

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: July 6, 2016

Present: B. Stowman, C. Thompson, J. Oliver, R. Chard, J. Carrara, R. Hoffman, G. Gross, J. Pflaumer, K. Whildin, M. Benson, T. Cuviallo, C. Morrissey

Flag Salute

Approval of June minutes, Chard, 2nd Hoffman, Pflaumer abstained. All others in favor.

Correspondence

*From Johnson Design Associates

Notice of intent to file with NJDEP a Treatment Works Approval Application to install two holding tanks at 40 Schooner Landing Rd., Camp Cedar Knoll.

*Copy of letter from Denise Peterson to Cape Mining Recycling in reference to their current mining license which expired on June 6, 2016. There was also a memo for L. Johnson, Secretary in ref to conversation with Ms. Huen, Cape Mining. They will be requesting an extension.

Resolution 2016-006

Nicole-Kirstie LLC/Dorchester Shipyard

Motion to adopt Chard, 2nd Thompson, Oliver and Pflaumer abstained, all others in favor, roll call vote.

Elizabeth Ambrose

Application 2016-08

Minor Sub-Division

(Lot Line Adjustment)

J. Roy Oliver recused himself as Ms. Ambrose is his daughter.

Ms. Ambrose was sworn in.

Terance Bennett, applicant's attorney was present.

Completeness

Cormac Morrissey reviewed his report of June 29, 2016.

Minor Sub Division approval to transfer .28 acres from Block 287, Lot 13 to Lot 12.

C Variances required

*Minimum Lot Area for Lot 13, required is 1 acre. The proposed lot area is .54. The existing lot area for Lot 13 is .82, an existing non-conforming condition.

*Minimum Side Yard for Lot 13 where 20 feet is required and 16.85 feet is proposed.

The applicant is in compliance with submission requirements with the exception of the following items, which the applicant has request or will require relief:

*Item P6

Zoning District Classification. The zoning district provide don the plan incorrectly identifies the property as being within the Village Residential District, the property is located in the Village Center District. Asks that is a condition of

approval that that be memorialized on the plan. Recommends that be partially waived providing they put the correct zoning table on the plan.

*P-9

Location of Isolated Tress Greater than 8" in diameter. There is no new development, this waiver is supported. They have shown woods' line on the plan, for the purposes of this application, sufficient information is provided on the plan. Recommend that item be waived.

Ms. Ambrose stated they are willing to change the plan. There is no woods clearing, just the lot line change.

Motion to deem complete and with partial waiver on P-6 and waiver on P-9, Chard, 2nd Carrara. Pflaumer abstained, all other in favor on a roll call vote.

Tiffany Cuvillo reviewed her report.

The applicant is requesting a lot line adjustment, which is a minor sub-division application. They are requesting to take a portion of an undersized lot and add it to an oversize lot for the VC zone. The VC zone is 1 acre requirement.

Both properties have single family dwellings on them. This does not result in the opportunity to create a new development lot, it is just changing the land area so that Lot 12 has greater frontage along Hall Rd. instead of the flag lot type shape they have now.

A variance is required because existing Lot 13 is .82 acres will now become .54 acres so it will less than the minimum lot requirement.

A second variance is required because Lot 13 has an above ground pool. It is required that the minimum setback is 20 ft, the pool will have setback of 16.85 feet.

The rear lot line of Lot 13 will match the rear lot line of the parcels on Main St, so they will all have a consistent lot depth.

These are C Variances, she stated she feels the Board can find justification for the Variances. Even though they are reducing Lot 13, it will still be substantially larger than the majority of the properties in Block 287 along Main St. The subdivision is not resulting in a new buildable lot. The land will be added to Lot 12, which will have an area of 1.98 acres and a lot width of 225 feet. They will not be able to subdivide Lot 12, 1 acre is required and they are under it.

Under the C2 standards, you want to find that there is some purpose of zoning that is being advanced. You are still maintaining appropriate population densities because you are not creating a new buildable lot. It is creating a new square lot on Hall Rd.

Negative Criteria/Substantial detriments to the public good or the zone plan.

Matching up the rear property lines. Even though you are creating a setback variance to the pool, it is an above ground pool with appropriate enclosures. It's still far from the property line and the area it is close to is not going to have a building on it, it will remain wooded. It is also reducing the flag lot.

Mr. Bennett confirmed what Tiffany Cuvillo stated.

Cormac Morrissey gave his technical report. He stated there is no development proposed. There is no engineering impact. They are proposing to file be deed. Our solicitor should review them prior to being filed.

Mr. Stowman asked about the swimming pool. It is the homeowners' intention to leave it there and Ms. Ambrose stated she is fine with that. Mr. Bennett also stated that it will not be a problem.

Mr. Benson asked if the owners of Lot 13 are consenting to this application. Carrie Blystone was sworn in. She stated they do give consent to the subdivision.

Motion to go to public hearing Chard, 2nd Gross, AIF
No Public Came Forward
Motion to close Chard, 2nd Carrara, AIF

Board Discussion

Carrara stated that it will be an improvement. The Board agreed.

Motion to approve minor Sub-Division with (2) C Variances, to be the purpose of changing the Lot line between Lot 13 and 12. Transferring .28 acres from Lot 13 to Lot 12, Block 287. Reducing the size of Lot 13 and increasing the size of Lot 12. The C Variances are for the purpose of allowing Lot 13 to have a lot size of .54 acres vs. a minimum of 1 acre. And to allow for the side yard setback of 16.8 feet.

Carrara made motion, 2nd Chard. Pflaumer abstained, all others in favor.

Whibco 2016-03

Sites 1 and 2

Last month they were deemed incomplete, they now have the Pinelands Certificate of Filing.

They are seeking their 5 year renewal license.

John Helbig, Planner

Wade Sjogren, President

Walter Sjogren, Vice President

(All Sworn In)

Rich Hluchan, Esquire

Mr. Helbig stated his credentials, the Board accepted him as an expert witness.

A member of the audience asked about where the sites are located. A map was shown to them. They had questions in reference to location. Tiffany CuvIELLO took the residents briefly out of the room to go over the maps and location with them. Mike Benson did state that the plans were available prior to the meeting.

Cormac Morrissey reviewed his July 5, 2016 report.

He stated that the applicant has been very helpful with providing information.

He had no objection to P2, P3, P9, P25, and P31.

P30, State and Federal Approvals, the applicant has requested a waiver from this requirement indicating that this information will be submitted as a condition to any approval by the Board. The applicant has previously been granted a waiver from this requirement.

P33 and P35, Environmental Impact Statement, the Pinelands Commission has reviewed this project for environmental impacts and issued a Certificate of Filing on June 10, 2016. The Boards has previously waived this requirement.

Stowman asked that if they come across specimen tree that they record it. The applicant agreed.

Motion to deem complete Oliver, 2nd Thompson, All in favor on roll call vote.

Stowman asked if the Board wanted to do a site visit.

Mr. Hluchan stated they will cooperate with a site visit. Their license expires July 16th, they would hope to go to approval tonight. The Board decided to recommend to the Township Committee to allow an extension to have a site visit. Mr. Hluchan asked if they could go through the hearing and also request the extension to be 3 months. The Board agreed and will recommend a 3 month license extension to the Township Committee.

Cormac Morrissey reviewed his technical report

#1 Signature block needs to be modified.

#2 Zoning schedules, recommended to state "The maximum depth of excavation will not be any greater than 2' above the ground water tables as shown on the cross-sectional details of each site. In no case shall the maximum depth of excavation be greater than 65' below the natural ground surface elevation:

#3 Total tract of acreage in notes to be corrected

#4 Clarify the limits of Site #2

#5 Additional notation be provided to the mining schedules of each site to comply with Section 35-9.16.C8, >20 acre anticipated length of mining time.

#6 Site #1 proposes to expand the existing wet mining. They have removed the existing pond from proposed mining area.

Mr. Helbig showed current extent of Site 1 pond. It does not reach 90ft. They are mining laterally.

Chard asked about the area they were doing agriculture in.

Mr. Helbig showing is on the map. They do plan to mine into that area.

#7 The plan view should be modified for each site to correlate the stationing with the cross-sections.

#8 In ref. to the new access drives onto Weatherby Rd., the plans should be revised to provide a gate at each access. The Site #1 access proposes the installation of a 15' X 30' wide concrete apron. It is recommended that Site #2 also be constructed with a concrete apron. Both entrances shall require the installation to stop signs.

#9 the new access drive for Site #1 will be for resource extraction operations only. Walt Sjogren stated that it will be for mining activity only with plant related vehicles.

#10 Paving

Walt Sjogren stated they plan to pave this year.

#11, 12, 13

Site #1 indicates a setback distance of 200' to the surrounding property liens with the exception of 500' to the non-resource extraction use at the west of the property line. And 100' along the northeast line in an area identified for soil stockpiling which was previously granted. The Setback Markout Legend provided on the plan indicates that "existing naturally vegetation within the setback/wetlands buffer areas to be maintained." The plan should be revised to show the actual clearing limits along southwest property line. The limits of the agricultural use area must be revised to the 500; buffer limits to the west.

The line has been done in the field and will be put on the plan.

Ben Stowman asked if on sheet 4, the legend tree, is than an agricultural marking? It means vegetation.

There will be markers in the field to clearly define the mining limits.

#14 Notation regarding distances from the southwest property lien of 10; and 211' appear to be a carry-over from previously submitted plans. The plans should be revised to eliminate these references.

#15 Buffer, Is there adequate buffering? The field committee during the Site Visit should see if what is out there is okay.

#16 Agriculture will continue until they get to the full mining limits.

#17 The plan should include soil boring logs for the three borings performed on Site #2.

#18 No wet mining is proposed on Site #2

#19 The applicant continues to maintain the blazing.

#20 The applicant must continue debris clean-up of old unused equip on Site #1.

#21 Maintain safe driving conditions.

#22 Recommend that compliance plans be submitted.

The applicant agrees to the recommendations.

Carrara asked Cormac about the flooding from the other sand company, could it happen here. In a 2001 study, the other sand mine was built on a hill and the hill gave way. This site does not have the same characteristics, they are built on a plain.

Motion to open public hearing Carrara, 2nd Hoffman, All in Favor (Sites #1 and 2)

Dorothy Deblock of Carlise Place Rd.

She would like to see a copy of the grandfather clause. She stated she will come in to the Land Use Board Secretary to see previous approvals.

No other public came forward.

A motion was made and seconded to close public hearing, all in favor.

There was a motion to table till the August meeting and to recommend to the Township Committee to extend the mining license for 3 months to Oct 15, 2016, with consent to extend time periods from the applicant.

Motion made by Carrara, 2nd Hoffman, All in favor on roll call vote.

Application 2016-04

Sites 3-7

Completeness

Cormac Morrissey reviewed his report.

P2, P3, P9, P25a, P30, P31, P32, P35

Recommended waivers to be granted subject to conditions, applicant agreed.

Motion to deem complete Carrara, 2nd Gross, All in favor on roll call vote.

Cormac Morrissey, Technical Review

#1 Update signature block

#2 Zoning schedules, recommended to state "The maximum depth of excavation will not be any greater than 2' above the ground water tables as shown on the cross-sectional details of each site. In no case shall the maximum depth of excavation be greater than 65' below the natural ground surface elevation:

#3 The plan view for each site be modified to correlate the stationing with the cross-sections.

#4 Blazing should also be considered to delineate the limits of resource extraction over the five year approval period.

#5 for Site #3, blazing should be considered on the eastern and southern limits of the proposed mining area.

#6 Recommended that the restoration area be expanded to include the other areas of disturbance outside of the proposed haul route.

#7 Site #4 shows blazing limits along the western side, it should also be considered on the other three sides of the proposed mining area.

#8 Markout legend on each site plan should be revised to indicate that natural vegetation is required to be maintained in all setback areas. It should also address the 500' setback requirement where appropriate.

#9 recommendation on the issue of augmenting the existing natural vegetation in the setback areas may be made by the field inspection sub-committee.

#10 soil borings provided on the plan should provide a best estimate of existing grade elevation.

#11 All cross sections should provide the location of the Estimated Seasonal High Water Table.

#12 Blazing limits should be considered to delineate the northern, eastern, and southern mining limits on Site #5.

#13 A large area of disturbed ground on the north side of the Site #5 should be identified for restoration.

#14 Cross-Section L-L must be revised to change the 100' buffer limit to specify 200'.

#15 Restoration areas for Site #6 should be expanded to address existing cleared areas that are not proposed for resource extraction.

#16 Blazing should be considered on the eastern and southern sides of the Weatherby Rd. Pit at Site #6.

#17 All site entrances shall provide stop signs.

#18 No wet mining is proposed for any of the sites.

#19 The applicant must continue to maintain the blazing for the resource extraction area limits as shown on the plans.

#20 the applicant shall implement street sweeping measures, where necessary.

Walt Sjogren stated that Site #1 is the most active. Site #2 & 6 are the next active. Other sites are incidental.

Morrissey stated that Site #4 total mining is 2 acres and asked how they get in and out of Site 4. Walt stated they use the Route 47 exit.

Ben Stowman questioned on the cross sections half say surface mining profile and the other half don't, and asked that nothing is being planned for wet mining? The applicant stated no.

Motion to open public hearing Chard, 2nd Carrara, All in favor.

Randy Camp, 4031 Route 47 was sworn in.

He stated that Site 4, the road access on 347 is approx. 4ft wide. The best way to get in the pit would be the old dump, it's already wide enough and it's there. The one on Carlise Place would be an accident waiting to happen because people fly down that road. And where they plan on digging is already cleared.

Cormac responded that future access drives on 347 if/when that application comes in will be reviewed. There would be standards that they would have to comply with. Right now their gate is on Route 47. The clearing that has been done, this is a continuation of their previous approval, the applicant has rights to mine this property in the area that is shown on the plan already. They are within their rights to make future applications to expand that, which would need all approvals. They are not asking to expand at this time, they are asking to continue the 2 acres of mining. During the site visit, if they are mining outside the limits they will see. The applicant believes they are within the limits.

Discussion on the old dump, it is township owned. Possible easements for the applicant to use the access. They are within 200 ft of the property line, so it could be perceived that they are close to the old dump. The limits of the old dump may be beyond what the property lines are believed to be.

Mr. Camp asked why they were approved to clear a road 5 miles through the woods instead of making a road that's a half mile.

Morrissey stated these sites go back to 1993. Their mining rights go beyond the last 5 year period so it's hard to say why their entrance was where it was at the time. They have rights to use that entrance.

Mr. Camp stated the ideal place to have an entrance would be on Weatherby Rd.

Morrissey stated they have an existing entrance that they use that is part of their approval. Until they come in with a plan showing what they may want to do, the Board cannot comment on it.

Mr. Stowman stated that the maps are on file in the Secretary's office and if anyone would like to come in and look at them.

Dorothy Deblock came forward asked if there is any way to put a side on the wall so that they can see the maps when they are talking about them.

Discussion on having maybe a double exhibit so that the public can see it. Mr. Stowman suggested that she come in to the secretary's office and look at the maps before the next meeting.

Motion to close public hearing Oliver, 2nd Thompson, All in favor.

Motion to table Application 2016-04 till the next meeting and to recommend to the Township Committee extend the permit from July 15 to Oct 15, 2016.

Motion made by Carrara, 2nd Gross, All in favor on roll call vote.

Site Visits are scheduled for July 13, 2016.

Other:

Tiffany Cuviallo stated that the permit extension act was extended for 1 year, but not for Cumberland County.

Stowman reported that Pinelands sent a memo that said they had no problem with Ordinance 652, the clarification of the vegetative buffer. They have had the second reading.

No public present for public comment.

Motion to adjourn Chard, 2nd Whildin, All in favor.

Respectfully Submitted


Lillian Johnson, Secretary