

TOWNSHIP OF QUINTON  
COUNTY OF SALEM  
RESOLUTION OF THE PLANNING BOARD OF QUINTON TOWNSHIP  
RESOLUTION NO. 2013- 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 July 9, 2013; and

**WHEREAS**, the applicant appeared before the Quinton Township Planning Board on July 9, 2013, 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 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” (One Sheet –

9. Soil Boring Logs.
10. Description of Operation, Exhibit G.
11. Application Fee in the amount of \$600 (Preliminary Major Site Plan).
12. Application Fee in the amount of \$350 (Final Major Site Plan).
13. Application Escrow Fee in the amount of \$2,000 (Preliminary Major Site Plan).
14. Application Escrow Fee in the amount of \$1500 (Final Major Site Plan).

**WHEREAS**, the applicant proposes to amend 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 in proposed Excavation Area #1A 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 July 9, 2013, which report is 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., Andrew Raichle, P.E., and Dave Monie, P.E. of GPM Associates; and

**WHEREAS**, the Planning Board reviewed the application for completeness, and the application was deemed complete and ready to be heard; 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. Andrew Raichle, P.E. testified on behalf of the applicant giving an overview of the proposed development of a deeper excavation area in the Excavation Area #1A portion of the project. Excavation Area #1A is currently mined and is the location of a soil wash facility. The proposed excavation of Excavation Area #1A will ultimately extend to 40 feet below the seasonal high water level. The soil wash plant will utilize water from Excavation Area #1A for its operation. Mr. Raichle testified that the proposed excavation depth for Excavation Area #1A is consistent with the excavation depth of the other proposed mining areas on the applicant's property that were previously approved by the Planning Board. Mr. Raichle also testified that the applicant was complying with the required setbacks from existing structures and roads. The applicant will not be removing any trees in setback areas. 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 seasonal high 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 last Planning Board hearing for this project that was held on 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 level 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. Andrew Hogg, P.E. reviewed the aforementioned letter report of Land Dimensions Engineering dated July 9, 2013, with the applicant in the order set forth in said review letter.

6. Mr. Raichle offered testimony in regard to environmental issues. Mr. Raichle provided that a wetlands delineation was conducted and provided a buffer of 300 feet from the delineated wetlands. Excavation Area #1A is not impacted by freshwater wetlands or wetlands buffers.

7. The applicant has field marked the wetlands and transition area on the property to keep any of the excavation operations and equipment out of that area.

8. Dave Monie, 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 Mr. Monie 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.

9. The consideration of the application was opened to the public and any public testimony offered was considered by the Planning Board.

10. 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, which 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. Any conditions noted as part of the Board's Professional Engineer review and any comments or conditions as may be stipulated by the Board as part of the hearing.
  - C. The applicant will obtain approvals from other outside agencies, to the extent required by law to perfect this Planning Board Approval, which 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
- Any other approvals as may be necessary.
- D. The applicant shall replenish the escrow accounts as necessary.
  - E. The project shall not commence until all escrow fees are paid and the applicant has complied with all conditions of this Approval.

Dated: July 9<sup>th</sup>, 2013

ATTEST: Bonita K. Bell Margaret E. Maxwell-Mood  
Bonita K. Bell, Secretary Margaret E. Maxwell-Mood, Ed. D., Chairperson  
MARJORIE L. 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 July 9, 2013, in the Quinton Township Municipal Building.

Bonita K. Bell  
Bonita K. Bell, Secretary

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