

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 – 2025

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
Mrs. Cannon-Moye					
Mr. Kauker					
Mr. Smith					
Mr. Alexander					
Mr. Malecki					
Ms. Bonner					
Mrs. Tumminia					
Mr. Black					
Chairwoman Johnson					

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;

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.

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.

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.

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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: 2/15/2024

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, 62 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 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)*.

- 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. Sciullo, 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;

- 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

- 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;

- 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

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

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-9-2024

**CONCERNING THE APPLICATION OF
BANDHAN CELEBRATIONS
FOR VARIANCE APPROVAL**

WHEREAS, Bandhan Celebrations, 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 826 Perkins Lane, known as Block 203, Lot 7.01 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of converting an existing one-story building into a warehouse use for the Applicant’s party supply/decorations business¹; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* is required as the proposed party supply warehouse use is not identified as a permitted use in the Township’s R-2 Zoning District; 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 Board after carefully considering the evidence presented by the Applicant in support its Application for Use 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 also requested that the Board waive the requirement for site plan approval for its proposed warehouse use; 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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1. The Applicant is the owner of the Property, located in the Township's R-2 Zoning District, approximately 215,686.3 square feet in area. The Property is improved with a 1-story commercial building, a gravel driveway, concrete walkway and two (2) frame sheds. The most recent use of the Property was for a print shop.

2. The Applicant is proposing to utilize the existing building as a warehouse for its party supply/party decorations business, a use that is not specifically permitted in the R-2 Zoning District of the Township.

3. The Applicant has provided the Board with the following:

- a. Standard Development Application for a Use Variance pursuant to *N.J.S.A. 40:55D-70(d)(1)*;
- b. Standard Development Application Completeness Checklists;
- c. Use Variance Plan, prepared by Michael R. Ytterberg, RA, MY Architecture, dated 05/06/24; and
- d. Property Survey, prepared by Leeper Land Group, LLC, Dated 03/16/24.

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 Variance Approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.

7. The Applicant was represented at the June 20, 2024 Public Hearing by Christopher J. Norman, Esquire, Platt Law Group, with Amrit Patel appearing as the Applicant's Authorized Representative.

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

- a. 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;
- b. The Property is 5 acres and surrounded by residential uses;
- c. The Property has been used commercially for a period of time with its most recent use being a print shop;

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- d. The proposed warehouse use for the Applicant's party supply and party decorations business will be less intense than the print shop;
- e. The Applicant will employ 1-2 employees at most at the site;
- f. Customers only come to the site by appointment only;
- g. The site can accommodate 12 gravel parking spaces and 1 paved ADA space, more than sufficient for the needs of the Applicant;
- h. An existing drainage easement traversing the Property and the site being an active NJDEP Known Contaminated site limit the development potential of the Property;
- i. The NJDEP is requiring that the site be cleaned up to commercial levels, not the more stringent residential levels;
- j. It's not practical to develop the Property for residential use(s);
- k. Purposes "a" and "g" of the Municipal Land Use Law will be advanced by the Application; and
- l. The Applicant will address the Engineer and Planner's site plan comments and "c" variances at the time of Site Plan consideration.

9. Mr. Patel provided the following sworn testimony during the June 20, 2024 Public Hearing:

- a. He is a Member of and the Applicant's authorized representative;
- b. The proposed warehouse will be used to store party supplies and decorations only for the Applicant's party supply business, currently operating in Levittown;
- c. There will be no more than 2 employees at the Edgewater Park site with 9:00 am to 5:00 pm hours, Monday to Friday, and limited hours on the weekend;
- d. The Applicant utilizes one (1) box truck for its business;
- e. The box truck is normally loaded at noon on Saturdays for delivery to the off-site party locations;
- f. Normally, the Applicant will have one (1) Saturday evening party; the box truck returns to the site after 9:00 am on Sundays for warehousing; the box truck will not return on Saturday nights;

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- g. The Applicant is not proposing any improvements to the site, it is turn-key with a warehouse style building large enough for the Applicant's needs;
- h. The Applicant's use of the Property will be less intense than the print shop, with less traffic to and from the site;
- i. Customers will only come to the site by appointment only, normally no more than 2 customers will visit the site weekly; most customer contact is done remotely;
- j. Other than the Applicant's loading and unloading of its box truck, deliveries to the site are minimal; there is sufficient room to accommodate deliveries to the site;
- k. Other than the box truck, vehicles will not be parked overnight at the site;
- l. The tractor trailer at the Property will be removed, it was left there by the prior occupant;
- m. The Applicant's business will not generate noise, odor or other nuisance concerns for the neighboring residential properties;
- n. All storage will be inside; there will be no outside storage of materials, supplies or other property;
- o. Trash removal will be by a private hauler;
- p. Most of the party supplies, including chairs and tables, are re-used from party to party;
- q. During the week, employees will clean, organize and store supplies from the prior week's party and will prepare supplies for the next party;
- r. The print shop use will be abandoned; and
- s. At the time of site plan review, the Applicant will address the site plan comments identified in the review letter and the environmental remediation of the Property.

10. The June 20, 2024 Hearing was opened to the Public with the following interested members of the public addressing the Board:

- a. Michael Raymond of Perkins Lane who questioned the Applicant's Monday to Friday operations.

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- b. Mel Anderson of Perkins Lane who testified that the 35 MPH speed limit on Perkins Lane was too fast and he was concerned that the Property could never be changed to a residential or park use.
- c. Ilka Bohn of Quall Lane who testified that she supported the Application, saw no impact as truck traffic already existed at the print shop and requested that a fence not be installed at the Property between her property and the tree line.

11. Rakesh Darji, the Board Engineer, and Edward Fox, the Board Planner, were present to review their June 13, 2024 Review Letter. Mr. Darji confirmed that all engineering and site plan requirements can be addressed by the Applicant at site plan consideration. Mr. Fox identified the Applicant's burden for the granting of a use variance. The Board Professionals had no objection to the bifurcated application.

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 requirement pertaining to permitted uses, as specified herein, as requested by the Applicant.
- 3. The benefits of the deviation from the zoning ordinance requirement 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 a Variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* to permit the use of the Property as a warehouse (with incidental office) use for the Applicant's party supply/party decorations

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business, as proposed by the Applicant, in accordance with the Plans and Testimony submitted by the Applicant, 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 and , Burlington County Soil Conservation District 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.

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 variance 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.

h. Subject to the review comments of the Board Engineer and Board Planner as contained in the June 13, 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.

i. Subject to no improvements being made to the Property or commencement of the warehouse use prior to the Applicant applying for and receiving site plan approval from the Board and the issuance by the appropriate Township official(s) of the required zoning permit, construction permit and certificate of occupancy. The Applicant is subject to all applicable

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ordinances, codes, rules and regulation for site plan approval and the issuance of such permits and certificates.

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**

Attested:

MARIAN JOHNSON, CHAIRWOMAN

PATRICIA CAHALL, SECRETARY

Dated: _____

Date of Approval: June 20, 2024

Date of Memorialization: July 18, 2024

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

JULY 8, 2024

RESOLUTION NO. P-10-2024

**REVIEWING PRELIMINARY INVESTIGATION FOR
DESIGNATION OF AN AREA
IN NEED OF NON-CONDEMNATION REDEVELOPMENT
DELANCO-COOPERTOWN ROAD AREA**

BLOCK 502, LOT 11

**EDGEWATER PARK TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY
AND**

**DETERMINING THAT BLOCK 502, LOT 11
QUALIFIES AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT
AND RECOMMENDING TO TOWNSHIP COMMITTEE THAT THIS PARCEL
BE
DESIGNATED AS A NON-CONDEMNATION AREA IN NEED OF
REDEVELOPMENT**

WHEREAS, on May 7, 2024, by adoption of Resolution 2024-61, the Township Committee of the Township of Edgewater Park, Burlington County, New Jersey, authorized the Planning Board of the Township of Edgewater Park to undertake a preliminary investigation to determine whether the following area of the Township qualifies as an “Area in Need of Non-Condemnation Redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-1 et seq., the Local Redevelopment and Housing Law (“LRHL”):

NON-CONDEMANATION AREA IN NEED OF REDEVELOPMENT

Block 502, Lot 11 – Delanco-Coopertown Road Area; and

WHEREAS, as requested by the Township Committee, the Planning Board Planner, Edward Fox, AICP, PP (NJ PP #33L100510400), of Environmental Resolutions, Inc, with the assistance of David Benedetti, PP, AICP, and Patrick VanBernum, prepared a written report, entitled “Preliminary Investigation for Designation of an Area in Need of Non-Condemnation Redevelopment, Delanco-Coopertown Road Area, Block 502, Lot 11, Edgewater Park Township, Burlington County, New Jersey” (the “Investigation Study”) which contains maps showing the boundaries of the potential Non-Condemnation Area in Need of Redevelopment and the location of the properties included therein and provided findings and recommendations setting forth the basis for and results of the investigation; and

WHEREAS, as required by the LRHL, N.J.S.A. 40A:12A-6, after the required public notice of the Board’s Special Meeting was published in the June 21, 2024 and June 28, 2024 editions of the Burlington County Times, and mailed, by Certified Mail, to the owners of Property

within 200 feet of Block 502, Lot 11, the Planning Board conducted a public hearing on July 8, 2024, to review and consider the Findings and Recommendations as set forth in the Investigation Study, and heard public comments from any person who was interested in or would be affected by a determination that Lot 11 in Block 502 qualifies as a Non-Condensation Redevelopment Area; and

WHEREAS, the Planning Board agrees with the Recommendations of the Investigation Study and finds that Lot 11 in Block 502 does qualify as a Non-Condensation Redevelopment Area; and

WHEREAS, the Planning Board adopts the Recommendations in Part IV of the Investigation Study that Lot 11 in Block 502 meets the statutory criteria for a Non-Condensation Redevelopment Area, as set forth in N.J.S.A. 40A:12A-5; and

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, that, pursuant to the authority of the LRHL, N.J.S.A. 40A:12A-6b(5)(a), having reviewed the Investigation Study Area of Block 502, Lot 11 and having determined that the Investigation Study Area of Block 502, Lot 11 Delanco-Coopertown Road Area meets the statutory criteria for a Non-Condensation Area in Need of Redevelopment, does hereby recommend that the Township Committee of the Township of Edgewater Park designate Block 502, Lot 11 as a Non-Condensation Area in Need of Redevelopment.

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

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 Special Meeting held on July 8, 2024.


PATRICIA CAHALL, Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-11-2024

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF EDGEWATER PARK
FINDING TOWNSHIP ORDINANCE NO. 2024-10
AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK,
IN THE COUNTY OF BURLINGTON, NEW JERSEY
SUPPLEMENTING SECTION 310 (LAND DEVELOPMENT AND ZONING),
CHAPTER 15 (DISTRICT REGULATIONS)
TO ADD SECTION FOR SENIOR HOUSING OVERLAY DISTRICT
FOR BLOCK 502, LOT 11
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, 62 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 June 18, 2024 meeting, the Township Committee of the Township of Edgewater Park, County of Burlington, introduced Ordinance No. 2024-10, entitled “**AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK, IN THE COUNTY OF BURLINGTON, NEW JERSEY SUPPLEMENTING SECTION 310 (LAND DEVELOPMENT AND ZONING), CHAPTER 15 (DISTRICT REGULATIONS) TO ADD SECTION FOR SENIOR HOUSING OVERLAY DISTRICT FOR BLOCK 502, LOT 11**” and, by Township Resolution 2024-73, has referred Ordinance 2024-10 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 2024-10, amending and revising Chapter 310 (Land Development and Zoning), Article 15 (District Regulations), by amending Section 15-1 (Districts Enumerated) and adding Section 15-24 (SAH Senior Affordable Housing Overlay District) of the Code of the Township of Edgewater Park and amending the Township

Zoning Map to identify and reflect the SAH Senior Affordable Housing Overlay District on Lot 11 of Block 502.

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 15 (**District Regulations**), Section 15-1 (**Districts Enumerated**) and Section 15-24 (**SAH Senior Affordable Housing Overlay District**) of the Code of the Township of Edgewater Park, establishing the Senior Affordable Housing Overlay District, and the amendment to the Township's Zoning Map to identify the location of the Senior Affordable Housing Overlay District, as set forth in Township Ordinance 2024-10, introduced by the Township Committee of the Township of Edgewater Park on June 18, 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 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 2024-10.

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 2024-10.

4. This Resolution shall take effect immediately.

Board Member	Yes	No	Abstain	Absent	Motion
Marian Johnson, Chairperson	X				
Kenneth Kauker, Vice Chairperson	X				
Juanita Scott, Mayor				X	
John Alexander	X				
Sarah Cannon-Moye, Deputy Mayor			X		
Vincent Smith	X				
Stephen Malecki	X				
Gwendolyn Bonner	X				
Bonnie Tumminia	X				
Brian Nolan, Alt. 1	X				
Edward Black, Alt. 2				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 June 20, 2024.


PATRICIA CAHALL, Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-12-2024

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF EDGEWATER PARK
RECOMMENDING THE TOWNSHIP COMMITTEE
ADOPT TOWNSHIP ORDINANCE 2024-12
AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR
AN AREA IN NEED OF REDEVELOPMENT FOR PROPERTY LOCATED
IN THE TOWNSHIP OF EDGEWATER PARK
COMMONLY KNOWN AS BLOCK 502, LOT 11,
DELANCO-COOPERTOWN ROAD AREA
PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW,
N.J.S.A. 40A:12A -7(e)**

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-10-2024, that Block 502, Lot 11, Delanco-Coopertown Road Area, 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 this parcel as An Area in Need of Non-Condensation Redevelopment; and

WHEREAS, on July 16, 2024, the Township Committee of the Township of Edgewater Park adopted its Resolution No. 2024-98 declaring Block 502, Lot 11 as an Area in Need of Non-Condensation Redevelopment pursuant to the Act; and

WHEREAS, at its July 16, 2024 meeting, the Township Committee introduced Township Ordinance No. 2024-12 entitled “An Ordinance Adopting a Redevelopment Plan for An Area in Need of Redevelopment for Property located in the Township of Edgewater Park Commonly Known as Block 502, Lot 11, Delanco-Coopertown Road Area” pursuant to the Provisions of N.J.S.A. 40A:12A-7a and by its Resolution No. 2024-97, has referred Ordinance No. 2024-12 to the Planning Board for the Board’s report and recommendation required by N.J.S.A. 40A:12A-7(e); and

WHEREAS, on July 18, 2024, the Planning Board held a hearing and reviewed the “Redevelopment Plan for the Delanco-Coopertown Road Non-Condensation Area Block 502, Lot 11, Edgewater Park Township, Burlington County, New Jersey” (the “Redevelopment Plan”), dated July 11, 2024, prepared for The Township of Edgewater Park and the Planning

Board of The Township of Edgewater Park by Edward E. Fox, AICP, PE, NJ PP #33LI00510400, Environmental Resolutions, Inc., with the assistance of David Benedetti, AICP, PP and Patrick Van Bernum, Assistant Planner; 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 July 18, 2024, reviewed the Redevelopment Plan, heard a presentation by Edward E. Fox, 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 CONCLUSIONS OF THE PLANNING BOARD.** The Planning Board, following the presentation by Mr. Fox, 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 not inconsistent with the Master Plan of the Township of Edgewater Park.

3. **PLANNING BOARD RECOMMENDATIONS.** The Planning Board resolves and recommends that the Redevelopment Plan, introduced as Township Ordinance 2024-12, as considered by the Planning Board at its July 18, 2024 hearing, and after the presentation by Mr. Fox 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.

Board Member	Yes	No	Abstain	Absent	Motion
Marian Johnson, Chairperson				X	
Kenneth Kauker, Vice Chairperson	X				
Juanita Scott, Mayor	X				
John Alexander				X	
Sarah Cannon-Moye, Deputy Mayor	X				
Gwendolyn Bonner	X				
Stephen Malecki	X				
Vincent Smith				X	
Bonnie Tumminia	X				
Brian Nolan, Alt. 1	X				
Edward Black, Alt. 2	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 July 18, 2024.


PATRICIA CAHALL, Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-13-2024

**CONCERNING THE APPLICATION OF
EDGEWATER PARK SENIOR APARTMENTS, LLC
FOR VARIANCES, MINOR SUBDIVISION APPROVAL AND
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

WHEREAS, Edgewater Park Senior Apartments, LLC (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park (the “Board” or “Planning Board”) for Variance, Minor Subdivision and Preliminary and Final Major Site Plan Approval for property located at 210 Delanco Road, known as Block 502, Lot 11 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of subdividing the Property into proposed Lots 11.01 and 11.02 and to construct a 58-unit age and income restricted multi-family apartment building on proposed Lot 11.01;

WHEREAS, Variances pursuant to *N.J.S.A. 40:55D-70(c)* are required as proposed Lot 11.02 will not satisfy the Lot Width and Flag Lot requirements of the Land Development Ordinance of the Township of Edgewater Park; and

WHEREAS, the Application for Variances, Minor Subdivision and Preliminary and Final Major Site Plan Approvals was deemed complete by the Board on July 18, 2024; and

WHEREAS, a Public Hearing to consider the application was held by the Planning Board on July 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 July 18, 2024 Public Hearing:

- A-1 Aerial photographs of Property and neighborhood;
- A-2 Architectural Drawings;
- A-3 Building Cross Section; and

EDGEWATER PARK SENIOR APARTMENTS, LLC - NO. 13-2024

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support its application for Variances, Minor Subdivision and Preliminary and Final Major Site Plan 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 Property is approximately 9.69 acres in area, located within the Township's R-2 (Residential-2) Zoning District as well as the Senior Affordable Housing Overlay District. The Applicant is proposing to subdivide the Property into proposed Lot 11.01 (5.81 acres) and proposed Lot 11.02 (3.88 acres). The Applicant will be the developer of a 58-unit age and income restricted multi-family use proposed for Lot 11.01. Lot 11.02 will remain as undeveloped and owned by the Township.

2. The Applicant has filed an Application for Minor Subdivision Approval, Variances pursuant to N.J.S.A. 40:55D-70(c)(2) and Preliminary and Final Major Site Plan Approval, providing the following:

- a. Land Development Application with Completeness Checklists for Variances, Subdivision and Site Plan;
- b. Preliminary and Final Major Site Plan, prepared by Jason T. Sciullo, PE, PP, Sciullo Engineering Services, LLC (12 sheets);
- c. Minor Subdivision Plan, prepared by Blue Marsh Associates, Inc., dated 06/13/24;
- d. ALTA/NSPS Land Title Survey, prepared by Blue Marsh Associates, Inc., dated 05/30/24 (2 sheets);
- e. Landscape Plan, prepared by Jonathan C. Alderson, LLA, Jonathan Alderson Landscape Architects, dated 06/13/24 (2 sheets);
- f. Architectural Plans, prepared by Michael A. Donovan, RA, Donovan Architects, dated 06/13/24 (3 sheets);
- g. Stormwater Management Report for Edgewater Park Senior Apartments, prepared by Sciullo Engineering Services, LLC, dated June ,2024;
- h. Parking Assessment, prepared by Dynamic Traffic, LLC, dated 06/13/24;
- i. Ownership Disclosure Statement, dated 06/18/24;
- j. Title Commitment, prepared by Surety Abstract Capital, LLC, dated 07/07/23;

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- k. 200 foot Property Owner List, prepared by the Tax Assessor of the Township of Edgewater Park, dated 05/14/24;
 - l. Development Agreement between the Applicant and the Township of Edgewater Park, dated 06/18/24;
 - m. Bell Atlantic Easement Agreement, recorded 12/02/97;
 - n. Township Resolution No. 2024-61 Authorizing and Directing the Board to Undertake a Preliminary Investigation to Determine whether the Property is An Area in Need of Non-Condemnation Redevelopment, pursuant to the criteria of the New Jersey Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as Adopted by Township Committee on 05/07/24;
 - o. Township Resolution No. 2024-65 Confirming the Need for the Construction of an Approximate 58-Unit Age and Income Restricted Residential Multi-Family Housing Development and Approving a Financial Agreement for same, as adopted by Township Committee on 05/21/24;
 - p. Application Summary;
 - q. Correspondence from Damien O. DelDuca, Esquire, dated 06/19/24; and
 - r. New Jersey Department of Community Correspondence regarding parking requirements under the Residential Site Improvement Standards.
3. The taxes on the Property are current or exempt.
4. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.
5. Proper notice of the application for Variances, Minor Subdivision and Preliminary and Final Major Site Approvals has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
6. The Township Committee adopted Ordinance 2024-10 on July 16, 2024, creating the SAH Senior Affordable Housing Overlay District on Lot 11 of Block 502. The objective of the SAH Senior Affordable Housing Overlay District is to facilitate the construction of age-restricted, multi-family dwellings that are one hundred percent (100%) affordable. The underlying zoning district for Block 502, Lot 11 is the R-2 Zone. The area and bulk requirements for multi-family, age-restricted, affordable housing shall be in accordance with the

EDGEWATER PARK SENIOR APARTMENTS, LLC - NO. 13-2024

requirements identified in the SAH Senior Affordable Housing Overlay District, Section 310-15-24(D), while the area and bulk regulations for all other permitted uses shall be in accordance with the R-2 zone requirements set forth in Section 310-15-4. Thus, the proposed residential component of the development shall be subject to the requirements of the SAH Senior Affordable Housing Overlay District, while the resultant Township-owned lot (proposed Lot 11.02) shall be subject to the requirements of the underlying R-2 Zoning.

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

- a. Subdivision of the Property into two (2) lots, proposed Lot 11.01 (5.81 acres) and proposed Lot 11.02 (3.88 acres);
- b. Construction of an age and income restricted multi-family apartment building consisting of fifty eight (58) 1-bedroom apartments on proposed Lot 11.01, in accordance with the Senior Affordable Housing Overlay District requirements; and
- c. Site improvements for the age and income restricted apartment building including parking, stormwater management, lighting, landscaping and ingress/egress.

8. The following Variances from the R-2 requirements are required for proposed Lot 11.02. which the Township will retain:

- a. Section 310, Attachment 1 - Lot Width – 150 feet required, 85 feet proposed; and
- b. Section 310-13-4(F) - Flag Lot – all flag lots are prohibited; proposed Lot 11.02 is considered a flag lot under the Land Development Ordinance.

9. The Applicant was represented at the July 18, 2024 Public Hearing by Damien O. DelDuca, Esquire, DelDuca, Lewis & Berr, with Jason Sciullo, PE, PP, appearing as the Applicant's Professional Engineer and Planner; Michael Donovan, RA, appearing as the Applicant's Architect and Edmond C. Speitel, Jr., appearing as the Applicant's Authorized Representative; each being duly sworn, and Messrs. Sciullo and Donovan qualified, and recognized as expert witnesses in support of the Application.

10. Mr. DelDuca made the following representations to the Board during the July 18, 2024 Public Hearing:

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- a. The proposed 58-unit apartment building will be entirely age and income restricted; it shall be a 100% affordable community;
- b. The Township, with the consent of Fair Share Housing Center, amended its Affordable Housing Plan to include the proposed 58-unit community;
- c. Construction of this affordable housing community is contingent on Board Approval and a tax credit award from the New Jersey Housing and Mortgage Finance Agency;
- d. The Site Plan Application is a “by-right” application as all requirements of the Senior Affordable Housing Overlay District are met for the age and income restricted community;
- e. The minor subdivision of the Property will be perfected by Deed, not by Plat; and
- f. The Applicant will satisfy all review comments of the July 17, 2024 Review Letter of Environmental Resolutions, Inc.

11. Mr. Sciallo provided the following sworn testimony during the July 18, 2024 Public Hearing:

- a. He is the Applicant’s Professional Engineer and Professional Planner, licensed in the State of New Jersey;
- b. He oriented the Board concerning the Property, its location in the Township, the proposed lot for the affordable housing community and the proposed lot to be retained by the Township;
- c. The area for each of the of the proposed lots was determined in order to satisfy the maximum residential density requirement of the SAH Senior Affordable Housing Overlay District for the 58 unit apartment building;
- d. A variance for lot width for proposed Lot 11.02 is a result of an existing stormwater feature; moving the proposed lot line would adversely impact the stormwater management design;
- e. Stormwater is being handled by an existing depression in the wooded area of the Property;
- f. The site’s design satisfies all of the new stormwater requirements of NJDEP;

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- g. The number of parking spaces proposed for the affordable housing project satisfies the Overlay District's requirement;
- h. The RSIS parking requirements are the maximum number of parking spaces that a municipality may require for residential developments; municipalities may require fewer parking spaces than the RSIS maximum;
- i. The number of emergency access points is more than sufficient for the proposed affordable housing community;
- j. Trash will be handled internally by trash chutes with internal storage;
- k. He describes other site plan characteristics for the affordable housing use, including lighting, landscaping and circulation;
- l. The Applicant will satisfy the EVSE (Electrical Vehicle Supply Equipment) requirements for the number of EV spaces, make-ready spaces and ADA spaces;
- m. Sewer capacity is available for the 58-unit affordable housing community;
- n. No relief is required for the project's signage; signage will comply;
- o. The benefits of approving this community and fulfilling the Ordinance's objective to provide affordable senior housing will substantially outweigh any negatives associated with granting the two (2) variances noted above, with the Application advancing purpose of zoning (i) (encouraging senior citizen community housing) and purpose (p) (encouraging affordable housing); and
- p. The Applicant will comply with the ERI Review Letter.

12. Mr. Speitel provided the following sworn testimony during the July 18, 2024 Public Hearing:

- a. He is the Applicant's authorized representative;
- b. The Applicant will be the developer of the 58 unit affordable housing project; and
- c. The Applicant will comply with the July 17, 2024 Review Letter of Environmental Resolutions, Inc.

13. Mr. Donovan provided the following sworn testimony during the July 18, 2024 Public Hearing:

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- a. He is the Applicant's Architect;
- b. He described the building, including the roof slope for screening of all roof-top equipment; and
- c. The building will be a LEED certified building and most likely SILVER certified.

14. The Board Engineer and Board Planner reviewed their July 17, 2024 Review Letter and testified that (i) they had no objections to the requested Submission and Design Waivers identified in the July 17, 2024 Review Letter as the Applicant provided the required testimony and testified that the review comments will be satisfied; (ii) a de minimus exception is not required as the Applicant has provided the number of parking spaces required by the Township's Land Development Ordinance and SAH Senior Affordable Housing Overlay District; (iii) and the affordable housing project complies with all of the SAH Senior Affordable Housing Overlay District requirements.

15. The July 18, 2024 Public Hearing was opened to the Public with Cedrick Minter requesting and given the opportunity to review the Exhibits introduced 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 render a decision on the application for Variances, Subdivision and Preliminary and Final Major Site Plan Approvals.

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey, as set forth in *N.J.S.A.40:55D-2*, and of the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements pertaining to Lot Width and Flag Lot, as specified herein, as requested by the Applicant. The width and shape of proposed Lot 11.02 are necessitated by the topography and the existing stormwater basin located on Lot 11.01. Approving this Application will help the Township fulfill its affordable housing obligations, which advances zoning purposes (i) and (p), for the reasons testified by Mr. Sciullo. The Board finds no material adverse impact by granting the variances for lot width and to permit a flag lot. Proposed Lot 11.02 is public land and remains open space. It was important for the Township to retain this land and doing so necessitated the need for the two (2) variances, for the reasons testified. The

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benefits of granting the two (2) variances far outweigh any detriments associated with granting the variances.

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, promotes 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. On the contrary, granting the Application will advance the purpose of the zone plan and ordinance and the width and shape of proposed Lot 11.02 will not adversely affect any nearby property owner or change the nature and character of this neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 18th day of July, 2024 that this Board hereby grants to the Applicant the following:

1. Submission waivers pertaining to environmental impact assessment and traffic impact;
2. Design waivers pertaining to building façade, landscaped buffer and signage;
3. Variances, pursuant to *N.J.S.A. 40:55D-70(c)*, to permit a Lot Width of 85 feet for proposed Lot 11.02 and to permit Lot 11.02's "flag-lot" shape;
4. Minor Subdivision Approval for the subdivision of the Property into Lot 11.01 (5.81 acres) and Lot 11.02 (3.88 acres); and
5. Preliminary and Final Major Site Plan Approval for Lot 11.01 for the construction of an affordable housing project consisting of a 58-unit age and income restricted apartment building and related site improvements for parking, lighting, landscaping, stormwater management, driveway access and utilities, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with Waivers, Variance, Subdivision, and Site Plan 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,

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Burlington County Soil Conservation District 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 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 or deed, and site plan 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 July 18, 2024 Public Hearing, whether formalized in this Resolution or not.

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 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, unless waived or reduced in any agreement between the Applicant and the Township.

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 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 July 17, 2024 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP.

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k. Subject to the submission of a stormwater maintenance plan for the review and approval of the Board Engineer. A stormwater maintenance declaration shall be recorded in accordance with the NJDEP's Best Practices requirements. The stormwater declaration shall be submitted for the review and approval of the Board Engineer and Board Solicitor prior to recording.

l. Subject to Minor Subdivision Approval expiring 190 days from the date on which this Resolution of Approval is adopted by the Planning Board, unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.), or a deed clearly describing the approved minor subdivision is filed with the Burlington County Recording Office, the Township Engineer and the Township Tax Assessor. The Minor Subdivision Deed or Plat shall be submitted for the review and approval of the Board Solicitor and Board Engineer prior to the Planning Board Chairperson and Secretary signing same, as required, prior to recording.

m. Subject to the apartment building being LEED Certified.

n. Subject to the Applicant complying with the Township's Affordable Housing requirements for age and income restricted housing.

o. Subject to all 58 one-bedroom units being affordable units, in accordance with the Township's applicable Affordable Housing Ordinance(s).

ROLL CALL VOTE

Minor Subdivision Approval with Variances pursuant to N.J.S.A. 40:55D-70(c)

Those in Favor: 8

Those Opposed: 0

Those Abstaining: 0

Preliminary and Final Major Site Plan Approval

Those in Favor: 8

Those Opposed: 0

Those Abstaining: 0

EDGEWATER PARK SENIOR APARTMENTS, LLC - NO. 13-2024

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, 2024.

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


MARIAN JOHNSON, CHAIRWOMAN

Attested:


PATRICIA CAHALL, SECRETARY

Dated: 8/15/2024

Date of Approval: July 18, 2024

Date of Memorialization: August 15, 2024

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-14-2024

**CONCERNING THE APPLICATION OF
NEW JERSEY AMERICAN WATER
FOR VARIANCE AND AMENDED
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

WHEREAS, New Jersey American Water Co. (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park (the “Board” or “Planning Board”) for Variance and Amended Preliminary and Final Major Site Plan Approval for property located at 1022 Cooper Street, known as Block 803, Lots 1.01 and 2 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of making improvements to the existing water treatment facility; and

WHEREAS, a Variance pursuant to *N.J.S.A. 40:55D-70(d)(2)* is required as the proposed improvements will be an expansion of the non-conforming utility use on the Property; and

WHEREAS, the Application for Use Variance and Amended Preliminary and Final Major Site Plan Approvals was deemed complete by the Board on July 18, 2024; and

WHEREAS, a Public Hearing to consider the Application was held by the Planning Board on July 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, Exhibit A-1, a rendering of the site, post improvement, was introduced by the Applicant during the July 18, 2024 Public Hearing; and

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

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1. The Applicant is the owner of the Property, approximately 71,023 square feet in area located in the Township's R-5 (Residential-5) Zoning District. The Property is improved with the Applicant's water treatment facility, a non-conforming utility use.

2. The Applicant is proposing improvements to the non-conforming water treatment facility and has provided the Board with the following:

- a. Standard Development Application, dated 04/19/24;
- b. Application Addendum for a (d)(2) Expansion of Non-Conforming Use Variance;
- c. Board Resolution No. P-25-2005;
- d. Board Resolution No. P-9-2016;
- e. Plan of Existing Conditions and Survey, prepared by William A. DiBartolo, PLS, Mott McDonald, dated 03/24/16 (1 sheet);
- f. Preliminary and Final Major Site Plan, prepared by Carolynn A. Zebrowski, PE and Anthony F. Pedro, PE, Mott McDonald, dated 03/28/24, revised 05/30/24 (17 sheets);
- g. Stormwater Management Report, prepared by Kevin N. Nollstadt, PE, Mott McDonald, dated 05/2024;
- h. Deed for 1028 Cooper Street, dated 12/17/1970; and
- i. Response to Board Engineer and Planner's Review Letter, prepared by Niall J. O'Brien, Esquire, Archer and Greiner, PC, dated 07/17/24.

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

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

5. Proper notice of the application for Use Variance and Amended Preliminary and Final Major Site Approvals has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.

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

- a. Re-installing the previously removed Granular Activated Carbon Treatment Equipment;
- b. Constructing a 2,025 square foot addition to the existing treatment building to increase pump and electrical equipment;

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- c. Demolishing the existing well building and constructing a new 2,341 square foot building in its place;
- d. Installing new piping;
- e. Replacing the generator and the electrical and control systems;
- f. Upgrading landscaping; and
- g. Modifying the driveway.

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

8. The Applicant was represented at the July 18, 2024 Public Hearing by Niall J. O'Brien, Esquire, Archer & Greiner, with John Ruschke, PE, Mott MacDonald, appearing as the Applicant's Professional Engineer; Tiffany Morrissey, PP, appearing as the Applicant's Professional Planner and David Vecchiolla, appearing as the Applicant's Authorized Representative; each being duly sworn, and Mr. Ruschke and Ms. Morrissey qualified, and recognized as expert witnesses in support of the Application.

9. Mr. O'Brien made the following representations to the Board during the July 18, 2024 Public Hearing:

- a. The existing water treatment facility was constructed in 1970 and is currently not in service; the proposed improvements will restore the facility to service; and
- b. The Applicant previously appeared before the Board in 2005 and 2016 for other improvements at the site.

10. Mr. Ruschke provided the following sworn testimony during the July 18, 2024 Public Hearing:

- a. He is the Applicant's Professional Engineer;
- b. The improvements are needed to bring the facility back on line and to reinforce the existing water supply system;
- c. The facility will treat water drawn from other onsite wells and other well sources;
- d. He describes all improvements proposed for the existing facility;
- e. The facility is fully automated with occasional site visits to inspect the facility;

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- f. The facility will operate 24 hours a day and is not open to the public;
- g. The modifications to the pavement are to facilitate chemical deliveries;
- h. Lighting will be via one (1) pole mounted security light and lights at the access door;
- i. As an unmanned facility, trash will not be generated;
- j. The new Jersey Department of Environmental Protection requires a thirty (30) day supply of chemicals on site;
- k. Chemicals will be delivered to the site twice a month and will be stored in sealed containers inside one of the buildings;
- l. Due to the amount of disturbance, the project is considered a major development;
- m. The landscaping upgrades are primarily behind the buildings and border the adjacent residential uses, with additional plantings along the driveway;
- n. Noise will be minimal as the only noise will be the exhaust fans.

11. Ms. Morrissey provided the following sworn testimony during the July 18, 2024 Public Hearing:

- a. She is the Applicant's Professional Planner;
- b. The existing water utility is a pre-existing, non-conforming use;
- c. The use is an inherently beneficial use as it supplies water to 5,600 residents;
- d. As an inherently beneficial use, the positive criteria for the granting of a use variance is deemed satisfied;
- e. The Applicant is changing how it treats water; the Applicant is not taking more water, just improving the quality of water;
- f. The Applicant has an Allocation Permit from the NJDEP;
- g. The site is particularly suited for the water treatment facility as it's an existing water utility use;
- h. The use promotes a use of zoning by providing sufficient space in the Township for a variety of uses, uses that could not otherwise exist without water being present;

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- i. There will be no substantial detriment to the public good and no substantial impairment of the zone plan or zoning ordinance and the benefits of the expansion of the non-conforming water utility use outweigh any possible negatives of the use.

12. Mr. Vecchiolla provided the following sworn testimony during the July 18, 2024 Public Hearing:

- a. He is the Applicant's authorized representative;
- b. He describes the time line for construction of the proposed improvements and the anticipated completion date for the facility to be brought back on line; and
- c. Alarms are now automated.

13. The Board Engineer and Planner reviewed the July 12, 2204 Review Letter of Environmental Resolutions, Inc. and testified that the Property is suitable for the use expansion and had no objection to waiving the parking and striping requirements.

14. The July 18, 2024 Hearing was opened to the public with the following questions or comments raised by persons having an interest in the Application:

- a. Sebtio Neto who inquired about an increase in water pressure;
- b. Cedric Minter, a resident who lives next door to the Property, who testified that the most recent work at the facility resulted in on-site alarms going off and power outages; he requested an emergency contract as well as being advised when construction is to commence; he further commented on the lack of tree and shrub maintenance by the Applicant; and
- c. Elizabeth Moore who questioned the chemicals that are used in the treatment process and was concerned about trucks turning around.

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 render a decision on the application for Use Variance and Amended Preliminary and Final Major Site Plan Approvals.

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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 use, 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 Planning Board of the Township of Edgewater Park, on the 18th day of July, 2024 that this Board hereby grants to the Applicant the following:

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

2. Amended Preliminary and Final Major Site Plan for improvements to the water treatment facility located on the Property, including (i) re-installing the previously removed Granular Activated Carbon Treatment Equipment; (ii) constructing a 2,025 square foot addition to the existing treatment building to increase pump and electrical equipment; (iii) demolishing the existing well building and constructing a new 2,341 square foot building in its place; (iv) installing new piping; (v) replacing the generator and the electrical and control systems; (vi) upgrading landscaping; and (vii) modifying the driveway, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with Variance and Site Plan 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 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 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 site plan 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 July 18, 2024 Public Hearing, whether formalized in this Resolution or not.

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 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.

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 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 July 12, 2024 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP.

k. Subject to the Applicant providing the Township with emergency contact information.

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l. Subject to the Applicant handling dust control during construction, as well as post-construction.

m. Subject to the Applicant meeting with Cedric Minter to determine the location of additional fencing and maintenance concerns for the exterior of Mr. Minter's property.

n. Subject to the Applicant enhancing the buffer adjacent to Ms. Moore's property.

o. Subject to the submission of a stormwater maintenance plan for the review and approval of the Board Engineer. A stormwater maintenance declaration shall be recorded in accordance with the NJDEP's Best Practices requirements. The stormwater declaration shall be submitted for the review and approval of the Board Engineer and Board Solicitor prior to recording.

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, 2024.

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


MARIAN JOHNSON, CHAIRWOMAN

Attested:


PATRICIA CAHALL, SECRETARY

Dated: 8/15/2024

Date of Approval: July 18, 2024

Date of Memorialization: August 15, 2024

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-15-2024

**CONCERNING THE APPLICATION OF
McDONALDS USA
FOR VARIANCES AND
AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

WHEREAS, McDonald's USA, LLC (the "Applicant"), has applied to the Planning Board of the Township of Edgewater Park (the "Board" or "Planning Board") for Variances and Amended Preliminary and Final Major Site Plan Approval for property located at 4295 and 4299 US Route 130 South, known as Block 502, Lots 13.02 and 13.03 (the "Property") on the Official Tax Map of the Township of Edgewater Park, for the purpose of revising the signage for a McDonald's fast food restaurant recently constructed on Lot 13.03; and

WHEREAS, the Board, as memorialized by Resolution No. P-11-2020 granted Preliminary and Final Major Site Plan Approval to the Applicant for the construction of a new McDonalds on Lot 13.03, to replace the then existing McDonalds located on Lot 13.02 (the "2020 Approval"); and

WHEREAS, the Board's 2020 Approval included bulk variances and variances pertaining to the McDonald's sign package; and

WHEREAS, the new McDonalds has been constructed and is in operation; and

WHEREAS, the Applicant's revised sign package requires Amended Site Plan Approval as signs have been redesigned, relocated and/or eliminated as shown on the 2020 Approval's Site Plan; and

WHEREAS, variances pursuant to *N.J.S.A. 40:55D-70(c)* are required as the revised sign package does not satisfy the Zoning Ordinance's sign requirements pertaining to number, height and area of signs; and

WHEREAS, the Application for Variances and Amended Site Plan Approvals was deemed complete by the Board on July 18, 2024; and

WHEREAS, a Public Hearing to consider the application was held by the Planning Board on July 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

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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 July 18, 2024 Public Hearing:

- A-1 Aerial photograph of existing conditions;
- A-2 Sheet C-302 of Site Plan;
- A-3 Photograph of “Welcome to Edgewater Park” sign; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support its application for Variances and Amended Preliminary and Final Major Site Plan 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 developed a new McDonald’s fast food restaurant on Lot 13.03 replacing the McDonalds that occupied Lot 13.02 for over 50 years. The development of the Property was consistent with the Variance, Minor Subdivision and Preliminary and Final Major Site Plan Approval granted to the Applicant, as memorialized by Board Resolution No. P-11-2020.

2. The 2020 Approval included a sign package for the McDonalds restaurant that included one (1) freestanding sign, two (2) monument signs and six (6) façade signs, as well as variances to permit (i) digital copy for the pre-browse, menu board and monument signs; (ii) nine (9) total signs; (iii) a façade sign area of 46.8 square feet; (iv) an 8.5 foot height for the Route 130 monument sign; (v) a 9.3 foot setback from the curblin for the Route 130 Monument sign; (vi) a 3.5 foot height for the three (3) “M” logo building signs and (vii) a 5.75 square foot area for each of the three (3) directional signs.

3. The 2020 Approval included the Applicant’s installation of a “Welcome to Edgewater Park” sign at the intersection of Route 130 and Cooper Street.

4. The Applicant is now proposing to amend the approved sign package for the McDonalds by redesigning, replacing and/or eliminating the approved signs and has submitted an application for Amended Preliminary and Final Site Plan Approval and sign variances, providing the Board with the following:

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- a. Standard Development Application, including Site Plan and Variance Submission Checklists, dated 05/09/24;
 - b. Board Resolution No. P-11-2020;
 - c. As-Built Survey, prepared by James C. Weed, PLS Control Point Associates, Inc., dated 12/27/23, revised 02/09/24 (1 sheet); and
 - d. Preliminary and Final Major Site Plan, prepared by Michael Jeitner, PE, Bohler Engineering, dated 03/05/24 (4 sheets).
5. The taxes on the Property are current or exempt.
6. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.
7. Proper notice of the application for Variances and Amended Preliminary and Final Major Site Approvals has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
8. The Applicant is proposing the following revisions to the previously approved sign package for the McDonalds restaurant:
- a. Replace the approved freestanding sign at the Route 130 access with the historical McDonalds' Golden Arch Sign;
 - b. Eliminate the Cooper Road access monument sign and the Route 130/Cooper Road intersection monument sign with one (1) freestanding sign located at the intersection;
 - c. Donate the "Welcome to Edgewater Park" sign to the Township in lieu of installing same at the intersection as required by the 2020 Approval.
9. The following variances are required for the revised sign package:
- a. Number of freestanding signs – 1 permitted; 2 proposed;
 - b. Freestanding sign area – 75 square foot maximum permitted; 225 square feet proposed;
 - c. Height of freestanding sign – 8 foot maximum permitted; 25.5 feet proposed for the Golden Arch sign;
 - d. Number of business signs – 2 permitted; 2 freestanding and 6 façade signs proposed;

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10. The Applicant was represented at the July 18, 2024 Public Hearing by Michael Lario, Esquire, Nehmad Davis Goldstein, PC, with Michael Jeitner, PE, appearing as the Applicant's Professional Engineer and Tiffany Morrissey, PP, appearing as the Applicant's Professional Planner; each being duly sworn, and Mr. Jeitner and Ms. Morrissey qualified, and recognized as expert witnesses in support of the Application.

11. Mr. Lario made the following representations to the Board:

- a. The McDonalds restaurant has been constructed in accordance with the 2020 Approval with all signage, other than the previously approved freestanding and monument signs, installed;
- b. The Applicant has revisited the approved freestanding and monument signs for the site and now desires to bring back the original and historic Golden Arch sign back to the site, as it existed for over 60 years at the original Edgewater Park McDonalds;
- c. The Golden Arch sign will be repaired and rehabilitated;
- d. The "Welcome to Edgewater Park" sign cannot be installed in the location previously approved due to a New Jersey Department of Transportation Signal Box being installed after the 2020 Approval;
- e. The Notice of the Public Hearing included relief to modify the condition of the 2020 Approval requiring the "Welcome to Edgewater Park" sign;
- f. The Applicant has or will offer the "Welcome to Edgewater Park" sign to the Township for installation elsewhere and will pay for the relocation and installation of the sign at a location of the Township's choosing;
- g. The Applicant will not secure the necessary easement if the alternative sign location is on property owned by a third party.

12. Mr. Jeitner provided the following sworn testimony during the July 18, 2024 Public Hearing:

- a. He is the Applicant's Professional Engineer and was also the Applicant's Engineer during the 2020 Approval;
- b. He describes the proposed changes to the approved sign package with the historic Golden Arch sign replacing the approved freestanding sign at the Route 130 access, the elimination of the digital monument sign at the

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- Cooper Road access and the replacement of the digital monument sign at the Cooper Road and Route 130 corner with a non-digital freestanding sign;
- c. The height of the Golden Arch sign and the area of the freestanding signs exceed the maximum permitted by the Township's sign ordinance;
 - d. The Applicant will agree to the low ground landscaping as recommended by the Board Engineer and Planner's Review Letter;
 - e. Exhibit A-3 is a picture of the "Welcome to Edgewater Park" sign actually constructed in accordance with the 2020 Approval;
 - f. Since the 2020 Approval, the New Jersey Department of Transportation installed a signal box in the original location for the Welcome to Edgewater Park sign which now prevents installation of the sign; and
 - g. There is no other effective location on site for the "Welcome to Edgewater Park" sign.

13. Ms. Morrissey provided the following sworn testimony during the July 18, 2024 Public Hearing:

- a. She is the Applicant's Professional Planner;
- b. Describes the historical significance of the original Golden Arch sign, dating back to its 1962 installation;
- c. The Golden Arch sign will tie in with two other historical signs along the Route 130 corridor; and
- d. There will be no substantial impairment of the zoning plan or to the intent of the zone plan for the sign variances now requested by the Applicant; there will be no substantial detriment to the public.

14. The July 18, 2024 Hearing was opened to the public without comment.

15. The Board Engineer and Planner testified that they had no objection to the revised sign package as the Applicant agreed to comply with their July 10, 2024 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 render a decision on the application for Variances and Amended Preliminary and Final Major Site Plan Approvals.

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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 signage, 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, including the modification of a condition of the 2020 Approval, can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Edgewater Park.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 18th day of July, 2024 that this Board hereby grants to the Applicant the following:

1. Variances pursuant of N.J.S.A. 40:55D-70(c) to permit (i) two (2) freestanding signs; (ii) a 25.5 foot height for the historic Golden Arch sign at the Route 130 access; (iii) a 225 square foot area for the freestanding Golden Arch sign (with total area from the sign base to the tip of arches totaling 561 sq. ft.) and (iv) two (2) freestanding signs and six (6) façade signs;

2. Modification of a condition of Board Resolution No. P-11-2020 to allow the Applicant to install a "Welcome to Edgewater Park" sign at a location of the Township's choosing in lieu of on site; and

3. Amended Preliminary and Final Major Site Plan Approval for a revision to the sign package for the McDonalds fast food restaurant, as approved as part of the 2020 Approval, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with Variance and Amended Site Plan 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 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 site plan 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 July 18, 2024 Public Hearing, whether formalized in this Resolution or not.
- 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 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.
- 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 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 July 10, 2024 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP.
- k. Subject to Board Resolution No. P-11-2020, except as modified herein.
- l. Subject to the Applicant coordination with Township Committee regarding the Applicant's donation of the "Welcome to Edgewater Park" sign. The Applicant shall be

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responsible for the delivery and installation of the sign at a location to be determined by the Township. The Applicant shall not be responsible to secure any necessary easement or agreement if the location of the Welcome to Edgewater Park sign is owned by a third party and shall have no ongoing landscaping or maintenance responsibilities once the sign has been installed.

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, 2024.

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


MARIAN JOHNSON, CHAIRWOMAN

Attested:


PATRICIA CAHALL, SECRETARY

Dated: 8/15/2024

Date of Approval: July 18, 2024

Date of Memorialization: August 15, 2024

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-16-2024

**CONCERNING THE APPLICATION OF
EDGEWATER PARK BOARD OF EDUCATION
FOR
CAPITAL PROJECT REVIEW**

WHEREAS, pursuant to the Section 22 of the Municipal Land Use Law of the State of New Jersey (N.J.S.A. 40:55D-31), the Planning Board of the Township of Edgewater Park, County of Burlington (the “Planning Board”), is obligated to review any and all capital projects proposed by the Edgewater Park School District (the “School District”) necessitating the expenditure of public funds prior to the School District taking action necessitating such public fund expenditure; and

WHEREAS, the School District, through its Architect, Patrick Farmer, RA, RYEBREAD Architects, reviewed the plan submitted by the School District for Planning Board review, and highlighted the proposed Capital Review project for the installation of a 638 square foot trailer at the School District’s Magowan Elementary School for temporary office space for the School District’s Early Childhood Program; and

WHEREAS, the Planning Board reviewed this proposed capital project of the School District at its September 19, 2024 meeting;

WHEREAS, through this resolution, the Planning Board wishes to provide its report and recommendations concerning the proposed capital project of the School District;

NOW, THEREFORE, ON THE 19th DAY OF SEPTEMBER, 2024, BE IT RESOLVED BY THE MEMBERS OF PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT:

EDGEWATER PARK BOARD OF EDUCATION - NO. P-16-2024

1. The Planning Board, at its September 19, 2024 meeting, conducted its review of the proposed capital project of the School District, as required by N.J.S.A. 40:55D-31(a), as shown on a plan presented to the Planning Board by the School District.
2. This Resolution shall constitute the report and recommendation of the Planning Board required pursuant to Section 21 of the Municipal Land Use Law (N.J.S.A. 40:55D-31) for the Board's review of the proposed capital project of the School District with no recommendations required.
3. The School District's proposed capital project is consistent with the Master Plan of the Township of Edgewater Park.
4. The Planning Board's Secretary is hereby authorized to submit this Resolution to the office of School Facilities of the New Jersey Department of Education, representing this Board's Report and Recommendations concerning the School District's proposed capital project.
5. 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. A copy of this Resolution shall be available for public inspection at the Office of the Planning Board.
7. This Resolution shall take effect immediately.

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 September 19, 2024.


PATRICIA CAHALL

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-17-2024

**CONCERNING THE APPLICATION OF
THE TOWNSHIP OF EDGEWATER PARK
FOR VARIANCE AND MINOR SUBDIVISION APPROVAL**

WHEREAS, The Township of Edgewater Park (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park (the “Board” or “Planning Board”) for Variance and Minor Subdivision Approval for property located at Mount Holly and Delanco-Cooperstown Roads, known as Block 316, Lots 2 and 3; Block 317, Lots 1, 2 and 3; Block 322, Lot 3 and Block 323, Lots 1, 2 and 3 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of consolidating and redividing the Property into proposed Lots 3.01 and 3.02; and

WHEREAS, a Variance pursuant to *N.J.S.A. 40:55D-70(c)* is required as proposed Lot 3.02 does not satisfy the Lot Area requirement of the Township’s Land Development Ordinance; and

WHEREAS, the Application for Variance and Minor Subdivision Approval was deemed complete by the Board on September 19, 2024; and

WHEREAS, a Public Hearing to consider the application was held by the Planning Board on September 19, 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 Applicant introduced Exhibit A-1, an aerial photograph of the Property with subdivision lines, during the September 19, 2024 Public Hearing; and

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

THE TOWNSHIP OF EDGEWATER PARK - NO. P-17- 2024

1. The Property is approximately 6.066 acres in area, located within the Township's R-2 (Residential-2) Zoning District. The Applicant is proposing to consolidate and redivide the Property into proposed Lot 3.01 (3.268 acres) and proposed Lot 3.02 (2.798 acres). The Applicant is developing the Property with a Police and Court Building on proposed Lot 3.01 and a Community Center on proposed Lot 3.02.

2. The Applicant has filed an Application for Minor Subdivision Approval and Variances pursuant to N.J.S.A. 40:55D-70(c)(2), providing the following:

- a. Land Development Application with Completeness Variance and Subdivision Checklists; and
- b. Minor Subdivision Plan, prepared by John M. Dura, PLS, Environmental Resolutions, Inc., dated 06/08/23.

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

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

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

6. A bulk variance is required to permit a 2.798 acre Lot Area for proposed Lot 3.02 where 3.0 acres is required.

7. Ryan McCarthy, PE, the Applicant's Engineer, provided the following sworn testimony during the September 19, 2024 Public Hearing:

- a. The intent and purpose of the minor subdivision is for the Police and Court Building and the Community Center Building to be located on separate lots;
- b. The Property is currently being developed with improvements installed;
- c. Proposed Lot 3.02, the site of the Community Center, is 2.798 acres in area; 3.00 acres is required;
- d. The subdivision line between proposed Lots 3.01 and 3.02 has been drawn taking into consideration the location of existing improvements for the two (2) buildings being constructed on the Property;
- e. Cross easements between proposed Lot 3.01 and 3.02 will be provided for access and parking.

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8. The September 19, 2024 Public Hearing was opened to the Public without comment.

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 Minor 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, as set forth in *N.J.S.A.40:55D-2*, and of the zoning ordinance of the Township of Edgewater Park, would be advanced by the deviation from the zoning ordinance requirement pertaining to Lot Area for proposed Lot 3.02. The Board finds no material adverse impact by granting the variance for lot area. The benefits of granting the lot area variance outweigh any detriments associated with granting the variance.

3. The benefits of the deviation from the zoning ordinance requirement specified herein would substantially outweigh any detriment to the public good as variance approval and the development of the Property as proposed, promotes 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. On the contrary, granting the Application will advance the purpose of the zone plan and ordinance and the area of proposed Lot 3.02 will not adversely affect any nearby property owner or change the nature and character of this neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 19th day of September, 2024 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 a Lot Area of 2.798 acres for proposed Lot 3.02; and

2. Minor Subdivision Approval for the subdivision of the Property into Lot 3.01 (3.268 acres) and Lot 3.02 (2.798 acres), as proposed by the Applicant, in accordance with the

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Plans, Testimony and Exhibits submitted by the Applicant, with Variance and Subdivision 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.
- 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 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 or deed, and site plan 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 September 19, 2024 Public Hearing, whether formalized in this Resolution or not.
- 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 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, unless waived or reduced in any agreement between the Applicant and the Township.
- 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 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.

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j. Subject to Minor Subdivision Approval expiring 190 days from the date on which this Resolution of Approval is adopted by the Planning Board, unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.), or a deed clearly describing the approved minor subdivision is filed with the Burlington County Recording Office, the Township Engineer and the Township Tax Assessor. The Minor Subdivision Deed or Plat shall be submitted for the review and approval of the Board Solicitor and Board Engineer prior to the Planning Board Chairperson and Secretary signing same, as required, prior to recording.

ROLL CALL VOTE

Minor Subdivision Approval with Variances pursuant to N.J.S.A. 40:55D-70(c)

Those in Favor: 8

Those Opposed: 0

Those Abstaining: 1

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on September 19, 2024.

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



MARIAN JOHNSON, CHAIRWOMAN

Attested:



PATRICIA CAHALL, SECRETARY

Dated: 10/17/2024

Date of Approval: September 19, 2024

Date of Memorialization: October 17, 2024

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-18-2024

**CONCERNING THE APPLICATION OF
TALARIA NJ LLC
FOR MINOR SITE PLAN 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 Minor Site Plan 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 4,800 square foot building on the Property into a Cannabis Wholesale Use; and

WHEREAS, the Board, as memorialized by Resolution No. P-8-2024 adopted on June 2024, granted Use Variance Approval to the Applicant for a cannabis wholesale use at the Property; and

WHEREAS, the Board also granted variances, pursuant to *N.J.S.A. 40:55D-70(c)*, relating to the Township’s requirements for parking area, loading area and drive aisle; and

WHEREAS, the Township’s Land Development Ordinance defines minor site plan as a change of use or development plan of one or more lots which proposes development of a new building or a building alteration of less than 1,000 additional square feet of new floor area, and which requires less than five additional parking spaces and increases total impervious coverage by no more than 10%, and which does not require variance or design waiver approval and does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to *N.J.S.A. 40:55D-42*; and

WHEREAS, the application for Minor Site Plan Approval was deemed complete by the Board on September 19, 2024; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on September 19, 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

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WHEREAS, the following Exhibits were introduced by the Applicant during the September 19, 2024 Public Hearing:

A-1 Color Rendering of Minor Site Plan; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support its application for Minor Site Plan, 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 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 Board by Resolution No. P-8-2024 granted use variance approval to the Applicant, pursuant to *N.J.S.A. 40:55D-70(d)(1)*, to utilize the 4,800 square foot Unit 4 building as a cannabis wholesale facility. A condition of use variance approval required the Applicant to obtain site plan approval from the Board prior to operating.

3. The Board also granted variances to the Applicant pursuant to *N.J.S.A. 40:55D-70(c)* to permit the following:

- a. a 4.5 foot wide landscaped buffer along the Property's western property line;
- b. no designated loading zone;
- c. a stone paved parking area;
- d. no change in the curbing from the curbing shown on the unsigned/unsealed survey submitted as part of the Applicant's use variance application; and
- e. a 20 foot wide drive aisle for the parking area between Buildings 3 and 4.

4. The Applicant, to satisfy the site plan condition of its use variance approval, has submitted the following:

- a. Standard Development Application for Minor Site Plan, dated 06/20/24;
- b. Minor Site Plan, prepared by Matthew J. Walsh, PE, Polus, Sokolowski and Sartor, LLC (3 sheets); and

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- c. Draft Plan of Survey and Topography, unsigned, prepared by Polus, Sokolowski and Sartor, LLC, dated 06/13/24 (1 sheet); and
5. The taxes on the Property are current or exempt.
6. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.
7. Proper notice of the application for Minor Site Plan Approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
8. The Applicant was represented at the September 19, 2024 Public Hearing by Louis N. Magazzu, Esquire, Weiner Law Group, with Ari Raptis appearing as the Applicant's Authorized Representative; and Robert R. Stout, PE, appearing as the Applicant's Engineer; each being duly sworn, and Mr. Stout qualified, and recognized as an expert witness in support of the Application.
9. Mr. Magazzu represented to the Board that the Application was made to satisfy the condition of use variance approval requiring the Applicant to obtain site plan approval prior to the cannabis wholesale facility commencing operations.
10. Mr. Stout provided the following sworn testimony during the September 19, 2024 Public Hearing:
 - a. He is the Applicant's Professional Engineer;
 - b. The site is an existing flex space industrial park and the site improvements proposed for the wholesale cannabis facility are minimal;
 - c. There are ten (10) parking spaces for Building #4, including an ADA space to be improved with a concrete paved area;
 - d. Stripes will be painted on the curb to delineate parking spaces;
 - e. A light study around Building #4 will be submitted;
 - f. The Applicant will utilize the site's existing trash dumpsters for it's non-cannabis trash disposal;
 - g. A generator is not proposed as part of minor site plan approval; and
 - h. The Applicant will comply with the review comments of the Board Engineer and Planner.
11. Mr. Raptis provided the following sworn testimony during the September 19, 2024 Public Hearing:

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- a. He is the Applicant's Authorized Representative and Chief Executive Officer;
- b. He confirmed the testimony provided by Mr. Stout; and
- c. All cannabis trash will be disposed of in accordance with New Jersey statutes, rules and regulations applicable to a Class 3 cannabis wholesaler.

12. The September 19, 2024 Hearing was opened to the public without comment.

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 proposed development of the Property does not involve substantial site development considerations.
2. The Applicant's proposed development of the Property satisfies the Ordinance requirements as a Minor Site Plan.
3. 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 Minor Site Plan Approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 19th day of September, 2024, that this Board hereby grants to the Applicant Minor Site Plan Approval for a Class 3 Cannabis Wholesale Facility to operate on the Property from Building #4, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with Minor Site Plan 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, and Burlington County Soil Conservation District 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 site plan plat be executed and building permits, certificates of occupancy or zoning permits be issued.

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- d. Subject to the sworn testimony and representations of the Applicant's witnesses and representatives at the June 20, 2024 Public Hearing for Use and Bulk Variance Approval and the September 19, 2024 Public Hearing for Minor Site Plan Approval, whether formalized in this Resolution or not.
- e. Subject to the Applicant complying with the applicable conditions contained in Resolution No. P-8-2024.
- 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 review comments of the Board Engineer and Board Planner as contained in the September 17, 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.
- i. Subject to the submission of a signed and sealed Plan of Survey and Topography, substantially consistent with the unsigned and unsealed Survey submitted.
- j. Subject to Minor Site Plan Approval not guaranteeing the issuance of zoning permits, construction permits or certificates of occupancy for the cannabis wholesale facility. The Applicant is subject to all applicable statutes, codes, ordinances, rules and regulations for the issuance of such permits or certificates.
- k. Subject to the use of a generator for the cannabis wholesale use requiring prior Board approval.
- l. Subject to the Applicant being advised that the cannabis wholesale use is limited to Building #4 and those areas shown on the Site Plan as part of the wholesale use; any expansion beyond same will be an expansion of a non-conforming use requiring prior Board approval.
- m. Subject to the Applicant complying with all requirements of the Township of Edgewater Park and the New Jersey State Cannabis Regulatory Commission to operate as a Class 3 Cannabis Wholesale Use.

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 September 19, 2024.

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


MARIAN JOHNSON, CHAIRWOMAN

Attested:


PATRICIA CAHALL, SECRETARY

Dated: 10/17/2024

Date of Approval: September 19, 2024

Date of Memorialization: October 17, 2024