



October 2, 2017

Mail Code 401-02C
Carlton Dudley, Bureau Chief of the Bureau of Planning & Licensing
NJDEP Solid & Hazardous Waste Management Program
401 East State Street
Trenton, NJ 08625

**RE: Administrative Action Request: New Plan Inclusion –
Cip-Cycle Processing, LLC, Class “A” Recycling Facility, Rockaway Borough, NJ**

Dear Mr. Dudley:

The Morris County Municipal Utilities Authority (MCMUA) received and reviewed an application, with final revision dated of June 15, 2017, requesting Morris County Solid Waste Management Plan (Plan) inclusion of a proposed class “A” recycling facility owned and operated by Cip-Cycle Processing LLC (CipCycle). The proposed CipCycle class “A” recycling facility is to be located at 311 West Main Street in the Borough of Rockaway at Block 40; Lot 76.05. A location/tax map has been prepared and included as Appendix A to this administrative action request.

State regulations, specifically N.J.A.C. 7:26-6.11 (b)3, allows for the Plan inclusion of new recycling facilities for the processing of class “A” recyclable materials that may be achieved through an administrative action procedure. This administrative action procedure permits the county’s designated implementing agency, which is the MCMUA, to submit a letter to the NJDEP describing and requesting the change to the Plan in lieu of going through the more formal and time-consuming Plan amendment process. Please accept this letter as an Administrative Action request to allow CipCycle to operate a class “A” recycling facility based on the limitations provided herein.

CipCycle currently operates its solid waste/recycling hauling business out of the proposed recycling facility site, where it dispatches trucks for its operations. In an effort to expand its operations with respect to its existing hauling business, as well as the inclusion of the newly proposed class “A” recycling facility, CipCycle applied to the Rockaway Borough Land Use Board (RBLUB) for a variety of approvals related to expanding its existing building as well as obtaining variance relief and site plan approval. The RBLUB adopted a Resolution of Finding and Determination with respect to this matter dated April 4, 2017 granting RBLUB approval to CipCycle while providing terms and limitations associated with the approval.

Prior to modifying its district Plan, Morris County has a policy to solicit the opinion of the host municipality with respect to the change in the Plan. Appendix B is a copy of Resolution No. 161-17 adopted by the Rockaway Borough governing body on September 14, 2017 providing support for including the CipCycle class “A” recycling facility in the Plan. The adoption of this resolution providing

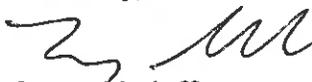
host municipal endorsement was predicated on the Plan's inclusion of 25 terms and conditions as contained in the governing body's September 14 resolution. With respect to those 25 terms and conditions, the below are specifically listed since they are the types of limitations typically incorporated in a Plan inclusion document:

6. Processing and separation of materials shall be performed inside the new structure
17. The recycling of paper and cardboard are the only materials approved
18. There shall be a maximum limit of 200 tons per day of recyclable material
19. Baled recycled material must be stored inside in the end bay of the existing building, either in a container or otherwise indoors
21. There shall be no parking or storage on unpaved areas
22. The hours of acceptance shall be limited to 7:00 a.m. to 3:00 p.m. Monday-Friday and 8:00 a.m. to 12:00 noon on Saturday.
23. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday-Friday and 8:00 a.m. to 12:00 noon on Saturday.
24. There shall only be one baler on site.
25. Trucks shall be limited to those listed in the application and proposed by CipCycle processing for inclusion in the Plan. The only allowable vehicles shall be compactors, stationary compactors and roll-off trucks. Materials shall not be accepted from any other type of vehicle.

Although only some of the 25 terms on conditions included in the September 14 resolution are listed above, all 25 terms and conditions included in the Rockaway Borough resolution, as denoted in the list of items 1 through 25, shall be incorporated and included as part of this administrative action request for Plan inclusion as if they were included directly as text in this administrative action request.

If you have any additional questions on this request please contact me.

Sincerely,



Larry Gindoff
Solid Waste Coordinator

Cc: John Chiaia, Attorney Representing CipCycle
Shelia Seifert, Rockaway Borough Municipal Clerk
Peter Cipollini, CipCycle, LLC
MCMUA Board
Christine Meyers, Freeholder Liaison

Appendix B

Resolution No 161-17

**Adopted by
Rockaway Borough Council
September 14, 2017**

**Regarding
Morris County Solid Waste Management Plan
Inclusion of proposed
Cip-Cycle Processing, LLC
Class "A" recycling Facility**

RESOLUTION 161-17: SUPPORT INCLUSION OF CIPCYCLE PROCESSING, LLC CLASS "A" RECYCLING FACILITY AT 311 WEST MAIN STREET IN THE MORRIS COUNTY SOLID WASTE MANAGEMENT PLAN

WHEREAS, the County of Morris received an application and proposal from CipCycle Processing, LLC ("CipCycle") for inclusion in the Morris County Solid Waste Management Plan ("Plan") of a Class "A" recycling facility to be located at 311 West Main Street, Borough of Rockaway; and

WHEREAS, by letters dated July 29, 2016, December 23, 2016, and June 19, 2017, the Morris County Municipal Utilities Authority requested that the Borough of Rockaway review CipCycle's application and proposal and adopt a resolution setting forth its position relative to the inclusion of the proposed recycling facility in the County's Plan; and

WHEREAS, the proposed facility would be wholly contained within Block 40, Lot 76.05; and

WHEREAS, as stated in CipCycle's application for inclusion in the Plan, CipCycle's proposed facility would accept, on average, 200 tons per day (not to exceed 1,200 tons per week, or not to exceed any given peak day of 240 tons) of Class "A" materials such as glass, paper, plastic containers, corrugated and other cardboard, ferrous, and non-ferrous metal and aluminum; said materials to be transported via 12 to 27 trucks daily; and

WHEREAS, Ciptas, LLC applied to the Land Use Board of the Borough of Rockaway ("Board") for approval to construct overhangs and free standing canopy structures to expand its operations, and use variance relief and site plan approval for the proposed use as a Class "A" recycling facility which will operate under the proposed canopy and for a vehicle storage use currently not permitted in the zone; and

WHEREAS, the Mayor and Council have reviewed the Resolution of Finding and Determination adopted by the Board on April 4, 2017 granting approval of CipCycle's request.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rockaway, County of Morris that the Borough Council hereby accepts the inclusion of CipCycle Processing's proposed Class "A" recycling facility to be located at 311 West Main Street, Borough of Rockaway in the Morris County Solid Waste Management Plan subject to the following terms and conditions which includes, but is not limited to, the terms and conditions stated in the Resolution of Finding and Determination adopted by the Borough of Rockaway Land Use Board on April 4, 2017, and further requires CipCycle entering into a written agreement with the Borough of Rockaway, (1) incorporating and agreeing to the terms of this Resolution; (2) acknowledging the right of the Borough of Rockaway to take legal action against CipCycle in the event of its breach of that agreement which breach has not been cured within seven (7) days of notice having been given by the Borough specifying the breach; (3) the Borough shall have the right to revoke the Certificate of Occupancy granted to CipCycle if the breach has not been timely cured and (4) during the period of revocation of the Certificate of Occupancy, the facility will be closed and will not resume operations until the breach has been cured; and (5) CipCycle shall not be permitted to commence operations unless and until they have complied with the terms of this Resolution and resolved all existing violations.

1. No work shall be performed in the trailers or boxes (dumpsters). Tenants shall not perform work on site.
2. Shall comply with Section 172-22, Outdoor Storage, and Section 172-84, Performance Standards, of the Code of the Borough of Rockaway;

"§ 172-22 Outdoor storage.

- A. Outdoor storage as an accessory use in any single-family residence district shall be limited to the following items as regulated:
- (1) Private camping trailers.
 - (2) Boats and boat trailers.
 - (3) Garden tractors and implements.
 - (4) Automobiles.
 - (5) Motorcycles and motor bikes.
 - (6) Pickup or panel trucks having a manufacturer's rated capacity not exceeding one ton.
- B. The above items shall only be permitted to be stored in the side and rear yard; provided, however, that no item shall be stored closer to the side lot line than the required side yard setback requirement for a principal building on the same lot.
- C. Outdoor storage as an accessory use in any nonresidential zone district is permitted in the side and rear yard; provided, however, that no item shall be stored closer to the side lot line than the side yard setback requirement for a principal building on the same lot. Front yard storage is also permitted, provided that said storage shall not be closer than 50 feet to the front street right-of-way line. All storage in the nonresidential zone districts shall be screened effectively by a landscape planting or fencing, as approved by the Land Use Board. It shall be maintained in neat and orderly condition and shall not be visible from any adjoining property or public street. This provision shall not be construed to require screening of retail sales of new and used motor vehicles otherwise permitted by this chapter.
- D. Nothing contained herein shall be construed to permit as an accessory use outdoor storage or parking of any of the following:
- (1) Motor vehicle parts or dismantled motor vehicles or motor vehicles which do not have a current motor vehicle inspection sticker and current state license plates thereon.
 - (2) Construction equipment, including trucks having a manufacturer's rated capacity in excess of one ton.
 - (3) Farm equipment.
 - (4) Mobile homes or house trailers.
 - (5) Buses.
 - (6) Trucks or vehicles regardless of the manufacturer's rated occupancy containing trash, garbage, waste materials, hazardous materials or the like, including but not limited to vehicles used in connection with any trash transfer station. Gasoline, motor or fuel oils or trucks used in the principal permitted use of the lot, property or location where such activity is conducted are permitted.
 - (7) Containers used in the collection of trash, garbage, waste materials, hazardous materials or the like not associated with the principal use of the lot, property or location where such

activity is conducted."

"§ 172-84 Performance standards.

Prior to the issuance of any building permit or certificate of occupancy for any use in the GLI General Light Industrial District and the HT/LI High-Tech Light Industrial District, the following regulations shall be complied with:

- A. Fire and explosion hazards. All activities shall be carried on only in structures which conform to the standards of Chapter 115, Construction Codes, Uniform; Chapter 139, Fire Prevention and Protection; and Chapter 140, Hazardous Materials. All operations shall be carried on and all process materials, fuels, liquids and finished products shall be stored in accordance with the standards of said codes. Every building shall be equipped with automatic sprinklers which conform to the standards of the New Jersey Uniform Fire Code.
 - B. Radioactivity and radio emissions. Any industrial activity which emits dangerous radioactivity or radio emissions at any point is prohibited. All uses shall comply with the provisions of the Radiation Protection Act, N.J.S.A. 26:2d-1.
 - C. Smoke, fumes, dust, gases, odors, fly ash. There shall be no emission of any smoke, fumes, dust, gases, odors or fly ash or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use. All uses shall comply with the provisions of the Air-Pollution Control Act, N.J.S.A. 26:2c-22.
 - D. Liquid or solid wastes. No industrial use or operator shall discharge industrial wastes of any kind into any reservoir, pond, lake stream or watercourse. All methods of sewage and industrial waste treatment and disposal shall be approved by the Borough and New Jersey Department of Environmental Protection (NJDEP). Effluent from a treatment plant shall at all times comply with the NJDEP standards. No effluent shall contain any other acids, oils, dust, toxic metals, corrosive or other toxic substance in solution or suspension which would create odors, discolor, poison or otherwise pollute any watercourse or water body.
 - E. Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
 - F. Noise. There shall be no noise emanating from any light manufacturing, processing, fabrication or assembly operation which is audible beyond the property lines of the site."
3. Shall comply with Sections 172-88 and 172-92 to 172-93 pertaining to the Rockaway River Overlay District with exceptions for pre-existing non-conforming conditions noted:

"§ 172-88 Establishment; purpose.

- A. The Rockaway River corridor, which is defined as the one-hundred-year floodplain, is an environmentally sensitive area that the Borough of Rockaway, through its Master Plan and Zoning Ordinance, desires to preserve, enhance and protect. The corridor does not have its own zoning designation; however, special consideration must be given to any project that would disturb this area. It is the goal of the Borough to minimize any impact upon the Rockaway River corridor.
- B. There is hereby established an RRC Rockaway River Corridor Overlay Zone District to provide supplemental development regulations in the area so designated to permanently protect the Rockaway River and its tributary streams and subsurface aquifers within the Borough from

additional contamination originating from man's activities. Due to the vulnerability and sensitivity of the river and its adjacent resources to contamination, these regulations contain additional protective measures. This chapter therefore applies to any person, firm or corporation within the overlay zone that establishes or proposes to establish additional land use or initiate development activity."

"§ 172-92 Sewer connection required for nonresidential uses.

All nonresidential development, including public and institutional uses, as a condition of approval within the Overlay Zone, shall be required to connect to a centralized sanitary sewer system. This shall apply to any site plan, subdivision variance or request for a nonresidential building permit.

§ 172-93 Applicability; use exceptions.

- A. The provisions in this section are not intended to repeal, abrogate or annul any portion of this chapter, or existing county, state or federal regulations. In any case, where there is a conflict, the more stringent restrictions shall apply.
- B. All uses that are permitted in the underlying zones shall be permitted in the Rockaway River Corridor Overlay Zone with the following exceptions and restrictions:
 - (1) The disposal, storage or treatment of hazardous and solid waste material as defined by the New Jersey Department of Environmental Protection, including the storage, parking or servicing of vehicles which carry such materials.
 - (2) Utilization or storage of sodium chloride salts or road salts other than calcium chloride salts.
 - (3) Dry wells directly connecting to any floor drain, wash basin, sink or paved parking areas.
 - (4) Gasoline stations or public garages, except existing stations and garages.
 - (5) Private repair garages or truck storage, maintenance or service facilities.
 - (6) Underground fuel storage tanks shall be prohibited except for the storage of motor fuels in connection with existing gasoline service stations. All such tanks shall be installed in compliance with all BOCA requirements and regulations of NJDEP.
 - (7) Impervious site coverage shall not exceed 40% maximum."
4. Shall comply with requirements of the State of New Jersey Department of Environmental Protection.
5. Parking shall be in accordance with the site plan, on paved areas.
6. Processing and separation of materials shall be performed inside the new structure.
7. A guard rail shall be installed as directed by the Borough of Rockaway Engineer and as on the site plan.

8. Morris County Soils Conservation, Morris County Planning Board, and Morris County Municipal Utilities Authority approvals shall be obtained.
9. Repair work is limited to Ciptas and Cipollini Carting-owned vehicles and equipment and shall take place indoors only.
10. Fire protection/suppression acceptable to the Fire Marshal shall be installed in accordance with applicable fire code.
11. All truck traffic shall enter and exit the site via Mannino Drive off Route 46. Exiting trucks will be directed exit by way of Mannino Drive to Route 46 by an appropriate sign. A sign shall be installed near the cell tower directing trucks to exit via Mannino Drive to Route 46.
12. There shall be no parking in the side yard setback.
13. The vegetation shall be extended on the northeast side as per site plan approval and shall extend the full length of the property as discussed at the February 2017 Borough of Rockaway Land Use Board meeting.
14. The paved areas within 40 feet of the rear line shall be removed and revegetated in accordance with the site plan and under direction of the Borough of Rockaway Planner.
15. A lighting plan shall be devised satisfactory to the Borough of Rockaway Planner and Engineer.
16. The applicant shall use best efforts to return all dumpsters to the site in an empty condition. In the event an unforeseen occurrence causes a dumpster to be brought back to the site with solid waste material (excluding materials to be recycled), the same shall not be allowed to remain more than 24 hours.
17. The recycling of paper and cardboard are the only materials approved.
18. There shall be a maximum limit of two hundred (200) tons per day of recycled material.
19. Baled recycled material must be stored inside in the end bay of the existing building, either in a container or otherwise indoors.
20. There shall be no stacking of containers.
21. There shall be no parking or storage on unpaved areas.
22. The hours of acceptance shall be limited to 7:00 a.m. to 3:00 p.m. Monday-Friday and 8:00 a.m. to 12:00 p.m. Saturday.
23. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday-Friday and 8:00 a.m. to 12:00 p.m. Saturday.
24. There shall be only one baler on site.
25. Trucks shall be limited to those listed in the application and proposal submitted by CipCycle Processing for inclusion in the Morris County Solid Waste Management Plan: compactors,

stationary compactors, and roll-off trucks. Material shall not be accepted from any other vehicle type.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Morris County Municipal Utilities Authority and the Morris County Solid Waste Advisory Council indicating its approval and recommending that the conditions set forth in this resolution be incorporated into any plan amendment prior to the inclusion of CipCycle Processing's proposed Class "A" recycling facility into the Morris County Solid Waste Management Plan. A copy of this resolution shall also be provided to the Borough Planner, Jeffrey Janota; Borough Engineer, Paul Ferriero; Thomas Slockbower, Superintendent, Department of Public Works; Borough Attorney Edward Wacks; Land Use Board Attorney John Mills; and Ciptas, LLC and CipCycle Processing.

DATE: September 14, 2017

BOROUGH OF ROCKAWAY

ATTEST: Sheila Seifert, Borough Clerk

BY: Russell Greuter, Mayor

CERTIFICATION

I, SHEILA SEIFERT, Borough Clerk of the Borough of Rockaway, in the County of Morris, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Mayor and Council at a meeting held on September 14, 2017.



Sheila Seifert
Borough Clerk