

## 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: November 2, 2016

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

Flag Salute

The Chairman asked for a moment of silence for the passing of our Board Member, Tom Imbaratto.

There was no meeting in October.

Approval of September minutes, Chard, 2<sup>nd</sup> Oliver. All others in favor.

Correspondence, None

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Whibco, Inc.

Resource Extraction Renewal

Resolution #2016-08

Site 1 & 2 and Sites 3-7

Motion to adopt Chard, 2<sup>nd</sup> Hoffman, Roll Call Vote, Oliver Abstained, all others in favor.

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Cape Mining & Recycling, LLC

Application 2016-09

Completeness

Block 263, Lot 40

Dante Romanini, Esq., Tedesco, Gruccio, and Russo, Law Firm

A letter was given to the Board from the applicant dated Oct 19, 2016 from Pinelands to Mr. Heun. Cormac Morrissey spoke on the Pinelands approval that was submitted dated 2014.

Pinelands identified a continuation of resource extraction activities. It was set to expire June 2016. A new Certificate of Filing has not been issued yet.

Their license has expired and they had an extension till Dec 6, 2016. It was suggested to ask for another extension and come back with the Certificate of Filing. Mr. Morrissey also suggested that the Board discuss the submission waivers and when the applicant comes back with the Certificate of Filing they can be deemed complete and move forward, possibly hearing the application at that time. Also, since there has been no activity at the sight, Mr. Morrissey could do a sight visit and report to the Board. He stated they will be looking for blazing, mining limits, the gate is lockable, and no large scale excavation.

Ben Stowman asked if they literally mean they have not done anything.

Philip Huen, Jr., owner, was sworn in.

Cynthia Chemerys, Engineer, was sworn in.

Mr. Huen stated they had dumped some dirt, 10 or 12 loads, in there 2 years ago.

Michael Benson stated we could do the waivers by motion, it will be a matter of record and it will be referenced in the Resolution. He recommended that the Board proceed with discussing and ruling on the waivers.

Environmental Addendum #4. Ms. Chemerys stated that they went through anything that could possibly change, other than addressing that nothing has changed and citing the aerial extent of excavation, nothing has changed. Pinelands did not have an issue.

Stowman also asked, why they needed the extension? They stated part of it was waiting for the report from National Heritage Database. They also did not do a public notice for tonight because they knew they were waiting on the Certificate of Filing. This application is waiting on nothing else.

Cormac Morrissey went through the waivers being sought.

Basically the same exact plan that was approved in 2013. They are here for re-approval, nothing additional, the same waivers are being sought that were previously granted.

Michael Benson asked if anything has changed to affect the reasoning in granting the waivers.

Morrissey stated that the only thing that has changed is the date referencing the 5 year period.

Waivers:

P2, Plan Scale

P25, Natural Resource Plan

If they were to come across a specimen tree, the recommendation is to identify and preserve or record with the state.

P 32 Environmental Impact Statement, it has been addressed through Addendum #4.

P 35 Property Survey, they haven't done any excavation, the last survey was done May 14, 2013.

Mr. Morrissey is recommending the application be deemed incomplete until the Certificate of Filing is received.

Motion to grant waivers Carrara, 2<sup>nd</sup> Chard, Roll Call Vote, Oliver Abstained, All others in favor.

Motion to deem application incomplete Thompson, 2<sup>nd</sup> Carrara, Oliver Abstained, All others in favor.

Discussion on extension.

A motion was made to recommend a 4 month extension to the Township Committee at the request of the applicant, Chard, 2<sup>nd</sup> Carrara, AIF.

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Other:

Gordon Gross stated that there will be a memorial service for Tom Imbaratto on December 1, 7:00pm at Dorchester Church. A card was passed for the Board members to sign to give to Tom's family.

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Gordon Gross received correspondence that was sent to Denise Peterson, Clerk, on a cell tower request for Rt 47 and Whitney Point Rd., asking for any information if this would affect any historical properties.

Stowman stated it was ¼ mile from the tower at Barnacle Bill's. He stated he does not think there is anything in Delmont listed as historical.

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Michael Benson gave an update on Guenther vs. The Land Use Board, Gordon Gross.

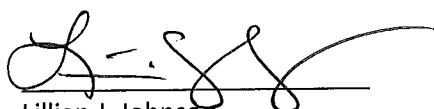
There is a hearing on November 4, 2016 before Judge Curio, the matter has been briefed, the essential position that the Board is taking, that as a matter of law based upon what has been alleged, there is no basis for the complaint on a motion for summary judgement.

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No public present for comment

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

Respectfully Submitted,



Lillian J. Johnson  
Secretary