

RESOURCE EXTRACTION PERMIT EXTENSION  
– COVID-19 PERMIT EXTENSION ACT OF 2020  
PHOENIX PINELANDS CORP.  
Block 3, Lot 9.01  
Route 539  
PA Preservation Area & PV Pinelands Village Zones

Application No. P85-17AC

**RESOLUTION OF APPROVAL 2023-13  
PLANNING BOARD, TOWNSHIP OF LITTLE EGG HARBOR**

**WHEREAS**, an application has been made by **PHOENIX PINELANDS CORP.** for an extension of the term of a Resource Extraction Permit for Block 3, Lot 9.01 as set forth on the Tax Maps of the Township of Little Egg Harbor; and

**WHEREAS**, the Planning Board, after carefully considering the evidence presented by the applicant, and the report from its professional staff, hereby makes the following findings of fact:

1. The applicant was represented by Joseph Coronato Sr, Esq., at the April 6, 2023 public hearing.
2. The site in question is located along the western side of Route 539 in the Preservation Area (PA) and Pinelands Village (PV) Zones.
3. The applicant has requested approval in accordance with the Ordinances of the Township of Little Egg Harbor.
4. T&M Associates, the Board engineers, prepared a report dated April 6, 2023. The Board hereby adopts the findings in said report and incorporates them into this Resolution by reference.
5. The applicant is seeking an extension of the two-year 2020-2022 permit for a dredge-mining operation in the northern portion of the Township. The 2020-2022 permit, granted pursuant to Resolution 2020-10 on June 25, 2020, was set to expire on June 30, 2022.
6. The Permit Extension Act of 2020 (Covid-19 Permit Extension Act), NJSA 40:55D-136.7, was adopted with an effective date of March 9, 2020, which tolled the running of all governmental permits during the State of Public Health Emergency declared by the Governor in response to the Covid-19 pandemic.
7. The Governor declared the existence of a State of Public Health Emergency by Executive Order #103, from March 9, 2020 thru June 21, 2021, and again by Executive Order #280, from January 10, 2022 thru March 4, 2022.

8. As a result of the tolling of the running of the time limits of the applicant's 2020-2022 Permit, a total of 507 days are legislatively added to the time limits of the same, which will now expire on November 19, 2023.

**WHEREAS**, the applicant presented the testimony of its principal, Will Denise, who represented that the applicant will need no new mining permit renewals, and that the mining operation has ceased; only the removal of the previously excavated material and site restoration needs to be accomplished. The applicant will comply with all terms and conditions of the previously approved mining permits.

**WHEREAS**, the Planning Board heard the testimony of the interested public at the hearing, and the applicant represented that it would be responsive to the issues raised by the public.

**WHEREAS**, the Planning Board has determined that the applicant should be granted the requested relief.

**NOW, THEREFORE, BE IT RESOLVED** by the Little Egg Harbor Township Planning Board that the application for the extension of the 2020-2022 Resource Extraction Permit thru November 19, 2023, pursuant to the Permit Extension Act of 2020 (Covid-19 Permit Extension Act), NJSA 40:55D-136.7, is hereby approved subject to the following conditions:

1. **These specific conditions noted herein are an integral part of the basis for which the approval is being granted and are intended to be inseparable from the right of enjoyment of this approval.**
2. **The applicant shall comply with all enumerated conditions and recommendations of the Planning Board Engineer's April 6, 2023 report referenced above. Said conditions are incorporated herein by reference.**
3. **The applicant shall continue to comply with all conditions contained in Resolution #2020-10, Resolution #2018-12, Resolution #2016-12, Resolution #2014-11 & #Resolution 2012-09, all of which are incorporated herein by reference.**
4. **The applicant's current 2020-2022 Resource Extraction Permit shall expire on November 19, 2023.**

*In addition, the following general conditions shall apply:*

1. The applicant must submit proof of payment of all currently due taxes to the Little Egg Harbor Township Planning Board.

2. All representations and statements made by the Applicant, as well as Applicant's representatives and witnesses, shall be considered and deemed to be relied upon by the Board in rendering this decision and to be an expressed condition of this Board's actions in approving the subject application. Any misstatement or misrepresentation, whether by mistake or change in circumstance shall be deemed a breach of this condition of approval and shall subject this application to further review of this Board's own motion.

3. In the event the Planning Board determines it reasonably relied upon any misstatement or misrepresentation, any approvals previously given may be rescinded and any improvements at the time in place on the premises in question shall not be in compliance with the ordinances of the Township of Little Egg Harbor.

4. In the event the applicant is proven to have violated the limitations and conditions of this approval, either in municipal court or any other legal or administrative proceedings, the Township of Little Egg Harbor reserves the right to revoke the two-year mining permit and require the applicant to appear before the Planning Board for further review as the Planning Board may deem necessary. The applicant would further be subject to any other sanctions available by law.

5. The terms and conditions contained herein shall be binding upon all successors, assigns, personal representatives, heirs, and all and every other person or entity taking possession or title with respect to the premises in question.

5. The applicant must obtain reports with signed certifications from the Township of Little Egg Harbor Engineer, code Enforcement Officer, and Building Department certifying that all conditions of the Resolution have been met.

6. No permit shall be issued until the Planning Board professional fees have been confirmed by the Board Secretary as paid in full. In the event a two-year permit is issued and there are outstanding Planning Board professional fees, a stop work order will be filed against the applicant/contractor until such professional fees have been paid.

7. In the event there is an existing violation, the applicant shall have thirty (30) days from the date of the Notice of Decision was published to correct the violation. Failure to correct the existing violation within the time proscribed will result in the issuance of a summons.

8. This approval is further conditioned upon the review and approval of all other agencies exercising jurisdiction in this matter, either by affirmative action by such other agency or by required passage of time in lieu thereof.

9. The terms and conditions imposed upon the applicant are an integral and material part of the approval granted by this Board. This Board would not have voted affirmatively for said approval without the imposition of the terms and conditions contained in this Resolution.

10. The applicant shall comply with all regulations and obtain all necessary permits required by outside agencies, including local, state and federal.

**BE IT FURTHER RESOLVED** that the applicant's request for an extension of the two-year Resource Extraction Permit, now valid through November 19, 2023, and limited to the terms and conditions as set forth more fully in the preamble of this Resolution, be and hereby is approved.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the applicant, the Building Department, and the Township Clerk by the Planning Board secretary.

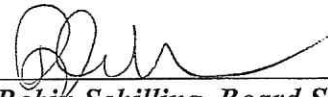
**BE IT FURTHER RESOLVED** that notification of this favorable Resolution shall be published in an official newspaper of Little Egg Harbor Township within ten (10) days of its passage.



*GEORGE GARBARAVAGE, Chair*

CERTIFICATION

I, **Robin Schilling**, Secretary of the Little Egg Harbor Township Planning Board, certify that the foregoing Resolution was duly adopted at a meeting held on May 4, 2023, memorializing the vote of the Little Egg Harbor Township Planning Board at a meeting previously held on April 6, 2023, a quorum being present and voting in the majority.



*Robin Schilling, Board Secretary*