

TOWNSHIP OF QUINTON
COUNTY OF SALEM
RESOLUTION OF THE PLANNING BOARD OF QUINTON TOWNSHIP
RESOLUTION NO. 2012-11

WHEREAS, Threaston E. Warren, Jr. and Marjorie K. Warren (the “Applicant”) made an application to the Quinton Township Planning Board for amended preliminary site plan approval, amended Final Site Plan approval and conditional use approval in regard to property known as Block 35, Lots 54, 63, 64, 66, and 67, on the Municipal Tax Map of Quinton Township (the “Property”); and

WHEREAS, the applicant gave proper notice for the application to be heard on September 11, 2012 and at said meeting the application was continued until October 9, 2012 and notice was given to the public of said continuance thereby alleviating the necessity for re-noticing; and

WHEREAS, the applicant appeared before the Quinton Township Planning Board on October 9, 2012 at which meeting the applicant was accompanied by Clint B. Allen, Esquire of Archer & Greiner, P.C.; and

WHEREAS, the property consists of approximately 200 acres of land and is located in the P-BR(Rural Density Residential) Zone; and

WHEREAS, the applicant is the owner of the aforesaid Property other than Lot 54 which is owned by Mr. Griscom and provides access to the site; and

WHEREAS, the applicant submitted the following information and documents:

1. Quinton Township Planning Board Applications and Checklist, including the following information:
 - a. Quinton Township Planning Board Application Cover Sheet
 - b. Planning Board Application Form
 - c. Checklist, Schedule A- General Requirements
 - d. Checklist, Schedule B- Site Plan Application Plan Information Requirements
 - e. Checklist, Schedule D- EIS (Environmental Impact Statement)
2. Affidavit regarding Ownership and Mine Operator Disclosure (Exhibit A)
3. Township of Quinton, Soil Removal License, Issued July 1, 2012
4. Contract for Sale of Real Estate between Threaston F. Warren and Marjorie K. Warren and Continental Aggregates Corporation.
5. Application Summary, Exhibit C.

6. Verification of Taxes by Tax Collector's Office for Lots 54, 63, 64, 66, and 67.
7. Witness List, Exhibit E.
8. Development Plans entitled "Preliminary/Final Major Site Plan" (12 sheets), prepared by Birdsall Services Group, dated July 23, 2012, last revised September 20, 2012.
9. Environmental Impact Statement, prepared by Birdsall Services Group, dated July 15, 2012, last revised September 25, 2012.
10. Lake Management Plan, prepared by Birdsall Services Group, dated July 15, 2012.
11. Soil Boring Logs, May 31, 2000.
12. Spill prevention, Control and Countermeasure Plan, last revised May 10, 2010, prepared by Blethen Mining Associates, P.C.
13. Description of Operation, Exhibit G.
14. Exhibit Plan entitled "1,000 Foot Radius Well Location Plan," prepared by Birdsall Services Group, dated August 24, 2012.
15. New Jersey Department of Environmental Protection Well Record Search Report.
16. Application Fee in the amount of \$600 (Preliminary Major Site Plan)
17. Application Fee in the amount of \$350 (Final Major Site Plan)
18. Application Escrow Fee in the amount of \$2,000 (Preliminary Major Site Plan)
19. Application Escrow Fee in the amount of \$1500 (Final Major Site Plan)
20. Correspondence from Birdsall Services Group, dated September 27, 2012.
21. Property Survey, prepared by Sickels and Associates, dated April 11, 2007.
22. Exhibit Plan entitled "Site Information Exhibit," prepared by Birdsall Services Group, dated September xx, 2012
23. Exhibit Plan entitled "Tree inventory Exhibit," prepared by Birdsall Services Group, dated September xx, 2012.
24. Site Photographs.
25. Surface Water Sample Test Results
26. Stormwater Impact Analysis Memorandum, prepared by Birdsall Services Group, dated September 23, 2012.

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

WHEREAS, Lawrence M. DiVietro, Jr. PLS, PP, AICP and Andrew Hogg, P.E., of Land Dimensions Engineering, the Planning Board's professionals reviewed the information and documentation from the applicant and issued letter reports dated September 4, 2012 consisting of 9 pages as well as a subsequent report dated October 2, 2012 consisting of 12 pages which reports are incorporated herein by reference; and

WHEREAS, the Applicant's witnesses were duly sworn by the Board Solicitor those being Michael Foglietta of Continental Aggregate Corp, LLC., T.E. Warren, Jr., Eric Ballou, P.E. of Birdsall Services Group, Andrew Raichle, P.E. of Birdsall Services Group, William Reimer, L.L.A. of Birdsall Services Group, and Ron Curcio, P.E. of Adams, Rehmann & Heggan; and

WHEREAS, the Planning Board reviewed the application for completeness with the Planning Board determining that the requested Submission Waivers to permit submission of site plans at a scale of 1" = 150' and a sampling of trees greater than 4 inches rather than identifying all trees 5 inches or greater were acceptable and the application was deemed complete and ready to be heard; and

WHEREAS, a representative of the adjoining property owner, Natural Lands Trust, submitted information by email to the Board's Secretary and Solicitor which information was forwarded by the Solicitor to Planning Board Members. The Planning Board determining by a roll call vote that said communications should not have taken place with said communications being deemed stricken from the record of this matter; and

WHEREAS, the Planning Board Reviewed the evidence and heard the sworn testimony of the applicant's professionals and the representations made by Mr. Allen with the Planning Board making the following findings of fact and reaching the following conclusions of law in regard to the expansion of the mining operation:

1. Eric Ballou, P.E. testified on behalf of the applicant giving an overview of the proposed project and testifying that the applicant was complying with the required setbacks from existing structures and roads. The project will have a setback of 150 feet from Old Stagecoach Road even though it is only a "paper road". The applicant will not be removing any trees in the setback areas. Any buffering area that is presently bare will be planted as shown on the site plans. The trucks will enter and exit the property on New Jersey State Road Route 49. The usual excavation equipment will be utilized by the Applicant and mine operator including loaders, dump trucks and excavation machinery. No storm water will be released off site.

2. 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. To a great extent, the applicant had provided plans and documentation in compliance with the Ordinance prior to the hearing of October 9, 2012.
3. The Quinton Ordinance permits the removal of soil below the water table to a depth no greater than 40 feet from the seasonal high water table which will result in a permanent body of water when the site restoration is complete.
4. The access to the site is off of New Jersey State Road Route 49.
5. The applicant introduced an aerial photograph with site plan overlay as Exhibit A-1 and the site plan rendering of the overall site as Exhibit A-2. The applicant also introduced the excavation cross sections as Exhibit A-3 and the overall phasing plan restoration as Exhibit A-4.
6. The top soil will be stripped and stock piled for later restoration.
7. Andrew Hogg, P.E. reviewed the aforementioned letter report of Land Dimensions Engineering dated October 2, 2012 with the applicant beginning on page 5 under technical review of site plan in the order set forth in said review letter.
8. The quantity and the kind of soil to be removed during the license period and the overall life of the entire project is set forth by the applicant on the overall site plan, sheet 3 of 15.
9. Pursuant to the Township Ordinance, the soil will be removed by truck utilizing to the extent possible State Highways within the Township of Quinton. It is anticipated, but by no means certain, that initially that the majority of the material will be transported to the Salem Port, Vineland or Millville. The applicant is unable to predict the destinations in future years. Exhibit A-4 sets forth the proposed plan for excavation and restoration of the Property. The Applicant estimates 36 years to complete the Property excavation and restoration with it being approximately 8 years prior to the commencement of excavation in area 2 and 20 years prior to commencement of excavation in area 3.
10. Andrew Raichle, P.E. offered testimony in regard to environmental issues. Applicant’s engineer provided a wetlands delineation and provided a buffer of 300 feet from the delineated wetlands. The applicant agreed that a letter of interpretation from the New Jersey Department of Environmental Protection (NJDEP) would be obtained prior to the applicant starting excavation in area 2 or area 3 of the project. If said Letter of Interpretation requires changes in the design in those areas of the project, the applicant would be required to appear before the Planning Board and request site plan approval for said changes.
11. The applicant will field mark the wetlands and transition area near area 3 to keep any of the excavation operations and equipment out of that area.
12. The Ordinance requires that the Environmental Impact Statement of the applicant shall provide a full and fair discussion of significant environmental impacts on the environment within the Township.

13. The Environmental Impact Statement supplement prepared by Clemmy's Environmental Services, LLC. shall be updated.
14. A copy of the current Natural Heritage Data Request issued by New Jersey Department of Environmental Protection, Office of Natural Lands Management, shall be included in the Environmental Impact Statement.
15. The Planning Board referred its environmental concerns to the Quinton Township Environmental Commission for comment and recommendation.
16. The applicant presented 7 soil borings with 4 being within the existing approved excavation area and the other 3 being located in new excavation area 1. The applicant agreed to provide new soil borings at the rate provided in the ordinance with the number and location to be determined by the applicant after consultation with the Planning Board Engineer.
17. Ron Curcio, P.E. offered testimony on behalf of the applicant concerning surface water sampling and ground water hydrology. Applicant agreed to conduct the water sampling as required under the Township Ordinance. Testimony was offered by Ron Curcio, P.E. that the aquifers have been evaluated and that the soil removal would not occur within 10 feet of the upper limit of the first confined or semi-confined aquifer.
18. Construction detail of the proposed 20 foot wide access road shall be provided.
19. The consideration of the application was opened to the public and Steve Eisenhauer as a representative of the adjacent property owner, Natural Lands Trust submitted photographs of other land mining operations in New Jersey as well as correspondence and comments dated August 17, 2012 and September 5, 2012 which information was accepted for the record. He also praised the applicant for changing the slope of the proposed excavated area.
20. The Applicant will obtain approvals from other outside agencies, to the extent required by law to perfect the Planning Board's Approval of this Application, that could include the following:
 - a. Quinton Township Environmental Commission
 - b. Quinton Township Soil Removal Permit/ License
 - c. Salem County Soil Conservation District
 - d. Salem County Planning Board
 - e. New Jersey Department of Environmental Protection
 - f. Any other approvals as may be necessary.

NOW THEREFORE BE IT RESOLVED by the Quinton Township Planning Board that the application for conditional use approval and preliminary amended and final amended site plan approval be and hereby is granted subject to the following conditions:

A. The applicant shall proceed in compliance with the plans and documentation submitted as set forth hereinabove and shall comply with the testimony and representations made

by the applicant and applicant's professionals at the hearing.

B. The applicant shall field mark the wetlands and transition area near excavation area 3 to keep the excavation equipment out of that area.

C. The Environmental Impact Statement supplement prepared by Clemmy's Environmental Services, LLC. shall be updated.

D. A copy of the current Natural Heritage Data Request issued by the NJDEP, Office of Natural Lands Management shall be included in the Environmental Impact Statement.

E. The applicant will work with the Board Engineer in regard to additional soil borings.

F. The construction detail of the proposed 20 foot wide access road shall be provided.

G. The Applicant will obtain approvals from other outside agencies, to the extent required by law to perfect this Planning Board Approval, that could include the following:

- a. Quinton Township Environmental Commission
- b. Quinton Township Soil Removal Permit
- c. Salem County Soil Conservation District
- d. Salem County Planning Board
- e. New Jersey Department of Environmental Protection
- f. Any other approvals as may be necessary

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H. The applicant shall replenish the escrow accounts as necessary.

I. The project shall not commence until all escrow fees are paid and the applicant has complied with all conditions of this Approval.

Dated: November 13, 2012

ATTEST

Bonita K. Bell
Bonita K. Bell, Secretary

Marjorie L. Sperry
Marjorie Sperry, Vice 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 November 13, 2012 in the Quinton Township Municipal Building.

Bonita K. Bell
Bonita K. Bell, Secretary