

RESOLUTION NO. P – 1 – 2024

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.

RESOLUTION BY CONSENT AGENDA

NAME	YES	NO	RECUSED	ABSTAINED	ABSENT
Mr. Johnson					x
Mrs. Cannon-Moye				x	
Mr. Kauker	x				
Mr. Smith					x
Mr. Malecki				x	
Ms. Bonner	x				
Mrs. Tumminia	x				
Mr. Alexander				x	
Mr. Daloisio	x				
Chairwoman Johnson	x				
Mr. Nolan	x				

CERTIFICATION

I, **Patricia Cahall**, 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 Re-Organization Meeting held on Thursday, January 4, 2024 at the Edgewater Park Municipal Building at 7:00 p.m.

Patricia Cahall

Patricia Cahall
Planning Board Secretary

RESOLUTION NO. P – 2 – 2024

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 through-out 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 4, 2024, shall be in accordance with Resolution #P-1-2024, designating the dates, times and places of such meetings which incorporated within this Resolution by reference.

RESOLUTION BY CONSENT AGENDA

NAME	YES	NO	RECUSED	ABSTAINED	ABSENT
Mr. Johnson					x
Mrs. Cannon-Moye				x	
Mr. Kauker	x				
Mr. Smith					x
Mr. Alexander				x	
Mr. Malecki				x	
Ms. Bonner	x				
Mrs. Tumminia	x				
Mr. Daloisio	x				
Chairwoman Johnson	x				
Mr. Nolan	x				

CERTIFICATION

I, **Patricia Cahall**, 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 Re-Organization Meeting held on Thursday, January 4, 2024 at the Edgewater Park Municipal Building at 7:00 p.m.

Patricia Cahall

Patricia Cahall
Planning Board Secretary

RESOLUTION NO. P – 3 – 2024

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, LLP | 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.

RESOLUTION BY CONSENT AGENDA

NAME	YES	NO	RECUSED	ABSTAINED	ABSENT
Mr. Johnson					x
Mrs. Cannon-Moye				x	
Mr. Kauker	x				
Mr. Smith					x
Mr. Alexander				x	
Mr. Malecki				x	
Ms. Bonner	x				
Mrs. Tumminia	x				
Mr. Daloisio	x				
Chairwoman Johnson	x				

NAME	YES	NO	RECUSED	ABSTAINED	ABSENT
Mr. Nolan	x				

CERTIFICATION

I, **Patricia Cahall**, 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 Re-Organization Meeting held on Thursday, January 4, 2024 at the Edgewater Park Municipal Building at 7:00 p.m.

Patricia Cahall

Patricia Cahall
Planning Board Secretary

RESOLUTION NO. P – 4 – 2024

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 2023 and that the memorializing resolutions are, if applicable, on file in the Township Municipal Building:

Applicant	Property	Result	Description / First Paragraph of Resolution
Hearing Date	Block & Lot	Resolution #	
Earl Geertgens	301 Farnum Street	Approved	Variance approval for property located at 301 Farnum Street, known as Block 601, Lot 5.01 (the "Property"), on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a new 747 sq. ft. freestanding two car garage for the existing single family residential dwelling on the Property... <i>etc. & subject to conditions.</i>
02/16/2023	601 5.01	P-7-2023	
Rt.130S, LLC	4237 Route 130 South	Approved	Variance approval for property located at 4239 Route 130 South known as Block 1202.11, Lot 21 (the "Property") on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a new mixed residential and commercial use. First floor retail commercial and restaurant uses and forty-five (45) non-age restricted residential apartments on the second, third and fourth floors. <i>etc. & subject to conditions.</i>
4/20/2023	1202.11 21	P-8-2023	
Pedro DelToro	1208 Mount Holly Road	Approved	Variance approval for property located at 1208 Mount Holly Road known as Block 502 Lot 6 (the "Property") on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a 1,200 square foot utility shed for the existing family residential dwelling on the Property... <i>etc. & subject to conditions.</i>
5/18/2023	502 6	P-9-2023	
Thomas and Anne Yannes	317 Cliff Ave.	Approved	Variance approval for property located at 317 Cliff Ave., known as Block 1702, Lot 3 (the "Property"), on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing an in ground pool and patio for the existing single family residential dwelling on the Property... <i>etc. & subject to conditions.</i>
11/16/2023	1702 3	P-15-2023	

RESOLUTION BY CONSENT AGENDA

NAME	YES	NO	RECUSED	ABSTAINED	ABSENT
Mr. Johnson					x
Mrs. Cannon-Moye				x	
Mr. Kauker	x				
Mr. Smith					x
Mr. Alexander				x	
Mr. Malecki				x	
Ms. Bonner	x				
Mrs. Tumminia	x				
Mr. Daloisio	x				
Chairwoman Johnson	x				
Mr. Nolan	x				

CERTIFICATION

I, **Patricia Cahall**, 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 Re-Organization Meeting held on Thursday, January 4, 2024 at the Edgewater Park Municipal Building at 7:00 p.m.

Patricia Cahall

Patricia Cahall
Planning Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-5-2024

**CONCERNING THE APPLICATION OF
RT 130S, LLC
FOR PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

WHEREAS, RT 130S, LLC (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park (the “Board”) for Preliminary and Final Major Site Plan Approval for property located at 4329 US Route 130, known as Block 1202.11, Lot 21 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a mixed residential and commercial use consisting of first floor retail commercial and restaurant uses and forty-five (45) non-age restricted residential apartments on the second, third and fourth floors; and

WHEREAS, on April 20, 2023, as memorialized by Resolution No. P-8-2023 adopted May 18, 2023, the Board granted use variance approval pursuant to *N.J.S.A.* 40:55D-70(d)(1) and (d)(6) and bulk variance approval pursuant to *N.J.S.A.* 40:55D-70(c) for the proposed mixed residential and commercial use of the Property; and

WHEREAS, the application for Preliminary and Final Major Site Plan Approval was deemed complete by the Board on August 17, 2023; and

WHEREAS, a public hearing to consider the application was held by the Board on January 18, 2024, 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 January 18, 2024 Public Hearing:

- A-1 Color rendering of Site Plan;
- A-2 Architectural Plan, Elevation Cut Sheet;
- A-3 Architectural Plan, Ground Floor Sheet Enlarged;
- A-4 Architectural Plan, Building Layout Sheet with Dimensions;

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A-5 Architectural Plan, Elevation Sheet; and

A-6 Architectural Plan, Color Rendering of Side and Front of Building; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support its Application for Preliminary and Final Major 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, approximately 2.85 acres located in the Township's C-3 Highway Commercial Zoning District. The Property has frontage along U.S. Route 130 and F. Parsons Boulevard and is unoccupied with an existing asphalt drive and paved drives adjacent to a Pep Boys Auto Parts and Service Center located on an adjoining Lot.

2. The Property previously received Board Approval as part of a mixed use development of residential and commercial uses that included 136 fee simple townhouses and 24 apartments on adjacent parcels and a 16,000 square foot retail building with 81 parking spaces to be constructed on the Property.

3. The Applicant applied for and received Variance Approval from the Board to develop the Property as now proposed with 9,000 square feet of first floor retail commercial and restaurant area and forty-five (45) non-age restricted residential apartments on the second, third and fourth floors.

4. As memorialized by Resolution No. P-8-2023, the Board granted the following variances to the Applicant for the retail commercial, restaurant and apartment uses:

- a. A variance pursuant to N.J.S.A. 40:55D-70(d)(1) to permit 45 non-age restricted rental apartments on the second, third and fourth floors of a 4-story building;
- b. A variance pursuant to N.J.S.A. 40:55D-70(d)(6) to permit a 4-story building on the Property for first floor retail commercial and restaurant use and 45 non-age restricted apartments on the upper three (3) floors; and
- c. A variance pursuant to N.J.S.A. 40:55D-70(c)(2) to permit a front yard setback of 45 feet to F. Parsons Boulevard for the proposed 4-story building.

5. The Applicant has submitted an Application to the Board for Preliminary and Final Major Site Plan Approval, providing the Board with:

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- a. Application submission letter, prepared by the Applicant's Attorney, Allan H. Ettenson, Esquire, Taenzer and Ettenson, dated 07/31/23;
 - b. Standard Development Application;
 - c. Preliminary and Final Site Plan, prepared by Joseph A. Mancini, PE, Tri State Engineering, PC, dated 03/27/23 (10 sheets);
 - d. Board Resolution No.P-8-2023;
 - e. Final Plan of Lots, prepared by Anthony DeRosa, PLS, TriState Engineering, PC, dated 03/04/19, last revised 10/08/20 (Sheet 1 of 3);
 - f. Trip Generation Letter, prepared by Victor C. Anosike, PE, McMahon Associates, dated 12/28/22 (with NJDOT Traffic Count Data, Trip Generation Calculations for a 16,162 Strip Retail Use and Trip Generation and Calculations for a 4,040 square foot retail strip plaza, 93-seat high turnover restaurant and 45 apartment units);
 - g. Stormwater Management Report, prepared by Joseph A. Mancini, PE, dated 07/2023 (88 pages); and
 - h. Stormwater Management Measures Maintenance Plan and Field Manuals, prepared by Joseph A. Mancini, PE, 07/2018, last revised 07, 2023.
6. The taxes on the Property are current or exempt.
 7. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.
 8. Proper notice of the application for Preliminary and Final Major Site Plan Approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
 9. The Applicant was represented at the January 18, 2024 Public Hearing by Alan Ettenson, Esquire, with Mario Lachanaris, RA, appearing as the Applicant's Architect and Anthony DeRosa, PE, appearing as the Applicant's Engineer; each being duly sworn, qualified, and recognized as expert witnesses in support of the Application.
 10. Mr. Ettenson represented to the Board that the Application for Preliminary and Major Site Plan Approval was consistent with the Use Variance previously granted to the Applicant for the 4-story building to include first floor retail and restaurant space and 45 non-age restricted apartments on the upper three floors.

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11. Mr. DeRosa provided the following sworn testimony during the January 18, 2024 Public Hearing:

- a. He is the Applicant's Professional Engineer and previously testified during the Board's Use Variance Public Hearing;
- b. He describes the proposed improvements, including parking, landscaping, circulation and access/egress;
- c. The Applicant will comply with all comments/conditions identified in the November 30, 2023 Review Letter of Environmental Resolutions, including, underground stormwater storage, EV parking spaces, Make Ready parking spaces and EV ADA parking spaces;
- d. The restaurant will have outside seating but the outside seats will not be additional seating;
- e. A design standard waiver is required to permit the parking spaces to measure 9' by 20' and 9' by 18' rather than the 10' by 20' required; the proposed parking space dimension is appropriate for the proposed uses and site; and
- e. The Applicant will work with the Board Engineer and Board Planner to address the November 30, 2023 Review Letter.

12. Mr. Lachanaris provided the following sworn testimony during the January 18, 2024 Public Hearing:

- a. He is the Applicant's Licensed Architect and testified during the Board's hearing for the Applicant's Use Variance Application;
- b. There has been no change to the size of the building, the retail space, the restaurant space or the number of apartments;
- c. The bedroom breakdown of the apartment units has been revised since Use Variance Approval in order to comply with the Township's Affordable Housing Requirements with the number of 1-bedroom and 3-bedroom apartments increasing and the number of 2-bedroom units decreasing;
- d. The building will be fully sprinklered; and
- e. He described the building's exterior attributes.

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13. During the public portion of the January 18, 2024 Hearing, residents of the adjacent Eagle Chase residential development raised noise and parking concerns that will be caused by the development of the Property.

14. The Board Engineer and Planner reviewed the November 30, 2023 Review Letter and had no objection to the parking space waiver requested by the Applicant. They further testified that no additional variances would be required for the proposed development and they had no objection to the Application as the Applicant's agents and representatives testified that the Applicant would satisfy all comments and conditions identified in the Review Letter.

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 Preliminary and Final Major Site Plan Approval.

2. A waiver of the design standard for parking space dimension to permit 9' by 18' and 9' by 20' parking spaces is not unreasonable for the proposed development of the Property.

3. The Applicant has satisfied the requirements for Site Plan Approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 18th day of January, 2024, that this Board hereby grants to the Applicant (i) a design standard waiver to permit 9' by 18' and 9' by 20' parking spaces and (ii) Preliminary and Final Major Site Plan Approval for the proposed 4-story mixed use building, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with Variance Approval 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.

RT130S, LLC - NO. P-5-2024

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 April 20, 2023 Public Hearing for Use Variance Approval and the January 18, 2024 Public Hearing for Site Plan Approval, whether or not formalized in Resolution No. P-8-2023 or this Resolution.

e. Subject to Resolution No. P-8-2023.

f. Subject to the Applicant's escrow account for the review of its Application being current.

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

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

i. 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.

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 Site Pla, as revised, being submitted to the Township's Fire Official for review and approval.

l. Subject to the Certificate of Occupancy to be issued for the restaurant noting that the maximum number of seats shall not exceed 67 seats.

m. Subject to the Applicant working with the Board Engineer and Board Planner to address the comment and conditions identified in their November 30, 2023 Review Letter and for proper screening of the commercial space from the adjoining residential use.

n. Subject to the review comments of the Board Engineer and Board Planner as contained in the November 30, 2023 Review Letter of Environmental Resolutions, Inc., by

RT130S, LLC - NO. P-5-2024

Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP, except as same may be modified by this Resolution.

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 January 18, 2024.

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


MARIAN JOHNSON, CHAIRWOMAN

Attested:


PATRICIA CAHALL, SECRETARY

Dated: _____

Date of Approval: January 18, 2024

Date of Memorialization: February 15, 2024

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-6-2024

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF EDGEWATER PARK
FINDING TOWNSHIP ORDINANCE NO. 2024-02
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, 32 and 64), the Planning Board of the Township of Edgewater Park (the “Board”) is obligated to review any and all proposed land use control ordinances, including amendments to the Official Map, 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 January 23, 2024 meeting, the Township Committee of the Township of Edgewater Park, County of Burlington, introduced Ordinance No. 2024-02, entitled “**AN ORDINANCE AMENDING AND SUPPLEMENTING THE ZONING ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK TO REGULATE THE PLACEMENT AND USE OF PORTABLE ON-DEMAND STORAGE CONTAINERS IN RESIDENTIAL ZONES**” and has referred Ordinance 2024-02 to the Board for the Board’s Master Plan consistency review and recommendation;

WHEREAS, through this Resolution, the Board wishes to memorialize its findings concerning the review and analysis of Township Ordinance 2024-02, amending and revising Chapter 310 (Land Development and Zoning), Article 13 (General Regulations) of the Code of the Township of Edgewater Park.

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 310 (**Land Development and Zoning**), Article 13 (**General Regulations**) of the Code of the Township of Edgewater Park, regulating Portable Storage Containers (commonly known as PODS), as set forth in Township Ordinance 2024-02,

introduced by the Township Committee of the Township of Edgewater Park on January 23, 2024, 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 not inconsistent with the Master Plan of the Township of Edgewater Park.

2. This Resolution shall constitute the report of the Board required pursuant to the Municipal Land Use Law (*N.J.S.A.* 40:55D-26) for the Board’s review of Township Ordinance 2024-02. The Board recommends that paragraph 3 of Ordinance 2024-02 be revised to make clear that a Portable Storage Container is permitted in a front yard unless the front yard location obstructs traffic visibility or flow.

3. The Board’s Solicitor, Consulting Engineer, Planner and 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 Ordinance 2024-02.

4. This Resolution shall take effect immediately.

Board Member	Yes	No	Abstain	Absent	Motion
Marian Johnson, Chairperson	X				
Kenneth Kauker, Vice Chairperson	X				1 st
Kevin Johnson, Mayor	X				
John Alexander	X				
Sarah Cannon-Moye				X	
Vincent Smith				X	
Stephen Malecki				X	
Gwendolyn Bonner	X				
Bonnie Tumminia	X				
Jeffry Daloisio	X				
Brian Nolan	X				2 nd

CERTIFICATION

I, **PATRICIA CAHALL**, 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, at its Regular Meeting held on February 15, 2024.



PATRICIA CAHALL, Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-7-2024

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF EDGEWATER PARK
FINDING TOWNSHIP ORDINANCE NO. 2024-07
NOT 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, 32, 62and 64), the Planning Board of the Township of Edgewater Park (the “Board”) is obligated to review any and all proposed land use control ordinances, including amendments to the Official Map, 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 April 16, 2024 meeting, the Township Committee of the Township of Edgewater Park, County of Burlington, introduced Ordinance No. 2024-07, entitled “**AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK, IN THE COUNTY OF BURLINGTON, NEW JERSEY SUPPLEMENTING AND CLARIFYING THE REGULATION OF CANNABIS ESTABLISHMENTS WITHIN THE TOWNSHIP BORDERS AND AMENDING VARIOUS PARTS OF THE TOWNSHIP’S LAND DEVELOPMENT AND ZONING CODE**” and has referred Ordinance 2024-07 to the Board for the Board’s Master Plan consistency review and recommendation;

WHEREAS, through this Resolution, the Board wishes to memorialize its findings concerning the review and analysis of Township Ordinance 2024-07, amending and revising Chapter 310 (Land Development and Zoning), Article 2 (Terminology), Article 13 (General Regulations), Article 14 (Conditional Uses), Article 15 (District Regulations and Article 16 (Supplemental Regulations) of the Code of the Township of Edgewater Park.

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 310 (**Land Development and Zoning**), Article 13 (**General Regulations**), Article 14 (**Conditional Uses**), Article 15 (**District Regulations**) and Article 16 (**Supplemental Regulations**) of the Code of the Township of Edgewater Park, clarifying the regulation of Cannabis Establishments within the Township Borders, as set forth in Township Ordinance 2024-07, introduced by the Township Committee of the Township of Edgewater Park on April 16, 2024, having been previously reviewed by the Consulting Engineer, Planner and Solicitor to the Planning Board, are hereby found by this Board to be not consistent with the Master Plan of the Township of Edgewater Park.

2. The Board specifically finds that the amendments to Chapter 310 as set forth in Township Ordinance 2024-07 are in conflict with the Land Use Plan Element of the Township's Master Plan, including those recommendations concerning permitted uses in and the redevelopment of the Neighborhood Commercial District (C-1), the Downtown Commercial District (C-2), the Highway Commercial District (C-3), the Commercial Light Industrial District (C-LI-1), the Commercial Light Industrial District (C-LI-5), the Light Industrial District (LI), and the General Industrial District (I).

3. This Resolution shall constitute the report of the Board required pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-26*) for the Board's review of Township Ordinance 2024-07

4. The Board's Solicitor, Consulting Engineer, Planner and 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 Ordinance 2024-07.

4. This Resolution shall take effect immediately.

Board Member	Yes	No	Abstain	Absent	Motion
Marian Johnson, Chairperson	X				
Kenneth Kauker, Vice Chairperson	X				
John Alexander	X				
Gwendolyn Bonner	X				
Sarah Cannon-Moye, Deputy Mayor			X		
Stephen Malecki	X				2 ND
Juanita Scott, Mayor				X	
Vincent Smith	X				
Bonnie Tumminia	X				1 ST
Brian Nolan	X				

CERTIFICATION

I, **PATRICIA CAHALL**, 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, at its Regular Meeting held on May 16, 2024.


PATRICIA CAHALL, Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P- 8 -2024

**CONCERNING THE APPLICATION OF
TALARIA NJ LLC
FOR VARIANCE APPROVAL**

WHEREAS, Talaria NJ LLC (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park (the “Board” or “Planning Board”) for Use Variance Approval for property located at 950 Mt. Holly Road, known as Block 203, Lot 4.01 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of converting an existing 3,600 square foot building on the Property into a Cannabis Wholesale Use¹; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* is required as the proposed cannabis wholesale use is not identified as a permitted use in any of the Township’s enumerated zoning districts; and

WHEREAS, variances pursuant to *N.J.S.A. 40:55D-70(c)* are required as the Applicant’s proposed development and use of a portion of the Property do not satisfy the parking area landscaped buffer, loading area, parking area material, parking area curbing and drive aisle width requirements of the Ordinance; and

WHEREAS, the Application for Variance Approval was deemed complete by the Board on June 20, 2024; and

WHEREAS, a public hearing to consider the Application was held by the Planning Board on June 20, 2024, 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 June 20, 2024 Public Hearing:

¹ The Applicant also requested that the Board waive the requirement for site plan approval for its proposed cannabis wholesale facility; as Section 310-11-1(B) could not be satisfied by the Applicant, the Applicant elected to bifurcate its Application in accordance with *N.J.S.A. 40:55D-76(b)*.

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- A-1 Lease of a portion of the Property, between Applicant and 950 Mt. Holly Road Properties, LLC;
- A-2 Site Location Rendering, prepared by Jason T. Sciuлло, PE, PP (SE Engineering Services, LLC), dated 06/20/24;
- A-3 Plan of Survey and Topography, prepared by Kevin J. Murphy, PLS (Paulus, Sokolowski and Sartor, LLC), dated 06/11/24;
- A-4 Use Variance Plan, prepared by Matthew J. Walsh, PE, (Paulus, Sokolowski and Sartor, LLC), dated 06/14/24;
- A-5 Power Point presentation of Applicant's Operations;
- A-6 Floor Plan for proposed Cannabis Wholesale Facility; and
- A-7 Photographs of exterior of Building; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support its Application for Use and "c" 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 a leaseholder of a portion of the 2.00 acre Property located in the Township's I – Industrial Zoning District, with frontage along Mount Holly Road. The Property is improved with four (4) 1-story metal buildings, identified as Units 1, 2, 3 and 4. Other existing improvements include stone surface parking areas, bituminous entrance drive and grass areas.

2. The Applicant is proposing to utilize the 3,600 square foot Unit 4 building as a cannabis wholesale facility, a use that is not specifically identified as a permitted use in any of the zoning districts enumerated in the Township's Land Development Ordinance.

3. The Applicant has provided the Board with the following:
- a. Standard Development Application for N.J.S.A. 40:55D-70(d)(1) Use Variance Approval;
 - b. Standard Development Application Completeness Checklists;
 - c. Use Variance Plan, prepared by Robert R. Stout, PLS (Paulus, Sokolowski and Sartor, LLC), dated 05/30/24;
 - d. Use Variance Plan, prepared by Matthew J. Walsh, PE, (Paulus, Sokolowski and Sartor, LLC), dated 06/14/24;

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- e. Plan of Survey and Topography, prepared by Kevin J. Murphy, PLS (Paulus, Sokolowski and Sartor, LLC), dated 06/11/24, unsigned;
 - f. Affidavit of Service and Proof of Publication of Notice of June 20, 2024 Public Hearing.
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 Use and “c” Variance Approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
 7. The following “c” variances are required for the Applicant’s proposed development and use of a portion of the Property for a Class 3 Cannabis Wholesale facility:
 - a. Parking Area Landscaped Buffer Width – 15 feet required; 4.5 feet proposed along the Property’s western property line;
 - b. Loading Area – Adequate space for standing, loading and unloading services required; designated loading area not provided;
 - c. Parking Area Material – Paved, curbed and stormwater management drainage improvements and appurtenances required; maintaining of the existing stone paved parking area is proposed;
 - d. Parking Area Curbing – Concrete or Belgian block curbing required around the perimeter of the parking and loading areas, and to separate major interior driveways from the parking and loading spaces; maintaining of the existing condition proposed with curbing not provided in all required locations; and
 - e. Drive Aisle Width – 25 feet required for 90 degree parking stalls; 20 feet existing and proposed for drive aisle for the parking area between Buildings 3 and 4.
 8. The Applicant was represented at the June 20, 2024 Public Hearing by Louis N. Magazzu, Esquire, Weiner Law Group, with Ari Raptis appearing as the Applicant’s Authorized Representative;; David Shropshire, PE appearing as the Applicant’s Traffic Engineer; Jason T. Sciullo, PE, PP appearing as the Applicant’s Professional Planner; and David Martin appearing

as the Applicant's Security Consultant, each being duly sworn, and Messrs. Shropshire, Sciullo and Martin qualified, and recognized as expert witnesses in support of the Application.

9. Mr. Magazzu made the following representations to the Board during the June 20, 2024 Public Hearing:

- a. The Applicant's proposed cannabis warehouse use will require a Class 3 Cannabis License from the New Jersey Cannabis Regulatory Commission;
- b. The Applicant is unable to apply for the required Class 3 License until the Cannabis Warehouse Use is permitted to operate at the Property;
- c. The Applicant has elected to bifurcate its Application in accordance with N.J.S.A. 40:55D-76(b) and is seeking use variance approval for the proposed use, subject to the future submission of a site plan application for review and approval by the Board.

10. Mr. Raptis provided the following sworn testimony during the June 20, 2024 Public Hearing:

- a. He is the Applicant's Authorized Representative and Chief Executive Officer;
- b. The Applicant is a cannabis wholesaler, currently operating in 28 states;
- c. The Applicant will comply with all requirements of the New Jersey Cannabis Regulatory Commission and the Township of Edgewater Park applicable to a Class 3 Cannabis Licensee, including, but not limited to hours of operation and security;
- d. The hours of operation will be 7:00 a.m. to 7:00 p.m., Monday to Friday;
- e. The Applicant will have 5 employees at the Edgewater Park location;
- f. Trained security employees will be present at the site during all operating hours with interior and exterior securing of the site;
- g. The Applicant will utilize two (2) sprinter sized, unmarked vans for the Edgewater Park site;
- h. The Applicant will not receive deliveries of cannabis product at the site; all cannabis product will be ordered from and picked up directly at the location of the licensed cultivator and manufacturer and will be stored at the Edgewater Park location until delivered to licensed cannabis retailers;

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- i. The only deliveries expected at the site will be the normal office type deliveries, no tractor trailers;
- j. The Edgewater Park site will be a wholesale use only, there will be no growing, cultivation, manufacturing, packaging or retail selling of cannabis and cannabis related products;
- k. As a wholesaler, the Applicant does not anticipate any visitors coming to the Edgewater Park site;
- l. The Property is an appropriate location for the proposed use as the Property is industrially zoned and located near other warehouse type facilities and other uses that are more intense than the Applicant's proposed use;
- m. The cannabis and cannabis related products are already packaged by the cultivator and manufacturer when picked-up and will normally not require the Applicant to further break down the packaging prior to delivery to the retailer;
- n. There will be no outside storage, other than a trash enclosure for solid waste and recycling; and
- o. A cannabis wholesale use does not generate a large amount of solid waste;
- p. A designated loading area is not required as the Applicant's sprinter vans will access the interior of the building by way of the building's overhead doors and all loading and unloading of the cannabis products will take place inside the secured building.

11. Mr. Martin provided the following sworn testimony during the June 20, 2024 Public Hearing:

- a. He is the Applicant's Security Consultant and is familiar with the Applicant's proposed use of a portion of the Property for a Class 3 Cannabis Wholesale Use and the security requirements of a Class 3 licensee under current New Jersey rules and regulations;
- b. He has prepared security plans for other Talaria facilities;
- c. The site can accommodate all security measures, internally and externally, required for a Class 3 Licensee;

- d. The Applicant's security measures will meet or exceed all applicable security standards of the State of New Jersey and the Township of Edgewater Park;
- e. The Applicant's security plan will be submitted to the Edgewater Park Police Department for review and comment.

11. Mr. Shropshire provided the following sworn testimony during the June 20, 2024 Public Hearing:

- a. He is the Applicant's Traffic Engineer and is familiar with the Applicant's proposed use of the Edgewater Park site;
- b. The Applicant's proposed use will have less of a traffic impact than the prior occupant of Unit 4;
- c. The Applicant's proposed use will generate less a.m and p.m. peak trips as uses that are permitted in the Industrial Zone;
- d. The Applicant's proposed use will not necessitate the need for any improvements to Mt. Holly Road;
- e. If the Property fronted on a state highway, the amount of traffic generated by the Applicant's proposed use would satisfy the New Jersey Department of Transportation's guidelines for the issuance of a "Letter of No Impact;"
- f. From a traffic concern perspective, the Applicant's proposed Class 3 Cannabis Wholesale use will not have a negative impact on zoning or existing uses in the immediate Industrial Zone area of the Property.

12. Mr. Sciullio provided the following sworn testimony during the June 20, 2024 Public Hearing:

- a. He is the Applicant's Professional Planner, licensed in the State of New Jersey as both a Professional Planner and Professional Engineer;
- b. As the Applicant has elected to bifurcate the Application and the engineering details will come during site plan consideration, he will provide the testimony normally provided by the Applicant's Professional Engineer with respect to the existing site conditions;
- c. In preparation for his testimony, he reviewed the Township's Zoning Ordinance and Master Plan and became familiar with the Applicant's

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- business operations, including the Applicant's other locations and as proposed for Edgewater Park;
- d. He orients the Board with the Property's existing conditions, including the use and occupants of Units 1, 2 and 3, access to and from Mt. Holly Road and site improvements;
 - e. The Property is surrounded mostly by vacant land to the north and west, cemeteries to the east and a commercially developed parcel to the south;
 - f. He identifies the portion of the Property to be utilized for the Applicant's proposed cannabis wholesale use and the site improvements to be undertaken by the Applicant;
 - g. The site can accommodate all exterior improvements required for the Applicant's cannabis wholesale use, including fencing, parking, lighting, landscaping and solid waste and recycling;
 - h. Interior renovations will include a fit-out for a Class 3 wholesale cannabis use as well as the security measures required by the Cannabis Regulatory Commission;
 - i. The Applicant will submit a site plan application to address all site plan requirements of the Township's Land Development Ordinance, including Section 310-13-16, and the New Jersey requirements for a Class 3 Cannabis licensee;
 - j. Uses specifically identified as permitted uses in the Industrial Zone include wholesale and distribution centers, excluding trucking terminals, and warehousing and distribution, including self-storage and mini-warehouses;
 - k. Section 310-13-15 of the Zoning Ordinance states that cannabis Classes 3, 4, 5 and 6 are permitted to operate in select zones in the Township;
 - l. Notwithstanding Section 310-13-15, the only cannabis class specifically identified as a permitted use in any of the Township's select zoning districts is the Class 5 retail use and due to this omission, the Applicant's proposed Class 3 cannabis wholesale use requires a Use Variance;

- m. An applicant for a use variance has the burden of addressing both the positive criteria and the negative criteria for the approval of a use variance;
- n. Special reasons addressing the positive criteria include a use that serves the general welfare because the proposed site is particularly suitable for the proposed use;
- o. The positive criteria also requires an advancement of a purpose of zoning, as identified in N.J.S.A. 40:55D-2;
- p. The negative criteria is addressed by showing that the use variance 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;
- q. The site is particularly suited for the Applicant's proposed Class 3 Cannabis Wholesale use as the Property is within an industrial zone, the Township's General Industrial Zoning District, which permits wholesale and warehouse uses, similar to the Applicant's proposed use; the site can accommodate the Applicant's business operations, including the size of the Unit 4 building and the delivery vehicles to be utilized;
- r. The Applicant's sight, sound, traffic and other site concerns are consistent with the intent of the Edgewater Park Ordinances;
- s. The Applicant's proposed cannabis wholesale use advances purposes of zoning, as enumerated in 40:55D-2, including Purpose "a" of promoting the general welfare, Purpose "g" of providing sufficient space in appropriate locations for a variety of land uses and Purpose "m" by an adaptive reuse of an existing building which lessens the cost of such development and is a more efficient use of land;
- t. The Applicant's proposed use will not have a negative impact to the surrounding area and the benefits of the Board approving the Use Variance Application would outweigh and detriments resulting from Use Variance Approval;

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- u. The Applicant's proposed wholesale operation will function exactly like other permitted wholesale and distribution uses, but with higher security measures and more stringent regulatory requirements;
 - v. A use that could function almost identically to the Applicant's proposed use could be permitted to operate without variance relief, and similar operations can or could exist in the other buildings on the Property, there simply is not a negative impact and effect on the neighboring properties and surrounding area;
 - w. The intent and purpose of the Township's zone plan is not impaired by the Applicant's proposed use as the Property is within an industrial zone permitting both wholesale and warehouse uses;
 - x. The Township's Master Plan is silent on cannabis and the omission of cannabis from the Plan can be reconciled because cannabis uses were not legal until after the November 2020 election, cannabis uses were just not contemplated at the time of the Master Plan adoption;
 - y. The "c" variances are subsumed within the d(1) variance in accordance with Price v. Himeji, as ancillary to the d(1) and governed by the same proofs;
 - z. The "c" variances are primarily existing site conditions of an industrial property with four (4) existing tenants, site conditions which are not affected by the Applicant's proposed use of the Property or, in the case of a designated loading area, not necessary.
13. The June 20, 2024 Hearing was opened to the Public without comment.

14. Rakesh Darji, the Board Engineer, and Edward Fox, the Board Planner were present to review their June 20, 2024 Review Letter. Mr. Darji confirmed that any engineering requirement will be addressed at site plan consideration. Mr. Fox confirmed that the Applicant's Planner correctly stated the Applicant's burden for the granting of a use variance. The Board Professionals had no objection to the two (2) submission waivers requested by the Applicant.

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 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, parking area buffer, loading area, parking area material and curbing and drive aisle, 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 20th day of June, 2024 that this Board hereby grants to the Applicant the following:

1. Waivers of the submission requirements for an area map with all lots within 200 feet of the Property and a signed and sealed property survey;

2. Variances pursuant to *N.J.S.A. 40:55D-70(c)* to permit (i) a 4.5 foot wide landscaped buffer along the Property's western property line; (ii) no designated loading area; (iii) a stone paved parking area; (iv) curbing as shown on the unsigned survey; and (v) a 20 foot wide drive aisle for the parking area between buildings 3 and 4; and

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3. A variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* to permit a Class 3 Cannabis Wholesale Use to operate from the Unit 4 Building on the Property, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with Variance Approval 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 the New Jersey Cannabis Regulatory Commission.

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.

d. Subject to the sworn testimony and representations of the Applicant's witnesses and representatives at the June 20, 2024 Public Hearing, whether formalized in this Resolution or not.

e. Subject to the Applicant obtaining Preliminary and Final Site Plan Approval for the development of the Property consistent with the grant of the use and "c" variances identified in this Resolution.

f. Subject to the Applicant's escrow account for the review of its Application being current.

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.

i. Subject to the review comments of the Board Engineer and Board Planner as contained in the June 20, 2024 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP, except as same may be modified by this Resolution.

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 June 20, 2024.

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


MARIAN JOHNSON, CHAIRWOMAN

Attested:


PATRICIA CAHALL, SECRETARY

Dated: 6/20/2024

Date of Approval: 6/20/2024

Date of Memorialization: 6/20/2024