

QUINTON TOWNSHIP PLANNING BOARD

RESOLUTION NO.: 2018-18

EASTERN CONCRETE MATERIALS, INC.

**CONDITIONAL USE APPROVAL AND
PRELIMINARY MAJOR SITE PLAN APPROVAL
(with provision for automatic final major site plan approval)**

**Re: Block 35, Lots 23, 24, 25, 35, 54, 62, 63, 64, 65, 66 and 67
(358 Quinton-Marlboro Road – N.J.S.H. Route 49)**

WHEREAS, an application was made to the Quinton Township Planning Board by EASTERN CONCRETE MATERIALS, INC., a New Jersey corporation having an address of 250 Pehle Avenue, Suite 503, Saddle Brook, New Jersey 07663, for amended preliminary and final major site plan and conditional use approval for a soil removal/resource extraction operation that would combine and expand two existing permitted soil removal/resource extraction operations, and include construction of a 1,800 square foot one-story office building and other related structures and improvements, on property recently acquired by the applicant, which property is located at 358 Quinton-Marlboro Road (N.J.S.H. Route 49) in Quinton Township, designated as Tax Map Block 35, Lots 23, 24, 25, 35, 54, 62, 63, 64, 65, 66 and 67, and depicted, described, or otherwise referenced in the following documents:

- Township of Quinton Planning Board Application, Submission Checklist Schedules, Disclosure Statement and W-9 Form;
- Statement of Taxes Paid, dated January 10, 2018;
- List of Requested Submittal Waivers, prepared by Waterman, LLC, dated October, 2017;
- Checklist for Soil Removal Permits and Licenses;
- Well Search Report;
- Well Search Plan entitled "NJDEP Well Search Plan," prepared by Waterman, LLC, dated January 1, 2018 consisting of one sheet;
- Environmental Impact Statement ("EIS"), prepared by Clemmys Environmental Services LLC, dated November 14, 2017, Revised August 2, 2018;
- Development Plan entitled "Wetlands Location Plan," prepared by TriState Engineering & Surveying, P.C. dated July 2017;
- Lake Management Plan, prepared by Waterman, LLC, dated December 2017;
- Engineer's Certification of Soil Borings and Geotechnical Investigation, prepared by Waterman, LLC;
- Correspondence by Continental Placer Inc., dated June 27, 2005;
- Memorandum concerning Post-Development Stormwater Conditions, prepared by Waterman LLC, dated October 1, 2017;
- Correspondence from Cornerstone Environmental, dated July 17, 2017;
- Property Survey prepared by TriState Engineering & Surveying, P.C. dated March 23, 2017, last revised April 3, 2017, consisting of one sheet;

- Development plans entitled "Preliminary/Final Major Site Plan," prepared by Waterman, LLC, dated September 22, 2017, last revised July 14, 2018, consisting of twenty-four (24) Sheets;
- Statement of Taxes Paid, dated May 1, 2018;
- Corporate Disclosure Information Statement;
- Draft Form of Notice of Planning Board Hearing;
- Deed Binder;
- Easement Binder;
- Certified Property Owners List prepared by the Township of Quinton, dated June 28, 2018;
- Certified Property Owners List prepared by Alloway Township, dated May 2, 2018;
- Planning Board Approval Compliance Plans entitled "Preliminary/Final Major Site Plan," prepared by Waterman, LLC, dated July 30, 2013, consisting of sixteen (16) sheets;
- Traffic Evaluation Report, prepared by Langan, Dated June 27, 2018;
- Water Sampling Results prepared by Cornerstone Environmental, dated December 9, 2016, July 7, 2017 and October 2, 2017;
- Stormwater Report entitled "Site Development Stormwater Plan, Quinton Resource Extraction," prepared by Waterman, LLC, dated July 2018; and
- Hydrogeological Report entitled "Engineer's Hydrogeological Review of Sand Mine Expansion, Eastern Concrete Material," prepared by GPM Associates, dated July 31, 2018;

all of which are hereby incorporated by reference herein; and

WHEREAS, the Board has determined that the applicant's final major site plan application is incomplete for the reasons specified in the Board's Resolution 2018-15, dated May 8, 2018; and

WHEREAS, the Board has determined that it has jurisdiction to hear the applicant's preliminary major site plan and conditional use application, which was deemed complete pursuant to Resolution 2018-15, and which is in conformity with the Quinton Township Land Use Ordinance ("Ordinance") and the New Jersey Municipal Land Use Law ("MLUL") except for any matters for which any waiver or variance relief is required, and any matters that must be resolved as conditions of preliminary or final major site plan approval; and

WHEREAS, the 95-day decision deadline for the applicant's preliminary major site plan and conditional use application pursuant to *N.J.S.A. 40:55D-48* and -67 was September 3, 2018 (i.e., 95 days following the May 31 deeming of completeness pursuant to Resolution 2018-15), but that deadline was extended by the applicant to September 11, 2018; and

WHEREAS, at its September 11, 2018, meeting, after having received confirmation from the Planning Board Solicitor that public notice was properly given pursuant to the Ordinance and *N.J.S.A. 40:55D-11, et seq.*, the Board heard testimony and representations from:

- Brian Mahavier, US Concrete, VP – Strategy and Development;
- Brenden Devereaux, Vice President and General Manager – NJ Operations/Eastern

- Concrete Materials;
- Matt Rizzuto, Site Manager/Eastern Concrete Materials;
- Andrew Raichle, P.E./Waterman, LLC (applicant's site plan engineer);
- Veronica E. Foster, P.E./GPM Associates (applicant's hydrologist);
- Daniel D. Disario, P.E., PTOE/Langan (applicant's traffic engineer);
- Bryon DuBois/DuBois Environmental Consultants (applicant's environmental consultant); and
- Clint B. Allen, Esq. (applicant's attorney); and

WHEREAS, the Board provided an opportunity for interested persons to make statements and ask questions about the application; and

WHEREAS, the applicant presented the following large-format board-mounted exhibits which were admitted to the record as marked, and displayed on an easel for reference at various points during the hearing:

- A-1 – Aerial Photograph;
- A-2 – Limits of Prior Approvals vs. Requested Approvals;
- A-3 – Existing Conditions Plan;
- A-4 – Restoration Plan;
- A-5 – Buffer and Setback Plan;
- A-6 – Phasing Plan;
- A-7 – Typical Excavation Section;
- A-8 – Building Plan; and
- A-9 – Site Plan Sheet 10 (showing excavation); and

WHEREAS, Lawrence M. DiVietro, Jr., P.L.S., P.P., and Andrew Hogg, P.E. (the Planning Board Planner and Engineer) provided a review letter dated August 29, 2018, in which they offered technical comments regarding the application and recommended requirements for approval; and

WHEREAS, after hearing the applicant's testimony and representations, reviewing all application materials and exhibits, considering the Planning Board Planner's and Engineer's review correspondence, considering the testimony and questions of interested persons, and discussing the application with the Planning Board Planner, Engineer and Solicitor, the Board made the following findings and conclusions:

1. The property consists of approximately 395.6 acres of existing soil removal/resource extraction areas and woodland located in a P-BR zoning district.
2. Portions of the property have been the subject of previous land development approvals for two currently permitted soil removal/resource extraction operations. Various structures and improvements relating to those permitted operations are located on the property as depicted on the applicant's plans, and also a single-family dwelling located on Block 35, Lot 67, which is used only for residential purposes and not as part of any existing or proposed soil removal or resource extraction operation. Ordinance § 170-23.A allows a premises within the P-BR zoning district to be used for "one or more" of the listed permitted uses, and allows

for several listed conditional uses in § 170-23.B, including subsection (13) soil removal/resource extraction as proposed by the applicant; accordingly, the Ordinance does not appear to prohibit a single-family dwelling on the same lot as a soil removal/resource extraction operation in the P-BR zoning district.

3. The applicant proposes to mine 252 acres (approximately two-thirds) of the property due to the presence of wetlands, buffering and setback requirements, and other constraints affecting the remaining acreage. The applicant's site plan provides for thirteen (13) planned phases of soil removal/resource extraction operations with a projected time frame of approximately thirty (30) years. The actual timing and sequence of soil removal/resource extraction operations within and among the various phases, and the actual duration of the anticipated 30-year period, are largely dependent on customer demand and other market forces, and therefore cannot be predicted with accuracy at this time. In any event, the Planning Board's final approval of the applicant's present site plan and conditional use application will continue to govern the proposed soil removal/resource extraction operations at the property for the duration of those operations (that is, for thirty years, or for any actual longer or shorter duration until completion), subject to applicable ongoing Township permitting requirements. Any future proposed revisions to the applicant's site plan or soil removal/resource extraction operations following final approval of this application, but prior to completion of soil removal/resource extraction operations at the property, will require new or amended Planning Board approvals pursuant to then-applicable Ordinance requirements.
4. The applicant's proposed improvements at the property include a one-story 1,800 square foot prefabricated building that will serve as a local business headquarters for the applicant and an office for the applicant's on-site employees; a graded parking area to serve the applicant's employees and visitors to the property; an extension of asphalt paving on a portion of the existing gravel access drive so that the paved portion of the driveway, which leads into the property from Route 49, will be extended an additional 50 feet into the property to the existing security gate; a truck wheel-wash facility; and upgrades and improvements to the existing aggregate processing facility (wash plant) at the property. The Planning Board Engineer and Planner have confirmed that, except for matters of zoning noncompliance to be resolved by the lot consolidation noted in paragraph 6, below, these structures and improvements comply with applicable zoning and site plan requirements, subject to the conditions set forth below.
5. After soil removal/resource extraction operations have concluded at the property a restoration plan will be implemented that will result in a 210-acre lake having a depth of no more than forty feet, but whose depth will not reach the aquifer beneath it. At the present time no proposed future public or private owner or specific use has been designated for the lake.
6. The property is currently comprised of eleven (11) individual tax lots, all owned by the applicant, many of which do not independently conform to applicable zoning regulations, and all of whose interior adjoining boundaries are straddled and otherwise disregarded by the applicant's existing and proposed mining operation, related structures and improvements, proposed restoration plan, and proposed post-restoration single-entity ownership and use. Accordingly, in order to comply with applicable zoning requirements, and to reduce the

possibility of any purposeful or involuntary conveyance of fewer than all of the parcels that would result in potentially problematic disparate ownership of portions of the property contrary to the requirements and objectives of Ordinance § 170-55, the applicant has agreed to consolidate all eleven (11) lots into a single lot by a deed containing a single outbound description prior to final site plan approval. Accordingly, the applicant has not applied for, nor has the Board granted, any variances or waivers relating to the lots' various aspects of non-compliance with Ordinance requirements.

7. Ordinance § 170-55 requires applicants for soil removal/resource extraction operations to apply for and obtain site plan and conditional use approval from the Quinton Township Planning Board, as well as soil removal/resource extraction permit approval from the Quinton Township Committee. Ordinance § 170-55.C., and to some extent § 170-55.E. (regarding restoration standards), together set forth most of the design requirements that such applicants must satisfy for site plan approval of soil removal/resource extraction operations. Ordinance § 170-55.D. sets forth the conditions that such applicants must satisfy for conditional use approval of soil removal/resource extraction operations. Accordingly, the Planning Board has reviewed the application materials, testimony, and exhibits presented at the hearing pursuant to Ordinance § 170-55 and other applicable Ordinance provisions only for compliance with site plan, conditional use, and zoning requirements, and not for compliance with those soil removal/resource extraction permitting requirements that are within the Township Committee's jurisdiction.
8. The Planning Board Engineer and Planner have confirmed, in their review letter and at the hearing, that the application materials satisfy the site plan requirements of Ordinance § 170-55.C.(1)(a) through (u).
9. The Planning Board Engineer and Planner have confirmed, in their review letter and at the hearing, that the application materials satisfy the site plan requirements of Ordinance § 170-55.C.(1)(v) (Environmental Impact Statement), except as follows:
 - a. To clearly indicate any potential impacts from the proposed mining operation on the surrounding environment, all the exhibits presented within the EIS should be revised to identify the limits of the existing and proposed project and the limits of the existing and proposed mining operation. The applicant agreed to accomplish this as a condition of approval.
 - b. The applicant should provide testimony in support the additional information and associated exhibits that were provided in the "Engineers Hydrogeologic Review" to address the impacts on the groundwater, surrounding surfaces waters, surrounding wetlands areas, and adjacent Natural Heritage Protection sites resulting from the proposed modifications to the existing natural drainage sheds that exist across the property as a result of the proposed mining operation. The applicant's representatives gave sufficient supporting testimony at the hearing to satisfactorily address these concerns.
 - c. A current copy of the Natural Heritage Data Search report should be included in the EIS. The applicant agreed to accomplish this as a condition of approval.

- d. Due to the apparent presence of two (2) Natural Heritage Priority sites encroaching within the property, and the proximity of the mining operation to the identified wetlands buffers, a Letter of Interpretation (LOI) must be obtained from the New Jersey Department of Environmental Protection (NJDEP) to confirm the limits of any freshwater wetlands and associated buffer areas prior to any disturbance within these areas. The applicant should provide testimony in support of the applicant's request that the requirement of obtaining an LOI should be triggered by any work proposed within 300 feet of any delineated wetlands. The applicant's representatives gave sufficient supporting testimony at the hearing to satisfactorily address these concerns, and the applicant agreed to provide the aforesaid NJDEP LOI as necessary on an ongoing basis as a condition of approval, and also agreed to add a "Limit of Disturbance Line" to the "Buffer/Setback Exhibit" and "Grading/Soil Erosion Plans" that would serve as the line of demarcation for purposes of future compliance with and enforcement of the LOI condition (i.e., any proposed disturbance within 300 feet of the Limit of Disturbance Line would necessitate and trigger the NJDEP LOI requirement).
10. The Planning Board Engineer and Planner have confirmed, in their review letter and at the hearing, that the application materials satisfy the site plan requirements of Ordinance § 170-55.C.(1)(w) through (y).
11. The Planning Board Engineer and Planner have confirmed, in their review letter and at the hearing, that in order to satisfy the site plan requirements of Ordinance § 170-55.C.(1)(z), the applicant must supply a spill prevention, control, and containment plan ("SPCC Plan") for the applicant's land mining operation that includes an employee training component, and that has the ultimate goal of preventing or reducing pollutant runoff from the mining operation, and promoting good spill prevention, control and containment practices within the facility. The applicant agreed to provide the SPCC Plan as a condition of approval, and also agreed to implement a surface oil skimmer/filtration device that would remove vehicle-related contaminants from water used in the proposed truck wheel-wash.
12. The Planning Board Engineer and Planner have confirmed, in their review letter and at the hearing, that the application materials satisfy the site plan requirements of Ordinance § 170-55.C.(1)(aa), (2) and (3).
13. The Planning Board Engineer and Planner have confirmed, in their review letter and at the hearing that, except for the requirements and objectives to be satisfied by the lot consolidation noted in paragraph 6, above, the application materials satisfy all of the conditions for soil removal/resource extraction as a conditional use as set forth in Ordinance § 170-55.D.
14. The Planning Board Engineer and Planner have confirmed, in their review letter and at the hearing, that the application materials satisfy all of the site plan requirements for soil removal/resource extraction site restoration as set forth in Ordinance § 170-55.E., except for subsection (3), which relates to the "safety shelves" of the proposed lake. This aspect of the restoration plan (which is intended to ensure a safe subaqueous slope for persons who wade

into the lake, and thereby reduce the possibility of any unexpected steep drop-offs into dangerous depths until after such persons have already reached overhead depths) was also raised as a point of concern during the public portion of the hearing by Steve Eisenhower, a representative of Natural Lands, a nonprofit conservation organization that owns adjoining property. Mr. Eisenhower took issue with the plan detail that showed the required safety shelves as extending to the edge of a forty-foot vertical drop. Carl Gaskill, P.E., the Township Engineer, who attended the meeting at the request of the Quinton Township Committee, joined the discussion and noted that the plan detail, which conceptually depicts the required safety shelves in comparison to the maximum allowable forty-foot lake depth, should not be regarded as a realistic depiction of actual lake design because, in a sandy lake-bottom, such steep vertical soil ledges would not remain vertical but rather would naturally subside toward the center of the lake and thus undermine the safety slopes they are intended to support. In order to help clarify the restoration requirements and help ensure that the safety slopes will be properly constructed and maintained, Mr. Gaskill recommended, and the Board's Engineer agreed, that the applicant's restoration plan should be revised to contemplate "angles of repose" for the subaqueous slopes based on the varying lake depths and lake-bottom soil characteristics within the property which, if properly calculated in connection with final grading, would increase the likelihood that the safety shelves would remain properly supported following completion of the lake so that the potential for dangerous unanticipated drop-offs could be reduced. In response to these concerns and recommendations the applicant agreed to the safety-shelf conditions of approval that are set forth below.

15. The Planning Board Engineer and Planner have confirmed, in their review letter and at the hearing, that in order to comply with the final site plan requirements of Ordinance § 170-80, the applicant must provide additional information about the floor plan of the proposed office building to clarify how the building is to be utilized, including the locations of any offices and bathroom facilities. The applicant's representatives gave sufficient supporting testimony at the hearing to satisfactorily address these concerns, based upon which the Planning Board Engineer and Planner determined that no further plan revision is necessary on this point.
16. The Planning Board Engineer and Planner have confirmed, in their review letter and at the hearing, that in order to comply with the circulation and parking design standards of Ordinance § 170-94, the applicant must provide testimony as to the use of the proposed office building, and the adequacy of the adjacent proposed stone area for employee and visitor parking. The applicant's representatives gave sufficient supporting testimony at the hearing to satisfactorily address these concerns.
17. The Planning Board Engineer and Planner have confirmed, in their review letter and at the hearing, that in order to comply with the lighting design standards of Ordinance § 170-98, the applicant must provide testimony as to the need for site lighting with request for waiver if appropriate. The applicant's representatives testified that, because soil removal/resource extraction activities will only occasionally be conducted before dawn or after dusk (i.e., only during those times of year when permitted hours of operation extend beyond actual daylight hours), the only proposed lighting at the property would be the lights mounted on the proposed office building for the purpose of safety, security, and accessibility with respect to

the building and the improvements by which the building is served. The applicant agreed, as a condition of approval, to revise the site plan to depict the proposed building-mounted lighting, and also to state that no other site lighting would be installed at the property without further Planning Board approval. The Planning Board Engineer confirmed that satisfaction of this condition would constitute compliance with applicable site plan requirements, and therefore no waiver is necessary on this point.

18. The Planning Board Engineer and Planner have recommended the following additional requirements in their review letter and at the hearing:
 - a. The applicant must provide a copy of the current "Highway Access Permit" or a "Letter of No Interest" issued by the New Jersey Department of Transportation (NJDOT). The applicant agreed to provide this as a condition of approval.
 - b. The applicant must provide testimony on the adequacy of the existing driveway located within the Route 49 right-of-way. The applicant's representatives gave sufficient supporting testimony at the hearing to satisfactorily address this concern.
 - c. The site plan Cover Sheet must be revised to identify the current owner of the property. The applicant agreed to accomplish this as a condition of approval.
 - d. The concrete driveway apron detail and concrete pavement detail must be removed from the plans. The applicant agreed to accomplish this as a condition of approval.
19. The Planning Board Engineer and Planner have noted, in their review letter and at the hearing, that any approval of the application will be conditioned on approvals of other governmental agencies as set forth in the conditions below.
20. During the hearing the Board members and the applicant's representatives discussed the routes followed by the trucks that travel to and from the existing mining operations at the property, and the resulting detrimental impacts on municipal streets and adjacent neighborhoods. At the conclusion of this discussion the Board indicated that approval of the applicant's site plan and conditional use application should include a recommendation to the Township Committee that appropriate limitations or other requirements be imposed on truck travel relating to the mining operation in order to reduce these detrimental impacts as may be consistent with, or incorporated in, the Quinton Township Code.
21. Several interested persons testified and asked questions during the public portion of the hearing, including Mr. Eisenhower as noted above, who read and distributed a list of concerns that were included in the hearing record as Exhibit NL-1. The New Jersey Conservation Foundation, represented by its Delaware Bay Watershed Regional Manager, Francis Rapa, joined in the representations and concerns that were expressed by Mr. Eisenhower. All relevant testimony and questions presented by interested persons were considered and addressed to the Board's satisfaction by the applicant's representatives and the Board's professionals.

22. The Planning Board Engineer, Planner, and Solicitor confirmed at the hearing that the post-preliminary approval reviews of the above conditions for compliance would be administrative or ministerial in nature, and should not necessarily require any further review or deliberation by the Board; accordingly, the Board has determined that such reviews can be accomplished by the Planning Board Engineer, Planner and Solicitor without the need for further presentation to or consideration by the Board at a final major site plan application hearing.
23. Based on the foregoing the applicant's attorney requested that the Board grant conditional use approval, and preliminary and final site plan approval, subject to conditions consistent with the above. The Planning Board Solicitor recommended instead that, because final site plan approval should not be granted until all applicable ordinance requirements are satisfied (including, in this case, fundamental zoning requirements to be resolved by consolidation of the numerous lots currently comprising the applicant's property), the Board should grant conditional use and preliminary site plan approval only, subject to specified conditions which, when confirmed by the Planning Board Engineer, Planner, and Solicitor as "satisfied," would cause an automatic grant of final site plan approval without the need for further application submission or final major site plan hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Quinton Township Planning Board, that for the reasons set forth above, the applicant's preliminary major site plan and conditional use application to develop and use the property as the site of the proposed soil removal/resource extraction operation, with the office building and other improvements depicted and described in the applicant's plans, application materials, and exhibits, are hereby granted subject to the following conditions that must be satisfied in order for final major site plan approval to be granted as described below:

- A. The applicant must pay any and all required fees and escrow replenishment amounts that are due or may become due to the Township within seven (7) days notice thereof. The applicant must contact the Quinton Township Planning Board Secretary to settle any outstanding review escrow accounts prior to signature of the applicant's site plan.
- B. The applicant must comply with all representations made through any representative during the course of the applicant's presentation to the Board and in all documents filed with the application.
- C. No land disturbance, site work, or other development activity may commence at the property (except as approved pursuant to previously granted existing approvals and permits) until (a) final major site plan approval has been granted as provided above; (b) the applicant has satisfied all of the conditions of final major site plan approval; (c) the applicant's approved final site plan has been signed by the Planning Board Chairperson and Secretary; (d) the Township Committee has issued the initial soil removal/resource extraction permit(s) for the applicant's proposed soil removal/resource extraction operation; and (e) a zoning permit and all applicable construction permits have been issued for the applicant's proposed development and use.
- D. The applicant must revise the plans and provide additional information as follows to the satisfaction of the Planning Board Planner and Engineer:

1. The applicant must revise all exhibits presented within the EIS to identify the limits of the existing and proposed project, and the limits of the existing and proposed mining operation.
2. The applicant must supplement the EIS to include a current copy of the Natural Heritage Data Search report.
3. The applicant must add a "Limit of Disturbance Line" to the "Buffer/Setback Exhibit" and the "Grading/Erosion Plans" showing the locations of all delineated freshwater wetlands and associated buffer areas within, and within 300 feet of, the property, which Limit of Disturbance Line will serve as the line of demarcation for future compliance with and enforcement of **condition P.**, below (i.e., any proposed disturbance within 300 feet of the Limit of Disturbance Line will necessitate and trigger the NJDEP LOI requirement).
4. The applicant must supply an SPCC Plan for the applicant's land mining operation that includes an employee training component, and that has the ultimate goal of preventing or reducing pollutant runoff from the mining operation, and promoting good spill prevention, control, and containment practices within the facility. The SPCC Plan must include a requirement for a surface oil skimmer/filtration device that would remove vehicle-related contaminants from water used in the proposed truck wheel-wash.
5. The applicant must revise the note on the "Typical Excavation Section" detail located on Site Plan Sheets 6 thru 9 of 10 to note that the "safety shelves" along the edge of the lake shall be based off the final "shoreline elevation" and not the limits of the "Seasonal High Ground Water." The plan details must also be revised to note that "The final shoreline elevation shall be determined by the Township Engineer, based upon water elevations observed within the lake as monitored by the Applicant or Operator and verified by the Township Engineer during the mining operation, prior to the commencement of any restoration, and shall be representative of the annual low water level anticipated to occur in the lake." Prior to restoration below the water in any section, the Township Engineer, in consultation with the mine operator, shall measure and monitor the natural angle of repose of the lake-bottom slope beneath the water line and shall adjust the restoration and grading plans to ensure that the final submerged lake bathymetry is stable.
6. The applicant must revise the site plan to depict the proposed building-mounted lighting that was described in testimony at the hearing, to state that no other site lighting will be installed at the property without further Planning Board approval.
7. The applicant must provide a copy of the current "Highway Access Permit" or a "Letter of No Interest" issued by the NJDOT.
8. The applicant must revise the site plan Cover Sheet to identify the applicant as the current owner of the property.

9. The applicant must revise the plans to remove the concrete pavement detail and the concrete driveway apron detail.
- E. The applicant must prepare and submit to the Planning Board Engineer and Solicitor, for advance review and approval, a deed containing a single outbound description of the property by which all eleven (11) lots comprising the property will be consolidated into a single lot owned by the applicant.
- F. After the form of the aforesaid consolidation deed has been reviewed and approved by the Planning Solicitor, and the property description contained in the deed has been reviewed and approved by the Planning Board Engineer, the applicant must cause the deed to be properly executed and recorded in the Office of the Salem County Clerk, and must thereafter submit to the Planning Board Solicitor an updated title insurance policy issued to the applicant by a New Jersey licensed title insurance agency, or other proof satisfactory to the Planning Board Solicitor, confirming that the deed has been properly executed and recorded, and is not subject or subordinate to any lien or other interest that could result in disparate ownership of any portion of the consolidated land area.
- G. After **conditions A. through F.**, above, have been confirmed in writing as satisfied, the applicant's final major site plan application shall automatically and simultaneously be deemed complete and granted approval on the date of the last of the written confirmations, with the Planning Board action for such approval being deemed to have occurred at the September 11, 2018 hearing. The Planning Board will thereafter memorialize the deeming of completeness and grant of final major site plan approval by a resolution to be adopted within forty-five (45) days following such last written confirmation without the need for further submission of materials, hearing, or meeting attendance by the applicant's attorney or other representatives, which resolution shall include **conditions A., B., and H. through R., and recommendation S.** of this resolution. Notwithstanding the foregoing, the applicant may, in the customary manner, and subject to applicable Ordinance and MLUL requirements, submit additional application materials to demonstrate completeness and compliance with the above conditions, and request a hearing before the Board for final major site plan approval.
- H. As a condition of final major site plan approval the applicant must obtain approvals or letters of inapplicability to the satisfaction of the Planning Board Planner and Engineer from all other agencies having jurisdiction over the applicant's proposed development and use, including but not limited to:
- Quinton Township Fire Inspection Officer
 - Cumberland-Salem Soil Conservation District
 - Salem County Planning Board
 - Salem County Board of Health
 - New Jersey Department of Environmental Protection
 - New Jersey Department of Transportation
 - Quinton Township (initial and ongoing soil removal/resource extraction permitting)
 - Any other as may be necessary

- I. As a condition of final major site plan approval, the applicant's approved final site plan will not be signed by the Planning Board Chairperson and Secretary until the requirements set forth in **conditions A. through H.**, above (except for the Quinton Township Committee's issuance of the initial soil removal/resource extraction permit(s)), have been satisfied.
- J. As a condition of final major site plan approval, no zoning permit will be issued for the applicant's proposed development or use until the Planning Board Chairperson and Secretary have signed the applicant's approved final site plan, and the Quinton Township Committee has issued the initial soil removal/resource extraction permit(s) for the applicant's proposed soil removal/resource extraction operation.
- K. As a condition of final major site plan approval, no construction permit for any aspect of the applicant's proposed development or use may be issued until the Quinton Township Zoning Officer has issued a zoning permit for the applicant's proposed development and use.
- L. As a condition of final major site plan approval, no land disturbance, site work, or other development activity may commence at the property (except as approved pursuant to previously granted existing approvals and permits) until (a) the applicant has satisfied all of the foregoing conditions of final major site plan approval; (b) the applicant's approved final site plan has been signed by the Planning Board Chairperson and Secretary; (c) the Township Committee has issued the initial soil removal/resource extraction permit(s) for the applicant's proposed soil removal/resource extraction operation; and (d) a zoning permit and all applicable construction permits have been issued for the applicant's proposed development and use.
- M. As a condition of final major site plan approval, no certificate of occupancy or approval may be issued for any aspect of the applicant's proposed development or use until the work for which the C.O. or C.A. is requested is complete to all code specifications, all related site improvements have been accepted or approved by the Township, and all of the foregoing conditions of final major site plan approval have been satisfied.
- N. As a condition of final major site plan approval, no additional structures or uses other than those depicted on the applicant's approved site plan may be constructed or conducted at the property unless first approved by the Planning Board.
- O. As a condition of final major site plan approval, upon signature of the applicant's approved final site plan by the Planning Board Chairperson and Secretary this approval shall eliminate and replace any and all previous Planning Board approvals for the property or any of the lots that presently comprise it, except with respect to the continued residential use of the single-family dwelling by its current occupant.
- P. As a condition of final major site plan approval, and to ensure that no land disturbance will occur within 300 feet of freshwater wetlands and associated buffer areas, no land disturbance may occur within 300 feet of any delineated freshwater wetlands and associated buffer areas as indicated by the Limit of Disturbance Line on the applicant's approved "Buffer/Setback Exhibit" and the "Grading/Erosion Plans," unless an LOI has been obtained from the NJDEP to confirm the actual limits of any freshwater wetlands and associated buffer areas.

- Q. As a condition of final major site plan approval the applicant/operator must install and require ongoing use of the proposed truck wheel-wash for all trucks transporting aggregate materials from the property, and must install and utilize a surface oil skimmer/filtration device to remove vehicle-related contaminants from water used in the proposed truck wheel-wash as required by the approved SPCC Plan.
- R. As a condition of final major site plan approval, prior to restoration below the water in any section of proposed soil removal or resource extraction, the Township Engineer, in consultation with the mine operator, must measure and monitor the natural angle of repose of the lake-bottom slope beneath the water line, and adjust the restoration and grading plans to ensure that the final submerged lake bathymetry is stable. As noted on the plans, the final shoreline elevation shall be determined by the Township Engineer prior to the commencement of any restoration, and the Township Engineer's determinations shall be based upon water elevations observed within the lake as monitored by the Applicant or Operator, and as verified by the Township Engineer during the mining operation, and shall be representative of the annual low water level anticipated to occur in the lake.
- S. The Planning Board recommends that the Township Committee consider, as part of its initial and ongoing permitting of the soil removal/resource extraction operations at the property, appropriate limitations and requirements to be imposed on truck travel relating to the operation in order to reduce detrimental impacts on municipal streets and adjacent neighborhoods as may be consistent with, or incorporated in, the Quinton Township Code.
- T. The Planning Board Secretary shall mail a copy of this resolution to the applicant's attorney within ten (10) days following the date of its adoption.
- U. The Planning Board Secretary shall cause the following form of notice to be published in *The South Jersey Times* as soon as practicable following the adoption of this resolution:

QUINTON TOWNSHIP PLANNING BOARD

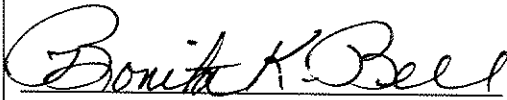
NOTICE OF DECISION

TAKE NOTICE that on October 9, 2018, the Quinton Township Planning Board adopted Resolution 2018-18 to memorialize its September 11, 2018 grant of preliminary major site plan and conditional use approval to Eastern Concrete Materials, Inc., for a consolidated and expanded soil removal/resource extraction operation at its property located at 358 Quinton-Marlboro Road in Quinton Township, designated as Block 35, Lots 23, 24, 25, 35, 54, 62, 63, 64, 65, 66 and 67 on the municipal tax map, including construction of an 1,800 square foot office building and other site improvements as depicted on the plans, with provision for automatic grant of final major site plan approval upon satisfaction of certain conditions as specified in the resolution. The resolution and copies of the application, plans, and related materials, are on file at the Quinton Township Planning Board Office at 10 Cottage Avenue, Quinton, New Jersey 08072, and are available for public inspection by appointment only by contacting Bonita K. Bell, Planning Board Secretary, at (856) 362-0753 or (856) 935-8404, or

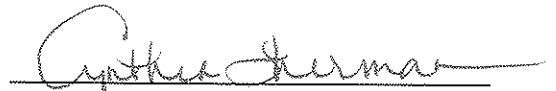
by writing to her by mail c/o Quinton Township Planning Board, 10 Cottage Avenue, P.O. Box 227, Quinton, New Jersey 08072, or by email at qntwpplanbd@comcast.net.

The undersigned Chairperson of the Quinton Township Planning Board hereby certifies that the above is a true copy of a resolution adopted by said Board on **October 9, 2018** to memorialize action taken on **September 11, 2018**.

Attest:



Bonita K. Bell, Secretary
Quinton Township Planning Board



Cynthia Sherman, Chairperson
Quinton Township Planning Board