

**MINUTES**  
**WOODLAND TOWNSHIP**  
**LAND DEVELOPMENT BOARD**  
May 15, 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>AB</u> Todd Hall
<u>AB</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. Leisse
<u>X</u> Edward Lewis	<u>X</u> Ms. Szymborski (Board Solicitor)
<u>X</u> Tim Murphy	<u>X</u> Mrs. Brown (Secretary)

**APPROVAL OF MINUTES:** Mr. DeGroff made a motion to approve the April 17, 2018 minutes, 2<sup>nd</sup> by Mr. Herndon. All in favor.

**AGENDA ITEMS:**

**a. Resolution 2018- 6 Public Hearing on Approving Amendment & Approval of Resource Extraction Permit – Clayton Sand.**

After the Board Solicitor swore in Mr. Kevin Cockley, Joe Tierney, Gordon Milnes, Brian Bubos the board heard testimony on the application. Board engineer reviewed his report with the board. A motion was then made by Mr. Jaggard, 2<sup>nd</sup> by Mr. Murphy to open the meeting to the public. Ms. Kathryn Smith from Pinelands Preservation Alliance. Ms. Smith questioned the T&E specifications on the site. Discussion ensued. A motion was then made by Mr. DeGroff, 2<sup>nd</sup> by Mr. Herndon to close the public portion of the meeting. The solicitor discussed that this was to be a 2 part process – a motion to approve the renewal of the mining permit as well as allowing the extra 92 acres. If Pinelands Commission won't allow all the 132 acres, the motion will stand for the renewal of the mining permit. A motion was made by Mr. Cantafio, 2<sup>nd</sup> by Mr. Herndon to approve the application. Roll call taken, all in favor. A motion was then made by Mr. Herndon, 2<sup>nd</sup> by Mr. Cantafio to approve Resolution 2018-6. Roll call taken, all in favor.

**NEW BUSINESS:**

**a. Redevelopment Discussion** – The Board Solicitor swore in Ms. Tiffany Morrisey, Planner. Ms. Morrisey then explained to the board that the Governing Body has an interest in determining an parcel of land as an Area in Need of Redevelopment. The Board Solicitor stated that the Board Secretary had provided notice of the public hearing in the Burlington County Times on both April 27<sup>th</sup> & May 4<sup>th</sup> as required. Additionally, the Board Secretary sent notice, by certified mail, to the property owner (The Township). At that time, a motion was made by Mr. Cantafio, 2<sup>nd</sup> by Mr. DeGroff to open the hearing to the public. Ms. Kathryn Smith, who had been previously sworn in, wanted to point out that the back portion of the parcel was in the PP zone – only allowing certain uses. Ms. Smith submitted a copy of a map showing habitat. The Board

Solicitor accepted the map as Exhibit P1. Ms. Morrissey explained that once the area was deemed an Area of Redevelopment, further studies would be done.

A motion was made by Mr. Herndon, 2<sup>nd</sup> by Mr. DeGroff to close the public portion of the hearing. Ms. Morrissey entertained questions from the Board regarding the area. A motion was then made by Mr. DeGroff, 2<sup>nd</sup> by Mr. Murphy to recommend the area to be An Area of Redevelopment. Roll call taken, all in favor.

**Open to the Public**

**Comments by the Board**

**Motion for adjournment:**

Mark Herndon made a motion to adjourn, seconded by William DeGroff. All in favor.

**WOODLAND TOWNSHIP LAND DEVELOPMENT BOARD**

**RESOLUTION 2018-6**

**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 May 15, 2018, by and through its counsel, Kevin J. Coakley, Esq., of Connell Foley LLP, at which point Applicant sought to amend and renew its resource extraction permit; and

**WHEREAS**, Applicant most recently received approval from the Board on February 20, 2018 to amend its resource extraction permit to include an additional forty (40) acres of land previously not subject of said permit, as well as to renew its resource extraction permit for a period of two (2) years, as allowed by Township Ordinance, commencing on February 20, 2018 and expiring on February 20, 2020; and

**WHEREAS**, as a condition of the previous approvals granted, Applicant was required to resolve its inconsistent filing status with the Pinelands Commission; and

**WHEREAS**, subject to formal action by the Pinelands Commission, Applicant and the Pinelands Commission have since reached a resolution of Applicant’s inconsistent filing status and, as a result of such resolution, Applicant now requires an additional amendment to its resource extraction permit; and

**WHEREAS**, pursuant to the resolution reached with the Pinelands Commission, Applicant now seeks to amend its resource extraction permit to include an additional one hundred thirty-two (132) acres of land – inclusive of the forty (40) acres of land previously approved – 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**, at the request of the Pinelands Commission, Applicant has agreed to record a Deed Restriction in a form to be agreed upon with the Pinelands Commission prohibiting resource extraction on the unmined balance of the Property, as defined hereinafter; and

**WHEREAS**, Gordon Milnes, Joseph Tierney and Brian DuBois 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 May 15, 2018:

- Plans prepared by French & Parrello Associates, dated July 17, 2006, and last revised May 11, 2018;
- Bond – Continuation Certificate, having an expiration date of June 21, 2016;
- Mine Registration Certificate No. 004261, having an expiration date of March 31, 2019;
- Burlington County Soil Conservation District Certificate of Recertification, dated January 8, 2018; and
- NJPDES Authorization to Discharge No. NJG0160717, having an expiration date of April 30, 2010;
- Certificate of Liability Insurance, dated November 10, 2017; and
- Pinelands Commission Inconsistent Certificate of Filing, dated November 2, 2017; 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, in accordance with the Woodland Township Code; 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 one individual came forward:

- Katherine Smith of the Pinelands Preservation Alliance presented a number of questions regarding the environmental study that had been performed on the Property, including, but not limited to, what protocols were used, whether any additional studies have been requested by the Pinelands Commission, and what impact, if any, mining within the proposed area will have on outside areas found to be suitable habitat for threatened and endangered species. In response to these questions, Mr. DuBois provided additional testimony; 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 15<sup>th</sup> day of May, 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 for the existing mining operation is extended for a period of two (2) years commencing on the date of the within Resolution's memorialization. This approval shall not be dependent on the 132-acre expansion described below.
2. Applicant's request to expand the mining area by approximately 132 acres is also granted. 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. Applicant shall further provide the Board with a recorded copy of the Deed Restriction required to be recorded as a condition of the Pinelands Commission's issuance of a Certificate of Filing. 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 does not encompass the additional 132 acres referenced herein.
3. As Applicant's Mining Registration Certificate is set to expire on March 31, 2019, 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 land when 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 May 15<sup>th</sup>, 2018, pursuant to the following vote:

Motion by: Mark Herndon

Seconded by: Louis Cantalio

Those in Favor: Jaggard, Herndon, Murphy, Huber, Cantalio

Those Opposed: \_\_\_\_\_

Maryalice Brown  
Maryalice Brown, Secretary

Abstain: DeGroot, Lewis