



MUNICIPAL BUILDING, 590 MAIN ST., P.O. BOX 218, LEESBURG, NJ 08327

LAND USE BOARD
BARBARA SUTTON, Secretary
(856) 785-1120 ext. 116

**AGENDA FOR MEETING of JUNE 2, 2010
7:00 PM**

1. Call to order.
2. Open Public Meetings Act announcement.
3. Roll Call.
4. Pledge of Allegiance.
5. Vote on minutes of the 4-7-10 meeting.
6. Correspondence.
7. Mays Landing Sand & Gravel - Discussion of the status of the breached mining pond with Brent LeClair, representative of the company.
8. Other. Updates on COAH, the County's Rails to Trails Project, response to LUB letter to Gov. Christie regarding opposition to Pinelands mandatory Clustering and any other projects of interest.
9. Adjournment.

MAURICE RIVER TOWNSHIP LAND USE BOARD

Meeting Minutes: June 2, 2010

Present: B. Stowman, Chairman, Committeewoman K. Ireland, Committeeman K. Langley, J. Carrara, J. Pflaumer, Alt. #2, K. Schellinger, PE, T. CuvIELLO and M. Benson, Solicitor.

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

The minutes of the 4-7-10 meeting were approved on a motion by Ireland and seconded by Carrara. Unanimous.

The Secretary announced receipt of the following correspondence:

1. The April 2009 NJ Planner publication.
2. Letter dated 4-21-10 from Marathon Engineering addressed to the Pinelands Commission regarding a proposal for a modification of Whibco's mining license.
3. Copy of a letter from Water's Edge Environmental regarding a revised DEP Treatment Works Permit for the construction of a septic system at 49 Moore's Beach Rd.
4. Notice that the Cumberland County Planning Board is assessing the open space situation around the County and will be holding meetings in Millville, Bridgeton and Vineland this month to get public input as to County residents' values, needs and preferences as well as the capacity and willingness to financially support open space and recreation. Ireland stated that a planner from Pennsylvania has been hired to assist with this study. Board member Jody Carrara has been appointed to the study committee.
5. Notice of a DEP application for a freshwater wetlands general permit to repair a malfunctioning septic system at 195 Port Elizabeth-Cumberland Rd.
6. Memo from Pinelands dated 5-12-10 regarding proposed amendments to the Pinelands Comprehensive Management Plan relating to a Pilot Program for Alternate Design Wastewater Treatment Systems.
7. Copy of a Pinelands letter dated 4-6-10 regarding the status of Jack Lafferty's application to expand a commercial use on Block 236, Lot 18 and Block 124, Lot 9.
8. A Media Advisory from the League of Municipalities dated 5-5-10, "League Statement on Governor Signing Legislation Eliminating the Time of Decision Rule".
9. E-mail from the Cumberland Development Corporation (CDC) regarding transfer of development rights and how a TDR program across municipal borders could possibly be developed.

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MAYS LANDING SAND & GRAVEL

Update on Pond Breach

Brent Leclerc, Northeast Regional Director of Environmental Safety & Health for Lehigh Hanson, Inc., parent company to Mays Landing Sand & Gravel, was present to discuss the status of the company's situation resulting from the breach of their mining pond.

Kent Schellinger, PE talked about the site inspection that he conducted along with Zoning Officer, Gordon Gross and the peculiar geography in this area. The elevation of the pond is higher than the residential areas nearby. He stated that the breach had been filled and the immediate hazard has been mitigated, however, the pond will now be able to regain elevation and the side will hold the water again for awhile, but eventually it will pose another hazard. The company needs a long term plan to prevent any potential for flooding problems.

Leclerc stated that the entire slope has now been filled in. MSHA (Mine Safety & Health Administration) is involved and is requiring a plan to make the site safe again. Steve Nardelli, PE with Fralinger Engineering is assisting the company with the plan. An interim plan will be ready in a few days, however, MSHA has to approve before anything further can be done.

Allen Lorenzo, General Superintendent for NJ Operations, stated that the pond level is now 3 to 4 feet lower than before the breach.

Schellinger further stated that it is the cumulative effect that is the problem. It is not normal to get the effects that we did this year. He explained that 30% of the water came from surface water runoff and 70% came from ground water. He further stated that no other mining sites in the Township have such a difference in elevation to the surrounding area. The sides of the pond were quite high and no one could have ever imagined it would overtop, but now that it has, we must prepare for the possibility that it could happen again.

Leclerc explained that right after the breach, a 14 inch pipe was installed at a low point on the north side to take pressure off of the pond. The piped water drains to the Muskee Creek. The company's goal is to have a controlled outlet leading to a stabilized drainage area.

Schellinger stated that the plan sounded good but he would like to see a larger diameter pipe for emergency discharge, the dam designed with a secondary emergency overflow and fail-safe emergency spillway as well as keeping the elevation two feet below the lowest point of the berm.

Leclerc acknowledged Schellinger's suggestions.

The Board thanked Mr. Leclerc and Mr. Lorenzo for coming in.

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COAH Update

Board Planner, Tiffany CuvIELLO, informed the Board that Governor Christie's task force assigned to assess and report on the performance of the NJ Council of Affordable Housing (COAH) called for it to be abolished. Senate Bill S-1, currently in legislation, would dissolve COAH and assign its powers to another agency.

CuvIELLO further stated that any unmet need would only apply to rounds 1 and 2. Questions regarding obligation requirements from the year 2000 forward remain unanswered.

Under the new proposal, municipalities would be required to prepare a housing plan element for their master plan to address how they plan to satisfy the affordable housing obligation, which would then be reviewed by the County Planning Board. Housing plans would no longer be filed with the state.

Cumberland County Rails to Trails Project

Committeewoman Kathy Ireland stated that the Township is interested in participating in this project. Maurice River and Port Norris will be combined and include trails for walkers, bikers and equestrians. She further stated that the feasibility study is soon to be completed. Once it has been completed, Bob Brewer, Cumberland County Planning Director will come to each town to discuss details, projected costs and possible funding. Information will be distributed as soon as it comes in.

Stowman stated that he is interested to serve on this Committee.

Status on Letter to Governor Christie Opposing Pinelands' Mandatory Clustering

The Secretary advised that Board that there has been no response to the 4-8-10 letter to Governor Christie.

Ireland stated that the letter was distributed at the Pinelands Municipal Council meeting. She will be contacting Chris Stark, our liaison to the Governor, until we get a response.

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Time of Decision Legislation

There was a brief discussion on this legislation that was signed by Governor Christie to freeze all regulations on an application for development at the “time of filing” by the applicant. Boards must consider applications according to the zoning regulations in effect on the date of submission whether complete or not. This gives predictability to applicants that file and then are caught up in new regulations forcing them to seek variances or to go back to the drawing board to comply with new standards. Alternatively, a filing under the new law has the potential to stop a board from adopting a master plan amendment and the governing body from adopting a zoning amendment affecting the property which is the subject of a “pending” application. There is no time limit on the “freeze” but the bill does allow municipalities to adopt ordinance amendments dealing with public health and safety.

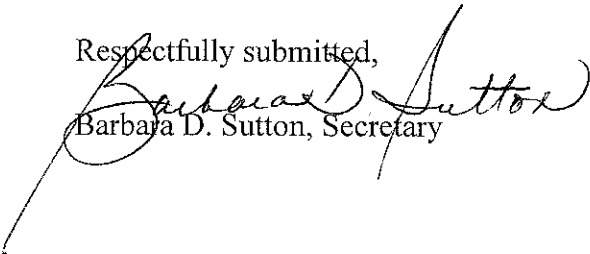
The Board felt that this issue is subject to debate.

Wind Energy Act

There was a brief discussion with regard to the 2009 legislation that made renewable energy facilities an “inherently beneficial use” and the new law enacted by Governor Jon Corzine in January of 2010 to prevent municipalities from imposing unreasonable zoning limitations on small wind energy turbines. Unreasonable limits are spelled out in the new law.

There being no further business, Carrara motioned to adjourn. Langley seconded. Unanimous.

Respectfully submitted,


Barbara D. Sutton, Secretary