

QUINTON TOWNSHIP PLANNING BOARD

RESOLUTION NO.: 2018-12

RESOLUTION CERTIFYING COMPLETENESS/INCOMPLETENESS

RE: APPLICATION # 2018-02

Block 35, Lots 23, 24, 25, 35, 54, 62, 63, 64, 65, 66 and 67

Name of Applicant: **Eastern Concrete Materials, Inc.**

Type of Application: **Amended Preliminary and Final Site Plan/Conditional Use (Soil Removal)**

The above referenced application is hereby certified to be:

- ☐ Complete. The applicant is requested to contact the Planning Board Secretary to schedule the application for hearing at a regular Planning Board meeting.
- ☐ Complete, subject to the requirements set forth below being satisfied on or before \_\_\_\_\_. If the requirements are not satisfied by such date, the application will automatically be certified "incomplete" retroactive to the date of this resolution.
- ☒ Incomplete, with the following requirements to be satisfied before the application will be certified as complete.

All incompleteness items specified in Land Dimension  
letter dated March 6, 2018 (signed by PB Engineer and  
PB Planner) and email dated February 27, 2018  
from PB Solicitor.

Submission waiver is granted per applicant's request for plan scale  
1" = 50' or larger per Schedule B Prelim. Itm A (3)

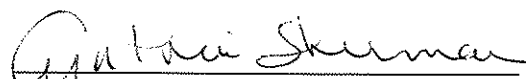
Submission waiver is denied for location of 5" caliber  
trees per Schedule B Prelim. Itm A (3) e. pending further review

The undersigned Chair of the Quinton Township Planning Board hereby certifies that the above is a true copy of a resolution adopted by said Board on **March 13, 2018.**

Attest:



Bonita K. Bell, Secretary  
Quinton Township Planning Board



Cynthia Sherman, Chairperson  
Quinton Township Planning Board

## Bonita K. Bell

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**From:** William L. Horner <wlh@hornerlaw.net>  
**Sent:** Tuesday, February 27, 2018 11:30 AM  
**To:** Bonita K. Bell  
**Cc:** Cynthia Sherman; Lawrence M. DiVietro Jr.; Andrew Hogg P.E.; Clint B. Allen; William L. Horner  
**Subject:** QPB/Eastern Concrete Materials, Inc. Completeness Review

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Bonnie, the Eastern Concrete Materials, Inc. application should be scheduled for completeness review by the Planning Board at the March 13 meeting. Please distribute this email to the Board members in advance of that meeting.

I have reviewed the Eastern Concrete Materials, Inc., site plan application and have determined that it is incomplete for the following reasons in addition to whatever completeness concerns the Planning Board Planner and Engineer may have:

### **Application Cover Sheet (Preliminary and Final Major Site Plan):**

1. Online tax assessment records for the subject property indicate ownership of the property as follows:

Block 35, Lots 23, 24, 25, 35, 54 and 62 are owned by the applicant corporation, Eastern Concrete Materials, **Inc.**

Block 35, Lots 63, 64, 65, 66 and 67 are owned by a similarly named but different limited liability company, Eastern Concrete Materials, **L.L.C.**

Accordingly, unless the applicant can show that all of the tax lots comprising the property are actually owned by the applicant corporation, the LLC must be specified as the owner of Lots 63 through 67 in Lines 5 and 6 of the Application Cover Sheet. (Note: Although not a completeness requirement, Section 170-55.A.(2) requires the land comprising a "Premises" that is subject to a mining permit to be in "single ownership"; accordingly it would appear that the applicant's mining permit application cannot be approved if the subject property is owned by two separate entities.)

2. The application materials I received included two sets of the completed Application Cover Sheet, one indicating payment of a \$20,000 review escrow deposit (consistent with Mr. Allen's cover letter), and the other indicating payment of a \$160,900 review escrow deposit. The applicant's survey indicates that the property consists of 394.87 acres. Based on the fee schedule, the escrow deposit required for this acreage for the preliminary major site plan application is \$80,474, and the escrow deposit required for the final major site plan application is \$79,974, for a total escrow deposit of \$160,448. Accordingly, if the applicant has only submitted a review escrow deposit of \$20,000, an additional **\$140,448** must be paid.
3. Unless the applicant can show that all of the tax lots comprising the property are actually owned by the applicant corporation, Eastern Concrete Materials, L.L.C. must also sign the Application Cover Sheet as the owner of Lots 63 through 67.

### **Application Form (Preliminary and Final Major Site Plan):**

4. The Application Cover Sheet that I received indicating payment of a \$160,900 review escrow deposit also included the completed Planning Board Application Form and a Disclosure Statement signed by Paul Jolas on behalf of Eastern Concrete Materials, Inc., attesting to ownership of all of the subject lots. Unless the applicant can show that all of the tax lots comprising the property are actually owned by the applicant corporation, the Disclosure Statement must be revised to specify that only Block 35, Lots 23, 24, 25, 35, 54 and 62 are owned by the applicant.
5. The Disclosure Statement must be revised to indicate the extent to which the applicant corporation is owned by another corporation, U.S. Concrete, Inc. (i.e., "100%" or "wholly owned", if that is the case), and to include the address of U.S. Concrete, Inc., per Application Form Section 3, N.J.S.A. 40:55D-48.1, and Checklist A-7. (Note: As noted in paragraph 18, below, this information will also be required for the landowner Eastern Concrete Materials, L.L.C., per Section 3 of the Checklist for Soil Removal Permits and Licenses, if in fact the LLC owns Lots 63 through 67.)
6. The Disclosure Statement must be revised to include the names and addresses of all 10% or greater owners of U.S. Concrete, Inc., or to state that there are no 10% or greater owners if that is the case, per Application Form Section 3, N.J.S.A. 40:55D-48.2, and Checklist A-7. (Note: As noted in paragraph 18, below, this information will also be required for the landowner Eastern Concrete Materials, L.L.C., per Section 3 of the Checklist for Soil Removal Permits and Licenses, if in fact the LLC owns Lots 63 through 67.)
7. Section 4 of the Application Form must be completed to specify "Eastern Concrete Materials, L.L.C." if it is in fact the owner of Block 35, Lots 63 through 67.
8. Section 5 of the Application Form must be completed to indicate "Yes" regarding the presence of existing easements, etc., as noted on the survey and plans, and copies of the documents must be submitted. Any proposed easements, etc., must also be indicated.
9. "Soil Removal" per Ordinance Section 170-55 is listed as a conditional use in Section 170-23.B.(13) regulations for the PB-R zoning district in which the subject property is located. Accordingly, the applicant must revise Section 11 of the Application Form to indicate that Conditional Use Approval is being requested (as noted in Mr. Allen's cover letter).
10. The applicant must provide a copy of the proposed form of public notice per Section 14 of the Application Form.
11. Section 28 of the Application Form must be signed by Eastern Concrete Materials, L.L.C. in the presence of an attesting notary if it is in fact the owner of Block 35, Lots 63 through 67.
12. The applicant must complete the blank in Section 29 of the Application Form to specify the escrow deposit amount.

**Checklist A (Preliminary and Final Major Site Plan):**

13. The Statement of Taxes Paid must be revised to include Lot 62 per Checklist A-2.
14. The applicant must provide a copy of the document creating its interest in Block 35, Lots 63 through 67 per Checklist A-6 if those lots are in fact owned by Eastern Concrete Materials, L.L.C.
15. The applicant must revise its Disclosure Statement as noted in paragraphs 5 and 6, above, per Checklist A-7.

**Checklist B:**

16. (Preliminary and Final Major Site Plan) The applicant must revise the plans as necessary to reflect the actual ownership of the lots per Checklist B.A.(2) (170 Attachment 2:1).
17. (Final Major Site Plan) The applicant must submit the approved preliminary site plan per Checklist B.A.(1) (170 Attachment 2:12).

**Checklist for Soil Removal Permits and Licenses:**

18. The member or shareholder information for Eastern Concrete Materials, L.L.C., must be provided per Section 3 if that LLC is in fact the owner of Block 35, Los 63 through 67.

**Other:**

Although not part of completeness review it should be noted that the numerous individual tax lots comprising the subject property may have to be merged by the applicant/owner to create a single lot in order for the application to be approved. One reason for this is that the definition of "Lot Frontage" in Ordinance Section 170-7(C) requires "minimum lot frontage" that is the same as lot width, and many of the lots shown on the applicant's survey have no street frontage at all. Another reason is that the definition of "Accessory Structure" in Section 170-7(C) requires such structures to be on the same lot as the principal use they serve, and in the case of this application there appear to be accessory structures (scales, containers, etc.) that are existing/proposed to serve the mining operations on other lots. There may also be other legal, practical, and planning reasons for merging the lots into one, particularly when considering how the subject property should ultimately be owned and utilized following completion of mining operations and restoration.

It should also be noted that there appears to be a single-family dwelling on one of the lots, but based on my initial research the Quinton Land Use Ordinance does not appear to prohibit such a dwelling on a lot that is the site of another unrelated and ostensibly "principal" use or structure, provided that the other use or structure is not also a residential dwelling (see Section 170-22.G.). I will review this further in the ordinance and confer with the Board's Planner as the application proceeds.

Best Regards,

Bill

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William L. Horner  
HORNER & HORNER, L.L.C.  
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Tel.: (856) 935-0958  
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E-mail: [wlh@hornerlaw.net](mailto:wlh@hornerlaw.net)

March 6, 2018

Ms. Bonita Bell  
Planning Board Secretary  
Quinton Township Planning Board  
10 Cottage Ave.  
P.O. Box 227  
Quinton, NJ 08072

RE: QTPB application 2018-02  
Eastern Concrete Materials, Inc.  
Amended Preliminary Major Site Plan Approval  
Final Major Site Plan Approval and Conditional Use Approval  
Tax Map Block 35, Lot's 23-25, 35, 54, and 62-67  
Completeness Review

Dear Board Members:

We have received the above noted application for the Amended Preliminary/Final Site Plan approval and conditional use approval. As presented, the application is an expansion to the prior site plan approval granted for the subject property.

As presented, the application represents a substantial expansion to the propose soil extraction/mining activity at the property.

Predicated on our review of the information submitted as well as logistical comments noted by the board solicitor regarding logistical information, we feel that the application is incomplete at this time.

**I. Regarding completeness review we offer the following:**

- 1) Pursuant to the review comments by the board solicitor the following logistical information must be provided and /or clarified as deemed appropriate:
  - a) Online tax assessment records for the subject property indicate ownership of the property as follows:
    - Block 35, Lots 23, 24, 25, 35, 54 and 62 are owned by the applicant corporation, Eastern Concrete Materials, Inc.
    - Block 35, Lots 63, 64, 65, 66 and 67 are owned by a similarly named but different limited liability company, Eastern Concrete Materials, L.L.C.

Accordingly, unless the applicant can show that all of the tax lots comprising the property are actually owned by the applicant corporation, the LLC must be specified as the owner of Lots 63 through 67 in Lines 5 and 6 of the Application Cover Sheet. (Note: Although not a completeness requirement, Section 170-55.A.(2) requires the land comprising a "Premises" that is subject to a mining permit to be in "single ownership"; accordingly it would appear that the applicant's mining permit application cannot be approved if the subject property is owned by two separate entities.)

- b) The application materials received included two sets of the completed Application Cover Sheet, one indicating payment of a \$20,000, review escrow deposit (consistent with Mr. Allen's cover letter), and the other indicating payment of a \$160,900, review escrow deposit. The applicant's survey indicates that the property consists of 394.87 acres. Based on the fee schedule, the escrow deposit required for this acreage for the Preliminary Major Site Plan application is \$80,474, and the escrow deposit required for the final major site plan application is \$79,974, for a total escrow deposit of \$160,448.

Accordingly, if the applicant has only submitted a review escrow deposit of \$20,000, an additional \$140,448 must be paid.

- c) Unless the applicant can show that all of the tax lots comprising the property are actually owned by the applicant corporation, Eastern Concrete Materials, L.L.C. must also sign the Application Cover Sheet as the owner of Lots 63 through 67.
- d) The Application Cover Sheet received indicating payment of a \$160,900, review escrow deposit also included the completed Planning Board Application Form and a Disclosure Statement signed by Paul Jolas on behalf of Eastern Concrete Materials, Inc., attesting to ownership of all of the subject lots. Unless the applicant can show that all of the tax lots comprising the property are actually owned by the applicant corporation, the Disclosure Statement must be revised to specify that only Block 35, Lots 23, 24, 25, 35, 54 and 62 are owned by the applicant.
- e) The Disclosure Statement must be revised to indicate the extent to which the applicant corporation is owned by another corporation, U.S. Concrete, Inc. (i.e., "100%" or "wholly owned", if that is the case), and to include the address of U.S. Concrete, Inc., per Application Form Section 3, N.J.S.A. 40:55D-48.1, and Checklist A-7. (Note: As noted in paragraph 18, below, this information will also

be required for the landowner Eastern Concrete Materials, L.L.C., per Section 3 of the Checklist for Soil Removal Permits and Licenses, if in fact the LLC owns Lots 63 through 67.)

- f) The Disclosure Statement must be revised to include the names and addresses of all 10% or greater owners of U.S. Concrete, Inc., or to state that there are no 10% or greater owners if that is the case, per Application Form Section 3, N.J.S.A. 40:55D-48.2, and Checklist A-7. (Note: As noted in paragraph 18, below, this information will also be required for the landowner Eastern Concrete Materials, L.L.C., per Section 3 of the Checklist for Soil Removal Permits and Licenses, if in fact the LLC owns Lots 63 through 67.)
- g) Section 4 of the Application Form must be completed to specify "Eastern Concrete Materials, L.L.C." if it is in fact the owner of Block 35, Lots 63 through 67.
- h) Section 5 of the Application Form must be completed to indicate "Yes" regarding the presence of existing easements, etc., as noted on the survey and plans, and copies of the documents must be submitted. Any proposed easements, etc., must also be indicated.
- i) "Soil Removal" per Ordinance Section 170-55 is listed as a conditional use in Section 170-23.B.(13) regulations for the PB-R zoning district in which the subject property is located. Accordingly, the applicant must revise Section 11 of the Application Form to indicate that Conditional Use Approval is being requested (as noted in Mr. Allen's cover letter).
- j) The applicant must provide a copy of the proposed form of public notice per Section 14 of the Application Form.
- k) Section 28 of the Application Form must be signed by Eastern Concrete Materials, L.L.C. in the presence of an attesting notary if it is in fact the owner of Block 35, Lots 63 through 67.
- l) The applicant must complete the blank in Section 29 of the Application Form to specify the escrow deposit amount.
- m) Checklist A (Preliminary and Final Major Site Plan):
  - i) The Statement of Taxes Paid must be revised to include Lot 62 per Checklist A-2.
  - ii) The applicant must provide a copy of the document creating its interest in Block 35, Lots 63 through 67 per Checklist A-6 if those lots are in fact owned by Eastern Concrete Materials, L.L.C.

- iii) The applicant must revise its Disclosure Statement as noted in paragraphs 5 and 6, above, per Checklist A-7.
- n) Checklist B:
  - i) (Preliminary and Final Major Site Plan) The applicant must revise the plans as necessary to reflect the actual ownership of the lots per Checklist B.A.(2) (170 Attachment 2:1).
  - ii) (Final Major Site Plan) The applicant must submit the approved preliminary site plan per Checklist B.A.(1) (170 Attachment 2:12).
- o) Checklist for Soil Removal Permits and Licenses:
  - i) The member or shareholder information for Eastern Concrete Materials, L.L.C., must be provided per Section 3 if that LLC is in fact the owner of Block 35, Los 63 through 67.

**ADDITIONAL COMMENT BASED ON OUR REVIEW:**

- 1) Based on review of the survey presented as part of the application, certain easements are noted as **"apparent"**, a clarification of title relative to covenants, easements and deed restrictions should be provided as part of the application and incorporated into the survey to confirm consistency with title records.
- 2) The application is for expansion to the prior site plan approval. In view of the magnitude of the proposed expansion, a traffic study should be provided to update relevant information regarding:
  - On-site parking
  - Traffic maneuvering in conjunction with the phase development
  - Projected trip generation and traffic impact
  - Highway Access Requirements
- 3) A new/updated NJDOT access permit should be confirmed.

Predicated on the above, we are recommending that the application be deemed incomplete at this time. We reserve the right to further review the submission package upon clarification of the above for determination of completeness and proceeding with the technical review.



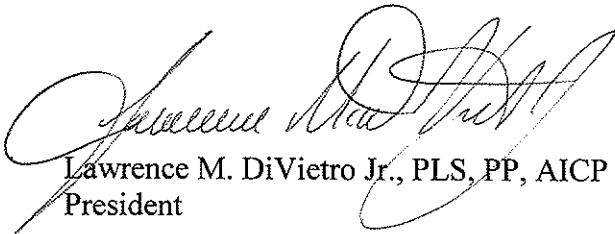
Ms. Bonita Bell  
March 6, 2018  
Page 5

The purpose of completeness is to confirm that the applicant has provided sufficient information for the Board to make an informed decision regarding the application. Should the Board conclude the application as incomplete the applicant must submit additional documentation supporting the application and required information for farther consideration of completeness and formal action for the Board on the application.

Following your receipt and review should you have any questions, please do not hesitate contacting our office at your convenience.

Very truly yours,

**LAND DIMENSIONS ENGINEERING**

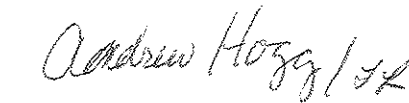


Lawrence M. DiVietro Jr., PLS, PP, AICP  
President

LMD:tl

Very truly yours,

**LAND DIMENSIONS ENGINEERING**



Andrew Hogg, P.E.  
Vice President, Engineering

cc: Cyndie Sherman, Planning Board Chair, [Cyndie.sherman@gmail.com](mailto:Cyndie.sherman@gmail.com)  
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