

Public Insp.



TOWNSHIP OF BARNEGAT  
900 WEST BAY AVENUE  
BARNEGAT, NEW JERSEY 08005-1298  
(609) 698-0080 EXT. 155

### LAND USE & DEVELOPMENT APPLICATION

Planning Board \_\_\_\_\_ Zoning Board of Adjustment \_\_\_\_\_

TO BE COMPLETED BY TOWNSHIP STAFF ONLY

Date Filed \_\_\_\_\_ Docket No. PR08-24

Application Fees \_\_\_\_\_ Escrow Deposit \_\_\_\_\_

Scheduled for: Review for Completeness \_\_\_\_\_ Hearing \_\_\_\_\_

**\* IMPORTANT NOTICE \***

A non-corporate applicant may represent his/her own matter. Corporate applicants must be represented by an attorney-at-law admitted to practice in the State of New Jersey. No case on behalf of any applicant may be presented by an engineer or any other person not admitted to law practice in the State of New Jersey.

Applicants are cautioned that the burden of proof of showing justification for the requested development is upon the applicant under the Laws of the State of New Jersey. Applicants are further cautioned that particularly with applications involving requests for variances and conditional use permits, that there are specific legal requirements imposed by the Law of the State of New Jersey and applicants are, therefore, cautioned to consider seeking adequate legal advise.

**TO BE COMPLETED BY APPLICANT**

**1. APPLICANT:**

Name Phoenix Pinelands Corporation

Address 2414 Route 34, Suite 202, Manasquan, NJ 08736

Telephone Number: Home: (732) 223-4999 Local: (609) 698-8900

Work: \_\_\_\_\_ Fax: (732) 223-5999

Applicant is a Corporation  Partnership \_\_\_\_\_ Individual \_\_\_\_\_

Other (Please Specify) \_\_\_\_\_

2. SUBJECT PROPERTY: (Attach additional sheets if necessary.)

Location: 201 Route 539 South  
 Tax Map Page 4 Block 46 Lot (s) 14  
 Page 8 Block 50 Lot (s) 2, 3  
 Total Area 227.87 Zoning District Preservation Area

Lot Size	Width	Frontage	Depth	Square Feet
Required				
Existing	<u>Irregular</u>	<u>0</u>	<u>Irregular</u>	<u>9,946,656</u>
Proposed				

Principal Building	Setbacks	Front	Rear	One Side	Both Sides/Total
<u>N/A</u>					
Required					
Existing					
Proposed					

Principal Building Height	N/A	% Building (lot) Coverage
Permitted		<u>%</u>
Existing		<u>%</u>
Proposed		<u>%</u>

Accessory Building	Setbacks	Front	Rear	One Side	Both Sides/Total
<u>N/A</u>					
Required					
Existing					
Proposed					

Accessory Building Height	N/A	% Building (lot) Coverage
Permitted		<u>%</u>
Existing		<u>%</u>
Proposed		<u>%</u>

3. DISCLOSURE STATEMENT:

Pursuant to N.J.S. 40:55D-48.1, the names and address of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed (Attach pages as necessary to fully comply.)

Name	<u>David Denise</u>	Address	<u>2414 Route 34, Manasquan, NJ 08736</u>	Interest	<u>100%</u>
Name	_____	Address	_____	Interest	_____
Name	_____	Address	_____	Interest	_____
Name	_____	Address	_____	Interest	_____
Name	_____	Address	_____	Interest	_____

4. OWNERSHIP:

If Owner(s) is other than the applicant, provide the following information on the Owner(s) .SEE ALSO ITEM #18:

Owner's Name Same as applicant

Address 2414 Route 34, Suite 202, Manasquan, NJ 08736

Telephone Number Home: \_\_\_\_\_ Work: (732) 223-4999 Local: \_\_\_\_\_

Relationship of the applicant to the property in question:  
Owner: X Lessee \_\_\_\_\_ Purchaser Under Contract \_\_\_\_\_ Other \_\_\_\_\_

5. PROPERTY INFORMATION:

Deed restrictions, covenants, easements, rights of way, association by-laws or other dedication existing or proposed on the property:

Yes (Attach copies) X No \_\_\_\_\_ Proposed \_\_\_\_\_

Note: All deed restrictions covenants, easements, rights of way association by-laws, or other dedications existing and proposed must be submitted for review.

Site plan, and/or conditional use applicants:  
Proposal for: New structure \_\_\_\_\_ Expanded area \_\_\_\_\_ Alteration \_\_\_\_\_  
Expansion of structure \_\_\_\_\_ Change of Use \_\_\_\_\_ Sign \_\_\_\_\_

Other (please specify) ongoing mining of 59 acres

Has this property been the subject of any prior application(s) to the Planning Board or Zoning Board of Adjustment? Yes X No \_\_\_\_\_

If so, please attach a copy of the resolution(s) . Attached: P2017-33; P2014-21; P2013-11; P2010-15; P2009-17; P2005-34

Type of Application/Relief sought Renewal of soil removal permit

Date(s) \_\_\_\_\_ Disposition \_\_\_\_\_

Is the subject property located on:  
A County road: Yes \_\_\_\_\_ No X ; A State road: Yes \_\_\_\_\_ No X ;  
within 200 feet of a municipal boundary: Yes \_\_\_\_\_ No \_\_\_\_\_

Present use of the premises: Soil removal, excavation, and mining; sales yard for aggregates;

accessory use concrete plant

6. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION: N/A

- Minor Subdivision Approval
  - Subdivision Approval (Preliminary) [Phases (if applicable) \_\_\_\_\_ ]
  - Subdivision Approval (Final) [Phases (if applicable) \_\_\_\_\_ ]
  - Amendment or Revision to an Approved Subdivision Plan
- Number of lots to be created \_\_\_\_\_
- Number of proposed dwelling units (if applicable) \_\_\_\_\_
- Area and dimensions of each proposed lot \_\_\_\_\_

SITE PLAN: N/A

- Minor Site Plan Approval
  - Preliminary Site Plan Approval [Phases (if applicable) \_\_\_\_\_ ]
  - Final Site Plan Approval [Phases (if applicable) \_\_\_\_\_ ]
  - Amendment or Revision to an Approved Site Plan
- Area to be disturbed (square feet) \_\_\_\_\_
- Total number of proposed dwelling units (if applicable) \_\_\_\_\_
- Conditional Use Approval [N.J.S.40:55D-67]

APPEALS, VARIANCES & OTHER: N/A

- Appeal decision of an Administrative Officer [N.J.S.40:55D-70a]
- Map or Ordinance Interpretation/Special Question [N.J.S.40:55D-70b]
- Variance Relief (hardship) [N.J.S.40:55D-70c(1)]
- Variance Relief (substantial benefit) [N.J.S.40:55D-70c(2)]
- Variance Relief (use) [N.J.S.40:55D-70d]
- Direct issuance of a permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S.40:55D-34]
- Direct issuance of a permit for a lot lacking street frontage [N.J.S.40:55D-35]

7. Section(s) of Ordinance from which a variance is requested:

N/A

8. WAIVERS Requested of Development Standards and/or Submission Requirements: [attach additional pages as needed]

55-293B(7) - to allow mining to a depth greater than 65 feet up to 125 feet

55-293B(1) - to allow excavation closer than 200 feet to the property line

65A-7B(10) - to allow intersecting cross sections of the mining area to be provided at greater than 100 foot intervals

9. ATTACH A COPY OF THE PROPOSED NOTICE to appear in the official newspaper of the municipality and to be mailed to the owners of all real property, as shown on the current tax duplicate, located within the State and within 200 feet in all directions of the property which is the subject of this application. The Notice must specify the sections of the Ordinance from which relief is sought, if applicable. ALL APPLICATIONS (except Informals) REQUIRE NOTICE.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the Administrative Officer for the hearing. THE APPLICANT IS NOT TO GIVE PUBLIC NOTICE UNTIL SUCH TIME AS THE APPLICATION IS DEEMED COMPLETE BY THE ADMINISTRATIVE OFFICER AND THE BOARD ENGINEER.

An affidavit of service on all property owners and a proof of publication must be filed before the hearing date. These items must be submitted in advance for an application to be placed on the agenda and the hearing to proceed.

10. EXPLAIN IN DETAIL THE EXACT NATURE OF THE APPLICATION and the changes to be made at the premises, including the proposed use of the premises: [attach pages as needed] \_\_\_\_\_

This application is submitted to obtain approval to continue mining operations in areas A, III, IV and V, as shown on the attached plan of the 59 acres of existing mining area and to maintain the approval for the previously approved portable concrete batch plant as part of the mining operations.

11. Is a PUBLIC WATER line available? No

12. Is public SANITARY SEWER available? No

13. Are any OFF-TRACT IMPROVEMENTS required or proposed? No

14. Is the SUBDIVISION to be filed BY DEED OR PLAT? N/A

15. Attach CERTIFICATION FROM THE TAX COLLECTOR that all taxes due on the subject property have been paid. Attached

16. Attach executed DEVELOPER'S ESCROW AGREEMENT. Attached

17. Attach LIST OF PROFESSIONALS & CONSULTANTS (if applicable). Attached

\*NOTE: When a property is located west of the Garden State Parkway and is under the jurisdiction of The Pinelands Commission, the local board has no jurisdiction to hear this application until the applicant has obtained a Certificate of Filing from The Pinelands Commission.

16. List of Maps, Reports and other materials accompanying the application (attach additional pages as required for complete listing). The documentation must be received the Board Secretary at least five [5] weeks prior to the meeting at which the application is to be considered, per Sec. 55A-46 of the Barnegat Land Use Code.

Quantity	Description of Item
<u>1</u>	<u>Plan, dated 4/4/2020</u>
<u>1</u>	<u>Copy of Property Deed Restriction dated August 11, 2010</u>
<u>1</u>	<u>Copy of Resolutions: P2017-33; P2014-21; P2013-11; P2010-15; P2009-17; P2005-34</u>

17. CERTIFICATION:

I certify that the foregoing statements and the materials submitted are true, and waive all applicable time limits until the first public hearing of this application. I further certify that I am the individual applicant or that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or that I am a general partner of the partnership applicant. [If the applicant is a corporation this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner.] The applicant (or agent) hereby further certifies and allows that agents of the Township and affiliated agencies to enter onto the property which is the subject of this application.

\_\_\_\_\_  
DATE  
6/18/2020  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF APPLICANT  
By: [Signature], VP  
\_\_\_\_\_  
SIGNATURE OF OWNER

18. AUTHORIZATION BY OWNER: (If anyone other than above owner is making this application, the following authorization must be executed.)

To the approving Board of the Township of Barnegat:

\_\_\_\_\_ is hereby  
(name of designee)  
authorized to make the within application.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF OWNER