

QUINTON TOWNSHIP PLANNING BOARD

RESOLUTION NO.: 2019-09

EASTERN CONCRETE MATERIALS, INC.

**AMENDED PRELIMINARY MAJOR SITE PLAN APPROVAL
AND CONFIRMATION OF AUTOMATIC FINAL MAJOR SITE PLAN APPROVAL**

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

WHEREAS, on September 11, 2018, the Quinton Township Planning Board granted preliminary major site plan and conditional use approval to EASTERN CONCRETE MATERIALS, INC., a New Jersey corporation having an address of 250 Pehle Avenue, Suite 503, Saddle Brook, New Jersey 07663, 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, and designated as Tax Map Block 35, Lots 23, 24, 25, 35, 54, 62, 63, 64, 65, 66 and 67 (now consolidated and to be designated as Block 35, Lot 23), with provision for automatic grant of final major site plan approval upon satisfaction of certain conditions, all as memorialized in Resolution 2018-18, dated October 9, 2018; and

WHEREAS, on February 26, 2019, the applicant applied to the Quinton Township Planning Board for amendment of the aforesaid preliminary major site plan approval; and

WHEREAS, the Board has received the following documents that have been submitted by the applicant and the Board's professional consultants in connection with the conditions of automatic final major site plan approval:

- Development plans entitled, "Preliminary/Final Major Site Plan," prepared by Watermen, LLC, dated September 22, 2017, last revised November 2, 2018, consisting of twenty-two (22) sheets.
- Property survey plan entitled, "Survey of Property," prepared by Tristate Engineering and Surveying, PC, dated March 23, 2017, last revised April 3, 2017, consisting of one (1) sheet.
- Quinton Township Planning Board Resolution No. 2018-18.
- New Jersey Department of Transportation correspondence, dated February 15, 2019, granting Access Permit Approval and Lot Consolidation Approval.

- Correspondence by the Quinton Township Planning Board Solicitor, William L. Horner, Esquire, dated January 30, 2019, approving the form of Lot Consolidation Deed.
- Lot Consolidation Deed, dated February 14, 2019.
- Title Bring Down Correspondence, by Land Services USA, dated February 26, 2019.
- Statement of Taxes Paid, dated February 19, 2019.
- Cancellation of Municipal Tax Lien, dated June 8, 2018, recorded in the Salem County Clerk's Office as Instrument Number 129887.
- Corporate Disclosure Information Statement.
- Natural Heritage Database Report, prepared by the New Jersey Department of Environmental Protection, dated August 9, 2018.
- Correspondence from the Salem County Department of Planning & Agriculture, dated August 21, 2018.
- Certification Notice from the Cumberland — Salem Conservation District, dated March 31, 2017.
- New Jersey Department of Environmental Protection Authorization to Discharge, R13 Mining and Quarrying Activity Stormwater General Permit (NJPDES NJGOI 69838), issued May 23, 2017.
- New Jersey Department of Environmental Protection Water Allocation Permit, dated November 6, 2013.
- Environmental Impact Statement, dated November 14, 2017, last revised January 31, 2019.
- Spill Prevention, Control, and Countermeasure Plan, revised February 2019.
- Site Development Stormwater Plan, dated July 2018.
- Lake Management Plan, dated December 2017.
- Correspondence by GPM Associates, dated July 31, 2018.
- Correspondence by Continental Placer, dated June 27, 2005.
- Correspondence by Mark J. Zdunczyk, LLC, dated January 16, 2017.
- Water Sampling Report correspondence, prepared by Cornerstone Environmental, dated

October 29, 2018.

- Previously Submitted Water Sampling Report.
- Previously Submitted Well Search Report.
- Applicant's attorney's law firm check (No. 392570) in the amount of \$375.00, made payable to the "Township of Quinton" (Amended Preliminary Site Plan Application Fee).
- Technical Review Letter (#4) dated March 8, 2019, signed by the Planning Board Planner and Engineer confirming approval of conditions of Planning Board Resolution No. 2018-18.
- Letter from applicant's attorney dated March 22, 2019 submitted with First American Title Insurance Company's title commitment under File Number NJFA17-0119, dated March 7, 2019, referencing "Policy No.: PROFORMA" on Schedule A.
- Letter from applicant's attorney dated March 25, 2019 submitted with First American Title Insurance Company's updated title commitment under File Number NJFA17-0119, dated March 7, 2019, referencing "Proposed Insured: To Be Determined" on Schedule A, and bearing the signatures of Dennis J. Gilmore, President, and Jeffrey S. Robinson, Secretary, and countersigned by Michael R. Sher, SVP/Counsel of Land Services, USA, Inc.
- Email from Planning Board Solicitor dated April 1, 2019 confirming approval of lot consolidation conditions E and F of Resolution No. 2018-18.

all of which are hereby incorporated by reference herein; and

WHEREAS, the Board has determined that the applicant's application for amended preliminary major site plan approval is complete in conformity with the Quinton Township Land Use Ordinance and the New Jersey Municipal Land Use Law; and

WHEREAS, the Board has determined, consistent with the opinion of the Planning Board Solicitor, that it has jurisdiction to hear the applicant's amended preliminary major site plan application without public notice pursuant to *N.J.S.A. 40:55D-12.a.* because, for the reasons set forth below, the Board has concluded that the requested amendment does not involve elimination of a "significant" condition of preliminary major site plan approval as contemplated by that statute; and

WHEREAS, at its April 9, 2019, meeting the Board heard representations from Clint B. Allen, Esq. (applicant's attorney) and provided an opportunity for interested persons to make statements and ask questions about the application; and

WHEREAS, the Board has reviewed and considered the above referenced March 8, 2019

letter from the Planning Board Planner and Engineer in which they confirmed that the applicant has satisfied all applicable conditions of approval set forth in Resolution 2018-18; opined that inclusion rather than elimination of the concrete pavement and driveway apron that are the subject of the applicant's request for amended preliminary site plan approval does not constitute a "significant" condition of approval; and recommended approval of the applicant's amended site plan; and

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

1. The applicant has satisfied or is otherwise in compliance with conditions A. through F. of Resolution 2018-18 except for condition D.9., the elimination of which is the subject of the applicant's present request for amended preliminary major site plan approval. Condition D.9. provides as follows:

The applicant must revise the plans to remove the concrete pavement detail and the concrete driveway apron detail.

2. Condition D.9. arose from the Planning Board Engineer's recommendation at the preliminary major site plan hearing that the concrete pavement and apron details should be removed from the applicant's plans because at that time the applicant was not, in fact, proposing to install concrete pavement or a concrete driveway apron. However, subsequent to the Board's grant of preliminary major site plan and conditional use approval, the applicant applied to the New Jersey Department of Transportation for an access permit which was granted with a condition that requires installation of the concrete pavement and driveway apron as depicted in the plan details. Accordingly, the applicant now seeks to eliminate the condition requiring removal of the details because the applicant now proposes to install the depicted improvements.
3. Based on the information presented in the application materials, and the testimony and representations offered by the applicant's attorney and the Board's professional consultants, the Board is satisfied that the applicant's intention to install concrete pavement and a driveway apron as required by the NJDOT will not alter the applicant's operations at the site or its impact on surrounding public and private property in any noticeable way except perhaps to provide more durable, and potentially safer surfaces for vehicular movement in and out of the site. Accordingly, the applicant's reasonable request to eliminate the condition requiring removal of the now-appropriate plan details does not involve the sort of "significant" condition for which public hearing notice is intended to be required pursuant to *N.J.S.A. 40:55D-12.a.* Further, the Board concludes that, for the above reasons, the applicant's request for amended preliminary major site plan approval should be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Quinton Township Planning Board, that for the reasons set forth above, the applicant's requested amendment to the preliminary major site plan approval memorialized in Resolution 2018-18 to eliminate condition D.9. is hereby granted; and

BE IT FURTHER RESOLVED, by the Quinton Township Planning Board, that conditions A. through F. of Resolution 2018-18 (as hereby amended) have been confirmed in writing as "satisfied" as of this April 9, 2019 grant of amended preliminary major site plan approval, and that the applicant's final major site plan application is therefore automatically and simultaneously deemed complete and approved as of that date, with the Planning Board action for such approval being deemed to have occurred at the September 11, 2018 hearing, all subject to the following conditions which appeared in Resolution 2018-18, but which have been revised herein to confirm the applicant's receipt of certain "other agency" approvals, and to clarify the sequence of permitting and construction requirements for the proposed office building relative to rest of the applicant's proposed combined and expanded soil removal/resource extraction operation:

- 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. The applicant must submit and obtain the Planning Board Planner's and Engineer's written approval of the revised site plan that includes the concrete pavement and driveway apron details that were previously required to be removed.
- D. 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 (**received as of April 9, 2019**)
 - Cumberland-Salem Soil Conservation District (**received as of April 9, 2019**)
 - Salem County Planning Board (**received as of April 9, 2019**)
 - Salem County Board of Health (required prior to issuance of any construction permit for the proposed office building; not required for any other aspect of the applicant's proposed combined and expanded soil removal/resources extraction operation)
 - NJDEP Water Allocation Permit (**received as of April 9, 2019**)
 - New Jersey Department of Transportation (**received as of April 9, 2019**)
 - Quinton Township (initial and ongoing soil removal/resource extraction permitting)
 - Any other as may be necessary
- E. 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 D.**, above (except for the Quinton Township Committee's issuance of the initial soil removal/resource extraction permit(s), and any Salem County Board of Health approval that is required for the proposed office building), have been satisfied.

- F. 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 combined and expanded soil removal/resource extraction operation. No zoning permit or construction permit will be issued for the proposed office building until the Planning Board Chairperson and Secretary have signed the applicant's approved final site plan, the Quinton Township Committee has issued the initial soil removal/resource extraction permit(s) for the applicant's proposed combined and expanded soil removal/resource extraction operation, and any required Salem County Board of Health approval for the office building has been obtained.
- G. 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.
- H. 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 conditions of final major site plan approval as specified above; (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 combined and expanded soil removal/resource extraction operation; and (d) all applicable zoning permits and construction permits have been issued for the applicant's proposed development and use, with the understanding that the applicant may elect to wait to obtain the zoning and construction permits that are required for the proposed office building and to commence construction of the proposed office building after land disturbance, site work, and development activity relating to the applicant's proposed combined and expanded soil removal/resource extraction operation have commenced.
- I. 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.
- J. 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.
- K. 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.
- L. 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.

- M. 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.
- N. 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.
- O. 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.
- P. 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.
- Q. 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

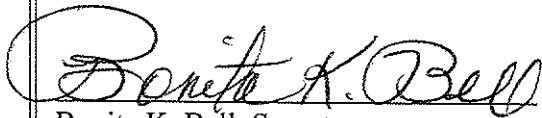
NOTICE OF DECISION

TAKE NOTICE that on April 9, 2019, the Quinton Township Planning Board adopted Resolution 2019-09 to memorialize its April 9, 2019 grant of amended preliminary major site plan approval (to eliminate a condition requiring removal of concrete pavement and driveway apron details from the applicant's plans due to subsequent NJDOT requirements for those improvements to be constructed) 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 (which lots are now consolidated into a single lot to be designated as Block 35, Lot 23), including construction of an 1,800 square foot office building and other site improvements as depicted on the plans. The aforesaid resolution also memorializes the Quinton Township Planning Board's confirmation that all conditions required

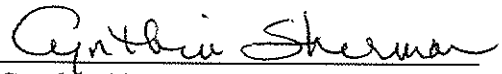
for the automatic grant of final major site plan approval that was previously memorialized in the Board's Resolution 2018-18 have been satisfied. Both of the aforesaid resolutions, and copies of the application, plans, and related materials, are on file at the Quinton Township Planning Board Office at 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 qtntwpplanbd@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 April 9, 2019 to memorialize action taken on April 9, 2019.

Attest:



Bonita K. Bell, Secretary
Quinton Township Planning Board



Cynthia Sherman, Chairperson
Quinton Township Planning Board