

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

PLANNING BOARD RESOLUTION #P-1-2016

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 7:00PM at the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. Formal action may be taken at any and all scheduled meetings. Planning Board reserves the right to enter into closed session. The Planning Board also reserves the right to schedule additional meetings on an "As Needed" basis.

January 14, 2016 (Reorganization)	July 21, 2016
January 18, 2016	August 18, 2016
February 18, 2016	September 15, 2016
March 17, 2016	October 20, 2016
April 21, 2016	November 17, 2016
May 19, 2016	December 15, 2016
June 16, 2016	January 12, 2017 (Reorganization)

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

PLANNING BOARD RESOLUTION #P-2-2016

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 the same.

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

Section 3. All advance written copies 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 fee of \$50.00, 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 14, 2016, shall be in accordance with Resolution #P1-2016, designating the dates, times and places of such meetings which incorporated within this Resolution by reference.

Action taken on motion by _____

Seconded by _____ to adopt the Resolution the following roll call vote was taken.

Planning Board	Yes	No	Abstain
Mr. Phil Aaronson			
Mr. John Alexander			
Committeeman William Belgard			
Ms. Marian Johnson			
Mr. Kenneth Kauker			
Mr. Charles Robinson			
Mr. Vincent Smith			
Mayor Michael Trainor			
Mr. Jeff Westphal			
Chairperson			
Alt No. 1 Mr. Stephen Malecki			
Alt No. 2 Ms. Gwendolyn Bonner			

EDGEWATER PARK PLANNING BOARD

By: _____, Chairperson

Attest:

Kevin P. Johnson, Secretary

Dated: _____

Date of Approval: _____

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

PLANNING BOARD RESOLUTION # P3-2016

AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES

Whereas, there exists a need for Solicitor, Engineer and Planner and;

Whereas, Requests for Qualifications and Proposals were solicited through a fair and open process in accordance with N.J.A.C. 19:44A-20.5 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Edgewater Park, in the County of Burlington, and the State of New Jersey, that the Chairperson and Planning Board Secretary are hereby authorized and directed to execute agreements for the following qualified professionals:

SECTION I:

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

SECTION II:

These contracts are awarded without competitive bidding as “Professional Services”, in accordance with *NJSA 40A: 11-5(1) (a) et seq.* of the Local Public Contract Law, and/or awarded with *N.J.S.A 19:44A-20.4 et seq.*; the above named Professionals are licensed to practice in the State of New Jersey.

Pursuant to NJSA 40A:11-5(1) (a) the following information is set forth:

- A. Duration of Contracts: All terms are for one-year.
- B. Amount of Contracts: All specified per contract and budget appropriation.
- C. This resolution and the above-mentioned contracts will be on file and available for public inspection in the office of the Clerk of the Township of Edgewater Park.

SECTION III:

This resolution shall be printed once in the “Burlington County Times” and the “Courier Post” as required by law within ten days of its adoption.

Action taken on motion _____ Mr. Westphal _____ ,

Seconded by _____ Mr. Robinson _____ to adopt the Resolution the following roll call was taken.

Planning Board	Yes	No	Abstain
Mr. Phil Aaronson	X		
Mr. John Alexander	X		
Committeeman William Belgard			
Ms. Marian Johnson	X		
Mr. Kenneth Kauker			
Mr. Charles Robinson	X		
Mr. Vincent Smith	X		
Mayor Michael Trainor			
Mr. Jeff Westphal	X		
Alt No. 1 Mr. Stephen Malecki	X		
Alt No. 2 Ms. Gwendolyn Bonner			

EDGEWATER PARK PLANNING BOARD

By: _____
, Chairperson

Attest:

Kevin P. Johnson, Secretary

Dated: _____

Date of Approval: _____

RESOLUTION NO. P- 4-2016

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
ASSEMBLY OF GOD MINISTRY
BLOCK 1202, LOT 4
VARIANCE AND CONDITIONAL USE APPROVAL
WAIVER OF SITE PLAN**

WHEREAS, the Assembly of God Ministry God is Faithful Corporation 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, Lot 4 (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, the Applicant has also applied for a waiver that a formal site plan be submitted for the Board’s review and consideration; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on March 17, 2016, 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 and conditional use 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 one (1) unit of an existing Park Plaza Center building, approximately 2,000 square feet, as a Place of Worship, a Conditional Use in the C-3 Zoning District.

ASSEMBLY OF GOD

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. As an existing building, the Applicant is unable to satisfy the Conditional Use requirements pertaining to front yard setback, impervious coverage and landscaped 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% and a 20 foot wide landscaped area. 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 and the landscaped buffer area is less than the 20 foot width required. As such, the Applicant's proposal does not satisfy these Conditional Use requirements for Places of Worship, as required by the Zoning Ordinance.
9. Paul Schultz, Esquire, represented the Applicant at the Board's March 17, 2016 Public Hearing. Fernanda Mordente testified on behalf of the Applicant.
10. Mr. Schultz represented the following to the Board:
 - a. The Applicant is leasing one unit, measuring approximately 2,000 square feet, at the Park Plaza Center;
 - b. The Applicant is not proposing any changes to the exterior of the site; the only changes being made by the Applicant are to the walls internal to the unit it will be leasing;
 - c. The hours of religious services are Thursday, Saturday and Sunday evenings, from 8:00 p.m. – 9:30 p.m., 8:00 p.m. – 10:00 p.m. and 7:00 p.m. to 9:30 p.m., respectively;
 - d. There are only 30 parishioners that currently belong to the Assembly of God Ministry.
11. Fernanda Mordente testified at the March 17, 2016 Public Hearing as follows:
 - a. She is the church secretary and familiar with the operations of the Church;

ASSEMBLY OF GOD

- b. Confirms the representations made by the Applicant's attorney;
- c. The church does not hold large events;
- d. Food may occasionally be brought in by parishioners but there will be no cooking on the premises;
- e. The Church Pastor will be present Monday – Friday from 8:00 a.m. to 5:00 p.m., as well as the evenings when services are held;
- f. The Church will generate minimal trash and the trash that is generated will be bagged and taken to the dumpster;
- g. The Church will require at most 33 parking spaces for its parking needs;
- h. With the small number of parishioners, there are a very limited number of weddings that will be performed at the Church;
- i. Any sign proposed for the Church will comply with the Township's sign ordinance.

12. A second church is located at the opposite side of Park Plaza from the Applicant's location and the two churches should not conflict with each other's parking needs. The Board Engineer opined that there are a sufficient number of parking spaces at the Park Plaza Center to accommodate the parking needs of the Applicant and all other occupants/tenants.

13. In connection with the approvals granted by this Board for the other 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.

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

15. 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.

16. 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

ASSEMBLY OF GOD

Park would be advanced by the deviation from the Zoning Ordinance requirements specified herein for the front yard setback, impervious coverage 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 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 the requirement that the Applicant submit a formal site plan with its Application is appropriate as no improvements to the exterior of the buildings are proposed or required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 17th day of March, 2016, that this Board hereby grants to the Applicant:

a. Waiver of the requirement that a formal site plan be submitted;

b. 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 and a landscaped buffer less than the required width of 20 feet and

c. 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 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.

ASSEMBLY OF GOD

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 17, 2016 Public Hearing.

5. Subject to comments of the Planning Board Engineer and Planning Board Planner, as contained in the March 9, 2016 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME.

6. Subject to the Board Engineer inspecting the Property to confirm that all landscaping required by prior church approvals have been planted and are healthy. If not, a cash performance bond shall be submitted to the Township for the landscaping to be installed if zoning or building permits are applied for by the Applicant. 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 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: 7

Those Opposed: 0

Those Abstaining: 0

ASSEMBLY OF GOD

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 17, 2016.

EDGEWATER PARK PLANNING BOARD

Attest:

By: _____
MARIAN JOHNSON, Chairman

KEVIN JOHNSON, Secretary

Dated: April 21, 2016

Date of Approval: March 17, 2016

Date of Memorialization: April 21, 2016

RESOLUTION NO. P- 4-2016

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
ASSEMBLY OF GOD MINISTRY
BLOCK 1202, LOT 4
VARIANCE AND CONDITIONAL USE APPROVAL
WAIVER OF SITE PLAN**

WHEREAS, the Assembly of God Ministry God is Faithful Corporation 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, Lot 4 (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, the Applicant has also applied for a waiver that a formal site plan be submitted for the Board’s review and consideration; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on March 17, 2016, 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 and conditional use 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 one (1) unit of an existing Park Plaza Center building, approximately 2,000 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.

5. As an existing building, the Applicant is unable to satisfy the Conditional Use requirements pertaining to front yard setback, impervious coverage and landscaped 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% and a 20 foot wide landscaped area. 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 and the landscaped buffer area is less than the 20 foot width required. As such, the Applicant's proposal does not satisfy these Conditional Use requirements for Places of Worship, as required by the Zoning Ordinance.

9. Paul Schultz, Esquire, represented the Applicant at the Board's March 17, 2016 Public Hearing. Fernanda Mordente testified on behalf of the Applicant.

10. Mr. Schultz represented the following to the Board:

- a. The Applicant is leasing one unit, measuring approximately 2,000 square feet, at the Park Plaza Center;
- b. The Applicant is not proposing any changes to the exterior of the site; the only changes being made by the Applicant are to the walls internal to the unit it will be leasing;
- c. The hours of religious services are Thursday, Saturday and Sunday evenings, from 8:00 p.m. – 9:30 p.m., 8:00 p.m. – 10:00 p.m. and 7:00 p.m. to 9:30 p.m., respectively;
- d. There are only 30 parishioners that currently belong to the Assembly of God Ministry.

11. Fernanda Mordente testified at the March 17, 2016 Public Hearing as follows:

- a. She is the church secretary and familiar with the operations of the Church;
- b. Confirms the representations made by the Applicant's attorney;
- c. The church does not hold large events;
- d. Food may occasionally be brought in by parishioners but there will be no cooking on the premises;
- e. The Church Pastor will be present Monday – Friday from 8:00 a.m. to 5:00 p.m., as well as the evenings when services are held;
- f. The Church will generate minimal trash and the trash that is generated will be bagged and taken to the dumpster;
- g. The Church will require at most 33 parking spaces for its parking needs;
- h. With the small number of parishioners, there are a very limited number of weddings that will be performed at the Church;
- i. Any sign proposed for the Church will comply with the Township's sign ordinance.

12. A second church is located at the opposite side of Park Plaza from the Applicant's location and the two churches should not conflict with each other's parking needs. The Board Engineer opined that there are a sufficient number of parking spaces at the Park Plaza Center to accommodate the parking needs of the Applicant and all other occupants/tenants.

13. In connection with the approvals granted by this Board for the other 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.

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

15. 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.

16. 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 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 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 the requirement that the Applicant submit a formal site plan with its Application is appropriate as no improvements to the exterior of the buildings are proposed or required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 17th day of March, 2016, that this Board hereby grants to the Applicant:

- a. Waiver of the requirement that a formal site plan be submitted;
- b. 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 and a landscaped buffer less than the required width of 20 feet and
- c. 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 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 17, 2016 Public Hearing.

5. Subject to comments of the Planning Board Engineer and Planning Board Planner, as contained in the March 9, 2016 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME.

6. Subject to the Board Engineer inspecting the Property to confirm that all landscaping required by prior church approvals have been planted and are healthy. If not, a cash performance bond shall be submitted to the Township for the landscaping to be installed if zoning or building permits are applied for by the Applicant. 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 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.

RESOLUTION NO. P-5-2016

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
VINCENT SMITH
BLOCK 1504, LOT 2**

WHEREAS, Vincent Smith has applied to the Planning Board of the Township of Edgewater Park for variance approval for property located at 307 E. Franklin Avenue, known as Block 1504, Lot 2 (the “Property”), for the purpose of replacing the existing stone driveway with an asphalt driveway; and

WHEREAS, variances are required pursuant to *N.J.S.A. 40:55D-70(c)* because the Applicant’s proposed driveway replacement does not satisfy the driveway setback and minimum width requirements of the Edgewater Park Zoning Ordinance; and

WHEREAS, the application was deemed complete by the Planning Board on April 21, 2016; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on April 21, 2016, 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 Board, 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 Board after carefully considering the evidence presented by the Applicant in support of his 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 the owner of the Property, approximately 10,002 square feet in area. The Property is improved with a single family detached residential dwelling.
2. The Applicant is a Member of the Board.
3. The Applicant has submitted an application for variances pertaining to the Ordinance requirements for driveway setback and driveway width, providing the Board with a proposed set of plans and testimony.
4. The taxes on the Property are current.

SMITH - RESOLUTION NO. P-_5 - 2016

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

6. Proper notice of the application for variance approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.

7. The Applicant is proposing to replace an existing stone driveway with an asphalt driveway. The proposed driveway will be setback 2.5 feet from the property line with and have a width of 8.5 feet at its narrowest.

8. The Ordinance requires driveways to have a 5 foot setback from any property line and have a minimum width of 9 feet. Variances are required to permit the setback and width as proposed by the Applicant.

9. The Applicant testified at the April 21, 2016 Public Hearing as follows:

- a. He has owned the Property for approximately 4 years;
- b. The existing stone driveway has been there for approximately 20 years and does not comply with the setback and width requirements of the Ordinance;
- c. The proposed asphalt driveway will be positioned in the identical location as the stone driveway with the same dimensions and setbacks; no change to the non-conforming conditions are proposed;
- d. The proposed driveway will be sloped toward the street with a pressure treated curb added to control stormwater runoff;
- e. The neighbor's property has a higher elevation and the proposed driveway should not create a drainage issue.

10. The April 21, 2016 Hearing was opened to the Public without comment.

11. The Applicant is requesting variance approval to allow him to replace the existing stone driveway, as proposed, to provide greater utilization for this Property and to improve the aesthetics of the Property and the neighborhood.

12. Without variance approval, the Applicant would be unable to replace the stone driveway as proposed, which is otherwise in conformance with the ordinance requirements of the Township of Edgewater Park.

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

SMITH - RESOLUTION NO. P-5 - 2016

1. 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 driveway setback and driveway width, 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 allow for the development of the Property, and otherwise promote the safety, health and general welfare of the Township.

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.

4. The Applicant has submitted the necessary information, in the form of plans and testimony, for the Planning Board to make an informed decision on the Application.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 21st day of April, 2016, that this Board hereby grants to the Applicant variances to permit a 2.5 foot setback from a property line and a width of 8.5 feet at its narrowest for an asphalt driveway to replace a stone driveway on the Property, in accordance with the plans and testimony submitted by the Applicant and subject to the following:

1. 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.

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 sworn testimony of the Applicant at the April 21, 2016 Public Hearing.

SMITH - RESOLUTION NO. P-_5 - 2016

5. Subject to the Applicant receiving all required permits for the driveway prior to the commencement of construction. Variance approval does not guaranty the issuance of the required permits as the Applicant is subject to the applicable construction code.

6. Subject to the asphalt driveway as constructed having a setback to the property line of not less than 2.5 feet and a width at its narrowest point of not less than 8.5 feet.

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 April 21, 2016.

EDGEWATER PARK PLANNING BOARD

Attest:

By: _____
MARIAN JOHNSON, Chairwoman

KEVIN JOHNSON, Secretary

Dated: _____

Date of Approval: _____

Date of Memorialization: _____

RESOLUTION NO. P-__6__ -2016

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
ALDI FOOD MARKET
BLOCK 501.01, LOT 1
VARIANCE APPROVAL**

WHEREAS, Aldi, Inc., has applied to the Planning Board of the Township of Edgewater Park for Variance Approval for property located at 4225 South U.S. Highway 130, known as Block 501.01, Lot 1 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of replacing the façade attached signs for the existing Aldi Food Market; 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 façade attached signs; and

WHEREAS, the Application was deemed complete by the Planning Board on May 19, 2016; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on May 19, 2016, 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 May 19, 2016 Public Hearing:

- A-1 - Photograph of the previous occupant’s, Bottom Dollar, façade signs;
- A-2 - Photograph of the current by-right monument sign;
- A-3 - Photograph of the by-right Aldi sign that is currently installed;
- A-4 - Mark-up of original site plan;
- A-5 - Graphic depiction of the building elevation showing the 334 square foot Bottom Dollar attached sign and the proposed Aldi sign;
- A-6 - Graphic depiction of the back lit Food Market attached sign;
- A-7 - Photograph of the Applicant’s Cherry Hill food market; 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

ALDI FOOD MARKET

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, located in the Township's Commercial Light Industrial (C-LI-5) Zoning District. The Property is improved with an Aldi Food Market. Bottom Dollar previously occupied the Property for its retail use.

2. The Applicant is proposing to install two (2) attached signs to the front façade of the building to replace the current signs and has filed an application for variance approval as the proposed signs do not comply with the ordinance requirements for the number and size of attached signs.

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 list from the Office of the Edgewater Park Tax Assessor.

6. The Applicant is proposing to install an "Aldi" sign measuring 12 feet by 10 feet (120 square feet) and a "Food Market" sign measuring 2 feet by 19 feet (38 square feet).

7. The Township ordinance permits one (1) attached sign per freestanding business but limited to an area no larger than the lesser of 10% of the exterior façade elevation or 40 square feet. The height of the attached sign may not exceed 10% of the wall to which the sign is attached.

8. The height of the wall to which the proposed signs are attached is 34 feet.

9. The Applicant would be limited to one (1) attached sign, no higher than 3.4 feet and no larger than 40 square feet.

10. Michael McKenna, Esquire, represented the Applicant at the May 19, 2016 Public Hearing. Jeffrey G. Carson testified on behalf of the Applicant.

11. Mr. Carson testified at the May 19, 2016 Public Hearing as follows:

- a. He is employed by City Sign Service, the Applicant's sign contractor;
- b. He is familiar with the Property and has determined that the proposed signs are sized appropriately for the size and location of the Property, as well as to identify the Aldi brand;
- c. The Applicant is attempting to make all of its stores consistent from a sign perspective;

ALDI FOOD MARKET

- d. The Applicant is making an effort to make its sign package for this market more consistent with the Township's Ordinance and to properly direct traffic to the site;
- e. The square footage of the proposed attached signs is substantially less than the variance that was granted to Bottom Dollar for its 334 square foot attached sign;
- f. The Aldi sign currently attached to the façade complies with the Ordinance but is not sized appropriately for the size of the façade and to identify and direct traffic to the Property.

12. Mr. McKenna represented to the Board that the Applicant would give up any right it would have to the prior variances granted to Bottom Dollar for this Property for the two attached signs proposed by the Applicant.

12. The May 19, 2016 Hearing was opened to the public without comment.

13. The Applicant is requesting variance approval to provide greater utilization for the food market, to improve the aesthetics of the existing building and to properly identify the use of the Property.

14. 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 Approval for the proposed façade signs.

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 attached 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

ALDI FOOD MARKET

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 19th day of May, 2016, that this Board hereby grants to the Applicant:

1. “C: Variances to permit two (2) façade attached signs with a total area of 158 square feet and a 12 foot height for the “Aldi” sign, in accordance with the plans, exhibits and testimony submitted by the Applicant, 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 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 and representation of the Applicant and/or its agents and representatives at the May 19, 2016 Public Hearing.

e. Subject to comments of the Planning Board Engineer/Planner, as contained in the March 14, 2016 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME.

f. Subject to the “Aldi” sign being no larger than 12 feet by 10 feet and the “Food Market” sign being no larger than 2 feet by 19 feet.

g. Subject to the Applicants receiving all permits required for the attached signs prior to the commencement of construction. The Applicant is advised that the granting of the required variances does not guarantee the issuance of a construction permit, as the Applicant is required to comply with all applicable construction codes pertaining to the issuance of construction permits.

ALDI FOOD MARKET

h. Subject to the Applicant posting all required fees, including, but not limited to, performance guarantees, maintenance guarantees and inspection escrows, prior to construction.

i. Subject to the Applicant's escrow account for this Application being current. If the escrow account is not current, the required permits will not be issued.

j. Subject to this variance approval granted to the Applicant terminating the variances previously granted for the Bottom Dollar façade signs.

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 May 19, 2016.

EDGEWATER PARK PLANNING BOARD

Attest:

By: _____
MARIAN JOHNSON, Chairman

KEVIN JOHNSON, Secretary

Dated: _____

Date of Approval: _____

Date of Memorialization: _____

RESOLUTION NO. P-_7_-2016

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
AION WOODLANE CROSSING, LLC
BLOCK 1801, LOT 2**

WHEREAS, AION Woodlane Crossing, LLC has applied to the Planning Board of the Township of Edgewater Park for Site Plan Waiver for property located at 1020 Woodlane Crossing, known as Block 1801, Lot 2 (the “Property”), for the purpose of installing a playground area within the Woodlane Crossing apartment complex¹; and

WHEREAS, the application was deemed complete by the Planning Board on July 21, 2016; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on July 21, 2016, 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 Board, 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, including Exhibit A-1, a map identifying the setbacks for the proposed playground area; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its application for Site Plan Waiver, 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, part of the Woodlane Crossing Apartment Complex.
2. The Applicant has submitted an application for Site Plan Waiver for the installation of a playground area measuring 35 feet 11 inches by 26 feet 4 inches, providing the Board with a proposed set of plans, information regarding the playground area and play structure and testimony at the Board’s Public Hearing.
3. The taxes on the Property are current.

¹ The Applicant originally applied for minor site plan approval but amended its application to request a waiver of the requirement that a site plan be submitted for its proposed development of the Property.

WOODLANE CROSSING - RESOLUTION NO. P-_7_- 2016

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

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

6. The proposed playground area will consist of 6 inch square wood ties forming the perimeter of the playground, a play surface consisting of rubber mulch placed over geo-textile fabric to a depth of 8 inches and a play structure consisting of a spiral step climber, two slides, a rock climber and steps and transfer platform. The highest elevation of the play structure is 5 feet. The playground area will be located on an existing grass area between two apartment buildings and a cul de sac.

7. Jamie Sellers, the Woodlane Crossing property manager testified at the July 21, 2016 hearing as follows:

- a. The location of the playground area and play structure satisfies the 25 foot setback requirement of the Ordinance;
- b. The playground area is to be unattended;
- c. The height of the play structure is 5 feet;
- d. Two (2) benches will be added to the playground area for seating.

8. Jessica Shawaluk, the Applicant's attorney, represented to the Board that a "parent or adult supervision required" sign is not warranted by the Federal Fair Housing Act.

9. The proposed playground area is a recreational use and is permitted in the Residential-Multi-Family (R-MF) Zoning District.

10. The July 21, 2016 Hearing was opened to the Public without comment.

11. The Board Engineer informed the Board that a waiver of site plan is appropriate based on the limited nature of the improvements and disturbance required as proposed by the Applicant.

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

1. The Applicant has submitted the necessary information, in the form of plans and testimony, for the Planning Board to make an informed decision on the Application for a waiver of site plan.

WOODLANE CROSSING - RESOLUTION NO. P-_7_- 2016

2. A waiver of site plan is appropriate based on the recommendation of the Board Engineer, the limited improvements proposed by the Applicant and that the improvements are a permitted use on the Property.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 21st day of July, that this Board hereby grants to the Applicant a Waiver of Site Plan for the construction of a recreation area with play structure on the Property, in accordance with the plans and testimony submitted by the Applicant and subject to the following:

1. 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.

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 sworn testimony of the Applicant's agents and representatives at the July 21, 2016 Public Hearing.

5. Subject to the Applicant receiving all required permits for the recreation area prior to the commencement of construction. Waiver of Site Plan does not guaranty the issuance of the required permits as the Applicant is subject to all applicable codes.

WOODLANE CROSSING - RESOLUTION NO. P-7- 2016

ROLL CALL VOTE

Those in Favor: 9

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 July 21, 2016.

EDGEWATER PARK PLANNING BOARD

Attest:

By: _____
MARIAN JOHNSON, Chairwoman

KEVIN JOHNSON, Secretary

Dated: _____

Date of Approval: _____

Date of Memorialization: _____

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-9-2016 Rev1

**CONCERNING THE APPLICATION OF
NEW JERSEY AMERICAN WATER COMPANY
FOR VARIANCE AND SITE PLAN APPROVAL**

WHEREAS, New Jersey American Water Company has applied to the Planning Board of the Township of Edgewater Park for variance and site plan approval for property located at 1022 Cooper Street, known as Block 803, Lots 1.01 and 2 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing an 860 square foot addition to the existing building housing a well pump, together with other site improvements; and

WHEREAS, the Property is located in the Residential 5 (R-5) Zoning District of the Township; and

WHEREAS, the Applicant operates a public utility water treatment facility and well station, a non-conforming use on the Property;

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(d)(2)* is required because the Applicant’s proposed development is an expansion of the non-conforming use; and

WHEREAS, the application for variance and site plan approval was deemed complete by the Board on September 15, 2016; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on September 15, 2016, 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 during the September 15, 2016 Public Hearing:

- A-1 - Map of Applicant’s Delaware River Regional Water Systems;
- A-2 - Aerial photograph with site plan overlay; and

WHEREAS, the following exhibits were introduced by neighboring property owners during the September 15, 2016 Public Hearing:

W-1 - Photographs of property owned by Wade McDaniels;

W-2 - Photographs of fencing on 1020 Cooper Street, property owned by Cedric and Carol Minter; 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 the owner of the Property. The Property is 1.63 acres and is improved with a one-story brick building housing a well pump, a two-story barn styled building housing the water treatment equipment, and other site improvements. The Property is located in the R-5 Zoning District.

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 well has existed operational on the Property since 1970. The water treatment building received Preliminary and Final Site Plan Approval in 2005, when the Property was zoned R-MD and public utilities were permitted as a conditional use. The Property was subsequently rezoned to R-5 and the water treatment facility became a non-conforming use.

6. The Applicant's proposed development of the Property is an expansion of the non-conforming use and requires a variance pursuant to N.J.S.A. 40:55D-70(d)(2).

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

- a. Construct an 860 square foot addition to the pump building to house three (3) high service pumps;
- b. Upgrade water treatment equipment;
- c. Upgrade electrical and control systems;
- d. Minor grading of Property;
- e. Plant additional landscaping; and

f. Install a retaining wall along a portion of the front of the Property.

8. The Applicant was granted a variance in connection with the 2005 Site Plan Approval to permit parking within 20 feet of the buildings. There is no change to this non-conforming condition resulting from the proposed development of the Property.

9. The Applicant was represented at the September 15, 2016 Public Hearing by Niall J. O'Brien, Esquire, of Archer & Greiner, PC. Kenneth Seelig, Michael Polito and Andrew Thomas testified on behalf of the Applicant.

10. Mr. Seelig testified during the Public Hearing as follows:

- a. He is employed by the Applicant and serves as the Applicant's Project Manager for the development of the Property as proposed and he has been a professional engineer in the State of New Jersey for 17 years;
- b. The Applicant provides public water in 17 counties in New Jersey, including the Delaware River Regional Water System;
- c. The Applicant has 5,600 customers in the local area with water demand increasing;
- d. The current project is designed to increase the use of groundwater and decrease the surface water usage for the public water that is ultimately provided to the Applicant's customers;
- e. Chemicals required for this facility are stored in safe tanks that cannot be reached by the public;
- f. The Applicant operates two wells in the Township, one well located on Ivy Road and the well on Cooper Street being improved by the proposed development of the Property; water from both wells is treated at this facility;
- g. Completion of the project as proposed will provide redundancy, and enhance resiliency and reliability of the ground water system for this area.

11. Mr. Polito testified during the Public Hearing as follows:

- a. He is a Professional Engineer in the State of New Jersey, employed by Hatch Mott McDonald and is their project manager in charge of the Applicant's proposed project;

- b. Describes the improvements to the Property with the principal improvement being the building addition to house three (3) high service pumps and to upgrade the water treatment equipment;
 - c. As an existing well treatment facility, the Property is suitable for the development as proposed, and as such it is a better alternative to upgrade this existing facility rather than relocating a new facility elsewhere in the Township;
 - d. The improvements proposed to this existing facility will improve resiliency and redundancy of the ground water system and allow the Applicant to meet the increasing demands in the immediate service area and provide a reliable source of water that exceeds NJDEP standards;
 - e. The improvements will include a new retaining wall, downward facing LED lights and additional landscaping; any tree removed will be replaced;
 - f. The noise level at the three (3) pumps will be 65 db and will comply with NJDEP Noise Standards at the Property line;
 - g. Bulk delivery of chemicals (sodium hypochlorite, corrosion inhibitors and phosphates) come twice a month during the summer and once a month the remainder of the year;
 - h. The proposed project will also address a condition of high radionuclide that caused the facility to be taken out of service 5 years ago; the media required to treat the radionuclide is switched every 2 to 3 years;
 - i. The Applicant will comply with all of the comments contained in the review letter of the Board Engineer and Planner.
12. Mr. Thomas testified during the Public Hearing as follows:
- a. He is the Applicant's Professional Planner, licensed in the State of New Jersey;
 - b. In preparation for his testimony, he reviewed the Township's Master Plan and Zoning Ordinance, as well as inspecting the Property;
 - c. The Applicant's proposed development is a minor expansion of the north side of an existing building, but nevertheless is an expansion of a non-conforming use;

- d. The benefits of the expansion of this non-conforming use is that the reliability of water service will be improved, the use of surface water will be decreased and ground water usage will increase;
- e. This is an existing facility and the upgrades promote the health, safety and general welfare enhancing the quality and reliability of this water system and will provide public water to current water users and meet the increased demand for public water in this area;
- f. This project and the continued use of this facility does not represent a detriment to the neighborhood or the zone plan as the project creates little to no additional traffic to the site, and there is limited noise and lighting generated;
- g. References the narrative summary submitted as part of the Application.

13. During the public portion of the September 15, 2016 Hearing, the Board heard from Sebastiano Neto, Wade McDaniels and Cedric Minter.

14. Mr. Neto, the owner of adjacent Lot No. 5 was concerned with the project's affect on his property.

15. Mr. McDaniels, a neighboring property owner, submitted photographs of his property, and raised concerns about the safety of the Property and whether the Property could be subject to an earthquake.

16. Mr. Minter, owner of 1020 Cooper Street, adjacent to the Property, submitted photographs of his fence showing grass clippings from the Property on his fence and requested that an additional buffer area be planted between his lot and the Property. Mr. Minter also expressed concerns regarding dust that was generated during prior construction activities on the Property, whether there was any future expansion planned by the Applicant, monitoring of alarms that have gone off periodically and whether there were any health risks to the neighbors due to the water treatment and chemicals required for operations of the facility.

17. The Applicant's witnesses provided additional testimony addressing the comments of the Public, including agreeing to walk the Property with Mr. Minter and the Board Engineer to improve the buffering between the two properties.

18. The Board Engineer reviewed the September 7, 2016 Review Letter from Environmental Resolutions, Inc., and the Applicant agreed to comply with the review comments.

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 expansion of the non-conforming water treatment facility use of the Property, 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, as the use of the Property provides safe and reliable water to the area.

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, as the Property is particularly suited for the expansion of the water treatment facility as it is an existing facility.

4. The Applicant submitted sufficient information in the form of plans, testimony, and narrative summaries in order for the Board to make a learned decision on the Application.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Edgewater Park, on the 15th day of September, 2016, that this Board hereby grants to the Applicant the following:

1. A variance pursuant to *N.J.S.A. 40:55D-70(d)(2)* to permit the expansion of the existing non-conforming water treatment facility use on the Property;

2. Amended Site Plan Approval for the construction of an 860 square foot addition to the existing pump building, together with other 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.

c. Subject to the testimony of the Applicant and its witnesses and representatives at the September 15, 2016 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 Applicant complying with the September 7, 2016 review letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, CME, PP, except as modified by this Resolution.

i. Subject to the Applicant coordinating with the Board Engineer a post-construction noise study of the facility operating as intended by this current project.

j. Subject to no spent media that treated the radionuclide stored on site. The media used to treat the radionuclide is to be switched out every 2 to 3 years.

k. Subject to the Applicant walking the Property with Mr. Minter, the neighboring property owner, and the Board Engineer to improve the buffering between Mr. Minter's property (1020 Cooper Street) and the Property.

l. Subject to the Applicant applying for and receiving all permits that are required prior to the commencement of construction. This Approval does not guarantee the issuance of any permit as the Applicant is required to comply with all other applicable codes, ordinances, rules, regulations and statutes for the issuance of such permits.

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 September 15, 2016.

**THE PLANNING BOARD OF THE
TOWNSHIP OF EDGEWATER PARK**

Attested:

MARIAN JOHNSON, CHAIRWOMAN

KEVIN JOHNSON, SECRETARY

Dated:_____

Date of Approval:_____

Date of Memorialization:_____

RESOLUTION NO. P-10_-2016

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
NEDAL INC.**

**BLOCK 1203, LOT 1
VARIANCE APPROVAL
CONDITIONAL USE APPROVAL**

WHEREAS, Nedal, Inc. has applied to the Planning Board of the Township of Edgewater Park for Conditional Use Approval¹ for property located at 4301 Route 130 South, known as Block 1203, Lot 1 (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; 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 Commercial Light Industrial (C-LI-5) Zoning District and the Applicant’s proposed use does not satisfy all of the conditions specified in the Township’s Zoning Ordinance for such use; and

WHEREAS, the Application was deemed complete by the Planning Board on December 15, 2016; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on December 15, 2016, 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 Conditional Use Variances, 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 Tenant of a portion of the Property. The Property is located entirely in the Commercial Light Industrial (C-LI-5) Zoning District of the Township. The

¹ To the extent that a site plan is required, the Planning Board, with the Applicant’s consent, bifurcated the Application for site plan consideration to its January 19, 2017 meeting.

NEDAL, INC. – NO. P-10-2016

Property is a corner lot with frontage on Route 130, Cooper Street and the jug-handle connecting Route 130 and Cooper Street.

2. The Property is 0.842 acres in area and is entirely paved. The Property is improved with a 6,251 square foot masonry building with a 450 square foot frame shed attached to the northeast corner of the masonry building. Various styles of fencing are also located on the Property.

3. The Applicant is proposing to operate a used car dealership on the Property, a Conditional Use in the C-LI-5 Zoning District. A used car dealership previously operated on the Property.

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

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

6. Proper notice of the application for (d)(3) Variance Approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.

7. The proposed automobile dealership does not satisfy the following conditions listed for this conditional use in the C-LI-5 Zoning District and variances pursuant to N.J.S.A. 40:55D-70(d)(3) are required:

- a. Lot Area – 3 acres required, 0.842 acres existing;
- b. Lot Width – 300 feet required, 273.91 feet existing;
- c. Lot Depth – 300 feet required, 171.73 feet existing;
- d. Front yard setback to buildings/structures – 60 feet required, building setbacks of 27.40 feet from Cooper Street and 39.50 feet from Route 130 existing;
- e. Front yard setback to display area – 20 feet required, cars parked within the Cooper Street right-of-way and 2 feet from the Route 130 right-of-way proposed;
- f. Side yard setback to buildings/structures – 50 feet required, 32.30 feet existing;
- g. Side yard setback between vehicle display and storage areas abutting non-residential zoning districts – 15 feet required, vehicles displayed within the jug handle right-of-way proposed;
- h. Impervious Coverage – 70% maximum permitted, 100% existing;

NEDAL, INC. – NO. P-10-2016

- i. Landscaped Area – 30% required, no landscaping existing or proposed;
- j. Landscape buffer widths along rear and side yards when abutting non-residential zoning districts – 15 feet required, no buffer existing or proposed;
- k. Landscape buffer widths along street line – no buffering exists or proposed;
- l. Distance between automobile dealerships – 1,000 feet required, 660 feet existing and proposed.

8. James A. Clancy and Nedal Abu Humoud testified on behalf of the Applicant at the December 15, 2016 Public Hearing.

9. Mr. Humoud, after being duly sworn, testified as follows:

- a. He is the owner of the company that will own and operate the proposed used car dealership;
- b. The used car dealership will be a tenant and not the owner of the Property;
- c. Wrecked or inoperable cars will not be stored at the Property as part of the operations of the used car dealership;
- d. The business will have no more than five (5) employees and will display approximately 25 vehicles for sale;
- e. Agrees to bifurcate the application and submit a more formal site plan if the conditional use variances are granted to permit the used car dealership on the Property.

10. Mr. Clancy, after being duly sworn, 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;
- b. The Applicant will utilize its leased space as a used car dealership;
- c. Two other auto related businesses currently operate from the Property, an auto body shop and an auto repair business;
- d. Neither the auto body shop nor the auto repair shop sells cars;
- e. Describes the non-conforming site conditions as existing conditions reflective of the Property's location and its existing improvements;
- f. Cars to be displayed will be moved slightly away from the road;

NEDAL, INC. – NO. P-10-2016

- g. The proposed used car dealership will not perform oil changes to vehicles to be sold/displayed but will detail the vehicles in preparation for sale;
- h. Deliveries of cars will not be made during peak hours;
- i. A site plan will be prepared to address the comments of the Board and its professionals.

11. During the December 15, 2016 Public Hearing, Cedric Minter, Township Zoning Officer, testified that he was concerned with vehicles exiting the Property and that exiting onto Cooper Street should be prohibited.

12. Board Members expressed their concern over the continued use of the Property in its existing condition and though not opposed to the proposed used car dealership will require certain site improvements to be undertaken.

13. The Board Engineer/Planner reviewed his December 14, 2016 Review Letter with the Board and the Applicant through the testimony of its witnesses agreed to comply with the comments contained in same.

14. The Property is unique in that it is the only property at this location with frontages along Route 130, Cooper Street and the jug handle connecting 130 and Cooper.

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

1. The Applicant has submitted sufficient information for the Board to make a decision on the Applicant's request for variances pursuant to N.J.S.A. 40:55D-70(d)(3) for not satisfying the requirements for a used car dealership but the Board will certain improvements, to be shown on a formal site plan, to be made to the Property for the proposed used car dealership.

2. This application relates to a specific and unique 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 a conditional use, as requested by the Applicant.

3. The benefits of the deviation from the Zoning Ordinance requirements specified herein for the proposed used car dealership conditional use 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

NEDAL, INC. – NO. P-10-2016

Zoning Ordinance of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 15th day of December, 2015, that this Board hereby grants to the Applicant:

1. D(3) Variances from the requirements for a used car dealership use without complying with the conditions for this conditional use in the C-LI-5 Zoning District as established by Ordinance for lot area, lot width, lot depth, front yard setback to buildings/structures, front yard setback to display area, side yard setback to buildings and structures, side yard setback between vehicle display and storage areas abutting non-residential zoning districts, impervious coverage, landscape areas and buffers and separation between similar businesses, as more specifically enumerated above, as requested by the Applicant, subject to the following:

a. Subject to a formal site plan being submitted and approved by the Board prior to the Applicant's used car dealership commencing operations, with the site plan to include the following:

- j. Relocation of the vehicle display area away from Route 130, Cooper Street and the jug handle;
- ii. No exit signs to prohibit vehicles exiting the Property onto Cooper Street;
- iii. Delineation of the handicap parking spaces, the location of the auto dealership on the Property and the bus stop;
- iv. Parking spaces for 5 employees, 5 customers and no more than 25 vehicle display spaces for the Applicant's proposed use;
- v. That no wrecked or inoperable vehicles are permitted to be stored on the Property;
- vi. That detailing of cars to be sold is permitted; the Applicant may not perform any other service of vehicles, including oil changes;
- vii. That deliveries of cars to the Property will be made during off-peak hours.

b. Subject to the sworn testimony of the Applicant and/or its agents and representatives at the December 15, 2016 Public Hearing.

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

NEDAL, INC. – NO. P-10-2016

Applicant obtaining those approvals for its proposed use.

d. Subject to the comments of the Planning Board Engineer/Planner, as contained in the December 15, 2016 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME.

e. Subject to this approval not guaranteeing the issuance of any zoning permit, construction permit or certificate of occupancy to the Applicant for its proposed used car dealership as this Variance Approval is specifically conditioned upon Site Plan Approval being granted by this Board for the Applicant's proposed use of a portion of the Property.

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 15, 2016.

EDGEWATER PARK PLANNING BOARD

Attest:

By: _____
MARIAN JOHNSON, Chairwoman

KEVIN JOHNSON, Secretary

Dated: _____

Date of Approval: _____

Date of Memorialization: _____