

FREEHOLD BOROUGH PLANNING BOARD

MINUTES OF AUGUST 8, 2018

MONTHLY MEETING

The monthly meeting of the Freehold Borough Planning Board was held on Wednesday, August 8th at 7:00 p.m. in the Council Room of the Municipal Building.

Chairman Reich stated that this meeting was provided in accordance with the Open Public Meeting Act, by providing a copy of the agenda to the official newspaper and posting same on the official bulletin board of the Municipal Building.

Mr. Reich called for the Pledge of Allegiance.

ROLL CALL

ABSENT	MR. WILLIAM BARRICELLI
PRESENT	MR. CORNELIUS BEGLEY
ABSENT	MS. JAMIE BENNETT
PRESENT	MR. PAUL CEPPI
PRESENT	MS. MICHELE GIBSON
PRESENT	MR. GARRY JACKSON
PRESENT	MS. ANNETTE JORDAN
PRESENT	COUNCILMAN GEORGE SCHNURR
PRESENT	MR. ADAM REICH

Mr. Reich we are going to shuffle the agenda tonight, Item No. 4 on the Agenda as follows:

Memorialize Resolution for George Shave

Application Number: PB-BV-2018-011

Applicant: George Shave

Location: 24 Schiverea Avenue - Block 2.01 Lot 13 - Zone: R-5

Request: Bulk Variance Relief

Mr. Reich – any questions or comments: There are none;

Mr. Jackson made a motion to approve the minutes, Ms. Jordan seconded.

ROLL CALL

Yes	7	Begley, Ceppi, Gibson, Jackson, Jordan, Councilman Schnurr & Reich
No	0	
Abstain	0	
Disqualified	0	
Absent	2	Barricelli & Bennett

Mr. Reich – due to the time listed in the notice we will go on a recess until 7:30pm when we can hear the application;

Mr. Reich - it is 7:30pm and we are back on record and will continue with Item No. 3 on the Agenda as follows:

Application Number: PB-UV-2018-009
Applicant: Sustainable Resource Group
Location: 61 Institute Street; Block 93 Lots 1, 1.01 & 1.03
Zone: C-M (Commercial Manufacturing)
Request: Use Variance

Mr. Reich – good evening;

John Miller, Esq. – Ms. Kim, Mr. Chair and Board members as you have heard before with a Use Variance, we are a combined Board here in the Borough and MLUL does not permit Class III or Class I to sit on any application for a Use Variance, a non permitted use in the zone; so Councilman Schnurr will have to step down from the dais as to statutory requirements and can not participate as a Board Member;

Catherine Kim, Esq. from Cleary, Giacobbe, Alfieri, Jacobs, LLC and we represent the applicant Sustainable Resources Group; we are here for a preliminary and final site plan, including a use variance and other bulk variance relief; relates to property Block 93, Lots 1, 1.01 & 1.03;

Mr. Reich – we should swear in all the professionals and as they testify they can provide their credentials and go through the exhibits that are on the record already;

John Miller, Esq. – swear in Steven R. Cattani, Professional Engineer in the State of New Jersey and Civil Engineer; Peter King, Vice President, Sustainable Resources Group; and Barbara Ehlen, Professional Planner in the State of New Jersey and A.I.C.P.;

Mr. Reich – question – the attorney tonight is also the firm that represents the Board of Education and Ms. Jordan and Mr. Ceppi are members of the Board of Education is that a conflict;

Mr. Miller – no I don't think that represents a conflict;

Mr. Reich – thank you;

Ms. Kim – Steven Cattani please provide the Board with your credentials; licensed active professional engineer in the State of New Jersey for over 25 years; testified in (about 15 years ago) Freehold Borough and recently in Jackson, Wall and Freehold Township with respect to residential, industrial and, commercial applications similar to this very application;

Mr. Reich – Mr. Cattani’s credentials are accepted by the Board;

Mr. Reich – can we mark into evidence the items of record and any items you have that have not been provided to the Board;

Mr. Miller – taking the first items from Mr. Wentzien’s report dated July 31, 2018

A1 – application form

A2 – site plan

A3 – application narrative, from Salvatore Alfieri to the FBPB

A4 - site plan check list

A5 – zoning denial dated May 31, 2018

A6 – 14 photographs of existing site conditions taken July 2, 2018

A7 – plans Preliminary and Final site plans prepared by Dynamic Engineering (8) sheets dated May 10, 2018, revised July 6, 2018;

A8 – Ariel – enlarged (from plan) – Dynamic Engineering

A9 - Color rendering of page 4 (sheet 1)

A10 –

A11 – Ariel – subject property and adjoining properties – Beacon Planning & Consulting Services, LLC

B-1 Abbington Engineering Report, William Wentzien, dated July 31, 2018

B-2 Memo from Dominica R. Napolitano dated June 13, 2018

Ms. Kim – Mr. Cattani please go through the site plan and describe to the Board what the applicant is proposing as the Use on the property and the proposed changes;

Mr. Cattani – Using A8 exhibit you are all familiar with the property; Jerseyville Avenue running left to right and Institute Street coming in off the left centrally; the rail spur in this location and the baseball fields east of the property; former concrete plant owned by the Clayton company, no longer in operation; we are looking to convert this existing facility into a proposed Coffee Grounds Grind Facility; essentially we are going to repurpose the existing building provide additional equipment, add in a loading bay which will essentially take spent coffee grounds from the Nestle Company located to the East of the property; the spent coffee grounds are currently taken to farms and other facilities, trucked off the premises; the applicant is proposing to take the coffee grounds in approximately two (2) to three (3) trucks (18 wheeler type trucks) per day. The trucks are similar to the mulch trucks that push the mulch out the back of a truck, walking trailer, pushes the material right out of the truck; the truck would back into the loading area and materials would be pushed out of the truck into a rotary collection and pulled into the facility, into the dryers in the building; the grounds would be dried through an air process, materials are dropped and dried and collected and pelletized and bagged; 60% of materials are bagged and 40% are bulk off loaded;

Mr. Reich – is it a combustible drying process;

Mr. Cattani – no – it is an air drying process; there is no flame, the heat is generated in a source and the air dries the coffee grounds; There will be another unloading area where the truck will sit and the dried materials that are bulk exported will be loaded into a silo and once a day a truck would be loaded with bulk material; anticipated 24 hour operation, 3 trucks coming in and 1 truck leaving per day; all trucks will be entering and exiting from Jerseyville Avenue adjacent to the Nestle site; there is no anticipated use or proposed use for Institute Street; Institute Street will remain closed; the only access for Institute Street would be emergency vehicles;

Mr. Jackson – Will employees use Jerseyville Avenue;

Mr. Cattani – correct; we anticipated 2 to 3, possibly 3 to 4 employees per shift, 3 shifts per day, maximum of 12 employees coming and going to the site in a 24 hour period; We are not adding paving, the parking requirement in the zone is 1 per 300 based on the square footage; we need 28 parking spots; clearly more than necessary; we can show that we can accommodate 28 parking stalls; we propose to strip 8 to 10 parking spots on the pavement and then show a land bank of the remaining parking stalls; it is all pavement/concrete and gravel; but for the safety of not being required to put down more paving;

Mr. Jackson – the existing building, while modified for production purpose, the foot print is staying the same;

Mr. Cattani – yes, with some minor exterior changes, the pad in the loading area and the equipment to load the material in the building and dust collectors outside to collect the dust – off loaded in a similar fashion and collected once a week or once a month; the process will be within the building, the building will have a sprinkler systems installed and the existing on site septic collection system, based on number of employees we anticipate we will not need to change;

Mr. Reich – aside from the loading ramp, the canopy and the unloading ramp and dust collectors in the back is there any repaving or repairing of the property;

Mr. Cattani – Claytons are committed to cleaning up the site, misused for many years; we will look to put a more decorative gate up along Institute Street, clean up the area, could be additional landscaping provided at the end of Institute Street, greenery added to the West for a barrier and general clean up; we are not going to do much that would involve grading, just clean up;

Mr. Reich – is Sustainable purchasing or leasing or Clayton retaining ownership;

Mr. Cattani – Clayton is going to retain ownership; it will be a lease, 3 or 5 year lease;

Mr. Reich – Clayton will do the clean up now and Sustainable is putting in the new ramp and canopy;

Mr. Cattani – yes, all work associated with the facility; Claytons will most likely be responsible for the clean up of the property and clean up of materials out there; and during the lease of the property, Sustainable will be responsible for the general up keep of the property;

Mr. Jackson – the gate at Institute Street would stay but remain locked;

Mr. Cattani – yes – we can provide a Knox Box for emergency use;

Mr. Jackson – is the gate access to Jerseyville;

Mr. Cattani – no, open driveway;

Mr. Cattani – refuse collection is anticipated to have private company remove; internally contained; also no retail sales, no public access it is all wholesale; The impervious coverage, our calculation, we were conservative in identifying only the pavement, concrete and building areas in our 30% number; we tend to agree with Mr. Wentzien about the gravel; with further investigation all the gravel areas are broken asphalt and concrete and majority of site is functioning; we are not proposing to increase any impervious service area, our proposed facilities will be on either the contact gravel or concrete surfaces already there, so there will be no negative impact to the storm water management; we also feel from a trucking stand point the previous operation created a much larger truck and vehicular traffic for the site, this proposal has significantly less traffic than historically;

Mr. Reich – the area of demolition to the right of that ramp area, is that repairing – there are 3 lines of demolition – are they being replaced or repaired;

Mr. Cattani – the plan has changed slightly, modifications to the operations; some equipment has shifting around the building; one change – the truck unloading at this location is being relocated to this side of the building which would hold potential for the tractor trailers and back up alarms to be away from the residential area keeping as much activity on the railroad and Nestle side of the property / operation; the final plan submitted will be exactly as shown in equipment and layout but we'll adjust some of the locations to be better suited;

Mr. Wentzien – the plan I have now shows the loading dock on the south side of the building; are you suggesting the north side; and will it still have the canopy;

Mr. Cattani – correct and it will still have the canopy; it is within the setbacks for the equipment we have shown so it doesn't affect any of the set backs;

Mr. Wentzien – we will need amended turning movement plans to show the turn around can happen;

Mr. Cattani –ok; we felt this was better for the residents; keeping the noise level down and to the same side as Nestle;

Mr. Reich – so keeping away from Institute Street; everything thing your saying is that this will all be on the north east side of the building and the south side of the building will look the same other than being a turn around area;

Mr. Cattani – yes, correct

Mr. Wentzien – you said you re-clarified the limits for the impervious coverage, do you have a new number;

Mr. Cattani – approximately 70%; we will represent the final number on the final plan;

Mr. Begley – you mentioned the 3 deliveries or 3 trips, do you have any idea of times of those trips; Mr. King could probably better answer; but presume it will be throughout the 24 hour period, it is a 24 hour operation; again Nestle has their own truck traffic you probably won't even notice the 3 additional trucks;

Mr. Jackson – I believe a majority of the Nestle trucks now come in off Jerseyville Avenue with that same entry;

Mr. Cattani – that is correct, there will not be a new truck access point; mixing in with the Nestle truck traffic with the least amount of affect on the residence; there will be no product going into the septic system, none of the material is associated with Nestle other than receiving the coffee material; no impact to any surrounding facilities at all; contained on site;

I didn't touch on lighting – we are proposing minimal amount of lighting around the building facilities to light the operation around the building; our plan shows a zero foot candle limit within the property limits; essentially we are proposing zero foot candles at the property lines, all lighting will be down, it won't have glare issues on the neighbors;

Mr. Cattani – the applicant is able to comply with everything that Mr. Wentzien has in his report; I have touched on some of the items he was looking for clarification – Mr. Wentzien do you prefer to go through and ask questions on items I may not have discussed;

Mr. Wentzien – sure, start with page 4, parking; you indicate your delineating 9 parking spaces, site requires 28, revised plan would need to show how and where you could adequately bank and if you can't bank enough, then we will have to have a variance of record;

Mr. Cattani – our testimony of record is that we can comply with 28 parking spaces and we will show them on the plan and will identify 19 stalls as land banked;

Mr. Wentzien – dash the lines in or do something so I know you have enough spaces if it were paved and the isles behind it so I can check circulation to assure that; I bring it up because in Freehold Borough it is an actual variance not a design waiver; 2 aspects about, it would need the variance approval and 2nd if a shortage there is a required contribution cost for parking;

Mr. Cattani – we will absolutely comply and show compliant locations;

Mr. Wentzien – gate at Institute – I recommend you install a decorative wrought iron look; will you replace the fencing and barbed wire along same area

Mr. Cattani – we would provide to the Boards professional satisfaction a new gate and materials as well as any reasonable beautification landscaping; and we will replace with standard fencing and completely remove the barbed wire; I don't think we need to have barbed wire at this facility;

Mr. Reich – is there enough green buffer to potential cover any lights coming from the trucks; with past applications the Board has suggested to put slates in the fencing, do you think this will be necessary to prevent headlight spillage;

Mr. Cattani – there is enough grading and the headlights will be headed downward, so I don't see this as a potential issue; if any complaints or issues we would certainly address;

Mr. Wentzien – in my report we do suggest adding some evergreens to the left and right of the gate and you are will to do this;

Mr. Cattani – yes;

Mr. Wentzien – a Knox box on the gate; you never know when an emergency will happen

Mr. Cattani – it is easy enough to add and will be provided;

Mr. Wentzien – nothing on the plan for signage – no proposed signage;

Mr. Cattani – no proposed signage;

Mr. Wentzien – page 7, site improvements – several areas of existing features either staying or coming out, cross the boundary; is there an arrangement or agreement with Nestle that this activity can take place;

Mr. Cattani – yes, it is Nestle property; and the property discussing was given to Nestle by Clayton and as part of those transfer, Clayton was given perpetual access to those properties and continue to use those properties and the operations were in place when they gave the properties to Nestle; we have documents to show the Board showing the property was given to Nestle and the permitted use and how they exist;

Mr. Wentzien – the concrete will be cleaned up; also the pavement area looks fine in terms of stability and where the stone is and even some millings vegetation is coming up in some spots I recommended those specific areas, outlined on truck turning area, that stone area be replaced with full depth stone;

Mr. Cattani – the previous operation on this site was almost solely heavy trucks and equipment, and over years established itself; based on previous operations, we would look to utilize existing facility rather than pull stone out and always try to catch up with new loose material we would look to show the initial operations and will show it is sufficient and if any problems arise we the applicant will address;

Mr. Wentzien – are you will to put a stipulation note on the plan that the condition of the stone will be reviewed in the filed during site construction with our office; if there are areas we deem should be replaced you will do;

Mr. Cattani – yes, absolutely;

Mr. Wentzien – trash; the trucks will only come into the site by Jerseyville, not Institute Street;

Mr. Cattani – no trucks on Institute – no vehicles on Institute Street other than emergency – everyone entering the site comes via Jerseyville;

Mr. Wentzien – anything happening with the building exterior in terms of appearance, in particular to the site you can see from Institute Street;

Mr. Cattani – the building will be painted and cleaned up visually and aesthetically; I don't think anyone would want to a operate at the site with ply wood and graffiti on the building;

Mr. Wentzien – note on the site plans what and where you are doing work, so our inspectors and the works are looking at the same plan;

Mr. Wentzien – you are using one loading area for this operation;

Mr. Cattani – one loading and one off loading; the off loading pushes material in and the loading will be the silos up against the bulidng, where the truck will pull in and it will be funneled into the truck;

Mr. Reich – the unloading doesn't require a ramp or anything;

Mr. Cattani – it's almost like a concrete plant where a truck drives under and comes in same type of idea;

Mr. Wentzien – because of prior use there is more than 1 overhead door;

Mr. Cattani – the other doors will be kept closed; essentially they will function as walls; During construction or major repairs the doors will open to allow access;

Mr. Wentzien – you will show the handicap parking and signage;

Mr. Cattani – yes, we will show the 2 ADA stalls and signage;

Mr. Wentzien – topographic notation and you'll need to provide specific grading for 2 handicap stalls and accessible pad;

Mr. Cattani – we will provide a compliant grading plan;

Mr. Wentzien – to the southeast to the right of the loading pad currently shown, goes to concrete, then up steel sieves that is a high raised ramp, is that intended to stay;

Mr. Cattani – the ramp will remain unused in current position; any debris will be cleaned up but no intent to remove;

Mr. Wentzien – not safe, can it be fenced off and we can review;

Mr. Cattani – we can provide construction type fencing to prevent people from getting up on top of and you can review;

Mr. Wentzien – are you ok with water;

Mr. Cattani – yes, we have the tank right next to the site, a water main that ends just at the end of Institute Street and fire system tied in and gas main off Institute Street;

Mr. Wentzien – I agree with the lighting; the separation between the lot and the operation the lighting plan you have provided shows zero light levels at the property line; there is fairly good vegetation that exists at the Hampton Avenue area and on the other side, tax lot 59 it is pretty good now; as I said most is deciduous that is why I suggested planning evergreens;

Mr. Wentzien – you will need your DEP permits, you have a wetlands and a wetlands buffer and encroachments in the buffer;

Mr. Cattani – we have an LOI and will provide and since we are removing the unloading from that side of the property we will probably remove the encroachments in the buffer, eliminated the need for the transitions area waiver;

Mr. Reich – can you explain the Letter of Intent;

Mr. Cattani – there are wetlands adjacent to the property – man made – there is a ditch that runs between this property and Nestle and takes water under the railroad to the creek northeast of the property and there is another stream on the western side of the property

that comes under a bridge (historical landmark in New Jersey) this particular bridge is 160 years old or something, water comes to this location; we have an LOI that has delineated and identified those wetlands, flagged, 50 foot buffers and the state has issued a letter of interpretation defining those wetlands and what those buffers are; as a result of moving the load and unloading to the other side of the building we don't need to remove some of the concrete bins that were in the wetlands buffer preventing the need for a transitionary which would be required if disturbances were to take place;

Mr. Reich – item #2 regarding environmental clean up, is that in relation to the wetlands or something else;

Mr. Cattani – no there was a minor clean up item associated with the site, it could have been a barrel, asbestos on a pipe; it was identified by an environmental consultant and as a result, a sign was posted that remedial action was taking place; all items addressed and reviewed and approved by NJDEP and a letter of No Interest was issued by the State indicating that all activities identified were addressed to the satisfaction of the State; we will provide a copy;

Mr. Wentzien – that is all I have;

Mr. Miller – I may have missed – replacing fencing but did you offer anything else;

Mr. Cattani – we are replacing the fencing with a 6ft fence, adding a wrought iron looking gate with a Knox Box and adding some vegetation;

Mr. Miller – you mentioned there are 2 to 3 vehicles that would come to the site to dump off the coffee grounds, 24 hour period; is that an estimate or actual, I want to give the applicant the opportunity to distinguish between the two and perhaps that should be answered by Mr. King;

Mr. Cattani – I'll let Mr. King answer;

Mr. Wentzien – couple of follow up points, page 11 and 15 – if you can clean up the shoulders of the road near Institute Street and concrete sampler block walls should also be removed;

Mr. Cattani – yes, I mentioned early in my testimony we would clean up;

Mr. Reich – anything from the Board at this time;

Mr. Reich – Thank you Mr. Cattani;

Ms. Kim – I would like to call up Mr. King, representative of Sustainable Resources Group;

Mr. King – Sustainable Resources Group is a residual management company; in business since 1985; we repurpose non-hazardous organic residuals; we concentrate on the food process industries and the municipals industries; 6 or 7 years ago we cleaned the Sea and Drying bids for Freehold Boroughs Water Treatment Plan; we beneficially use these residuals through land application to agricultural lands as fertilizer; we generate energy using anaerobic digesters creating a gas running a generator make electricity, composting and soil manufacturing; generally we work in the Northeast; I have been with the firm 19 years; we have been a contractor partner with Nestle for 19 years;

Mr. Reich – this type of work is at other Nestle locations or similar process;

Mr. Miller – we work at other Nestle locations but this is the only coffee plant we work at;

Ms. Kim – please discuss the particular work at this site; how many employees for peak hours;

Mr. King – we will have 2 to 3 employees per shift during the day;

Ms. Kim – in regard to the activity where is the activity – inside – outside for the operations;

Mr. King – you will have trucks delivering materials, wet coffee grounds coming in, and 1 truck a day hauling dry coffee grounds out; the main activity will be operating the drying inside the building;

Ms. Kim – will you describe the drying process;

Mr. King – we chose a fluidized bed technology, this unit is manufactured by the Whitey Company in Washington New Jersey, rather than have open flame or direct heat, this uses warm air; the fluidize bed dryer is about 4ft wide and 38 ft long, wet coffee is placed on one end of the dryer and warm air comes up through a grate that floats the coffee grounds; as the coffee dries and moves down, we capture it and send it to silos; we are coming in at 65% moisture and going out depending on the end use between 7% and 12% moisture;

Ms. Kim – when the wet coffee grounds are going through the conveyer, what do anticipate the noise level, is it maintained in the building, do you know loud the noise will get in the area;

Mr. King – basically the 55 decibel limit going off the property line we feel we can meet; there will be blowers, dust collectors and fans but we don't expect it to be a problem;

Mr. Reich – and they are located on the opposite side of the building than the residential property line;

Mr. King – yes;

Ms. Jordan – you're using this as fertilizer or what is the use;

Mr. King – the last nine years we have been supplying a portion of Nestles existing coffee to a company that manufactures a fire log made from coffee grounds; coffee grounds have a B2 value of 11,400 but almost twice that in cellulose ; do there is some energy value in spent coffee grounds and that is what we want to capture;

Ms. Kim – regarding the loading and unloading of trucks approximately how many do you expect to unload the wet coffee grounds; you said only 1 truck unloading the dry coffee grounds – pellets for delivery;

Mr. King – right, to answer Mr. Begley's questions earlier the rate at which trucks come in will depend on the manufacture speed; we do 1 load or 5 loads per day, so our highest would be 1 to 5 loads, average 3 loads per day; timing is dependent on production at the plant; typically there is a 6:00 am, 2:00 pm and a 12:00 am load leaves the Nestle plant;

Ms. Jordan – when does it leave your plant;

Mr. King – we can control that, we don't want to load at night we want to load during the day time hours – 15 minute load;

Mr. Jackson – does Nestle deliver to you or do you go and pick up from Nestle;

Mr. King – we will be responsible for picking up from Nestle;

Mr. King – we have constant communication with Nestle so we know when to pick up;

Ms. Kim – you said no retail sales correct directly from the site;

Mr. King – correct;

Ms. Kim – where are the pellets delivered;

Mr. King – our market now is Birmingham Alabama, that is where Java logs are manufactured; they will most likely not take all of the capacity; we are marketing the bio fuel pellet market, pellet stoves, grilling pellets, coffee flavored pellet makes a very nice steak; looking into the activated carbon market, as a raw material as an air purification;

Nestle was going to originally do this on site; based on their preliminary estimates there cost was very expensive so they brought the project to us; this is an opportunity for us to continue our partnership and they will save a tremendous amount of money; the reduction in transportation from South Jersey, the coffee is transported now, to next door is a big savings.

Mr. Begley – do you handle the South Jersey processing;

Mr. King – South Jersey we primarily are into plyo farmland;

Mr. Jackson – can you speak of any odors coming from the plant that would be a concern to the neighbors;

Mr. King – we utilize a toll dryer now a whole different process, not the fluidized bed; we don't anticipate any odors; it won't add to what Nestle;

Mr. Begley – is the type of process in any other neighborhoods currently or is this a unique set up;

Mr. King – no, nothing in any other neighborhoods; this is very unique, that it is solely for coffee grounds; this fluidized bed system is currently used in Nestle for the granulated product they have to dry so we know the technology works; but there is nothing set up anywhere else with the fluidized bed; there are other places that use toll dryers, usually agricultural, sugar beets, tomatoes, potatoes, vegetables that usually go into feed; this will be the only designated coffee drying facility;

Mr. Begley – are there any other items we should be aware of or have concern for;

Mr. King – the truck traffic is at a minimal; headlights were addressed with the fence and landscape;

Ms. Kim – we are trying to keep the intensity at a minimal; employees at peak hours are 3; adding more landscaping to continue the buffer to not only help with the lighting and noise but aesthetically; I know the town wants to revitalize the area, we want to clean up and be a part of the community; Clayton as the owner and Sustainable as the tenant acknowledge the Borough wishes to preserve and clean up; we don't want to exacerbate any impervious coverage or dig up more land – grading kept at minimal; circulation of the trucks will not face the residential area, other than to make the turn around; noise is kept at minimal, 55 decibels; Sustainable Resources is not looking to create additional nuisance to the property or the surrounding area;

Mr. Reich – Ms. Gibson any questions;

Ms. Gibson – I think it is really interesting and exciting;

Mr. Ceppi – I understand Nestle operates 24/7 – it does concern me to have a 24/7 operation 160 feet from residential area; does someone in the room know what the former Clayton hours were;

Mr. Cattani – 6am to 6pm

Mr. Ceppi – the processing has a low decibel truck, if I'm sleeping at 3:00am and a truck drives down Park Avenue, I still hear it; is there a way to work with Nestle to have trucks available from a certain period of time, maybe 6:00am to 8:00pm so evening hours are not disruptive to the community;

Mr. Reich – the variable now is that we don't know what the truck route will be, the loading ramp is being moved to the back; based on the testimony the turning radius is going to be more towards the left side and a little to the front, the idea the trucks being close to the Hampton Avenue property line is probably not going to be that close; if this is an application we are looking to approve we need to look to Mr. Wentzien view; Ms. Ehlen's testimony will probably help us with this as well;

Mr. Reich – the exported product, is it just dried coffee grounds or is it pelletized coffee;

Mr. King – we are marketing, we want the option to do it, the design has the option to pelletize, it is expensive and a little more labor; we have it as an option; the pellets can go out as bulk or in super sacks which is just another trailer loaded from behind;

Mr. Reich – right now the process is the wet material comes in, it is dried and kept in a silo; if you do the pelletized option does that increase your employee count, your export count, and kept on the same side of the building;;

Mr. King – no, it will be the same just a different form and yes on the same side of the building;

Mr. Ceppi – how does it work if you are bringing 3 trucks in and 1 truck out;

Mr. King – it is basically moisture, when we transport to the Midwest, we are hauling water, 65% moisture which we dry down to 7% it can fit in 1 trailer;

Mr. Reich – Mr. Miller, Mr. Wentzien anything else;

Both No;

Ms. Kim – call Barbara Ehlen – licensed planner in the State of New Jersey, NJAC, I have testified here on a few occasions, worked at Beacon Planning since 2008, worked up to Project Manager – undergraduate from Binghamton University;

Mr. Reich – credentials are accepted;

Ms. Ehlen – the subject property is located in the CM district and actually permitted uses within that zone include the manufacturing of items from previously prepared raw materials, such as pharmaceuticals, electronic equipment, jewelry and watches; so manufacturing is anticipated in this area; it just wasn't anticipated they would use a residual form the neighboring property;

Pictures – not previously provided
Mark as exhibit A-10 -

A-10 – photo exhibit board
Upper left is of Nestle facility
Upper right Institute Street
2 Lower bottom – subject property

Second board – Ariel view of the subject property and adjoining uses;

Overview of the area, this is the Nestle plant supplying the raw materials, looking down Institute Street and where applicant plans to operate; this is the access off of Jerseyville;

The applicant is proposing to utilize the existing resource to provide a coffee manufacturing use; for this we need a use variance per the ordinance; the prior use was a concrete plant which was non-permitted within the zone so we are actually we are moving it closer into conformity within the land use ordinances as the use is proposed;

The 1980 Master Plan states goals to continue compatible arrangement land uses by maintaining the basic commercial and industrial areas; and provide opportunities for commercial and office and professional growth where appropriate; when we look at the Re-Examination report it talks about adding uses to the manufacturing zones because the industrial areas zoned were not attracting those types of uses; so your adding auto and retail uses; in this instances we are proposing a use that is envisioned for this use in this area, just not in the form that is presented;

We also look at the Municipal Land Use for special reasons; I would argue that we can promote G, to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses in open space both public and private according to the respected environmental requirements to meet the needs of all New Jersey citizens; and M – to encourage coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development for more efficient use of land;

The facility exists, the applicant is proposing to reutilize, in its current configuration, not expanding, beautify the building, bring it back into productivity benefiting the Borough;

When we look for use variance relief we must meet the Medici criteria, demonstrating our unique circumstances is particularly suited for the proposed use; in this instance I would argue it is particularly suited – parcel located in the CM district, anticipates manufacturing but from raw materials; the overall character remains consistent with the permitted use, specifically the transformation of a resource into a product; the physical location is obviously conducive due to proximity to the source and located in a manufacturing district as previously stated;

We must also present the Medici reconciliation; the Borough couldn't have anticipated a residual being utilized in the manufacturing process; not typically anticipated; it is innovative and will provide an interesting use for the coffee grounds;

With respect to substantial detriment – I do not see any; as we said the traffic will be limited; it is proposed for 24 hours but within the 24 hour time period only a limited amount of trucks will visit the site as stated by Mr. King, maximum of 5 coming to the site and only 1 leaving; note the product already has to leave the site, it would either leave from Nestle or here; traffic associated with employees will come off of Jerseyville Avenue and not Institute Street; a significant buffer existing on Institute Street, see aerial photo; previous use was a concrete manufacturing plant and can't believe it was quiet and it was deemed as more of a nuisance as it is prohibited by the Borough as opposed to the manufacturing use; light will be contained on site, trash will be handled via commercial waste hauler, trash stored inside, noise will meet required decibel levels and the equipment will be situated away from the residential uses as much as possible;

With respect to bulk variances, I believe we are limited to existing side yard set back, rear set back for accessory structures, which are proposed to remain; lot coverage which again has been established, the applicant is not proposing to exacerbate; this would qualify under C1 as existing conditions; with respect to negative impact, they have existed in the neighborhood for quite some time, essential being assimilated; any questions;

Mr. Reich – the questions was asked earlier, if there are facilities in other residential zones and the response is unique; in your planning research have you found other townships or municipalities that have CM zones in close proximity to residential areas;

Ms. Ehlen – I haven't come across as many with this type of application but note the Master Plan does acknowledge these industrial areas since 1980, so they are well established within the Borough;

Mr. Reich – your opinion the reason for the use variance tonight is the omission in our land uses, is an unforeseen future technology, that when it was written

Ms. Ehlen – yes, you couldn't anticipate the residual products someday become marketable;

Mr. Reich – it is not a raw material, it is a residual material but along the same lines of a manufacturing process;

Mr. Miller – reminder to the Board and the applicant that there are bulk variances relief requested but the bulk variances will be subsumed in the use variance according to case law, so if the use variance is granted by the board then those bulk variances will be included as part of that approval, under the guides of use variance relief;

Mr. Reich – open up to the public for questions and comments;

Mr. Miller – swears in Jack Malysa, 210 Jerseyville Avenue – JDK Properties

Mr. Malysa – I think this is a good and innovative recycling and repurposing type of program; our biggest concern is, we are located directly across from the waste water of Nestle, there is a history of bad odors coming from Nestle; 1 question I have is for Mr. King, he mentioned that 65% of moisture is going to be removed, where does it go to;

Mr. King – it evaporates;

Mr. Jackson – where is your property exactly;

Mr. Malysa – 2nd property in from the point, next to gas station;

Mr. Malysa – I am asking the Board if they will consider more seriously or maybe to monitor the situation of smells;

Mr. Reich – the applicant has testified that for the most part there process is contained inside the building; Mr. King, the process you have with the toll dryers is a different process, so what is experience with toll dryer;

Mr. King - it is evaporation into the atmosphere and no odor associated with the process;

Mr. Reich – none of us are experts with the evaporation drying process;

Mr. Malysa – I just want to know if something can be done to prevent more bad smells;

Ms. Kim – the applicant wants to state that whatever the current state is now with the smell, we are not going to make it worse, we are not exacerbating, we are not adding to it; the issue with the waste water management, specifically with Nestle, we can't do much about on our part to control – but none of our waste is leading into that waste water;

Mr. Begley – are you stating that if there are odors associated with this that are not already there the applicant will put something in process to rectify in the future;

Ms. Kim – this is totally new, when it comes to specifically coffee grounds and based on Mr. King's testimony there is evaporation being released into the atmosphere, water vapors; we don't anticipate the odors from the drying process to be released and believe the current state where Nestle is omitting smells from factories, we can't control;

I understand Mr. Malysa's concern of smell, we don't anticipate exacerbating the conditions in every aspect, drying process, intensity of the use; hard to pin point smell and say it is coming from our factory – day to day would vary – if we can we will try to rectify but it would be hard to say it is coming specifically from our facility;

Ms. Gibson – is this your business or residence;

Mr. Malysa – business, 4 tenants, 1 apartment;

Mr. King – we want to be a good neighbor, if our plant is creating odor we are going to fix it; in our business if you create a nuisance, your not going to be in business long; to answer your question – smell is objectionable, one person my find offensive, someone else may not but if there is an issue we will attempt to rectify;

Mr. Begley – historically the Nestle plant puts out odors, people know if you smell the coffee it is probably going to rain; historically with your current process, an odor is not created with putting the moisture out into the air;

Mr. King – correct;

Mr. Malysa – the coffee smell I don't mind, it is the waste water, it has a sewage smell at certain times it gets heavy;

Mr. Begley – as a neighbor do you have any other concerns;

Mr. Malysa – no I think it is a pretty cool thing;

Mr. Reich – any one else from the public

Mr. Miller – swears in Marianne D'Alessandro, 729 Park Avenue

Mr. Reich – you're located where

Ms. D'Alessandro – 2 doors down from Mr. Malysa, other side, residential; my only concern is the smell; how would it be considered because the people that live there will know the difference from day to day, week to week and year to year verse the people that work there, just come and go – how will this be considered to elevate the smell;

Mr. Reich – the starting point would be with code enforcement; but the applicant is looking to make sure they take care of if a smell is associated with the process;

Ms. Gibson – how long have you lived there;

Ms. D'Alessandro – about 19 years;

Mr. Begley – your biggest concern is the smell any other concerns;

Ms. D'Alessandro – traffic a little, Jerseyville is behind me;

Mr. Jackson – they are taking trucks off the property now;

Mr. Ceppi – it will be a reduction in traffic;

Mr. Reich – anyone else from the public;

Mr. Jackson – made a motion to close public comments; seconded by Ms. Jordan

Roll Call to close public comments;

ROLL CALL

Yes	6	Begley, Ceppi, Gibson, Jackson, Jordan & Reich
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Barricelli, Bennett

Mr. Reich – board deliberations;

Ms. Gibson – as we look to revitalize the Borough, it is great to see this has biotechnology and bio fuels and resources, this is a passion for me; I previously was in an industrial manufacturing business where they used recyclable natural organic product to create temporary housing for the homeless; this hits close to home; I think the zone is perfect for it; it is already manufacturing use; as long as odor is as what you say and everyone can get along, I think it is awesome and welcome the opportunity to have you in the Borough;

Mr. Begley – I would agree; hopefully the testimony regarding the smell is accurate; think it will be a great use for the site; I would be in favor of passing;

Ms. Jordan – I believe the applicant has met the criteria and will be in favor in voting yes;

Mr. Jackson – I would agree with everything said; add do like the idea supports Nestle, it is important in this town, they provide a lot of jobs; if the resolution to approve to require a Knox Box, at the discretion of the Fire Official, which is how the ordinance is written;

Mr. Ceppi – great repurposing – agree with the other Board members;

Mr. Reich – I am also in favor, it meets the positive and negative criteria presented before us; this site is particularly suited for this process; the land use ordinances did not have the foresight to determine that renewable materials could be manufactured in a sense; I do think have the close proximity of the resource also makes highly suited, lessens traffic to the roadways and cuts down on pollution and I don't think there are any negative detriments to the surrounding area; I think if the applicant applies and conforms to what is previously stated this evening regarding the green scaping, changing of the fence; I don't think there would be any concerns of adverse impacts to the properties on Institute Street; regards to odor, Mr. King knows his product and process, I think we have to take his word as being a 19 year expert on the process; sounds like this procedure is new which means more efficient and means better products and output usually; There are some variances brought up tonight;

Variations & items

1. Inclusion of Knox Box on the gate as required per the fire official;
2. Parking 28 parking spaces be stripped to show they can fit on the property with the proper egress isles – to be reviewed by the engineer;
3. Gate be replaced with 6ft high black aluminum gate and black chain link fence at 6ft high with no barbed wire;
4. Evergreen planting along Hampton Avenue buffer;
5. Confirmation the applicant won't have signage on the building;
6. Stone condition will be remediated during site instruction as advised by the engineer;
7. Previously used lading ramps and sieves will be safety fenced;
8. Provide copies of LOI letters to the Board;
9. Provide copies of DEP letters to the Board;
10. Provide the note regarding the gravel area on the plans as per the engineer;
11. 2 Handicap stalls, stripped and marked from the 28 spaces;
12. New truck circulation plan because the applicant testified the loading area will be moved 90 degrees, to extend from the south of the main building to the north of the main building which will comply with the setbacks;
13. Clean up shoulder area of Institute Street approaching the gate and the removal of the concrete block walls;

Mr. Miller – just a reminder to the Board that this is a Use Variance and under the MLUL for the application to be approved the must be a minimum of five (5) affirmative votes to approve the application;

Mr. Reich – with all those conditions would someone being willing to put forth a motion

Ms. Gibson – I would love to make a motion with all the conditions to approve the application;

Mr. Jackson seconded the motion;

ROLL CALL

Yes	6	Begley, Ceppi, Gibson, Jackson, Jordan & Reich
No	0	
Abstain	0	
Disqualified	0	
Absent	1	Barricelli, Bennett

Mr. Reich – Dominica what do we have for the next meeting;

Ms. Napolitano – application for 10 Avenue A is scheduled for August 22, 2018 which was carried from July 11, 2018, a use variance but it is most likely going to be canceled; I will let you know next week;

Mr. Ceppi – I will not be at the next meeting on August 22, 2018;

Mr. Gibson – I will be here but will be about 20 minutes late;

Mr. Reich – anything else to come before the Board; seeing none someone want to make a motion to adjourn;

Ms. Gibson made a motion to adjourn, seconded by Mr. Begley. All in favor, Aye (everyone), no one opposed.

Meeting adjourned at 9:15 PM.

Respectfully submitted,

Joseph B. Bellina