

## 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: September 7, 2016

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

Flag Salute

Approval of July minutes, Chard, 2<sup>nd</sup> Hoffman, Sarclette abstained. All others in favor.

Correspondence

\*Letter from DEP to Yank Marine Services

Permit Extension of Waterfront Development Permit

\*Copy of letter to NJDEP

Re: 77 High St.

General Permit Application/Replace malfunctioning septic system

\*Letter from Richard S. Jones, PE

Re: Maurice River Diner

Treatment works approval permit application

\*NJ Planner

May/June

July/August

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Elizabeth Ambrose

Minor Sub Division/Lot Line Adjustment

Resolution #2016-07

Adoption

Motion to approve Gross, 2<sup>nd</sup> Chard, Roll Call Vote, Sarclette and Oliver abstained, All others in favor.

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Whibco, Inc.

Resource Extraction Renewal

Application 2016-03

Sites 1 & 2

There was an extension granted from their July 15, 2016 expiration to October 15, 2016.

Cormac Morrissey gave an overview of what has happened with the application. The applicant has revised their plans and given a checklist identifying how each of the Mr. Morrissey's comments was identified. They have gone through and satisfied the comments, there are a couple new comment.

Rich Hluchan, Attorney for Whibco was present as well as:

Walter Sjogren

Wade Sjogren

John Helbig, Recognized previously as an expert witness

All had previously been sworn in.

Mr. Hluchan stated they believe they have addressed all of Mr. Morrissey's comments and have no problem with him going through his letter and they will respond as necessary.

Mr. Morrissey continued:

There was a slight change from what they submitted in June to what was recently submitted, the change basically involved the excavating of the wet mining of the pond on Site 1. Previously it was submitted that they will excavate down to -35'. Which is consisted with the bottom depth of the existing pond now. They are seeking to go down to what was previously approved depth of 90 ft. There are different types of material at different elevations and they didn't want to be stuck at a certain elevation if they might need to get down to a different material. It was previously approved at the 90' depth. The applicant can go to a maximum of 90' below existing grade. That grade is -73.4'. That elevation is also memorialized in the Pinelands Certificate of Filing.

Mr. Helbig stated they initially submitted to the Pinelands asking to go the full depth of 90' but Pinelands would not issue a clean certificate of filing until additional fees were paid because the bottom of the pond now counts as new excavation area. The calculated all that acreage and wanted additional application review fees which slowed down the review process. In an effort to expedite the review and get a clean certificate of filing, get before the Board, and get their license renewed, was hold the existing depth at -35'. They would like the full depth approved all the way across the pond and then they will go back to Pinelands for the call up review.

Mr. Morrissey stated that area was previously identified as phase 1A and it is not identified on the plan as part of the permitted area. So, it will be necessary to revise the plan to include the existing pond area as part of their approval.

Mr. Helbig stated it is approx. 120 acres in the existing pond area.

Mr. Morrissey stated is will be 120 acres plus the other phases that are part of this application. When we do the compliance review, we would calculate the fees and the bonding for reclamation. Reclamation bonding is based on the amount of \$2500/acre where you replant the areas that are excavated. Where there is a wet pond you are not reclaiming the water, because it is going to be a pond. It was looked at previously, and it was decided that 5% of the pond would be appropriate for reclamation bonding. We will make the adjustment once we have the final numbers.

Other comments discussed:

Continuing the debris clean-up of old and unused equipment on Site 1.

Maintain street sweeping.

They have added notes to the plan to identify that.

The applicant is dry mining Site 2. There was discussion during the site visit in regards to the existing woods line. The applicant's surveyor has went out and identified where the woods line is and submitted a survey. They have verified what was seen at the site visit. It was also agreed previously that they would not have to revegetate that area that was cleared beyond the 500 ft limits. The Ordinance does have language in regards to vegetation requirements in that buffer area. It's the Boards determination that they could decide if the buffer was thick enough. Mr. Morrissey stated he felt the site visit committee felt that is was sufficient but the Board could say they need additional plantings.

Mr. Morrissey stated the applicant's plans identify "setback distances," there has been modifications to our site plan ordinance with respect to resource extraction that identifies that distance as a "buffer." The plan should be revised to identify that distance as a buffer.

Mr. Hluchan asked if that Ordinance has been approved by the Pinelands, Tiffany Cuvillo stated that it has been certified by Pinelands.

The applicant has also addressed other comments. There are certain areas that were identified that as existing clearing that should be re-vegetated, they have agreed to do that. They have also added additional blazing. They have submitted color drawings. Due to cost it was agreed that they would supply 5 full size sheets and 11x17 sheets for the Board members.

Mr. Morrissey did state that the applicant will continue agriculture in the area until such time that it is being mined for resource extraction. That area you can see a pretty far distance, at the buffer areas they had signage indicating that was the limit of resource extraction. They also have an interior berm around the wet mine. That prevents any vehicles on site from accidentally falling into the pond. There is a berm on the outside edge that delineates the limits of the excavation.

Mr. Hluchan stated that this has been a cooperative process between Whibco, the Board and Mr. Morrissey's office. He believes they have satisfied all of the conditions the Board had put upon them.

Mr. Stowman did comment that the apron on Weatherby is nice and the clean-up they are doing has been good.

They have also put concrete aprons and swing gates on all entrances.

There was no comments or questions from the Board.

Motion to open public hearing Carrara, 2<sup>nd</sup> Thompson, AIF

Mr. Stowman announced the application.

No public came forward.

Motion to close public hearing Sarclette, 2<sup>nd</sup> Carrara, AIF

#### Approval

Benson stated the motion will be to approve the submitted site plan and application for Resource Extraction, years 2016-2021, it will be memorialized back to the July 15, 2016 date. It will be subject to all comments and suggestions made by Mr. Morrissey's review report as well as they will add the terminology "buffer" in place of "setback."

Motion to approve Carrara, 2<sup>nd</sup> Chard, AIF on Roll Call Vote

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Whibco, Inc.

Resource Extraction Renewal

Application 2016-04

Sites 3, 4, 5, 6 and 7

Cormac Morrissey gave a review of the application. It was given the same extension from July 15 to October 15, 2016. They are seeking a renewal of what was previously applied for. There is no wet mining, no expansion. They are seeking to just continue what they have been doing. Many of the sites have no active resource extraction, the significant amount of work is being done on Site 6. Many of the review comments were the same as before:

Additional blazing to clearly identify the limits of the mining operation.

Re-vegetate the areas that seem spars on the aerial.

Provide color aerials to get a better view of what we are looking at.

The applicant has done these things. Also added the notes such as maintaining the soil erosion, adding traffic control at the exits were they weren't previously. They have addressed everything that has been asked of them. Mr. Morrissey also spoke on adding the word "buffer" consistently on the plan. He also added this review could almost be a plan review.

Mr. Morrissey also noted that the applicant's engineer has been very cooperative and helpful.

Mr. Stowman spoke on the site visit. He stated they went to Site 4. He stated that there is obviously no activity going on at Site 4. There had been someone from the public at the previous meeting that felt there was over clearing in that area. The Site Visit Committee specifically looked at that area and it is obvious there is no activity. Site 6 was the only one that had any activity. The site committee agreed.

Motion to open public hearing Oliver, 2<sup>nd</sup> Whildin, AIF  
Mr. Benson announced the application for Sites 3-7.

Phil Duncanson, Carlisle Place Rd. came forward.

Mr. Duncanson questioned building new access roads to site 4.

Mr. Morrissey stated that they are not doing anything different. They would have to come before the Board for approval if they wanted to build a new road. The access road to site 4 is through the old dump, they have an easement for that. The applicant confirmed this.

No other public came forward for comment.

Motion to close public comment Hoffman, 2<sup>nd</sup> Thompson. Alf

No Board Discussion

Mr. Benson stated the motion would be to approve the Site Plan and Resource Extraction application Sites 3, 4, 5, 6, 7 for 2016-2021 incorporating the comments set forth by the Board Engineers in his review. Also, specifying on the plans that they reference "buffer" where appropriate.

Motion to approve Sarclette, 2<sup>nd</sup> Oliver, All in favor on roll call vote.

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Other:

Tiffany CuvIELLO spoke on the Pinelands Commission. She attended a meeting in July. They are proposing some new rules. One being the use of an alternative septic system, an advanced treatment system (similar to clustering requirements so when the rural/forest areas you could have a small lot with advanced treatment with offsite land conserved to allow for the dense development.) They are considering that in a certain way to address commercial development that is in existing rural areas. There is a property in town that we may be able to work with ahead of the rule proposal. There may be some suggestions coming in reference to zoning changes that Pinelands would potentially enter into a memorandum of understanding with the township to enable the commercial development in the area of 47 and 347.

Cormac Morrissey spoke on the Maurice River Diner and the septic permit application and also Camp Cedar Knoll. He stated the township is not taking any responsibility for their septic. When the septic approval comes through the township says they are ok with it, but they are not responsible for any management of that system.

Motion to open public comment Carrara, 2<sup>nd</sup> Hoffman.

Brian Guenther came forward.

He stated he is just coming to monitor what the Board is doing and he will be here periodically.

He lives on Carlisle Place Rd in Dorchester.

He stated there is a lawsuit that will be served by the 9<sup>th</sup> (September) It is an order to show cause. It will be served to Gordon Gross and the Board Secretary. He just wanted to let the Board know that it was coming. He went on to state that the village of Dorchester are unanimous with being very angry at the Board for their decision to disregard the population there. This lawsuit asks for relief to vacate Mr. Gross' vote and therefore vacate the approval of that variance.

No other public came forward.

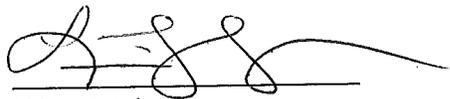
Motion to close Oliver, 2<sup>nd</sup> Chard. AIF

Discussion on sending our Board member Tom Imbaratto a card. The Secretary will send it on behalf of the Board.

Carrara made a comment in reference to the sand mines. She stated that once they are all mined it seems there will be no room for the trucks and operations except in the buffers. Stowman stated that on the one plan it looks like they have an access road. CuvIELLO stated that if they wanted to put another road in they would have to come before the Board or it will be a violation of the Ordinance.

Motion to adjourn Chard, 2<sup>nd</sup> Hoffman

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Lillian J. Johnson', written over a horizontal line.

Lillian J. Johnson  
Secretary