

**TOWNSHIP OF DENNIS
ZONING BOARD OF ADJUSTMENT
APPLICATION FORM
AMENDED**

1. Name and address of applicant:
Name: **Pierson Pleasantville, LLC**
Address: **426 Swedesboro Road**
Pilesgrove, NJ 08098-2534
2. Applicant's telephone number: Applicant's fax number:
Home: _____ Home: _____
Work: **856-769-2534** Work: _____
3. Property owner's name, address and telephone number if different from No. #1 above.
Name: **Pierson Pleasantville, LLC** Telephone: _____
Address: **426 Swedesboro Road**
Pilesgrove, NJ 08098-2534
4. Relationship of applicant to owner: same
- If holder of Contract to purchase attach copy of Contract.
- If other than Contract Purchaser, explain status and attach written agreement signed by seller consenting to the application.
- _____
- _____
5. If applicant is a corporation or partnership, list all stockholders or partners owning 10% or more of the corporation or partnership and list their respective names, addresses and telephone numbers:
- | | |
|--------------------------------------|--------------------------------------|
| Name: <u>Richard E. Pierson, Sr.</u> | Name: <u>Richard E. Pierson, Jr.</u> |
| Address: <u>426 Swedesboro Road</u> | Address: <u>426 Swedesboro Road</u> |
| <u>Pilesgrove, NJ 08098-2534</u> | <u>Pilesgrove, NJ 08098-2534</u> |
| Name: <u>Michael Pierson</u> | Name: _____ |
| Address: <u>426 Swedesboro Road</u> | Address: _____ |
| <u>Pilesgrove, NJ 08098-2534</u> | |
- _____
6. Location of premises:
Street address 384 Woodbine-Ocean View Road
Tax Block: 224 Tax Lot (s): 68.01, 73, 74.02, 75.03 & 78.04
Tax Map Sheet No.: 25 & 26
7. Zoning District in which premises is located: B, C & R-3
All improvements will be located within the B District.

8. Type of application presented:

- ☐ Appeal from decision of Zoning Official (N.J.S.A. 40:55D-70a)
☐ Interpretation of Zoning Ordinance or Zoning Map (N.J.S.A. 40:55D-70b)
☐ Hardship Variance (N.J.S.A. 40:55D-70c(1))
☒ Flexible (C)/balancing benefits and detriments (N.J.S.A. 40:55D-70c(2))
☒ Use Variance (N.J.S.A. 40:55D070d)
 ☒ (1) Use or principal structure
 ☐ (2) Expansion of non-conforming use
 ☐ (3) Deviation from conditional use standard
 ☐ (4) Increase in permitted floor area ratio
 ☒ (5) Increase in permitted density
 ☒ (6) Height of principal structure greater than 10 feet or 10% of maximum height permitted
☐ Permit to build in street bed (N.J.S.A. 40:55D-34)
☐ Permit to build where lot does not abut street (N.J.S.A. 40:55D-36)
☒ Site plans (N.J.S.A. 40:55D-76)
☒ Major
 ☒ Preliminary
 ☒ Final
☐ Minor
☐ Waiver of site plan itself
☐ Subdivision (N.J.S.A. 40:55D-76)
 ☐ Minor
 ☐ Major
 ☐ Preliminary
 ☐ Final
☒ Waivers from subdivision and/or site plan standards
☐ Other

9. Request is made for permission to add ready-mix concrete plant as an additional use to an existing gravel pit

(Describe type of variance sought)

Principal use in B zoning district, height in excess of 10%, more than one principal use and structure, contrary to the requirements of Sections: 185-25B, 185-42, 185-7, 185-25D and 185-25F(1), and equipment / machinery closer than 200 feet to a property line, contrary to the requirements of Section: 185-64D(1)(a)

of the Dennis Township Land Use and
Development Ordinances, Dennis Township Code Chapters 98, 165 and 185.

10. Supply the following information concerning this application. Place an asterisk to the left of the description of all items for which variances are sought.

	<u>EXISTING CONDITION</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED</u>	<u>VARIANCE REQUIRED YES/NO</u>
<u>LOT SIZE:</u>				
Lot Area	165 Ac	60,000 SF	165 Ac	NO
Lot Frontage	445.38 FT	150 FT	445.38 FT	NO
Lot Width	445.38 FT	150 FT	445.38 FT	NO
Lot Depth	+1,211 FT	200 FT	+1,211 FT	NO
<u>PRINCIPAL BUILDING:</u>				
Side Yard, each	63.5 FT	25 FT	63.5 FT	NO
Front Yard	100 FT	75 FT	100 FT	NO
Rear Yard	+650 FT	50 FT	+650 FT	NO
Building Height	< 35 FT	35 FT	< 35 FT	NO
<u>ACCESSORY BUILDING:</u>				
Side Yard, each	63.5 FT	25 FT	63.5 FT	NO
Rear Yard	+650 FT	25 FT	+650 FT	NO
Distance to Other Buildings	+/- 90 FT	30 FT	30 FT	NO
Building Height	< 35 FT	35 FT	52.85 FT	YES
<u>MAXIMUM COVERAGE:</u>				
Principal Building %	< 35 %	35 %	< 35 %	NO
Accessory Building %	< 10 %	10 %	< 10 %	NO
<u>GROSS FLOOR AREA:</u>				
Principal Building			N/A	
Accessory Building			N/A	

<u>EXISTING CONDITION</u>	<u>REQUIRED BY ORDINANCE</u>	<u>PROPOSED</u>	<u>VARIANCE REQUIRED YES/NO</u>
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PARKING:

No. of Spaces **NO CHANGE**

SIGNS:

Size

Number	1	1	1	NO
Type (free standing FS or building mounted)	FS	N/A	FS	NO

11. Has there been any previous appeal, request or application to this Board or to the Planning Board involving these premises? If yes, state the nature of application, date of application, date of hearing and result received from Board. **YES**

07-06 ZBA Concrete Plant, Asphalt Plant & Recycling Facility APPROVED 01/24/07**

08-20 ZBA Concrete Plant & Recycling Facility DENIED 10/22/08

10-17 ZBA No Res Judicata upon resubmittal to ZB SETTLEMENT 10/05/10

12-06 ZBA Concrete Plant & Recycling Facility DENIED 04/25/12

**** Approval was vacated prior to memorializing resolution due to technicality surrounding Notice.**

BY LAW, VARIANCES CAN ONLY BE GRANTED WHERE THE APPLICANT IS ABLE TO SATISFY BOTH POSITIVE AND NEGATIVE CRITERIA ESTABLISHED BY THE MUNICIPAL LAND USE LAW. NO VARIANCE RELIEF OF ANY TYPE MAY BE GRANTED UNLESS THE VARIANCE OR RELIEF CAN BE GRANTED WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND WITHOUT SUBSTANTIALLY IMPAIRING THE INTENT AND PURPOSE OF THE ZONE PLAN AND ZONING ORDINANCE. HARDSHIP VARIANCES OF THE ZONE PLAN AND ZONING ORDINANCE. HARDSHIP VARIANCES (40:55dc(1)) CAN ONLY BE GRANTED WHERE AN EXCEPTIONAL CONDITION EXISTS WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, WHERE EXCEPTIONAL TOPOGRAPHICAL CONDITIONS OR PHYSICAL FEATURES UNIQUELY AFFECT A SPECIFIC PIECE OF PROPERTY OR WHEREBY REASON OF AN EXTRAORDINARY AND EXCEPTIONAL SITUATION UNIQUELY AFFECTING A SPECIFIC PIECE OF PROPERTY OR THE STRUCTURES LAWFULLY EXISTING THEREON THE STRICT APPLICATION OF THE ZONING REQUIREMENT WOULD RESULT IN PECULIAR AND EXCEPTIONAL PRACTICAL DIFFICULTIES TO OR EXCEPTIONAL AND UNDUE HARDSHIP UPON THE DEVELOPER OF THE PROPERTY. RELIEF UNDER THE FLEXIBLE C TYPE VARIANCE (N.J.S.A. 40:55D-70c(2)) CAN ONLY BE GRANTED WHERE, WITH REGARD TO A SPECIFIC PIECE OF PROPERTY, THE PURPOSES OF THE MUNICIPAL LAND USE LAW WOULD BE ADVANCED BY A DEVIATION FROM THE ZONING ORDINANCE REQUIREMENT AND THE BENEFIT OF THE DEVIATION WOULD SUBSTANTIALLY OUTWEIGH ANY

GRANTED WHERE THERE ARE SPECIAL REASONS AS SPECIFIED BY THE MUNICIPAL LAND USE LAW. THE BURDEN IS UPON THE APPLICANT TO PROVIDE PROOF OF SATISFACTION OF THE AFORESAID REQUIREMENTS APPLICABLE TO HIS APPLICATION.

A SHORT SUMMARY OF THE REASONS WHY YOU ARE ENTITLED TO THE RELIEF SOUGHT FROM THE ZONING BOARD OF ADJUSTMENT SHALL BE PROVIDED ON A SEPARATE SHEET OF PAPER AND ENUMERATED WITH THE APPROPRIATE PARAGRAPH NUMBER UNDER WHICH THE RELIEF IS SOUGHT, (PARAGRAPHS NO. 12-15)

See Appendix to Pierson Zoning Application (Attached) for responses to items 12 - 15.

12. Attach to this application a statement of the facts showing why the relief sought can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Dennis Township Zoning Plan and Zoning Ordinance. State why the variance can be granted without substantial harm to the neighborhood and without significant overturning of the Township Zoning Plan.
13. Attach to this application a statement specifying the hardship/exceptional conditions of the specific property involved justifying the granting of a variance pursuant to N.J.S.A. 40:55D-70c(1). State what is unique about your specific piece of property noting such things as an exceptionally narrow, deep, or otherwise unusually shaped lot; physical features located on the lot that prevent its use in a normal manner that would be allowed by the existing zoning; the specific location of existing structures that limit compliance with the required zoning. Note how the circumstances relating to your particular lot differ from other lots in the neighborhood. State what hardships would result should the variance not be granted to you.
14. Attach to this application a statement setting forth the facts supporting the contention that the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning requirements in question and the benefits of that deviation would substantially outweigh any detriment pursuant to N.J.S.A. 40:55D-70c(2). Among the purposes of the Municipal Land Use Law are following: promotion of public health, safety and welfare; provision of adequate light, air and open space; establishment of appropriate population densities; provision of sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space; promotion of a desirable visual environment; conservation of historic sites, districts, open space and natural resources; encouragement of senior citizens housing. Cite which of these apply to your application and further, cite the characteristics of your land that will present an opportunity for improved zoning and planning to benefit the community.
15. Attach to this application a statement setting forth the special reasons for granting this variance pursuant to N.J.S.A. 40:55D-70d. "Special Reasons" exist where a proposed project carries out a purpose of zoning, (such as those noted in Section 14 above) or where the refusal to allow the project would impose an undue hardship on you; state why the property at issue cannot reasonably be developed with a use permitted by the Zoning Ordinance.

16. Set forth specifically the determination of the Zoning Official from which an appeal has been filed and the basis for the appeal. (N.J.S.A. 40:55D-70a)

N/A

17. Set forth specifically the Zoning Ordinance section and provisions and/or the portion of the Zoning Map for which an interpretation from the Zoning Board is sought. Set forth the interpretation sought by the applicant. (N.J.S.A. 40:55D-70b)

N/A

18. All applicants must supply with this application the required fees (application and escrow) the necessary survey, plan, and plat and the following Zoning Board of Adjustment forms together with all attachments required in connection with the forms:

ZB-1 Application form including verification of application
ZB-2 Survey, plan, plat affidavit
ZB-4 Escrow, fees and application fees
ZB-5 Proof of payment of taxes
ZB-6 Notice of hearing – **to be submitted prior to hearing**
ZB-7 Affidavit of Service – **to be submitted prior to hearing**
ZB-10 Applications involving subdivisions – **Not Applicable**
ZB-11 Applications involving Site Plans

19. For undersized lot cases only, the following additional forms are supplied. **N/A**

Notice to Applicant's Concerning Undersized Lots.

ZB-8 Applicant's Offer to Abutting Property Owners.

ZB-9 Response to Abutting Property Owners.

20. List the names, addresses, telephone and fax numbers and professions of any and all professionals employed by the applicant in completing the application to the Zoning Board of Adjustment and/or intended to be called as witnesses at the hearing on the application.

Name:	Address:	Phone:	Fax:	E-Mail:
Brian J. Murphy, P.E.	P.O. Box 484 Cape May Court House, NJ 08210	609-465-7080	609-465-3973	b.murphy@mvengllc.com
David Shropshire, P.E.	227 White Horse Pk. Atco, NJ NJ 08004	609-714-400	609-714-9944	dshropshire@sallc.org
Tiffany Morrissey, P.P.	359 Superior Rd. Egg Harbor Township, NJ 08234	856-912-4415		tamorrissey@comcast.net

VERIFICATION OF APPLICATION

(Indicate Status of Applicant Below)

 X Applicant is owner of property
 Applicant is not owner of property but has an Agreement of Sale and the consent
of the owner to make this application.
 Other (specify)

STATE OF NEW JERSEY:

SS

COUNTY OF CAPE MAY:

Richard E Pierson, being of full age and duly sworn according to law, upon his/her oath, deposes and says that the information set forth in the variance application, survey, subdivision plan, site plan and related documents submitted in connection with this application is true and correct and that they accurately portray the proposed project for which variance relief and accompanying approvals (if any) are sought.

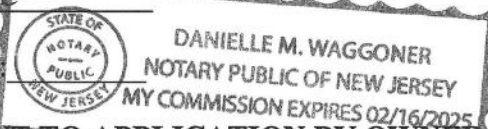
Richard E Pierson
Applicant's Signature

Sworn and subscribed to before
me this 13th day of June,
2022.

Danielle M Waggoner

Notary Public

My Commission Expires



CONSENT TO APPLICATION BY OWNER OF PREMISES
(Need not be signed if Owner is Applicant)

I hereby consent to the application submitted to the Dennis Township Zoning Board of Adjustment with regard to the premises referred to in this application which premises is owned by me.

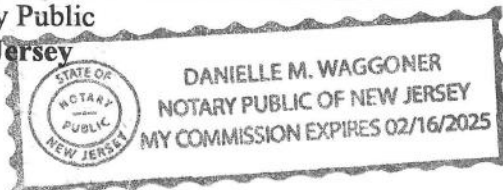
Richard E Pierson
Owner's Signature

Sworn and subscribed to before
me this 13th day of June,
2022.

Danielle M Waggoner

Notary Public

New Jersey



DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT

SURVEY/PLAN/PLAT AFFIDAVIT

STATE OF NEW JERSEY:

SS

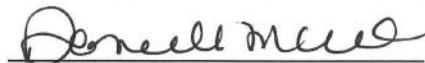
COUNTY OF CAPE MAY:

(Name) Richard E Pierson, being duly sworn according to law, upon his oath deposes and says:

1. I am the owner of the property known and identified as Block 224, Lot(s) 68.01, 73, 74.20, 75.03 & 78.04, in the Township of Dennis or I am the applicant for development in this matter.
2. The attached sealed survey/plan/plat prepared by Gibson Associates, P.A., and dated 10-26-17 and last revised 9-14-20 reflects the physical condition of the property as of the date of this Affidavit and there have been no changes or alterations to the property since the date of the sealed survey/plan/plat.
3. I make this Affidavit in support of an application for development before the Dennis Township Zoning Board of Adjustment and understand that said Board shall rely on the current accuracy of the said survey/plan/plat in considering the application for development of the property.

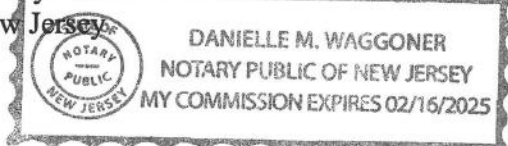

Signature - Owner/Applicant

Sworn to and subscribed
before me this 13th
day of June, 2022.



Notary Public

New Jersey



**DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT
ESCROW FEES AND APPLICATION FEES**

Applicant's Name: Pierson Pleasantville, LLC
Address: 426 Swedesboro Road
Piles Grove, NJ 08098-2534

Address of Property: 384 Woodbine-Ocean View Road
Subject to the Application: (Street Address): 384 Woodbine-Ocean View Road

Block: 224 Lot (s): 68.01, 73, 74.02, 75.03 & 78.04

Amount of required Escrow: \$ 5,000.00

Amount of required Application Fees: \$ 1,000.00

All escrow funds shall be deposited by the applicant with the Municipal Treasurer who shall, in turn, deposit them in a separate escrow account and carry them under the Township's Trust Fund section of accounts on the books of the Township as a professional, inspection and consulting fee escrow fund. Said escrow fund shall be used to pay the fees of professional personnel employed to assist the Dennis Township Zoning Board of Adjustment in review of the application, to prepare Board Resolutions and other legal documents relating to the application, and to inspect and approve construction. Professional fees shall be billed through the Municipality's voucher system and approved for payment by the Zoning Board of Adjustment. Any excess of funds remaining in the escrow account at the time when all required improvements have been finally accepted and all professional work completed shall be returned to the applicant. If at any time it become evident that the escrow account is or will be insufficient to cover said fees, the developer shall increase the fund as required by the appropriate Zoning Board of Adjustment Official having jurisdiction over the matter.

The application fee is non-refundable and is a separate charge from the escrow fee.

I understand and consent to the foregoing.

Date: 6/13/22

Applicant: 

**DENNIS TOWNSHIP ZONING BOARD OF ADJUSTMENT
APPLICATIONS INVOLVING SITE PLANS**

Whenever a proposed development requires approval of a subdivision or site plan in addition to a use variance, the applicant may elect to submit a separate application requesting approval of the variance and a subsequent application for any required approval of subdivision, site plan or conditional use. The separate approval of the use variance shall be conditioned upon the granting of all required subsequent approvals by the Board of Adjustment.

When an applicant submits an application for subdivision, site plan or conditional use approval at the same time as an application for a use variance, and there are contradictions between the requirements of the respective applications as to number of copies of application form or plans, information required or other items, the most stringent (the most demanding) requirements shall apply. When submitting applications for a use variance and other approvals such as subdivisions or site plans, all application fees for the respective items must be submitted with the application itself.

In cases where the applicant seeks approval for premises located within the Pinelands area, the applicant must adhere to all requirements set forth in Township Code Chapters 165 (Subdivision of Land) and 185 (Zoning).

GENERAL INFORMATION:

Present use: Gravel Pit

Proposed use: Gravel Pit with Concrete Plant

Size of proposed building: See Site Plan(depth)_____ (width)_____ (height)_____
(no. of stories)_____ (total sq. footage)_____ (no. of units involved)_____

Waivers sought for (describe type of waivers sought and specify the Ordinance Section listing the items for which waivers have been sought) Waiver from requirement to provide soil boring (environmental checklist item)

MINOR SITE PLAN (AND SITE PLAN WAIVERS)

Definition: See Dennis Township Code Section 165-59B (Minor Site Plans) and 165-59A (Waivers).

Procedures for Submission: See Dennis Township Code Section 165-51.

Plan Details: See Dennis Township Code Sections 165-59A, C and 165-54B.

PRELIMINARY MAJOR SITE PLAN

Procedures for Submission: See Dennis Township Code Section 165-51.

Plan Details: See Dennis Township Code Section 165-54B(1) and (2).

FINAL MAJOR SITE PLAN

Procedure for Submission: See Dennis Township Code Section 165-51

Plan Details: See Dennis Township Code Section 165-55B

APPENDIX TO PIERSON ZONING APPLICATION

Variances are requested for the following proposed conditions:

1. 185-25 B Principal permitted uses in the "B" Commercial zoning district
2. 185-25 D Height in excess of 10%
3. 185-42 One principal structure on a lot, 185-7 One principal use on a lot
4. 185-25F One principal structure/use unless lot could be subdivided and meet Zoning and Subdivision Regulations

These three variances will require a "D" or use variances from the Dennis Township Consolidated Land Use Board

N.J.S. 40:55D-70d(1) - Principal permitted uses in the "B" Commercial zoning district

This application proposes the addition of a ready-mix concrete facility on a licensed sand mine facility. The existing mining use requires the use of heavy machinery, the loading and unloading of large trucks, a scale house, storage facilities and an office building. There is also a hydraulic dredge, a sand wash, and multiple material conveyors. The proposed ready-mix concrete use will require a d(1) variance since it is not a specifically defined principal permitted use in the "B" commercial zoning district.

The concrete plant is similar in operation to the sand mine in that it requires the access by large trucks and heavy machinery. The existing office and storage facilities can be used by the concrete operation with no physical change. While a concrete plant is not specifically permitted in any zoning district, it is logical that it would be included with a mining use since so much of the supporting infrastructure can be shared. This application can be granted without substantial detriment to the public good because it satisfies multiple purposes of zoning or positive criteria found in N.J.S.A.40:55D-2. There are Special Reasons associated with the ready-mix concrete use that promote the purposes of zoning. This application advances the purposes listed in letters a, g, i, and m.

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public safety, morals, and general welfare. ***It is appropriate to utilize this existing sand mine for the development of a concrete plant. Existing on this site is water, sand and stones, three components for the mixing of concrete. The addition of cement is the fourth component. This site already has large trucks entering and exiting the site. The general operation of the facility will remain unchanged.***
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; ***Utilization of this site for a concrete plant reasonable and will have minimal environmental impact. The current use on this site is similar and significantly larger in scope than the proposed concrete plant. Having a concrete plant in Dennis Township will assist in providing local residents with lower concrete costs which will assist in managing overall building costs.***

- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangements; ***The visual impact of the addition of the concrete plant use to the sand mine use will be negligible. The alternative of utilizing this site is the creation of an independent site. A new site would require new road openings, necessary support buildings, and heavy machinery use all within an industrial setting.***
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and the more efficient use of land. ***Clearly adding the concrete use to the existing sand mine is remarkably efficient. There is no need for new entrances, no need for more offices, storage or even the need for new truck driving patterns. All of these support elements currently exist on this site.***

N.J.S. 40:55D-70d(6) - Height in excess of 10%

The permitted height in the "B" commercial zoning district is 35 feet. The proposed height of the concrete plant is 52.85 feet plus a filter vent. The proposed height of the concrete plant is greater than 10% of 35 feet.

The proposed height of the concrete plant is necessitated by the operation of the equipment. The primary operating force of the concrete plant is gravity. Hoppers are filled with sand, stones, and cement. These elements are mixed in precise ratios and supplemented with water. Gravity pulls these elements from the hoppers. The mixture is then deposited into a concrete truck that is beneath the plant. The increased height of the plant will not offend the purpose of the height restriction in the "B" zoning district.

The purpose of the height restriction is primarily to address light, air, and open space concerns. This site is unique in that it is adjacent to electric substations and the associated high towers that carry the wires that conduct the electricity. Also, this lot is excessively large for the "B" district, over 100 times larger than the required 60,000 SF. The concrete plant is placed behind an existing office building and behind an existing storage building. The plant is set back over five times the minimum setback required in the district (500 feet versus 75 feet). Submitted with this application is a visual impact study that clearly defines minimal impact that this plant will have on the visual environment.

This height variance can be granted without substantial detriment to the public good because it satisfies multiple purposes of zoning or positive criteria found in N.J.S.A.40:55D-2. There are Special Reasons associated with the ready-mix concrete use that promote the purposes of zoning. This application advances the purposes listed in letters a, g, i, and m.

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public safety, morals, and general welfare; ***The site is excessively large and the plant is proposed to be set back from the road over 5 times the minimum required setback. There exist two significantly sized buildings between***

the proposed concrete plant and the public right of way. The proposed concrete plant will have a minimal impact on the light, air, and open space to any surrounding property.

- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; ***Utilization of this site for a concrete plant reasonable and will have minimal visual impact as well as a minimal impact on the light, air, and open space. The current uses on this site and the surrounding sites will make the concrete plant seem relatively small.***
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangements; ***The visual impact of the addition of the concrete plant use to the sand mine will be negligible. The alternative of creating an independent site would create a second location with an industrial setting.***
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and the more efficient use of land. ***Clearly adding the concrete use to the existing 165 acre site is remarkably efficient. There is no need for buffers to hide the plant and having such large setbacks and large existing structures will significantly reduce the visual impact of the necessary height required for the concrete plant.***

N.J.S. 40:55D-70d(5) - One principal structure on a lot, One principal use on a lot

As per the Dennis Township Zoning Code a structure is defined as “anything constructed, assembled or erected which requires location on the ground or attachment to something having such location on the ground, including buildings, fences, tanks, towers, signs, advertising devices, swimming pools and tennis courts.”

There are a number of structures existing on this parcel that comprise the existing, permitted, excavation use. The site currently enjoys the Township license for resource extraction. This permit allows for the excavation of sand, gravel, earth or mineral products of the soil. The excavation permit specifically allows for three buildings on the site, office, storage, and garage. The excavation permit also requires fencing and allows for signage. There are additional structures currently on the site that are necessary for the excavation use. These structures include a sand wash, a scale with an associated control house, lighting poles, etc. Proposed within the current application is the addition of one additional structure, a ready mix concrete plant

The granting of a density variance requires the applicant demonstrate that the site will accommodate the problems associated with the increase density. This site is unique in that it is over 100 times the size required in the “B” zoning district. There are a number of structures, office, storage, scale house, etc. existing on this site which can be expanded in use to assist in the operation of a concrete plant.

This application can be granted without substantial detriment to the public good because it satisfies multiple purposes of zoning or positive criteria found in N.J.S.A.40:55D-2. There are Special Reasons associated with the ready-mix concrete use that promote the purposes of zoning. This application advances the purposes listed in letters a, c, g, i, and m.

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public safety, morals, and general welfare. ***It is appropriate to utilize an existing sand mine for the development of a concrete plant. Existing on this 165 acre site is water, sand and stones, three components for the mixing of concrete. This site already has an office, storage and scale house. The general operation of the facility will remain unchanged.***
- c. To provide adequate light, air, and open space; ***This site is unique in that the concrete plant can be sited in a way where it will have minimal visual impact. The size of the parcel coupled with the significant setback allow for the placement of one additional structure and use without a significant negative impact to the public.***
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens; ***Utilization of this site for an additional structure/use is reasonable and will have minimal environmental impact. The current use on this site is similar and significantly larger in scope than the proposed concrete plant. Having a concrete plant in Dennis Township will assist in providing local residents with lower concrete costs which will assist in managing overall building costs.***
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic will discouraging location of such facilities and routes which result in congestion or blight; ***Placement of the concrete plant on this site will allow for the additional use within the Township without the need for additional road openings and new truck patterns.***
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangements; ***The proposed new use on this site in the location proposed allows for a minimal visual impact of the concrete plant and the siting of this plant in relation to the current building arrangement***
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and the more efficient use of land. ***Clearly adding the concrete use to the existing 165 acre site is remarkably efficient. There is no need for buffers to hide the plant and having such large***

setbacks and large existing structures will significantly reduce the visual impact of the concrete plant.

Negative criteria

The variance relief sought with his application can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Dennis Township Zoning Plan and Zoning Ordinance. The proposed concrete use can easily be accommodated by this site because of the existing mining use and the extraordinary parcel size. The special reasons cited above clearly show that this application, as designed, will be a benefit to the general public within Dennis Township. The proposed use, the necessary height variance, and the need for multiple structures and uses on this site, while not specifically permitted within the "B" Commercial district, is clearly suited for this site in Dennis Township. The benefits of granting these variances will outweigh any potential negative impacts as a result of adding the concrete plant to this site.

Additional Variance requested

A C(2) Variance is requested from the following standard:

185-64 (D) 1 a Machinery / equipment within 200 feet of a property line.

This is an existing condition that will be exacerbated by this application. The parcel adjacent to the area of the proposed concrete plant is a wooded portion associated with an unmanned electrical substation. There is no negative impact to this site as a result of the placement of the machinery within 200 feet of the property line. As defined above, there are a number of special reasons of zoning that support this variance. It is also well documented that this application, if approved, will have no significant impact to the zone plan and zoning ordinance of the Township of Dennis.