

Maurice River Township Land Use Board

The Chairman announced that this meeting was being held in accordance with Open Public Meetings Act of New Jersey.

Meeting Minutes: February 4, 2015

Present: B. Stowman, C. Thompson, A. Sarclette, J. Oliver, R. Chard, R. Hoffman, G. Gross, J. Pflaumer, T. Imbaratto, M. Benson, C. Morrissey

Flag Salute

Motion to approve previous minutes Chard, 2nd Hoffman, AIF

Correspondence

*Letter from DEP to Mr. John Kelleher

Waterfront Development Permit/Water Quality Certificate

Dorchester Shipyard-Mooring Floating Dry Dock

Resolution #2015-02

Dewey Turner/Ruby Hustas

Minor Sub-Division/Variance

Adoption of Resolution

There was a minor error in the draft the Board received, the resolution was changed to reflect the correct information:

On page 2, point 2, was changed to say 1.23 +/- acres from Lot 3 to Lot 4 (Instead of Lot 3 and Lot 4)

Motion to approve Chard, 2nd Thompson, All if Favor, Roll Call Vote

Resolution #2015-03

Atlantic Masonry Supply

Major Site Plan/Conditional Use Application

Completeness

Adoption of Resolution

There was a minor error in the draft the Board received, the resolution was changed to reflect the correct information:

On the 2nd Whereas clause, the expansion should say it is for Blocks 247, Lots 41, 42 and 43. (It only listed two lots)

Motion to approve Chard, 2nd Hoffman, All in Favor, Roll Call Vote

Approval/Public Hearing

Atlantic Masonry Supply

Major Site Plan/Condition Use Application for Expansion

Ben Stowman stated that Tiffany CuvIELlo is not at the meeting but she did provide her comments and they were provided to the Board. Also the Addendum to the EIS on the Northern Pine Snake was copied for the Board.

Michael Benson stated the application and what it was for. Lots 41, 42, and 43, to expand mining from 5.93 acres to 20.44 acres, this will be inclusive of the current license that still has three years before expiration.

Present for Applicant

James Moore, Esq.

Steven Filippone, P. E. (Sworn in by Mr. Benson)

Benson stated Mr. Filippone's qualifications have been accepted in the past by this Board.

Debbie Tower, Owner

Comments on Site Visit:

Chard stated that the site is one of the better ones that they have seen. Hoffman agreed.

C. Morrissey stated that the one issue that was discussed at the site visit was the buffer. Would there be an adequate buffer between mining and the road way. In the future they would have to maintain dense vegetation for visibility from the road way.

The possibility of eventual wet mining was discussed.

Pflaumer asked if they wet mined will there be a pond at some point. There possibly will be a pond in the future.

S. Filippone explained:

2 Years ago the 5.9 acre parcel was approved. Tonight they are seeking to expand to 21 acres. 51% of the property cannot be touched. In late 2006 they began working with Pinelands for approval of the expansion presented in this application. The problem was that Pinelands wanted a Northern Pine Snake Study. None were found on the property, one was found on a neighboring property. A portion of the site, Pinelands said is a Pine/Oak Forest and in sandy soils. This took many years and many meetings with Pinelands to come to what they would approve.

The applicant can only clear between April 15 and October 15 when the snakes are not in hibernation. The applicant's environmental consultant, Lomax Associates will be on site during clearing to see snakes, capture and identify.

Stowman asked if they would hit the depth to wet mining during this 5 year license? Filippone said it is hard to say.

James Moore spoke on the variance, 100 ft buffer around site. The western boundary has been previously approved, they would like to extend the 100 ft buffer to other sides of the site. They can only mine 49% of the site.

They spoke on Sheet #3 of their site. They stated three sides are other mining companies. The North side is mostly state land.

D Variance/Positive/Negative Criteria

Positive:

It is a permitted use

Approved previously for 5.93 acres

Obtained the Certificate of Filing from Pinelands

Feels that the 100 ft buffer is reasonable

No residence is within 500 ft of the site. The closest is over 1.9 miles away.

Negative:

Does not believe there to be any, no detriment to the public good, so no negative impact.

No negative impact to ordinance because approvals have been made previously.

Cormac Morrissey gave his Technical Review

Note 17, Page 5

"The Resource Extraction Plan should be revised to include soil boring information previously provided to the Board. 'Cross-Section A-A' on Sheet 4 of 5 shall be revised, as necessary, to reflect the seasonal high ground water elevations previously encountered."

The applicant agrees.

Note 18

"The Resource Extraction Plan shows 2" diameter PVC markers to delineate the limit of clearing/buffer at a maximum interval of 200'. It is recommended that the markers be painted bright orange so that they may be easily seen in the field. It is recommended that the blazing of the clearing limits and the maintenance of the markers be a condition of site plan approval."

The applicant agrees.

There was a discussion on the concrete apron at the driveway entrance, the County asked them to put it in. They will provide that info to the Board, as it happened after they applied.

Morrissey clarified that the use is an approved conditional use, not a permitted use.

Board Questions:

Imbaratto asked if they had plans to expand when they were before the Board in 2013. Filippone answered yes but they did not have Pinelands approval at that time.

Stowman/Imbaratto both stated that they would have liked them to have let the Board know that they were intending to do this when they were before the Board in 2013.

Oliver questioned the concrete apron, asked if the county said anything about curbing or paving? No they did not.

The apron will help keep dirt off the road, it is on a newer plan, and it will become part of the Board's file.

Pflaumer asked what the water table is at the site?

The excavation will not exceed 65 feet below the natural ground elevation. The highest ground water elevation is approximately 40.0. 65 ft below this elevation would permit excavation to an elevation of -25.0. The water table is 20.83 ft above sea level, the bottom will be to 25 ft below sea level. So the depth of the pond will be 45 ft.

Discussion on the buffer to the water if it is wet mined.

Gross stated that there is none within 100 ft buffer on improved roads.

If they go to wet mining would they be willing to protect the buffer in some way.

Moore asked Filippone if the density of the buffer is sufficient for a natural buffer. Filippone stated that it is a continuous dense buffer.

Gross stated he has a concern that it will attract cycles, 4-wheelers, and trucks to the pit.

Benson stated that it can attract things that would be a nuisance and also a safety concern.

Moore asked Filippone what the cost would be to erect some sort of barrier. Filippone stated that it is roughly 1700 ft to fence, \$35,000. He stated that the closest residence is 1.9 miles from the site. He also feels they will be before the Board again before any wet mining is done.

Benson asked if a condition could be that if you go into wet mining the Board will re-visit it? Would they accept that condition?

Moore asked the Board to consider tabling the issue until next review period in 3 years. Benson asked if they would discontinue wet-mining if it comes to that before the 3 year period is up? Stowman asked if they would be having this discussion if they didn't ask for the 100 ft. buffer along Weatherby Rd. Several of the Board members stated No. Discussion on "seeing the mine" from Weatherby Rd. Concerns were discussed in reference to ATV's, Trucks, and eventual wet mining. It was stated that even if there were a fence they would go around it.

Oliver asked about the concrete apron and if our decision was influenced by the County signing off on the apron. Benson stated it would be in the resolution, it always states "subject5 to all approvals."

Benson spoke on CuvIELLO's comments of 2/4/15. Particularly Point #5.

Moore stated he understands the concern, he would like to request tabling the application tonight and come back next month so they can get more information.

Stowman asked the Board about the other buffers, the Board is not concerned with those.

The applicant stated they will use the month to come up with some ideas.

There was a discussion on possible increasing the buffer along the road to 200ft as an option.

Sarclette made a motion to table till the March meeting as long as it does not impact the 190 days the Board has to act on the application.

Oliver 2nd the motion, All in Favor, Roll Call Vote

Sarclette commented on T. CuvIELLO's report that it states "Block 247, Lots 41, 32, and 43" It should be "Block 247, Lots 41, 42, and 43."


There was no public present for comment on the matter of Atlantic Masonry.

No public present for comment

No Other Business

Motion to adjourn Chard, 2nd Hoffman, AIF

Respectfully Submitted,



Lillian Johnson, Secretary