

Minutes of the Commercial Township Land Use Board meeting was held at the Municipal Hall in Port Norris on September 23, 2020.

The Chairperson called the meeting to order at 6:30pm. It was advised that the meeting was being electronically recorded in accordance with the Open Public Meeting Act and that anyone wishing to speak must state his or her name and address in a clear tone of voice. All joined in the Flag Salute.

**SYNOPSIS:**

**Roll Call:**

Michael Vizzard, Mayor  
John Nardone, Environmental Commission  
LaRae Smith, Class IV Board Member; Chairperson  
Debra Karp, Class IV Board Member; Vice Chairperson  
Dean Berry, Class IV Board Member  
Jose Esquilin, Class IV Board Member  
Edward Fox, Class IV Board Member  
Heike Wheatly, Alternate I  
Matt Wheatly, Alternate II  
Steve Nardelli, Engineer  
Frank DiDomenico, Solicitor  
Heather Whitaker, Board Secretary

**Absent:**

Ryan Broughton, Committee Man  
Aaron Harden, Class IV Board Member

**Minutes:**

July 22, 2020

A Motion was made by Ms. Karp and Seconded by Mr. Fox to approve the minutes.

**Roll Call**

John Nardone	Yes
Michael Vizzard	Yes
Dean Berry	Abstain
Edward Fox	Yes
Jose Esquilin	Yes
Debra Karp	Yes
LaRae Smith	Yes
Matt Wheatly	Yes
Heike Wheatly	Yes

**NEW BUSINESS**

**Jack & Renee Blizzard**  
Block 240 Lot 4  
2409 Market Street  
Bulk Variance

Mr. Jack Blizzard was Sworn in via Zoom to present his application.

A report was received from Ed Dennis regarding the bulk variance request and a response was submitted by Mr. Blizzard.

Mr. Blizzard: I was originally going to renovate the house located at 2409 Market Street. We gutted the house down to studs and found there was much more than we anticipated. The addition put on the property was substandard and really it was going to cost more to bring the property current than any one resident should put into a single-family dwelling. There is significant rotting due to the flat roof leaking and there is water in the basement year-round. I think the best solution is to tear this house down not just economically but for the appearance of Market Street.

Mr. DiDomenico: So you are requesting a Bulk Variance?

Mr. Blizzard: Yes, I need a bulk variance because the lot is undersized. There is nothing I can do about that, but the house I am looking to build is smaller than the existing home. I will be inside the footprint of the existing home and will be able to meet all the setbacks outline for the property. I also have County approval for well and septic and meet those setbacks as well. The lot itself is just undersized and there is nothing I can do to correct that.

Mr. DiDomenico: The Lot is 9,256.50 sq ft the zone requires 20,000. The lot frontage is 66 ft and the requirement for this zone is 100 ft. Typically preexisting non-conforming lots are approved to be built on. We would just like to confirm that there is no way for you to expand this lot to meet these requirements.

Mr. Blizzard: No, unfortunately the lots on either side are not for sale. I would have been willing to purchase either to make the lot fit zoning requirements.

Mr. DiDomenico: Is there anything else you would like to share?

Mr. Blizzard: Not really, like I said I am able to meet all the other setbacks required for this zone just don't have the frontage required due to the configuration of the lot.

Mr. DiDomenico: It appears you are also requesting a waiver for the sidewalk.

Mr. Blizzard: I am as there are no sidewalks present on Market Street and it would look a little weird to have one just in front of my property, however, if the board requires it in order to pass my variance, I will put one in.

With no questions from the Board, the meeting was opened to the public. Ms. Whitaker stated that she and her husband received notice of the application being within 200ft of the property and they have no objections.

The Board was notified that Ed Dennis was the engineer on this application as there was a conflict with Mr. Nardelli. If the Board had any questions for Mr. Dennis, he was available via telephone conference. No Board members had any questions.

A motion was made by Mr. Vizzard and Seconded by Mr. Nardone to approve the Bulk Variance for preexisting non-conforming lot of record and a waiver for installing sidewalks.

Roll Call

John Nardone	Yes
Michael Vizzard	Yes
Dean Berry	Yes
Edward Fox	Yes
Jose Esquilin	Yes
Debra Karp	Yes
LaRae Smith	Yes
Matt Wheatly	Yes
Heike Wheatly	Yes

**OLD BUSINESS**

**US Silica**

Block 196 & 197 Lot(s) 3 & 1 respectively

9068 Noble Street

Mining License Renewal

Michael Gruccio, Attorney, representing US Silica

Mr. Gruccio: This is a renewal of a conditional use permit for resource extraction. This is for Block 196 Lot 3 and Block 197 Lot 1. There is anecdotal history dating back to the 1930s. The last time we were before the board was in 2016 for a 5-year renewal. We have an Areal Photo Decade Package to hand out to the board. This shows the plant over the years as early as 1931. The South Pond (B196 L3) can be seen as early as 1961. My point being that setbacks and buffers date back many, many years. We are proposing a renewal for what has been existing, not new mining, no new areas. There is no new mining proposed during the 5-year renewal period that is sought tonight. The north side of the site is almost completely reclaimed except for one 1-acre section where it is continuing. Reclamation is still on-going on the south side. Though there is no mining occurring at this site, there is plant activity as well as reclamation, which is why we need the 5-year renewal.

On the next exhibit you will see the proposed planting of Leyland Cyprus landscape materials. On the corner of Port Norris Mauricetown Rd. It is used as additional screening. This is also designed to replace some dead trees near that area. Once they fill in, it will provide screening, replace dead trees, and will provide dust prevention in the area

As far as business operations, dry stockpile is located at least 1000 ft from the property lines. Wet stockpile is located 500 ft from the property lines. There is also plans on the way to mitigate noise and dust from the process.

Justo Lucena, Plant Manager, was introduced and sworn in.

Mr. Lucena: The plant started in the 1930s. It was bought out in the 70s by South Jersey Gas. In '98 it was bought by Unimin, now Covia. In 2000, U. S. Silica bought it. We also bought the plant in Maurice River, which is where we actually mine from. The major thing since then is that we added the Wet processing plant. We have about 500 customers we serve. We have 26 hourly employees, 7 salary employees. 40% of whom come out of Commercial Township. The 80s was the last time this site was mined. We just process there, all the materials are shipped in. We dry it, process it, and screen it. Through our wet process we only use clean water, we use no chemical additives at all. The water comes out of our ponds and goes back into our ponds.

Mr. Lucena showed on the map where these different processes occur.

Mr. Gruccio: Is it accurate to say that the Dry material processing occurs approximately 1000 ft away from the property and the wet material processing occurs 500 ft from the line?

Mr. Lucena: Yes, that is accurate.

Mr. Lucena then showed on the map where the materials are stored and specified that the dry materials are not placed on the ground.

Mr. Gruccio: I mentioned to the board the addition of some landscape materials. Can you please explain to the board why this is being proposed?

Mr. Lucena: Our initial project was a berm and we planted some trees on top of the berm. However, they just will not stay alive no matter how much we did or spent on them. So, these trees will be planted between the road and the berm and the company planting them has guaranteed their success. The hope is that they will help with the noise and if they provide some other screening that would be good as well.

Mr. Gruccio: So, there will be a dual screening in place. First with the berm and then secondly with the Cyprus trees?

Mr. Lucena: Yes.

Mr. Gruccio: Can you please speak corporate practices, policies, and procedures regarding traffic, dust, and how you interact with neighboring property owners?

Mr. Lucena: Truck traffic is something we deal with a lot. There is an ordinance banning trucks from going through Mauricetown. Every truck driver, handler, customer is given a map telling them what route they are supposed to take. At every intersection there are signs to direct them. We also log every time a truck has come through town and we contact the customer or distributor to tell them about it and correct the situation. Occasionally we get one, though they are usually a new driver or new customer. The signs were purchased and installed by U.S. Silica. This seems to have been effective for the most part.

Mr. Gruccio: We need to speak about dust control.

Mr. Lucena: We have dust control measures inside the equipment. We have dust collectors in every machine. \$1.3M has been spent since 2011 to improve our dust collection systems. There are daily/monthly/yearly maintenance that is done. It is all regulated by the state. Any time there is a failure, we shut it down. Repair/replace and run tests before it is opened back up again and always logged. We have a dust sweeper for the roads as well as a sprayer to keep dust down. There is one person whose whole job is to keep the roads clean and wet. Occasionally there are leaks. They are dealt with as immediately as possible.

Mr. Gruccio: Neighborhood complaints. Can you talk about how they are dealt with, what the policy or procedure is to deal with complaints that come in?

Mr. Lucena: Any complaint that is logged is sent to our corporate director. Usually, myself or April, our Health and Safety Officer, deal with it immediately. We always follow-up with the person who made this complaint. There have been no complaints for noise since I have started working here (5 years). There have been no complaints logged for dust either in that time.

Mr. Gruccio: After the last meeting, Mr. Erickson raised some concerns about operations, can you tell me how that went?

Mr. Lucena: I spoke with him briefly after the last meeting and told him he could stop by the plant and talk with me anytime. But he has not shown up.

Was opened to board member questions.

Mr. Nardone: Are the trees native to New Jersey?

Jesse Dougherty was sworn in as a professional engineer.

Mr. Dougherty: They are not native to New Jersey. They were chosen because they are a dense evergreen. They are thick, fast growing, but they do not spread in terms of seeds, so there is no threat of invasive species.

Mr. Nardone: Will they thrive here?

Mr. Dougherty: They were chosen because they are drought tolerant and they can thrive in this type of soil. With this planting we will also have a watering system to help them establish in the first two years. Because these are a fast growing, wide spreading tree they will serve a function that local evergreens can't.

Mr. Vizzard: First of all, just let me say that you are a great neighbor for Commercial Township and we appreciate your business here. Though as Mayor of Commercial Township, I also receive complaints. I know the engineer agreed to waive the requirement of the environmental impact statement, though knowing the concerns about the dust that is created on site, would it be out of line to request that that be update? The one you have is 15 years old.

April Sooy, Environmental Health and Safety Manager, is sworn in.

Ms. Sooy: We have several air permits through the state of New Jersey, DEP. Each dryer have their own separate permit. We have to maintain pressure drops throughout the system. Preventive Maintenance is done for all the bags and filters. We monitor emissions. Licenses are renewed every 5 years, with no changes it is a straight renewal. If any changes, then we have to make that request. An inspector is sent out to check our records and such. I've been in this position about a year and a half and I have not had an inspector out yet.

Mr. Gruccio: Does a pressure drop necessarily mean dust? Just so it is clear for everyone.

Ms. Sooy: No, it just monitors how efficiently the system is working. So, we are given a range from the DEP that it must stay between. It's an indicator that everything is working properly. When they design a collector they run tests to determine how much will be final product and how much will be fine dust.

Mr. DiDomenico: Ms. Sooy, not to interrupt, but the Mayor asked if there was a need for an updated environmental impact statement.

Ms. Sooy: At this time, there are no changes to the plant or to the system as far as new collectors or anything. Everything is similar equipment.

Mr. Vizzard: If there is no need, then how do you explain residents complaining of dust on their houses and vehicle? I'm not trying to put anyone on the spot, just saying, this is happening and I'm trying to get these answers. They don't know what they are breathing.

Ms. Sooy: I would say if it's deemed that we need to do one...

Mr. Lucena: I would like to say, just as a problem shooting, it's nice to know when it happens. For instance, we have never had someone come to the office and say, 'Look, I have dust or a dust complaint.'

Mr. Vizzard: That's because they come to me.

Mr. Lucena: I understand, but we can look at the situation then. Did we just have 60mph winds? Did we just have a malfunction? We can say, 'Look we just had a problem; it has been addressed. We are sorry.' But that's really hard to say when someone says over a 5-year span I got dust on my car a few mornings.

Mr. Vizzard: Ok, but say you do have a malfunction. These people are breathing that in, they don't know if there's chemicals or anything in there.

Mr. Lucena: We do not use any chemicals. We are unique in that way. That is part of the reason we are trying to plant these trees, to help cut down if we have a drought or windy day.

Mr. Vizzard: Ok, I get that. But you still haven't answered my question if an updated environmental impact statement should be done.

Mr. Dougherty: An environmental impact statement looks at more than just air quality. Not much has changed in the running of the plant, so to have a new delineation of wetlands area, for example, seems unnecessary.

Mr. Vizzard: I can understand all that but the concern is the air quality and the sand in the air.

Mr. Lucena: We would recommend that if a resident have a problem, they report it to us immediately so we can remedy it or learn the cause.

Mr. Vizzard: My second question is regarding the buffers. We have had complaints that you are too close to their property lines. I see we are waiving the need for an updated survey. Can you ensure that you are sticking to your lines that nothing is encroaching on neighboring properties? This is a complaint I have gotten.

Mr. Nardelli: The plant is inspected annually and I don't believe I have seen any new clearing.

Mr. Vizzard: I'm thinking maybe the existing buffers are deteriorating over time. Maybe not being maintained.

Mr. DiDomenico: When is your next inspection, Steve?

Mr. Nardelli: January.

Mr. DiDomenico: Can you make a note to check those buffers and make sure they are not eroding?

Mr. Vizzard: I would appreciate that.

Mr. DiDomenico: What is the complaint, the buffers are being reduced?

Mr. Vizzard: That that's where the sand is coming from. The buffers aren't high enough.

Mr. Lucena: Just to clarify, are we talking buffers or berms?

Mr. Vizzard: Well the berms are within the buffers, correct?

Mr. Lucena: Well, yes.

Mr. Vizzard: Well if the berms are high enough and within those buffer zones then essentially there should be no sand outside of that, right?

Mr. DiDomenico: I think the best solution there is to have Steve double check those berms and buffers when he does his inspection in January.

Mr. Vizzard: That works for me. Other than that, I have no problems. I do want to see you get your renewal, just felt it my duty to speak for my residents.

Mr. Gruccio: I have a few follow-up questions, if I may. Ms. Sooy, in the year and a half that you have been with U.S. Silica, have there been any violations in regard to your dust permits?

Ms. Sooy: No.

Mr. Gruccio: Mr. Lucena how long have you been the plant manager?

Mr. Lucena: Since 2014.

Mr. Gruccio: In that time, have there been any violations from the DEP pertaining to your dust permits?

Mr. Lucena: No.

With no further questions from the board, the meeting was opened to public comment.

Eric Erickson was sworn in.

Mr. Erickson: I have a couple questions. They are talking about putting in new trees. What will be happening to the old trees?

Mr. Dougherty: The ones that are dying will be removed, the ones that are still surviving will remain in place.

Mr. Erickson: Are the new trees going in in front of the old trees or behind them?

Mr. Dougherty: They will be planted in front. The current trees were planted on the berm. These will be planted in front of the berm in existing, established soil.

Mr. Erickson: Regarding the environmental impact statement, you said it is everything not just an air quality test. So, can you pick and choose? Can you say, I just want an air quality study or a water study?

Mr. Dougherty: You can, though the township definition of Environmental Impact Statement, encompasses them all.

Mr. Erickson: You say there haven't been any changes in 15 years, however when did that second dryer come in?

Mr. Lucena: I assume you are talking about Dryer 2. It was there before I came in so maybe 70's/80's. I'm not sure entirely.

Mr. Erickson: Your last study was done 15 years ago, I was under the impression that the last dryer was put in maybe 10 years ago.

Mr. Lucena: So about 10 years ago we replaced the units there. That was because it was so old it needed to be replaced. That's actually the third time it's been replaced.

Mr. Erickson: I just have one more thing. It was not known to me about your policy in place to just call you up and say we have or have had an issue. We had met before about trucks and signs and such. The only other issue I will say is that they keep saying 'we are not mining' but they are processing and the trucks are going and these are the things that cause the dust issues.

With no other public concerns, it went back to the board.

Ms. Smith: Mr. Nardelli, I just had a quick question. You always furnish the board with a report regarding the sand companies' operations and such, right?

Mr. Nardelli: Every January an inspection is performed at all the mining sites to make sure they are complying to our ordinances and their plans and such.

Ms. Smith: So, these dryers and processes are occurring 500 – 1000 ft from the property lines and there are buffers and berms and trees. You are saying that even with all this there is still dust coming out beyond that?

Mr. DiDomenico: We are getting smoke haze from California's wildfires right now. I don't think it's unusual to get dust from the plant that's nearby.

Mr. Gruccio: The history of the 2<sup>nd</sup> dryer was not fully addressed. Mr. D'Ambrosio is here and can speak on that.

James D'Ambrosio, retired plant manager and Environmental Health and Safety Officer, was sworn in.

Mr. D'Ambrosio: My job was air and water permits. The dryer in question was put in in between '85 and '86. Any time a new piece of equipment is put in, the manufacturer comes in and sets these standards for us to follow. The state approves it. They send dust collecting engineers. We had a dust collection inspection in 2018, they check every bag and carrier. They do wear out over time and are updated. If there is a malfunction that lasts more than 15 minutes, we are required to report it to the state and shut down. Over the eleven years that I was the coordinator, we had to do that once. Usually if there is a malfunction, they shut it down and call maintenance right away.

Mr. Esquilin: Prior to the new owners of the sand plant. Was there any use of chemicals by other companies?

Mr. D'Ambrosio: Back in the 60's and early 70's, they used fuel oil and caustic acid. They used to use it for glassing. That would float the irons out. But that quit back in the early 80's. Also, just for the board's information, the runoff that comes off the cleaning is sampled every time and sent to the state laboratory for testing.

Mr. Erickson: The last carrier that was put in, do you know when that was put in?

Mr. D'Ambrosio: There was one about 10 years ago and then one just about '17 or '18.

Mr. Vizzard: I don't have any other questions, but just wanted to make a comment. I think it would just be a good faith gesture if you guys would be willing to do an updated environmental statement, even if it is just for the air quality for the ease of mind of our residents. Thank you.

With no other questions or comments, the meeting was closed to public comment.

A motion was made by Mr. Nardone and Seconded by Mr. Berry to approve the 5-year mining renewal with submittal of a revised plan to include the 36 cyprus trees being planted.

Roll Call

John Nardone	Yes
Michael Vizzard	Abstain
Dean Berry	Yes
Edward Fox	Yes
Jose Esquilin	Yes
Debra Karp	Yes
LaRae Smith	Yes
Matt Wheatly	Yes
Heike Wheatly	Abstain

Mining License Renewal was approved.

**CORRESPONDENCE  
BOARD BUSINESS  
BILL LIST  
APPROVE BILL LIST**

A motion was made by Ms. Karp and seconded by Mr. Berry to approve the Bill List.  
All in favor, none opposed.

**OPEN TO PUBLIC**

No Public present.

**ADJORN MEETING**

With no other business, a motion was made by Mr. Nardone and Seconded by Ms. Karp to adjourn the meeting.  
All were in favor, none opposed.

Heather N. Whitaker  
Board Secretary  
Next meeting: October 28, 2020