



## New Jersey Pinelands Commission **PRESS RELEASE**

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### ***Pinelands Commission deems proposed sand mine in Woodland Township to be an abandoned use of land***

SOUTHAMPTON, N.J. – The Pinelands Commission has determined that a proposal to resume a former resource extraction operation in Woodland Township, Burlington County constitutes an abandoned use of property.

During its monthly meeting today the Commission voted 10-4 to reverse a state Office of Administrative Law Judge's Initial Decision regarding the matter. The judge's decision recommended that the Commission allow Robert T. Winzinger, Inc. to resume mining on its 284-acre property.

The property in question is located in the Pinelands Preservation Area District, an area where new mines have been prohibited since 1980. However, because the land had been mined under a municipal permit issued before the Pinelands program, the mining operation was "grandfathered" and received a two-year mining permit in 1982. During the two-year permit period, the corporation mined an area of about 3.5 acres, removing approximately 5,000 cubic yards of material from the site. However, the permit was not renewed and no mining has occurred since.

Nearly 17 years passed since the expiration of the permit and when Winzinger requested a formal interpretation to determine whether resource extraction activities could be restored at the site.

In 2002, Pinelands Commission staff issued a preliminary interpretation that mining could not resume because Winzinger had abandoned the pre-Pinelands, nonconforming use. Winzinger then asked a state Administrative Law Judge to review the matter. The Administrative Law Judge concluded that Winzinger had not intended to abandon the use and should be allowed to resume mining activities. A majority of the Pinelands Commission disagreed, finding that Winzinger failed to meet its burden to demonstrate that its intent to mine the property after the 17-year period of inactivity was "continuing and definite."

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The Pinelands Preservation Area District is the 360,000-acre core of the Pinelands and is the most ecologically sensitive part of the Pinelands region. Sand and gravel mining, which deforests land and significantly alters its natural characteristics, is not permitted in the Preservation Area unless it pre-dated the Pinelands regulations and has legally vested rights.

The Pinelands Commission, by law, is authorized to accept, modify or reverse the Administrative Law Judge's decision.

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