

TOWNSHIP OF FRANKLIN
O-9-16

**ORDINANCE AMENDING CHAPTER 253-82 OF THE TOWNSHIP CODE OF THE
TOWNSHIP OF FRANKLIN TITLED RESOURCE EXTRACTION**

WHEREAS, the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, desires to amend the Township Code that makes provision for Resource Extraction; and

WHEREAS, the Township Committee has recognized that there are serious environmental concerns with regard to resource extraction, such as noise, dust, and health and safety concerns for children and young adults (created by the attractive nuisance that results from extraction activities), which jeopardizes public health, safety and welfare of the lands of all citizens in Franklin Township; and

NOW THEREFORE, BE IT ORDINANCED, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, hereby amends Chapter 253-82 of the Township Code thereto as follows:

§ 253-82 RESOURCE EXTRACTION.

- A. All resource extraction operations are prohibited throughout the Township of Franklin, in all zoning districts.
- B. Exceptions. Notwithstanding the prohibition of resource extraction as set forth under paragraph (A) above, the following are exceptions to the stated prohibition:
- (1) Any existing resource extraction operation may continue to operate within the Township of Franklin, subject to any renewal permit for any existing resource extraction operation/facility shall be subject to the applicable licensing and regulating requirements as set forth in paragraph (C.) below.
 - (2) Activity performed on a qualified farm constituting or related to an agricultural activity, a recognized agricultural management practice, and/or a generally accepted agricultural practice. For the purposes of the exception, the farming activity should be construed liberally in accordance with the Right-To-Farm Act, N.J.S.A. 4:1C-1, et seq.
 - (3) Activities associated with an approved plan for land development (for housing or commercial use, specifically excluding mining extraction or quarry activity which is explicitly excluded as a primary or accessory use) by the Franklin Township Planning Board or Franklin Township Zoning Board of Adjustment in accordance with the approved plans and specifications for development.
- C. Application Requirements. Any application filed for renewal approval of resource extraction operations, licensing or permitting, in the Pinelands shall include at least the following information:
- (1) The applicant's name and address and his interest in the subject property.
 - (2) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application.
 - (3) The legal description, including block and lot designation and street address, if any, of the subject property.
 - (4) A description of all existing uses of the subject property.

- (5) A brief written statement generally describing the proposed development.
- (6) A United States Geological Survey quadrangle map or copy thereof and a copy of the municipal Tax Map sheet on which the boundaries of the subject property and the Pinelands management area designation and zoning designation are shown.
- (7) A topographic map at a scale of one inch equals 200 feet, showing the proposed dimensions, location and operations on the subject property.
- (8) The location, size and intended use of all buildings.
- (9) The location of all points of ingress and egress.
- (10) A location map, including the area extending at least 300 feet beyond each boundary of the subject property, showing all streams, wetlands and significant vegetation, forest associations and wildlife habitats.
- (11) The location of all existing and proposed streets and rights-of-way, including railroad rights-of-way.
- (12) A soils map
- (13) A reclamation plan which includes:
 - (a) Method of stockpiling topsoil and overburden.
 - (b) Proposed grading and final evaluations.
 - (c) Topsoil material application and preparation.
 - (d) Type, quantity and age of vegetation to be used.
 - (e) Fertilizer application, including method and rates.
 - (f) Planting method and schedules.
 - (g) Maintenance requirements schedule.
- (14) A signed acknowledgment from the owner and the applicant that they are responsible for any resource extraction activities which are contrary to any provision of this chapter or of the approved resource extraction plan done by any agent, employee, contractor, subcontractor or any other person authorized to be on the parcel by either the owner or the applicant.
- (15) A financial surety, guaranteeing performance of the requirements of this section in the form of a letter of credit, certified check, surety bond or other recognized form of financial security acceptable to the Pinelands Commission. The financial surety shall be equal to the cost of restoration of the area to be excavated during the five-year duration of any approval which is granted. The financial surety, which shall name the Commission and the township as the obligee, shall be posted by the property owner or his agent with the township.
- (16) A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations.
- (17) When prior approval for the development has been granted by the township, evidence of Pinelands Commission review pursuant to §253-66.

BE IT FURTHER ORDAINED, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of the competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its final passage, adoption and publication provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

BARBARA FREIJOMIL, CLERK

SHERYL NEELY, MAYOR

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on May 24, 2016 and thereafter duly advertised in the legal newspaper of the Township at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on July 12, 2016, at which time any person interested therein will be given an opportunity to be heard.

Barbara Freijomil, Municipal Clerk

Introduced May 24, 2016

Name	Yes	No	Abstain	Absent
Mr. Leopardi	x			
Mr. Gonzalez	x			
Ms. Vassallo	x			
Mr. Krevetski				x
Mayor Neely	x			

Adopted July 12, 2016

Name	Yes	No	Abstain	Absent
Mr. Leopardi	x			
Mr. Gonzalez	x			
Ms. Vassallo	x			
Mr. Krevetski	x			
Mayor Neely	x			