

Resolution No. 2017-06

**RESOLUTION OF FINDINGS, CONCLUSIONS AND DECISION
OF
THE DOWNE TOWNSHIP COMBINED PLANNING BOARD**

WHEREAS, application having been made to the Combined Planning Board of the Township of Downe by U.S. Silica Company, a Corporation authorized to do business in New Jersey, with offices located at 9035 Noble Street, Mauricetown, New Jersey 08362 ("Applicant") for renewal of a Conditional Use Permit and Preliminary and Final Site Plan Approval, as more specifically described below, respecting Applicant's resource extraction facilities (Dragston Area) located northeast of James Moore Road (County Route #614) and along Tom's Bridge Road in the Township of Downe, County of Cumberland and State of New Jersey, being designated as Lot 4 of Block 33, Lots 2, 3, 4 and 5 of Block 35 on the Tax Map of Downe Township ("the property"); and

WHEREAS, a public hearing was held on Tuesday, September 12, 2017 at which time members of the general public had an opportunity to come forward and be heard with respect to the within application; and

WHEREAS, the Combined Planning Board of Downe Township, after carefully considering in detail the application submitted herein, the testimony of Applicant and all of the facts and circumstances herein, has made the following factual findings:

1. The property is owned by Applicant.

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2. The property is located within an M-1 (Mining) Zone as shown on the Zoning Map of the Township of Downe wherein sand mining is a conditional use. Applicant has requested a renewal of the permits for Phase I and Phase II. The site is bounded on the west by Dragston and Toms Bridge Road, with James Moore Road (aka Little Italy Road) Bisecting Phase I and II. Phase I Mining is complete and contains Block 33 Lot 4; Phase II is the south of James Moore Road and contains Block 35 Lots 2-5. The total permit area is for 208.37 acres and exceeds the minimum 50 acre tract requirement for the mining. The mining is Phase I is complete, and Phase II consists of an additional 24.94 acres;

3. Applicant is seeking a renewal of its resource extraction activities for The Dragston area, Phase I and II with a total permit area of 208.37 acres in conformity with the pertinent requirements of *Ordinance 90-7* of the Township of Downe, as amended and supplemented thereto, as more specifically set forth on the plans prepared by prepared by Mark V. Shourds Consulting PC (Mark V. Shourds. N.J.P.E., N.J.P.P.), dated April, 2017 and submitted on behalf of Applicant as part of its application;

4. Applicant has submitted the requisite permits/approvals set forth set forth in Comment #4(a) of the report of the Township Engineer dated September 7, 2011, specifically, the NJDES/DSW Permit; (b) NJDEP Stream Encroachment Permit, (c) CAFRA permit, (d) NJDEP Wetlands Permit, and (e) Cumberland County Soil and Erosion Permit (pending); and (f) Cumberland County Planning Board Approval;

5. In deeming the application complete, the Board granted waivers relating to (a) Aerial photographs being at a scale of 1" = 400 in lieu of a scale of 1" = 200' (b) Existing Conditions Plan, Operational Plan, Reclamation Plan and Future Land Use at a scale of 1" = 300' such that the

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entire tract may be shown on a single sheet in lieu of a scale of 1" = 200'. Other than the foregoing; Applicant does not seek any design waivers of or new variances from the pertinent requirements of *Ordinance 90-7* of the Township of Downe, as amended and supplemented thereto;

6. Applicant has received and reviewed the report of the Township Engineer dated August 31, 2017 6. Applicant has received and reviewed the report of the Township Engineer dated June 28, 2017 setting forth specific comments and recommendations/conditions to be considered in approving the subject application and has agreed to submit a perfected Plan addressing the following comments/actions to be taken to the satisfaction of the Township Engineer:

(a) Comment #5 (Confirm from the local fire district that keys have been provided for an existing locked metal gate for access to Phase I east of Toms Bridge Road and revise the site plan to show a proposed metal gate for Phase II along James Moore Road and confirm from the local fire district that keys have been provided for same);

(b) Comment #6 (The applicant shall notify Downe Township Officials and Emergency services prior to construction of the road opening for a proposed pipe crossing consisting two 14" slurry pipes and a single 24" metal pipe for maintaining water balance beneath James Moore Road and provide a note to this effect on the site plan;

(c) Comment #7 (Applicant shall replant an area on New Italy/James Moore Road that appear to have previously used access point with appropriate species, to provide an adequate buffer, providing a more substantial closure of the access lanes to the public and provide a note to this effect on the site plan;

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(d) Comment #9 (Provide an additional note on Sheet 5 that all reclamation plans shall adhere to the Downe Township Mining Ordinance 90-7 Section 908B.C.);

(e) Comment #11 (Applicant shall conform to all requirements under 908C Performance Bond for the reclamation plan as submitted;

7. Applicant has complied with all applicable procedural requirements of the land use/development ordinance(s) of the Township of Downe, as amended and supplemented thereto, with respect to this application;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMBINED PLANNING BOARD OF
DOWNE TOWNSHIP AS FOLLOWS:**

8. The application for renewal of a Conditional Use Permit and Preliminary and Final Site Plan Approval of U.S. Silica Company pursuant to *Ordinance 90-7* of the Township of Downe, as amended and supplemented thereto, as same has been more specifically delineated above, be, and the same is, hereby GRANTED;

9. The foregoing approval is granted subject, however, to the following conditions:

(a) Submission of a perfected plan by Applicant setting forth those conditions/plat details set forth in the Engineer's Review Memorandum dated August 31, 2017 as delineated in Paragraph (6) (a) through (e), above;

(b) Compliance by Applicant with applicable provisions of *Ordinance 90-7* and other land use/development ordinance(s) of the Township of Downe, as amended and supplemented thereto, relating to resource extraction activities conducted on the property;

(c) Compliance by Applicant with *Section 908(G), Items (A) through (D)* of *Ordinance 90-7* of the Township of Downe;

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- (d) Maintaining those performance sureties in their current amounts based upon previous estimates of site improvements/restoration costs as submitted by Applicant;
- (e) Payment of any outstanding real estate taxes due with respect to the property;
- (f) Payment of any outstanding escrow fees for review of this project;
- (g) Approval, if applicable, of the Cumberland County Soil Conservation District and other reviewing agencies or departments having jurisdiction herein.

ROLL CALL

THOSE		THOSE	
IN FAVOR	OPPOSED	ABSTAINED	ABSENT
Mike Rothman			Mayor Robert Campbell
Doug Cook			
Brent Daly			
Harry Levenknight			
Nancy Hartem			
John Gilligan			
Jeff Sanza			

The undersigned, Secretary of the Combined Planning Board of the Township of Downe, hereby certifies that the foregoing is a true copy of a Resolution adopted by the Combined Planning Board of the Township of Downe on November 14, 2017 memorializing action taken by the aforesaid Board at its regularly scheduled meeting on September 12, 2017.

Dated: November 14, 2017



 Nicole Marlette
 Combined Planning Board of the Township of Downe