

TO: Township of Hardyston, Planning Board

FROM: Leigh Fleming, PP, AICP

RE: Eastern Concrete Materials, Inc.
Scenic Lake Road and Route 23
Block 14, Lots 6.01, 7, 14, 15, and 22.01
Preliminary & Final Site Plan, Minor Subdivision, Conditional Use

DATE: November 4, 2020

Our office is in receipt of the October 30, 2020 resubmission to the Hardyston Planning Board. The applicant is requesting Preliminary and Final Site Plan for a Conditional Use in the I-3 Industrial Quarry Zone.

In order for the application to be able to proceed to the Planning Board it has to be determined that all conditions have been met. The cover sheet of the bulk schedule lists "complies" next to each of the conditions; however, to determine whether all conditions have been met, evidence of compliance must be located within the plans themselves.

Conditional Use Requirements

Quarries are a permitted conditional use the I-3 Industrial Quarry Zone and are subject to the conditions in §185-58.DD:

1. There shall be a minimum of 50 feet between any quarry operation and exterior property line. The depicted limit proposed of disturbance is at least 50 feet away from the exterior property line. COMPLIES.
2. Full buffering and a landscaping plan which would include a minimum of 50 feet of planted deciduous and evergreen trees between any quarry operation and exterior property lines where the minimum one-hundred-foot buffer is required to be maintained. The applicant has added a note stating that there is an existing 50-foot buffer on Sheets 3-6 of the Site Plan. The applicant shall depict on **Sheet 10** that there is a 50-foot vegetated buffer along the exterior lot lines which abut Lots 6.02, 8, 9, 10, 11, and 12 in Block 14, or demonstrate how this buffer will be supplemented. These are residential properties to the west of the site which front on Scenic Lake Road. A review of aerial imagery indicates there are some plantings, but the depth of this area must be confirmed. **DOES NOT COMPLY.**
3. The maximum height of any structure, machinery or stockpile shall not exceed 40 feet. Correspondence dated August 7, 2020 states no structures or stockpiles exceed 40 feet. **CONDITIONALLY COMPLIES.**
4. No operation of the processing facilities shall be carried out within 100 feet of a residence. The site plan depicts a 100-foot buffer along the rear property lines of the residences along

Scenic Lake Road. The proposed limit of disturbance is depicted as greater than 100 feet from the residential lots. Additionally, the plans contain a note stating that "Any existing encroachments into the buffer areas on the northwesterly portion of the property will not be exacerbated and no quarrying is proposed on this side. COMPLIES.

5. All processing facilities shall operate only between the hours of 7:00 a.m. and 7:00 p.m. The site plan and correspondence dated August 7, 2020 state operating hours are limited to between 7:00 a.m. and 7:00 p.m.. CONDITIONALLY COMPLIES.
6. The maximum noise level measured at the property line [shall] not exceed the standards set forth in N.J.A.C. 7:29. Correspondence states the operation meets all state noise level requirements. The Board may require additional testimony about the noise levels on the site to confirm this condition has been met. Correspondence is sufficient to send to the board. CONDITIONALLY COMPLIES.
7. Expansion of an existing quarrying operation shall require the creation of public or private contiguous open space equal to a minimum of 2.5 times the additional quarry acreage. 2.5 times the proposed expansion yields 171.4 acres, the proposed area of Lot 22.01 to remain in the OSGU Zone is 190.8 acres. COMPLIES.
8. An application for a conditional use shall include a plan for the rehabilitation and reuse of the site demonstrating that the site has a viable and realistic reuse after the site is exhausted of material. The application includes a reuse plan depicting warehousing on the site. CONDITIONALLY COMPLIES.
9. A conditional use application for a proposed quarry operation or expansion of an existing quarry shall include all requirements stipulated in §138-7 of Chapter 138, Quarrying. The applicant has stated that all existing drainage, parking, lighting, signage, and traffic circulation will remain and are not proposed to change. The applicant has submitted a Stormwater Pollution Prevention Plan and current NJDEP Permits.
 - a. In reviewing a conditional use application for a proposed quarry operation, the Planning Board shall give careful consideration to the usual items of site plan review, including drainage, impact on adjacent uses, impact on subsurface water, landscaping, parking, lighting, signs, traffic and circulation and safety. The applicant has requested a waiver for some of these items since the site is currently operating as a quarry and conditions are not proposed to change. The applicant has submitted a Stormwater Pollution Prevention Plan and current NJDEP Permits. CONDITIONALLY COMPLIES.

- b. The board shall consider factors noted in §138-7 in approving a conditional use, the Planning Board may attach reasonable conditions to assure safety, minimize adverse impacts and ensure that the quarry operation meets the intent of Chapter 138, Quarrying, and the Master Plan of the Township. These conditions may include, but are not limited to, landscaping and buffering, fences and other safety devices, access restricted to county, state or major Township roads and rehabilitation and restoration measures to be implemented during the quarry operation. The Planning Board shall give careful consideration to a proposed re-use plan which would indicate the extent and phasing of the quarry operation in a manner which would allow the reuse of the property for its zoned purpose. The applicant has submitted a reuse plan of the site.
CONDITIONALLY COMPLIES.

The applicant shall revise Sheet 10 of the Site Plan, or provide an additional sheet to clearly depict that there is an existing 50-foot vegetated buffer along the exterior lot lines which abut Lots 6.02, 8, 9, 10, 11, and 12 in Block 14, or demonstrate how this buffer will be supplemented. Until it is demonstrated that there is an existing or proposed 50-foot buffer along the aforementioned residential properties, it cannot be determined that all conditions have been met. Until all conditions have been met, the application cannot proceed to the Planning Board for a Preliminary and Final Site Plan application for a conditional use.