

Continued Appeals:

#17- 14 Atlantic Concrete of Galloway, LLC.

Galloway Road

B. 1171 L. 25.02

Zoning District: LID & NR

Variances Requested: "D(3)" Use Variance and Bulk Variances

Preliminary and Final Site Plan

The applicant is represented by Thomas Darcy, Esq.

Vincent Orlando (Engineer and Professional Planner) and Tom Tower (owner) were both sworn in.

Mr. Darcy gave a brief and condensed overview of what the applicant is requesting approvals for.

Exhibit A- 4 – Revised Site Plan dated January 22, 2015

Mr. Orlando described the site plan and went over the changes that have been made to it. The building was rearranged in order for no variance relief to be needed for the building. There was additional landscaping, lighting and fencing around the basin added to the site plan. Lot Area, Lot Depth and the 100 ft. buffer from the landfill is what they are seeking variances for. Mr. Orlando stated that the application would cause no detriment to the neighborhood, zoning ordinance and zone plan. The applicant agrees to pay the 50% in lieu of sidewalks fee. Mr. Orlando stated there is no need to pave the parking lot and the crushed stone surface is warranted in this case. They agree to work with the Planner with regards to the trees on the property. Given the shape of the area of improvements they are asking for 2 waivers for lighting they feel what they are requesting is adequate. The fifth waiver requested is for the architectural drawing. Mr. Darcy stated that Mr. Tower will be dismantling the facility and rebuilding it at the site. There will be plans given to the construction office at the time of permits. Mr. Orlando gave a presentation of the anticipated truck routes.

Chuck Endicott stated that he received the revised plans and that he is satisfied.

Tiffany CuvIELLO read from her report dated February 5, 2015.

Board Questions:

Mr. Sperling questioned the sidewalk fee

Mr. Darcy and Tiffany explained the ordinance.

Mr. Sidrane asked about the truck traffic route and requested a no right turn for trucks at the exit onto Galloway Road.

Mr. Orlando stated they would not have a problem with that.

How far is it from the Upper Township Plant to Galloway and what is the service are for the plant?

Mr. Tower stated the plants would be approximately 30 miles apart. The service area is about a radius of 30 miles for deliveries.

Will there be adequate water supply?

They will talk to the water company and Mr. Orlando feels it should be.

How old is the plant?

Mr. Tower stated that the plant was refurbished 7 years ago.

Does DEP approve this?

The application is in and they are waiteing for their approval.

Are the trucks washed at the site?

No. They are washed at the delivery site.

Mr. McColgan questioned the number of loads that can come out of this plant.

Due to the size of the site it would strictly be a satellite site.

Mr. McColgan stated his concerns with there being no fence.

Mr. Tower explained you would have to go into the locked plant to get access to climb the silo.

Mr. Clute asked if the concrete trucks have Jake Brakes?

Some do. When the driver comes off the Parkway they are instructed to not use them.

Mr. Hauslet asked how often the supplies will be delivered.

About once a week.

Where are the vehicles fueled?

Usually Wawa and Taylor Oil will come in and fuel the loader.

Mr. Coleman asked if their facility will operate on Sundays.

Only if there is an emergency. It is a rare occasion.

Mr. DiPietro asked how often the fuel truck would come in.

2 to 3 times a week.

Mr. Rosenberger stated the first motion would be for the conditional use variance approval and the second motion (if first motion is approved) would be for the site plan approval.

Public Questions and Comments

Mr. Phillip Flannery of 202 Sylvan Avenue stated his concerns of the traffic pattern for the trucks and that he does not understand how there is hardship.

Mr. David Field of 205 Sylvan Avenue stated his concerns with this application.

Ms. Judith Horn Andrews of 162 Sylvan Avenue stated her concerns with the traffic, trucks and noise.

Ms. Kathleen Gonzales of 156 Sylvan Avenue stated her concerns with property value, trucks, along with health and safety issues from the dust.

Ms. Nancy Ruban of 601 Galloway Road stated her concerns with the size of the road, hours of operation and zoning information.

Mr. Jeff Andrews of 162 Sylvan Avenue stated his concerns with the amount of waivers and variances being requested and feels that this property is not appropriate for this.

Facts and Findings

Mr. Clute stated he understands the hardship goes with the property and is glad to see the applicant changed some things for the residents.

Mr. Sperling stated he finds it difficult to reconcile that the heavy truck traffic will be on that road and that it will be an issue.

Mr. Birch stated that he sees the hardship with the application and sees it is near a residential area however it is zone the way it is and the Township moved the road and caused this hardship.

Mr. Sidrane stated that since the Township moved the road and caused the hardship and if Galloway Road was where it was previously it would meet the lot area requirements and is a permitted use in the zone.

Mr. Hauslet stated that with the conditional use and hardship requirements were met. He does have concerns with the traffic.

Mr. DiPietro stated that the property is zoned for this purpose. The main concern is the traffic.

Mr. Coleman stated that this property falls in the only industrial zone that we have in this Township. The hardship is tied to the land.

Mr. McColgan stated that anyone can purchase this land and try to put anything in there. Because of the movement of Galloway Road they could have moved in with their business and the residence and public would have no say. There is a difficult time following the hardship but understands by law it is required that the hardship is with the land not the owner.

A motion to grant the applicants request for a D3 conditional use variance despite the fact that the property is 2.9 acres where 5 acres are required, 300 feet of average depth where 400 feet is required, a 30 foot buffer to the landfill property line where a 100 foot buffer is required was made by McColgan and seconded by Coleman.

All in favor: Clute, Coleman, DiPietro, Hauslet, McColgan, Sidrane, Mayer

A motion to grant the applicant site plan approval subject to the following conditions of approval:

1. The applicants traffic will be limited to four trucks not to exceed six.
2. The applicant will file a deed notice with relation to lot 25.02 acknowledging the existence of the adjoining landfill and releasing any claims which might otherwise arise as a result of toxic landfill contamination or activities.
3. The applicant will comply with the comments from Ms. CuvIELlo and Mr. Endicott.
4. The applicant will provide detail that all stormwater runoff created on-site will be retained and contained on-site.
5. The applicant will provide lighting detail.
6. The applicant will provide a stone lot, maintenance and road frontage maintenance plan.
7. The applicant will provide detail for on-site traffic circulation of trucks and other vehicles.
8. The applicants approval will be subject to DEP and all other regulatory approvals.
9. The applicant will install a sign at the driveway onto Galloway Road prohibiting right turns onto Galloway Road.
10. Lot 26 will be deed restricted against future commercial or industrial uses.
11. The applicants production at the concrete plant will not exceed more than 300 yards per day on an annual average.
12. The applicant will publish appropriate policies prohibiting the use of "Jake brakes" by its drivers or its inventory delivery services while on site or upon arrival or departure.
13. The applicants hours will be Monday through Friday, half day Saturdays daylight hours only except for emergencies.
14. In lieu of curbing and sidewalks, the applicant will make a contribution equal to 50% of the cost of same to the Township sidewalk fund.
15. The applicant will provide a landscaping plan satisfactory to the Township Planner's review.

Was made by McColgan and seconded by DiPietro.

All in favor: Clute, Coleman, DiPietro, Hauslet, McColgan, Sidrane and Mayer.

Meeting adjourned at 8:11 p.m.

Submitted by Heather Butler, Administrator