Minutes of the Commercial Township Land Use Board meeting was held at the Municipal Hall in Port Norris on **October 26,2022**. The Chairperson called the meeting to order at 6:32 pm. It was advised that the meeting was being electronically recorded in accordance with the Open Public Meeting Act. All joined in the Flag Salute.

**SYNOPSIS:**

**Roll Call:**

Michael Vizzard, Mayor

Joe Klaudi, Committee Man

LaRae Smith, Class IV Board Member, Chairperson

Debra Karp, Class IV Board Member, Vice Chairperson

Heike Wheatly, Class IV Board Member

Matt Wheatly, Alternate I

John Nardone, Environmental Commission

Nathan Van Embden, Solicitor

Steve Nardelli, Engineer

Stefanie Muessig, Board Secretary

**Absent:**

Dean Berry, Class IV Board Member (Absent)

Edward Fox, Class IV Board Member (Absent)

Emmett Vandegrift, Alternate II (Absent)

**Minutes:**

September 28, 2022 (live meet)

A Motion was made by Ms. Karp and Seconded by Mr. Wheatly to approve the minutes from September 28, 2022.

Roll Call:

Joe Klaudi Yes

John Nardone Abstain

Michael Vizzard Yes

Debra Karp Yes

Heike Wheatly Yes

Matt Wheatly Yes

LaRae Smith Yes

**Resolutions:**

*Resolution No.*2022-05

A Motion was made by Ms. Karp and Seconded by Mr. Wheatly to approve the resolution No.2022-05.

Roll Call:

Joe Klaudi Yes

John Nardone Abstain

Michael Vizzard Yes

Debra Karp Yes

Heike Wheatly Yes

Matt Wheatly Yes

LaRae Smith Yes

**NEW BUSINESS**

* **Covia Solutions, Inc.**

Phase 3A Mine Renewal Application

Tax Map Reference: Block 199, Lot 10/ Block 200, Lot 1,17 & 18

Property Location: 5001 Highland Street/6025 Highland Street

* **Covia Solutions, Inc.**

Phase 5, 6 and 6A Mine Renewal Application

Tax Map Reference: Block 182, Lot 1/ Block 200, Lot 3-6

Property Location: 7079 Highland Street/6057 Highland Street

Mr. Michael Gruccio, Anthony DeRosa and Brian Lenhart are sworn in for Covia solutions by Mr. Nathan Van Embden. Mr. Gruccio stated that both applications were up for site plan renewal and conditional use permits for their 5 year review and gave a brief update.

A Motion was made by Mr. Wheatly and Seconded by Mr. Nardone that Block 199, Lot 10/ Block 200, Lot 1,17 & 18 Property Location: 5001 Highland Street/6025 Highland Street to be deemed complete. All were in favor, none opposed.

A Motion was made by Ms. Wheatly and Seconded by Ms. Karp that Block 182, Lot 1/ Block 200, Lot 3-6 Property Location: 7079 Highland Street/6057 Highland Street to be deemed complete. All were in favor, none opposed.

Mr. Gruccio proceeds forward with the technical portion of the presentation. Phase 3A is up first for site plan approval and conditional use permit. This Mining permit comes due once every 5 years. Block 199 Lot 10 and Block 200 Lots 1,17 & 18 are 92.2 Acres. There aren’t any variances or waivers.

Mining is just carrying over during application and is identical to the one in 2017 and 2012. Proper notice was sent out. Currently Covia is requesting a 5-year renewal.

Mr. DeRosa addresses the board by telling them a little about himself, where he went to school and previous boards he has sat on.

Mr. DeRosa phase 3A is on the left side of the plan south of Highland St. We are asking for the renewal of the mining permit. There is no mining going on currently since the pond is in the reclamation phase. It will eventually become passive recreation. There are slurry lines that run through the phase. It's those lines that go back to phase five, that make this permit and sight necessary.

Mr. Van Embden asked if Covia was stockpiling materials mined elsewhere in 3A. Brian Lenhart responded with, “no, not anymore, we are just managing the channel.” They are in the reclamation phase per CAFRA regulations.

Mr. Mike Vizzard asked where exactly the entrance was. Mr. Lenhart pointed out on the maps exactly where the entrance was and what roads were surrounding the area.

Mr. Lenhart discussed ongoing redemption on 5,6 & 6A, Maintaining elevation making sure water and all drains are moving where it needs to go per plan because they are still active in those areas. Mr. Gruccio stated that Mr. Nardelli did call out the need for testimony in environmental impact. Mr. Lenhart addresses all Mr. Nardelli’s concerns with proper explanations and all details.

Ms. Smith would like to know how often the grounds are monitored? Mr. Lenhart lets Ms. Smith know that every January the property is inspected by Falingers Engineering.

Mr. Mike Vizzard states that on the east side of spring garden road north of Haleyville/Dividing Creek

There is an open pit, the pit has been open for about a month or more. Mr. Vizzard is concerned about the safety of it left unattended. Mr. Lenhart believes they are working on the slurry line but will into this matter. Will also get it filled in.

A Motion was made by Ms. Karp and Seconded by Mr. Vizzard to open and close to the public. All were in favor, none opposed.

Mr. Van Embden Reviews everything with the board everything was in order. All questions were answered.

A Motion was made by Mr. Vizzard and Seconded by Ms. Wheatly to adopt a resolution for completion Phase 3A.

Roll Call:

John Nardone Yes

Debra Karp Yes

Heike Wheatly Yes

Matt Wheatly Yes

LaRae Smith Yes

Mr. Gruccio proceeds to Phase 5,6 & 6A is up first for site plan approval and conditional use permit. This Mining permit comes due once every 5 years. Block 182 Lot 11 and Block 200 Lots 3-6 are 9142 Acres. There aren’t any variances or waivers. Application is identical to the one in 2017 and 2012. Proper notice was sent out. Currently Covia is requesting a 5-year renewal.

Brian Lenhart states that at this time they are done mining and dredging. They aren't piling either.

Mr. Vizzard asked when they are completely done will they be filling the pond in. Mr. Gruccia said to his knowledge the township will be getting back waterfront property. The committee has some further discussion on possible buildable lots and future plans.

A Motion was made by Ms. Karp and Seconded by Mr. Vizzard to open and close to the public. All were in favor, none opposed.

Mr. Van Embden summarizes everything with the board and deems the application to be completed.

A Motion was made by Ms. Wheatly and Seconded by Mr. Vizzard to adopt a resolution for completion Phase 5,6 & 6A.

Roll Call:

John Nardone Yes

Debra Karp Yes

Heike Wheatly Yes

Matt Wheatly Yes

LaRae Smith Yes

* **William Henderson**

Block 221 Lot 2

Jeffries Road

Bulk Variance

Steve Nardelli will be stepping down due to a conflict in the case and Nick DiCosmo from Remington & Vernick will be taking his place on the stand. Mr. DiCosmo is sworn in by Mr. Van Embden.

Mr. Robert Casella from Testa Heck Testa & White took the podium to represent Mr. William Henderson. Mr. Henderson is sworn in by Mr. Van Embden.

Mr. Henderson owns block 221 lot 2 it is located on the corner of Jeffries Road and Brown Street. Property fronts on Jeffries Road. The property meets all the requirements except 100 ft but only has 99 ft on the north side. The plans show location of structure, well and septic.

Mr. Henderson states you can get to Jeffries Road from Main Street. He would like to have the road open up, right now it is a papered street.

Mr. Vizzard and Mr. Van Embden go over details about vacating a township owned paper street and what is expected from the township. Mr. Van Embden also reviewed the resolution and minutes from March 2007. when the subdivision was first done.

Mr. Vizzard would like to know the definition of a paper road. Mr. Van Embden is merely a design on a map which has a potential to be a serviceable road if the joining property owners or the owner of the track improves it to a level the city feels comfortable accepting. More discussion about who owns the road and who is responsible for the paper road. The township isn't responsible for the paper street in question.

Mr. Van Embden asked Mr. Henderson if he would be able to improve this road. Mr. Henderson asked what something like that would entail. Mr. DiCosmo gave some examples and told him it just has to be a minimum of 20ft, no sidewalks or curbs. Mr. DiCosmo gives more details and examples. Mr. Van Embden asked Mr. Henderson if he would agree to condition to approval of at least 20 ft width and 4-inch dense grade aggregate and 2-3 in of asphalt topping or DGA material? Mr. Henderson said yes Mr. Henderson agrees to all terms and conditions. He is willing to put in the road and maintain it.

A Motion was made by Mr. Vizzard and Seconded by Ms. Karp to open to the public. All were in favor, none opposed.

John Howard 8308 Brown Street Is Sworn in. Mr. Howard is worried about a drainage problem the Block 221 Lot 2 may cause. Mr. Vizzard points out that Mr. Henderson’s property is only going 50 ft past the driveway and Jeffries Road will not be connected to Brown Street. Mr. Van Embden tells Mr. Howard if there is flooding there shouldn't be any more flooding then there is now. Mr. Howard and Mr. Van Embden discusses where his property is on the map and some scenarios. Mr. Henderson also states that he is at the lower end of the elevation chart, and he would possibly get the most flooding if any.

Deadra Brewer 1830 Main Street Lot 3 is sworn in. She states that Mr. Henderson put millings down 4 years ago and it looks like it's paved 4 inches. Mr. Van Embden asked if they worked, and she stated yes. Ms. Brower explains how she obtained the property and where her property is located. She explains her drive does come out onto Jefferies Road and part of that road belongs to her. Mr. Van Embden lets her know this isn't a forum about ownership and that it is a court matter. Mr. Henderson and Ms. Brewer already has an ongoing court case. Ms. Brewer is also concerned about water that is increasing in her basement with the lot clearing of block 221 lot 2. Mr. Casella stepped in and let Mr. Van Embden knows that all the actuations are being addressed in court and the case is still pending.

Mr. John Nardone would like Mr. Henderson to comply with the township ordinance that if he cuts more than 4 trees he has to get permission from zoning and township. Mr. Henderson has no problem in doing that if need be.

Mrs. Dawn Howard 8308 Brown Street is sworn in. Her concern is the mess of trees that are pushed and piled up. She had photos and described them. Mr. Henderson said he was in the process of clearing when he had to stop work due to getting the approvals. Mr. Henderson has no problem clearing and cleaning the property properly. Mr. Van Embden will put that in as one of the conditions.

Mr. Brewer asked about the road and further explanation of how cars would turn around. Mr. Wheatley helped explain the plans.

A Motion was made by Mr. Vizzard and Seconded by Mr. Nardone to close to the public. All were in favor, none opposed.

Mr. Wheatley asked with an ongoing court case can the board approve this matter. Mr. Van Embden said yes, we are working with the facts presented. Mr. Van Embden goes in depth with an explanation. Mr . DiCosco agree with Mr. Van Embden states that every option and concern was met to obtain the variance.

Mr. Van Embden gives a recap of all requirements and stipulations that were discussed. All of the requirements and stipulations will be made in the resolution as well.

A Motion was made by Mr. Nardone and Seconded by Mr. Wheatly to adopt a use variance for completion Block 221 Lot 2.

Roll Call:

John Nardone Yes

Debra Karp Yes

Heike Wheatly Yes

Matt Wheatly Yes

LaRae Smith Yes

**CORRESPONDENCE**

**BOARD BUSINESS**

**BILL LIST**

**APPROVE BILL LIST**

A Motion was made by Ms. Wheatly and Seconded by Ms. Karp to open & close to pay the bills. All were in favor, none opposed.

**OPEN TO PUBLIC**

A Motion was made by Ms. Karp and Seconded by Ms. Wheatly to open & close to the public. All were in favor, none opposed.

**ADJORN MEETING**

With no other business, a motion was made by the Chairperson to adjourn the meeting.

All were in favor, none opposed.

Stefanie Muessig

Board Secretary

Next meeting: November 23, 2022