

RESOLUTION NO. P - 1 - 2019

NOTICE OF 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 PM 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.

MOTION: Mr. Robinson **SECOND:** Mr. Malecki

ROLL CALL:

AYES: Mayor Belgard, Mr. Alexander, Mr. Kauker, Mrs. DiFilippo,
Chairwoman Johnson, Mr. Kauker, Mr. Robinson, Mr. Smith,
Mr. Westphal, Ms. Bonner, and Ms. Tumminia.

NAYS: None

CERTIFICATION

I, **NICOLE CARTER**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Regular Meeting held on January 10, 2019 at the Edgewater Park Municipal Building at 7:00 p.m.



NICOLE CARTER
Planning Board Secretary

RESOLUTION NO. P - 2 - 2019

OPEN PUBLIC MEETINGS ACT

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 10, 2019, shall be in accordance with Resolution #P-1-2019, designating the dates, times and places of such meetings which incorporated within this Resolution by reference.

MOTION: Mr. Robinson **SECOND:** Mr. Kauker

ROLL CALL:

AYES: Mayor Belgard, Mr. Alexander, Mr. Kauker, Mrs. DiFilippo,
Chairwoman Johnson, Mr. Kauker, Mr. Robinson, Mr. Smith,
Mr. Westphal, Ms. Bonner, and Ms. Tumminia.

NAYS: None

CERTIFICATION

I, **NICOLE CARTER**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Regular Meeting held on January 10, 2019 at the Edgewater Park Municipal Building at 7:00 p.m.

A handwritten signature in black ink, appearing to read 'Nicole Carter', is written above a horizontal line.

NICOLE CARTER
Planning Board Secretary

RESOLUTION NO. P - 3 - 2019

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 *N.J.S.A. 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 N.J.S.A. 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.

MOTION: Mr. Robinson

SECOND: Mr. Malecki

ROLL CALL:

AYES: Mayor Belgard, Mr. Alexander, Mr. Kauker, Mrs. DiFilippo,
Chairwoman Johnson, Mr. Kauker, Mr. Robinson, Mr. Smith,
Mr. Westphal, Ms. Bonner, and Ms. Tumminia.

NAYS: None

CERTIFICATION

I, **NICOLE CARTER**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Regular Meeting held on January 10, 2019 at the Edgewater Park Municipal Building at 7:00 p.m.



NICOLE CARTER
Planning Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-4-2019

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF
EDGEWATER PARK UNDERTAKING A PRELIMINARY INVESTIGATION OF
CERTAIN PARCELS LOCATED IN THE TOWNSHIP AND DETERMINING
WHETHER SUCH PARCELS SATISFY THE CRITERIA AS “AN AREA IN NEED OF
NON-CONDEMNATION REDEVELOPMENT” AS SET FORTH IN THE LOCAL
REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1***

WHEREAS, the Township of Edgewater Park, is authorized by the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq. (the “Act”), to determine whether certain parcels of land in the Township constitute areas in need of non-condemnation redevelopment;

WHEREAS, the Township has established a general boundary area within the Township that merits evaluation to determine if the parcels located in this area would qualify as An Area in Need of Non-Condensation Redevelopment under the Act; and

WHEREAS, by its Resolution No. 2019-23, the Township Committee has authorized and directed the Planning Board to perform a preliminary investigation of certain parcels (the “Study Area”) located in the Township to determine whether such parcels would satisfy the criteria as set forth in the Act, including *N.J.S.A. 40A:12A-3* and *N.J.S.A. 40A:12A-5*, to be designated as An Area in Need of Non-Condensation Redevelopment under the Act; and

WHEREAS, the Planning Board has performed a preliminary investigation of the Study Area parcels identified by the Township Committee in order to determine whether such parcels would qualify as An Area in Need of Non-Condensation Redevelopment under the Act; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park as follows:

1. **PRELIMINARY INVESTIGATION OF STUDY AREA.** The Planning Board of the Township of Edgewater Park has conducted an investigation pursuant to *N.J.S.A. 40A:12A-6* and has determined that certain parcels in the Study Area do satisfy the criteria set forth in the Act, including *N.J.S.A. 40A:12A-3* and *N.J.S.A. 40A:12A-5*, to be designated as An Area in Need of Non-Condensation Redevelopment.

2. **MAP TO BE PREPARED.** The Planning Board has prepared a map showing the boundaries of the proposed Non-Condensation Redevelopment Areas and the location of the various parcels contained therein.

3. **PUBLIC HEARING.** On February 21, 2019, the Planning Board, after giving due notice, as required by and in accordance with *N.J.S.A.* 40A:12A-6(b)(3) and -6(d), of the proposed boundaries of the Study Area and the date of the Public Hearing to any persons who are interested in or would be affected by a determination that all or a portion of the parcels of land within the Study Area is a non-condemnation redevelopment area, held a Public Hearing and heard from all persons interested in or would be affected by a determination that all or a portion of the Study Area is a non-condemnation redevelopment area. All objections to the determination by the Planning Board have been received and considered by the Planning Board and are made part of the public record.

4. **PLANNING BOARD RECOMMENDATIONS.** After conducting its investigation, preparing a map and conducting a public hearing at which all objections to the designations have been received and considered, the Planning Board of the Township of Edgewater Park recommends that the Township Committee include those parcels, known as Block 1202, Lots 2 and 11, and identified as the Study Area in the January, 2019 "Preliminary Investigation For Determining Non-Condensation Area in Need of Redevelopment" prepared by Mark A. Remsa, PP, AICP, Burlington County Bridge Commission, Department of Economic Development and Regional Planning (attached hereto as Exhibit A), as An Area in Need of Non-Condensation Redevelopment.

5. **SEVERABILITY.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

6. **AVAILABILITY OF THIS RESOLUTION.** A copy of this Resolution shall be available for public inspection at the Office of the Planning Board of the Township of Edgewater Park.

7. **EFFECTIVE DATE.** This Resolution shall take effect immediately.

MOTION: Charles Robinson SECOND: Marian Johnson

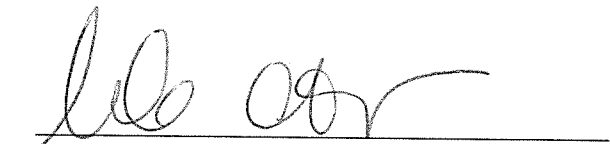
ROLL CALL:

AYES: William A. Belgard III, Lauren DiFilippo, Chairwoman Marian Johnson, Charles Robinson, Vincent Smith, Stephen Malecki, Gwendolyn Bonner, Bonnie Tumminia.

NAYS: None

CERTIFICATION

I, **NICOLE CARTER**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, at its regular meeting held on February 21, 2019 at the Edgewater Park Municipal Complex, at 7:00 p.m.


NICOLE CARTER
Planning Board Secretary

RESOLUTION NO. P - 5 - 2019

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF EDGEWATER PARK, COUNTY OF BURLINGTON
FINDING TOWNSHIP ORDINANCE NO. 2019-2, THE ABERGEL ORDINANCE,
AMENDING CHAPTER 16 (LAND DEVELOPMENT) OF THE EDGEWATER PARK
TOWNSHIP CODE, AND EXTENDING THE C-3 HIGHWAY COMMERCIAL ZONING
DISTRICT CONSISTENT WITH THE MASTER PLAN OF THE TOWNSHIP OF
EDGEWATER PARK**

WHEREAS, pursuant to the Municipal Land Use Law of the State of New Jersey (*N.J.S.A.* 40:55D-26 and 64), the Planning Board of the Township of Edgewater Park is obligated to review any and all proposed land use control ordinances and make a report of any inconsistencies with the Master Plan prior to adoption by the Township Committee of the Township of Edgewater Park;

WHEREAS, at its February 19, 2019 meeting, the Township Committee introduced Ordinance No. 2019-2, entitled “AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK, BURLINGTON COUNTY AMENDING CHAPTER 16 OF THE EDGEWATER PARK TOWNSHIP CODE TO ESTABLISH THE R-TH/MF TOWNHOUSE/MULTI-FAMILY INCLUSIONARY ZONING DISTRICT AS WELL AS USE, BULK & OTHER STANDARDS THEREFOR IN ORDER TO ADDRESS THE AFFORDABLE HOUSING REQUIREMENTS OF THE NEW JERSEY SUPERIOR COURT; AND TO EXTEND THE C-3 HIGHWAY COMMERCIAL ZONING DISTRICT” (the “Abergel Ordinance”), amending **Chapter 16** (Land Development), amending **Section 3** (Definitions), amending **Section 82.1** (Districts Enumerated), adding **Section 82.22** (R-TH/MF Townhouse/Multi-Family Inclusionary Residential District) and modifying the Zoning Schedule of Area and Bulk Requirement of the Township Code and amending the Zoning Map of the Township of Edgewater Park, and has referred the Abergel Ordinance to the Planning Board for the Planning Board’s Master Plan consistency review and recommendation;

WHEREAS, through this resolution, the Planning Board wishes to memorialize its findings concerning the review and analysis of the proposed amendments to the Township's Land Development Ordinance.

NOW, THEREFORE, 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 amendments to Chapter 16 of the Land Development Ordinance and the extension of the C-3 Highway Commercial Zoning District of the Township of Edgewater Park, as set forth in Township Ordinance 2019-2, introduced by the Township Committee on February 19, 2019 as the Abergel Ordinance, having been previously reviewed by the Consulting Engineer, Planner and Solicitor to the Planning Board and no objection having been identified, are hereby found by this Board to be consistent with the Master Plan of the Township of Edgewater Park.

2. The amendments set forth in the Abergel Ordinance are required to implement the affordable housing mechanisms included in the Township's Third Round Housing Element and Fair Share Plan of the Township of Edgewater Park, adopted by the Planning Board on November 21, 2017 and endorsed by the Township Committee on November 21, 2017 and are, therefore, consistent with the Township's Third Round Housing Element of the Master Plan.

3. This Resolution shall constitute the report of the Planning Board required pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-26*) for the Planning Board's review of the proposed Township Abergel Ordinance.

4. The Planning Board's Solicitor, Consulting Engineer, Planner and Board Secretary are hereby further authorized to undertake any and all action to forward this Resolution to the Township Committee for their consideration prior to adoption of the Abergel Ordinance.

5. This Resolution shall take effect immediately.

MOTION: Charles Robinson **SECOND:** Marian Johnson

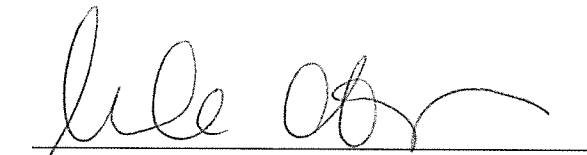
ROLL CALL:

AYES: William A. Belgard III, Chairwoman Marian Johnson,
Charles Robinson, Vincent Smith, Stephen Malecki,
Gwendolyn Bonner, and Bonnie Tumminia.

NAYS: None

CERTIFICATION

I, **NICOLE CARTER**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Regular Meeting held on November 29, 2018 at the Edgewater Park Municipal Building at 7:00 p.m.


NICOLE CARTER
Planning Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-6-2019

**CONCERNING THE APPLICATION OF
DINA AND GERALD GARES
FOR VARIANCE APPROVAL
BLOCK 1601, LOT 21**

WHEREAS, Dina and Gerald Gares (the “Applicant”) have applied to the Planning Board of the Township of Edgewater Park for variance approval for property located at 139 Warren Street, known as Block 1601, Lot 21 (the “Property”), on the Official Map of the Township, for the purpose of installing a five (5) foot high fence in the front yard setback area of the Property; and

WHEREAS, a variance is required pursuant to *N.J.S.A. 40:55D-70(c)* because the height of the proposed fence exceeds the maximum height of fencing permitted in the front yard setback area of the Property; and

WHEREAS, the application was deemed complete by the Planning Board on February 21, 2019; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on February 21, 2019, 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. Photographs and other evidence; and

WHEREAS, the Applicant introduced the following Exhibit during the February 21, 2019 Public Hearing:

- a. A-1 – Series of Photographs of existing conditions of the Property; and

WHEREAS, the following Exhibit was introduced by Jeffrey Bello during the February 21, 2019 Public Hearing:

- a. P-1 – Series of Photographs of existing conditions of the Property and his adjoining property; and

GARES - RESOLUTION NO. P-6- 2019

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of the 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 26,285 square feet in area. The Property is located within the R-1 Zoning District and is improved with two-story single-family detached residential dwelling, an in-ground swimming pool, concrete patio and walkways, two (2) sheds, roofs over decking, an outbuilding, a bituminous driveway and fencing.
2. The Applicant is proposing to install a five (5) foot high aluminum fence along both side property lines of the Property within the front yard area.
3. The Applicant submitted an application to the Planning Board for a variance pertaining to the Ordinance requirement for the height of fencing in the front yard setback area of the Property, providing the Board with a proposed set of plans and testimony.
4. The taxes on the Property are current.
5. The Applicant has paid and/or posted all required fees and agreed to keep the 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 following variance is required for the proposed fence:
 - a. Fence height – limited to a maximum height of 4 feet in the front yard setback area; 5 feet proposed.
8. Gerald Gares provided the following sworn testimony during the February 21, 2019 Public Hearing:
 - a. The proposed fence will be a black aluminum picket style fence, five (5) feet in height and will be installed along the side property lines in the front yard area of the Property;
 - b. A five (5) foot aluminum fence is located along the front of the Property and the proposed fence will complete the fencing of the Property;
 - c. Warren Street is a busy street and the proposed fencing is for safety reasons for his children and dog;
 - d. The proposed fence will aesthetically enhance the Property;

GARES - RESOLUTION NO. P-6- 2019

- e. The proposed fence is picket style and will be open for visual penetration of light and air;
- f. He does not anticipate the removal of any trees to accommodate the installation of the fence.

9. Jeffrey Bello provided the following sworn testimony during Public portion of the February 21, 2019 Hearing:

- a. He is the owner of the neighboring property, Lot 22.03, and objects to the Applicant's proposed fence;
- b. The proposed fence will impact his water line easement;
- c. The proposed fence will make the pruning of trees more difficult;
- d. He does not want any trees removed;
- e. The zig-zag appearance of the fence will negatively impact his family.

10. The R-1 Zoning District permits six (6) foot high fences to be installed along a property's side and rear yards, behind the front yard setback.

11. The front yard setback requirement in the R-1 Zoning District is 40 feet.

12. The existing dwelling is setback approximately 182.4 feet from the Warren Street right of way.

13. The height of the portion of the proposed fence located behind the 40 foot front yard setback area is less than the maximum height permitted.

14. The Applicant is requesting variance approval to allow the installation of the five (5) foot high aluminum picket fence as proposed, to provide greater utilization for this Property and to improve the aesthetics of the Property and the neighborhood.

15. Without variance approval, the Applicant would be unable to install the fence 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:

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 requirement specified herein for fence heights, as requested by the Applicant.

GARES - RESOLUTION NO. P-6- 2019

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 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 February, 2019, that this Board hereby grants to the Applicant a variance to permit the installation of a five (5) foot high aluminum picket style fence in the front yard setback area of the Property, in accordance with the application, plans and testimony submitted by the Applicant, 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 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 Applicants obtaining those approvals.

4. Subject to the sworn testimony of Gerald Gares at the February 21, 2019 Public Hearing.

5. Subject to the Applicant receiving all required permits prior to the installation of the fence commencing. Variance approval does not guaranty the issuance of the required permits as the Applicant is subject to the applicable construction code(s) and regulations.

GARES - RESOLUTION NO. P-6- 2019

6. Subject to the Applicant assuming the risk if installation of the fence is commenced prior to the expiration of the appeals period for this variance approval.

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 February 21, 2019.

EDGEWATER PARK PLANNING BOARD

Attest:

By:


MARIAN JOHNSON, Chairwoman


NICOLE CARTER, Secretary

Dated: 3/21/19

Date of Approval: 2/21/19

Date of Memorialization: 3/21/19

RESOLUTION NO. P - 7 - 2019

**RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER
PARK, ANNUAL REPORT OF VARIANCE APPLICATIONS AND FORMAL
RECOMMENDATIONS TO TOWNSHIP COMMITTEE FOR CONSIDERATION OF
CHANGES TO ZONING CODE**

WHEREAS, N.J.S.A. 40:55D-70.1 requires the board of adjustment at least once a year, to review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any and to provide the report and resolution to the governing body and the planning board; and

NOW, THEREFORE, BE IT RESOLVED by the Edgewater Park Township Planning Board, County of Burlington and State of New Jersey that in its capacity as a zoning board of adjustment heard the following variance applications during 2018 and that the memorializing resolutions are, if applicable, on file in the Township Municipal Building:

Applicant	Property	Result	Description
Hearing Date	Block & Lot	Resolution #	
Blair & Amy Spencer 2/15/2018	611 Delanco Road 403 / 8	Approved P-1-2018	Zoning variance to construct a 960 sq. ft. garage.
Hoover Truck 2/15/2018	4313 Route 130 South 1202.07 / 4	Approved P-2-2018	Use variance & preliminary & final site plans to operate a truck and bus sales and service center.
Balkar Saini - USS Car Wash 9/20/2018	4291 Route 130 South 502 / 13.04	Approved P-3-2018	Minor Site Plan application to demolish the existing rear portion of the building, to replace for new car wash equipment; add pay stations and striping to improve traffic circulation.
G&M Auto 10/18/2018	1636 Bridgeboro Road 404 / 9.01	Approved P-4-2018	Variance application for PV solar ground mount for the auto body shop business.
KTI Express, LLC 10/18/2018	719 Mt. Holly Road 203 / 5	Approved P-5-2018	Variance/interpretation to park/repair trucks and trailers on the property with intentions to use site "as is" as stated in application.

MOTION: Mr. Kauker **SECOND:** Mr. Malecki

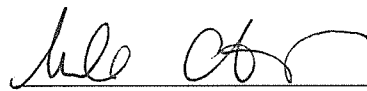
ROLL CALL:

AYES: Mrs. DiFilippo, Chairwoman Johnson, Mr. Kauker, Mr. Smith,
Mr. Westphal, Mr. Malecki, and Ms. Bonner.

NAYS: None

CERTIFICATION

I, **NICOLE CARTER**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Regular Meeting held on March 21, 2019 at the Edgewater Park Municipal Building at 7:00 p.m.

A handwritten signature in black ink, appearing to read 'Nicole Carter', is written over a horizontal line.

NICOLE CARTER
Planning Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-8-2019

**CONCERNING THE APPLICATION OF
ARIEL REALTY
FOR VARIANCE, PRELIMINARY MAJOR SUBDIVISION AND
PRELIMINARY MAJOR SITE PLAN APPROVAL**

WHEREAS, Ariel Realty, LLC (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park for Variance, Preliminary Major Subdivision and Preliminary Major Site Plan Approval for property located on US Route 130, known as Block 1202, Lots 1.10, 9 and 9.01 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a mixed use development consisting of 136 fee simple townhouse lots, 2 twelve (12) unit apartment buildings and a 16,000 square foot retail building; and

WHEREAS, a portion of the Property is located in the C-3 Zoning District and a portion in the R-TH/MF (Townhouse/Multi-Family Residential) Zoning District; and

WHEREAS, the Applicant intends to consolidate the three (3) lots and then re-subdivide for the proposed mixed use-development; and

WHEREAS, the proposed uses are permitted uses in their respective zoning districts; and

WHEREAS, the Applicant is also requesting variances pursuant to *N.J.S.A. 40:55D-70(c)* as the proposed development of the Property does not satisfy the requirements of the C-3 Zoning District pertaining to front yard setback, impervious coverage and loading areas; and

WHEREAS, the application for Variance, Preliminary Major Site Plan and Preliminary Major Subdivision Approval was deemed complete by the Board on March 21, 2019; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on March 21, 2019, 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

ARIEL REALTY - NO. P-8-2019

WHEREAS, the following exhibits were introduced by the Applicant during the March 21, 2019 Public Hearing:

- A-1 Color rendering of Site Plan, enlarged;
- A-2 Mounted version of the Site Plan;
- A-3 Color rendering of townhouses;
- A-4 Color rendering of Apartment Building A;
- A-5 Color rendering of Apartment Building B;
- A-6 Color rendering of retail building; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support its application for Variance, Preliminary Major Site Plan and Preliminary Major Subdivision Approvals, 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. Lot 1.10, approximately 3.64 acres, is a vacant, wooded lot at the southwest corner of U.S Route 130 and Forrestal Drive. Lot 9, approximately 17.715 acres, is unoccupied with an existing asphalt drive and paved areas adjacent to Lot 9.01. Lot 9.01, approximately 2.167 acres, is improved with a Pep Boys Auto Parts and Service Center. Pep Boys' customers utilize the paved area on Lot 9 for additional parking.

2. The southerly portion of Lot 9 and Lot 9.01 are located in the C-3 Zoning District. The remainder of Lot 9 and Lot 1.10 are located in the R-TH/MF Zoning District.

3. The Applicant is proposing to consolidate Lots 1.10, 9 and 9.01 and then re-subdivide for the development of the Property for a mixed use development consisting of townhouses, apartments and retail uses, and has provided the Board with a set of plans and other evidence supporting the proposed development of 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 the escrow account current.

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

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

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- a. 136 fee simple townhouse lots/units in 20 separate buildings;
 - b. Two (2) apartment buildings, each on their own lot with 12 units per building;
 - c. One (1) 2.4 acre lot to increase off-street parking for Pep Boys;
 - d. A 16,000 square foot retail building with 81 parking spaces located on its own lot fronting on Route 130;
 - e. Five (5) new public streets, tentatively identified as Roads A through E;
 - f. Shared parcels for open space, recreation and stormwater management.
8. The proposed uses are permitted uses in their respective zoning districts.
9. The following bulk variances are required in connection with the proposed development of the Property:
- a. Front yard setback – 60 feet required for retail lot, 45 feet from Road A proposed;
 - b. Impervious Coverage – 60% maximum permitted in C-3 Zone, 72.1% proposed for the Pep Boys Lot;
 - c. Loading Areas – 2 required for retail building, none provided.
10. The Applicant was represented at the March 21, 2019 Public Hearing by Alan Ettenson, Esquire. Mark Shourds, PE, Jacan Bensadigh, Andrew Ferenda, PE, and Richard Fumo, RA, testified on behalf of the Applicant.
11. Mr. Ettenson made the following representations to the Board during the March 21, 2019 Public Hearing:
- a. The Applicant agrees with the comments in the March 15, 2019 Review Letter of Environmental Resolutions, Inc., the Board Engineer and Planner;
 - b. The proposed apartment units are designated as affordable housing set aside and address the Township's Affordable Housing requirements;
 - c. There will be one (1) association established for the townhouse units and a second association for the apartment units;
 - d. A walkway will be added to Fox Run if Fox Run agrees.
12. Mr. Shourds provided the following sworn testimony during the March 21, 2019 Public Hearing:

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- a. He is a Professional Engineer, licensed in the State of New Jersey, and has been qualified by land use boards in the State of New Jersey to testify as an expert in the area of land engineering;
- b. Primary access to the development will be from U.S. Route 130, via an existing drive shared with Pep Boys;
- c. Describes the layout of the development and the location for the townhouse units, apartment units, retail building and shared open space lots;
- d. During its review of the proposed development, the New Jersey Department of Transportation (“DOT”) expressed the need for an alternate access to the development other than Route 130;
- e. Sound planning and emergency reasons support a connection to the Silver Park West development;
- f. The topography of the Property is depressed and top soil will be required to be imported to the site;
- g. The 5 public roads will be named in the future in accordance with “911” standards;
- h. The building height for the townhouses will be modified to comply with the 40 foot maximum building height permitted;
- i. Each townhouse will have a garage and on lot driveways;
- j. Sixty-eight (68) additional parking spaces will support the townhouse units;
- k. The number of parking spaces for the apartment buildings complies with the Ordinance requirements;
- l. The association documents will include provisions regarding the shared open space lots;
- m. Easements are required for the development of the Property as proposed and these easements will be prepared for and delineated at the time of Final Approval;
- n. Landscaping will also be finalized at the time of Final Approval;

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- o. The impervious coverage of the Pep Boys lot is decreasing from 80% to 72.1% with the proposed increase in the lot area of Lot 9.01;
- p. The residential portions of the development comply with the Ordinance;
- q. The stormwater management system for the site will be infiltration with perforated piping to the infiltration basin;
- r. The stormwater management basins will be owned and maintained by the association;
- s. The sewer lines for the entire site will flow by gravity to the Kings Road sewer line;
- t. The retail building lot is a corner lot with two front yards and two required front yard setbacks of 60 feet. The setback to Road A will be 45 feet and is not a substantial detriment to the development of the Property or to the general welfare.

13. Mr. Bensadigh provided the following sworn testimony during the March 21, 2019 Public Hearing:

- a. He is a principal of the Applicant;
- b. The construction of the townhouse section will be done in Phases, to be determined prior to Final Approval;
- c. The maintenance of the landscaping in the round-a-bout will be the responsibility of the association;
- d. The existing pylon sign will be used for the proposed retail building;
- e. The Applicant will determine prior to Final Approval whether sidewalk can go on Route 130;
- f. The anticipated sales price of a townhouse unit is \$230,000.00;
- g. The association documents will provide that the association will be responsible for one-half of the cost of the replacement of the fence along the houses along Forrestal Drive.

14. Mr. Ferenda provided the following sworn testimony during the March 21, 2019 Public hearing:

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- a. He is the Applicant's Traffic Engineer, licensed as a Professional Engineer in the State of New Jersey, and has been qualified by land use boards in New Jersey to testify as an expert in the area of traffic engineering;
- b. Traffic counts at each of the four intersections were conducted during the morning peak time of 7:00 a.m. to 9:00 p.m., the afternoon peak time of 4:00 p.m. to 6 p.m. and the Saturday peak time of 11:00 a.m. to 2:00 p.m.;
- c. The traffic study submitted assumed more housing units than now proposed;
- d. DOT approval will be required;
- e. Most of the traffic volume from the site will go to the existing Pep Boys driveway with a 30 to 60 second delay onto Route 130 expected, with less of a delay during off peak times;
- f. There will be no queuing onto Route 130;
- g. There will be a level of service A at the Forrestal Drive intersection;
- h. It is good traffic planning and a benefit in emergencies to have the connection to Silver Park West;
- i. No more than 30 to 40 cars a day will go through the Silver Park West connection, mainly to get to Forrestal Drive.

15. Mr. Fumo provided the following sworn testimony during the March 21, 2019 Public Hearing:

- a. He is the Applicant's architect, licensed in the State of New Jersey and has been qualified by land use boards in New Jersey to testify as an expert in architecture;
- b. Building height will comply with the Ordinance;
- c. Describes the layout and bedroom mix for the townhouse units and the COAH Apartment units;
- d. The exterior of the apartment buildings will be aesthetically similar to the townhouse buildings;
- e. Utilizes Exhibit A-6 to show what the exterior of the retail building may look like.

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16. The March 21, 2019 Hearing was opened to the Public with the following interested persons appearing:

- a. Dennis Robbins who expressed concerns regarding the fence along the homes along Forrestal Drive, buffers and basin overflow;
- b. Noel Rainey, a Silver Park West resident, who was concerned that the connection will create traffic problems in Silver Park West;
- c. Dominic Marrazzo, a Delran resident, concerned with the Silver Park West connection creating traffic issues for the Silver Park West residents;
- d. Pat McCool, an Edgewater Park resident, concerned with sidewalks for children to use;
- e. Joyce Williams who objected to the Silver Park West connection;
- f. Lynne Raymond who was concerned with the socio-economic impact of the development.

17. The Board Engineer and Planner reviewed their review letter with the Board and the Applicant's agents and representatives testified that the Applicant will comply with all 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. The Applicant has submitted a Complete set of plans so that the Board has the necessary information to make a decision on the application for Variance, Preliminary Major Site Plan and Preliminary Major Subdivision 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 front yard setback, impervious coverage and loading areas, 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 and the development of the Property as proposed will promote the safety, health and general welfare of the community.

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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 Zoning Board of Adjustment of the Township of Edgewater Park, on the 21st day of March, 2019, that this Board hereby grants to the Applicant the following:

1. A variance pursuant to *N.J.S.A. 40:55D-70(c)* to permit the front yard setback for the retail building to Road A to be 45 feet;

2. A variance pursuant to *N.J.S.A. 40:55D-70(c)* to permit the impervious coverage for the newly configured Pep Boys lot (Lot 9.01) to be 72.1%;

3. A variance pursuant to *N.J.S.A. 40:55D-70(c)* to permit no designated loading areas for the proposed retail building; and

4. Preliminary Major Site Plan Approval and Preliminary Major Subdivision Approval for the development of the Property to include:

- a. 136 fee simple townhouse units, spread over 20 buildings;
- b. Two (2) apartment buildings, each containing 12 affordable set aside apartment units;
- c. One (1) 16,000 square foot retail building;
- d. An increase in the lot area for the existing Pep Boys to provide additional parking spaces;
- e. Five (5) new public streets;
- f. Shared parcels for open space, recreation and stormwater management;
- g. Other site improvements, including, but not limited to, landscaping and lighting,

as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with all approvals subject to the following conditions:

a. Subject to the Applicant obtaining all other approvals that may be required for the development, including, but not limited to Burlington County Planning Board approval, Burlington County Soil Conservation District approval, New Jersey Department of Transportation approval and New Jersey Department of Environmental Protection approval.

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b. 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.

c. 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 the conditions shall the required subdivision plat be executed and building permits, certificates of occupancy or zoning permits be issued.

d. Subject to the sworn testimony and representations of the Applicant's witnesses and representatives at the March 21, 2019 Public Hearing.

e. Subject to the submission of revised plans complying with the comments of the Board Professionals and with this Resolution, as may be required.

f. Subject to Final Major Site Plan and Final Major Subdivision Approval being granted for the development of the Property as preliminarily approved.

g. Subject to the Applicant posting all required inspection fees and performance and maintenance guarantees, required by the Municipal Land Use Law of the State of New Jersey for construction of the development.

h. 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.

i. 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.

j. 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.

k. Subject to the review comments of the Board Engineer and Board Planner as contained in the March 15, 2019 review letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP.

l. Subject to all easements required for the development of the Property as preliminarily approved being delineated and shown on the Final Plans. All easement documents

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shall be prepared and submitted for the review and approval of the Board Solicitor and Board Engineer prior to recording with the County of Burlington.

m. Subject to the submission of all documents establishing the associations required for the shared open space, recreation, stormwater management facilities, round-a-bout and fee collections, being submitted for the review and approval of the Board Solicitor and Board Engineer. The association shall also be responsible for one-half of the replacement cost of the fence along the homes along Forrestal Drive.

n. Subject to all landscaping for the development, including foundation plantings for the townhouse units, being finalized prior to Final Approval.

n. Subject to the Applicant including a walkway to the Fox Run Development on the Final Plans, unless Fox Run disagrees.

o. Subject to sidewalk being provided along all of Route 130 and extended along the east side of Road A in front of the retail building to Route 130.

p. Subject to all buildings complying with the height requirements of the Zoning Ordinance.

q. Subject to the names of the five (5) public roads being provided at the time of Final Approval.

r. Subject to Final Plans including Phasing Limits.

s. Subject to the recording of a deed restriction identifying the owner/association as the party responsible for maintaining the stormwater management facilities for the development and to provide the Township with the right to access and maintain the facilities if the owner/association fails to properly maintain same. A copy of the deed restriction shall be submitted for the review and approval of the Board Solicitor and Board Engineer.

t. Subject to the Applicant executing any required Developers Agreement with the Township of Edgewater Park that may be required for the construction of the development as preliminarily approved and the execution of the necessary documents pertaining to the affordable housing set aside apartment units.

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ROLL CALL VOTE

Those in Favor: 8
Those Opposed: 0
Those Abstaining: 0

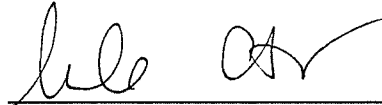
CERTIFICATION

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 21, 2019.

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


MARIAN JOHNSON, CHAIRWOMAN

Attested:



NICOLE CARTER, SECRETARY

Dated: 4/18/19
Date of Approval: 3/21/19
Date of Memorialization: 4/18/19

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-9-2019

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF EDGEWATER PARK
RECOMMENDING THE TOWNSHIP COMMITTEE
ADOPT A REDEVELOPMENT PLAN FOR THE
FORMER PATHMARK CENTER SITE
PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW,
N.J.S.A. 40A:12A -7**

WHEREAS, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Act”), the Planning Board of the Township of Edgewater Park adopted Resolution No. P-4-2019, that Block 1202, Lots 2 and 11, the former Pathmark Site, satisfied the criteria set forth in the Act, including N.J.S.A. 40A:12A-5, to be designated as an area in need of non-condemnation redevelopment and recommended that the Township Committee include these parcels as An Area in Need of Non-Condensation Redevelopment; and

WHEREAS, on March 15, 2019, the Township Committee of the Township of Edgewater Park adopted its Resolution declaring Block 1202, Lots 2 and 11 as an Area in Need of Non-Condensation Redevelopment pursuant to the Act; and

WHEREAS, at its April 2, 2019 meeting, the Township Committee introduced Ordinance No. 2019-6 “An Ordinance of the Township of Edgewater Park Adopting a Redevelopment Plan Pursuant to the Provisions of N.J.S.A. 40A:12A-7” and has referred Ordinance 2019-6 to the Planning Board for the Board’s report and recommendation as required by N.J.S.A. 40A:12A-7(e); and

WHEREAS, on April 18, 2019, the Planning Board held a hearing and reviewed the “Redevelopment Plan for the Non-Condensation Redevelopment Area Consisting of the Former Pathmark Shopping Center Site Block 1202.09, Lots 2 and 11 (Tax Map) Also Known as Block 1202, Lots 2 and 11 (Tax Assessor’s Records)” prepared for The Township of Edgewater Park by Mark A. Remsa, AICP, PP, LLA, ASLA, Director, Burlington County Bridge Commission, Department of Economic Development and Regional Planning, dated March 28, 2019 (the “Redevelopment Plan”); and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park as follows:

1. **HEARING ON THE REDEVELOPMENT PLAN.** The Planning Board of the Township of Edgewater Park at its regular meeting on April 18, 2019, reviewed the Redevelopment Plan, heard a presentation by Mark A. Remsa, and afforded the public with an opportunity to make comments and ask questions concerning the Redevelopment Plan, in accordance with N.J.S.A. 40A:12A-7(e).

2. **FINDINGS AND CONCLUSIONG OF THE PLANNING BOARD.** The Planning Board, following the presentation by Mr. Remsa, and an opportunity for public comments, finds that the Redevelopment Plan satisfies the requirements of N.J.S.A. 40A:12-7(a) and that the Redevelopment Plan is substantially consistent with the Master Plan of the Township of Edgewater Park.

3. **PLANNING BOARD RECOMMENDATIONS.** The Planning Board resolves that the Redevelopment Plan, as considered by the Planning Board at its April 18, 2019 hearing, and after the presentation by Mr. Remsa and the opportunity for public comments, be ADOPTED by the Township Committee. This Resolution shall constitute the Planning Board's Report and Recommendation required in accordance with N.J.S.A. 40A:12A-7(e).

4. **SEVERABILITY.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

5. **AVAILABILITY OF THIS RESOLUTION.** A copy of this Resolution shall be available for public inspection at the Office of the Planning Board of the Township of Edgewater Park.

6. **EFFECTIVE DATE.** This Resolution shall take effect immediately.

MOTION: Ms. Bonner **SECOND:** Chairwoman Johnson

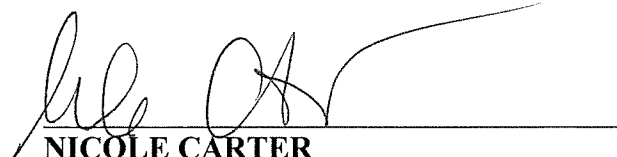
ROLL CALL:

AYES: Mr. Alexander, Mrs. DiFilippo, Chairwoman Johnson, Mr. Kauker,
Mr. Robinson, Mr. Westphal, Ms. Bonner, and Ms. Tumminia.

NAYS: None

CERTIFICATION

I, NICOLE CARTER, Secretary of the Edgewater Park Township Planning Board, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, at its regular meeting held on April 18, 2019, at the Edgewater Park Township Municipal Building at 7:00 p.m.



NICOLE CARTER
Planning Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-10-2019

**CONCERNING THE APPLICATION OF
DIAMOND TOOL
FOR VARIANCES AND AMENDED SITE PLAN APPROVAL**

WHEREAS, 4171 Route 130, LLC (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park for Variance and Amended Site Plan Approval¹ for property located at 4171 Route 130, known as Block 404, Lot 2.02 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of converting the former Aldi Market into a Diamond Tool business; and

WHEREAS, the Property is located in the C-3 Highway Commercial Zoning District; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* is required as the business of Diamond Tool includes the rental of tools and equipment for the construction industry and rental establishments are not permitted in the C-3 Zoning District;

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(d)(3)* is required as the Applicant is proposing to use a billboard located on the adjacent Wawa site to identify and advertise the Diamond Tool site without satisfying all of the conditions enumerated in Section 16-82.15C for off-site advertising; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(c)* is required as the Applicant is not providing the 78 parking spaces required for the non-fenced in area of the site;

WHEREAS, the application for Variance and Amended Site Plan Approval was deemed complete by the Board on July 18, 2019; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on July 18, 2019, 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

¹ The Applicant’s request for a Waiver of Site Plan Approval was amended to Amended Site Plan Approval with the submission of an Amended Site Plan, prepared by Dumack Engineering, dated 05/23/19.

DIAMOND TOOL - NO. P-10-2019

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 July 18, 2019 Public Hearing:

A-1 Diamond Tool Sales Circular; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support 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 contract purchaser of the Property, approximately 2.44 acres and improved with a 15,688 square foot building, most recently occupied by an Aldi Food Market, together with other site improvements.

2. The Applicant is proposing to utilize the Property for Diamond Tool, a business that engages primarily in the sale and rental of tools and equipment utilized in the construction industry.

3. The Applicant has submitted an application for Variances and Amended Site Plan Approval including the Standard Development Application signed by the Applicant and the Owner of the Property, Aldi, Inc. (Pennsylvania); an Amended Site Plan prepared by Dumack Engineering, dated 04/22/19; Architectural Elevations dated 06/06/19; Reciprocal Easement Agreement, dated December 17, 1996 and Modification to Reciprocal Easement Agreement, dated March 14, 2001.

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 the review escrow current.

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

7. The Applicant is proposing to convert the Property from its most recent food market use to a Diamond Tool use for the sale and rental of tools and equipment for the construction industry and is proposing the following development of the Property:

- a. Construct a 6 foot high fence with 2 vehicular gates around the existing building, enclosing 51 of the 111 parking spaces proposed;

DIAMOND TOOL - NO. P-10-2019

- b. Remove 12 parking spaces on the west side of the building;
 - c. Install five (5) 10 foot wide bays in rear of building to access service and warehouse space;
 - d. Convert the pole mounted billboard sign on the adjacent Wawa property, previously utilized for the Aldi food market, to a Diamond Tool sign.
8. The following variances are required for the proposed development of the Property:
- a. A "D1" use variance to permit a use that includes the rental of tools and equipment;
 - b. A "D3 use variance to permit the use of an off-site billboard sign, a conditional use in the C-3 Zoning District, for the identification and advertisement of the Diamond Tool use, without satisfying the conditions enumerated in Section 16-82.15A of the Township Code pertaining to the number of billboards permitted per lot, multi-sided signs and distance from a residential zone or use; and
 - c. A "C" variance to permit 60 parking spaces where 78 spaces are required outside of a fenced in area.
9. The Applicant is proposing to continue the following non-conforming conditions:
- a. Side yard setback – 30 feet required, 9.53 feet existing;
 - b. Impervious Coverage – 60% maximum, 75% existing;
 - c. Landscape buffer in side yard area – 15 foot width required, 0 feet and 9 feet existing on east side and west side, respectively;
 - d. Height/size of pole mounted sign on Route 130 – maximum of 8 feet height/64 square feet area permitted, 25 feet height and 75 square feet area existing (to be changed from an Aldi sign to a Diamond Tool sign);
 - e. Wall mounted sign on west façade of building – 40 square feet maximum, 132 square feet proposed (to be changed from an Aldi sign to a Diamond Tool sign).
10. The Applicant was represented at the July 18, 2019 Public hearing by Patrick McAndrew, Esquire. Ed Kelly, Heath Dumack, PE, Craig Miller and James Miller, PP, testified on behalf of the Applicant during the July 18, 2019 Public Hearing.

DIAMOND TOOL - NO. P-10-2019

11. Mr. Kelly provided the following sworn testimony:
 - a. He is a vice president of Diamond Tool;
 - b. Diamond Tool sells and rents equipment to contractors;
 - c. Approximately 50% of the business will be rental of tools and equipment, 40% sales and 10% service and repair;
 - d. Diamond Tool's customers are primarily commercial and industrial;
 - e. The hours of operation will be 7:00 a.m to 5:00 p.m., Monday through Friday, there are no weekend hours;
 - f. There will be 5 employees at the Edgewater Park site;
 - g. There will be 2 to 4 box truck deliveries per day;
 - h. There should not be much vehicular traffic to the site on a daily basis as most of the rentals are long-term;
 - i. Approximately 30 skid-steers, a bobcat type equipment, and 15 mini excavators will be stored on site;
 - j. Aluminum fencing with lower profile shrubs will be utilized for the fencing proposed around the building and to aesthetically enhance the visual appearance of the site.
12. Heath Dumack provided the following sworn testimony:
 - a. He is a professional engineer licensed in the State of New Jersey;
 - b. He orients the Board with the location of the Property and the improvements proposed for the Diamond Tool use;
 - c. Access to the Property is by way of existing easements over the adjacent Wawa property;
 - d. The existing lighting will be utilized but upgraded to LED bulbs;
 - e. The fence around the building is for security purposes to safeguard the equipment stored outside;
 - f. The Applicant will utilize the exiting sign package, including the off-site billboard sign, the Route 130 sign and the wall mounted sign, just replacing Aldi with Diamond Tool;
 - g. The trash generated by the Diamond Tool use will be nominal and a trash dumpster area will be added to the site plan.

DIAMOND TOOL - NO. P-10-2019

13. Mr. C. Miller provided the following sworn testimony:
 - a. He is the Applicant's construction manager for the development of the Property;
 - b. No additional signs are proposed, the Applicant is just replacing the existing sign copy with new copy for Diamond Tool.
14. Mr. J. Miller provided the following sworn testimony:
 - a. He is a professional planner licensed in the State of New Jersey and has been previously qualified by this Board to provide expert testimony in the area of land planning;
 - b. Retail use but not rental use is permitted in the C-3 Zone;
 - c. Purposes "A" and "G", as enumerated in *N.J.S.A. 40:55D-2*, are promoted by the Applicant's proposed development of the Property;
 - d. The Property is particularly suited for the Diamond Tool use as the property is improved for a retail use and although Diamond Tool includes a rental component, the overall nature of the Diamond Tool use is substantially similar to that of a 100% retail use;
 - e. A total of 111 parking spaces have been provided, 51 within the secured area and 60 outside the secured area;
 - f. The peak business time for the Diamond Tool use is the a.m. hours with 20-25 contractors arriving at the site; the 60 outside the secured area parking spaces are more than twice what would be required for the proposed use of the Property;
 - g. The Diamond Tool use of the Property is a perfect adaptive re-use of a vacant property;
 - h. There is no detriment to the public resulting from the Diamond Tool use as the Property is zoned for commercial use and the proposed use is a good addition to and compliments the C-3 Zone uses;
 - i. The proposed Diamond Tool use will have less of an impact to the zone plan and neighboring properties as uses that are otherwise permitted in the C-3 zone;

DIAMOND TOOL - NO. P-10-2019

- j. Diamond Tool will utilize the existing sign package to identify its use as the building is setback a substantial distance from Route 130, the signs are existing so the impact of the signs has existed for some time and the signs are appropriate for the area and the size of the Property.

15. During the public portion of the July 18, 2019 Hearing, Cedrick Minter, Township Zoning Officer, advised the Applicant that a day care center was going to open on the adjacent property. No other comments from the public were made.

16. The Board Engineer and Planner reviewed their review letter with the Board and the Applicant's agents and representatives testified that the Applicant will comply with all 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. The Applicant has submitted a Complete set of plans so that the Board has the necessary information to make a decision on the application for Variance and 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 use, conditional use and parking 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 and the development of the Property as proposed will 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 Zoning Board of Adjustment of the Township of Edgewater Park, on the 18th day of July, 2019, that this Board hereby grants to the Applicant the following:

DIAMOND TOOL - NO. P-10-2019

1. A variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* to permit the proposed Diamond Tool use to include the sale, rental and service of tools and equipment for the construction industry;
2. A variance pursuant to *N.J.S.A. 40:55D-70(d)(3)* to permit the Applicant to utilize the existing pole-mounted billboard sign located on the adjacent Wawa property to identify and advertise the Diamond Tool use;
3. A variance pursuant to *N.J.S.A. 40:55D-70(c)* to permit a total of 111 parking spaces with 60 spaces located in the unsecured parking area;
4. Continuation of the non-conforming conditions as enumerated above for the Diamond Tool use; and
5. Amended Site Plan Approval for the development of the Property for the Diamond Tool use as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with all approvals subject to the following conditions:
 - a. Subject to the Applicant obtaining all other approvals that may be required for the development, including, but not limited to Burlington County Planning Board approval, Burlington County Soil Conservation District approval and New Jersey Department of Transportation approval.
 - b. 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.
 - c. 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 the conditions shall the required building permits, certificates of occupancy or zoning permits be issued.
 - d. Subject to the sworn testimony and representations of the Applicant's witnesses and representatives made during the course of the public hearing, whether or not formalized in this Resolution.
 - e. Subject to the submission of revised plans complying with the comments of the Board Professionals and with this Resolution, as may be required.

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f. Subject to the Applicant posting all required inspection fees and performance and maintenance guarantees, required by the Municipal Land Use Law of the State of New Jersey for construction of the development.

g. 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.

h. 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.

i. 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.

j. Subject to the review comments of the Board Engineer and Board Planner as contained in the June 14, 2019 review letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP.

k. Subject to the Applicant replacing the two-trees that are being removed, the species and details to be approved by the Board Planner prior to planting.

l. Subject to the trees along Route 130 being pruned only, same cannot be removed or healthy branches cut.

m. Subject to the Applicant not increasing the size or height of the existing signs; the only change to the sign package is to replace the copy from Aldi to Diamond Tool.

n. Subject to the Applicant complying with Township Ordinance 2010-12, the Affordable Housing Development Fee requirement applicable to the development of the Property.

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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 Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on July 18, 2019.

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


MARIAN JOHNSON, CHAIRWOMAN

Attested:



NICOLE CARTER, SECRETARY

Dated: 9/19/19
Date of Approval: 7/18/19
Date of Memorialization: 9/19/19.

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-11- 2019

**CONCERNING THE APPLICATION OF
ARIEL REALTY
FOR VARIANCE, FINAL MAJOR SUBDIVISION AND
FINAL MAJOR SITE PLAN APPROVAL**

WHEREAS, Ariel Realty, LLC (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park (the “Board” or “Planning Board”) for Variance, Final Major Subdivision and Final Major Site Plan Approval for property located on US Route 130, known as Block 1202, Lots 1.10, 9 and 9.01 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a mixed use development consisting of 136 fee simple townhouse lots, 2 twelve (12) unit apartment buildings and a 16,000 square foot retail building; and

WHEREAS, as memorialized by Resolution No. P-8-2019, the Planning Board granted front yard setback, impervious coverage and loading area variances, preliminary major subdivision and preliminary major site plan approvals to the Applicant for the mixed-use development; and

WHEREAS, final major site plan approval for the 16,000 square foot retail building is not included in the current Application; and

WHEREAS, a portion of the Property is located in the C-3 Zoning District and a portion in the R-TH/MF (Townhouse/Multi-Family Residential) Zoning District; and

WHEREAS, the Applicant intends to consolidate the three (3) lots and then re-subdivide for the proposed mixed use-development; and

WHEREAS, the proposed uses are permitted uses in their respective zoning districts; and

WHEREAS, the current Application requires variances pursuant to *N.J.S.A. 40:55D-70(c)* as the proposed development of the Property does not satisfy the signage and perimeter buffer requirements of the Edgewater Park Zoning Ordinance¹; and

¹ After hearing comments and concerns from Board Members and interested members of the Public, the Applicant withdrew its sign package from the current Application and elected to defer same until the future.

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WHEREAS, the application for Variance, Final Major Site Plan and Final Major Subdivision Approval was deemed complete by the Board on December 19, 2019; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on December 19, 2019, 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 December 19, 2019 Public Hearing:

- A-1 Color rendering of Site Plan;
- A-2 Sign Package;
- A-3 Architectural rendering of the apartment buildings;
- A-4 Architectural rendering of townhouse buildings; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support its application for Variance, Final Major Site Plan and Final Major Subdivision Approvals, 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. Lot 1.10, approximately 3.64 acres, is a vacant, wooded lot at the southwest corner of U.S Route 130 and Forrestal Drive. Lot 9, approximately 17.715 acres, is unoccupied with an existing asphalt drive and paved areas adjacent to Lot 9.01. Lot 9.01, approximately 2.167 acres, is improved with a Pep Boys Auto Parts and Service Center. Pep Boys' customers utilize the paved area on Lot 9 for additional parking.

2. The southerly portion of Lot 9 and Lot 9.01 are located in the C-3 Zoning District. The remainder of Lot 9 and Lot 1.10 are located in the R-TH/MF Zoning District.

3. The Applicant is proposing to consolidate Lots 1.10, 9 and 9.01 and then re-subdivide for the development of the Property for a mixed use development consisting of townhouses, apartments and retail uses, and has provided the Board with a set of plans and other evidence supporting the proposed development of the Property.

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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 the escrow account current.
6. Proper notice of the application for Variance, Final Major Site Plan and Final Major Subdivision Approvals has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
7. As memorialized by Resolution No. P-8-2019, the Planning Board granted Preliminary Major Subdivision and Preliminary Major Site Plan Approvals to the Applicant for the development of the Property as follows:
 - a. 136 fee simple townhouse lots/units in 20 separate buildings;
 - b. Two (2) apartment buildings, each on their own lot with 12 units per building;
 - c. One (1) 2.4 acre lot to increase off-street parking for Pep Boys;
 - d. A 16,000 square foot retail building with 81 parking spaces located on its own lot fronting on Route 130;
 - e. Five (5) new public streets, tentatively identified as Roads A through E;
 - f. Shared parcels for open space, recreation and stormwater management.
8. In connection with the Preliminary Major Approvals, the Planning Board granted variances to permit (i) a front yard setback of 45 feet from Road A for the retail lot; (ii) an impervious coverage of 72.1% for the Pep Boys lot; and (iii) no loading areas for the retail lot.
9. The proposed uses are permitted uses in their respective zoning districts.
10. The following additional bulk variance is required in connection with the proposed development of the Property:
 - a. Perimeter buffer – 50 feet required, 44 feet proposed for townhouse buildings “E” and “F”.
11. The Applicant was represented at the December 19, 2019 Public Hearing by Alan Ettenson, Esquire. Joseph Mancini, PE, PP, Albert Abigal, Andrew Ferenda, PE, and Nicholas Kuzowsky, RA, testified on behalf of the Applicant.
12. Mr. Ettenson made the following representations to the Board during the December 19, 2019 Public Hearing:

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- a. Other than General Comment 13, the Applicant agrees with the review comments listed in the December 12, 2019 Review Letter of Environmental Resolutions, Inc., the Board Engineer and Planner;
- b. The adjacent Fox Run development did not want a walkway connecting this development with their development;
- c. Additional testing as recommended in the Phase I Environmental Site Assessment of the Property has been performed and the results will be submitted upon receipt;
- d. There is a difference of opinion as to whether the existing Silver Park West identification sign is located on the Property or on Silver Park West property and that title examinations have not revealed any easements permitting the Silver Park West sign on the Property;
- e. The Applicant will withdraw its complete sign package and will re-design same based on the comments from Board Members for future submission and approval.

13. Mr. Mancini provided the following sworn testimony during the December 19, 2019 Public Hearing:

- a. He is a Professional Engineer and Professional Planner, licensed in the State of New Jersey, and has been qualified by land use boards in the State of New Jersey to testify as an expert in the area of land engineering and planning;
- b. He describes the improvements proposed for the development;
- c. The changes made to the final plans include expanding basin 1, adding basin 4 at the request of the Board Engineer to handle overflow from Silver Park West, finalizing the grading and landscaping around the perimeter and finalizing the sign package²;
- d. Substantially all of the stormwater directed to Basin 4 is the overflow from the adjacent Silver Park West development;
- e. As this site is lower than surrounding properties, the stormwater design drives the site layout;

² The sign package being subsequently withdrawn from consideration.

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- f. The tot lots remain in the same location as preliminary approval and are designed for smaller children;
- g. The tot lots are buffered and should not be a problem for the adjacent over 55 development;
- h. Townhouse buildings "E" and "F" encroach 6 feet into the required 50 foot perimeter buffer of the development;
- i. The encroachment into the perimeter buffer for townhouse buildings "E" and "F" is a result of the ground level patios and second floor decks;
- j. Permitting the 6 foot encroachment into the perimeter buffer for townhouse buildings "E" and "F" will allow the units in these buildings to have the same appearance as the townhouse units in the other 18 townhouse buildings;
- k. A double row of trees is provided in the perimeter buffer to mitigate the effects of the 6 foot encroachment;
- l. The resulting perimeter buffer of 44 feet for townhouse buildings "E" and "F" is greater than the perimeter buffer required in other zones in the Township.

14. Mr. Abigal provided the following sworn testimony during the December 19, 2019 Public Hearing:

- a. He is the developer of the mixed used development;
- b. There will be two (2) associations for the development, a homeowners association for the townhouse units and a master association that will include the retail site, the multi-family apartment buildings and the townhouse HOA.

15. Mr. Ferenda provided the following sworn testimony during the December 19, 2019 Public hearing:

- a. He is the Applicant's Traffic Engineer, licensed as a Professional Engineer in the State of New Jersey, and has been qualified by land use boards in New Jersey to testify as an expert in the area of traffic engineering;
- b. The revisions to the final plans do not impact the site's traffic as described during his testimony at the time of preliminary approval;

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- c. The New Jersey Department of Transportation has been actively reviewing this Application since March, 2019;
- d. He does not anticipate a lot of vehicles utilizing the portion of the road that connects this development with Silver Park West;
- e. The traffic counts for the entire mixed used development indicate that 20 to 40 vehicles will utilize the connecting road during peak times, with 30 vehicles driving into Silver Park West and 10 vehicles driving into this development;
- f. The roads can handle the traffic;
- g. The speeding concern raised by the Silver Park West residents is an existing problem and is a policing issue;
- h. The connecting road does provide the residents of Silver Park West access to the roads in this development, it's not one way, these are public streets.

16. Mr. Kuzowsky provided the following sworn testimony during the December 19, 2019 Public Hearing:

- a. He is the Applicant's architect, licensed in the State of New Jersey and has been qualified by land use boards in New Jersey to testify as an expert in architecture;
- b. Describes the affordable housing apartment buildings as 3 floors with 4 units per floor;
- c. There will be a mix of 1, 2 and 3 bedroom units in each building;
- d. There will be one entrance for each building for all 12 units;
- e. The apartment buildings will utilize multiple material types and will be sprinklered;
- f. The height of the town house buildings will not exceed 40 feet;
- g. The townhouse buildings will utilize the same materials as the apartment buildings;
- h. The façade colors of the townhouse buildings will vary.

17. During the public portion of the December 12, 2019 Public Hearing, residents of Silver Park West testified that they were concerned that the connecting road will create additional traffic driving into their development and create unsafe conditions and that this

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development will result in increased traffic that will negatively impact Cooper Road and Woodlane. The members of the public were also concerned with stormwater management and that the proposed development, with its increase in traffic utilizing Silver Park West roads, will effect their property values and peaceful enjoyment of their properties.

18. The Board Engineer and Planner reviewed their review letter with the Board and the Applicant's agents and representatives testified that the Applicant will comply with all 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. The Applicant has submitted a Complete set of plans so that the Board has the necessary information to make a decision on the application for Variance, Final Major Site Plan and Final Major Subdivision Approvals.

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 requirement pertaining to perimeter buffer, 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 and the development of the Property as proposed will 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 Zoning Board of Adjustment of the Township of Edgewater Park, on the 19th day of December, 2019, that this Board hereby grants to the Applicant the following:

1. A variance pursuant to *N.J.S.A. 40:55D-70(c)* to permit the patios and second floor decks for townhouse buildings "E" and "F" to encroach six (6) feet into the required 50 foot perimeter buffer area;

2. Final Major Site Plan Approval and Final Major Subdivision Approval for the development of the Property to include:

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- a. 136 fee simple townhouse units, spread over 20 buildings;
- b. Two (2) apartment buildings, each containing 12 affordable set aside apartment units;
- c. One (1) lot for the 16,000 square foot retail building;
- d. An increase in the lot area for the existing Pep Boys to provide additional parking spaces;
- e. Five (5) new public streets;
- f. Shared parcels for open space, recreation and stormwater management;
- g. Other site improvements, including, but not limited to, landscaping and lighting,

as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with all approvals subject to the following conditions:

a. Subject to the Applicant obtaining all other approvals that may be required for the development, including, but not limited to Burlington County Planning Board approval, Burlington County Soil Conservation District approval, New Jersey Department of Transportation approval and New Jersey Department of Environmental Protection approval.

b. 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.

c. 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 the conditions shall the required subdivision plat be executed and building permits, certificates of occupancy or zoning permits be issued.

d. Subject to the sworn testimony and representations of the Applicant's witnesses and representatives at the March 21, 2019 Public Hearing for Preliminary Approvals and the December 19, 2019 Public Hearing for Final Approvals.

e. Subject to the submission of revised plans complying with the comments of the Board Professionals and with this Resolution, as may be required.

f. Subject to Final Approvals not including final site plan approval for the 16,000 square foot retail building or for the development's identification signs, both being subject to further Board review and approval.

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- g. Subject to Board Resolution No. P-8-2019.
- h. Subject to the Applicant posting all required inspection fees and performance and maintenance guarantees, required by the Municipal Land Use Law of the State of New Jersey for construction of the development, as approved.
- i. 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.
- j. 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.
- k. 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.
- l. Subject to the review comments of the Board Engineer and Board Planner as contained in the December 12, 2019 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP.
- m. Subject to all easements required for the development of the Property as approved being delineated and shown on the Final Plans. All easement documents shall be prepared and submitted for the review and approval of the Board Solicitor and Board Engineer prior to recording with the County of Burlington.
- n. Subject to the submission of all documents establishing the townhouse homeowners association and the master association, as required for the shared open space, recreation, stormwater management facilities, round-a-bout and fee collections, being submitted for the review and approval of the Board Solicitor and Board Engineer.
- o. Subject to all landscaping for the development, including foundation plantings for the townhouse units, being finalized prior to Final Approval.
- p. Subject to the revised plans including a "reservation of sidewalk" area for a possible future connection with the Fox Run development and out to Cove Street.
- q. Subject to sidewalk being provided along all of Route 130 and extended along the east side of Road A in front of the retail building to Route 130.

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- r. Subject to all buildings complying with the height requirement of the Zoning Ordinance.
- s. Subject to the names of the five (5) public roads being administratively approved by the Board or its designee.
- t. Subject to Final Plans including Phasing Limits.
- u. Subject to the recording of a deed restriction identifying the owner/association as the party responsible for maintaining the stormwater management facilities for the development and to provide the Township with the right to access and maintain the facilities if the owner/association fails to properly maintain same. A copy of the deed restriction shall be submitted for the review and approval of the Board Solicitor and Board Engineer.
- v. Subject to the Applicant executing any required Developers Agreement with the Township of Edgewater Park that may be required for the construction of the development as approved and the execution of the necessary documents pertaining to the affordable housing set aside apartment units.
- w. Subject to the Applicant working with the Board Engineer and Planner for the development's sign package; the sign package shall require Board Approval.
- x. Subject to the Applicant working with Silver Park West in order to resolve all issues with the retention of the Silver Park West sign at the Route 130 and Forrestal Drive intersection.
- y. Subject to submission of the results of the additional environmental testing recommended by the Phase I Environmental Site Assessment.
- z. Subject to a "No Truck" sign being added to the developments traffic signs to prevent truck traffic driving into the residential area of the development.
- aa. Subject to the perimeter buffer behind buildings "E" and "F" being at least 44 feet in width
- bb. Subject to the facades of the townhouse units being varying colors.

ROLL CALL VOTE

Those in Favor: 5
Those Opposed: 2
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, 2019.

THE PLANNING BOARD OF THE
TOWNSHIP OF EDGEWATER PARK


MARIAN JOHNSON, CHAIRWOMAN

Attested:


NICOLE CARTER, SECRETARY

Dated: 2/20/2020
Date of Approval: 12/19/19
Date of Memorialization: 2/20/2020