

The Regular Meeting of the Planning Board of the Township of Upper Deerfield was held on Monday, February 8, 2016 at 7:00 pm in the Municipal Building, Seabrook, N.J.

Chairman Ed Overdevest called the meeting to order and read the following notice:

This is a regularly scheduled meeting of the Planning Board of the Township of Upper Deerfield. In compliance with the "Open Public Meeting Act" a schedule of regular meetings containing the location and time and date of each meeting was approved at the Annual Organization Meeting of the Board, and within seven days following such Organization meeting, a copy of such schedule of regular meetings was posted in the Municipal Building at Seabrook, New Jersey, which Notice has remained so posted throughout the year, and copies of the schedule of regular meetings have been mailed to The Daily Journal and The Press of Atlantic City and filed with the Township Clerk in compliance with said Act.

Present: Ed Overdevest

Vice Chairman: Russ Vanella

Members: Ed Fleetwood, Terry O'Neill, Scott Smith, Jack Waselik, Anthony Buono, Joseph Spoltore, Robert Comer, Laura Hayes alt 1, Michele Mooney alt 2, Kenneth Jackson alt 3

**Staff:** Planner Randy Scheule, PP, AIC, Solicitors Theodore H. Ritter, Esq. , Matthew Ritter, Esq., Conflict Engineer Robert DuBois and Secretary Vicki Vagnarelli,

**Absent:** Engineer J Michael Fralinger, Jr. PE, CME, (cannot attend K & E application hearings)

Minutes of January 11, 2016 had minor correction and on motion of Jack Waselik seconded by Ed Fleetwood were Approved

**(P 2-15) K & E Continued Public Hearing Application:** ( public hearings: May 11, June 8, 15, Sept. 21, Oct 5 special meet, Nov. 16, Dec. 14, Jan 11, 2016) **K & E Holding I LLC - Pre/Final Maj. S/P 707/2 & 5 Centerton & Fox Rd (Ag Zone) propose utilization of both parcels for resource extraction.**

Gerald Neski, Esq. representing a group opposing the application questioned if letter from Mr. Diego Garcia of USDEP is part of proceeding and or has been admitted.

Solicitor Ritter stated not admitted & not entered into evidence. Is hearsay and if objected to letter would not be admissible. Solicitor Ritter informed it was subject to testimony by Attorney Neski's witness Planner, Sarah Burdsall.

Attorney Neski called Linda Tasso 318 Centerton Road resides since 1953 is against wet mining on both lot 2 & 5. Other issues are as follows: noise, toxic air pollution from diesel fuel, dust, feel health, safety and welfare not protected. Tasso claims never registered a complaint when Don Rogers owned because mining was low, not many trucks, so it did not bother us. Tasso claims K & E is doing lots of mining, fast speed on road, traffic., excavation into water table cause polluted water if spill or accident occurs, Township capped well on Tasso property she believes water contaminated from landfill across street, Tasso believed hours of operation for prior owner was 8-4, original 1986 application lot 5 was for dry mine only and would reclaim in stages and in 30 years no reclamation has taken place. Tasso concerned additional mining would be treated in same manner, Blue hole attracts kids sports areas close by, drowning, who will be responsible to maintain.

Attorney Fralinger asked Tasso questions regarding capping of water and questioned if Ms. Tasso had the report on why well was capped. Does not remember may have at home but does not remember.

Attorney Neski called Doris Ziefle 317 Centerton Road husband lived since 1970 and she since 1985. Masters Registered Nurse 35 years. Mrs Ziefle was one of a few who traveled to Trenton to speak with Engineers, DEP,

EPA and others regarding contaminated water issue from land fill 100 super fund site. Water was yellow with odor and problematic, could not drink or cook full of volatile organics, lead & mercury. Twp was reluctant to assist, Township was required to provide potable water to residents at that time. Mrs. Ziefle's two sons have abnormal mercury levels youngest came from either breast milk or bath water, diagnosed as a rare autoimmune disease environmental cause or triggered through dust and chemicals. 8 in 100,000 people most common in African Americans. Another resident same side of street and adjacent to land fill was diagnosed with same disease couple years after Doris was diagnosed. He is symptomatic, Doris has complications. Destroys lungs, heart and cause skin disorder. Concerns for wet mining on 2 and or 5 are tapping back into water source even if flows in different direction possibility containments latent for a while now will resurface, no guarantee health problems cant result, 911 responders have these lung problems, benefits only owners not residents or Twp., have vague assurances of no environmental impact, landfill was not considered problem until too late

Fralinger - No questions for Mrs. Ziefle

Neski called Mary Christian 320 Centerton Road since early 70's, across from super fund site old land fill same side as Mr. Lacote Mr. Taylor, against application, moved to UDT for serenity, schools, environment, farm like background, lot 2 has always been farm with rich soil, concern for safety of children on four wheelers, adventurers who go by water, hole, noise, pollutions, dust, mosquitoes, malaria, new virus, property value, constant vibration will it crack foundation of home, higher home insurance, air pollution causes heart disease, stroke, respiratory, lung cancer, elevated blood pressure, hearing, sleep deprivation, nervousness, hypertension, want to be able to have a picnic/cookout.

Fralinger - no questions for Mrs. Christian

Neski called Allen Roller lives across lot 2 since 1994 wife lived 1956- 70, both moved in in 1994 purchased 1997. Against wet extraction for both lot 2 & 5, MP spoke words he felt, in farming community, peace, serenity, quietness, sunset, agricultural area.

Fralinger had no questions for Mr. Roller

Neski called Melissa Griffie built December 1996 corner of Fox & Centerton directly across from lot 2, Does not want dry or wet mining, originally not familiar with lot 5 until traffic doubled within last 2 years, knew of four wheelers, motorcycles, purchased land because of beauty, quiet, nice neighborhood, nobody bothers you, now noise is disruptive, 15-20 trucks within 1/2 hour some courteous some speeding, is eyesore, dittoed everything neighbors have said, once LLC leaves the change is permanent,

Attorney Fralinger asked Mrs Griffie what she would like to see done with lot 2 -she would like to have all farmland, Attorney Fralinger asked if she researched area and or zoning before moving in and she did not.

Neski called Michael Taylor 312 Centerton Road. Entire side yard borders lot 5, entire back yard borders lot 2 and some areas as close as 150 feet. Moved in current home in 2007, lived 308 Centerton Rd from 1993-2007. Has been aware of gravel pit as he has lived in area for 47 years, testimony is referencing years 1968-2015. Mr. Taylor described prior owner as doing very little business , only noise heard was from dirt bikes, atv's, hours established in writing in 1986 were 7am-5pm Monday – Saturday, hard pressed to work on Saturday and never Sunday or Holiday. No active backup beepers, low volume of trucks almost exclusive to Don Rogers fleet of trucks, did not see independent haulers, communicated with Diego Garcia, US EPA Administrator for Superfund site (old Twp. dump) through telephone and email, berms afford no relief should be directly around

excavated area 500 ft from all property lines followed by a fence and trees(not seedling/saplings) and should be a 25-30 berm, hours of operation should be 7-5 no Sundays no holidays no night hours, Taylor property value has declined and if goes to lot 2 neighbors values will decline.

Entered into Evidence Objectors 8 2/8/16 multiple pages of minutes & resolutions as pertains to Kim Sod July 14, 1986 to 9/10/2007. Board member packets were collected as they had areas highlighted.

Attorney Fralinger objected to testimony occurring based on minutes & resolutions. Solicitor Ritter was of the opinion Mr. Taylor could read from minutes as they have been officially adopted by the Board.

Objectors 9 2/8/16 was also entered into evidence as 3 photographs

First photo –Taylor property line where adjoins with lot 2, looking northward lot 2 crest @ highpoint in center, low point where adjoins Taylor property line, cannot see homes on Fox Rd, dips down from 140ft -122ft

Second photo -Taylor back porch looking North lot 2, can see homes on Fox Rd, back on high ground 130ft-132ft

Third photo –Zoom in of photo 2 to see residents on Fox Rd

Attorney Michael Fralinger questioned Mr. Taylor regarding subdivision in 2005 with regard to receiving a Use Variance relief for a residential dwelling in the ag zone because it is a non-conforming use meaning residential use is not a specified permitted use in the ag zone and mining is indicated in ag zone as a permitted use.

Attorney Fralinger questioned when complaints began and asked if opinion would change if ordinance was different today that was in place in 1986 when resolution and application was entered and also asked if he thought Don Rogers would sell the business or business would pick up or was he under assumption everything would stay that way until mining was done.

The meeting of Wednesday February 17, 2016 will be Canceled due to no application on agenda.

Monday, February 22, 2016 a special meeting will be held for K & E

On motion of Ed Fleetwood seconded by Anthony Buono the public portion of the meeting was opened and being no one came before the Board on motion of Russell Vanella seconded by Jack Waselik public portion was closed.

On motion of Ed Fleetwood seconded by Russell Vanella the meeting was adjourned at 9:41pm