete and Aggregate – fact witness. Responsible for overall management of operations for the South Plainfield location. Using the colored rendering of the plans before the Board:

- Raw material – come off of Hollywood Avenue to Mack Place.
  - Truck scale – all trucks are weighed in and out... loaded and unloaded.
  - Load service bins with aggregate.
  - Will circle back out and stop on scale. Quality control for inventory. Check that quantity is equal to order.
- Delivery of cement, fly ash, production of concrete.
  - Trucks scale – all trucks are weighed in and out... loaded and unloaded.
  - Trucks pull up to the manufacturing facility.
  - Load cement up to the silos.

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- Circle back to scale.
- Redi-Mix trucks.
  - Process similar.
  - Display showing truck number when mixture is ready to get loaded.
  - Truck gets loaded.
  - Pull around to process area.
  - Wash down.
  - Tested.
  - Leave to job site.
- Aggregate is brought in by dump truck.
- Loaded in bins by dump truck.
- Loader will come to help load bins.
- Service bins drawn up by a conveyor belt into aggregate silos.
- Aggregate, cement and water all have separate scales.
- Batched out to the trucks.
- Water comes from onsite well. Re-use water.

Mr. Clarkin questioned Mr. King:

- Does manufacturing process create noise? *No.*
- Has Sil-Crete received any complaints or violations for noise? *No.*
- Does Manufacturing process create smoke? *No.*
- Any odors? *No.*
- Any heat or glare? *No.*
- Any risk of fire or explosion? *No.*
- Hours of operation. *6 am to 8 pm – Monday through Saturday. At times customers' demands dictate outside of those hours.*
- Is there regular maintenance after 8 pm? *Yes.*
- How many employees? *There are thirty (30) employees.*
- Of those employees, how many are drivers? *Twenty-three (23).*
- Who are the other seven (7) employees? *Plant Manager, Assistant Plant Manager, Loader Operator, Plant Mechanic, Quality Control Technician and two (2) Truck Mechanics – not currently on site but have been. The repair and maintenance site is in Metuchen. When the garage is constructed, they will move back on site.*
- How many concrete delivery trucks? *Twenty-three (23).*
- How many trucks deliver raw materials to the site each day? *On average, twenty (20) to thirty (30) trucks of aggregate and four (4) to six (6) bulk trucks delivering cement fly ash.*
- Did Sil-Crete retain an air quality consultant? *Yes.*
  - Would that be Robert Frank? *Yes.*
  - Will he be testifying this evening? *Yes.*
  - Mr. Frank prepared a dust management for Sil-Crete? *He did.*
  - Did he devise a dust management plan? *Yes.*
- Has Sil-Crete discontinued crushing of waste concrete on site? *Yes... we have.*
  - How is waste concrete handled? *Waste concrete is brought back. It is placed on the ground a broken up into manageable pieces. It is stored in its own separate stock pile. On an almost daily basis, it is loaded onto dump trucks and hauled off to a Class B Recycling Center off-site.*
  - Is that Class B Recycling Center in South Plainfield? *No.*
  - How often is the waste concrete removed off-site? *Almost daily.*
  - When the waste concrete is stock piled before it is hauled away, what is the dimension of that stock pile? *Approximately, 20' X 20' X 10'.*
- Did Sil-Crete switch quarries for the aggregate? *Yes.*
  - Is dry crush stone being used? *No... not anymore.*
  - What is being used? *A washed aggregate product.*
  - This does not generate any air born dust? *Correct.*
- Has the applicant purchased new equipment to assist in the dust control? *Yes.*
  - What was purchased? *Purchased a new water trailer that is used to wet the surface of the yard.*
  - Used during dry weather? *Yes.*

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- *What type of attributes does this have? It can be filled up quickly. It uses a pump to disperse the water in a forceful manner so it covers a wider area. The areas we cannot get to by other means. Keeps the soil moist so it does not kick up and blow.*
- *Is there any water run-off created by this process? No... the intension is to cover the surface to make damp and not to create run-off.*
- *Eventually, does the water evaporate? Yes.*
- *Has the central bag house been relocated? Yes.*
- *Will Mr. Frank testify in detail later? Correct.*
- *What is being done to sweep the roads and site? We are sweeping during the busy season which is April through the end of October twice a week. That includes our property, Mack Place, Hollywood Avenue and Ryan.*
  - *What is the standard for sweeping in the industry? Once a week.*
  - *What is the applicant doing? Double.*
  - *Sometimes more? Sometimes more.*
  - *Do we keep logs of our sweeping effort? Yes.*
  - *Do you have the logs here tonight? Yes.*
    - *Mr. Clarkin stated that they are available here tonight. However, they are to be kept onsite by regulation. If any members would like them, they can be reproduced. Mr. Lavender stated yes. Mr. Clarkin will email the records for this year.*
    - *Vice Chairman Gustafson stated that that is one of the Borough's concerns.*
- *Have the trucks been outfitted with cameras? Yes.*
  - *Why? The entire fleet, companywide, has been outfitted with 'Smart Drive'. It is a system that looks out onto the road and inside the cab. It is always recording when the truck is being driven. If there is an event... a hard brake, hard turn, any kind of sharp G-Force event... that recording is saved ten (10) seconds before the event and ten (10) seconds after the event. It is sent to a third party that review it and determines why it happened. Along with that event, it can GPS the location to determine the roadway, speed, where he was moving. We want to improve the safety of our drivers and to avoid events... spills, accidents etc. We want to train these drivers to operate the mixer safety and smoothly.*
- *What happens when there is a spill? If there is a spill, the policy is that it is reported by that driver which happens most of the time or other drivers report it. As soon as we know we go out with a pickup truck and two men who will clean it up, bring it back to the plant and dispose of it. We call a sweeper behind it to sweep the area*
- *If it is discovered there is a driver with issues, what happens? The driver is disciplined. If the disciplined and coaching does not work then the driver is eliminated from employment.*

Vice Chairman Gustafson thanked Sil-Crete for adding the 'smart technology'.

Vice Chairman Gustafson questioned Mr. King:

- *Who does the driver report to when there is a spill? The driver reports it to the dispatch group.*
- *What are the hours of operation for dispatch group? They are in half hour before the first truck is in service company wide.*
- *Is it centrally located? It is centrally located.*
- *What about after hours? What if it is the weekend? How will it work on a Saturday at 8 pm? In the cabs is a radio system. They are cellular based system that uses an app on the phone. They call dispatch. Dispatch is to be operating when a truck is on the road. If that is not the case, all the plant managers have this app on their phone. The driver can use a hand walkie talkie the plant manager to inform them there is an issue.*
- *What is the normal response time? Average scenario of a spill in South Plainfield? The typical response time is thirty (30) to forty-five (45) minutes. Followed by the sweeper.*
  - *Do those individuals come from the South Plainfield site? Yes... unless there is an issue that they cannot.*
  - *The sweeper is operated by a third party? Yes, it is. That we cannot control. We call them when there is an issue and they get there as soon as they can.*

Mr. Clarkin stated that the report from the Police Department indicated no concerns. Vice Chairman Gustafson stated that he believes the Police Department has not spoken to the Borough Engineer. The assessment from DPW

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is different from the Policy Department. Does not know the protocol if the spill reports go to the Police Department or DPW. Mr. Clarkin stated that it is his understanding that there has only been two (2) spills this year.

Vice Chairman Gustafson continued to question Mr. King:

- Since the last time the applicant was before the Board, has there been an increase in operations as a whole?
  - Mr. King asked if Vice Chairman Gustafson is referring to 2016. Per Vice Chairman Gustafson correct. Mr. King stated it is construction.... So, it is always up or down. It has been pretty level within the last two (2) years.
  - How about the number of employees? *The same.*
  - Hours of operations? *The same.*
  - Number of trucks? *There were twenty-three (23) in 2016... and there is currently twenty-three (23).*

Mrs. Campagna asked where is the centrally located dispatch located? Mr. King stated that the corporate office is in Fairless Hills, Pennsylvania... the other side of Trenton. Dispatch all the plants from this location. There are eight (8) locations: In New Jersey - South Plainfield, Englishtown, Bricktown, Logan, Swedesboro, Mount Holly and Berlin. In Pennsylvania - Fairless Hills, Limerick and Downingtown.

Robert Frank – Compliance Monitoring Service, 217 Belhaven Avenue, Linwood, New Jersey – Air Quality Consultant, is sworn in. Mr. Clarkin questioned Mr. Frank:

- Did you assist Sil-Crete in obtaining their last air quality permit? *Yes.*
  - When? *In 2015, modified the air plan.*
  - As a result to the upgrade of the plant, another permit had to be obtained. *The 2015 application was a modification of their existing permit.*
  - The permit is evident by two (2) separate documents. *Yes*
    - Exhibit A1 - Air Pollution Control Preconstruction permit to operate.
      - Dated of August 26, 2018. *Yes, that is the original issue. That is a five (5) year certificate on the top right. The state renews them at the end of the five (5) years.*
    - Exhibit A2 - Is the second document the renewal? *That is correct.*
      - The renewal is good through 2021.
    - Did you visit the site on several occasions? *Yes... in 2016 and this spring.*
    - When you were there in 2016, did you make any recommendations? *I did. I recommended to improve their technologies practices. To mitigate dust emissions by greater use of water spray which is standard practice. Water is effective in capturing the air born dust and causing it to settle.*
    - Did you prepare a dust management survey – Exhibit A3 dated February 22, 2018? *I did.*
      - Please explain the results.
        - Using Exhibit A4 – Dust Management Survey dated September 13, 2016:
          - An overview of the operation.
          - Summary of their current practices.
          - Incremental improvements.
          - Dust Management plan.
            - Increase use of water spray during concrete crushing operation - Which is now discontinued.
            - Plant loader operation. Where the loader took the material from the stock pile and transferred it to the service bins that are fed into the plant. Can cause dust from the physical transfer but also from the travel with the loader.
            - Discussed wetting of the roadway.
            - Discussed wetting of the aggregate.
            - Truck traffic... the twenty (20) to thirty (30) trucks that bring the aggregate into the plant on a daily basis. How it is important to keep the travel area wet not to create dust
        - Bag House:
          - Processes from the six (6) service bins... they feed the aggregate up an incline conveyor through the configuration of elevated bins at the top of the plant. There would be a

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- vacuum connection on the top of the plant. Try to maintain the area under negative pressure. Any dust that is released will fall into these bins doesn't escape into the outside air. It gets collected in this central system where there are large bags to remove the dust.
- In 2016, that was on top of the plant.
- The aggregate travels through the plant where it is weighted and metered then discharged into the mixer where it is mixed with cement and water to make concrete. Each of those points had to be lifted to the top of the plant while the dust is trying to settle down.
- In 2018 over the winter and 2017 moved the bag house from the top of the plant to the bottom. This way gravity is working for you. Makes the pickup points more efficient.
- Water wagon:
  - Advocated for more diligence for water to keep the area wet and materials wet.
  - Sil-Crete purchased a water wagon.
- Is Sil-Crete in compliance with their NJ air Quality permit? *New Jersey looks at this operation with the bins on top, hoppers and mixer. They want the equipment to minimize the impact on neighbors and environment. They are the ones that specify the bag house to capture the dust. In 2011, we modified the permit to reflect all the equipment. Described the bag house. They determined the efficiency and inefficiency for the plant. List all the equipment in the permit so the state knows what is going in. They send an inspector out randomly to see that we are using the equipment that is listed and they are operating accordingly with the state regulations.*

Mr. Clarkin clarified that Silvi is the Corporate name and Sil-Crete is the Trade Name.

Mr. Lavender asked Mr. Clarkin to repeat the last question and have Mr. Frank answer yes or no. Mr. Clarkin asked Mr. Frank if Sil-Crete is in compliance with the New Jersey Air Quality permit. Mr. Frank stated yes.

Vice Chairman Gustafson stated that previously it was stated that there was a medication in 2015, why was there a modification. Mr. King stated that in 2013, received approval for six (6) service bins. The permit was amended to capture the six (6) bins that were not there prior. Vice Chairman Gustafson reiterated that the modification was there for the increase of the operation. Did the operation continue with no failed permits from 2015 to current? Mr. Frank stated it is the same permit but renewed for another five (5) years.

Mr. Clarkin asked Mr. King if there have been any negative inspections. Mr. King stated no... not to his knowledge. Mr. Clarkin confirmed with Mr. King that he would be the one who would be notified of failed inspections.

Vice Chairman Gustafson asked Mr. Frank if he does any testing himself or just the permit. Mr. Frank stated only the permit and approval process.

Mrs. Campagna stated that all this dust goes into the bag house. Where does the 'stuff' in the bag house go? Mr. King stated that bag house captures the dust and put back in the process to be reused. The bags are mechanically cleaned and drop into a hopper. That hopper is reused in the process.

Mr. Lemos asked since you removed the dust collector from the top to the bottom, when it was on top did it do its job. Mr. King stated it did. A lot of the dust points were down lower so we were fighting gravity trying to pull the dust up. Mr. Lemos continued.... When you pour items on top how does the dust get collected? Mr. Frank stated they had extended the pipes. Rather than having a collector on top, they ran a pipe from the top to the collector on the ground.

Vice Chairman Gustafson reiterated... the motor was on top and sucking everything to the top. Now the motor is down near the ground and sucking down. There is still apparatus on top sucking the dust from the top.

Mr. Clarkin asked when it was on top, did it meet New Jersey requirements. Mr. King stated yes.

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Mr. Slachetka asked regarding the Dust Management Survey, report certified by is blank. Is there a signed version – February 22, 2018. It is determined that the April 20, 2018 signed copy will be used.

Mr. Slachetka continued... Are the various improvements in the air quality process, with watering and movement of the dust bag, would have made regardless of the applicant's case before the Board or is this a result of the application. Mr. Frank stated they were motivated by the concerns of the Board to reduce the possibilities of dust emissions. Mr. Slachetka continued... The applicant heard the concerns of the Board and as a result of those concerns, requested the review and recommendation. Mr. Frank stated correct.

Mr. Slachetka asked if any changes on the site will affect in any way either your recommendation or in the processes that have resulted in the reduction of air quality. Mr. Frank stated not at all. As Mr. King stated earlier, they are proposing to pave an additional five thousand (5,000) square feet. Eliminating all the unpaved areas.

Craig Stires – Stires Associates, PA, 43 West High Street, Somerville, New Jersey – is accepted as Professional Engineer for applicant and is sworn in. Mr. Clarkin questioned Mr. Stires:

- Testified during the 2013 and 2016 hearings.
- Had revised the drawings before the Board.
- Using Exhibit A6 - aerial view of the property:
  - The 2012 / 2013 approval was to merge two (2) lots and revamped the existing site which was a concrete plant but made improvements and upgrades.
  - Existing plant did not change but the conveyor was in an angle.
    - Moved the conveyor so it was along the property line.
    - Allowed to construct the ramp that facilitates the feeding of the bins.
  - Adjacent to the ramp, numerous bins for raw product for storage.
    - Primarily along Mack Place. Also, on the northerly side of the ramp itself.
  - Installed a new scale off Mack Place.
  - A parking area for the readi-mix trucks. At the time of the approval the drivers would pull their trucks out and replace with their personal vehicles.
    - Forty-five (45) parking spaces.
      - Fifteen (15) parking spaces are included in count.
  - Extensive grading and extensive buffering along Mack Place.
    - Also, along southerly side of property.
  - Improved Mack Place up to the entrance.
  - Expansion of the impervious coverage... placed a detention basin in the north-west corner of the property to contain and control the increased stormwater run-off.
- Did an 'As Built' with the improvements that were submitted.
  - Will work with Najarian Associates to get the remaining items to comply.
- New Proposed Improvements - Using the color rendering of sheet 7 (landscape plan) of 10 in the set of plans before the Board:
  - Existing office.
  - Existing basin.
  - Existing parking lot.
  - Two (2) entrances.
  - Scale.
  - Plant.

Vice Chairman Gustafson asked for a clarification... the parking is not shown on the color rendering page. Mr. Stires stated correct... the striping is not there but the concrete is there.

Mr. Stires continued:

- Indicated the existing office.
  - Removing the office and putting thirty (30) new parking spots adjacent to the basin.
- New garage.
  - Trucks come in the east side to be worked on.
  - Exit the west side.
  - Dimensions 90' X 60'
    - In 2016 submission height was 39'.

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- Discussion to reduce it to 20'.
- Has been modified to 20'.

Vice Chairman Gustafson requested a clarification.... The existing office is being demolished. Mr. Stires stated yes... in place of the office will be the parking lot and the new garage south of the parking lot.

Mr. Clarkin stated that the existing office (house) is approximately one thousand two hundred fifty (1,250) square feet.

Mr. Stires continued:

- Increase in impervious coverage.
- Existing basin can handle the increase without any modification.
- Added lighting to building on the lighting plan.
- Modifications to previously approved landscape plan to make it as shown on the existing plan.
  - Discussion in 2016 for additional plantings along the front.

Mr. Clarkin questioned Mr. Stires:

- Thirty (30) new spaces.
- Fifteen (15) truck parking spaces that are being swapped out with the truck driver's personal vehicles.
- An increase in impervious coverage.
  - Ran the new numbers through the existing basin. It is adequate as designed.
- Had the opportunity to review Najarian Associates review letter dated April 20, 2018.
  - Page 4 – Item E – Off-Site and Off-Track improvements.
    - Mr. Clarkin will address.
  - Page 4 – Item F – 1 – Signature Block - will comply.
  - Page 5 – Item F – 2 – Paving - Paving plan sheet 4.
    - Ms. Bullock asked for a clarification. The pavement / concrete not clear.
      - Mr. Stires stated that is a printing issue.
    - Ms. Bullock stated the legend 'stone area converted to concrete'. That symbol is not shown on the plan. Needs to be upgraded - What areas paved, concrete, open areas.
      - Mr. Stires stated that the color version is easier. The grey is the original improvement. Applicant is proposing to concrete the area that is stone.
      - Vice Chairman Gustafson asked if the proposed parking area will be concrete. Mr. Stires stated yes. No macadam onsite. Ms. Bullock asked to clarify on the plans.
    - Ms. Bullock stated it was mentioned an existing parking on the east side of the basin. Went to site saw existing parking. Existing conditions plan that shows particular items that reflect what was approved for the prior application and an 'as-built' survey plan that shows different topography and elevations. The discrepancy between what was built and what was proposed is not consistent. Agreed to an 'as-built' once the basin is constructed to the 2015 approval.
      - Mr. Stires explained that this is an amended application and did not want to confuse things. Therefore, 'piggy-backing' on the previous site plan to be consistent.
    - Mr. Lavender asked Mr. Stires if he is able to comply with Ms. Bullock's request. Mr. Stires stated yes.
    - Ms. Bullock clarified... Mr. Stires will provide an 'as-built' plans prior to issuing of any building permits to make sure the basin will be built back to the original size.
      - Mr. Stires asked if this application is approved, can the 'as-built' be proved at the end. Ms. Bullock feels strongly to have an 'as-built' once the basin is constructed to its original proposal.

Mr. Clarkin stated he is not going to ask for a vote since there are only six (6) Boards members. Will return. In the meantime, Mr. Stires and Ms. Bullock can work out the items. Vice Chairman Gustafson agreed.

Vice Chairman Gustafson asked to return to sheet 4A and would like a clarification regarding the entrances and exits. When the trucks exit after fully loaded, they exit the easterly onto Hollywood Avenue and loop around. How will it work with the new garage? How do they make the hard left turn after filling? Don't they face Hollywood? Mr. King stated they face the other way and still egress with the new building. Ms. Bullock stated sheet 5 of 10 shows the

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circulation. Ms. Bullock asked if the only exit is the westerly side of the parking area. Mr. King stated yes. Only entrance on the easterly side. Difference process for different trucks. Vice Chairman Gustafson's concern is the loaded concrete truck.

Mr. Clarkin stated that all dirt and stoned areas will be paved with concrete. Mr. Stires stated only stone areas. There are no dirt areas.

Vice Chairman Gustafson asked for additional landscaping. Currently it is very limited for a large area. Mr. Stires asked if the landscape is to be 'repaired'. There is not much room for additional items due to sight distance especially by the scale. Discussion of additional landscape and replacement of the items that have died using sheet 7 of 10. Vice Chairman Gustafson would like to increase the landscaping since there will be more impervious coverage.

Mr. Clarkin returned to the Najarian Associates review letter dated April 20, 2018:

- Page 5 – Item 2 – paving plan sheet. Clearer version with additional labeling. Will comply.
- Page 5 – Item G 1-5 - all addressed.
- Page 6 – Item G 6 – agreed to adjust the basin. Have agreed to 'as-built'. After reconstruction of the basin Ms. Bullock would like an 'as-built' before moving forward. Discrepancies will be rectified.
- Page 7 – Item G 7 – approved grading and drainage.
- Page 7 – Item H – lighting and Landscaping. Previously discussed.
- Page 8 – Item H 3 – will comply. Will show supplemental lights.
- Page 8 - Item I 1 – addressed.
- Page 8 – Item I 2 – paving plan. Addressed.
- Page 9 – Item I 4 – addressed.
- Page 9 – Item I 5 – will comply. Will address any DPW report.
  - Vice Chairman Gustafson stated that the Board Secretary will email the Borough Engineer / DPW Supervisor to request if there are any other reports regarding spillage or noise that the Police Department is unaware of. Mr. Clarkin agreed.
- Page 9 – Item I 6 – addressed.

Vice Chairman Gustafson asked Mr. Clarkin to address the Environmental Commission review. Mr. Clarkin stated he has the Environmental Commission report dated May 15, 2018. It stated that the concrete around the drainage is in disrepair. Will address. Noted that the landscaping is not in good condition. Will be added and dead items will be replaced. Will agree to a condition that the plants can be watered down to remove the dust. Already discussed adding landscaping to Mack Place. Will add more landscaping without impairing sight distances. Recommended to pave the stone area, which will. Vice Chairman Gustafson stated maybe consider irrigation system. A plan regarding spillage on the road should be specified.

Vice Chairman Gustafson stated it is better then it has been for a number of years. The trucks grab a little dirt, does the concrete work better than macadam for the paving. Mr. Stires stated the blacktop would turn white eventually. Vice Chairman Gustafson asked in Mr. Stires opinion the concrete would look better from an esthetic point. Ms. Bullock stated concrete is more structurally sound. Mr. Stires stated absolutely.

Mr. Stires stated the new building will act as a buffer for the site.

Vice Chairman Gustafson stated a few street trees would help with blocking the big yellow trucks. Mr. Stires agreed.

Mr. Clarkin reviewed Mr. Abbruzzese's review letter dated February 22, 2018. Mr. Abbruzzese had two (2) requests that the applicant has agreed to... the installation of a fire alarm system connected to a central station and provide a barrier for all above ground gas meters.

Mr. Clarkin reviewed Lt. DeLair's report dated February 20, 2018, indicated that from a traffic safety prospective had not comments or concerns.

Mr. Clarkin reviewed Health Department review letter dated February 23, 2018, indicated no objections.

Mr. Clarkin reviewed the T&M Associates review letter dated April 4, 2018, items 1 through 7 on page 3:

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- Item 1 – protocol to address yard dust. Have done so. Can give records of the bag house. Did not realized those records have to be kept on site. Will have them copied.
- Item 2 - dust control schedule. Had testimony as to how the water wagon is being utilized and sweeping.
- Item 3 – different technologies to measure air quality. Have the permit from the State. The State does visual inspection. Does not know there is any technology. If there were, would assume the State would be utilizing it.
- Item 4 - no longer an issue. No crushing of concrete is done onsite.
- Item 5 - list of improvements that were not completed from the 2013 Board approval. There was testimony tonight.
- Item 6 – requesting the layout of paved concrete and gravel. Have provided sheet 4A. When return will have a clear sheet 4A
- Item 7 – show the area of recycled concrete. There was testimony that it is 20' X 20' x 10'. Almost daily basis it is removed from site. Considering all the trucks and tractor trailers parked in the neighbor lots, does not believe the 10' pile stands out when you look at the neighborhood as a whole.

Mr. Slachetka stated that Item 4 that a representative from Danco General Contracting would be present. Mr. Clarkin stated that there was testimony that Sil-Crete does not crush concrete on site. Would accept as a condition no crushing on site that it would never be reintroduced.

Vice Chairman Gustafson stated that the Board is in receipt of Mr. Lapinski's report and appreciates that it is part of the packet. Vice Chairman Gustafson asked Mr. Clarkin if he would like him to proceed. Mr. Clarkin stated he would like to reserve Mr. Lapinski and would feel more comfortable to supplement his testimony with the additional improvements that will be made to the plant. This goes with no impairment to the public good.

Vice Chairman Gustafson asked for a clarification... twenty-three (23) trucks.... thirty (30) employees... total of fifty-three (53) possible vehicles. Mr. Clarkin stated no... no more than thirty (30) cars onsite because of swapping. The ordinance calls for thirty-four (34) spaces and there will be forty-five (45) spaces. The driver pulls the truck out and parks his vehicle. Vice Chairman Gustafson asked if there is any opportunity for these people to be onsite at one time. Mr. Clarkin stated no... because of the way road construction is done, there is a continuum of trucks. They don't leave and return at the same time. The concrete would have to keep 'flowing' at a job site. Mr. Frank agreed.

Mrs. Eichler asked for a clarification.... Thirty (30) employees... twenty-three (23) drivers and seven (7) other employees. Mr. Clarkin stated correct.

Mr. Slachetka stated that there was testimony regarding items A-G under the requirements of general ordinance standards. Are those items based on that testimony and the air quality expert? Mr. Clarkin stated that tis correct. Mr. Slachetka continued... you will not be providing additional proof. Mr. Clarkin stated no... would also fall back on is the following: This site has been in operation for number of years. This Board has a presumption correctness because it knows the Borough. If any Member would have an issue with regard to noise, orders, heat or glare, fire or explosion would be happy to address them. If we had those issues, it would be listed in the various reports... Heath Department, Fire Department and Police Department. Ask Mr. Miller if he has any concerns in those areas as well.

Mr. Slachetka stated that Mr. Clarkin is correct but the record needs to be complete. The Board will make some informative decision.... Testimony and own experience.

Vice Chairman Gustafson stated being a somewhat affected homeowner of the noise between 6 am – 8 am, that is the only concern. No one on the Board would expect a fire from these materials other than the equipment unfortunately having a disastrous effect. It is a heavy industrial area. The concern of the noise comes from which one of the uses in the area... by the time you get there, there is a new noise or noise is missing. Have tried many times to locate the noise. Will ask Mr. Miller if there are any concerns.

Mr. Slachetka stated moving forward on the report, starting at the bottom of page 7 top of page 8, there is noted issue with the storage of raw materials. Heard some testimony with screening, the spoil stock pile is screened. The visual impact be mitigated from the adjoining streets. Would like further testimony that it can meet the requirements of screening in the Ordinance.

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Mr. Slachetka continued... under the waiver section regarding the Environmental Impact Statement the applicant is requesting a waiver. We noted that we do not have any objection nor does the Environmental Commission.

Mr. Slachetka would like to review Item E – Planning Comments:

- Item E 1a - Architectural Elevations – Mr. Stires stated he took the architectural sketches and cleaned them up and no other person prepared them.
- Item E 1b - Mr. Stires stated it is 90' X 60'.
- Item E 1c – slightly flatter roof peak. Mr. Stires stated the peak was revised but not sure if it was officially submitted however it can be submitted between now and next meeting.
- Item E 2 – parking. The front area will not be used by trucks and that the driveways on either side will be used as access by trucks. There are thirty (30) employees and there is sufficient parking.
- Item E 3 – signage. No signage being proposed.
- Item E 4 – garage. Mr. Clarkin stated will accept as a condition that the garage will only be used by the applicant.
- Item E 5 – outside agency approvals. Have air permit. Once receive Board approval, will submit to County and Freehold Soil.
- Item E 6 - last hearing items (September 2016). Previous testimony.
- Item E 7 – no concrete accepted from outside sources. That was in contact with the crushing operations which has been discontinued.
- Item E 8 – relates to the crushing which is discontinued. No longer relevant.
- Item E 9 - heard testimony that fleet manager has worked with truck manufacturer regarding spillage.
- Item E 10 – height limit on spoil pile onsite. Ten feet (10') on stock pile of waste concrete.
  - Vice Chairman Gustafson asked what is the procedure for clean up if there is a spillage of storage pile into the green area. Mr. King stated have not had that issue. Vice Chairman Gustafson advised Mr. King to go down Mack Place and next hearing let him know what changes will be made. Mr. King confirmed with Vice Chairman Gustafson that he is referring to over the berm.
- Item E 11 - conditional of the previous approval in 2013. Mr. Clarkin stated they have returned to the Board. Vice Chairman Gustafson asked if this all can be done on a timely fashion. Mr. Clarkin stated you may put a timeline on it. Vice Chairman Gustafson asked for estimate of time. Mr. Clarkin stated assuming they are able to return the end of July and beginning of August. Mr. King asked if that includes the building. Mr. Clarkin stated that other then the construction of the garage, all other items can be completed by the end of this year. The building will be a minimum of six (6) to nine (9) months. Vice Chairman Gustafson stated that he is assuming no curbing or landscape will be done in the area of the new building until the building is complete. Mr. King stated the building and the site area of the building.
- Item E 12 – existing fence. Mr. King stated that will be addressed with the landscaping.
- Item E 13 – eliminate land / sea box. Mr. King stated that there is a seabox will stay. It houses the chemicals for the batching... part of the plant. Top box is the electrical room. All others will go away. The items in the remaining boxes will be in the new garage. Plows will be left where the sea boxes are removed.
- Item E 14 – landscape. Previously reviewed.

Vice Chairman Gustafson asked if the applicant do a noise assessment. Mr. Clarkin stated they will do a noise study at the property line.

Vice Chairman Gustafson opens the discussion to the audience. No comments or concerns.

Due to the Fourth of July holiday and that there is only one hearing date in July, the next hearing date available is August 21, 2018. It is decided the applicant will return on August 21, 2018.

Mr. Clarkin asked for no new notices and publication. Board agreed.

**INFORMAL HEARINGS:** None

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**CORRESPONDENCE:** None

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**EXECUTIVE SESSION:** None

**ADJOURNMENT:** 7:25 PM

Respectfully Submitted,  
Joanne Broderick  
Recording Secretary