



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 1, 2011
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 5-4-11 meeting.
6. Vote on Resolution 2011-03 for conditional use/major site plan approval granted to Whibco, Inc. for Block 248, Lot 4 known as Site #2.
7. Correspondence.
8. Whibco, Inc. - Application #11-02 – Resource Extraction Renewal for Sites #1 & 3- 7. Determination of completeness. Possible public hearing. Possible action.
9. Port Elizabeth Church of the Nazarene – Request for waiver of site plan requirements to construct an open-air pavilion in the Phase 3 area of a previously approved site plan for Block 240, Lots 4.01 and 4.02.
10. Other.
11. Adjournment.

MAURICE RIVER TOWNSHIP LAND USE BOARD

Meeting Minutes: June 1, 2011

Present: B. Stowman, Chairman, Mayor K. Ireland, G. Gross, R. Chard, J. Carrara, R. Hoffman, J. Lafferty, Jr., J. Pflaumer, Alt. #1, J. Yondura, Alt. #2, C. Morrissey, PE, T. CuvIELLO, PP and M. Benson, Solicitor.

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

The minutes of the 5-4-11 meeting were approved on a motion by Chard and seconded by Ireland. Gross and Lafferty abstained. All other members voted in favor of the motion. Yondura was not present for this vote.

Resolution No. 2011-03 for conditional use/major site plan approval granted to Whibco, Inc. for continued resource extraction operations on Block 248, Lot 4 (Site #2) was adopted on a motion by Chard and seconded by Hoffman. Gross and Lafferty abstained. All other members voted in favor of the motion. Yondura was not present for this vote.

The Secretary announced receipt of the following correspondence:

1. Copy of a Mayor's Advisory from the NJ League of Municipalities stating that Governor Christie recently passed into law an amendment to the Municipal Land Use Law that allows municipalities to conduct a Master Plan reexamination every 10 years rather than every 6 years. This law is effective immediately.
2. The Pinelands Commission issued Recreation Permit #1180 to Tri County Sportsmen Motorcycle Club for an event scheduled for 5-7-11 and 5-8-11.
3. The NJ Department of Community Affairs has issued a certificate to Jim Yondura for the successful completion of the mandatory training in Land Use Law and Planning.

**WHIBCO, INC. (Sites 1 & 3-7)
CONDITIONAL USE/MAJOR SITE PLAN**

**RESOURCE EXTRACTION RENEWAL
VARIOUS BLOCKS/LOTS**

This application was carried over from the May meeting.

Richard Hluchan, Esq. represented the applicant. He advised the Board that in a letter dated 4-28-11, certain lots, for which zoning did not provide for resource extraction as a permitted use, would be removed from the application. After speaking with Planner CuvIELLO, the applicant decided to withdraw all lots that are new to this application and proceed with the same lots that have been traditionally included in past approvals. A formal letter amending the application in this way was requested for the file.

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Hluchan further stated that the company may seek approval for those additional lots in the future; however, since their license will expire on 7-15-11, they will only seek approval for what is really needed at this time.

Solicitor Benson swore in David Wood and Lance Landgraf from Marathon Engineering as well as Wade Sjogren and Walter Sjogren.

Morrissey referred to a draft review report provided to the Board and the applicant. He stated that the removal of the new lots will substantially change the content of his final report. He proceeded with his review comments specific to the lots that will remain part of this application.

Item 7 (h) – The Pinelands Certificate of Filing was issued on 5-24-11.

Item 8 – Proposed grading should be provided for restoration areas.

Item 9 – The plan should show the limits of the existing permit to coincide with the continuation of mining during the first year of operations under the new license. The applicant will provide mapping with a red line showing the mining limit as was provided for Site #2. No waiver is needed.

Item 10 - Waivers

- a. Plan scale is adequate. No objection to a waiver.
- b. Site plan certification by a licensed NJ Land Surveyor. No objection limited to boundary data if the only lots involved are lots contained in the previous approval as there are surveys and deed references for these parcels.
- c. Two foot contour intervals are provided from GIS data. Verification that data used is current or current data must be submitted.
- d. Natural Resources Plan as it pertains to all trees 8" or more in diameter. The applicant's forester gave testimony last meeting that there were no specimen trees on any of the sites.
- e. All State and Federal approvals for environmental consideration - Applicant will supply as a condition of approval. Waiver should be conditioned on receipt of such approvals prior to the issuance of the new license.
- f. Drainage Facilities – Applicant proposes a depth of excavation above the seasonal high water table for the dry mining sites. Any waiver considered by the Board should be limited to the current proposal for Sites 3-7. Some drainage analysis should be done for Site #1, where excavation is done below the water table, to be sure that there is no adverse impact downstream. David Wood of Marathon Eng. will attempt to get K. Schellinger's field notes.
- g. Survey – No objection to waiver with the new lots removed if boundary data is provided.

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Item 11 – Topographic Map of subject property - Applicant has provided topo information, including spot elevations, for the proposed excavation area and requested a waiver from a full topographic survey due to the size and cost of such a survey. Applicant should provide verification that the topo information provided is current.

Lance Landgraf stated that the applicant will be coming back to the Board within six months and could provide the required topography that the Board is looking for at that time. Landgraf stated that the datum was not updated with this submission but it is the same plan.

In response to the Chairman, Morrissey stated that if the topographic information is forthcoming and the company is still within the limits of the old approval, it would be okay to provide updated spot elevations for the reclamation areas by the December 2011 meeting. He would like verification that the old topographic data is still accurate.

Stowman added that this would be required with or without the submission of an application for the additional lots.

Hluchan, Landgraf and Wade Sjogren confirmed that the application will be amended to consist only of those lots that were approved in the last application.

On a motion by Chard and seconded by Hoffman, the application was deemed complete including waivers of plan scale, site plan certified by a licensed surveyor, existing and proposed contours at 2 ft. intervals provided the applicant submit spot elevations in the reclamation area by the December 2011 meeting, Natural Resources Plan provided that any specimen trees found will be protected, all State and Federal agency approvals conditioned on submission prior to the issuance of the new license, drainage facilities plan for the dry mines (sites 3-7) subject to a drainage analysis for Site #1 and a survey of the subject property as the limits of mining were not increased from the previously approved area. Lafferty abstained. All other members voted in favor of the motion.

There was considerable discussion as to whether a waiver or variance was needed for sloping requirements regarding to an encroachment of a mining pond into the existing non-conforming 100 ft. buffer along the vacated portion of Estell Manor Road.

Stowman stated that the Board would be concerned with public safety if there is a steep drop off into the pond rather than a gradual slope.

Wade Sjogren stated Whibco is the owner of both sides of the road and US Silica has an easement. Also, the Mine Safety and Health Commission does inspections twice a year and the company would have been cited if there was any non-compliance.

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Walter Sjogren stated that this is a haul road and meets all mine safety requirements. The road is gated and warnings are posted. He said that they could use a depth finder (GPS) as suggested by Morrissey, to show that there is not a steep drop off.

Hoffman and Pflaumer stated that it appeared that the applicant was taking appropriate precautions to alert and protect the public.

Landgraf requested a waiver from the sloping requirements and proposed providing spot elevations.

Benson confirmed that this would appropriately require a waiver and not a variance.

Morrissey continued that there were no issues with Sites 3 through 7 with the additional lots withdrawn.

In response to Morrissey's technical review comments, Landgraf stated that the lot numbers will be made bolder on the plans; the existing mining permit limits will be added to the plan; wetland buffers will be blazed as well as mining limits; additional grading information will be provided for the reclamation areas by the December 2011 Land Use Board meeting; plans will be modified to show the depth to seasonal high water table on the cross-sections; information will be provided to show that un-reclaimed clearing does not exceed the allowable percentage with a future application for expansion; copies of all other required permits and approvals will be provided.

Stowman stated that there has been some progress in the clean up of Site #1, but the Board would like to see more. Debris and unused equipment must be removed. Also regular maintenance must be done to keep the roadway and site entrance clean. Wade Sjogren stated that a sweeper has been contracted for weekly maintenance. The Board also asked that the company make sure trucks are cleaned off before leaving the site.

Morrissey stated that the disturbed area and pond along Carlisle Place Rd.(Site #4) must be addressed. This area has not been subject of any restoration.

Morrissey also stated that on Site #7, the seasonal high water table was shown as 12 feet and proposed mining depth is shown as 12.5 feet. The plan must be revised to show that the depth of excavation will not exceed the SHWT.

Walter Sjogren confirmed that the hours of operation would remain the same as always, which is 11 PM to 3 PM.

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On a motion by Carrara, seconded by Ireland, the public hearing was opened. There was no public comment. On a motion by Chard and seconded by Ireland, the public hearing was closed.

Chard motioned to approve the conditional use/major site plan for continued resource extraction operations on Sites 1 and 3 through 7, subject to all conditions discussed and agreed to by the applicant to the satisfaction of the Board's engineer. Ireland seconded. Lafferty abstained. All other members voted in favor of the motion.

Mr. Hluchan requested the Board make a recommendation to the Township Committee for a 90-day extension of the current license to allow appropriate time to complete the application process. On a motion by Chard and seconded by Carrara, the Board will make this recommendation to the Township Committee. Lafferty abstained. All other members voted in favor of the motion.

PORT ELIZABETH CHURCH OF THE NAZARENE
Request Waiver of Site Plan Review

BLOCK 240, LOT 4.01
3612 Rte. 47, Port Elizabeth

Reverend James Hargrove, Jr., Senior Pastor of the Church, requested consideration of a waiver of site plan review for the installation of a 30x40 pavilion with a platform stage and storage area to be located on their church property.

Reverend Hargrove, Phyllis Vanaman and James Marich were sworn in.

Cormac Morrissey, Board Engineer, stated that there is an existing approved site plan on file for a 3-phase development of this site. The first phase is the church building, which is the only phase that has been completed.

Marich stated that the church is abandoning the original plan for Phase 3 and proposes to locate the pavilion within that Phase 3 area.

Morrissey noted that the new proposal would result in a reduction of site coverage and drainage impacts.

Tiffany CuvIELLO, Board Planner asked what the pavilion would be used for in order to establish how it would be related to the Church.

Marich responded that the church has held outdoor revival meetings over the past few years with the use of large tents. They would be holding a big event once or twice a year. The pavilion would save set up time and provide a safer structure for those who attend.

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Cuviello stated that even though this structure will not be used every day and is not for the routine activities of the Church, the proposed use can still reasonably be considered an auxiliary function of the church.

Cuviello also suggested that the applicant and the Board consider a little more of a set back from the rear property line than was shown on the sketch provided.

On a motion by Chard, seconded by Lafferty and a unanimous vote, a waiver of formal site plan review was approved subject to an as-built survey being provided once the structure is staked out showing a 40 ft. setback from the rear property line.

Mayor Ireland updated the Board on some projects that the Township Committee is working on and asked the Board to give some thought as to what is needed in Maurice River Township. Discussions are taking place with the Pinelands Commission to determine the best locations to focus on for potential commercial development.

Cuviello added that we should be thinking about desirable businesses that would be appropriate along Route 347 in keeping with what the Township is trying to achieve.

Ireland also explained the incentives of a tax abatement program and that the Township would benefit with increased revenues as well as commercial property owners who choose to build here.

There being no further business, Carrara motioned to adjourn at 9:27 PM. Hoffman seconded. Unanimous.

Respectfully submitted,

Barbara D. Sutton, Secretary

