

UNION BOARD OF ADJUSTMENTMEETINGAPRIL 13, 2016

The Board of Adjustment of the Township of Union convened its regular meeting on April 13, 2016, pursuant to the Sunshine Law of the State of New Jersey, at 7:30 p.m., and the following members were present: Petkov, Ciampi, Wiley, Demovic, Howe, DiGiovanni and Alexander. Absent were Galante and Melegh. Also present were Robert J. Pansulla, Esq., Board Attorney; Anthony Monguso, Building Inspector; and Tiffany Abrantes, Meeting Clerk.

Mr. Petkov then asked for the approval of the minutes of the April 6, 2016 meeting and the minutes of that meeting were then moved by Mr. DiGiovanni and seconded by Mr. Howe. All members present were in favor of the motion.

Mr. Petkov then asked for communications and Mr. Monguso advised there were no communications, and hence, there were none to be read.

The first and only matter to come to the attention of the Board was Calendar No. 3269, AcuPowder International, LLC to install a 6,000 gallon liquid hydrogen tank, four vaporizers and a new mixer on site for use in connection with existing metal processing operations. Joseph A. Paparo, Esq. came forward on behalf of the applicant. Mr. Paparo gave a brief overview of the application and that he would be calling four witnesses. Mr. Pansulla then marked the application and the four page site plan into evidence. Mr. Paparo then called as his first witness, Maor Malka, who works for AcuPowder as a Plant Engineer and has done so for 16 months. He advised that AcuPowder is making nonferrous metal powders such as Copper, Bronze, Brass and etc. He advised that they recycle Copper and other materials to make metal powder. He advised that as part of the process of making the metal powder, they use four reduction furnaces that consume a mixed gas of Hydrogen and Nitrogen.

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He advised that the valves for the existing Hydrogen tank are obsolete. He advised that any breakdown of these parts may prevent AcuPowder from producing its product and threaten the livelihoods of its employees. He advised that the system is undersized for their production needs and that they can only operate three furnaces at once. He advised that they propose to replace the old 2,500 gallon Hydrogen tank with a new 6,000 gallon tank, bigger capacity vaporizers for Hydrogen and Nitrogen, and an increased capacity gas mixer. He then enumerated the benefits of installing the equipment. He advised that the obsolete solenoid valves are electrically actuated and will be replaced with pneumatic actuated valves, and will eliminate the possible ignition source and resulting in an increased safety. He advised that the new tank will comply with the latest safety codes which will be testified to by another witness. He further advised that improved vaporizing capacity will eliminate the possibility of liquid nitrogen or liquid hydrogen passing through the piping, potentially freezing and cracking the pipes. He advised that larger storage tanks will allow for more time between fillings of the tanks. He advised this will reduce truck traffic into the plant. He advised that the existing pad is already suitable for the larger equipment and no further digging will be required to achieve the stated benefits to both the company and its nearby residents. He advised all the equipment will be installed at the rear end of the plant at the same location. He advised they will not expand or change the operation. After the direct testimony, Mr. Petkov opened the witness for cross-examination on the testimony given and those coming forward to question the witness were Anthony DiRuggiero and Simon Yiu. Mr. Paparo then called Loren Vallerio who works for Linde who provide tanks and the gas for the tanks. He gave his qualifications and was accepted to testify. He advised he has been with Linde since 1981 as a Field Engineer. He advised that the tanks are regulated by both the Federal government and State agencies.

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He advised that the present tank was built in the 1960's and was re-habbed in the 1980's and its life is coming to an end. He advised the new tank will have the necessary safety features. He advised that the new tank will be safer than what is presently there. He advised deliveries will be less with the new tank. He advised that the deliveries will be cut by two-thirds. He advised that the tanks are inspected periodically and also by the delivery persons. He advised a technician goes out once a year. If the tank was found unsafe, it would be taken out of service. After several clarifying questions by the Board, the witness was opened for cross-examination on the testimony given and those coming forward to question the witness were Robin Meeker, Simon Yiu and Anthony DiRuggiero. Mr. Paparo then called Gary V. Vecchio, a professional engineer, who gave his qualifications and was accepted to testify. The witness presented the Board with an aerial photograph from which he testified. He described the site in question and the surrounding uses. He advised the equipment and tank installation will be installed on an existing concrete pad. He described the tanks to the Board and that there will be two vaporized units. He stated to the Board the variances that would be needed. He advised that the proposed tanks will not be that visible from Lehigh Avenue. He went through the items for the Board that were stated in the Mazur Report. He advised there will be no change in the drainage and have no negative impact from a drainage perspective. The vaporizers will be in the same location as the tanks, and will be the same size. He advised that the applicant would comply with the Township Engineer's recommendations. He advised there will be no demolition. Mr. Petkov opened the witness for cross-examination on the testimony given and Anthony DiRuggiero came forward to examine the witness. Mr. Vallerio was recalled to testify about safety and advised the tanks will have shut-off valves which will prevent the liquid from running into the building.

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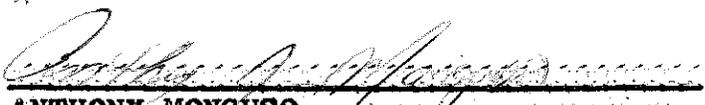
He described the safety features which will prevent exploding and that the gases will be released into the atmosphere. One of the objectors raised a question with regard to the Sunoco Pipeline and Mr. Paparo advised that they were notified and did not appear. Mr. Paparo then called Kevin O'Brien, a professional planner, who gave his qualifications and was accepted to testify. He provided the Board with an exhibit from which he testified which was a site map. He described the area in question and the uses to which the site could be used. He advised that the application is for the manufacture of metallic powders. He advised that raw materials come in and finished materials go out. He advised that 68 families are provided with employment. He advised the old tanks will be replaced with new tanks and they will be safer. The electrical solenoid will be replaced with a pneumatic one and will eliminate sources of ignition. He advised that the proposed use is supported by a number of passages in the Municipal Land Use Law and stated same to the Board. He advised truck traffic will be reduced to the site. He advised that this will promote light, air and open space and a desirable environment. He stated it will not have a negative visual impact. He further stated there will be no negative impact upon the neighborhood or the Township. He advised that the mechanical area will be within a six foot fenced area. He further advised that the proposed hydrogen tank will be similar in size to the existing nitrogen tank. After several clarifying questions by the Board, Mr. Petkov opened the witness to the public for cross-examination on the testimony given and those coming forward to question the witness were Wayne Faines, Anthony DiRuggiero, and Atarisha Fountain. Mr. Paparo advised he had no further witnesses.

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Mr. Petkov called for the public to step forward and give their statements to the Board. Robin Meeker came forward to air her complaints. Her complaints were with visual, security, noise and environmental. She was complaining about green dust on her property. She also questioned whether air quality should be tested. Also coming forward to testify were Anthony DiRuggiero and Susan Perez, and they gave their views of the project. There being no further objectors, Mr. Paparo then gave a brief closing statement of the case to the Board, urging the Board to grant the application. Mr. Paparo advised that the applicant will replace any fence in disrepair. Mr. Petkov then advised that the Board would go into conference on the matter. They felt the positive and negative criteria had been met. They felt the equipment needed to be replaced. They felt that the applicant should adhere to the Fire Department requests and other Department comments. They felt the equipment would be an upgrade. Mr. Petkov then asked for a motion and Mr. DiGiovanni then moved that the Board grant the variances requested and that the attorney be authorized to prepare a resolution consistent with the Board's decision, which was seconded by Mr. Ciampi. On the vote: Wiley, yes; Alexander, yes; Demovic, yes; Ciampi, yes; Howe, yes; DiGiovanni, yes; and Petkov, yes. The Resolution of Approval will be read at the May 11, 2016 meeting.

There being no further business to come to the attention of the Board, Mr. DiGiovanni then made a motion to adjourn which was seconded by Mr. Howe. The meeting was adjourned at 9:40 P.M.

Respectfully submitted,


ANTHONY MONGUSO,

~ BOARD OF ADJUSTMENT SECRETARY