

# **ALLOWAY TOWNSHIP PLANNING BOARD**

Township Municipal Building, Auditorium  
49 South Greenwich Street  
Alloway, New Jersey 08001

## **MINUTES FOR REGULAR MEETING – March 9, 2011**

Meeting called to order at 7:04 P.M.

Statement of adequate notice of meeting was read and the flag salute performed.

**Present:** Alexis Coleman, Karl Ott, Jack Cianfrani, Walter Leslie, Craig Kane, Betsy Burden (Alternate No. 1), Ron Zarin (Alternate No. 3), Bill Greenwood, Myrle Patrick (arrived at 7:52 P.M.), Allen English, Cheryl Lowe, Tracy Stites (Alternate No. 4)

**Absent:** George Reeves (Alternate No. 2)

Also present: Michael Albano, Solicitor; Charles Chelotti, Engineer

A Motion was made by Ott, seconded by Cianfrani, to approve the minutes from the January 12, 2011 meeting. Unanimous voice vote.

Chairman Coleman opened the meeting to the public for comment on matters not on the agenda. None.

**Resolutions:** 2011-1 Reorganization Resolution. A motion was made by Burden, seconded by Lowe to adopt the resolution. Roll call vote. Unanimous approval vote.

2011-2 Solicitor Resolution. A motion was made by Lowe, seconded by Kane to adopt the resolution. Roll call vote. Unanimous approval vote.

2011-3 Engineer Resolution. A motion was made by Greenwood, seconded by Cianfrani to adopt the resolution. Roll call vote. Unanimous approval vote.

2011-4 Planner Resolution. A motion was made by Lowe, seconded by Burden to adopt the resolution. Roll call vote. Unanimous approval vote.

**Business:**

Angelo Massari, Inc. (B 13, L 7) – Renewal of Site Plan Approval for Clay Extraction

Member Leslie stepped down as he is within 200' of the property. The Board discussed whether Applicant was appearing for a use review or a renewal of the site plan as the property was previously conforming, but after an ordinance change was deemed non-conforming. It was explained as a renewal of a pre-existing, non-conforming use; therefore, nine (9) members will vote.

Joseph DiNicola, Sr., Applicant's attorney, made a presentation regarding the current status of the property which covers approximately 164 acres. The property has been used for clay extraction since 1980 and initially returned every 10 years for renewal. After litigation involving the property it was determined the renewal should take place every five (5) years.

Gregory Massari, President and sole member of Angelo Massari, Inc. was sworn, as well as Mr. Chelotti, the Board's Engineer.

Mr. DiNicola continued by evidencing the location of the property at 55 Brickyard Road. Currently 52.7 acres of the 164-acre site are approved for the referenced use. Of the 52.7 acres only 18 acres are left to be harvested (the 10-acre parcel currently being utilized is within said 18-acre portion). The rest of the site has been restored pursuant to the requirements noted in the prior approvals. DuPont Company uses 99% of the clay extracted, with less than 1% being used for resale (a small load was recently sold to Atlantic City Airport). The only product brought into the site is top soil, no other product is removed.

Mr. Albano questioned the intensity of the traffic entering and exiting the site. Mr. DiNicola advised approximately 10-12 trucks per day (when in use) and the hours are Monday through Friday from 7A.M. to 5 P.M., with Saturdays only being permitted in an emergency.

There are no requested changes to the current use. The applicant was requested to provide the latest Salem County Soil Conservation approval (generally received every other year) to the Board. No NJDEP or Salem County Planning Board approvals are required.

Mr. Greenwood questioned if there have been any recent complaints as to road wear, etc. due the heavy trucks, as well as how much of the 10-acre parcel is left to be harvested. Mr. DiNicola advised there are no current or recent complaints regarding truck traffic or road wear, and it is difficult to put a number on the expected life of the area as it depends on the need for the product. He advised only approximately 10% of the 10-acre parcel has been harvested over the last three (3) years. Mr. Massari advised there have only been 98 days of extraction in the last five (5) years.

There are two bonds posted for the property, one being for maintenance of Brickyard Road, and one for restoration of the site.

Mr. Ott questioned whether there is any standing water on the property. Mr. DiNicola advised the sections which are now closed have been restored and there is no standing water.

Mr. Kane questioned whether the applicant noticed surrounding property owners, as well as questioning whether Township officials could inspect the site (as noted in the prior approval). It was agreed that members may coordinate with Mr. Chelotti to inspect the site prior to him preparing a review letter.

Mr. Ott questioned whether a waiver for freshwater wetlands was obtained.

Mr. Leslie (speaking as the Zoning Officer) advised the property and operation are in compliance.

Mr. Cianfrani commented that Applicant runs a neat, clean operation.

Mr. Chelotti advised, now that he has received Board and public comment, he will schedule a time to inspect the property and write a review letter.

A motion was made by Ott, and seconded by Burden to open the public portion of the meeting. Unanimous voice vote.

Public Comment:

Dawn Dodson (B 13, L 5.03) was sworn in and advised she owns 27 acres at 153 Pierson Road. She questioned the legality of walking upon and/or along the edge of the property, as well as whether hunting was permitted on the property.

Walter Leslie (46 Witt Road) was sworn in and advised his property is south southwest of the site and work on the site has improved.

A motion was made by Greenwood, seconded by Kane to close the public portion of the meeting. Unanimous voice vote.

A motion was made to approve the renewal, with all prior conditions remaining in place, pending engineer review, providing the soil conversation permit, certifying no standing water exists on the property, no freshwater wetlands exist on the property, and all permits from the 2006 renewal are valid and in place. The motion was made by Ott, seconded by Cianfrani. Roll Call vote – all affirmative, with Patrick abstaining.

Chairman Coleman opened the meeting to the public for comment on matters not on the agenda. None.

Correspondence: A discussion was had regarding SCIA's ongoing application for the second phase of the landfill. Mr. Albano provided a copy of the draft letter he intends to forward to the NJDEP. Public comment is in effect until March 17, 2011.

The (former) Board of Adjustment yearly letter regarding types of applications was prepared for submittal to the Township (now done by the Planning Board as it is a combined board). This is done yearly so the Committee may address areas which may need to be rezoned. A motion was made by Cianfrani, seconded by Burden to forward the letter as written to the Committee. Unanimous voice vote.

A discussion was had regarding the briefing schedule to be established pursuant to Judge Hoffman's direction for the HKS litigation. Oral argument won't be heard until July 2011.

On motion by English, seconded by Ott, the meeting is adjourned at 8:15 PM. Unanimous voice vote.

Respectfully submitted,

Suzanne D. Pierce  
Planning Board Secretary