

**TOWNSHIP OF EDGEWATER PARK
400 DELANCO ROAD
EDGEWATER PARK, NEW JERSEY 08010**

RESOLUTION P-1-2014

NOTICE OF ANNUAL SCHEDULED MEETINGS

Notice is hereby given by the Planning Board of the Township of Edgewater Park, that the following is a list of the regular meetings of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey.

REGULAR MONTHLY OFFICIAL PUBLIC MEETINGS

All such meetings to be held at 7:00 P.M. at the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. Formal official action may be taken at such meetings on any and all business involving the Planning Board may be discussed.

January 16, 2014
February 20, 2014
March 20, 2014
April 17, 2014
May 15, 2014
June 19, 2014

July 17, 2014
August 21, 2014
September 18, 2014
October 16, 2014
November 20, 2014
December 18, 2014

Deborah Cunningham
Planning Board Secretary

**TOWNSHIP OF EDGEWATER PARK
400 DELANCO ROAD
EDGEWATER PARK, NEW JERSEY 08010
PLANNING BOARD, RESOLUTION #P-2-2014**

Whereas, the “Open Public Meetings Act” requires that advance written notice of all meetings of the Planning Board be posted in one public place designated by the Planning Board and mailed, telephoned, faxed or hand delivered to two newspapers designated by Resolution and mailed to all persons requesting a copy of same.

Now, therefore, be it resolved by the Planning Board of the Township of Edgewater Park, County of Burlington and the State of New Jersey, that,

Section 1. All advance written notices of the Planning Board meetings shall be posted by the Secretary on the Official Bulletin Board located in the Township Municipal Building.

Section 2. All advance written notices of the Planning Board meetings shall be given to the two newspapers:

Burlington County Times

Courier Post Newspaper

Section 3. All advance written notices of the Planning Board meetings throughout the year shall be mailed to all persons requesting copy of the same, after payment by such persons of a fee of \$5.00, News Media shall be exempt from such fees.

Section 4. The schedule of regular official Planning Board meetings and regular work sessions for the period from and after this reorganization meeting in January, 2014, shall be in accordance with the notice annexed hereto, designating the dates, times and places of such meetings which incorporated within this Resolution by reference.

Deborah Cunningham
Planning Board Secretary

**TOWNSHIP OF EDGEWATER PARK
400 DELANCO ROAD
EDGEWATER PARK, NEW JERSEY 08010
PLANNING BOARD RESOLUTION # P3-2014**

AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES

Whereas, there exists a need for a Solicitor, Engineer and Planner and whereas, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) requires that the Resolution authorizing the award of contracts for professional services without competitive bids must be publicly advertised.

NOW, THEREFORE be it resolved by the Planning Board of the Township of Edgewater Park, County of Burlington and the State of New Jersey that:

Section 1. The Planning Board is hereby authorized and directed to execute the attached agreement with:

- A: - Environmental Resolutions Inc.-Engineer
- B. - Environmental Resolutions Inc- Planner
- C: - Raymond, Coleman & Heinold LLC-Solicitor

Section 2. These contracts have been awarded without competitive bidding as a "Professional Service" under the provisions of the local Public Contract Law because they are a recognized profession under the laws of the State of New Jersey, and therefore not possible to obtain competitive bids.

PURSUANT to N.J.S.A. 40A: 1-5 (1) (a) (i) the following information is set forth:

- A. Nature of the Contract: Legal services, Engineering services and planning services.
- B. Duration of the Contract: One Year
- C. Amount of the Contract: As per Contract, not exceed \$1,000.00 quarterly.
- D. This Resolution and Contract are on file and available for Public inspection in the office of the Township Clerk of Edgewater Park Township.

Section 3. This Resolution shall be printed once in the Burlington County Times, as required by law, within ten (10) days of its adoption.

Deborah Cunningham
Planning Board Secretary

RESOLUTION NO. P-4-2014

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
HENKELS & McCOY
BLOCK 1202, LOT 9
VARIANCE APPROVAL
WAIVER OF SITE PLAN APPROVAL**

WHEREAS, Henkels & McCoy, Inc. has applied to the Planning Board of the Township of Edgewater Park for Variance Approval and Waiver of Site Plan Approval for property located at 4325-A Route 130 North, known as Block 1202, Lot 9 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, to utilize a portion of the Property as a construction staging area for an electric transmission construction project; and

WHEREAS, a variance pursuant to N.J.S.A. 40:55D-70(d)(1) is required because the Applicant’s proposed construction staging area is not a permitted use in the Residential Age Restricted Zoning District of the Township; and

WHEREAS, the Applicant’s construction staging area use has existed at the Property since April, 2012, in accordance with a Temporary Use and Zoning Permit issued by the Township’s Zoning Officer; and

WHEREAS, the Temporary Use and Zoning Permit expired requiring the Applicant to request d(1) variance approval in order to continue its construction staging area use until September 30, 2014; and

WHEREAS, the Application was deemed complete by the Planning Board on December 19, 2013; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on December 19, 2013, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

WHEREAS, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

WHEREAS, the Planning Board after carefully considering the evidence presented by the Applicant in support of its application for variance approval and waiver of site plan, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

HENKELS & McCOY

1. The Applicant is a leaseholder of a portion of the Property. The Property is approximately 19.90 acres in area. A majority of the Property is zoned Residential Age Restricted (R-AR-1). Two (2) sections of the Property, located in the southwesterly and northwesterly corners of the Property, are within the C-3 Commercial Zoning District. The Applicant's construction staging area occupies a 3.44 acre portion of the Property, entirely within the R-AR-1 Zone. A Pep Boys Auto Parts and Service Center occupies the southwesterly corner of the Property; the northwesterly corner is vacant.

2. The Applicant has utilized the 3.44 acre portion of the Property as a construction staging area since April 2012, pursuant to a Temporary Use and Zoning Permit issued by the Township Zoning Officer. The Temporary Use and Zoning Permit expired and the Applicant is now requesting a d(1) variance to extend its use of a portion of the Property until September 30, 2014. The Applicant has also requested a waiver of site plan approval based on the limited improvements made to its leased area.

3. The taxes on the Property are current or exempt.

4. The Applicant has paid and/or posted all required fees and agreed to keep its escrow account current.

5. Proper notice of the application for Variance Approval has been given, based upon the certified lists from the Office of the Edgewater Park and Township of Willingboro Tax Assessors.

6. The following variance is required for the proposed development of a portion of the Property as proposed by the Applicant:

- a. D(1) – to permit a 3.44 acre portion of the Property to be utilized as a construction staging area until September 30, 2014.

7. Niall O'Brien, Esquire, of Archer & Greiner PC, represented the Applicant at the December 19, 2013 Public Hearing. Michael Ferro and Lawrence DiVietro testified on behalf of the Applicant.

8. Michael Ferro testified as follows:

- a. He is employed by the Applicant and is currently its Project Manager for the transmission project requiring the construction staging area;
- b. The transmission project is for Public Service Electric and Gas Company's (PSE&G) upgrades to its electric transmission system in Burlington and Camden County;

HENKELS & McCOY

- c. The PSE&G project is mandated by a federal agency and involves improvements to switching and sub stations, adding circuits and upgrading transmission lines to a higher voltage in order to meet the growing electric needs in the PSE&G service area;
- d. The construction staging area is utilized for the storage of trucks and equipment;
- e. An office trailer and storage trailers are also located at the site;
- f. Hazardous materials are not stored at the site;
- g. Minimal assembly of steel tower parts occurs at the site for use off-site;
- h. The Applicant is leasing a portion of the Property consisting of the concrete pad and a portion of the former parking area of the department store that was previously located on the Property;
- i. The Applicant has made minimal improvements to the site, limited to a security fence, lighting and cameras;
- j. The Applicant's use does not result in any environmental contamination of the Property and poses minimal nuisance issues;
- k. Applicant's work crews will generally arrive at the site at 6:30 a.m. for job assignments, will report to off-site job locations and return at approximately 5:00 to "clock-out";
- l. Applicant's work crews will arrive and leave in their personal vehicles, which are parked at the site during the day;
- m. With the exception of the minor tower assembly, little activity will occur at the site during the course of a normal day as work crews are off-site;
- n. Deliveries are made by the Applicant's own work crews who will pick up any necessary materials and deliver the materials to the staging area for ultimate delivery to the off-site job locations;
- o. No wide loads are required;
- p. The Applicant's staging area has a separate entrance and does not interfere with the Peb Boys traffic circulation;
- q. Vehicle maintenance of the Applicant's trucks is done off-site;
- r. The driveway is more than adequate for the Applicant's trucks to access Route 130;

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- s. Security personnel is not required overnight as the site is fenced with security cameras;
 - t. Security lighting consists of two (2) 1000 watt lights with one pointed onto the office trailer and one pointed onto the storage trailers;
 - u. The Applicant mows the grass at the front of its site and employs a street sweeper for site clean-up;
 - v. The only outside storage is for telephone type poles that are delivered to off-site job locations; and
 - w. It is anticipated that the PSE&G project will be completed in May of 2014 but the Applicant is requesting an end date of September 30, 2014, in case of construction delays.
9. Lawrence DiVietro testified as follows:
- a. He is the Applicant's Professional Planner, licensed in the State of New Jersey and had been qualified by New Jersey land use boards to offer expert testimony in the area of land planning;
 - b. The Property is particularly suited for the Applicant's use as it is centrally located along the PSE&G transmission lines;
 - c. The large open area leased by the Applicant can accommodate the Applicant's trucks and equipment without posing an impact to the surrounding area;
 - d. A vegetative buffer exists and provides a screening of the Applicant's site;
 - e. The construction staging area for upgrades to a regional electric transmission system benefits the general welfare of the surrounding area by ensuring continued electric service meeting the needs of the public;
 - f. The use has existed at the Property for approximately 20 months, longer than the remaining 9 months the Applicant is now requesting, without causing any negative impact to the community; and
 - g. The Applicant's construction staging area has less of an impact than an active construction project on the Property for a permitted use.

10. During the public portion of the Hearing, Donald Kenyon of Silver Park West testified that he had no complaints with the Applicant's use of a portion of the Property for a construction staging area.

HENKELS & McCOY

11. The Board Engineer had no objection to the Applicant's request for a site plan waiver because of the temporary and limited nature of improvements required for the construction staging area.

12. The Applicant is requesting variance approval to allow it to utilize a portion of the Property as a construction staging area until September 30, 2014, to provide greater utilization for this Property.

13. Without variance approval, the Applicant would be required to cease using a portion of the Property as a construction staging area for the PSE&G project.

AND, WHEREAS, based upon the above factual findings, the Planning Board has come to the following conclusions:

1. The Applicant has submitted a complete set of plans in connection with its application, so that the Planning Board has the necessary information to make a decision on the application for variance approval for the proposed development of the Property.

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the Zoning Ordinance of the Township of Edgewater Park would be advanced by the deviation from the Zoning Ordinance requirement specified herein for use, as requested by the Applicant.

3. The benefits of the deviation from the Zoning Ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval would allow for the development of the Property, and otherwise promote the safety, health and general welfare of the Township.

4. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Township.

5. A waiver of site plan approval is justified because of the temporary and limited nature of the Applicant's use of a portion of the Property.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 19th day of December, 2013, that this Board hereby grants to the Applicant:

1. D(1) Variance to permit a 3.44 acre portion of the Property to be used as a construction staging area until September 30, 2014; and

2. A waiver of the requirement that a formal site plan and application be submitted

HENKELS & McCOY

by the Applicant and approved by the Board for the construction staging area, in accordance with the plans submitted by the Applicant, which approvals are subject to the following conditions:

a. Proof that the Applicant has applied for the necessary approvals from all other agencies having jurisdiction over the Applicant's use of the Property as proposed and shall be filed with the Township of Edgewater Park, including but not limited to approval of the Burlington County Planning Board, if necessary.

b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.

c. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

d. Subject to the testimony of the Applicant and/or its agents and representatives at the December 19, 2013 Public Hearing.

e. Subject to comments of the Planning Board Engineer, as contained in the December 10, 2013 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME.

f. Subject to the comments of the Township Fire Official, as contained in the December 14, 2013 letter of John P. Augustino.

g. Subject to the Applicant maintaining its portion of the Property on a continuous basis, with the grass mowed and the site cleaned up, as necessary.

h. Subject to no outside storage permitted, except for telephone type poles that are stored on a temporary basis.

i. Subject to the Applicant restoring the site to its condition when the Applicant commenced its use of the 3.44 acre area.

j. Subject to this Approval terminating on September 30, 2014. The Applicant will require Board Approval if its use of a portion of the Property for a construction staging area extends beyond September 30, 2014.

HENKELS & McCOY

ROLL CALL VOTE

Those in Favor: 7

Those Opposed: 0

Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on December 19, 2013.

EDGEWATER PARK PLANNING BOARD

Attest:

By: _____
MARIAN JOHNSON, Chairman

DEBORAH CUNNINGHAM, Secretary

Dated: _____

Date of Approval: _____

Date of Memorialization: _____

RESOLUTION NO. P-5-2014

**RESOLUTION OF THE TOWNSHIP OF EDGEWATER PARK PLANNING BOARD
COUNTY OF BURLINGTON, STATE OF NEW JERSEY
ENDORISING**

EDGEWATER PARK ORDINANCE NO. 2014-1

***AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK,
COUNTY OF BURLINGTON, NEW JERSEY
AMENDING CHAPTER §16.90.1A. TITLED:
SIGNS, GENERAL PROVISIONS, PROHIBITED***

WHEREAS, pursuant to the Section 51 of the Municipal Land Use Law of the State of New Jersey (N.J.S.A. 40:55D-64), the Planning Board of the Township of Edgewater Park is obligated to review any and all proposed land use control ordinances prior to adoption by the Committee of the Township of Edgewater Park;

WHEREAS, through this resolution, the Planning Board wishes to memorialize its findings concerning the review and analysis of the proposed amendment to the Township Code of the Township of Edgewater Park:

**NOW, THEREFORE, ON THE 16th DAY OF JANUARY, 2014, BE IT RESOLVED
BY THE MEMBERS OF THE PLANNING BOARD OF THE TOWNSHIP OF
EDGEWATER PARK, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY
THAT:**

1. The ordinance identified by the Township as Ordinance No. 2014-1 having been previously reviewed by the consulting planner and engineer to the Planning Board and no objection having been identified, is hereby endorsed by this Board for adoption by the Township Committee.

2. Ordinance No. 2014-1 is not inconsistent with the Master Plan of the Township of Edgewater Park.

3. The Planning Board's solicitor, consulting engineer, planner and board secretary are hereby further authorized to undertake any and all action to forward the necessary endorsement to the Township Committee concerning the Planning Board's endorsement.

4. This Resolution shall constitute the report of the Planning Board required pursuant to Section 17 of the Municipal Land Use Law (N.J.S.A. 40:55D-26) for the Planning Board's review of proposed Township Ordinance No. 2014-1.

Action taken on motion made by Mr. Robinson, seconded by Mr. Westphal to adopt the Resolution. The following roll call vote was taken.

Planning Board	Yes	No
Mayor Pullion Abstained		
Mrs. Johnson	x	
Mr. Aaronson	x	
Mr. Alexander Abstained		
Mr. Belgard Abstained		
Mr. Kauker	x	
Mr. Maleki	x	
Mr. Robinson	x	
Mr. Smith	x	
Mr. Westphal	x	

EDGEWATER PARK PLANNING BOARD

Attest:

By: _____
MARIAN JOHNSON, Chairwoman

Deborah Cunningham, Secretary

Dated: January 16, 2014

Date of Approval: January 16, 2014

Date of Memorialization: January 16, 2014

RESOLUTION NO. P-6-2014

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
DODGE CITY
BLOCK 1801, LOT 3
VARIANCE APPROVAL
AMENDED SITE PLAN APPROVAL**

WHEREAS, Dodge City, Inc. has applied to the Planning Board of the Township of Edgewater Park for Variance Approval and Amended Site Plan Approval for property located at 4395 Route 130 South, known as Block 1801, Lot 3 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing an 877 square foot addition to the existing Hyundai Automobile Dealership and to replace existing building mounted signs; and

WHEREAS, a variance pursuant to N.J.S.A. 40:55D-70(d)(3) is required because automobile dealerships are Conditional Uses in the C-3 Zoning District and the existing dealership, as expanded, does not comply with all of the conditions specified in the Township’s Zoning Ordinance for such use; and

WHEREAS, variances pursuant to N.J.S.A. 40:55D-70(c) are required because the Applicant’s sign package does not comply with the requirements for building mounted and monument signs¹; and

WHEREAS, the Application was deemed complete by the Planning Board on January 16, 2014; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on January 16, 2014, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

WHEREAS, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

WHEREAS, the following exhibits were introduced by the Applicant at the January 16, 2014 Public Hearing:

¹ During the January 16, 2014 Public Hearing, the Applicant withdrew its request for variances for the height and size of the proposed monument sign.

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- A-1 - Photograph of the typical Hyundai Gateway to demonstrate the color scheme for Hyundai dealerships;
- A-2 - Photograph of the existing building façade;
- A-3 - Photograph of the existing pylon/monument sign;
- A-4 - Photograph of the proposed building façade; and

WHEREAS, the Planning Board after carefully considering the evidence presented by the Applicant in support of its application for Variance and Amended Site Plan Approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is the owner of the Property. A majority of the Property is zoned C-3; the rear portion is zoned Residential Multi-Family (R-MF). The Property is improved with a 15,787 square foot building utilized as a Hyundai Automobile Dealership.

2. The Applicant is proposing to construct an 887 square foot addition to the existing building and to replace three (3) building mounted signs with five (5) building mounted signs. The existing building and the proposed addition are located entirely within the C-3 Zoning District.

3. The taxes on the Property are current or exempt.

4. The Applicant has paid and/or posted all required fees and agreed to keep its escrow account current.

5. Proper notice of the application for Variance and Amended Site Plan Approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.

6. Automobile dealerships are conditional uses in the C-3 Zoning District.

7. The existing automobile dealership does not satisfy the following conditions listed for this conditional use in the C3 Zoning District:

- a. Side yard to building and structures – 50 feet required, 30.2 feet existing;
- b. Side yard between parking/storage areas abutting residential zoning districts – 30 feet required, 10 feet existing;
- c. Side yard between parking/storage areas abutting non-residential zoning districts – 15 feet required, existing facilities encroach into adjacent lot;
- d. Rear yard between parking/storage areas abutting residential zoning districts – 30 feet required, existing facilities encroach into R-MF Zone;
- e. Impervious coverage – 70% maximum permitted, existing site exceeds

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70%;

- f. Landscaped area – 30% minimum required, less than 30% existing;
- g. Landscape buffer – 30 feet required along rear and side yards abutting residential zoning districts, existing site does not comply;
- h. Landscape buffer – 15 feet required along rear and side yards abutting non-residential zoning districts, existing site does not comply;
- i. Distance between automobile dealerships – 1,000 feet required, existing Hyundai Dealership shares common driveway with an existing Dodge Dealership;
- j. These existing non-conforming conditions of the existing automobile conditional use will remain the same after the proposed addition is constructed.

8. The following variances are required for the five (5) proposed building mounted signs:

- a. Sign height for Hyundai Blue Box Sign – Limited to 10% of the height of wall to which sign is attached. Proposed height is 12 feet or 66.9% of wall height;
- b. Sign height for Hyundai Service Sign – Limited to 10% of the height of wall to which sign is attached. Proposed height is 2 feet 9 and ½ inches or 13.2% of wall height;
- c. Hyundai Blue Box Sign extends 3 feet 11 inches above roof line where attached signs are not permitted to extend above roof line;
- d. Number of building mounted signs – one (1) permitted, five (5) proposed;
- e. Area of building mounted signs – 40 square feet permitted, 355 square feet proposed.

9. Patrick McAndrew, Esquire, represented the Applicant at the January 16, 2014 Public Hearing. Jeffrey Richter, Scott Luria and Javier Haz De Villa testified on behalf of the Applicant.

10. Mr. Richter testified as follows:

- a. He is the Applicant's Professional Engineer, licensed in the State of New Jersey and has been qualified by New Jersey Land Use Boards to provide expert testimony in his field;

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- b. The 887 square foot addition to the building will result in the loss of 2 parking spaces from 272 spaces to 270 spaces;
- c. There will be a minimal landscape loss next to the building;
- d. Impervious coverage will only increase 150 square feet, a de minimus increase;
- e. No impact to the stormwater management system will result from the building expansion.

11. Mr. Luria testified as follows:

- a. He is the Applicant's architect, registered in the State of New Jersey and had been qualified by New Jersey Land Use Boards to provide expert testimony in his field;
- b. He is Hyundai American's architect along the east coast;
- c. The 887 square foot addition is proposed to make the customer experience better;
- d. The proposed addition and signage are designed by Hyundai American;
- e. The building and proposed signs will be silver and blue, the same color scheme for all Hyundai dealerships in the United States;
- f. The roof top HVAC equipment will not be visible.

12. Mr. Haz De Villa testified as follows:

- a. He is the General Manager of the Hyundai dealership;
- b. The proposed improvements will upgrade a tired building;
- c. The image of the new building is tied to incentives from Hyundai American, if the improvements are not completed, the dealership will receive charge backs from Hyundai American.

13. The January 16, 2014 Hearing was opened to the public without comment.

14. The Board Engineer/Planner reviewed his December 10, 2013 review letter for the Board and had no objection to the proposed building mounted signs as they are typical in size and number for an automobile dealership use. The Applicant, through the testimony of its witnesses agreed to comply with the comments contained in the review letter of the Board Engineer/Planner.

15. The Applicant is requesting variance approval to provide greater utilization for the existing automobile dealership and to improve the aesthetics of the existing building.

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16. Without variance approval, the Applicant would be unable to improve the Property as proposed.

AND, WHEREAS, based upon the above factual findings, the Planning Board has come to the following conclusions:

1. The Applicant has submitted a complete set of plans in connection with its application, so that the Planning Board has the necessary information to make a decision on the application for Variance and Amended Site Plan Approval for the proposed development of the Property.

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the Zoning Ordinance of the Township of Edgewater Park would be advanced by the deviation from the Zoning Ordinance requirements specified herein for conditional use and building mounted signs, as requested by the Applicant.

3. The benefits of the deviation from the Zoning Ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval would allow for the development of the Property, and otherwise promote the safety, health and general welfare of the Township.

4. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 16th day of January, 2014, that this Board hereby grants to the Applicant:

1. D(3) Variance to permit an automobile dealership as a conditional use without complying with the conditions stated for a conditional use in the C-3 Zoning District for side yard, rear yard, impervious coverage, landscaped area, landscaped buffer and separation between automobile dealerships, as stated above;

2. C Variances to permit five (5) building mounted signs having a total area of 355 square feet, with the Hyundai Blue Box Sign being 12 feet in height and extending 3 feet 11 inches above the roof line and the Hyundai Service Sign being 2 feet 9 and ½ inches in height; and

3. Amended Site Plan Approval for the construction of an 887 square foot addition to the existing building, in accordance with the plans submitted by the Applicant, which approvals are subject to the following conditions:

HYUNDAI

a. Proof that the Applicant has applied for the necessary approvals from all other agencies having jurisdiction over the Applicant's use of the Property as proposed shall be filed with the Township of Edgewater Park, including but not limited to approval of the Burlington County Planning Board, if necessary.

b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.

c. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

d. Subject to the testimony of the Applicant and/or its agents and representatives at the January 16, 2014 Public Hearing.

e. Subject to comments of the Planning Board Engineer/Planner, as contained in the December 10, 2013 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME.

f. Subject to the comments of the Township Fire Official, as contained in the December 14, 2013 letter of John P. Augustino.

g. Subject to the submission of details from the Applicant's architect of the roof line confirming that the HVAC equipment will not be visible.

h. Subject to handicap parking and ramp details being provided to the Board Engineer for review and approval.

i. Subject to this Approval not being an approval for the monument/pylon sign, as that request for variances was withdrawn by the Applicant during the January 16, 2014 Public Hearing.

HYUNDAI

ROLL CALL VOTE

Those in Favor: 7

Those Opposed: 0

Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on January 16, 2014.

EDGEWATER PARK PLANNING BOARD

Attest:

By: _____
CHARLES ROBINSON,
Deputy Chairman

DEBORAH CUNNINGHAM, Secretary

Dated: _____

Date of Approval: _____

Date of Memorialization: _____

RESOLUTION NO. P-__7____-2014

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
REFUGE MINISTRIES CENTER
BLOCK 1202.07, LOTS 4 AND 4.05
VARIANCE AND CONDITIONAL USE APPROVAL**

WHEREAS, Refuge Ministries Center, Inc. has applied to the Planning Board of the Township of Edgewater Park for Conditional Use Approval for property located at 4313 South Route 130, known as Block 1202.07, Lots 4 and 4.05 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, to utilize a portion of an existing building at the Park Plaza center as a Place of Worship; and

WHEREAS, Places of Worship are Conditional Uses in the C-3 Highway Commercial Zoning District requiring satisfaction of all conditions enumerated in Section 16-81F(4) of the Zoning Ordinance; and

WHEREAS, the Applicant is unable to satisfy all of the conditions enumerated in Section 16-81F(4) and will require a variance pursuant to N.J.S.A. 40:55D-70(d)(3) for its proposed Place of Worship; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on March 20, 2014, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

WHEREAS, the Planning Board after carefully considering the evidence presented by the Applicant in support of its application for variance approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is under agreement to lease a portion of a building located on the Property, located in the Township’s C-3 Highway Commercial Zoning District.
2. The Applicant has submitted an application for Conditional Use approval to utilize two (2) units of an existing Park Plaza Center building, approximately 3,700 square feet, as a Place of Worship, a Conditional Use in the C-3 Zoning District.
3. The taxes on the Property are current or exempt.
4. The Applicant has paid and/or posted all required fees and agreed to keep its escrow account current.

REFUGE MINISTRIES

5. As an existing building, the Applicant is unable to satisfy the Conditional Use requirements pertaining to front yard setback, impervious coverage, parking and landscaping areas and requires a variance pursuant to N.J.S.A. 40:55D-70(d)(3).

6. Proper notice of the application for Variance and Conditional Use Approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.

7. Neither the Mayor nor the Council Representative participated during the Board's consideration of the Application.

8. Section 16-81F(4) requires Places of Worship to have a minimum front yard setback of 60 feet, a maximum impervious coverage of 50%, a 20 foot wide landscaped area and one (1) parking space for each 60 square feet of floor space devoted to patron use. The front yard setback for the existing building is less than 60 feet, the impervious coverage for the Property exceeds 50%, parking encroaches into the landscaped buffer area, the landscaped buffer area is less than the 20 foot width required and the parking area is shared by all tenants. As such, the Applicant's proposal does not satisfy these Conditional Use requirements for Places of Worship, as required by the Zoning Ordinance.

9. Dorian Morgan, Esquire, represented the Applicant at the Board's March 20, 2014 Public Hearing. Kevin Flowers, Pastor of the Refuge Ministries, and Sharon Flowers, his wife, testified.

10. Mr. Morgan introduced Exhibit A-1, Unit Layout Plan, of the two (2) Park Plaza units, as combined into one (1) space for the Applicant's Place of Worship.

11. The Flowers testified as follows:

- a. The Church has been in existence for 20 years;
- b. The Church offers services on Sundays and Wednesdays;
- c. Sunday service is 10:00 a.m. until 1:00 p.m. and Wednesday Service is 7:00 p.m. until 9:00 p.m.;
- d. The average Sunday attendance is 35 people;
- e. The Church also offers food and clothing distribution and back to school support as part of its ministry services;
- f. Two other churches are located at the Park Plaza site;
- g. The Applicant's Church and the other two Park Plaza churches have different worship times;
- h. The existing parking is more than sufficient to accommodate the

REFUGE MINISTRIES

Applicant's parking needs as well as the parking needs of the Plaza's other tenants;

- i. No site improvements are proposed;
- j. A dumpster for the Applicant's needs will be placed in the rear of the building;
- k. The Applicant's space is ADA compliant as the prior tenant of the Applicant's space was the ARC;
- l. The Applicant will utilize the Plaza's existing marquee sign and will install one (1) sign on the building for its signage needs;
- m. The proposed signage will comply with the Township requirements;
- n. The Church does not offer day care or summer camp services.

12. In connection with the approvals granted by this Board for the other two (2) churches at Park Plaza, the Landlord has made improvements to the Center, including repairs to parking areas, re-striping of the parking lot and repairs to crosswalks and handicap ramps. Landscaping is to be planted this spring.

13. The meeting was opened to the public without comment.

14. The Applicant is requesting variance approval to allow it to operate a Place of Worship from the Park Plaza Center, to provide greater utilization for this Property.

15. Without variance approval, the Applicant would be unable to use the Center for a Place of Worship.

AND, WHEREAS, based upon the above factual findings, the Planning Board has come to the following conclusions:

1. The Applicant has submitted a complete set of plans in connection with its application, so that the Planning Board has the necessary information to make a decision on the application for variance approval for the proposed Place of Worship.

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the Zoning Ordinance of the Township of Edgewater Park would be advanced by the deviation from the Zoning Ordinance requirements specified herein for the front yard setback, impervious coverage, parking and landscaping, as requested by the Applicant.

3. The benefits of the deviation from the Zoning Ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval

REFUGE MINISTRIES

would allow for the development of the Property, and otherwise promote the safety, health and general welfare of the Township.

4. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 20th day of March, 2014, that this Board hereby grants to the Applicant:

a. Variances from the Conditional Use requirements for Places of Worship, to permit less than a 60 foot front yard setback, more than 50% impervious coverage, parking encroaching into the landscaped buffer, a landscaped buffer less than the required width of 20 feet and shared parking; and

b. Conditional Use Approval for a Place of Worship at the Park Plaza Center, in accordance with the Application, plans, survey and testimony submitted by the Applicant, subject to the following conditions:

1. Proof that the Applicant has applied for the necessary approvals from all other agencies having jurisdiction over the Applicant's use of the Property as proposed and shall be filed with the Township of Edgewater Park, including but not limited to approval of the Burlington County Planning Board and the Burlington County Board of Health.

2. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.

3. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

4. Subject to the testimony of the Applicant and/or its agents and representatives at the March 20, 2014 Public Hearing.

5. Subject to comments of the Planning Board Engineer and Planning Board Planner, as contained in the January 10, 2014 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME, and Barbara J. Fegley, AICP, PP, respectively.

REFUGE MINISTRIES

6. Subject to a cash performance bond being submitted to the Township for the landscaping to be installed. The amount of the performance bond shall be determined by the Board Engineer and the cash bond shall be posted with the Township prior to the issuance of a zoning or building permit.

7. Subject to the Board Engineer, as part of the Certificate of Occupancy process for the Applicant's space at Park Plaza, confirming that the repairs to the sidewalk and parking lot areas to be utilized by the Applicant, have been completed by the Landlord to the satisfaction of the Board Engineer.

8. Subject to the Applicant applying for all necessary permits for construction and/or signage prior to the commencement of construction or signage installation. All signage is to comply with Township requirements.

ROLL CALL VOTE

Those in Favor: 8

Those Opposed: 0

Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on March 20, 2014.

EDGEWATER PARK PLANNING BOARD

Attest:

By: _____
MARIAN JOHNSON, Chairman

DEBORAH CUNNINGHAM, Secretary

Dated: March 20, 2014

Date of Approval: April 15 2014

Date of Memorialization: April 15, 2014

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-13-2014

**CONCERNING THE APPLICATION OF
CELLCO PARTNERSHIP
FOR VARIANCE AND SITE PLAN APPROVAL**

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, has applied to the Planning Board of the Township of Edgewater Park for variance and site plan approval for property located at 703 Van Rossum Avenue, known as Block 620, Lots 3 and 4.01 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a wireless communications facility on a 2,500 square foot area of the Property; and

WHEREAS, the proposed wireless communications facility will consist of a 120 foot high monopole, twelve (12) antennas extending to a height of 124 feet, a lighting rod reaching a height of 128 feet, an 11.6 foot by 16 foot equipment shelter and an emergency generator, all enclosed in a 2,500 square foot fenced in compound; and

WHEREAS, the Property is located in the Light Industrial (LI) Zoning District of the Township; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* is required because new wireless towers and facilities are not permitted in the LI Zoning District; and

WHEREAS, the application for use variance and site plan approval was deemed complete by the Board on August 21, 2014; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on August 21, 2014, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

WHEREAS, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

WHEREAS, the following exhibits were introduced at the August 21, 2014 Public Hearings:

A-1 - Site Plan revised to May 19, 2014;

A-2 - Map of area showing existing Verizon Wireless facilities;

CELLCO – No. P-13-2014

- A-3 - Map showing proposed wireless facility with existing Verizon facilities;
- A-4 - 2012 aerial photograph of area with Property identified;
- A-5 - Series of photo simulations from various locations with proposed monopole and antennas superimposed; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support its application for variance and site plan approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is a lessee of a portion of the Property. The Property is 4.38 acres and is improved with a light industrial building that is tenant occupied. The Property is located in the Light Industrial Zone of the Township.

2. The taxes on the Property are current or exempt.

3. The Applicant has paid and/or posted all required fees and agreed to keep its escrow account current.

4. Proper notice of the application for Variance and Site Plan Approvals has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.

5. The Applicant is proposing the following development of a 2,500 square foot (50 feet by 50 feet) portion of the Property:

- a. Constructing a 120 foot tall monopole;
- b. Mounting twelve (12) antennas to the top of the monopole extending to a height of 124 feet;
- c. Attaching a lightning rod to the top of the monopole reaching a height of 128 feet;
- d. Installing an 11.6 foot by 16 foot equipment shelter and an emergency generator at the base of the monopole;
- e. Installing underground electric and telephone utilities;
- f. Erecting a fence with gates around the wireless communications facility;
- g. Constructing a gravel access drive to the fenced in compound area; and
- h. Planting landscaping.

6. The wireless communications facility is not a permitted use in the LI Zoning District and a variance pursuant to *N.J.S.A. 40:55D-70(d)* has been requested by the Applicant.

CELLCO – No. P-13-2014

7. Mayor Pullion and Councilman Belgard recused themselves from participating on the Application as a variance pursuant to *N.J.S.A. 40L55D-70(d)* was requested by the Applicant.

8. The August 21, 2014 Board meeting commenced with six (6) members eligible and the Applicant was given the opportunity to make its presentation or request a continuation to a future meeting date. The Applicant elected to proceed with six (6) members.

9. The Applicant was represented at the August 21, 2014 Public Hearing by James Mitchell, Esquire. Testimony was provided by Ronald Igneri, Andrew Petersohn and James Kyle. Based on their testimony regarding education, licensing and professional experiences, Mr. Igneri, Mr. Petersohn and Mr. Kyle were qualified by the Board to offer expert testimony as a professional engineer, a radio frequency engineer and a professional planner, respectively.

10. Mr. Igneri testified as follows:

- a. Describes the wireless facility proposed by Verizon Wireless;
- b. Describes the properties near to and adjacent to the Property as including railroad tracks to the north, a cemetery to the southwest, vacant properties to the south and west and a masonry supply business to the east;
- c. The wireless compound will be located at the rear of the Property, on a cleared spot located to the rear of the existing light industrial building and near the Riverline railroad tracks;
- d. The emergency generator will be fueled by natural gas;
- e. Electricity and telephone lines will service the compound and will be trenched underground to the compound;
- f. The monopole and compound are designed for other wireless carriers to co-locate their antennas and equipment;
- g. Fiber optic service will also be included as part of the wireless system;
- h. The fence and monopole will be grounded to a copper ring installed around the compound;
- i. The equipment cabinet will be located at the southeast corner of the compound, will be mounted on a steel frame and will reach a height of 10.5 feet;
- j. The monopole will comply with all applicable codes and designed to withstand all weather conditions normal for the area;

CELLCO – No. P-13-2014

- k. Ground cover will be large, non compacted gravel resulting in better drainage than the compacted gravel currently at the site;
 - l. Landscaping will be planted in accordance with the comments of the Board Engineer and the Applicant will work with the Board Engineer for an acceptable landscaping plan;
 - m. The compound will be illuminated with a foto-cell light facing down and designed not to stream out;
 - n. Twelve antennas will be mounted four (4) feet apart on three (3) sides of a square platform at the top of the monopole;
 - o. A cable bridge will run between the equipment cabinet and the monopole with the cables extending inside the monopole to the antennas;
 - p. The site is unmanned with site visits scheduled every 4 to 6 weeks for site maintenance;
 - q. The facility will be remotely monitored, 24/7, 365 days;
 - r. Trash will not be generated.
11. Mr. Petersohn testified as follows:
- a. The need for this facility is not a result in gaps in Verizon'e existing coverage but is a result of exhaustion of existing facilities;
 - b. Exhaustion is the result of an exponential growth in the number of users putting a strain on the existing system;
 - c. Users are not limited to cell phones and now include smart phones, android devices and wireless household devices;
 - d. This facility is primarily designed as a capacity site and not a coverage site;
 - e. Exhaustion will first effect data with slower download speeds and ultimately voice and 911 calls failing or dropping;
 - f. Exhaustion will create a lack of reliable coverage and failed calls;
 - g. The proposed wireless facility is located at the center of the existing Verizon Wireless facilities serving the area;
 - h. Once activated, this wireless facility will represent the best server as it will pick up the dense residential areas adjacent to the facility;

CELLCO – No. P-13-2014

- i. The search ring for the Verizon Wireless facility required to address exhaustion was a ¼ mile radius from the Property and central to the dense residential area;
 - j. The only existing structure within the search ring was the water tower but the water tower was not structurally sound to support the placement of the antenna platform;
 - k. Verizon looked into placing the facility elsewhere on the water tower property but could not get the consent of the property owner to perform the required environmental investigation;
 - l. As a federal licensee, Verizon Wireless is required to conduct certain environmental tests prior to locating a new wireless facility on a property;
 - m. Verizon also looked into placing this facility on a municipal owned site but none were within the search ring area;
 - n. The proposed wireless facility will provide coverage to most of Edgewater Park with service improved;
 - o. The wireless facility will operate in accordance with all applicable standards;
 - p. Under normal operating scenarios, the facility's electromagnetic emissions will be 1000 times less than FCC standards;
 - q. Under worse case scenario, the electromagnetic emissions will be 339 times less than FCC standards;
 - r. New Jersey standards are 5 times less stringent than the FCC standards;
 - s. Verizon Wireless operates on a specific radio frequency assigned by the FCC and its frequency will not interfere with other wireless carriers, even those who will co-locate on the proposed monopole;
 - t. As a structure less than 200 feet in height, the FAA does not require the monopole to be lit for air traffic notice.
12. Mr. Kyle testified as follows:
- a. A use variance is required to permit the proposed wireless facility in the Light Industrial Zone;

CELLCO – No. P-13-2014

- b. Wireless facilities are permitted in other zoning districts in the Township, including the Industrial Zone;
 - c. The Property is in close proximity to the Industrial Zone;
 - d. There is no historical significance to the Property that would prohibit the location of a wireless facility;
 - e. The Property is particularly suited for the proposed wireless facility as it is situated perfectly in the center of existing Verizon Wireless facilities that are now experiencing capacity issues;
 - f. The Property is in an industrial area and existing vegetation on and near the Property will provide screening of the facility from other properties;
 - g. There is a public benefit and the general welfare is served by locating the wireless facility on the Property as current and future exhaustion levels will be addressed;
 - h. With a large percentage of the population using cell phones for all their telephone needs and no longer using land lines and the increase of wireless devices, like I-Pads, there is a need to address the future exhaustion levels;
 - i. There are little detrimental effects resulting from the wireless facility as it is un-manned and does not generate trash and views of the facility will be screened by existing vegetation;
 - j. There are utility structures in the area with multiple wires that are more visible than the proposed wireless facility;
 - k. The primary area of coverage for the facility is the Township.
13. The August 21, 2014 hearing was opened to the public without comment.
14. The Board Engineer reviewed the July 14, 2014 Review Letter from Environmental Resolutions, Inc., and the Applicant agreed to comply with the review comments.
15. Telecommunication towers are permitted as conditional uses in the Industrial and Commercial-Light Industrial Zones of the Township. Single carrier towers would be limited to a height of 110 feet and equipment compounds to a maximum size of 900 square feet as conditions in the Industrial and Commercial-Light Industrial Zones. The permitted height of the towers would increase if used by more than one carrier with a maximum height of 175 feet for three (3) or more carriers.

CELLCO – No. P-13-2014

16. The Board Engineer has recommended that the Board grant Checklist Waivers pertaining to survey and structures within 200 feet of the Property. The Applicant, through testimony, has addressed Checklist Items for property owners within 200 feet, deed restrictions, landscaping and buffers.

AND WHEREAS, based upon the above factual findings, the Planning Board of the Township of Edgewater Park has come to the following conclusions:

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirement pertaining to the use of a portion of the Property for a wireless communications facility in the Light Industrial Zoning District, as specified herein, as requested by the Applicant.

2. The benefits of the deviation from the zoning ordinance requirement specified herein would substantially outweigh any detriment to the public good as variance approval would promote the safety, health and general welfare of the community.

3. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Edgewater Park.

4. The Property is particularly suited for the wireless communications facility as the Applicant has demonstrated that it is the best available location to address issues of exhaustion of the existing coverage area created by the increase in the number of users.

5. The Applicant has met its burden for the granting of a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* for the construction of a wireless communications facility to address exhaustion in Verizon Wireless's coverage area.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Edgewater Park, on the 21st day of August, 2014, that this Board hereby grants to the Applicant the following:

1. A variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* to permit a wireless communications facility to be located on a 2,500 square foot area of the Property, consisting of a 120 foot tall monopole, 12 antennas mounted on a square platform at the top of the monopole extending to a height of 124 feet, a lightning rod attached to the top of the monopole, an 11.6 foot by 16 foot equipment shelter and an emergency natural gas fueled generator at the base of

CELLCO – No. P-13-2014

the monopole, underground electric and telephone utilities, fencing around the wireless facility compound, a gravel drive and landscaping;

2. Waiver of the checklist items pertaining to survey and structures within 200 feet of the Property and

3. Site plan approval for the wireless communications facility, in accordance with the Plans submitted by the Applicant, with all approvals subject to the following conditions:

a. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township's Land Use Coordinator.

b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the required building permit, certificate of occupancy or zoning permit be issued.

c. Subject to the testimony of the Applicant and its agents and representatives at the August 21, 2014 Public Hearings.

d. Subject to the submission of revised plans complying with this Resolution, if required.

e. Subject to the Applicant posting all required inspection fees and performance and maintenance guarantees, required for construction of the project.

f. Subject to the Applicant's escrow account for the review of its Application being current. Failure of the escrow account to be current may result in the non-issuance of permits.

g. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

h. Subject to the monopole and compound being made available to other wireless providers and Township emergency services. A Letter of Intent allowing shared use of the wireless facility, including monopole, shall be submitted by the Applicant for review.

i. Subject to the Applicant and its successors in interest being responsible for the continuous maintenance of the compound area.

CELLCO – No. P-13-2014

j. Subject to the Applicant coordinating a landscaping plan with the Board Engineer and Planner consistent with the recommendations contained in the July 14, 2014 Review Letter of Environmental Resolutions, Inc. If the Board Engineer and Planner do not approve a landscaping plan, the Applicant will be required to appear before the Board for resolution of the landscaping issue.

k. Subject to the comments of the Board Engineer and Planner as contained in the July 14, 2014 review letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, CME, PP, and Barbara J. Fegley, AICP, PP, except as modified by this Resolution.

l. Subject to a report from a licensed professional engineer being submitted to the Township every three years and when antenna arrays are modified or added to the monopole. The report is to certify the structural integrity of the monopole, together with the antennas mounted on the monopole, and whether all applicable minimum safety requirements are satisfied. The report shall also include a detailed listing of all antennas mounted on the monopole and all equipment in the wireless compound. In lieu of a professional engineer's report, a satisfactory insurance company inspection report can be submitted to satisfy this requirement.

m. Subject to the Applicant and any other carrier utilizing the monopole and compound notifying the Township when their respective antennas and equipment use is discontinued.

n. Subject to a performance bond and/or other assurances, satisfactory to the Township, in a form approved by the Township Attorney, being submitted for the removal, at no cost to the Township, of the antennas, monopole, equipment shelter and all other related equipment, from the Property when the antennas are no longer operative. No longer operative shall include when (i) the facility is not used for its intended and approved purpose for a period of 12 months or (ii) the use of the monopole is 10 percent or less of its maximum permitted capacity. The Applicant or its assigns shall have sixty (60) days from the "no longer operative" date to remove all of said antennas, monopole and equipment from the Property or the Township will utilize the bond/other assurances for the removal of same.

o. Subject to the Applicant addressing the July 9, 2014 letter of John P Augustino, Fire Official.

ROLL CALL VOTE

Those in Favor: 6

Those Opposed: 0

Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Zoning Board of Adjustment of the Township of Southampton in accordance with its decision at its regular meeting on August 21, 2014.

**THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF SOUTHAMPTON**

Attested:

MARIAN JOHNSON, CHAIRWOMAN

KATHLEEN EVANS, SECRETARY

Dated: _____

Date of Approval: _____

Date of Memorialization: _____

RESOLUTION NO. P-14-2014

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD,
BURLINGTON COAT FACTORY
BLOCK 502, LOTS 12, 13.05, 13.06 and P/O LOT 13**

WHEREAS, Burlington Coat Factory Realty of Edgewater Park, Inc., has applied to the Planning Board of the Township of Edgewater Park for Minor Subdivision and Preliminary and Final Site Plan approval for property located at the intersection of Route 130 and Coopertown Road, known as Block 502, Lot 12, 13.05, 13.06 and part of Lot 13 on the Official Tax Map of the Township of Edgewater Park (the “Property”) for the purpose of constructing improvements and to relocate an existing truck entrance to the Burlington Coat Factory Distribution Center in order to provide greater stacking and parking of tractor trailers and to improve the internal truck circulation; and

WHEREAS, variances are required as the proposed development of the property does not comply with all of the requirements of the Township’s Zoning Ordinance; and

WHEREAS, the application was deemed complete by the Planning Board on October 16, 2014; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on October 16, 2014, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

WHEREAS, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

WHEREAS, the Applicant introduced the following Exhibits at the October 16, 2014 Public Hearing:

A-1 - 2012 Color Aerial of the site;

A-2 - Color rendering of the Landscape Plan; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its application for Minor Subdivision Approval and Preliminary and Final Site Plan Approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

Burlington Coat Factory Realty – No. P-_____-2014

1. The Applicant and its Affiliates are the owners of Block 502, Lots 12, 13.05, 13.06 and part of Lot 13, a 57.57 acre site improved with the Applicant's Distribution Center. The Property is located in the Commercial Light Industrial (C-LI-5) Zoning District of the Township.

2. The Applicant has submitted an application for Minor Subdivision of the Property and Preliminary and Final Site Plan approvals to make certain changes to Applicant's Distribution Center.

3. The Minor Subdivision will result in Remainder Lot 12 reduced to 11.53 acres, new Lot 12.01 with 6.38 acres, Lot 13 increased to 39.66 acres and the elimination of Lots 13.05 and 13.06.

4. Preliminary and Final Site Plan will result in the relocation of the existing truck entrance to the Distribution Center, provide greater stacking and parking, and improve internal truck circulation.

5. The taxes on the Property are current.

6. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.

7. Proper notice of the application for Minor Subdivision Approval and Preliminary and Final Site Plan approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.

8. The Property is located in the Township's C-LI-5 Zoning District.

9. The improvements proposed by the Applicant to its Distribution Center are permitted by the Redevelopment Agreement between the Township of Edgewater Park and the Applicant for the development of Block 502, Lot 12, as adopted by the Township on May 20, 2014.

10. The Applicant was represented at the October 16, 2014 Public Hearing by Brian Guest, Esquire. Robert Stout, Nathan Mosely and John Ditullio testified on behalf of the Applicant.

11. Mr. Stout testified as follows:

- a. He is the Applicant's Professional Engineer, licensed in the State of New Jersey and has been qualified by New Jersey Land Use Boards, including this Board, to offer expert testimony in his field;

Burlington Coat Factory Realty – No. P-_____-2014

- b. Describes the current site and the improvements proposed by the Applicant;
- c. The front three (3) pad site lots are being eliminated and merged into a larger lot located to the left of the existing building;
- d. The ownership of the resulting lots are in different names as a result of the PILOT agreement between the Applicant, its affiliates and the Township;
- e. The proposed site changes are primarily to improve truck circulation, increase the number of parking spaces and to increase the number of stacking spaces for trucks waiting on the site to unload;
- f. The relocated truck entrance will be constructed on Delanco-Coopertown Road, across from Cramps Liquor store;
- g. The front lot, merged from the three pad site lots, is not proposed for development at the current time but the new circular drives will be constructed around the larger front lot;
- h. With the reconfiguration of the truck parking lot, the trucks will now exit onto Route 130;
- i. The new configuration of ingress/egress will allow Q-ing for 21 of the WB-67s, the largest trucks on the road;
- j. A by-pass lane off of Coopertown Road is also provided for improved truck circulation;
- k. No improvements are proposed for Cooper Street;
- l. 168 trailer parking spaces are now proposed on the remainder of Lot 12 an increase of 38 spaces over the existing 130 spaces;
- m. Trucks will enter the site, drop their loads and immediately exit the site;
- n. The basins have been designed to accommodate the full build-out of the Property, including the three pad sites;
- o. The adjacent apartments are 140 feet from the site;
- p. The landscaping plan includes a 50 foot berm that is 7 feet in height to buffer the new truck lot;
- q. The new truck lot is located twice the distance from the apartments then the current parking spaces;

Burlington Coat Factory Realty – No. P-_____-2014

- r. Trucks will access the site 24 hours a day, seven days a week;
 - s. The size of the existing distribution center limits how many trucks the lot can accommodate;
 - t. The parking lot lights will be down lighting with zero foot candles at the property line;
 - u. An 8 foot high fence is proposed around the truck parking lot for security and to buffer the truck lot from the adjacent residential apartment uses;
 - v. A variance is required for the 8 foot tall fence and for the fence being located in the front yard area along Coopertown Road;
 - w. The stormwater basin will be managed by Burlington Coat Factory regardless of who ultimately builds on the reconfigured front lot;
 - x. A two year bond will be provided for the landscaping;
 - y. An irrigation system or a landscaper will be responsible for the watering of the landscaping rather than the installation of a hose bib;
 - z. A landscape maintenance agreement will be provided for the front lot even though the development of the front lot is not currently proposed.
12. Mr. Mosely testified as follows:
- a. He is the Applicant's Traffic Engineer from Shropshire Associates, licensed in the State of New Jersey and has been qualified by New Jersey Land Use Boards to provide expert testimony in his field;
 - b. The proposed improvements to the site do not result in additional traffic, it's a re-routing of the existing traffic;
 - c. The level of service on Coopertown Road and Route 130 will not change with the proposed development of the Property.
13. Mr. Ditullio testified as follows:
- a. He is employed by the Applicant;
 - b. The Applicant is currently limited in space;
 - c. The proposed improvements will ease and speed the way that trucks are connected and disconnected at the site;
 - d. The use of the existing building is currently at 95%;

- e. The Applicant currently has three (3) shifts working at the Distribution Center;
- f. No measurable traffic will be added as a result of the proposed improvements;
- g. The proposed design will reduce the amount of traffic movement on site;
- h. The Applicant will comply with the comments contained in the Board Engineer's Review Letter.

14. Mr. Guest represented to the Board that the Developers Agreement between the Township and the Applicant places restrictions on the parking lot's future use and the Applicant will deed restrict the lot to reference the Developer's Agreement.

15. Variances are required to permit an 8 foot high fence to be located in the front yard along Coopertown Road and to permit a Lot Depth of 310.49' for proposed Lot 12.01 as measured from the Route 130 frontage. Proposed Lot 12.01 is a corner lot and the minimum lot depth is required from both frontages.

16. The October 16, 2014 hearing was opened to the public without comment.

17. The Board Engineer reviewed the October 13, 2014 Review Letter with the Board and the Applicant testified that it will comply with the comments contained therein.

AND WHEREAS, based upon the above factual findings, the Planning Board has come to the following conclusions:

1. The Applicant has submitted a Complete set of plans in connection with its application so that the Board has the necessary information to make a decision on the application for Amended Site Plan Approval.

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements pertaining to fence height and location and lot depth, as specified herein, as requested by the Applicant.

3. The benefits of the deviation from the zoning ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval would promote the safety, health and general welfare of the community.

4. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Edgewater Park.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 16th day of October, 2014, that this Board hereby grants to the Applicant the following:

1. Minor Subdivision Approval resulting in remainder Lot 12, new Lot 12.01 and Lot 13, and the elimination of Lots 13.05 and 13.06;

2. Variance Approval to permit an eight (8) foot high fence located in the front yard area along Coopertown Road;

3. Variance approval to permit a lot depth of 310.49 feet for Lot 12.01, as measured from the Route 130 frontage;

4. Preliminary and Final Site Plan Approval to relocate the truck entrance for the Applicant's Distribution Center, to increase the number of truck stacking spaces, to increase the number of truck parking spaces and to make other site improvements, in accordance with the plans submitted by the Applicant, with all approvals subject to the following:

- a. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township of Edgewater Park, including but not limited to approval from the Burlington County Planning Board and the Burlington County Soil Conservation District.
- b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.
- c. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law

Burlington Coat Factory Realty – No. P-_____-2014

and this approval is specifically conditioned upon the Applicant obtaining those approvals.

- d. Subject to the comments of compliance made by the Applicant and its agents and representatives at the October 16, 2014 Planning Board Public Hearing.
- e. Subject to the Applicant satisfying the comments of the Planning Board Engineer and Planner as contained in the October 13, 2014 Review Letter of Environmental Resolutions, Inc. by Barbara J. Fegley, AICP, PP and Rakesh R. Darji, PE, PP, CME, except as may be modified herein.
- f. Subject to the Applicant submitting all required performance and maintenance guarantees that may be required for the proposed improvements to the Property.
- g. Subject to the Applicant's escrow account being current. Failure of the escrow account from being current will result in the non-issuance of zoning permits, construction permits and/or certificates of occupancy.
- h. Subject to the submission of the Deed Restriction for the Developer's Agreement restrictions being submitted for the review and approval of the Board's professional staff prior to recording.
- i. Subject to the recording of the Applicant's Stormwater Maintenance Plan for the Property, a copy of which is to be reviewed and approved by the Board's professional staff prior to recording.
- j. Subject to the landscape maintenance agreement being submitted for the review and approval of the Board's professional staff.

ROLL CALL VOTE

Those in Favor:	6
Those Opposed:	0
Those Abstaining:	0

CERTIFICATION

Burlington Coat Factory Realty – No. P-_____-2014

I hereby certify that this foregoing Resolution is a true resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on October 16, 2014.

Attest:

EDGEWATER PARK PLANNING BOARD

KATHLEEN EVANS, Secretary

By:

MARIAN JOHNSON, Chairman

Dated: _____

Date of Approval: _____

Date of Memorialization: _____

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-15-2014

**CONCERNING THE APPLICATION OF
JOHN JENKINS
FOR VARIANCE AND SITE PLAN APPROVAL**

WHEREAS, John Jenkins has applied to the Planning Board of the Township of Edgewater Park for variance and site plan approval for property located at 703 Van Rossum Avenue, known as Block 6204, Lots 3 and 4.01 (the "Property") on the Official Tax Map of the Township of Edgewater Park, for the purpose of operating a used car dealership on a portion of the Property;

WHEREAS, the Property is located in the Light Industrial (LI) Zoning District of the Township; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* is required because used car dealerships are not permitted in the LI Zoning District; and

WHEREAS, variances pursuant to *N.J.S.A. 40:55D-70(c)* are required because the Applicant's proposed development of the Property does not comply with the Ordinance requirements pertaining to side yard setback, landscape buffer and signage; and

WHEREAS, the application for variance and site plan approval was deemed complete by the Board on November 20, 2014; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on November 20, 2014, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

WHEREAS, the Applicant presented evidence to the Board through testimony, plans and other evidence; and

WHEREAS, the following exhibit was introduced at the November 20, 2014 Public Hearing:

A-1 - Photographs of a business located in Bridgeton, New Jersey, similar to the use being proposed by the Applicant; and

JENKINS – NO. P-15-2014

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support his application for variance and site plan approval, and after the meeting was opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicant is the owner of the Property. The Property is 4.38 acres and is improved with a light industrial building that is tenant occupied and storage trailers. Approval was recently granted by this Board for the construction of a wireless telecommunications facility on the Property. The Property is located in the Light Industrial Zone of the Township.

2. The taxes on the Property are current or exempt.

3. The Applicant has paid and/or posted all required fees and agreed to keep its escrow account current.

4. Proper notice of the application for Variance and Site Plan Approvals has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.

5. The Applicant amended its Application to include Major Site Plan Approval and not Minor Site Plan Approval.

6. The Applicant is proposing the following development of the Property:

- a. Establish forty (40) offices for New Jersey Used Motor Vehicle Dealers occupying 5,060 square feet of the existing industrial building;
- b. Provide two (2) designated parking spaces for each of the forty (40) used car dealers with 64 of the spaces adjacent to the southerly property line and 16 spaces proposed for the Van Rossum Avenue Front Yard;
- c. Install a concrete ADA parking space and ramp accessing the proposed offices.

7. Used car dealerships are not permitted in the Light Industrial Zoning District and a variance pursuant to *N.J.S.A. 40:55D-70(d)* has been requested by the Applicant.

8. The Applicant has also requested the following variances for his proposed development of the Property:

- a. Side Yard Setback Abutting Residential Zone – 30 feet required, used car parking proposed within 2.12 feet of the R-2 Zoning District;

JENKINS – NO. P-15-2014

- b. Landscape Buffer Area – Parking proposed within landscape buffer area which is otherwise prohibited;
 - c. Signage – Ordinance permits one (1) attached sign and one (1) monument sign for multi-tenant commercial buildings; Applicant is proposing three (3) freestanding signs (2 existing, 1 new).
9. Mayor Pullion and Councilman Belgard recused themselves from participating on the Application as a variance pursuant to *N.J.S.A. 40L55D-70(d)* was requested by the Applicant.
10. The Applicant was represented at the November 20, 2014 Public Hearing by Jeffrey Snow, Esquire.
11. The Applicant testified at the November 20, 2014 Public Hearing as follows:
- a. He is a used car dealer and has been operating from the Property for two years;
 - b. Under New Jersey law, anyone who sells three (3) motor vehicles a year would be considered a car dealer;
 - c. Used car dealers are required to have an office in New Jersey and must provide no less than two car spaces for vehicle display;
 - d. The hours of operation are Mondays, Tuesdays, Thursdays and Fridays, 9:00 a.m. to 2:00 p.m.; there will be no weekend hours;
 - e. There will be one (1) employee for all of the offices, a signatory;
 - f. The dealers with offices at the Property will never come to the office as they sell over the internet and telephone with sales finalized off-site; there is no need for customers to come to the site;
 - g. He has not had a vehicle displayed for sale at the site in the past 2 years and does not expect any of the 40 dealers to display their vehicles for sale;
 - h. The required logs for each dealer will be kept at the offices by the signatory;
 - i. The parking spaces for the dealers will be double stacked;
 - j. There will be no car repairs on site;
 - k. There are two (2) existing freestanding signs on the Property, one for the existing used car dealership and one for the tenants in the building;

JENKINS – NO. P-15-2014

- l. The proposed third freestanding sign will be for the forty (40) used car dealers;
 - m. Each of the forty (40) offices will be 72 square feet in size;
 - n. The proposed forty (40) dealers will have less of an impact on the surrounding area than the otherwise permitted uses in the Light Industrial Zone as the offices will only exist to satisfy state requirements and will have little to no actual activity on site;
 - o. This less impact use will result in less traffic on Van Rossum Avenue than a permitted use;
 - p. There are very few residential uses near the site;
 - q. No night lights, other than normal security lighting are proposed for the use;
 - r. The number of parking spaces proposed for the site will be adequate for all tenants and uses;
 - s. All conditions contained in the review letter of the Board Engineer/Planner will be complied with.
12. The Applicant is proposing a crushed stone parking area for most of the proposed parking spaces and a design waiver is required for not providing paved and curbed parking areas.
13. The crushed stone parking area provides less impervious coverage than a paved surface.
14. The November 20, 2014 Hearing was opened to the Public without comment.
15. The Board Engineer reviewed the July 14, 2014 Review Letter from Environmental Resolutions, Inc., and the Applicant agreed to comply with the review comments.
16. The Board Engineer has recommended that the Board grant Checklist Waivers pertaining to survey and structures within 200 feet of the Property.

AND WHEREAS, based upon the above factual findings, the Planning Board of the Township of Edgewater Park has come to the following conclusions:

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements

JENKINS – NO. P-15-2014

pertaining to the use of a portion of the Property for used car dealers, side yard setback, landscape buffer and signage, as specified herein, as requested by the Applicant.

2. The benefits of the deviation from the zoning ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval would promote the safety, health and general welfare of the community.

3. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Edgewater Park.

4. The Property is particularly suited for the proposed used car dealers as it is industrially zoned and could be developed with more intense permitted uses.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Edgewater Park, on the 20th day of November, 2014, that this Board hereby grants to the Applicant the following:

1. A variance pursuant to *N.J.S.A. 40:55D-70(d)* to permit forty (40) offices for used car dealers to be established at the Property;

2. Variances to permit (i) used car parking within 2.12 feet of the side yard adjacent to the R-2 Zoning District, (ii) parking within the landscaped buffer area, and (iii) one new freestanding sign for the used car dealers;

3. Waiver of the checklist items pertaining to survey and structures within 200 feet of the Property and

4. Major Site Plan approval for the used car dealers, and related site improvements, as proposed by the Applicant, in accordance with the Plans submitted by the Applicant, with all approvals subject to the following conditions:

a. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township's Land Use Coordinator.

b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the required building permit, certificate of occupancy or zoning permit be issued.

JENKINS – NO. P-15-2014

- c. Subject to the testimony of the Applicant at the November 20, 2014 Public Hearing.
- d. Subject to the submission of revised plans complying with this Resolution, as required.
- e. Subject to the Applicant posting all required inspection fees and performance and maintenance guarantees, required for construction of the project, as required.
- f. Subject to the Applicant's escrow account for the review of its Application being current. Failure of the escrow account to be current may result in the non-issuance of permits.
- g. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.
- h. Subject to the submission of the final design for the third freestanding sign to be approved by the Board Engineer and Planner. In the event that the Board Engineer/Planner does not approve the final design, the Applicant will be required to appear before the Board to resolve this issue.
- i. Subject to the third freestanding sign being used only for the forty (40) used car dealer use approved by this Board. The third freestanding sign cannot be utilized for any other use or tenant at the property and is to be removed upon cessation of the used car dealer use.
- j. Subject to no more than one (1) employee, the signatory, being employed by the forty dealers, and the hours of operation limited to 9:00 a.m. to 2:00 p.m. on Mondays, Tuesdays, Thursdays and Fridays.
- k. Subject to the Applicant complying with each and every condition contained in the November 13, 2014 review letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, CME, PP, and Barbara J. Fegley, AICP, PP, except as modified by this Resolution.
- l. Subject to the Applicant paying the increased filing fee required for a major site plan application.
- m. Subject to the unlikely event that a vehicle will be displayed at the Property for sale, the vehicle shall be limited to one quarter (1/4) tank of gas.
- n. Subject to use variance approval being limited to the 40 used car dealer use as testified to by the Applicant. The Applicant is hereby advised that this Approval is based on the

JENKINS – NO. P-15-2014

limited activity that the used car dealer use will have at the Property, that the number of employees is limited to one, the operating hours, the lack of customers coming to the site and that it is unlikely that vehicles for sale will actually be displayed at the Property. Any increase in the number of employees, the hours of operation, the number of customers visiting the site and the number of vehicles displayed for sale, from that as testified to by the Applicant that supported the grant of a use variance shall require approval from this Board.

- o. Subject to the approval from the Township Fire Official.

ROLL CALL VOTE

Those in Favor: 6

Those Opposed: 0

Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Zoning Board of Adjustment of the Township of Edgewater Park in accordance with its decision at its regular meeting on November 20, 2014.

**THE ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF EDGEWATER
PARK**

Attested:

MARIAN JOHNSON, CHAIRWOMAN

KATHLEEN EVANS, SECRETARY

Dated: _____

Date of Approval: _____

Date of Memorialization: _____