

TOWNSHIP OF QUINTON
COUNTY OF SALEM
RESOLUTION OF THE PLANNING BOARD OF QUINTON TOWNSHIP
RESOLUTION NO. 2012-10

WHEREAS, Quinton Sand and Gravel, LLC made an application to the Quinton Township Planning Board for preliminary and final site plan approval in regard to property located at Telegraph Road, also known as Block 62, Lot 2 on the Municipal Tax Map of Quinton Township; and

WHEREAS, the applicant appeared before the Quinton Township Planning Board on July 10, 2012 at which meeting the applicant was represented by Ann C. Pearl, Esquire and the applicant agreed to publish notice of the application and give notice to adjoining property owners with the understanding that they would appear for completeness and preliminary site plan approval at the meeting of August 14, 2012; and

WHEREAS, the applicant appeared before the Board on August 14, 2012 represented by Ann C. Pearl, Esquire; and

WHEREAS, the property consists of 63.88 +/- acres and is located in the P-BR (Rural Density Residential) Zone; and

WHEREAS, the applicant submitted the following information and documents:

1. Quinton Township Application for Preliminary Site Plan development, including:
 - a. Quinton Township Planning Board Application Cover Sheet
 - b. Checklist, Schedule B - Site Plan Application Information Requirements
 - c. Checklist, Schedule D - EIS (Environmental Impact Statement)
2. Preliminary and Final Minor Site Plan (4 sheets), prepared by Stantec Consulting Services, Inc.
3. Existing Conditions/Topographical Survey (1 sheet), prepared by Stantec Consulting Services, Inc.
4. Environmental Impact Statement, prepared by Stantec Consulting Services, Inc.
5. Stormwater Management Narrative, prepared by Stantec Consulting Services, Inc.
6. Lake Management Plan, prepared by Stantec Consulting Services, Inc.
7. Hydrogeological Analysis, prepared by G.P.M. Associates, Inc. dated May 30, 2012 and revised by letter report dated September 11, 2012.
8. Application Fee in the amount of \$300 (Minor Site Plan)

9. Application Escrow Fee in the amount of \$1000 (Minor Site Plan)
 10. Correspondence from Ann C. Pearl, Esquire dated July 12, 2012.
 11. Revised Site Plan Application.
 12. Quinton Township Checklist, Schedule A
 13. Review response from Stantec Consulting Services, Inc dated July 6, 2012.
 14. Preliminary and Final Minor Site Plan prepared by Stantec Consulting Services, inc. (4 sheets, dated 6-6-12, last revised 7-9-12).
 15. Environmental Impact Statement Map Exhibits.
 16. Spill Containment Plan, prepared by Stantec Consulting Services, Inc., dated 7-9-12
 17. Photolog- Site, undated
 18. Verification of Taxes by Tax Collector's Office
- ; and

WHEREAS, the applicant proposes to expand the existing mining operation on this property which will include the removal of soil to a depth no greater than 40 feet from the seasonal high water table as permitted by the Ordinance in the P-BR Zone; and

WHEREAS, the applicant gave proper notice of the relief requested; and

WHEREAS, Lawrence M. DiVietro, Jr. PLS, PP, AICP and Andrew Hogg, PE, reviewed the information and documentation from the applicant and issued a letter report dated August 6, 2012 consisting of 7 pages which report is incorporated herein by reference thereto; and

WHEREAS, the following individuals were sworn in by the Board Solicitor those being Clifton W. Quay, PE, PP and Clifford Mecouch; and

WHEREAS, the Planning Board reviewed the application for completeness with the application being deemed complete subject to satisfaction of the following items:

1. A formal letter of interpretation from the NJDEP to determine the location and delineation of all fresh water wetlands and fresh water transition areas; and
2. Disclosure of any existing or proposed deed restrictions shall be provided.
3. Confirmation that no trees greater than 5 inches in caliper are to be removed.

4. The mapping requirements that were provided shall be referenced and inserted into the environmental impact statement.

; and

WHEREAS, the applicant agreed to provide these items for completeness and the Board determined the application sufficiently complete to proceed with hearing the application for preliminary site plan approval; and

WHEREAS, the Board Reviewed the evidence and heard the sworn testimony of the applicant's professional and partial owner and the representations made by the applicant's attorney with the Board making the following findings of fact and reaching the following conclusions of law in regard to the expansion of the mining operation:

1. The mining operation below the water level "wet mining" is a conditional use in the P-BR Zone. The conditions to be met by the applicant are set forth in the Quinton Township Ordinance under Chapter 170-55 Soil Removal.
2. The access to the site will be off of Telegraph Road.
3. For the time being, the applicant does not intend to mine below the water table. The submissions by the applicant show a depth discrepancy in the water table and the applicant agrees to comply with the ordinance.
4. The Board through its professionals addressed the restoration plan of the applicant. The applicant agreed to address this issue with notes on the plans as to applicant's intent and will provide clarity and show the acreage which will be actively mined at one time. The information shown on the plan will be subject to change since it will be based upon what they presently anticipate.
5. The applicant previously stripped the top soil with this being shown on the plans as the berm along the front.
6. The applicant will provide a proposal addressing the type, quantity and size of vegetation to be used, the planting method and schedule, a maintenance schedule and the proposed post mining use. This plan shall be entitled Restoration Plan.
7. The estimated location kind and quantity of soil to be removed during the five year license period shall be provided.
8. The applicant will not have a sand washing operation but will have the usual excavation equipment and the applicant will abide by the noise ordinance of Quinton Township.

9. The applicant will add to the plans the proposed place to which the soil is to be moved and what roads within the Township are to be utilized for the transportation of the soil.
10. The applicant shall provide a phasing plan of proposed extraction setting forth the proposed dates of commencement and completion of the land mining operation including wet mining and restoration.
11. The Board shall refer this matter to the Environmental Commission for their comments and recommendations.
12. Buffering is presently shown on the northeast and western portion of the property with the applicant proposing another buffer on the southern side. The applicant will add sequencing on the plans and will provide notes on the plan as to buffering around the active site.
13. The applicant shall provide a well search for all wells within 1000 feet of the site.
14. The applicant will provide annotations on the plan showing adequate space to operate the facility including but not limited to a storage area for equipment and machinery, stock piling of materials and any activity associated with the land mining operation.
15. The applicant will utilize the conservative measurement for purposes of determining the permitted depth to which the applicant can mine below the high water table level.
16. The applicant shall place annotations on the plans setting forth the number of units of soil to be removed and the length of time estimated for the extraction on each 25 acre unit.
17. The applicant agrees to revise the below water surface elevation site/ grading plan to not exceed one foot vertically to three feet horizontally. The site/grading plan shall also be revised to connect the thirty foot wide access drive around the permanent body of water to the access road.
18. The applicant shall work with the Board Engineering firm to determine the type of fencing to be utilized and the sequence should reflect the installation of the fence at the commencement of the wet mining. The board determined that the landscaping buffer should be provided by the applicant as soon as practical.
19. Russell Massey, an adjoining property owner expressed concern over runoff from the property. Larry DiVietro stated that the natural flow from the property in question is towards the Massey property. The applicant agreed to work with Mr. Massey to improve the drainage which will be noted on the plans.
20. The applicant will keep the height of the weeds along Telegraph Road under control.

21. The word "Minor" will be removed from the plans.

22. No work is to commence upon the property in regard to this application until the final site plan approval is given and all conditions are met and the plans are signed.

23. The applicant requires other agency approvals including but not limited to Quinton Township Environmental Commission, Quinton Township Soil Removal Permit, Salem County Soil Conservation District approval, Salem County Planning Board approval, New Jersey Department of Environmental Protection (Fresh water wetlands) approval and any other agency approvals appropriate.

NOW THEREFORE BE IT RESOLVED that after the Planning Board Members considered and discussed the plans and application for the conditional use approval and preliminary site plan approval shall be granted subject to the following conditions:

A. The applicant shall utilize the more conservative for purposes of determining the permitted depth to which the applicant can mine below the high water table level.

B. The applicant shall set forth the restoration plan with notes on the plans as to the applicant's intent which notes will provide clarity and disclose the acreage which will be actively mined at one time.

C. The applicant will provide a proposal addressing the type, quantity and size of vegetation to be used, the planting method and schedule, a maintenance schedule and the proposed post mining use of the property. This plan shall be entitled Restoration Plan.

D. The applicant shall show the location, kind and quantity of soil to be removed during the five year license period to the best of applicant's ability.

E. The applicant shall add to the plans by notation the proposed place to which the soil is to be moved and what roads within the Township are to be utilized for the transportation of the soil.

F. The applicant shall provide a phasing plan of proposed extraction setting forth the proposed dates of commencement and completion of the land mining operation including wet mining.

G. This matter shall be referred to the Quinton Township Environmental Commission for their comments and recommendations.

H. The applicant shall provide buffering on the plans and will add sequencing on the plans and notes as to buffering surrounding the active mining site.

- I. The applicant shall provide a well search for all wells within 1,000 of the site.
- J. The applicant will provide annotations on the plan showing adequate space to operate the facility including, but not limited to a storage area for equipment and machinery, stock piling of materials and any activity associated with the land mining operation.
- K. The applicant shall place annotations on the plan setting forth the number of units of soil to be removed and the length of time estimated for the extraction of each 25 acre unit.
- L. The applicant shall revise the below water surface elevation site/grading plan to not exceed one foot vertically to three foot horizontally.
- M. The site/grading plan shall be revised to connect the 30 foot wide access drive around the permanent body of water to the access road.
- N. The applicant shall work with the Board Engineering firm to determine the type of fencing to be utilized and the sequencing thereof.
- O. The landscaping buffer should be provided by the applicant as soon as practical.
- P. The applicant will work with the neighbor Mr. Russell Massey to attempt to improve the drainage issue and to incorporate a drainage plan on the site plan.
- Q. The applicant shall eliminate and control the high weeds along Telegraph Road.
- R. No work shall commence upon the property in regard to this application until final site plan approval is given and all conditions are met and the plans are signed.
- S. The applicant shall obtain a formal letter of interpretation from the NJDEP to determine the location and delineation of all fresh water wetlands and fresh water transition areas.
- T. The applicant is subject to the bonding requirement of 170-55E 7(d) which amount necessary to guarantee performance shall change depending upon the acres of disturbed ground.
- U. The within approval is subject to approval of outside agencies prior to having the final site plans signed by the Board:
 1. Quinton Township Environmental Commission
 2. Quinton Township Soil Removal Permit
 3. Salem County Soil Conservation District
 4. Salem County Planning Board
 5. New Jersey Department of Environmental Protection (Fresh Water Wetlands)

If any other approvals as may be deemed necessary.

Dated: September 11th, 2012

ATTEST: Bonita K. Bell
Bonita K. Bell, Secretary

Margaret Maxwell-Mood
Margaret Maxwell- Mood- Chairperson

Certification

I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Planning Board of Quinton Township at a regular meeting held on September 11th, 2012 in the Quinton Township Municipal Building.

Bonita K. Bell
Bonita K. Bell, Secretary

