

BERNARDS TOWNSHIP ZONING BOARD OF ADJUSTMENT
APPLICATION

- | | |
|---|--|
| <input type="checkbox"/> Appeal Zoning Officer's Decision
(N.J.S.A. 40:55D-70a) | <input type="checkbox"/> Interpretation of Zoning Ordinance
(N.J.S.A. 40:55D-70b) |
| <input checked="" type="checkbox"/> Bulk or Dimensional Variance
(N.J.S.A. 40:55D-70c) | <input checked="" type="checkbox"/> Use Variance – Special Reasons,
Conditional Use (N.J.S.A. 40:55D-70d) |
| <input type="checkbox"/> Site Plan Approval:
Preliminary or Final or Amended | <input checked="" type="checkbox"/> Other (specify) <u>Minor Subdivision</u> |

1. Applicant: Millington Quarry, Inc.

Address: 135 Stonehouse Road, P.O. Box 407, Millington, NJ 07946

Phone Number (H) N/A (W) 908-542-0055

Email mlavigne@foxrothschild.com (will be used for official notifications)

2. Owner (if different from applicant): [Applicant is the owner]

Address: _____

Phone Number (H) _____ (W) _____

Email _____ (will be used for official notifications)

3. Attorney (if applicable) Michael Lavigne - Fox Rothschild LLP

Address: 49 Market Street, Morristown, NJ 07960

Phone Number 973-326-7113 (Fax) 973-992-9125

Email mlavigne@foxrothschild.com (will be used for official notifications)

4. Plans Prepared by (if applicable) Patrick McClellan Profession: Civil Engineer

Address: MCB Engineering Associates, LLC, P.O. Box 588, Totowa, NJ 07511

Phone Number 973-812-6680 (Fax) 973-812-6681

Email pmccllellan@mcbea.com (will be used for official notifications)

5. Street Address of Subject Property 135 Stonehouse Road

Block 6001 Lot 6 Zone M-1 Tax Map Page 60

Lot Area in Sq. Ft. 7,830,738 s.f. (179.769 acres)

6. State the Section of the Bernards Township Land Use Ordinance For Which Relief is being sought: Section 21-10.9.a.1 and Table 501

7. State Specifically the Relief you are Requesting: Seeking a d(2) variance in connection with the minor subdivision of a lot containing a non-conforming use and a lot width variance

8. Describe the proposed additions or changes in buildings or uses which necessitate this application (include dimensions of proposed changes and dimensions from lot lines as shown on survey) No additions or changes to any existing buildings or uses are proposed.

Applicant is proposing a subdivision of an existing lot containing a nonconforming use which necessitates a variance, and one of the two proposed lots has a proposed width of 207 ft. where 250 ft. is required.

9. Describe all existing buildings and their uses on the property: Property contains one existing building that is devoted to office use

10. List any non-conforming structures and/or uses on the property; identify the non-conformity and the date same commenced: The existing building on the property contains a nonconforming office use, and the existing office building is nonconforming, with respect to front yard setback (100 feet is required and 99.2 feet is existing).

11. Restrictions, Covenants, Easements, Associated By-Laws, existing or proposed on the property. Existing: No Yes (specify) _____

Proposed: No Yes (specify) Standard NJDEP deed notice/restriction - see attached

Note: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted.

12. Previous applications before the Planning Board or the Board of Adjustment involving this property: no yes (If yes, please explain.) (1) residential major subdivision approximately 12 years ago to create residential lots at the perimeter of the quarry; and (2) applications to the planning board to gain approval of a reclamation plan for the quarry following cessation of operations

13. Are there currently any violations of building codes or zoning ordinances known to the applicant? no yes (If yes, please explain) _____

14. Have all taxes, fees and assessments made against this property been paid in full? no yes (If no, please explain) _____

15. The following arguments are urged in support of this application: (please see attached Applicant's statement)

16. I, Michael T. Lavigne, authorized attorney for Applicant hereby depose and say that all the above statements and the statements continued in the papers submitted herewith are true and correct.
MILLINGTON QUARRY, INC.

Signature of Applicant(s): By: [Signature]

Sworn and subscribed before me, this 24th day of October, 2018.

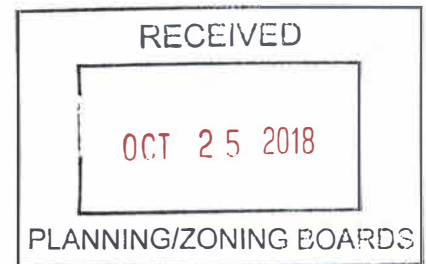
[Signature]
Notary

SANDRA L PURRINGTON
Notary Public
State of New Jersey
My Commission Expires Dec 3, 2018

17. If application is made by person or entity other than the property owner or by less than all of the property owners, then the property owner or additional owners must complete the following sections and have his/her signature notarized:
[Applicant is the property owner]
I/we _____, the owner(s) of the property described in this application, hereby authorize _____ to act as my/our agent for purposes of making and prosecuting this application and I/we hereby consent to the variance relief (if any) granted and all conditions of approval thereof.
Owner Name: _____ Signature: _____
Sworn and subscribed before me, this _____ day of _____, 2018.

Notary

APPLICANT'S STATEMENT



Millington Quarry, Inc. (the “Applicant”) is the owner of property commonly known as 135 Stonehouse Road and designated as Block 6001, Lot 6 on the official tax map of Bernards Township, Somerset County, New Jersey (the “Property”). The Property is located in the M-1 Mining zoning district and is the site of the Millington Quarry.

The Applicant is seeking minor subdivision approval from the Zoning Board of Adjustment in order to subdivide the Property into two lots – proposed Lot 6.01 containing 50.285 acres and proposed Lot 6.02 containing 129.484 acres. The Applicant is not proposing any land disturbance or the construction of any improvements in connection with the subject application. The Applicant will seek a variance from Section 21-10.9.a.1 and Table 501 of the Bernards Township Land Development Ordinance (the “Ordinance”) with respect to proposed Lot 6.01 to permit a lot width of 207.1 feet measured 100 feet back from the front lot line whereas 2500 feet is required. In addition, because the Property currently contains an existing nonconforming office building and is proposed to be subdivided, the Applicant is also seeking a d(2) variance from the Zoning Board of Adjustment.

The Applicant is seeking minor subdivision approval as well as variance relief pursuant to N.J.S.A. 40:55D-70c and N.J.S.A. 40:55D-70d2 of the New Jersey Municipal Land Use Law. Proposed Lot 6.01 contains a portion of the Property that has been the subject of environmental remediation. In addition to an existing engineering control consisting of a previously installed physical cap, proposed Lot 6.01 will be subject to an NJDEP-approved form of deed restriction. In furtherance of its efforts to close-out the remediation in an orderly and efficient manner, **the Applicant is seeking to confine the capped and deed restricted portion of the Property to a single lot within the overall tract.** The Applicant’s efforts in this regard advance the purposes of the Municipal Land Use Law, and the deviations arising from the Applicant’ proposed subdivision represent a more desirable planning alternative than would be the case resulting from strict adherence to the standard requirements of the Ordinance. The configuration of proposed Lot 6.01 has been designed in an effort to minimize deviations from the major bulk requirements of the R-3 zone while at the same time preserving the ability to reasonably develop proposed Lot 6.02 in the future. With regard to the “negative criteria” relative to the requested variances, the deviation from the lot width requirements for proposed Lot 6.01 affects only a small portion of the proposed lot, and will not result in an appreciable increase in the density of development for the overall tract. Proposed Lot 6.02 containing the existing nonconforming office use will have a lot area in excess of 129 acres. As a result, off-site uses will continue to be well buffered from the nonconforming office use, which is modest in scope and will not be more frequently or intensively used as a result of the current application. Accordingly, the requested variances will not constitute a substantial detriment to the public good, and will not substantially impair the intent and purpose of the zone plan and the zoning ordinance.

The Applicant’s project team will provide additional testimony at the public hearing to demonstrate compliance with the applicable positive and negative criteria in support of the requested variance relief.