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Application over town's site use examined

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The New Jersey Pinelands Commission is reviewing a belated application by the township for use of its public works site by a construction contractor already working from that location. Nearby residents have complained about the noise and traffic generated at the site by heavy equipment.

Mount Construction of Berlin Borough, which has had a contract with the township since 2006 for various public works projects like sewer and road repairs, uses four acres of the nine-acre public works site owned by the township on Gravelly Hollow Road in a rural industrial and residential area.

The commission considers the application necessary and sent a violation letter last year directing the township to file one.

However, township officials do not agree that an application is needed, saying there is not a change of use from its public works operation that dates to 1969.

The commission sent the letter to the township in 2008 after several residents complained to the commission last year about noise and more truck traffic coming from that area, including the use of a crusher by Mount to break up concrete. The crusher has since been removed.

"I just want to say there is too much noise, dust and traffic with 18-wheelers going up and down and dump trucks and the smell of diesel fuel," said W.J. Kerwin, 74, a retiree living in Pine Pointe a half-mile from the site.

He said the last six months some of the noisier equipment has been removed.

"The commission notified Medford a while ago about a violation. They have since filed an application and we are reviewing it," said Joel Mott, a commission spokesman.

Mott said the commission's regulatory office will determine whether the application is in compliance with commission rules and regulations and then make a recommendation to the full commission.

"It is unclear to us how the establishment of what appears to be a contracting business on the lot does not constitute development, which requires an application to the commission," Charles Horner, the commission's director of regulatory programs, wrote to the township in May 2008.

Township manager Michael Achey said the use of the property did not change with the Mount contract. He said equipment and material have been stored there by the township long before Mount arrived.

"We thought the work was consistent with the public works use, but they (commission) said we needed an application and we filed one. There was no attempt to circumvent the Pinelands," said township solicitor Rick Hunt said.

Achey and township councilman Chris Meyers said the township has worked well with the Pinelands Commission many times on other applications.

"Any time there is a change of use there would have to be an application to the Pinelands," Achey said.

The township contract allowed Mount to store material and equipment on the site at no charge as a "more efficient means of responding to emergency situations," such as the creek flood that damaged infrastructure as well as homes.

In return, the contract called for Mount to clean up and grade the site and to fix some township roads at no cost. Old township vehicles, debris and road materials had littered the property.

There also was a pit that illegal dumpers had filled with trash over the years, Achey said.

He said the hole had been dug to excavate earth for covering the old township landfill across the road and trash trucks traveled back and forth. The landfill closed in 1982.

"The whole purpose of hiring Mount was to save the township money -- and we have -- and to clean up what was an eyesore," Achey said.

The public works site is in a township zone for recreation, public and educational use. Achey said public works falls under the "public" category and is permitted in that zone. Adjacent to the site is the newer Bob Meyer Memorial Park and an athletic field, but most of Gravelly Road is an industrial zone with other businesses.

Mount, the only bidder for township utility work in 2006, is in the third year of its contract. The firm has been paid \$8.2 million since it and three other contractors helped the township with emergency repairs after the major Rancocas Creek flood in 2004. The company has done other work in the township since the 1990s and has 2.5 years left on its present contract, a one-year arrangement with options to renew for up to four more years.

The contract was not signed until a February 2007 addendum to the contract allowing Mount to perform other township repair and road work. Hunt said the contract was properly bid and awarded.

Myers said the area is not "pristine" Pinelands and has long been an industrial region before housing developments came along.

Leonard Howe, a resident living near the public works property, complained of "banging and clanging" and asked the commission last month to deny the permit. He also alleged in a written submission to the commission that the contract is a "sweetheart deal" between Medford politicians and Mount Construction.

Township officials deny any close relationship with Mount.

Bill Mangiapane, who lives within 200 feet of the Mount operation, said he did not mind the dump trucks at first.

"All I wanted was the noise out of here from heavy equipment that started as early as 5:30 a.m. and 6 a.m. in the morning when I would take a walk," he said.

Achey said steps have been taken by the township and Mount to eliminate and minimize noise. He said some noise has come from the township operation, such as gas deliveries by tank trucks for the township gas pumps and even from other trucks using the area before 7 a.m.

Those steps have included a privacy fence, removal of stone crushers that we used periodically, later delivery times for gas trucks filling pumps outside the public works garage and a new paved entrance, officials said.

Achey said the police department responded to a handful of complaints over the past few years, conducted tests with decibel meters and found no noise or curfew violations. Hunt said there have been nine verbal complaints in three years.

David Smith, chief executive officer and founder of Mount Construction, said he has responded to the few complaints and invested in noise monitoring equipment over a year ago in addition to removing the crusher.

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