

## MAURICE RIVER TOWNSHIP LAND USE BOARD

**Meeting Minutes:** April 6, 2011

**Present:** B. Stowman, Chairman, Committeeman K. Langley, R. Chard, J. Carrara, G. Gross, J. Pflaumer, Alt. #1, J. Yondura, Alt. #2, T. CuvIELlo, Planner, C. Morrissey, Engineer 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 2-2-11 meeting were approved on a motion by Chard and seconded by Carrara. Gross and Langley abstained. All other members voted in favor of the motion.

The Secretary announced receipt of the following correspondence:

1. The February-March 2011 NJ Planner publication.
2. A Pinelands press release dated 2-10-11 regarding the advancement of a proposal to encourage environmentally appropriate siting for solar energy facilities in Pinelands.
3. NJ Dept. of Transportation press release dated 2-9-11 regarding the award of a grant to Maurice River Township in the amount of \$190,000 for a bikeway project promoting the safe use of bicycles as an alternative transportation mode.
4. Pinelands Certificate of Filing dated 3-7-11 for the change of use of an existing building from a chemical warehouse to an auto repair business on Block 4, Lot 9 in Milmay. An application to the Board will be forthcoming.
5. Notice that the Pinelands Commission issued Recreation Permit #1175 to Tri-County Sportsmen Motorcycle Club for their Greenbrier Enduro held on 3-13-11.
6. Pinelands letter dated 3-17-11 addressed to Richard Daniels, Esq. regarding the review of information provided on 2-25-11 in connection with the pending application of Jack Lafferty for an expanded commercial use.
7. Letter dated 2-28-11 from the Pinelands Preservation Alliance offering a "Designing a Sustainable Community" presentation to Pinelands municipalities. There is no charge and we can contact them if interested.
8. Announcement from ANJEC of a workshop titled "Sea Level Rise" to be held on Monday, 4-11-11 from 5:00 PM to 9:00 PM at the Ramada Inn in Vineland.
9. Letter dated 3-24-11 from Rebecca Ashton regarding the Jack Lafferty matter.

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**WHIBCO, INC.**  
**Resource Extraction Renewal (Site #2)**

**Block 248, Lot 4**  
**Weatherby & Hunters Mill Rd.**

This application requested conditional use/site plan approval for the continuation of mining operations for the next five-year license period. The company's current license expires 7-15-11.

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Robert Baranowski, Esq. with the firm of Hyland Levin, represented the applicant. He stated that their application was for approval of the company's next five year phase of mining on this site. No new properties were involved in this application.

The Board was provided with an updated Environmental Impact Statement dated 4-6-11.

C. Morrissey, Board Engineer reported on the completeness items as addressed in his review letter dated 4-4-11. The administrative items in #8 have been provided. The Pinelands Certificate of Filing (#9) has been received.

#10 - Morrissey stated that spot elevations are needed on the proposed graded areas as well as the final grade on the reclaimed areas. Only existing grades were provided.

#11 - Morrissey stated that except for the waivers requested, the checklist items listed are not applicable to this application.

#12 - A natural resource plan showing specimen trees and grading at 2 ft. intervals. Morrissey stated that this information should be provided or a waiver requested. The Board could reasonably waive this requirement.

#13 - Morrissey reported on the requested waivers as follows:

- a) Plan Scale - No objection to a waiver of 1" = 500 ft. in order to show the entire site on one page and meet standard page size.
- b) Site Plan certified by Surveyor - No objection to a waiver accepting previous survey information limited only to boundary data.
- c) Existing and proposed contours at 2 ft. intervals - No survey reference has been provided. Applicant must verify that their topo data is current or provide current data.
- d) Natural Resource Inventory - Specimen trees should be identified or waiver requested.
- e) All required State and Federal approval for environmental consideration - Any waiver should be conditioned on receipt of all approvals prior to issuance of permit renewal.
- f) Drainage Facilities - This site is proposed for dry mining above the seasonal high water table. No drainage plan is needed but any waiver should be limited to the current proposal.
- g) Environmental Impact Statement - An updated EIS was submitted this evening. Comment on threatened and endangered species will be referred to the Planner.
- h) Survey - Previous survey provided by applicant. No objection to the waiver.

#14 - Waiver requested from the requirement of a detailed topographic survey. Detail, including

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spot elevations, has been provided in the areas to be excavated. Would like to see additional spot elevations provided.

Wade Sjogren and Walter Sjogren of Whibco, Inc. along with Lance Landgraf, of Marathon Engineering, were sworn in.

Landgraf, Project Planner, responded to the engineer's comments.

#9 – The Certificate of Filing is inconsistent. Additional threatened and endangered species studies need to be done. A no call up letter will not be issued until this item is addressed to the satisfaction of the Pinelands Commission.

#10 – The County has been contacted for Lydar data. Spot elevations will be provided and will blend with existing grades.

#12 - A waiver is requested for the size and species of trees. The company has a state-approved woodlands management plan. Two foot contours will be provided as requested.

The Chairman stated that he would like to know if there are any specimen trees in the proposed areas to be excavated.

#13 – The existing survey will be supplemented with Lydar data. All state and federal environmental approvals will be provided. With only dry mining, stormwater collects and then dissipates. The Environmental Impact Statement was just completed and provided.

#14 - Additional topographic data will be provided.

Landgraf further stated that the threatened and endangered species study was finished recently and will be submitted by the end of the week. Mr. Deamon, from the Pinelands Commission, needs to walk the property to be satisfied that the proposed new mining area is outside of the 300 ft. wetlands buffer. There was an encroachment into the Hunters Mill Rd. side. The 2015 area is 900 ft. from wetlands.

Stowman and Carrara both asked that the company mark the wetlands boundary by blazing rather than staking as it is easier for their operators to see.

On a motion by Chard, seconded by Carrara and a unanimous vote, the application was deemed incomplete. An announcement was made that the public hearing would continue at the next regular meeting on 5-4-11 at 7 PM with no further notice to the public.

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A site inspection of all 7 Whibco sites was scheduled for Monday, 4-25-11 at 4 PM. Back up date being Monday, 5-2-11 at 4 PM.

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**WHIBCO, INC.**  
**Resource Extraction Renewal**

**Sites 1, and 3 through 7**  
**Various Blocks/Lots**

This application requested conditional use/major site plan approval for the renewal of resource extraction operations for the next five year license term.

Mr. Baranowski stated that the company is asking for previously approved areas to be reapproved for mining activity for the next five year term. The additional areas shown will be held for future mining purposes and not proposed for activity during this license term. He stated that these additional areas may trigger the need for use variances.

Lance Landgraf stated that this idea was initiated as a result of Pineland's proposal to change 1,500 acres, known as Polygon E, from Rural Development Area to Forest Area. Discussion with the Pinelands Commission resulted in their recommendation to put all of the company's properties on the next application. There is no intent or proposal to mine the additional areas within the next five years.

Morrissey reported on his completeness review dated 4-4-11.

#9. - No Certificate of Filing has been issued.

#10 - Proposed grading for restoration areas should be provided.

#11 - The plan should indicate the limits of the existing permit to coincide with the continuation of mining operations during the next year.

#12 - List of items not applicable to resource extraction.

#13 - The following waivers were requested:

- a) Plan scale – reduced scale provided to show entire sites on one sheet meeting standard sheet size.
- b) Site Plan certified by land surveyor – No objection to granting a waiver limited to boundary data. Previous surveys and deed references have been provided. There is no boundary data for many of the parcels, especially those newly added. Applicant

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- should provide boundary data where missing.
- c) Existing and proposed contours at 2 ft. intervals. Applicant has provided two ft. contour intervals from GIS data. No reference to the date of the information was provided. Applicant should verify that the data used is current or provide current data for disturbed areas and proposed restoration areas.
  - d) Natural Resource Plan – Specimen trees should be identified or waiver requested.
  - e) All required State and Federal environmental approvals. Any waiver should be conditioned on the receipt of all such approvals prior to the issuance of the license renewal.
  - f) Drainage Facilities - The applicant indicates that a waiver has been previously granted on all dry mining sites (3-7) and the proposed depth of excavation is above the seasonal high water table. Any waiver should be limited to these sites. The applicant should provide a drainage analysis for Site #1, a wet mining operation, to determine the potential for adverse impacts downstream.
  - g) Environmental Impact Statement – A waiver was originally requested, but no longer necessary since an updated EIS has been submitted. The Certificate of Filing will be reviewed to see if any additional issues have been raised. The wetlands areas should be field delineated.
  - h) Survey – There are previous surveys for the subject properties and Morrissey had no objection to a waiver. However boundary data should be provided for the all of the sites.
14. A waiver is requested from a full topographic survey. Applicant has stated that topo detail has been provided in the proposed excavation areas with spot elevations. Any waiver should be conditioned on the applicant providing verification of the spot elevations with a date of the data used.

Morrissey stated that in the Land Use section of his report, each individual site is addressed.

Site #1 – There is an encroachment of the mining pond into the 100 ft. buffer. The actual distance of the pond to the property line is not shown. Remedial work needs to be done to re-establish the buffer.

Additional lots are proposed for future mining in zones where mining is not permitted. Morrissey deferred this matter to the Planner.

Tiffany CuvIELLO, Board Planner, stated that while use variances would be required for any new mining proposed in the Forest Area, Pinelands approval would not be likely. The Comprehensive Management Plan and the Township Ordinance Section 35-9.16 states that in the

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Pinelands Forest Area, only existing resource extraction operations will be permitted to continue. If the Board were to consider use variances specific to the listed sites, much more detailed information would need to be provided for those sites and the professional staff would also need adequate time to thoroughly review the new material.

Site #3 -- This site is straightforward.

Site #4 -- Some areas proposed for future mining would be considered a non-conforming use. The applicant must show how the required buffers and excavation depth could be met.

Site #5 -- The properties proposed in this site are permitted for resource extraction as a conditional use. Morrissey stated that the same comments applied for maintaining property line and wetland buffers.

There was some discussion regarding the inclusion of properties on which the company had no intention of conducting actual mining operations. Wade Sjogren stated that they may sever the application due to the time frame needed for the review of the newly added parcels.

On a motion by Carrara, seconded by Langley and a unanimous vote, the application was deemed incomplete.

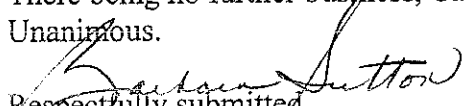
Benson announced that this matter will be carried over to the 5-4-11 meeting without further public notice. Any additional information should be submitted no later than ten days prior to the next meeting to allow appropriate time for public inspection.

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**Master Plan Update**

Cuviello stated that our current Master Plan was adopted in 2000 and certified by Pinelands. A re-examination report was prepared in 2006. There were items included for which Pinelands required implementing ordinance language prior to certifying the Master Plan amendment. It is now nearing the time when another re-examination is necessary. She suggested that the items preventing Pinelands from certifying our last amendment be dealt with separately so that the certification of Pinelands can be obtained.

There being no further business, Carrara motioned to adjourn at 9:14 PM. Yondura seconded. Unanimous.

  
Respectfully submitted,  
Barbara D. Sutton, Secretary