

TOWNSHIP OF BASS RIVER
JOINT LAND USE BOARD
RESOLUTION #2023-001

EREH, LLC
Evergreen Great Bay Mitigation Bank Site
(Block 2, Lots, 16, 18 and 23)
Preliminary and Final Major Site Plan Approval
To Permit Wetlands Mitigation Bank Activity

WHEREAS, Applicant EREH, LLC requests Preliminary and Final Major Site Plan Approval to permit Wetlands Mitigation Bank activity for purposes to introduce tidal flow and lower the elevation of the site to promote the growth of native marsh vegetative species, including removal of a 2,035 linear foot dike and excavating and removal of 66,700 cubic yards of soil on real property comprising approximately 108-acres, which real property is more particularly described as Block 2, Lots 16, 18 and 23 on the Tax Map of the Township of Bass River; and,

WHEREAS, Applicant submitted the following exhibits in support of the Application:

- A-1 Land Use Application Form, dated October 27, 2022, Including Project Narrative and Environmental Impact Statement;
- A-2 Corps of Army Engineers, Permit for Evergreen Great Bay Mitigation Bank, dated 2/16/18, extended 4/13/22;
- A-3 New Jersey Department of Environmental Protection (DEP) – Coastal Zone General Permit 24, Issued 12/20/17, extended 10/5/22;
- A-4 New Jersey Pinelands Commission, Certificate of Filing, dated 11/21/17;
- A-5 New Jersey Pinelands Commission, Letter of Interpretation #2132, dated 6/8/15;
- A-6 Burlington County Soil Erosion Permit, issued 2/15/1, extended 10/27/21;
- A-7 Legal Notice and Certification of Taxes Paid;

- A-8 Colored photographs of Site with description, undated;
- A-9 Grant of Conservation Restriction, Evergreen Great Bay Mitigation Bank;
- A-10 Site Plan for Evergreen Great Bay Mitigation Bank Activity, consisting of nine (9) sheets; and
- A-11 Report of the Bass River Land Use Board Engineer, Joseph Gray, P.E., dated December 19, 2022; and

WHEREAS, Applicant provided public and personal notice in accordance with the requirements of N.J.S.A. 40:55D-12; and

WHEREAS, after hearing and considering the testimony of Applicant's principal, Mark Renna, his regulatory environmental expert, Robert Rech, V.P. of AKRF, Inc., as well as the December 19, 2022 report and testimony of the Planning Board Engineer, and comments from several residents at the December 21, 2022 public hearing, the Land Use Board finds as follows:

1. Applicant requests Preliminary and Final Major Site Plan Approval to permit Wetlands Mitigation Bank activity for purposes to introduce tidal flow and lower the elevation of the site to promote the growth of native marsh vegetative species, including removal of a 2,035 linear foot dike and excavating and removing 66,700 cubic yards of soil on real property comprising approximately 108-acres, which real property is more particularly described as Block 2, Lots 16, 18 and 23 on the Tax Map of the Township of Bass River. The subject property is located in the CW – Coastal Wetlands Zone and is a permitted use activity.
2. Applicant's principal, Mark Renna, provided the following testimony on the proposed Wetlands Mitigation Bank activity. The three lots comprise a total of 108 acres and the wetlands mitigation activity will encompass approximately 48 acres. Applicant is a private company and will receive 26 credits for Wetlands Mitigation Bank restoration activity, which involves

excavation and soil removal in the area of an existing berm and other portions of the site to restore tidal flow to historic norms. The tidal flows will bring in saline waters to the subject property, which will curtail existing invasive phragmites in wetlands areas and restore the native vegetation on-site. Through the Federal and State permitting process for the Wetlands Mitigation Bank activity, Applicant may not undertake any activity to alter existing wetlands buffers to the detriment of the property interests of adjoining property owners.

3. Approximately 12” to 18” of soil will be removed in modifying the topography of the site to restore the tidal flow. In this process, wetlands areas will be restored. The lands of the subject property will ultimately be conveyed to a conservation foundation. The proposed soils for removal will be environmentally tested and transported by truckloads to an approved soil reuse facility such as Keystone in Morrisville, Pennsylvania. Approximately 4,100 truck trips are anticipated with 30-60 truckloads per day, from March to May 2023, during the hours of 7 AM to 3 PM. Truck deliveries would occur utilizing a delivery route to access the Garden State Parkway, which would include truck traversing on a one-quarter ($\frac{1}{4}$) mile section of Old New York Road, a state road Route 167.

4. The Board Engineer opined that the unpaved portion of Old York Road right of way would be under the jurisdiction of Bass River Township. As part of outside agency approvals, Applicant is required to restore the unimproved portion of the ROW that they disturb to grass at the end of the project.

5. Mr. Renna further testified that once the excavation process is completed and tidal waters are restored (between January and May 2023), Applicant will begin extensive planting of native wetlands species, which process should be completed by end of June 2023.

6. Applicant agreed, to the extent feasible, to install three 24" X 18" educational signs regarding the Wetlands Mitigation Bank project, which would benefit Bass River Township in seeking grant monies from the State

7. During the public portion, Ben Adams of 5239 Route 9, Doug Cramer of 26 River Road, Ray Riden of 81 West Road and Leo Assur of 108 Maple Avenue expressed their concern that the Wetlands Mitigation Bank activity not have detrimental impacts on adjoining properties through a modification of wetlands buffers. Applicant responded that through the Federal and State permitting process for the Wetlands Mitigation Bank activity, Applicant may not undertake any activity to alter existing wetlands buffers to the detriment of the property interests of adjoining property owners. Subsequent to the meeting Applicant provided a letter from NJDEP confirming this position.

8. The Land Use Board finds that the granting of the requested Preliminary and Final Major Site Plan Approval to permit Wetlands Mitigation Bank activity (for purposes to introduce tidal flow and lower the elevation of the site to promote the growth of native marsh vegetative species, including removal of a 2,035 linear foot dike and excavating and removing 66,700 cubic yards of soil on real property comprising approximately 108-acres) satisfies the terms and conditions of the Land Development Regulations of the Township of Bass River, subject to the conditions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Township of Bass River that the within application for Preliminary and Final Major Site Plan Approval to permit Wetlands Mitigation Bank activity (for purposes to introduce tidal flow and lower the elevation of the site to promote the growth of native marsh vegetative species, including removal

of a 2,035 linear foot dike and excavating and removing 66,700 cubic yards of soil on real property comprising approximately 108-acres) is hereby granted subject to the following conditions:

1. Applicant shall pay all taxes, fees and required escrow deposits which may be due and owing.
2. Except as set forth herein, Applicant shall comply with the recommendations set forth in the Planning Board Engineer's report of December 19, 2022.
3. Applicant shall restore the unimproved portion of the ROW that they disturb to grass at the end of the project.
4. Applicant shall obtain any required outside agency approvals to implement its Wetlands Mitigation Bank Project.

Certified to be a true and correct copy of a Resolution memorialized by the Planning Board at its meeting of January 18, 2023.

DATED: *January 30, 2023*

TOWNSHIP OF BASS RIVER
PLANNING BOARD

ATTEST:

Laura Moyer

LAURA MOYER, SECRETARY

Russell Bien

RUSSELL BIEN, CHAIRMAN