



Clint B. Allen  
Member of New Jersey and Pennsylvania Bar  
callen@archerlaw.com  
856-354-3017 Direct  
856-673-7017 Direct Fax

Archer & Greiner, P.C.  
One Centennial Square  
Haddonfield, NJ 08033-2374  
856-795-2121 Main  
856-795-0574 Fax  
[www.archerlaw.com](http://www.archerlaw.com)

March 9, 2021

**VIA EMAIL & FEDEX NEXT BUSINESS DELIVERY**

Stacy M. Cole, Secretary  
Planning Board  
Barnegat Township  
Municipal Building  
900 West Bay Avenue  
Barnegat, New Jersey 08005-1298

**Re: Shore Sand & Gravel, LLC  
Request for Amended Planning Board Resolution  
Block 42, Lots 2, 5.02 & 9; Block 43, Lots 3-5, 8 & 9.03;  
Block 43.01, Lots 9 & 9.01; and Block 44, Lots 2 & 3  
Barnegat Township, Ocean County, New Jersey  
Our File No.: SHO-042-402**

Dear Ms. Cole:

On behalf of our client, Shore Sand & Gravel, LLC (“SSG”), we are submitting the following in connection with a request for an Amended Planning Board Resolution for the above-captioned matter:

1. Barnegat Township Planning Board Resolution No. P-2020-29, twelve (12) copies;
2. Pinelands Commission correspondence (Application #1980 – 0076.001), dated February 26, 2021, twelve (12) copies; and
3. Pinelands Commission Certificate of Filing (Application #1980-0076.001), dated September 4, 2020, twelve (12) copies.

By way of this correspondence, we are requesting the assistance of the Township of Barnegat Planning Board (“Planning Board”) with addressing comments by the Pinelands Commission in review of the Planning Board’s recent Approval for the SSG facility.

As you will recall, the Planning Board, on October 27, 2020, granted Resource Extraction Permit Renewal Approval / Soil Removal Permit Renewal Approval (Docket No. PB 15-09) and,

Stacey M. Cole, Secretary  
Planning Board  
Barnegat Township  
March 9, 2021  
Page 2

on November 24, 2020, adopted Resolution P-2020-29 memorializing that Approval to allow for the continuation of Shore's existing resource extraction operations for another three (3) year Permit period (2020 – 2023 Permit period) involving two (2) previously mined portions (Area #1, 20 +/- acres; Area #2, 16.89 +/- acres) of a 227 +/- acre tract of land located adjacent to the intersection of Route 72 and County Route 539, containing a 2,726 +/- square foot office building, a truck scale, storage bins and soil materials processing area, owned by Shore, and more particularly known as Block 42, Lots 2, 5.02 & 9; Block 43, Lots 3, 4, 5, 8 & 9.03; Block 43.01, Lots 9 & 9.01; and Block 44, Lots 2 & 3 on the Official Tax Map of Barnegat Township (the "Property").

For your ease of reference, attached is a copy of the Planning Board Resolution P-2020-29 memorializing the Approval for SSG.

Also enclosed is correspondence that we received from the Pinelands Commission in connection with our request for a "No Call Up" letter to allow the Planning Board Approval to take effect. As indicated in the attached letter, the Pinelands Commission wants clarification that the Planning Board Approval included the use on the on-site concrete block storage bins for material display and the stockpiling of soil, both located on the 1.9 acre portion of the Property adjacent to the office building, as being accessory to SSG's on-site resource extraction operation.

Although the use of the concrete block storage bins and the soil stockpile were discussed during the Planning Board's October 27, 2020, hearing, and are referenced in Resolution P-2020-29, the Pinelands Commission wants further confirmation that the storage bins and soil stockpile are allowed accessory uses in conformance with the Pinelands Commission Certificate of Filing issued on September 4, 2020. Attached is the Pinelands Commission Certificate of Filing, dated September 4, 2020. For that reason, the Pinelands Commission scheduled a hearing on this matter on April 14, 2021.

However, in lieu of a hearing and as indicated in its February 27, 2021, letter, the Pinelands Commission will accept an amended Planning Board resolution that includes a determination that the concrete storage bins and soil stockpile are allowed accessory uses in connection with the SSG resource extraction operations. For that reason, we would greatly appreciate it if the Planning Board could please consider this request and, thereafter, adopt an amended resolution confirming the accessory use of the storage bins and soil stockpile during its Planning Board meeting on March 23, 2021.

By copy of this letter, we are sending one (1) set each of the enclosed documents and Plans to the Planning Board Engineer, Kurt Otto, P.E., P.P., the Planning Board Solicitor, Michael J. McKenna, Esquire, and the Planning Board Planner, Scott D. Taylor, CLA, AICP, PP for their review.

Stacey M. Cole, Secretary  
Planning Board  
Barnegat Township  
March 9, 2021  
Page 3

If you have any questions, or require any additional information, please do not hesitate to contact me.

Very truly yours,

*Clint B. Allen*  
CLINT B. ALLEN

Enclosures

cc: Aaron Cave (via email w/ encs.)  
Kurt Otto, P.E., P.P. (via email w/ encs.)  
Michael J. McKenna, Esquire (via email w/ encs.)  
Scott D. Taylor, CLA, AICP, PP (via email w/ encs.)  
John W. Kornick, P.E. (via email w/ encs.)  
Terrence J. Fox, Esquire (via email w/ encs.)

220503474v1

# Township of Barnegat

COUNTY OF OCEAN

900 WEST BAY AVENUE  
BARNEGAT, NEW JERSEY 08005-1298  
Email: clerk@barnegat.net



MUNICIPAL OFFICES: (609) 698-0080  
FAX #: (609) 698-7980  
Visit Our Website: [www.barnegat.net](http://www.barnegat.net)

November 25, 2020

Archer & Greiner P.C.  
One Centennial Square  
Haddonfield, NJ 08033


Attn: Clint B. Allen, Esq.

**RE: RESOLUTION NO. P-2020-29  
DOCKET NO. PB 15-09  
SHORE SAND & GRAVEL, LLC  
APPROVAL OF SOIL REMOVAL PERMIT RENEWAL**

Mr. Allen,

Enclosed please find the Resolution memorialized at the November 24, 2020, Planning Board meeting. Please publish the Notices of Decision in one of the officially designated newspapers (*The Asbury Park Press, Press of Atlantic City, Manahawkin Beacon*) of the Planning Board within ten days. Upon receipt of the Affidavits of Publication, please forward to this office for the file.

Sincerely,

  
Stacey M. Cole,  
Board Secretary

---

cc: Shore Sand & Gravel, LLC

**RESOLUTION  
BARNEGAT TOWNSHIP PLANNING BOARD**

**RESOLUTION P-2020-29  
DOCKET NO. PB 15-09**

**RESOLUTION MEMORIALIZING THE BARNEGAT TOWNSHIP PLANNING BOARD'S APPROVAL OF AN APPLICATION FOR A RENEWAL OF ITS SOIL REMOVAL PERMIT BY SHORE SAND & GRAVEL, LLC, FOR PROPERTY KNOWN AS BLOCK 42, LOTS 2, 5.02, AND 9, BLOCK 43, LOTS 3, 4, 5, 8, AND 9.03, BLOCK 43.01, LOTS 9 AND 9.01, AND BLOCK 44, LOTS 2 AND 3, AS SHOWN ON THE BARNEGAT TOWNSHIP TAX MAP.**

WHEREAS, the applicant, Shore Sand & Gravel, LLC, has submitted an application to the Barnegat Township Planning Board for a renewal of its Soil Removal Permit for property known as Block 42, Lots 2, 5.02, and 9; Block 43, Lots 3, 4, 5, 8, and 9.03; Block 43.01, Lots 9 and 9.01; and Block 44, Lots 2 and 3, as shown on the Barnegat Township Tax Map; and

WHEREAS, the applicant has satisfied all applicable notice requirements of the New Jersey Municipal Land Use Law and the Township of Barnegat and has provided proof thereof to the Barnegat Township Planning Board; and

WHEREAS, the Planning Board has reviewed the application, together with all of the documents submitted in support of the application, and the Board has received input and advice from its professional staff; and

WHEREAS, the Planning Board conducted a public hearing on October 27, 2020, at which time the Board heard and considered the presentation made by the applicant, and at which time the public had an opportunity to be heard.

NOW, THEREFORE, the Planning Board hereby makes the following findings of fact and conclusions of law with regard to the application:

A. The property in question is an irregularly shaped tract which fronts on the northerly side of Route 72 and the easterly side of Warren Grove-Whiting Road (Route 539). The property

is located within the Preservation Area (PA) Zone and has an area of approximately 227.5 acres. The property is bisected by Cedar Bridge Webbs Mill Road, Clayton Road, and Old Halfway Road. There are several areas of freshwater wetlands which impact the site. The site has been actively mined for over 35 years. According to the applicant, the site has been continuously operated for resource extraction purposes for at least 75 years, the operation of which pre-dates both the Barnegat Township Ordinance and the Pinelands Comprehensive Management Plan. The applicant also operates a retail landscape supply business at the site which includes the sale of stone, sand, mulch, topsoil, and clean fill. The retail landscape supply business operates out of a 2,726 square foot one-story office building which fronts on Route 72 and includes a scale, a gravel parking lot, and several bins for the storage of stockpiled materials.

B. The mining operations are currently being conducted at the site under Mining Permit No. 2018-01, which was issued by Barnegat Township on November 16, 2017. The site has operated with mining permits since at least 1981. This permit was issued for a three (3) year period and will expire on November 16, 2020.

C. The applicant has now applied to the Planning Board for a renewal of the Soil Removal Permit to permit the continuation of the existing mining operation on a 20-acre parcel located in the northerly portion of the site (Area #1). The applicant also seeks permission to renew mining activities on a previously disturbed portion of the site (Area #2), an area of approximately 16.89 acres located in the southeast portion of the site.

D. The term of the requested permit would be for the three (3) year period commencing on November 16, 2020 and expiring on November 16, 2023. The applicant has estimated that they will remove approximately 241,500 cubic yards during the three (3) year period covered by the required permit.

E. The applicant has not requested any variances or waivers as part of the application.

F. In support of the application, the applicant submitted the following documents:

1. A set of plans entitled, "Shore Sand and Gravel; Resource Extraction Plans, Block 42, Lots 2, 5.02 & 9, Block 43, Lots 3, 4, 5, 8, & 9.03; Block 43.01, Lots 9 & 9.01, Block 44, Lots 2 & 3," by John W. Kornic, P.E., P.P., K2 Consulting Engineers, Haddonfield, N.J., dated February 1, 2020.
2. A copy of a letter dated October 15, 2020 letter from Clint B. Allen, Esq., addressing the review letter issued by the Planning Board Engineer, Kurt J. Otto, P.E., C.M.E., dated September 9, 2020 (Review #2).
3. A copy of the Certificate of Filing issued by the Pinelands Commission on September 4, 2020 (Application No. 1980-0076.001), dated September 4, 2020.
4. All of the other documents identified in the review letter issued by the Planning Board Engineer, Kurt J. Otto, P.E., C.M.E., dated September 9, 2020 (Review #2), pp. 1-2.

G. During the public hearing held on October 27, 2020, the applicant was represented by Clint B. Allen, Esq., with the law firm of Archer & Greiner, Haddonfield, N.J. During the hearing, Mr. Allen presented the application and responded to questions and comments from the Board members.

H. During the public hearing, the following exhibits were marked in evidence:

- A-1 Aerial photograph.
- A-2 Overall Mining Plan.
- A-3 Extraction Schedule Plan.
- A-4 Office, Storage Bin & Processing Area Detail Plan.
- A-5 Power Point Presentation (7 sheets).

I. At the public hearing held on October 27, 2020, the Planning Board heard the testimony of John W. Kornick, P.E., P.P., K2 Consulting Engineers, Inc., Haddonfield, N.J., who professional qualifications were accepted and who provided testimony regarding the following

matters:

1. General testimony regarding the property and the surrounding properties.
2. General testimony regarding the prior approvals for the mining operation.
3. Testimony describing the property and the current application.
4. Testimony explaining Exhibits A-1 through A-5.
5. Testimony confirming that no variances are being sought as part of this application.
6. Testimony confirming that no waivers are being sought as part of this application.
7. Testimony explaining that the property is an active mining operation with a previously approved retail landscape sales component.
8. Testimony confirming that the 2,726 square foot single-story building that contains the operations center and retail sales center is to remain.
9. Testimony confirming that the existing truck scale located south of the existing building will remain.
10. Testimony confirming that the existing storage bins for landscape materials will remain, with a minor expansion to show additional bins for retail sales of mulch, soil, and stone facing the south side of Route 72.
11. Testimony confirming that in Area #2, the applicant intends to continue soil materials processing and wash pond dredging operations, as previously approved.
12. Testimony confirming that in Area #1, the applicant will continue mining operations in the south quadrant of the property in the area of the existing open water/soil stockpile and sand plant facilities.
13. Testimony confirming that the applicant is seeking to mine approximately 241,000 cubic yards during the 3-year permit period.
14. Testimony confirming that the applicant will revise the plans to note that the combined total area (20 acres and 16.89 acres) for mining activities is 36.89 acres.
15. Testimony acknowledging that any approval of the application is subject to the conditions contained in the Certificate of Filing issued by the Pinelands

Commission on September 4, 2020.

16. Testimony acknowledging that any approval of the application is subject to the conditions contained in the current Mine Registration Certificate (No. 004789) issued by the New Jersey Department of Labor and Workforce Development.
17. Testimony acknowledging that any approval of the application is subject to the conditions contained in the Soil Erosion & Sediment Control Certificate (SCD #1577) issued by the Ocean County Soil Conservation District on February 1, 2017.
18. Testimony acknowledging that any approval of the application is subject to the conditions contained in the Water Allocation Permit (No. WAP110001) issued by the New Jersey Department of Environmental Protection on August 18, 2011.
19. General testimony describing the restoration work that has been completed at the site.
20. Testimony confirming that the restoration work to be completed in the future will comply with the requirements of the Ordinance.
21. Testimony confirming that the applicant will obtain all necessary outside agency approvals.
22. Testimony confirming that the applicant will comply with all of the terms and provisions contained in the September 9, 2020 review letter issued by the Planning Board Engineer, Kurt J. Otto, P.P., C.M.E.
23. Testimony confirming that the term of the Soil Removal Permit will be deemed to have commenced on November 16, 2020 and will expire on November 16, 2023.

J. During the public hearing, the applicant also produced the following representatives of Shore Sand and Gravel, LLC, who were made available to answer any questions, from the Board members: Aaron Cave.

K. During the public hearing, when the matter was opened to the public, no members of the public addressed the Board regarding the application.

L. At the conclusion of the hearing the Planning Board voted to approve the

application for the renewal (for 3 years) of the Soil Removal Permit.

**NOW, THEREFORE, BE IT RESOLVED** by the Barnegat Township Planning Board that the applicant's request for a renewal of its Soil Removal Permit is hereby approved and granted.

**BE IT FURTHER RESOLVED** that the Planning Board Secretary shall forward a copy of this Resolution to the applicant, the applicant's engineer, Township Clerk, and the Building Department.

**BE IT FURTHER RESOLVED** that the applicant shall cause notice of the Planning Board's decision to be published in an official newspaper of the Barnegat Township Planning Board within ten (10) days of its passage.

**BE IT FURTHER RESOLVED** that the Planning Board's approval of this application is made subject to the following conditions:

1. The applicant shall comply with all representations made to the Planning Board by the applicant's witnesses and professionals.
2. The term of the Soil Removal Permit shall be deemed to have commenced on November 16, 2020 and shall expire on November 16, 2023.
3. All restoration work to be completed in the future shall comply with the requirements of the Ordinance.
4. The applicant shall comply with all of the terms and provisions of the September 9, 2020, review letter issued by the Planning Board Engineer, Kurt J. Otto, P.E., C.M.E.
5. The applicant shall revise the plans to conform to the comments contained in the September 9, 2020, review letter issued by the Planning Board Engineer, Kurt J. Otto, P.E., C.M.E.
6. Unless specifically modified herein, the applicant shall comply with all terms and

conditions of all prior resolutions of the Barnegat Township Planning Board regarding the property in question.

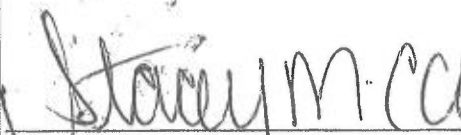
7. The applicant shall obtain all other necessary outside agency approvals.

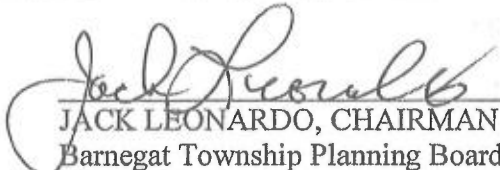
8. The applicant shall reimburse the Barnegat Township Planning Board for all professional fees associated with regard to this application within thirty (30) days of the date of this resolution.

9. This approval is made subject to all other applicable rules, regulations, ordinances, and statutes of the Township of Barnegat, the County of Ocean, and the State of New Jersey. The applicant shall obtain all approvals required by any federal, state, county, or municipal agency having regulatory jurisdiction of this development. Upon receipt of all such approvals, the applicant shall supply the Planning Board with a copy of the permit or, if applicable, other written indication of approval. In the event that any other agency requires a change in the plans approved by the Planning Board, the applicant must, and shall, reapply to the Planning Board for approval of that change.

10. The applicant shall resubmit this entire proposal for re-approval should there be any deviation from the terms and conditions of the Resolution or from the documents submitted as part of this application, all of which are made a part hereof and shall be binding on the applicant.

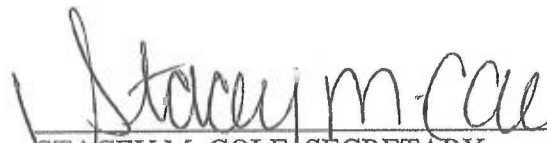
11. The applicant shall provide a statement from the Barnegat Township Tax Collector that all taxes are paid in full as of the date of this Resolution and as of the date of the fulfillment of any condition(s) of this Resolution.

  
STACEY M. COLE, SECRETARY  
Barnegat Township Planning Board

  
JACK LEONARDO, CHAIRMAN  
Barnegat Township Planning Board

CERTIFICATION

I certify that the foregoing application was duly approved by the Barnegat Township Planning Board at its regular meeting held on October 27, 2020, and that the approval of the application was thereafter memorialized in this Resolution by a vote of the Barnegat Township Planning Board at its regular meeting held on November 24, 2020, a quorum being present and voting in the majority.



STACEY M. COLE, SECRETARY  
Barnegat Township Planning Board

JOHN H. ALLGAIER, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME

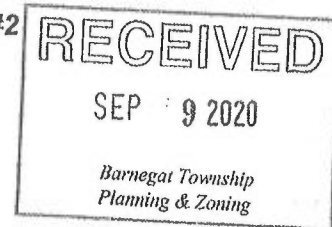


September 9, 2020

Barnegat Township Planning Board  
900 West Bay Avenue  
Barnegat, NJ 08005

TIM W. GILLEN, PE, PP, CME (1991-2019)  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

**Re: Docket No. PB 15-09**  
**Application for Soil Removal Permit Renewal – Review #2**  
**Shore Sand & Gravel, LLC**  
**Block 42, Lots 2, 5.02, 9, Block 43, Lots 3, 4, 5, 8 & 9.03**  
**Block 43.01, Lots 9 & 9.01, Block 44, Lots 2 & 3**  
**Barnegat Township, Ocean County, New Jersey**  
**Applicant: Shore Sand & Gravel, LLC**  
**560 Route 72**  
**Barnegat, New Jersey 08005**  
**Our File: VBGP0042.01 (60003)**



Dear Planning Board Members:

Our office has received for review the following information which was submitted in support of the above referenced application for renewal of a Soil Removal Permit for the above referenced property and in response to our previous review letter dated May 11, 2020:

- Copy of June 22, 2020 letter by Clint Allen of Archer, which included a copy of Mine Registration Permit No. 004789;
- Copy of letter dated June 24, 2020, prepared by Clint Allen of Archer, with responses to our initial review letter dated May 11, 2020;
- Pinelands Certificate of Filing for Application No. 1980-0076.001, dated September 4, 2020.

Our office had received for review the following information, which was previously reviewed as per our original May 11, 2020 review letter:

- A copy of an April 28, 2020 letter from Clint B. Allen, Esq. with Archer & Greiner PC of Haddonfield, New Jersey to the Barnegat Township Planning Board, regarding application and transmittal of the following documents:
- A copy of a completed Application for Renewal of Soil Removal Permit, dated April 27, 2020;
- A copy of completed Township Land Use & Development Application, dated April 27, 2020;
- A copy of a completed Township Contribution Disclosure Statement by Aaron Cave, dated April 22, 2020;
- A copy of a completed Township Contribution Disclosure Statement by John W. Kornick, PE, dated April 27, 2020;



Barnegat Township Planning Board  
Re: Shore Sand & Gravel, LLC (PB 15-09)  
Application for Soil Removal Permit Renewal – Review #2

September 9, 2020  
Our File No. VBGP0042.01  
Page 2

- A completed Affidavit of Non-Collusion by Aaron Cave, dated April 22, 2020.
- A completed list of Professionals and Consultants;
- A copy of a completed Applicant/Developer Escrow Agreement, by Aaron Cave, dated April 22, 2020;
- A copy of a Tax Release from the Barnegat Township Tax/Utility Collector, Crystal M. Brinson, CTC, which certifies that the *taxes are current* on the property in question;
- A copy of a list of Property Owners within 200', dated April 8<sup>th</sup>, 2020;
- A copy of a Corporate Disclosure Information Statement;
- A copy of the Soil Erosion and Sediment Control Certification issued by the Ocean County Soil Conservation District, dated February 1, 2017. SCD # 1577, this permit expires on August 1, 2020;
- A copy of Water Allocation Permit No. WAP110001, issued by the New Jersey Department of Environmental Protection Bureau of Water Allocation for Shore Sand and Gravel Inc., dated August 18, 2011. This permit expires on August 31, 2021;
- A copy of a report entitled "Resource Extraction – Mining Report" by John W. Kornick, P.E., P.P. of K2 Consulting Engineers, of Haddonfield, NJ, dated February 1, 2020.
- A copy of plans entitled "Shore Sand and Gravel; Resource Extraction Plans; Block 42, Lots 2, 5.02 & 9, Block 43, Lots 3, 4, 5, 8 & 9.03, Block 43.01, Lots 9 & 9.01, Block 44, Lots 2 & 3" by John W. Kornick, P.E., P.P. of K2 Consulting Engineers, of Haddonfield, NJ, dated February 1, 2020.
- A copy of survey entitled "Plan of Topography; 560 Route 72, Barnegat, NJ 08005; Lots 2, 5.02 & 9 in Block 42, Lots 3, 4, 5, 8 & 9.03 in Block 43, Lots 9 & 9.01 in Block 43.01, Lots 2 & 3 in Block 44" by Jeffrey R. Gellenthin, P.L.S. of K2 Consulting Engineers, of Haddonfield, NJ, dated April 9, 2019.

#### A. GENERAL COMMENTS

The property in question is an irregularly shaped tract which fronts on the northerly side of N.J.S.H. Route 72 and the easterly side of Warren Grove-Whiting Road (Ocean County Route 539). It is located within the Preservation Area (PA) Zone and has an area of approximately 227.5 acres. The property is bisected by Cedar Bridge Webbs Mill Road, Clayton Road and Old Halfway Road. In addition, there are several areas of freshwater wetlands which impact the site. It is our understanding that the site has been actively mined for over 35 years. The applicant also operates a retail landscape supply business at the site which includes the sale of stone, sand, mulch, topsoil and clean fill. The retail landscape supply business operates out of a 2,726 sf one-story office building which fronts on Route 72 and includes a scale, a gravel parking lot and several bins for the storage of stockpiled materials.



Barnegat Township Planning Board  
Re: Shore Sand & Gravel, LLC (PB 15-09)  
Application for Soil Removal Permit Renewal – Review #2

September 9, 2020  
Our File No. VBGP0042.01  
Page 3

The mining operations are currently being conducted at the site under Mining Permit No. 2018-01 which was issued by Barnegat Township on November 16, 2017. This permit was issued for a three (3) year period and expired on November 16, 2020. The Applicant has now applied to the Planning Board for a renewal of the Soil Removal Permit to permit a continuation of the existing mining operation on a 25 acre parcel located in the northerly portion of the site (Area #1). In addition, the applicant seeks permission to renew mining activities on a previously disturbed portion of the site (Area #2), an approximate 16.89 acres in the southeast portion of the site.

The term of the requested permit would be for the three (3) year period commencing on November 16, 2020 and expiring on November 16, 2023. The Applicant has estimated that they will remove approximately 241,500 total cubic yards (Area #1 and Area #2) during the three (3) year period covered by the requested permit.

Based on our review of the submitted information, as well as the requirements set forth in Chapter 65A – Soil Removal, Excavation and Mining of the Code of Barnegat Township and Section 55-293 – Resource Extraction of the Barnegat Township Land Use Code, we offer the following comments:

**B. VARIANCES AND/OR WAIVERS REQUESTED**

1. The Applicant has not requested any variances as part of this application.
2. The Applicant has not requested any waivers as part of this application.

**C. SUBMISSION REQUIREMENTS**

1. The Applicant has addressed all of the submission requirements for this application for Soil Removal Permit Renewal.

**D. COMMENTS REGARDING SOIL REMOVAL PERMIT APPLICATION**

1. As stipulated in Section 65A-6G of the Barnegat Township Code and Section 55-293D of the Land Use Ordinance, permits for soil removal, excavation and mining activities in the Pinelands Area shall be issued for a maximum period of three (3) years. No permits shall extend beyond said three (3) year period without submission and approval of a new application. We note that the existing soil removal permit expires on November 16, 2020. Therefore, this application is for the three (3) year period from November 16, 2020 to November 16, 2023.
2. The applicant shall provide testimony regarding this renewal application, including areas proposed for active mining, work proposed in these areas, total anticipated CY mining from each area, etc...
3. Applicant shall provide general testimony as to Area #2, its past use, as well as proposed use, access, safety, etc...



Barnegat Township Planning Board  
Re: Shore Sand & Gravel, LLC (PB 15-09)  
Application for Soil Removal Permit Renewal – Review #2

September 9, 2020  
Our File No. VBGP0042.01  
Page 4

4. Note 8 of the General Notes on the Cover Page indicates all mining shall occur outside 300' wetland buffer, however Active Mining Area #2 clearly intersects the buffer on the east and west ends of the area. Applicant shall provide testimony on environmental impacts of operations associated with Area #2, as well as submit revised plans.
5. Note 7 of the General Notes on the Cover Page indicates no mining within 200' of dwellings, however, it appears the limits of Active Mining Area #2 clearly intersect this buffer to the south of the area. Applicant shall provide testimony as well as provide a 200' delineation around Area #2 to analyze the 200 foot setback.
6. Note 2 of the General Notes on the Cover Page indicates that the total available mining area is 20 acres, however the plans indicate two mining areas of 20 acres and 16.89 acres, for a total of 36.89 acres. Revise note accordingly to note combined areas available for mining activities.
7. This application is subject to the following outside agency approvals:
  - a) The Pinelands Commission – ***Certificate of Filing Issued on August 6, 2018 (Application # 1980-0076.001), update issued dated September 4, 2020.***
  - b) Ocean County Soil Conservation District – ***Soil Erosion & Sediment Control Certification Issued on February 1, 2017 (SCD #1577)***. It is noted that this shall require renewal soon, a copy of updated certification shall be submitted to these offices for record.
  - c) New Jersey Department of Labor & Workforce Development - ***Mine Registration Certificate No. 004567 Issued to Shore Sand & Gravel, LLC with an expiration date of March 31, 2019.*** It is noted that this has expired, the Applicant shall submit an updated registration certificate.
  - d) New Jersey Department of Environmental Protection:
    - 1) ***Water Allocation Permit No. WAP110001 issued on August 18, 2011, expires August 31, 2021.***
    - 2) General Stormwater Permit.

Upon receipt, the Applicant must submit copies of all outside agency approvals to the Planning Board and our office.

Based on our review of the submitted information, we find that the Applicant has addressed all of the submission requirements set forth in the Ordinance. Therefore, we recommend that this application be deemed ***complete*** for consideration by the Planning Board Subject to the Applicant complying with all applicable notification requirements as set forth in the Barnegat Township Land Use Ordinance and Municipal Land Use Law.



Barnegat Township Planning Board  
Re: Shore Sand & Gravel, LLC (PB 15-09)  
Application for Soil Removal Permit Renewal – Review #2

September 9, 2020  
Our File No. VBGP0042.01  
Page 5

Should you have any questions regarding this application, please feel free to call.

Very truly yours,

**CME Associates**

Kurt J. Otto, PE, CME  
*Planning Board Engineer*

KO/lr

cc: Martin Lisella, Administrator  
Barnegat Township Zoning Official  
Michael J. McKenna, Esq. – Planning Board Attorney  
Shore Sand & Gravel, LLC – Applicant  
Clint B. Allen, Esq. – Applicant's Attorney  
John Kornick, PE. – Applicant's Engineer



PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
New Lisbon, NJ 08064  
(609) 894-7300  
www.nj.gov/pinelands



RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

February 26, 2021

Aaron Cave (via email)  
Shore Sand & Gravel, LLC  
560 Route 72  
Barnegat, NJ 08005

Re: Application # 1980-0076.001  
Block 42, Lots 2, 5.02 & 9  
Block 43, Lots 3 - 5, 8 & 9.03  
Block 43.01, Lots 9 & 9.01  
Block 44, Lots 2 & 3  
Barnegat Township

Dear Mr. Cave:

A Commission public hearing is necessary to review the substantial issue raised by the Soil Removal Permit Renewal (Resolution P-2020-29) granted by the Barnegat Township Planning Board for the proposed resource extraction operation on the above-referenced 227.5 acre parcel.

The Public Hearing has been scheduled for:

Wednesday, April 14, 2021  
2:00PM  
New Jersey Pinelands Commission  
Springfield Road  
New Lisbon, New Jersey 08064

The issue to be reviewed at the public hearing is:

1. Whether the proposed development is consistent with the permitted use standards contained within Barnegat Township's certified land use ordinance and N.J.A.C. 7:50-5.22.

Specifically, this issue is raised because the parcel is located in Barnegat Township's PA zoning district and the Pinelands Preservation Area District. The applicant proposes to utilize a 1.9 acre portion of the parcel for the receiving and stockpiling of material from off-site areas for screening through the existing plant. In addition, the applicant proposes to utilize proposed concrete block storage bins and a 15,000 square foot area to display retail products. These uses are only permitted in the PA zoning district and the Preservation Area District if they are accessory to the resource extraction operation. The

Certificate of Filing issued by the Commission on September 4, 2020 required that any approval from Barnegat Township must include a determination that the stockpiling of material and the display areas are accessory to the existing resource extraction operation. The submitted resolution does not contain a determination that the uses are accessory to the resource extraction operation.

This issue is potentially resolvable by submitting an amended Resolution P-2020-29 which determines that the above uses are accessory to the resource extraction operation.

Copies of the cited regulations can be viewed on the Commission's website ([www.nj.gov/pinelands](http://www.nj.gov/pinelands)).

If you wish to resolve the issue(s) necessitating the public hearing so that the scheduled hearing will not be necessary, please submit a written request to adjourn the hearing prior to the hearing date. The hearing will then be rescheduled. If the issue(s) is resolved before the hearing date, the public hearing will be canceled. If the issue(s) is not resolved and a written request to adjourn the hearing is not submitted, the application can be recommended for denial based on the information contained in the file.

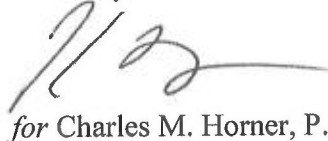
If you wish to attend the public hearing, please follow the instructions contained in the attached "Public Hearing Procedures". This attachment includes specific instructions for completing the required public notice if you want the Pinelands Commission to conduct a public hearing on the application.

The Pinelands Commission must make a determination on the proposed development within 45 days of the date of this letter unless a written request to adjourn the hearing is submitted or the public notice requirements are not fulfilled. Alternatively, you may request a hearing at the New Jersey Office of Administrative Law instead of the Commission's public hearing. Such a request would waive the time period in which the Commission must act on the application. If you wish to have a hearing at the New Jersey Office of Administrative Law, you must inform the Commission in writing by April 7, 2021.

**NO DEVELOPMENT MAY BE CARRIED OUT ON THE ABOVE-REFERENCED PARCEL UNTIL SUCH TIME AS THE PINELANDS COMMISSION HAS ACTED ON THE PROPOSED DEVELOPMENT.**

If you have any questions, please contact Ernest Deman of our staff.

Sincerely,



for Charles M. Horner, P.P.  
Director of Regulatory Programs

enc: Public Hearing Procedures

c: Secretary, Barnegat Township Planning Board (via email)  
Barnegat Township Construction Code Official (via email)  
Barnegat Township Environmental Commission (via email)  
Secretary, Ocean County Planning Board (via email)  
Clint B. Allen, Esq. (via email)

## PUBLIC HEARING PROCEDURES

In order to attend the public hearing, legal notice of the public hearing must be provided. The notice shall be published or mailed, as relevant, by April 4, 2021.

The legal notice must include the following information:

- a. the time and place of the hearing;
- b. that the hearing is being conducted pursuant to the provisions of the Comprehensive Management Plan;
- c. the name and address of the applicant;
- d. a statement that the hearing concerns whether the proposed development is consistent with the permitted use standards contained within Barnegat Township's certified land use ordinance and the Comprehensive Management Plan;
- e. a statement that the application and supporting materials are available for public inspection and copying at the principal offices of the Pinelands Commission; and
- f. a statement that any person may at such public hearing speak or submit a written statement.

The notice shall be provided to the following agencies and persons:

1. Secretary, Barnegat Township Planning Board;
2. Barnegat Township Environmental Commission;
3. Ocean County Planning Board;
4. All landowners within 200 feet of any border of the above-referenced parcel; and
5. By publication of notice of the hearing at least once in a newspaper having general circulation in Barnegat Township.

An affidavit must be filed with the Pinelands Commission by April 7, 2021 that all of the notice requirements have been fulfilled. If the required public notice is completed but the required affidavit is not filed with the Commission by April 7, 2021, the Pinelands Commission staff reserves the right to adjourn the public hearing to another date.



**Clint B. Allen**  
*Member of New Jersey and Pennsylvania Bar*  
callen@archerlaw.com  
856-354-3017 Direct  
856-673-7017 Direct Fax

Archer & Greiner, P.C.  
One Centennial Square  
Haddonfield, NJ 08033-2374  
856-795-2121 Main  
856-795-0574 Fax  
[www.archerlaw.com](http://www.archerlaw.com)

September 4, 2020

**VIA EMAIL & REGULAR MAIL**

Stacy M. Cole, Secretary  
Planning Board  
Barnegat Township  
Municipal Building  
900 West Bay Avenue  
Barnegat, New Jersey 08005-1298

**Re: Shore Sand & Gravel, LLC  
Application for Soil Removal Permit Renewal  
Block 42, Lots 2, 5.02 & 9; Block 43, Lots 3-5, 8 & 9.03;  
Block 43.01, Lots 9 & 9.01; and Block 44, Lots 2 & 3  
Barnegat Township, Ocean County, New Jersey  
Our File No.: SHO-042-402**

Dear Ms. Cole:

On behalf of our client, Shore Sand & Gravel, LLC (“Applicant”), enclosed are twelve (12) copies of a Pinelands Commission Certificate of Filing (Application No. 1980-0076.001), dated September 4, 2020, that we are submitting in connection with the above-captioned Application.

Please make the enclosed documents a part of your file for this matter.

By copy of this letter, we are sending the enclosed document to the Planning Board Engineer, Kurt Otto, P.E., P.P., the Planning Board Solicitor, Michael J. McKenna, Esquire, and the Planning Board Planner, Scott D. Taylor, CLA, AICP, P.P. for their review.

Stacey M. Cole, Secretary  
Planning Board  
Barnegat Township  
September 4, 2020  
Page 2

If you have any questions, or require any additional information, please do not hesitate to contact me.

Very truly yours,

*Clint B. Allen*

CLINT B. ALLEN

Enclosures

cc: Aaron Cave (via email w/ enc. & via regular mail w/ enc.)  
Kurt Otto, P.E., P.P. (via email w/ enc. & via regular mail w/ enc.)  
Michael J. McKenna, Esquire (via email w/ enc. & via regular mail w/ enc.)  
Scott D. Taylor, CLA, AICP, P.P. (via email w/ enc. & via regular mail w/ enc.)  
John W. Kornick, P.E. (via email w/ enc.)  
Terrence J. Fox, Esquire (via email w/ enc.)

219256364v1



PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08064  
(609) 894-7300  
www.nj.gov/pinelands



RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

September 4, 2020

Aaron Cave (via email)  
Shore Sand & Gravel, LLC  
560 Route 72  
Barnegat, NJ 08005

Re: Application # 1980-0076.001  
Block 42, Lots 2, 5.02 & 9  
Block 43, Lots 3 - 5, 8 & 9.03  
Block 43.01, Lots 9 & 9.01  
Block 44, Lots 2 & 3  
Barnegat Township

Dear Mr. Cave:

Pursuant to N.J.A.C. 7:50-4.34 of the Pinelands Comprehensive Management Plan, the completion of this application has resulted in the issuance of the enclosed *Certificate of Filing*.

The Certificate of Filing is not an approval. It is the document necessary to allow any municipal or county agency to review and act on the proposed development application. All municipal and county permits and approvals granted for the proposed development are subject to review by the Pinelands Commission. **No permit or approval shall take effect and no development may occur until the Commission issues a letter indicating that the municipal or county permit or approval may take effect.**

Upon receipt of any municipal or county permit or approval, please submit a copy to the Commission's office with the additional items listed on the enclosed *Local Agency Approval Submission Checklist*.

If you have any questions, please contact Ernest M. Deman of our staff.

Sincerely,

for Charles M. Horner, P.P.  
Director of Regulatory Programs

Enc: Certificate of Filing  
Local Agency Approval Submission Checklist

c: Secretary, Barnegat Township Planning Board (via email)

Barneget Township Construction Code Official (via email)  
Barneget Township Environmental Commission (via email)  
Secretary, Ocean County Planning Board (via email)  
Clint B. Allen, Esq. (via email)



Philip D. Murphy  
*Governor*

Sheila Y. Oliver  
*Lt. Governor*

New Jersey Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064  
(609) 894-7300



Richard Prickett  
*Chairman*

Nancy Wittenberg  
*Executive Director*

# CERTIFICATE OF FILING

**Application #: 1980-0076.001**

Applicant: Shore Sand & Gravel, LLC  
Municipality: Barnegat Township

Block 42, Lots 2, 5.02 & 9; Block 43, Lots 3 - 5, 8 & 9.03; Block 43.01, Lots 9 & 9.01; Block 44, Lots 2 & 3  
Preservation Area District, PA Zoning District: 227.5 acres

**Proposed Development**

Resource extraction operation

**Plan(s) Subject of Certificate of Filing**

Resource Extraction Plan, consisting of 14 sheets, prepared by K2 Consulting Engineers, Inc. and dated as follows:

Sheets 1-3 & 5-13, dated 2/1/2020, last revised 6/15/2020

Sheet 4, dated 5/1/2019, last revised 6/5/2020

Sheet 14, dated 5/27/2020, last revised 6/5/2020

*for Charles M. Horner, P.P.*  
Director of Regulatory Programs

September 4, 2020

Date

### BACKGROUND

Existing development:

- ♦ Resource extraction operation

Relevant Information:

- ♦ There are wetlands located on the parcel.
- ♦ This application proposes to mine 36.89 acres.
- ♦ The applicant proposes to utilize a 1.9 acre portion of the parcel for the receiving and stockpiling of material from off-site areas. In addition, the applicant proposes to utilize proposed concrete block storage bins and a 15,000 square foot area to display products. The applicant has submitted information to demonstrate that these activities are accessory to the existing resource extraction operation.

### CONDITIONS

1. All resource extraction activities shall be located at least 300 feet from any wetland.
2. On a yearly basis, the applicant shall certify in writing and to the satisfaction of the Barnegat Township land use board and the Pinelands Commission that all mining and restoration activities have been and continue to be conducted in accordance with the approved plan.
3. No mining shall occur greater than 65 feet below the natural ground surface existing prior to excavation.
4. Any approval issued by Barnegat Township shall contain a determination that the stockpiling of material and the display areas are accessory to the existing resource extraction operation.

### NEXT STEPS

- ♦ This Certificate of Filing is not an approval.
- ♦ Submit a copy of this Certificate of Filing to all county and municipal agencies that are required to review and act on your application (municipal planning board, building department, county health department, etc.).
- ♦ Send a copy of all approvals/permits that are issued by the county or municipality to the Pinelands Commission for review. Please use the attached *Local Agency Approval Submission Checklist* to make sure you are submitting all required documentation related to the approval/permit.
- ♦ No local approval/permit takes effect and no development can occur until the Pinelands Commission has reviewed the approval. When we complete our review, we will issue you a letter stating that the approval/permit can take effect.



## LOCAL AGENCY APPROVAL SUBMISSION CHECKLIST

- ✓ All approvals (including permits) issued by local agencies (including counties and municipalities) must be submitted to the Pinelands Commission. **No approval shall take effect and no development may occur until the Commission issues a letter indicating that the approval may take effect.**
- ✓ Identify the approvals required for your development proposal in the list below. Be sure to submit all items listed as quickly as possible as each approval is issued to you.
- ✓ Be sure that all approved plans contain all specified site restrictions and conditions listed in your Certificate of Filing (e.g., wetlands/wetland buffers, threatened/endangered species protection, scenic setback). This includes notes as well as depictions of clearly labeled lines, clearing limits, envelopes, etc.

	Type of approval(s):	Submit a copy to the Commission:
<b>MUNICIPAL</b>	<ul style="list-style-type: none"> <li>• Subdivision approval (<i>preliminary, final, major and minor</i>)</li> <li>• Site plan approval (<i>preliminary, final, major and minor</i>)</li> <li>• Variance and/or waiver</li> <li>• Certificate of Appropriateness</li> <li>• General development plan approval</li> </ul>	<input type="checkbox"/> Resolution granting approval <input type="checkbox"/> Approved plan(s), signed and sealed <input type="checkbox"/> Municipal engineer's and planner's reports <input type="checkbox"/> Stormwater management report ( <i>if revised since issuance of Certificate of Filing</i> )
	<ul style="list-style-type: none"> <li>• Construction permit</li> <li>• Zoning permit</li> <li>• Demolition permit</li> <li>• Forestry permit</li> <li>• Mining permit</li> <li>• Certificate of Occupancy</li> </ul>	<input type="checkbox"/> Permit
<b>COUNTY</b>	<ul style="list-style-type: none"> <li>• Subdivision approval (<i>preliminary/conditional, final, major and minor</i>)</li> <li>• Site plan approval (<i>preliminary/conditional, final, major and minor</i>)</li> <li>• Soil Conservation District certification</li> </ul>	<input type="checkbox"/> Approval <input type="checkbox"/> Approved plan(s), signed and sealed
	<ul style="list-style-type: none"> <li>• Standard septic system permit</li> </ul>	<input type="checkbox"/> Permit <input type="checkbox"/> Approved plan ( <i>only necessary if your Certificate of Filing contains a wetland protection condition and/or threatened/endangered species protection condition</i> )
	<ul style="list-style-type: none"> <li>• Alternate design septic system permit</li> </ul>	<input type="checkbox"/> Permit <input type="checkbox"/> Approved plan <input type="checkbox"/> Written certification of approved plan by alternate design system manufacturer