

MINUTES
WOODLAND TOWNSHIP
LAND DEVELOPMENT BOARD
February 20, 2018

Board Secretary, Maryalice Brown, called the regularly scheduled meeting of the Woodland Township Land Development Board to order at 7 pm.

RECORD OF ATTENDANCE

<u>X</u> Glen Jaggard	<u>X</u> Todd Hall
<u>X</u> Wayne Morris	<u>X</u> Mike Huber(Alt. #1)
<u>X</u> Mark Herndon	<u>X</u> Louis Cantafio (Alt #2)
<u>X</u> William DeGroff	<u>X</u> Mr. Callaway (in for Mr. Leisse)
<u>AB</u> Edward Lewis	<u>X</u> Ms. Szymborski (Board Solicitor)
<u>X</u> Tim Murphy	<u>X</u> Mrs. Brown (Secretary)

APPROVAL OF MINUTES: Louis Cantafio made a motion to approve the January 16, 2018 minutes, 2nd by Mark Herndon. All in favor.

AGENDA ITEMS:

- a. Resolution 2018-4 Approving Amendment & Renewal of Resource Extraction Permit of Clayton Sand Company (Block 6401, Lot 4.01).
Motion made by Wayne Morris, 2nd by Louis Cantafio to approve resolution 2018-4. Roll call vote taken, all in favor.

NEW BUSINESS:

- a. Completeness review for William McNally – Block 403, Lot 5
Motion to accept completeness review made by Mark Herndon, 2nd by Wayne Morris.
All in favor, none opposed.

Open to the Public

Comments by the Board

Motion for adjournment:

William DeGroff made a motion to adjourn, second by Wayne Morris at 7:10 p.m. All in favor.

NOTE: Next scheduled meeting is:

March 20, 2018 @ 7 PM

Please call if unable to attend. (609-726-1700)

WOODLAND TOWNSHIP LAND DEVELOPMENT BOARD

RESOLUTION 2018-4

**APPROVING AMENDMENT AND RENEWAL OF
RESOURCE EXTRACTION PERMIT OF CLAYTON SAND COMPANY,
BLOCK 6401, LOT 4.01**

WHEREAS, Clayton Sand Company (hereinafter the “Applicant”) appeared before the Woodland Township Land Development Board (hereinafter the “Board”) at a regularly scheduled meeting held on January 16, 2018, by and through its counsel, Ross D. Gertner, Esq., of Gertner Mandel LLC, at which point Applicant sought to amend and renew its resource extraction permit; and

WHEREAS, Applicant most recently received approval from the Board on January 17, 2017, to renew its resource extraction permit *nunc pro tunc* for a period of two (2) years, as allowed by Township Ordinance, commencing on July 21, 2016 and expiring on July 21, 2018; and

WHEREAS, Applicant now seeks to amend its resource extraction permit to include an additional forty (40) acres of land not previously subject of said permit; and

WHEREAS, Applicant further seeks to renew its resource extraction permit, as amended, for a period of (2) years, as allowed by Township Ordinance, commencing on the date of the within Resolution’s memorialization; and

WHEREAS, Gordon Milnes provided sworn testimony before the Board in support of the application and explained that Applicant has received an Inconsistent Certificate of Filing from the Pinelands Commission, which permits Applicant to seek approval before the Board; and

WHEREAS, by way of background, the property subject of the Application is designated as Block 6401, Lot 4.01 on the official Tax Map of the Township of Woodland and contains a total area of approximately 1,400 acres (hereinafter the “Property”); and

WHEREAS, the Property is located within the M-C Mining/Conservation zoning district where resource extraction and mining are previously approved non-conforming uses; and

WHEREAS, the Property’s bulk area and setback dimensions comply with all applicable zoning requirements and no variance relief is required; and

WHEREAS, the following documentation and evidence was reviewed by the Board in making its determination on January 16, 2018:

- Plans prepared by French & Parrello Associates, dated July 17, 2006, and last revised November 3, 2017;

- Mine Registration Certificate No. 004261, having an expiration date of March 31, 2018;
- NJPDES Authorization to Discharge No. NJG0160717, having an expiration date of April 30, 2010;
- Bond – Continuation Certificate, having an expiration date of June 21, 2016;
- Pinelands Commission Inconsistent Certificate of Filing, dated November 2, 2017; and
- Burlington County Soil Conservation District Certificate of Recertification, dated January 8, 2018; and

WHEREAS, the Pinelands Commission deemed the Certificate of Filing inconsistent due to potential impact to threatened and endangered species; and

WHEREAS, Applicant's resource extraction permit was originally issued in September 1987 and has subsequently been reissued in two-year increments; and

WHEREAS, Applicant has agreed that as a condition of approval of its immediate request, all prior conditions of approval will remain in full force and effect; and

WHEREAS, the matter was opened to the public for discussion, at which point no one came forward; and

WHEREAS, having considered all of the evidence presented, the Board unanimously voted to grant the relief requested by Applicant.

NOW THEREFORE, be it resolved by the Woodland Township Land Development Board on the 20th day of February, 2018, that the application of Clayton Sand Company, requesting the amendment and renewal of its resource extraction permit is hereby GRANTED with the following conditions, all of which shall be satisfied in order for the approvals granted herein to take effect:

1. The renewed resource extraction permit is extended for a period of two (2) years commencing on the date of the within Resolution's memorialization.
2. Applicant shall resolve its inconsistent filing status with the Pinelands Commission; if a new Certificate of Filing or other evidence of such resolution is received, a copy shall be provided to the Board for its records. Should Applicant be unable to resolve the outstanding issues with the Pinelands Commission, Applicant may elect to proceed under the resource extraction permit previously approved by the Board, which is currently valid through July 21, 2018.

3. As Applicant's Mining Registration Certificate is set to expire on March 31, 2018, Applicant shall apply for a new certificate and provide a copy of same to the Board for its records.
4. This approval is subject to approval by any other agencies having jurisdiction in this matter.
5. This approval is subject to the posting of appropriate escrows and guarantees as required by ordinance and the providing of the required bonds and insurance policies throughout the course of this approval as long as the bonds and insurance policies are renewed.
6. This approval is conditional upon the Applicant's continued compliance with conditions set forth in any prior approval for resource extraction on the Property, including but not limited to, the \$5,000.00 per year contribution of the Applicant for maintenance and repair of local roads as a result of the resource extraction operation.
7. The Applicant agrees that the entrance to the Property shall be swept clean of stones and debris and potholes repaired as necessary.
8. The Applicant agrees that the restoration of any erosion shall be completed as necessary.
9. The Applicant agrees that dust control shall be maintained as necessary.
10. Applicant agrees that all prior conditions of approval shall remain in full force and effect.

This Resolution of Approval was adopted and memorialized at a regularly-held meeting of the Woodland Township Land Development Board on February 20, 2018, pursuant to the following vote:

Motion by: DeGroot

Seconded by: Contafio

Those in Favor: Jaggard, Morris, Heardon, DeGroot
W. Murphy, Hall, Huber, Contafio

Those Opposed: —

Maryalice Brown
 Maryalice Brown, Secretary