

**TOWNSHIP OF QUINTON PLANNING BOARD
COUNTY OF SALEM
RESOLUTION NO. 2011-15**

**RESOLUTION AUTHORIZING AMENDMENT TO
MASTER PLAN**

WHEREAS, Continental Aggregates Corp., LLC (“Continental”) currently operates a soil removal business within the Township of Quinton (“Quinton”) on property owned by Threaston Warren, Jr. and Marjorie Warren located on the property depicted on the Official Quinton Township Tax Map as Block 35, Lots 54 and 67; and

WHEREAS, Continental received Planning Board Approval in 2010 to expand its soil removal operations and develop a wash plant on the property depicted on the Official Quinton Township Tax Map as Block 35, Lots 54, 63, 64, 66 and 67 (the “Property”); and

WHEREAS, soil removal operations are regulated by §170-55 of the Code of the Township of Quinton (hereinafter this section shall be referred to as the “Ordinance”); and

WHEREAS, §170-55(D) regulates the design standards and criteria for a soil removal operation and, among other things, mandates that soil removal will not involve excavation below the seasonal high water table; and

WHEREAS, §170-23.B.(5) allows, in the Quinton P-BR Zoning District that includes the Property, excavation of soil to depths below the seasonal high water table in connection with development of water reservoirs; and

WHEREAS, it is recognized that the Quinton Township Master Plan (the “Master Plan”) does not necessarily promote soil removal operations; and

WHEREAS, there appears to be a conflict between the limitations of §170-55(D), the provisions of §170-23.B.(5) and the Master Plan; and

WHEREAS, the Quinton Township Planning Board (the “Planning Board”) appointed Carl Gaskill of Fralinger Engineering, P.A. to review its Master Plan and suggest amendments to it so as to support soil removal operation below the seasonal high water table, also known as “Wet Mining”; and

WHEREAS, Carl Gaskill utilized the services of Randy Scheule of Karabashian Eddington Planning Group for Professional Planning Services; and

WHEREAS, Randy Scheule prepared an analysis of the master plan and land use code dated August 8, 2011. Within that analysis, Mr. Scheule recognized the conflict between the Master Plan and the Land Use Code and he specifically suggested that the

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Planning Board shall, “Amend the Land Use Plan to include specific environmental goal statements that address resource extraction and the creation of surface water impoundments and reservoirs via wet mining to enhance wildlife habitat, provide open space and recreation amenities; and stream corridor protection.”; and

WHEREAS, Mr. Scheule also provided various suggestions related to the Zoning Ordinance; and

WHEREAS, in addition to the analysis set forth above, Mr. Scheule prepared “Comprehensive Plan Amendments” dated August 22, 2011 whereby he recommended certain Master Plan Amendments that would, “enhance/strengthen the consistency between the master plan and the land use code.” (Exhibit A, copy of Comprehensive Plan Amendments”); and

WHEREAS, the Comprehensive Plan Amendments specifically stated that “In anticipation of revisions to the Township’s Land Use Code to permit extraction of resources below the seasonal high water table, and as a means to strengthen existing and proposed environmental protection ordinances, the Future Land Use Plan should be amended by adding the following goal statements. The need for these goal statements was recommended in the *2007 Master Plan Reexamination Report*.

- To protect sensitive environmental resources from destruction or degradation, including but not limited to steep slopes, ridgelines, wetlands, stream corridors, potable water supplies, watersheds, aquifers, rivers, viewsheds, forests and other vegetation, soils, habitats of threatened and endangered species and unique natural systems.
- To relate the intensity of development, in areas relying on groundwater supplies and on-site sewage disposal, to conservative estimates of available water resources and the ability of the soil and ground water to sustain on-lot disposal systems without degrading or impairing the water quality.
- To identify and manage stream corridor buffer areas by maintaining undisturbed vegetation in order to protect and improve water quality, and provide wildlife corridors and opportunities for passive and active recreation.
- To protect groundwater supply and quality through the adoption of a resource extraction ordinance that strictly regulates mining below the seasonal high water table to protect groundwater quality, groundwater recharge areas and their associated hydrologic functions.
- To preserve the cultural and economic value of natural resource lands.
- To promote sustainable management of natural resources including compatible economic uses on private lands, and the creation of surface water impoundments and

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reservoirs via wet mining that enhance wildlife habitat, provide open space and recreation amenities.”; and

WHEREAS, in accordance with N.J.S.A. 40:55D-10a a public hearing was conducted on August 22, 2011 with respect to the proposed Master Plan Amendment; and

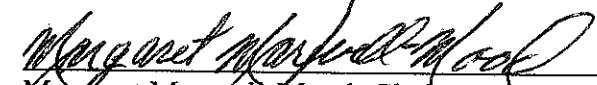
WHEREAS, in accordance with N.J.S.A. 40:55D-13 the public hearing was duly advertised in the official newspaper of the Township of Quinton and notice was provided to all adjoining municipalities as well as the County Planning Board at least 10 days prior to the public hearing; and

WHEREAS, after conducting the public hearing, the Quinton Township Planning Board has decided to accept the Comprehensive Plan Amendments attached hereto as Exhibit A.

NOW THEREFORE, be it resolved by the Quinton Township Planning Board that after a public hearing and final review, the Planning Board has adopted the 6 arrow points of the “Comprehensive Plan Amendments” (outlined on the third page of the report) prepared by Randy Scheule, dated August 22, 2011 and attached hereto as Exhibit A to amend and be made part of the Quinton Township Master Plan; and

BE IT FURTHER RESOLVED that the Secretary of the Board shall forthwith, and within 10 days of the date hereof: (i) publish a brief notice of the decision represented by this Resolution in the official newspaper of the Township, and (ii) mail a true copy of the Resolution to the County Planning Board together with a copy of the master plan amendment; and

BE IT FUTURE RESOLVED, that the Secretary certify a copy of this Resolution and file it on the public record.


Margaret Maxwell Mood, Chairwoman

I hereby certify the above to be a true copy of a resolution adopted by the Quinton Township Planning Board at a meeting held on Monday, August 22, 2011.


Bonita K. Bell, Secretary

Township of Quinton
Salem County, New Jersey

'Comprehensive Plan' Amendments

Quinton Township Planning Board

August 22, 2011

Randall E. Scheule, PP/AICP

New Jersey Professional Planner License No. LI00003666

The original of this master plan amendment
has been signed and sealed as required by NJSA 13:41

Township of Quinton

'Comprehensive Plan' Amendments

Introduction –

On or about July 5, 2011, Quinton Township entered into a memorandum of understanding (MOU) with Continental Aggregates Corp., LLC to resolve concerns regarding soil removal. The MOU indicates a conflict exists between regulations governing *soil removal* (§170-55) that prohibit mining below the seasonal high water table (SHWT), and those applicable to the *P-BR zone* (§170-23) that allow for creation of a water reservoir. The MOU expresses interest by the Township and Continental to resolve the ordinance conflict and permit wet mining.

Pursuant to this MOU, the Township authorized a Professional Planner to review the master plan and development regulations and prepare a report of his findings. The Planner's Report provides a determination regarding consistency of wet mining within the context of the master plan, and recommendations for revisions to the master plan and zoning ordinance regarding wet mining. This review and report does not constitute a *master plan reexamination* as contemplated by NJSA 40:55D-89.

The Planner's Report provides a detailed analysis of the Township master plan and relevant sections of the Land Use Code. This Report contains several citations from the master plan that describe the importance of natural resources and the need to protect groundwater. Resource extraction is recognized by the master plan as an existing land use with the potential to adversely impact these resources if not carefully regulated. The master plan does not specifically address mining below the seasonal high water table.

Within the context of this review, the Planner's Report concludes that the land use code, specifically §170-23 and §170-55 are consistent with the master plan. This Report also recommends amendments to the master plan and land use code should the Township determine that wet mining is a land use to be permitted.

The attached master plan amendments are intended to enhance/strengthen the consistency between the master plan and the land use code. Code revisions as recommended in the Planner's Report will provide additional protection for natural resources and resolve ordinance conflicts and consistencies.

Future Land Use Plan – The '1990 Comprehensive Plan' contains a Future Land Use Plan element. This plan provides long-range policies for land use development. It also

indicates the Township's future vision via the inclusion a series of ten goal statements. These goal statements serve as broad guidelines to guide development and specifically address the following community aspirations:

1. Rural character and environment
2. Preservation of prime farmland and agriculture
3. Appropriate sites for industrial and commercial development
4. Adequate and diversified housing
5. Minimize opportunities for incompatible uses, and preserve natural beauty
6. Identify and preserve historic and scenic resources
7. Revitalize the Village area as a compact commercial center
8. Provide adequate community facilities
9. Develop an efficient, safe, convenient circulation system coordinated with land use
10. Provide adequate open space

The land use plan does not specifically address the need to protect natural resources, or resource extraction. In anticipation of revisions to the Township's Land Use Code to permit extraction of resources below the seasonal high water table, and as a means to strengthen existing and proposed environmental protection ordinances, the Future Land Use Plan should be amended by adding the following goal statements. The need for these goal statements was recommended in the *2007 Master Plan Reexamination Report*.

- To protect sensitive environmental resources from destruction or degradation, including but not limited to steep slopes, ridgelines, wetlands, stream corridors, potable water supplies, watersheds, aquifers, rivers, viewsheds, forests and other vegetation, soils, habitats of threatened and endangered species and unique natural systems.
- To relate the intensity of development, in areas relying on groundwater supplies and on-site sewage disposal, to conservative estimates of available water resources and the ability of the soil and ground water to sustain on-lot disposal systems without degrading or impairing the water quality.
- To identify and manage stream corridor buffer areas by maintaining undisturbed vegetation in order to protect and improve water quality, and provide wildlife corridors and opportunities for passive and active recreation.

- To protect groundwater supply and quality through the adoption of a resource extraction ordinance that strictly regulates mining below the seasonal high water table to protect groundwater quality, groundwater recharge areas and their associated hydrologic functions.
- To preserve the cultural and economic value of natural resource lands.
- To promote sustainable management of natural resources including compatible economic uses on private lands, and the creation of surface water impoundments and reservoirs via wet mining that enhance wildlife habitat, provide open space and recreation amenities.

The above amendments to the *Quinton Township Comprehensive Plan* are in accord with the requirements of the Municipal Land Use Law (NJSA 40:55D-28.b(1)).
