

**TOWNSHIP OF EDGEWATER PARK
PLANNING BOARD
REORGANIZATION MEETING
MINUTES
JANUARY 8, 2009
7:30P.M.**

The Edgewater Park Township Planning Board Reorganization Meeting for 2009 is held this January 8, 2009 at 7:30p.m. At the Municipal Building.

FLAG SALUTE

STATEMENT OF THE MINUTES

IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, P.L. 1975

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on December 19, 2008.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on December 19, 2008.
- C. By filing written notice with the Clerk of the Township on December 19, 2008.

OATH OF OFFICE TO NEWLY – APPOINTED OFFICIALS

At this time it is my pleasure to report to the Planning Board Members and to those present this evening that at the Township Committee Reorganization Meeting held on January 3, 2009 the following appointments were made by Mayor Donna Mount:

Class I Member: Donna Mount for -1 year term
Class II Member: David Levay for -1year term
Class IV Members: Charles Robinson – 4 year term
Class IV Member: Jeffrey Westphal – 4 year term

Class IV Alternates:

Alt No. 1: Unexpired Term: Dennis Robbins
(To fill an unexpired term of Jeffrey Westphal until 12/31/2009)
Alt No. 2: Two Year Term John McElwee
(12/31/2010)

The following appointment was made by Township Committee;

Class III Member: Kevin Johnson for a one year term

OATH OF OFFICE

OATH OF OFFICE PERFORMED BY LINDA DOUGHERTY

ROLL CALL

Present: Mr. Phillip Aaronson, Mrs. Aimee Belgard, Mr. Raymond Graziani, Mrs. Marian Johnson, Mr. Kevin Johnson, Mr. David Levay, Mayor Donna Mount, Mr. Charles Robinson and Mr. Jeffrey Westphal

Class IV Alternate Members: Mr. Dennis Robbins-Alternate No. 1,
John McElwee-Alternate No. 2

NOMINATIONS FOR CHAIRPERSON

Nomination for Chairperson- **Marian Johnson**

By: Aimee Belgard

Second by: Mr. Johnson

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mrs. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal.

Motion passed 9, 0, and 0

NOMINATIONS FOR VICE CHAIRPERSON

Nomination for Vice Chairperson- **Aimee Belgard;**

By: Mayor Mount

Second by: Mr. Aaronson

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson

Motion passed 9, 0, and 0

NOMINATIONS FOR PLANNING BOARD SOLICITOR

Nomination for Solicitor- **Raymond & Coleman LLC.**

By: Chairman Johnson

Second by: Mrs. Belgard

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 9, 0, and 0

NOMINATIONS FOR PLANNING BOARD ENGINEER

Nomination for Engineer: Enviromental Resolutions Inc;

By: Mayor Mount

Second by: Mr. Robinson

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson

Motion passed 9, 0, and 0

NOMINATIONS FOR PLANNER

Nomination for Planner- Environmental Resolution Inc

By: Chairman Johnson

Second by: Mr. Robinson

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson

Motion passed 9, 0, and 0

NOMINATION for Planning Board Secretary

Nomination for Planning Board Secretary: Sheri Hannah

By: Mr. Johnson

Second by: Mr. Graziani

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson

Motion passed 9, 0, and 0

RESOLUTIONS:

Resolution P1-2009 (Notice of Scheduled Meetings)

Motioned by: Mrs. Belgard

Second by: Mr. Robinson

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson

Motion passed 9, 0, and 0

*appended to the minutes

Resolution P2-2009 (Open Public Meetings Act)

Motioned by: Mr. Robinson

Second by: Mr. Graziani

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 9, 0, and 0

*appended to the minutes

Resolution P3-2009 (Professional Contracts)

Motion by: Mr. Graziani

Second by: Mr. Robinson

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson

Motion passed 9, 0, and 0

*appended to the minutes

OPEN MEETING TO THE PUBLIC:

No comment from the public

ADJOURN:

Moved: Mr. Graziani

Second: Mrs. Belgard

Time: 7:53pm

RESOLUTION P-1-2008

NOTICE OF ANNUAL SCHEUED 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 MEEETINGS

All such meetings to be held at 7:30 P.M. at the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. Formal official action may be taken at such meetings on any and all business involving the Planning Board may be discussed.

January 24,2008
February 21, 2008
March 20, 2008
April 17, 2008
May 15, 2008
June 19, 2008

July 17, 2008
August 21,2008
September 18, 2008
October 16, 2008
November 20, 2008
December 18, 2008

January 10, 2008*

* Reorganization Meeting to start at 7:30 pm

Sheri Hannah
Planning Board Secretary

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

PLANNING BOARD

RESOLUTION # P-2-2008

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

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

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

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

Burlington County Times

Courier Post Newspaper

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

Section 4. The schedule of regular official Planning Board meetings and regular work sessions for the period from and after this reorganization meeting in January, 2008, shall be in accordance with the notice annexed hereto, designating the dates, times and places of such meetings which incorporated within this Resolution by reference.

Sheri Hannah

Planning Board Secretary

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

PLANNING BOARD

RESOLUTION # P3-2008

AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES

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

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

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

- A: Environmental Resolution Inc, Engineer
- B: Raymond and Colman LLP, Solicitor

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

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

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

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

Sheri Hannah, Planning Board Secretary

**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
January 22, 2009
7:30P.M.**

MEETING CALLED TO ORDER at 7:30pm.

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.

B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.

C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Alternate No. 2 Mr. McElwee

Absent: Alternate No. 1, Mr. Robbins

APPROVAL OF MINUTES FROM December 18, 2008.

*Motion to approve with conditions of amended resolution.

RE; check cashing

Motion- Mr. Levay

Seconded- Mr. Robinson

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mr. Charles Robinson and Chairman Johnson.

Abstained: Mayor Mount

Motion passed: 7, 0, and 1

APPROVAL OF MINUTES FROM January 08, 2009.

**Motion- Mr. Aaronson
Seconded- Mr. Levay**

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson and Chairman Johnson.

Motion passed: 8, 0, and 0

OLD BUSINESS

**Jim Dunphy Landscaping
Block 501, Lot 6
Site Plan
Resolution P-20-2008**

Tabled to February 19, 2009 meeting.

**Motion-Mr. Robinson
Seconded-Mr. Levay**

Voted in the affirmative: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mr. Charles Robinson, and Chairman Johnson.

Abstained: Mr. Aaronson, Mr. Westphal

Motion passed 6, 0, and 2

NEW BUSINESS

No new business.

MEETING OPEN TO THE PUBLIC

CORRESPONDENCE

Correspondence gone over.

ADJOURNMENT

Mr. Graziani made a motion to adjourn the meeting at 8:14pm, Mr. Levay seconded.
Motion passes unanimously.

RESOLUTION NO. P-19-2008

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD,
MOORE
BLOCK 205, LOT 5**

WHEREAS, Carole and William Moore have applied to the Planning Board of the Township of Edgewater Park for Minor Site Plan Approval for property located at 1101 Cooper Street, known as Block 205, Lot 5, on the Official Tax Map of the Township of Edgewater Park for the purpose of utilizing an existing vacant building for café/restaurant, retail sales of small collectibles and a check cashing uses; and

WHEREAS, variances are required because the Applicants have not satisfied all of the requirements of the Edgewater Park Zoning Ordinance; and

WHEREAS, the application was deemed complete by the Planning Board on November 20, 2008; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on December 18, 2008, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property 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 Applicants presented evidence to the Board through testimony, plans and other evidence; and

WHEREAS, the Applicants submitted the following Exhibits at the December 18, 2008 Public Hearing:

A-1 - Colored rendering of Cooper Street Signs;

WHEREAS, the Board after carefully considering the evidence presented by the Applicants in support of their application for variances and minor 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 Applicants are the owners of Block 205, Lot 5, located at 1101 Cooper Street in the C-2 Zoning District of the Township (the "Property"). The Property is improved with a building, currently vacant.

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2. The Applicants are proposing to utilize the existing building for a café/restaurant, for the retail sales of small collectibles and for a limited basis check cashing business. The proposed uses are permitted in the C-2 Zoning District. The building was last utilized as a bank branch

3. The Applicants have submitted an application for a Use Variance, Bulk Variances and Minor Site Plan Approval, providing the Board with a Plan of Minor Survey and Minor Site Plan, dated 11/06/08, a Floor Plan, dated 11/6/08 and an Exterior Elevation Plan, dated 11/6/08. A Use Variance will not be required for the proposed uses. Variances are required from the Ordinance requirements related to signage and parking area curbing.

4. The taxes on the Property are current.

5. The Applicants have paid and/or posted all required fees and agreed to keep their review escrow current.

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

7. The Applicants are requesting the following variances in connection with Minor Site Plan Approval:

- a. Sign Variance to permit two (2) canopy signs. Section 16-90.5 prohibits more than one canopy sign.
- b. Sign Variance to permit the canopy signs to be 38 square feet +/- and 20 square feet +/- in area. Section 16-90.5(A)(5) limits canopy signs to ten percent (10.00%) of the surface area of each vertical face of the canopy on which the sign is located. The Applicants' proposed canopy signs are 20.7% of the surface area for the 38 square foot sign and 25% for the 20 square foot sign.
- c. Parking Area Variance to permit portions of the paved parking area to be curbless. Section 16-88B(3) requires that all parking areas be curbed.

9. The Applicants have not provided the following information as required by the Variance and Minor Site Plan Checklists:

- a. An area map showing all lots within 200 feet of the Property;
- b. Showing all buildings within 200 feet of the Property;

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- c. Showing drainage pipes;
- d. Showing treed areas within 50 feet of the Property;
- e. Showing lighting photometrics;
- f. Showing refuse areas;
- g. Providing sufficient elevations or contours at 2 foot intervals.

10. The Board Engineer has no objection to a waiver being granted by the Board as requested by the Applicants for the checklist items identified above for lots within 200 feet, buildings within 200 feet, treed areas within 50 feet and elevations or contours.

11. The portions of the paved parking area without curbing is an existing condition and the lack of curbing in these areas facilitates stormwater infiltration of vegetated portions of the site.

12. Carol Moore testified as follows:

- a. The building will be used as a deli with soups, for the sale of collectibles and as a check cashing business operated by a full service bank;
- b. The hours of operation will be 7:00 a.m. until 7:00 p.m. with the drive in window previously utilized by the bank now being used as a take out window for the restaurant;
- c. No refuse will be stored outside;
- d. No commercial deliveries will be made to the building, the Applicants will purchase all their own supplies for the uses and deliver them to the building;
- e. There will be no more than 40 seats, including inside and outside seating for the uses.

13. After hearing the concerns of the Board, Carol Moore further testified that two outside trash containers will be installed and the restaurant will operate the check cashing business and not a third party bank.

14. The Applicants are requesting variance approval to allow them to improve the Property as proposed, to provide greater utilization for the Property.

15. Without variance approval, the Applicants would be unable to improve the Property as proposed, which is otherwise in conformance with the ordinance requirements of the Township of Edgewater Park.

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146 The Board Engineer has reviewed the plans submitted by the Applicants and the Applicants, and their agents and representatives have testified that the Applicants will comply with the review comments contained in the November 18, 2008 letter of Environmental Resolutions, Inc.

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

1. The Applicants have submitted a Complete set of plans in connection with its application so that the Board has the necessary information to make a decision on the application for Waivers, Variances and Minor 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 and the zoning ordinance of the Township of Edgewater Park would be advanced by the deviations from the zoning ordinance requirements specified herein for the number and size of canopy signs and parking lot curbing, as requested by the Applicants.

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

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

5. Waivers as requested for the checklist items relating to the plans showing all lots and buildings within 200 feet and all treed areas within 50 feet, and providing elevations or contours are not unreasonable because the Applicants are making use of an existing building for its proposed uses.

6. The waivers as requested for drainage pipes, lighting photometrics and refuse areas are not reasonable because the Applicants are changing the use of the building to include multiple uses differing from the prior bank use of the building with different impacts to the site.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 18th day of December, 2008, that this Board hereby grants to the Applicants the following:

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1. Waivers to permit the Applicants to exclude from the variance and site plan submission requirements the following:
 - a. Showing all lots and buildings within 200 feet of the Property;
 - b. Showing all treed areas within 50 feet of the Property;
 - c. Providing elevations or contours at 2 foot intervals.
2. Variances to permit the following:
 - a. Two canopy signs, one measuring 38 square feet, +/-, and the second measuring 20 square feet, +/-;
 - b. The uncurbed portion of the paved parking area to remain uncurbed.
3. Minor Site Plan Approval to operate a café/restaurant, a retail sales use for the sale of small collectables and a limited basis check cashing use, in accordance with the plans submitted by the Applicants, subject to the following conditions:
 - a. Proof that the Applicants have applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicants' use of the Property shall be filed with the Township of Edgewater Park, including but not limited to approval of the Burlington County Planning Board and the Burlington County Soil Conservation District.
 - b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.
 - c. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicants obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicants obtaining those approvals.
 - d. Subject to the comments of compliance made by the Applicants and their agents and representatives at the December 18, 2008 Planning Board Public Hearing.

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- e. Subject to the Applicants satisfying the comments of the Planning Board Engineer as contained in the November 18, 2008 Review Letter of Environmental Resolutions, Inc. by Thomas J. Miller, PE, PP, CME.
- f. Subject to the Applicants submitting revised plans complying with this Resolution.
- g. Subject to the revised plans including an area map showing all drainage pipes servicing the Property and the uses approved and trash dumpster locations.
- h. Subject to the Property passing a night light function test to be performed by the Planning Board Engineer to verify the adequacy of the illumination levels on site prior to the issuance of a certificate of occupancy.
- i. Subject to approval from the Board Engineer of all revised plans submitted to the Board in accordance with this approval.
- j. Subject to a security lighting plan being shown on the revised plans.
- k. Subject to the Applicants being advised that no other signs are permitted for the uses other than those as shown on the plans considered at the December 18, 2008 Public Hearing. No outside temporary signs advertising the business are permitted as part of this approval.
- l. Subject to two containers being installed outside for trash and refuse.
- m. Subject to the restaurant operating the check cashing business and not a third party.
- n. Subject to a five (5) foot separated stripped walkway with concrete bollards being installed to prevent cars from backing into pedestrians or improvements.

ROLL CALL VOTE

Those in Favor:

Those Opposed:

Those Abstaining:

CERTIFICATION

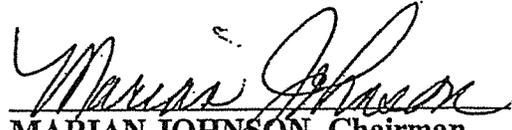
I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on December 18, 2008.

Attest:

EDGEWATER PARK PLANNING BOARD


SHERI HANNAH, Secretary

By:


MARIAN JOHNSON, Chairman

Dated: 12/18/08

Date of Approval: 12/18/08

Date of Memorialization: 12/18/08

**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
February 19, 2009
7:30P.M.**

MEETING CALLED TO ORDER The meeting was called to order at 7:30pm.

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.
Alternate No. 1, Mr. Robbins, Alternate No. 2 Mr. McElwee

Absent: Mr. Aaronson

APPROVAL OF MINUTES FROM January 22, 2009.

**Motion- Mr. Robinson
Seconded- Mr. Graziani**

Voted in the affirmative: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.
Motion Passed 8, 0, 0

OLD BUSINESS

**APPROVAL OF MINUTES FROM December 18, 2008,
Amended Resolution P-19-2008
Carole and William Moore
Block 205, Lot 5
Site Plan**

**Motion-Mr. Robinson
Seconded- Mr. Levay**

Voted in the affirmative: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay,
Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Abstained: Mayor Mount

Motion passed 7, 0, and 1

**Jim Dunphy Landscaping
Block 501, Lot 6
Site Plan
Resolution P-20-2008**

**Motion-Mr. Robinson
Seconded-Mr. Levay**

Voted in the affirmative: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay,
Mr. Charles Robinson, and Chairman Johnson.

Abstained: Mayor Mount and Mr. Westphal

Motion passed 7, 0, and 2

NEW BUSINESS

**Royal Auto Group
Block 1801, Lot5
Site Plan**

Michael J. Ward ESQ. for Royal Auto Group

Michael Wisnosky PP, AICP - Ragan Design Group, Ahmed Bayoumy and
Daniel Nichols swore in by Thomas Coleman

Exhibit A-1 color rendering of site plan.

Most of the variances given at the last planning board appearance was existing conditions.

Exhibit A-2 existing conditions

On this plan shows asphalt that is going to be removed in the back of the site and also along the front. This will make the open space at 28 percent. There are three curb cuts in the front and this will be reduced to only two curb cuts. Landscaping to be done in the front of lot along 130.

Exhibit- A-3 photos of existing site

This photo shows the existing building and parking lot. Proposing to put a board on board fence along the back of the property and landscape on both sides.

Mr. Wisnosky testified that Royal Auto Group proposes to use only the three bays in the back of the building. The bays in the front will not be utilized. There are 36 spaces proposed, 28 product parking, and 7 spaces for guest parking. Daniel Nichols- Architect for Ragen Design Group. Mr. Nichols proposes to give the building a new façade, especially the carport area and the front of the building. The intention is to glass enclose the car port area and add more lighting. This is proposed in the second phase. Currently repairing the building, replacing shingles, painting building and all other minor repairs is what is proposed in the first phase.

Exhibit A-4 Color Choices

Trim would be painted in tan, doors would be same tan. Carport ceiling would be painted a much lighter color.

Mr. Wosnosky, in regard to the review letters.

1. Mr. Bayoume would still like to utilize the three back bays. If the trash dumpster is moved, access to the bays will promote access problems to the bays.
2. Lighting analyses requested. Mr. Wisnoski requested that Environmental Resolutions do a site visit, examine existing lighting, and then give suggestions if any adjustments are needed.
3. Signage- Mr. Bayome would like to utilize the two existing pole lighting, not have to place a monument sign.

As far a number 1 and 2 Enviromental Resolutions agreed to work with applicant's planner and architect. In regard to the signage, Chairman Johnson testified that the new ordinance states that any new applications must conform to the monument sign ordinance.

**Motion- Mr. Robinson
Seconded- Mr. Graziani**

Voted in the affirmative: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.
Motion passed 8, 0, and 0

**Amcor Industries LLC
Block 203, Lot 4.02
Preliminary & Final Site Plan**

*Mayor Mount and Jeffrey Westphal were recues from this application.

Edward Hovatter- Esquire for Amcor Industries.

Gino DiBatista-Manager for Amcor Industries. Sworn in by Thomas Coleman.

Greg Fusco- licensed engineer and planner. Sworn in by Thomas Coleman.

Mr. Hovatter testified that the applicant proposes to have two phases to this site-plan. The first being improvements, 13,600 warehouse, site improvements, basin, 8 foot fence, stone parking lot,
Phase two being a 6,600 office building, paved parking 6,000 sq foot warehouses, 8,000sq foot warehouse.

Mr. Fusco testified that the site is approximately 3 acres. The applicant proposes to clear the property in phase one. Also construct a 13,600 sq. foot building for storage. The entire site will be stone. The storm water basin that will be constructed will be an infiltration basin. The side yard buffer is 15 feet. Front yard buffer has been met. Rear yard buffer is 15 foot that will be vegetated. Current trees will remain. There will be a total of 89 feet from the rear of the building activity to the property line. The office space that is proposed is 12,000 sq foot two story building, paved parking along with two other storage buildings that will be done in phase two.
A-1 color version of site plan

Mr. DeBatisita testified that this is a masonry company. The proposed building will be for storage only. Most equipment is kept on work site. Also that Amcor has an existing business in Beverly, NJ. There will not be any employees on site full time. In the second phase there will be 10 full time people in the office and two warehouse people.

Mr. DeBatista also testified that any deliveries are usually shipped directly to the site. Some small deliveries will be stored on site. There will not be any retail business done on the property. Mr. DeBatisita also testified that there will not be any repair of the equipment done on the property.

Kathy Varsaci-Murphy – 418 Dolphin Road, Riverside, NJ

1. In regard to the basin. Will this be a retention basin or a dry basin?
Greg Fusco- this will be an infiltration basin.
2. Will any of the trucks on the site have a constant noise(refrigerate truck)
Gino DeBastista- None of our truck will run constant.
3. Will there be landscaping on both sides of the fence.
Greg Fusco- Existing trees will stay. There will be landscaping on the outside of the fence. The applicant will be working with ERI Resolutions to make sure that appropriate landscaping will be done.

Motion-Mr. Graziani
Seconded- Chairman Johnson

Voted in the affirmative: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mr. Charles Robinson and Chairman Johnson.

Alternate No. 1, Mr. Robbins, Alternate No. 2 Mr. McElwee

Motion passed 8, 0, and 0

MEETING OPEN TO THE PUBLIC

No comment from the public

CORRESPONDENCE

No correspondence

ADJOURNMENT

Mr. Johnson made a motion to adjourn at 10:21pm and Mr. Levay seconded.

Motion passed unanimously

RESOLUTION NO. P- 20-2008

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
DUNPHY'S LANDSCAPING
BLOCK 501, LOT 6

WHEREAS, Jim Dunphy's Landscaping, LLC has applied to the Planning Board of the Township of Edgewater Park for Site Plan Approval for property located on Route 130, known as Block 501, Lot 6 (the "Property") on the Official Tax Map of the Township of Edgewater Park for the purpose of utilizing a portion of the Property for its landscaping business; and

WHEREAS, by Resolution No. P-14-08, the Planning Board of the Township of Edgewater Park granted the Applicant a Use Variance to permit the Applicant to utilize a portion of the Property for a storage and staging area for the Applicant's landscaping business; and

WHEREAS, the Planning Board also granted a variance to permit more than one (1) principal building/use on the Property; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on December 18, 2008, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property 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 Board after carefully considering the evidence presented by the Applicant in support of its application for 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 has leased a portion of the 35.7-acre Property, located in the Township's Commercial Light Industrial Zone, for approximately 10 years.
2. The Applicant has submitted an application for site plan approval, providing the Board with a proposed set of plans and testimony.
3. The taxes on the Property are current.
4. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.
5. Proper notice of the application for site plan approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
6. The Applicant has operated its landscaping business from a portion of the Property for approximately 10 years and would like to continue to operate the business from the

DUNPHY'S LANDSCAPING

Property.

7. Staging activities and outdoor storage of materials and equipment for a landscaping business are not permitted in the Commercial Light Industrial Zoning District and the Planning Board granted the Applicant a Use Variance to permit said use on the Property. A condition of Use Variance Approval required the Applicant to submit a site plan and obtain site plan approval from the Planning Board for its landscaping business.

8. The Property is improved with multiple principal uses and/or buildings, and in connection with the Applicant's request for a Use Variance, the Planning Board granted a variance to permit more than one principal building and/or use on the Property.

9. Peter Thorndike, Esquire, represented the Applicant at the public hearing. A Site Plan, prepared by William H. Nicholson, PE, dated November 28, 2008, was submitted to the Planning Board.

10. The Township Zoning Officer testified regarding the unstable/unsafe condition of a barn structure on the Property. Photographs of the barn structure were submitted by the Zoning Officer as Exhibit A.

11. The Planning Board's Engineer and Planning Consultants submitted a review letter containing 8 comments regarding the Site Plan submitted to the Planning Board.

12. Mr. Thorndike represented to the Board:

- a. Grass clippings from the Applicant's landscaping business will only be stored in the area as shown on the Site Plan for Grass Clippings Storage;
- b. The Applicant, to the extent permitted by the Landlord, will landscape along the southerly portion of the Property's Route 130's frontage in accordance with the goals stated in the Township's Master Plan;
- c. The Applicant, to the extent permitted by the Landlord, will supplement the lawn area in front of the accupuncturist's office with additional shrubs and ornamental trees;
- d. The Applicant will speak with the Landlord regarding the condition of the barn.
- e. The Applicant will comply with comments 2, 3, 4, 6 and 8 of the

DUNPHY'S LANDSCAPING

December 15, 2008 review letter of Environmental Resolutions, Inc.;

- f. The Applicant, to the extent permitted by the Landlord, will plant street trees along the road frontages a maximum of 35 feet on center and will prune or replace as necessary the foundation plantings;
- g. The Applicant will provide a defined, durable surfacing of the primary driveways and loading areas used during the business operation and to the extent permitted by the Landlord, the Applicant will stabilize the areas outside of the driveways and loading areas with grass seed and restrict these areas from vehicular use.

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

1. The Applicant has submitted the required information in the form of plans and testimony in order for the Board to make a decision on the Application for Site Plan Approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 18th day of December, 2008, that this Board hereby grants Site Plan Approval to the Applicant to operate a landscaping business from the Property, in accordance with the Site Plan submitted by the Applicant, subject to the following:

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

DUNPHY'S LANDSCAPING

4. Subject to the comments of compliance made by the Applicant and its agents and representatives at the December 18, 2008 Planning Board Public Hearing.
5. Subject to the Applicant satisfying the comments of the Planning Board Engineer/Planner as contained in the December 15, 2008 Review Letter of Environmental Resolutions, Inc. by Thomas J. Miller, PE, PP, CME, and Barbara J. Fegley, AICP, PP, except as modified herein with the representations made by the Applicant's Attorney at the December 18, 2008 Public Hearing. A COAH Fee will not be required because new buildings are not proposed by the Applicant.
6. Subject to concrete hips being installed in the hardscape storage area, dumpster and storage container locations.
7. Subject to Resolution No. P-14-08, by which the Planning Board granted the Variance Approval to the Applicant.
8. Subject to the Applicant submitting a written response from the Landlord as to whether the Applicant will be permitted to:
 - a. landscape along the southerly portion of the Property's Route 130's frontage in accordance with the goals stated in the Township's Master Plan.
 - b. supplement the lawn area in front of the acupuncturist's office with additional shrubs and ornamental trees;
 - c. stabilize the areas outside of the driveways and loading areas with grass seed and restrict these areas from vehicular use.

DUNPHY'S LANDSCAPING

ROLL CALL VOTE

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

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on December 18, 2008.

EDGEWATER PARK PLANNING BOARD

Attest:

Sheri Hannah
SHERI HANNAH, Secretary

By: Marian Johnson
MARIAN JOHNSON, Chairman

Dated: 2-19-2009

Date of Approval: 12-18-2008

Date of Memorialization: 2-18-2009



**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
February 19, 2009
7:30P.M.**

MEETING CALLED TO ORDER The meeting was called to order at 7:30pm.

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.
Alternate No. 1, Mr. Robbins, Alternate No. 2 Mr. McElwee

Absent: Mr. Aaronson

APPROVAL OF MINUTES FROM January 22, 2009.

**Motion- Mr. Robinson
Seconded- Mr. Graziani**

Voted in the affirmative: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.
Motion Passed 8, 0, 0

OLD BUSINESS

**APPROVAL OF MINUTES FROM December 18, 2008,
Amended Resolution P-19-2008
Carole and William Moore
Block 205, Lot 5
Site Plan**

**Motion-Mr. Robinson
Seconded- Mr. Levay**

Voted in the affirmative: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay,
Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Abstained: Mayor Mount

Motion passed 7, 0, and 1

**Jim Dunphy Landscaping
Block 501, Lot 6
Site Plan
Resolution P-20-2008**

**Motion-Mr. Robinson
Seconded-Mr. Levay**

Voted in the affirmative: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay,
Mr. Charles Robinson, and Chairman Johnson.

Abstained: Mayor Mount and Mr. Westphal

Motion passed 7, 0, and 2

NEW BUSINESS

**Royal Auto Group
Block 1801, Lot5
Site Plan**

Michael J. Ward ESQ. for Royal Auto Group

Michael Wisnosky PP, AICP - Ragan Design Group, Ahmed Bayoumy and
Daniel Nichols swore in by Thomas Coleman

Exhibit A-1 color rendering of site plan.

Most of the variances given at the last planning board appearance was existing conditions.

Exhibit A-2 existing conditions

On this plan shows asphalt that is going to be removed in the back of the site and also along the front. This will make the open space at 28 percent. There are three curb cuts in the front and this will be reduced to only two curb cuts. Landscaping to be done in the front of lot along 130.

Exhibit- A-3 photos of existing site

This photo shows the existing building and parking lot. Proposing to put a board on board fence along the back of the property and landscape on both sides.

Mr. Wisnosky testified that Royal Auto Group proposes to use only the three bays in the back of the building. The bays in the front will not be utilized. There are 36 spaces proposed, 28 product parking, and 7 spaces for guest parking.

Daniel Nichols- Architect for Ragen Design Group. Mr. Nichols proposes to give the building a new façade, especially the carport area and the front of the building. The intention is to glass enclose the car port area and add more lighting. This is proposed in the second phase. Currently repairing the building, replacing shingles, painting building and all other minor repairs is what is proposed in the first phase.

Exhibit A-4 Color Choices

Trim would be painted in tan, doors would be same tan. Carport ceiling would be painted a much lighter color.

Mr. Wosnosky, in regard to the review letters.

1. Mr. Bayoume would still like to utilize the three back bays. If the trash dumpster is moved, access to the bays will promote access problems to the bays.
2. Lighting analyses requested. Mr. Wisnoski requested that Environmental Resolutions do a site visit, examine existing lighting, and then give suggestions if any adjustments are needed.
3. Signage- Mr. Bayome would like to utilize the two existing pole lighting, not have to place a monument sign.

As far a number 1 and 2 Enviromental Resolutions agreed to work with applicant's planner and architect. In regard to the signage, Chairman Johnson testified that the new ordinance states that any new applications must conform to the monument sign ordinance.

**Motion- Mr. Robinson
Seconded- Mr. Graziani**

Voted in the affirmative: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 8, 0, and 0

**Amcor Industries LLC
Block 203, Lot 4.02
Preliminary & Final Site Plan**

*Mayor Mount and Jeffrey Westphal were recues from this application.

Edward Hovatter- Esquire for Amcor Industries.

Gino DiBatista-Manager for Amcor Industries. Sworn in by Thomas Coleman.

Greg Fusco- licensed engineer and planner. Sworn in by Thomas Coleman.

Mr. Hovatter testified that the applicant proposes to have two phases to this site-plan. The first being improvements, 13,600 warehouse, site improvements, basin, 8 foot fence, stone parking lot,
Phase two being a 6,600 office building, paved parking 6,000 sq foot warehouses, 8,000sq foot warehouse.

Mr. Fusco testified that the site is approximately 3 acres. The applicant proposes to clear the property in phase one. Also construct a 13,600 sq. foot building for storage. The entire site will be stone. The storm water basin that will be constructed will be an infiltration basin. The side yard buffer is 15 feet. Front yard buffer has been met. Rear yard buffer is 15 foot that will be vegetated. Current trees will remain. There will be a total of 89 feet from the rear of the building activity to the property line. The office space that is proposed is 12,000 sq foot two story building, paved parking along with two other storage buildings that will be done in phase two.

A-1 color version of site plan

Mr. DeBatisita testified that this is a masonry company. The proposed building will be for storage only. Most equipment is kept on work site. Also that Amcor has an existing business in Beverly, NJ. There will not be any employees on site full time. In the second phase there will be 10 full time people in the office and two warehouse people.

Mr. DeBatista also testified that any deliveries are usually shipped directly to the site. Some small deliveries will be stored on site. There will not be any retail business done on the property. Mr. DeBatisita also testified that there will not be any repair of the equipment done on the property.

Kathy Varsaci-Murphy – 418 Dolphin Road, Riverside, NJ

1. In regard to the basin. Will this be a retention basin or a dry basin?
Greg Fusco- this will be an infiltration basin.
2. Will any of the trucks on the site have a constant noise(refrigerate truck)
Gino DeBastista- None of our truck will run constant.
3. Will there be landscaping on both sides of the fence.
Greg Fusco- Existing trees will stay. There will be landscaping on the outside of the fence. The applicant will be working with ERI Resolutions to make sure that appropriate landscaping will be done.

Motion-Mr. Graziani
Seconded- Chairman Johnson

Voted in the affirmative: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay,
Mr. Charles Robinson and Chairman Johnson.
Alternate No. 1, Mr. Robbins, Alternate No. 2 Mr. McElwee
Motion passed 8, 0, and 0

MEETING OPEN TO THE PUBLIC

No comment from the public

CORRESPONDENCE

No correspondence

ADJOURNMENT

Mr. Johnson made a motion to adjourn at 10:21pm and Mr. Levay seconded.
Motion passed unanimously

RESOLUTION NO. P-19-2008A

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD,
MOORE
BLOCK 205, LOT 5

WHEREAS, Carole and William Moore have applied to the Planning Board of the Township of Edgewater Park for Minor Site Plan Approval for property located at 1101 Cooper Street, known as Block 205, Lot 5, on the Official Tax Map of the Township of Edgewater Park for the purpose of utilizing an existing vacant building for café/restaurant, retail sales of small collectibles and check cashing uses; and

WHEREAS, variances are required because the Applicants have not satisfied all of the requirements of the Edgewater Park Zoning Ordinance; and

WHEREAS, the application was deemed complete by the Planning Board on November 20, 2008; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on December 18, 2008, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property 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 Applicants presented evidence to the Board through testimony, plans and other evidence; and

WHEREAS, the Applicants submitted the following Exhibits at the December 18, 2008 Public Hearing:

A-1 - Colored rendering of Cooper Street Signs;

WHEREAS, the Board after carefully considering the evidence presented by the Applicants in support of their application for variances and minor 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 Applicants are the owners of Block 205, Lot 5, located at 1101 Cooper Street in the C-2 Zoning District of the Township (the "Property"). The Property is improved with a building, currently vacant.

2. The Applicants are proposing to utilize the existing building for a café/restaurant, for the retail sales of small collectibles and for check cashing. The proposed uses are permitted in the C-2 Zoning District. The building was last utilized as a bank branch

3. The Applicants have submitted an application for a Use Variance, Bulk Variances and Minor Site Plan Approval, providing the Board with a Plan of Minor Survey and Minor Site Plan, dated 11/06/08, a Floor Plan, dated 11/6/08 and an Exterior Elevation Plan, dated 11/6/08. A Use Variance will not be required for the proposed uses. Variances are required from the Ordinance requirements related to signage and parking area curbing.

4. The taxes on the Property are current.

5. The Applicants have paid and/or posted all required fees and agreed to keep their review escrow current.

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

7. The Applicants are requesting the following variances in connection with Minor Site Plan Approval:

- a. Sign Variance to permit two (2) canopy signs. Section 16-90.5 prohibits more than one canopy sign.
- b. Sign Variance to permit the canopy signs to be 38 square feet +/- and 20 square feet +/- in area. Section 16-90.5(A)(5) limits canopy signs to ten percent (10.00%) of the surface area of each vertical face of the canopy on which the sign is located. The Applicants' proposed canopy signs are 20.7% of the surface area for the 38 square foot sign and 25% for the 20 square foot sign.
- c. Parking Area Variance to permit portions of the paved parking area to be curbless. Section 16-88B(3) requires that all parking areas be curbed.

9. The Applicants have not provided the following information as required by the Variance and Minor Site Plan Checklists:

- a. An area map showing all lots within 200 feet of the Property;
- b. Showing all buildings within 200 feet of the Property;
- c. Showing drainage pipes;

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- d. Showing treed areas within 50 feet of the Property;
- e. Showing lighting photometrics;
- f. Showing refuse areas;
- g. Providing sufficient elevations or contours at 2 foot intervals.

10. The Board Engineer has no objection to a waiver being granted by the Board as requested by the Applicants for the checklist items identified above for lots within 200 feet, buildings within 200 feet, treed areas within 50 feet and elevations or contours.

11. The portions of the paved parking area without curbing is an existing condition and the lack of curbing in these areas facilitates stormwater infiltration of vegetated portions of the site.

12. Carol Moore testified as follows:

- a. The building will be used as a deli with soups, for the sale of collectibles and check cashing operated by a full service bank;
- b. The hours of operation will be 7:00 a.m. until 7:00 p.m. with the drive in window previously utilized by the bank now being used as a take out window for the restaurant;
- c. No refuse will be stored outside;
- d. No commercial deliveries will be made to the building, the Applicants will purchase all their own supplies for the uses and deliver them to the building;
- e. There will be no more than 40 seats, including inside and outside seating for the uses.

13. After hearing the concerns of the Board, Carol Moore further testified that two outside trash containers will be installed and the restaurant will operate the check cashing and not a third party bank.

14. The Applicants are requesting variance approval to allow them to improve the Property as proposed, to provide greater utilization for the Property.

15. Without variance approval, the Applicants would be unable to improve the Property as proposed, which is otherwise in conformance with the ordinance requirements of the Township of Edgewater Park.

16. The Board Engineer has reviewed the plans submitted by the Applicants and the Applicants, and their agents and representatives have testified that the Applicants will comply

with the review comments contained in the November 18, 2008 letter of Environmental Resolutions, Inc.

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

1. The Applicants have submitted a Complete set of plans in connection with its application so that the Board has the necessary information to make a decision on the application for Waivers, Variances and Minor 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 and the zoning ordinance of the Township of Edgewater Park would be advanced by the deviations from the zoning ordinance requirements specified herein for the number and size of canopy signs and parking lot curbing, as requested by the Applicants.

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

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

5. Waivers as requested for the checklist items relating to the plans showing all lots and buildings within 200 feet and all treed areas within 50 feet, and providing elevations or contours are not unreasonable because the Applicants are making use of an existing building for its proposed uses.

6. The waivers as requested for drainage pipes, lighting photometrics and refuse areas are not reasonable because the Applicants are changing the use of the building to include multiple uses differing from the prior bank use of the building with different impacts to the site.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 18th day of December, 2008, that this Board hereby grants to the Applicants the following:

1. Waivers to permit the Applicants to exclude from the variance and site plan submission requirements the following:

MOORE - No. P-19-2008A

- a. Showing all lots and buildings within 200 feet of the Property;
 - b. Showing all treed areas within 50 feet of the Property;
 - c. Providing elevations or contours at 2 foot intervals.
2. Variances to permit the following:
- a. Two canopy signs, one measuring 38 square feet, +/-, and the second measuring 20 square feet, +/-;
 - b. The uncurbed portion of the paved parking area to remain uncurbed.
3. Minor Site Plan Approval to operate a café/restaurant, a retail sales use for the sale of small collectables and check cashing, in accordance with the plans submitted by the Applicants, subject to the following conditions:
- a. Proof that the Applicants have applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicants' use of the Property shall be filed with the Township of Edgewater Park, including but not limited to approval of the Burlington County Planning Board and the Burlington County Soil Conservation District.
 - b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.
 - c. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicants obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicants obtaining those approvals.
 - d. Subject to the comments of compliance made by the Applicants and their agents and representatives at the December 18, 2008 Planning Board Public Hearing.

MOORE - No. P-19-2008A

- e. Subject to the Applicants satisfying the comments of the Planning Board Engineer as contained in the November 18, 2008 Review Letter of Environmental Resolutions, Inc. by Thomas J. Miller, PE, PP, CME.
- f. Subject to the Applicants submitting revised plans complying with this Resolution.
- g. Subject to the plans being revised to include an area map and to show all drainage pipes servicing the Property and the uses approved and the two outside trash containers required by the Board.
- h. Subject to the Property passing a night light function test to be performed by the Planning Board Engineer to verify the adequacy of the illumination levels on site prior to the issuance of a certificate of occupancy.
- i. Subject to approval from the Board Engineer of all revised plans submitted to the Board in accordance with this approval.
- j. Subject to a security lighting plan being shown on the revised plans.
- k. Subject to the Applicants being advised that no other signs are permitted for the uses other than those as shown on the plans considered at the December 18, 2008 Public Hearing. No outside temporary signs advertising the business are permitted as part of this approval.
- l. Subject to two containers being installed outside for trash and refuse.
- m. Subject to the restaurant operating the check cashing and not a third party.
- n. Subject to a five (5) foot separated stripped walkway with concrete bollards being installed to prevent cars from backing into pedestrians or improvements.

ROLL CALL VOTE

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

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on December 18, 2008.

Attest:

EDGEWATER PARK PLANNING BOARD


SHERI HANNAH, Secretary

By:


MARIAN JOHNSON, Chairman

Dated: 2.19.2009

Date of Approval: 12.18.2008

Date of Memorialization: 12.18.2008

**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
March 19, 2009
7:30P.M.**

MEETING CALLED TO ORDER Meeting was called to order at 7:30pm.

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mr. Aaronson, Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Westphal and Chairman Johnson.
Alternate No. 1, Mr. Robbins,

Absent: Mr. Charles Robinson, Mr. McElwee

APPROVAL OF MINUTES FROM February 19, 2009.

Motion- Mr. Westphal
Seconded- Mr. Johnson

Voted in the affirmative: Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Westphal and Chairman Johnson.

Motion passed: 6, 0, and 0

Edgewater Park Township
Planning Board Meeting
March 19, 2009

OLD BUSINESS

**Royal Auto Group
Block 1801, Lot5
Site Plan
Resolution P-21-2009**

**Motion -Mr. Johnson
Seconded -Mrs. Belgard**

Voted in the Affirmative: Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Westphal and Chairman Johnson.

Motion passed: 6, 0, and 0

**Amcor Industries LLC
Block 203, Lot 4.02
Preliminary & Final Site Plan
Resolution P-22-2009**

**Motion- Mr. Johnson
Seconded- Chairman Johnson**

Roll call: Mrs. Belgard, Mr. Graziani, Mr. Johnson, Mr. Levay, Mr. Robbins and Chairman Johnson.

Motion passed: 6, 0, and 0

NEW BUSINESS

**Jennifer Bygrave
Block 314, Lot 3.01
Variance**

Jennifer Bygrave- 1322 Bridgeboro Road
Christopher Bygrave-1322 Bridgeboro Road
Edward Gitto- 1320 Bridgeboro Road
Sworn in by Charles Petrone ESQ. of Raymond and Coleman.

Exhibit A-1- Survey of property

Mrs. Bygrave testified that she proposes to put a single family dwelling on lot 3.01. The original position of the house on the survey has been pushed forward, also that the driveway has been moved to the opposite side of the property after conferring

Edgewater Park Township
Planning Board Meeting
March 19, 2009

with the neighbors closes to the house. This would have 15 feet on the neighbor's side and 5 foot on the right which is closer to Mr. Gitto's property.

Exhibit B-1 Aerial view of lots.

Barbara Fegley of Environmental Resolutions presented an aerial view of the lots.

Mrs. Bygrave testified that when you look at the aerial view photo you can see that most of the lots in the immediate area are small, non-conforming lots and the homes on these lots also encroach on the next lot.

Mrs. Fegley, planner, suggested that maybe if the applicants were to be given part of lot 3 and add it to 3.01 that it would cause the lot to be a little larger to be able to the position the home better. But the lot would still be non-conforming.

After considerable discussion with the board and professionals, the applicant requested that the application is held over until April 16, 2009 meeting.

**Motion- Mr. Levay
Seconded- Mrs. Belgard**

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Robbins, Mr. Westphal and Chairman Johnson.

Motion passed: 8, 0, and 0

MEETING OPEN TO THE PUBLIC

No comment from the public.

CORRESPONDENCE

No Correspondence.

ADJOURNMENT

Mayor Mount made a motion to adjourn at 9:11pm and Mr. Levay seconded. The motion passes unanimously.

Edgewater Park Township
Planning Board Meeting
March 19, 2009

RESOLUTION NO. P-21-2009

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
ROYAL AUTO GROUP
BLOCK 1801, LOT 5

WHEREAS, Royal Auto Group has applied to the Planning Board of the Township of Edgewater Park for Variance and Site Plan Approvals for property located at 2018 Route 130, known as Block 1801, Lot 5 (the "Property") on the Official Tax Map of the Township of Edgewater Park for the purpose of utilizing the Property for an auto dealership specializing in late model sports cars and luxury pre-owned vehicles; and

WHEREAS, the Planning Board by Resolution No. P-11-08 granted a "D" variance to the Applicant to permit the proposed use; and

WHEREAS, the Applicant's proposed use is a conditional use in the Highway Commercial (C-3) Zoning District and the Applicant required a "D" variance because all the conditions of the ordinance could not be satisfied; and

WHEREAS, in connection with "D" variance approval, the Planning Board granted variances to the Applicant pertaining to lot area, lot width, lot depth, front, rear and side yard setbacks and landscaped buffer; and

WHEREAS, the Applicant has now submitted its Application for site plan approval and has not satisfied all of the requirements of the Ordinance for site plan approval and is requesting additional variances from the Board pertaining to setbacks, impervious coverage, landscaping, loading zone and parking; and

WHEREAS, a public hearing to consider the application for variance and site plan approval was held by the Board on February 19, 2009, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

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

- | | |
|-------------|--|
| Exhibit A-1 | Color rendering of the site plan; |
| Exhibit A-2 | Plan of existing conditions; |
| Exhibit A-3 | Photographs of existing conditions; |
| Exhibit A-4 | Depiction of Applicant's color choices for building; and |

ROYAL AUTO

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its application for variance and 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 is the contract-purchaser of the Property, approximately 0.86 acres in area, located in the Township's Highway Commercial (C-3) Zoning District.
2. The Applicant has submitted an application for site plan and variance approval, providing the Board with a proposed set of plans and testimony.
3. The taxes on the Property are current.
4. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.
5. Proper notice of the application for variance and site plan approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
6. The Property was previously utilized as a used-car dealership under the name Jonathan Motor Cars, Inc. and is improved with a building containing six (6) service bays. Jonathan Motor Cars, Inc. ceased operations more than 24 months ago and in accordance with Section 16-80.3(D) is considered abandoned.
7. The Applicant is proposing to utilize the Property for a "boutique" auto dealership for the sale of late model sports cars and luxury pre-owned vehicles.
8. Auto dealerships are Conditional Uses in the Highway Commercial (C-3) Zoning District, permitted if the conditions identified in Section 16-81(A) are satisfied.
9. The Applicant was unable to satisfy all of the conditions identified in Section 16-81(A) and previously applied for and was granted a variance pursuant to NJSA 40:55D-70(d).
10. The Board also granted variances to the Applicant to permit the following:
 - a. Lot area of 0.86 acres,
 - b. Lot width of 200 feet,
 - c. Lot depth of 200 feet,
 - d. Front yard setback to buildings/structures of 27.10 feet,

ROYAL AUTO

- e. Side yard setback to buildings/structures of 10 feet,
- f. Rear yard setback to buildings/structures of 27.15 feet,
- g. Landscaped buffer area within one side yard of 10 feet.

11. Michael Ward, Esquire, represented the Applicant at the February 19, 2009 public hearing. Michael Wisnowsky, PP, AICP, testified in his capacity as a Professional Planner. Daniel Nichols testified in his capacity as the Applicant's architect. Ahmed Bayoumy testified in his capacity as owner/operator of the proposed auto dealership.

12. The area surrounding the Property is zoned C-3. An existing apartment complex is located north of the Property, a commercial use is located to the east and a City Select Automotive center is located to the west.

13. The Applicant is requesting the following variances in connection with site plan approval:

- a. Property line setback – 15 feet required; pavement in easterly portion encroaches to within 8 feet of the property line;
- b. Side yard setback – 15 feet required for vehicle display, parking and storage areas abutting non-residential zoning districts; zero feet proposed;
- c. Rear yard setback – 15 feet required for vehicle display, parking and storage areas; 1 foot proposed;
- d. Impervious coverage – 70% maximum coverage permitted; 71.96% proposed;
- e. Landscaped area – 30% required; 28.04% proposed;
- f. Landscaped buffer areas – 15 feet required in rear and side yard setback areas and 20 feet required adjacent to street line; 0 feet is proposed for the west side yard, 8 feet is proposed for the east side yard, 1 foot proposed for the rear yard setback area and 7 feet proposed adjacent to the street line;
- g. Loading zone – 1 designated loading zone required; none proposed;
- h. Parking areas – Curbing required around entire perimeter of parking areas; Applicant is proposing to continue an existing condition of un-curbed areas to assist in stormwater management;

ROYAL AUTO

- i. Parking location – Prohibited within the required landscaped buffer areas; Applicant is proposing parking within these areas;
 - j. Customer parking spaces – 20 required, 8 spaces proposed, one of which is a handicapped space.
14. Mr. Wisnowsky testified as follows;
- a. Exhibit A-1 was used to discuss the site's location;
 - b. Exhibit A-2 and A-3 were used to discuss the improvements the Applicant would be making to the existing building and site;
 - c. The Applicant would utilize the 36 existing parking spaces with 28 spaces utilized for product sale, 7 spaces for customer parking and 1 space to be enclosed;
 - d. The Applicant desires to utilize the existing lighting, rather than retain an engineer to assess the site lighting;
 - e. Raised concerns regarding landscaping and signage requirements of the Ordinance;
 - f. The Applicant is creating a visual improvement to the Route 130 corridor.
15. Mr. Nichols testified as follows:
- a. The existing car port will be glassed in to be a jewel box show room;
 - b. Exhibit A-4 was utilized to show the appearance of the building as proposed by the Applicant.
16. Mr. Bayoumy testified as follows:
- a. The rear bay doors will only be utilized for cars to be sold for oil changes and part changes; there will be no service of cars not being sold by the dealership;
 - b. There will be no further servicing of cars once they are sold and removed from the site;
 - c. The two side bays will not be used;

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- d. The Applicant will comply with the January 8, 2009 review letter from Environmental Resolutions, Inc., the Board's Planning and Engineering consultant,
- e. The auto dealership will only have two employees and the employees will utilize customer parking spaces;
- f. Deliveries will be made in the back of the site.

17. Mr. Ward represented to the Board that the Phase I and Phase II environmental assessments revealed that the site is clean and the Applicant will remove the existing tanks.

18. The Board Engineer and Planner reviewed the Application and submitted a review letter to the Board.

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

1. The Applicant has submitted the required information in the form of plans and testimony in order for the Board to make a decision on the Application for Variance and 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 and the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements specified herein, as requested by the Applicant.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 19th day of February, 2009, that this Board hereby grants to the Applicant

ROYAL AUTO

the following:

1. A variance to permit the pavement in the easterly portion of the site to be within 8 feet of the property line.
2. A variance to permit the vehicle display, parking and storage areas abutting the non-residential zoning districts to be entirely within the 15 foot side yard setback area.
3. A variance to permit a 1 foot rear yard setback for the vehicle display, parking and storage area.
4. A variance to permit an impervious coverage of 71.96%.
5. A variance to permit the landscaped area to be 28.04%.
6. A variance to permit landscaped buffer areas of 0 feet in the west side yard setback area, 8 feet in the east side yard setback area, 1 foot in the rear yard setback and 7 feet adjacent to the street line.
7. A variance to permit no designated loading zone.
8. A variance to permit portions of the parking area to remain un-curbed.
9. A variance to permit parking within the required landscaped buffers.
10. A variance to permit 8 parking spaces for customers, one of which is a handicapped space.
11. Site plan approval to operate a "boutique" auto dealership for the sale of late model sports cars and luxury pre-owned vehicles, in accordance with the plans submitted by the Applicant, subject to the following conditions:
 - a. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township of Edgewater Park, including but not limited to approval of the Burlington County Planning Board and the Burlington County Soil Conservation District.
 - b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.
 - c. Nothing herein contained shall be deemed to waive or modify the requirement

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that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

d. Subject to the comments of compliance made by the Applicant and its agents and representatives at the February 19, 2009 Planning Board Public Hearing.

e. Subject to the Applicant satisfying the comments of the Planning Board Engineer/Planner as contained in the January 8, 2009 Review Letter of Environmental Resolutions, Inc. by Thomas J. Miller, PE, PP, CME, and Barbara J. Fegley, AICP, PP, except as may be modified herein.

f. Subject to the Applicant coordinating its revised landscaping plan with the Board Planner. The revised landscaping plan is subject to the Board Planner's approval.

g. Subject to Resolution No. P-11-08, by which the Planning Board granted a variance to the Applicant from the ordinance requirements for conditional uses, except as may be modified herein relative to the Applicant's testimony for the service to be performed on cars to be sold.

h. Subject to the Applicant complying with the February 15, 2009 letter of the Edgewater Park Fire Marshall.

i. Subject to the Applicant submitting revised plans complying with this Resolution.

j. Subject to the Applicant working with the Board Planner with respect to the dumpster location, landscaping and turning.

k. Subject to the Board Engineer monitoring the existing lighting to determine if same is sufficient for the approved use. If the Board Engineer determines the lighting is not sufficient, the Applicant will be required to submit a lighting plan for the site to be approved by the Board Engineer.

l. Subject to no façade signs being installed by the Applicant.

m. Subject to the Applicant's monument sign complying with the Ordinance requirements for monument signs in the Highway Commercial C-3 zoning district.

n. Subject to the Applicant curbing the entire front island.

ROYAL AUTO

- o. Subject to the Applicant installing wheel stops for the front parking spaces.
- p. Subject to the Applicant submitting all required performance and maintenance guarantees.

ROLL CALL VOTE

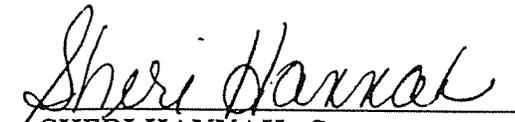
Those in Favor: 8
Those Opposed: 0
Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on February 19, 2009.

Attest:

EDGEWATER PARK PLANNING BOARD


SHERI HANNAH, Secretary

By:


MARIAN JOHNSON, Chairman

Dated: 3-19-09

Date of Approval: 2-19-09

Date of Memorialization: 3-19-09

RESOLUTION NO. P-22-2009

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD,
AMCOR INDUSTRIES, LLC
BLOCK 203, LOT 4.02

WHEREAS, Amcor Industries, LLC, has applied to the Planning Board of the Township of Edgewater Park for Preliminary and Final Major Site Plan approval for property located on Mt. Holly Road, known as Block 203, Lot 4.02 on the Official Tax Map of the Township of Edgewater Park for the purpose of constructing, in phases, a 13,600 square foot warehouse, a 6,600 square foot office building, a 6,000 square foot warehouse and an 8,000 square foot warehouse, all with associated site improvements; and

WHEREAS, variances are required because the Applicant has not satisfied all of the requirements of the Edgewater Park Zoning Ordinance; and

WHEREAS, the application was deemed complete by the Planning Board on February 19, 2009; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on February 19, 2009, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property 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 submitted the following Exhibit at the February 19, 2009 Public Hearing:

A - 1 - Color version of the Site Plan;

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its application for the requested variances and 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 Block 203, Lot 4.02, a vacant 3.01 acre lot fronting on Mt. Holly Road, located in the General Industrial (I) Zoning District.

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2. The Applicant has submitted an application for preliminary and final major site plan approval and for variances pertaining to fence height, parking area, number of parking spaces and buffers, providing the Board with a proposed set of plans and testimony.
3. The taxes on the Property are current.
4. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.
5. Proper notice of the application for site plan approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
6. The Applicant is proposing to construct a non-residential development in 2 phases. Phase 1 will be the construction of a 13,600 square foot warehouse with associated site improvements, including curbed driveway entrances, installation of utilities, construction of a stormwater management basin and collection system and installation of an 8 foot high chain link perimeter fence. Phase 2 will be the construction of a 6,600 square foot office building with a paved parking lot and the construction of a 6,000 square foot warehouse and an 8,000 square foot warehouse.
7. The areas north and south of the Property as well as across Mt. Holly Road are also zoned I – General Industrial. The rear portion of the Property borders the Residential-Low Density (R-LD) zoning district.
8. Mayor Mount and Mr. Westphal recused themselves from participating on this Application.
9. The Applicant has requested the following variances in connection with preliminary and final site plan approval:
 - a. Fence Height – 6 feet permitted, 8 feet proposed;
 - b. Fence height – 4 feet permitted within 25 feet of street line; 8 feet proposed;
 - c. Parking spaces – Minimum of 33 permitted; 22 proposed;
 - d. Parking areas – Paved surface required; stone surface proposed for parking area in Phase 1;
 - e. Rear yard buffer – 30 feet required when abutting residential districts; twenty-five (25) feet proposed with a portion of the fence and basin located within the rear yard buffer area;

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- f. Side yard buffer – 15 feet required; a 15 foot section of the proposed fence is located within the side yard buffer area.

10. The Applicant is also requesting waiver of the submission requirement for Environmental Impact Statements. The Board Engineer recommended that the Board grant the waiver as requested by the Applicant.

11. Edward J. Hovatter, Esquire, represented the Applicant at the Public Hearing. Gregory Fusco testified as the Applicant's Professional Engineer and Professional Planner. Gino DiBattista testified as the Applicant's Managing Member and as the Applicant's Construction Consultant.

12. Mr. Fusco testified as follows:

- a. He is the Applicant's professional engineer and professional planner, licensed in the State of New Jersey and has been qualified to give expert testimony in his field by land use boards in the State of New Jersey.
- b. He utilized Exhibit A- 1 to describe the proposed development of the Property and how construction will be done in 2 phases, how stormwater will be managed and general characteristics of the proposed site improvements.
- c. The Phase 1 improvements will be 89 feet from the rear property line.

13. Mr. DiBatista testified as follows:

- a. He is the managing member of the Applicant.
- b. The Applicant will utilize the entire site for its construction business.
- c. The Phase 1 building will be primarily for storage. No employees will occupy the warehouse. Bathrooms are not proposed for the Phase 1 warehouse. The employees who need to access the warehouse will "come and go"; the Applicant's business does not require long term stays by employees at the warehouses.
- d. The hours of operation will be 6:00 a.m. to 5:00 p.m. Monday through Friday and 7:00 a.m. to 11:00 a.m. on Saturdays.
- e. Phase 2 will have up to 10 employees.
- f. No wholesale sales to the public are proposed.
- g. Any product delivered to the Property will only be stored for a short period.

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- h. No improvements are proposed for Mt. Holly Road because the amount of vehicular and truck traffic will be limited. Trucks will leave the facility in the morning and not return until the end of the work day, unless required to occasionally pick-up or deliver material to or from a work site.
- i. No signs are proposed.
- j. Utility laterals will be installed during Phase 1 construction for Phase 2 use.
- k. Temporary pole lights on a sensor are proposed for site lighting.
- l. With the exceptions of the concerns that he testified to, the Applicant will comply with the February 15, 2009 letter from the Edgewater Park Fire Marshall as to the comments applicable to the site and phasing of the development or will meet with the Fire Marshall if all comments in the letter cannot be satisfied.
- m. An 8 foot high fence is needed to sufficiently secure the site when developed.
- n. The Applicant will work with the designated representative of the owner of the neighboring property with respect to screening and buffering concerns, by adding a single-row of evergreen screening trees along the basin perimeter of the site.
- o. With the exception of the concerns that were testified to, the Applicant will comply with the comments contained in the February 12, 2009 review letter of the Board Engineering and Planning Consultant, Environmental Resolutions, Inc.
- p. The granting of the requested variances will allow the Property to be developed as proposed to promote the economic growth in the Township.
- q. Outdoor storage will be limited to any fenced in area on the Property.

14. Cathy Versaci Murphy testified during the Public portion of the hearing. Mrs. Murphy testified as follows:

- a. Her family owns property adjacent to the Property, located in the R-LD zoning district.

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- b. Concerns were raised regarding the adequacy of the landscaping, the buffer, the basin, truck noise and fencing.

15. The Applicant is requesting variance approval to allow it to improve the Property as proposed, to provide greater utilization for the Property.

16. Without variance approval, the Applicant would be unable to improve the Property as proposed, which is otherwise in conformance with the ordinance requirements of the Township of Edgewater Park.

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

1. The Applicant has submitted a Complete set of plans in connection with its application so that the Board has the necessary information to make a decision on the application for Waivers, Variances and Preliminary and Final 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 and the zoning ordinance of the Township of Edgewater Park would be advanced by the deviations from the zoning ordinance requirements specified herein, as requested by the Applicant.

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

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

5. A waiver as requested for the submission requirement relating to environmental impact statement is appropriate as the Planning Board Engineer has recommended the Board grant the waiver based on his review of the Applicant's proposal.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 19th day of February, 2009, that this Board hereby grants to the Applicant the following:

AMCOR INDUSTRIES - No. P-22-2009

1. A waiver from the requirement that an Environmental Impact Statement be submitted.
2. Variances to permit the following:
 - a. Fence height of 8 feet for the chain link perimeter fence;
 - b. 22 parking spaces;
 - c. The parking area for Phase 1 to be stone surface;
 - d. A portion of the perimeter fence and the basin to be located within the 30 foot rear yard buffer area;
 - e. A 15 foot section of the perimeter fence to be located within the side yard buffer area.
3. Preliminary and final site plan approval to construct, in 2 phases, a non-residential development consisting of (i) the construction of a 13,600 square foot warehouse, curbed driveway entrances, utility installation, stormwater basin and collection system construction and installation of an 8 foot high chain link perimeter fence in Phase 1 of the development and (ii) the construction of a 6,600 square foot, two-story office building with paved parking area and the construction of a 6,000 square foot warehouse and an 8,000 square foot warehouse in Phase 2, in accordance with the plans submitted by the Applicant, subject to the following conditions:
 - a. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township of Edgewater Park, including but not limited to approval of the Burlington County Planning Board and the Burlington County Soil Conservation District.
 - b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.
 - c. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law

AMCOR INDUSTRIES - No. P-22-2009

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

- d. Subject to the comments of compliance made by the Applicant and its agents and representatives at the February 19, 2009 Planning Board Public Hearing.
- e. Subject to the Applicant satisfying the comments of the Planning Board Engineer/Planner as contained in the February 12, 2009 Review Letter of Environmental Resolutions, Inc. by Thomas J. Miller, PE, PP, CME, and Barbara J. Fegley, AICP, PP, except as set forth above or as may be modified herein.
- f. Subject to the Applicant securing approval from the neighboring property owner to connect the fence to that property's fence.
- g. Subject to the Applicant's Engineer working with the Board Engineer for the relocation of the basin out of the buffer area, if possible.
- h. Subject to the Applicant coordinating with the Versaci family and the Board Engineer/Planner, the color of the fencing and buffer landscaping.
- i. Subject to Paragraph 13(l) above pertaining to the testimony of Mr. DiBattista, the Applicant will address the comments contained in the February 15, 2009 letter of the Edgewater Park Fire Marshall. If the Applicant cannot satisfy all of the requirements pertaining to this site, the Applicant will meet with the Fire Marshall to secure Fire Marshall's approval for the proposed development.
- j. Subject to the Applicant being advised that should the site be utilized differently than the Applicant and its agents and representatives have testified to, improvements may be required to Mt. Holly Road to support any additional traffic resulting from the change in use.
- k. Subject to the Applicant submitting all required performance and maintenance guarantees.

ROLL CALL VOTE

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

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on February 19, 2009.

Attest:

EDGEWATER PARK PLANNING BOARD

Sheri Hannah
SHERI HANNAH, Secretary

By:

Marian Johnson
MARIAN JOHNSON, Chairman

Dated: 3.19.09

Date of Approval: 2.19.09

Date of Memorialization: 3.19.09

**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
April 16, 2009
7:30P.M.**

MEETING CALLED TO ORDER The meeting was called to order at 7:30pm.

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Alternate No. 1, Mr. Robbins, Alternate No. 2 Mr. McElwee

Absent: Mr. Aaronson, Mr. Graziani

Also present: C. Petrone, ESQ. of Raymond & Coleman
T. Miller, Engineer and Barbara Fegley, Planner of Environmental Resolutions.

APPROVAL OF MINUTES FROM March 19, 2009.

Motion - Mr. Johnson

Seconded – Mrs. Belgard

Voted in the Affirmative: Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Abstained: Mr. Robinson

Motion passed 7, 0, and 0

OLD BUSINESS

**Jennifer Bygrave
Block 314, Lot 3.01
Variance**

Dennis Germano ESQ.

Mr. Girmano testified that the Bygrave's initial plan, lot 3.01 is what the house will be placed on. The Gitto's will not be giving anymore land to this lot. A subdivision will be too much of an expense. Mr. Girmano also testified that this lot is undersized and non-conforming. But to take land from lots 2+3 will cause those lots to become more non-conforming. Also that a substantial amount of the surrounding lots are the same as lot 3.01.

Exhibit A2 second option to plan. House turned to side

Mr. Girmano testified that the Bygraves considered the alternate plan, which is to turn the house. This would increase the side yards to 20-23 ft.

Mrs. Fegley, planner, stated that the neighbors along with a few others homes are facing this way so that it would blend in the neighborhood.

**Motion- Mr. Westphal
Seconded – Mrs. Johnson**

Voted in the affirmative: Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal, Mr. Robins, Mr. McElwee and Chairman Johnson.

Motion passed 9, 0, and 0

NEW BUSINESS

**Robert Fennimore
Block 1501, Lot 22, 22.01, 22.02
Minor Subdivision**

Robert Fennimore- sworn in by Charles Petrone of Raymond and Coleman.

Tom Miller- Review letter.

Mr. Fennimore testified that he is just adding ground from one lot to the other lot. Mr. Miller of Environmental Resolutions, review letter, requesting a copy of the deeds to the properties.

Mr. Fennimore testified that he would comply with all issues in review letter.

Mrs. Fegley

Motion - Mr. Levay

Seconded – Mr. Robinson

Voted in the affirmative: Mrs. Belgard, Mr. Johnson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Abstained: Mayor Mount

Motion passed 6, 0, and 1

Kove Catering

Block 502, Lot 12.03(proposed)

Catering Facility

Amendment to plans

Exhibit A-1 color rendering of site.

Robert Stout of Caldwell and Stout Engineering

Tracy Siebold ESQ. of Ballard Spahr Andrews & Ingersoll, LLP

Robert Stout testified that a new variance would be needed due to the request of the county to dedicate an easement of 8.25 feet for a de acceleration lane. The variance would be for lot area due to the widening of the road. Also the second variance would be for front yard setback. The canopy was but now would be 39.85 to the right of way. There will not be any other changes to the plan.

Motion to Approve – Mr. Robinson

Seconded – Mr. Westphal

Voted in the affirmative: Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 7, 0, and 0

Motion to Memorialize - Mayor Mount

Seconded- Mr. Johnson

Voted in the affirmative: Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount,
Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 7, 0, and 0

MEETING OPEN TO THE PUBLIC

No comment from the public

CORRESPONDENCE

No correspondence

ADJOURNMENT

Mayor Mount made a motion to adjourn at 8:44pm, Mr. Johnson seconded.
The motion passes unanimously.

EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
May 21, 2009
7:30P.M.

MEETING CALLED TO ORDER

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Alternate No. 1, Mr. Robbins, Alternate No. 2 Mr. Melee

Absent: Mr. Graziani, Mayor Mount

Also Present: Tom Coleman of Raymond & Coleman –Planning Board Attorney, Thomas Miller and Barbara Fegley of Environmental Resolutions, Inc – Planning Board Engineer and Sheri Hannah-Planning Board Secretary.

APPROVAL OF MINUTES FROM April 16, 2009.

Motion- Mr. Robinson

Seconded- Mr. Levay

Voted in the affirmative: Mrs. Belgard, Mr. Johnson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Abstained: Mr. Aaronson

Motion passed 6, 0, and 1

OLD BUSINESS

**Jennifer Bygrave
Block 314, Lot 3.01
Variance
Resolution P-23 -09**

**Motion- Mrs. Belgard
Seconded-Mr. Robinson**

Voted in the Affirmative: Mrs. Belgard, Mr. Johnson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal, Mr. Robbins, Mr. McElwee and Chairman Johnson.

Motion passed 8, 0, and 0

**Robert Fennimore
Block 1501, Lot 22, 22.01, 22.02
Minor Subdivision
Resolution P-24-09**

**Motion- Mr. Johnson
Seconded- Mrs. Belgard**

Voted in the Affirmative: Mrs. Belgard, Mr. Johnson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 6, 0, and 0

NEW BUSINESS

**Raymond Rebilas
Block 803, Lot7
Accessory Building**

Raymond Rebilas, - 104 Hendrickson Ave, sworn in by Tom Coleman of Raymond and Coleman.

Mr. Rebilas testified that he proposes to build a shed for storage. The shed will be 12 ft. x20ft., total sq feet of 9675 .The shed will be used for storage of yard equipment and furniture. There will be electric in this shed.

Mr. Rebilas also testified that there are more sheds in the neighborhood this size and that it would not cause a detriment to the community, also a swale is located at the back of the property so there will be no draining problems.

Tom Miller of Environmental Resolutions- Bulk variance required.

The height of the shed will be 10.6 feet in height, set on a slab with anchor bolts attaching the shed to the slab.

The total impervious coverage will be 41.4 percent.

Mr. Rebilas testified that he will be constructing a one foot retaining wall. The wall will be constructed of EP Henery block.

Motion- Chairman Johnson

Seconded- Mr. Aaronson

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 7, 0, and 0

Hamza Ozdemir
Block 1806, Lot10
Pigeon Coop

Hamza Ozdemir-214 Powder Mill Road, sworn in by Tom Coleman of Raymond and Coleman.

Hamza Ozdemir testified that he proposes to build a pigeon coop. Mr. Ozdemir also testified that he has 40-50 homing pigeons. He keeps them as pets and trains them. Mr. Ozdemir only flies the pigeon between the months of April until September. There will only be 10-15 pigeons flying at a time. Mr. Ozdemir testified that he will have electric in the coop to be able to have heaters and or fans.

Open to the public

Susan Schmidt-213 Regency Road-Mrs. Schmidt testified that she has nothing against the birds but that the bird makes a mess of her property and her daughters' across the street. Mrs. Schmidt testified that she does not feel this belongs in the neighborhood.

Joan Bennet-212 Powder Mill Road- Mrs. Bennet testified the birds rest on her and adjoining neighbors homes. Mrs. Bennet also read letter that she submitted to the Board. See Attached.

Ann Siket – 215 Regency Roads-Mrs. Siket testified that the birds have been in her yard. Her dogs have gotten a hold of the birds. The mess that the birds make is disgusting. Mrs. Siket testified that she does not feel this is appropriate for her neighborhood.

Shirley Wright- 217 Regency Road- Mrs. Wright testified that she lives in back of the applicant. She feels that the birds are a hazard due to diseases and with the droppings smelling so bad she feels as though this is not good for her neighborhood.

William Harris- 211-Regency Road- Mr. Harris testified that Mr. Ozdemir's birds get into his pool and mess all over his property. Mr. Harris testified that he constantly has to clean his property due to these birds.

After much discussion the board requested that Mr. Ozdemir's application be held over until the June 18, 2009 meeting so that Mr. Ozdemir may obtain someone who will be able to interpret English.

**Motion to hold application over until June 18, 2009 – Mr. Levay
Seconded- Mr. Westphal**

Voted in the affirmative: Mr. Aaronson, Mr. Levay, Mr. Westphal and Chairman Johnson.

Voted in the Negative: Mrs. Belgard

Motion passed 4, 1, and 0

MEETING OPEN TO THE PUBLIC

Michael Lamanía - Kove Catering – Mr. Lamanía has not purchased the property yet for the new Kove building. The financial process is still working. The 190 day time period expires May 29, 2009. The Permit Extension Act will grant Mr. Lamanía an extension until July 1, 2010.

CORRESPONDENCE

No correspondence

ADJOURNMENT

Mr. Aaronson made a motion to adjourn, Mr. Levay seconded.

Motion passed unanimously.

RESOLUTION NO. P-23-2009

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD,
KOVE CATERING, INC.
BLOCK 502, Lot 12.03

WHEREAS, Kove Catering, Inc., has applied to the Planning Board of the Township of Edgewater Park for Variances and Amended Final Site Plan approval for property located at Route 130 South and Delanco-Coopertown Road, known as Block 502, Lot. 12.03 on the Official Tax Map of the Township of Edgewater Park for the purpose of constructing a catering facility with associated site improvements; and

WHEREAS, by Resolution No P-17-2008, the Planning Board granted Preliminary and Final Major Site Plan Approval to the Applicant, with variances pertaining to lot area, lot depth, front yard setback, parking spaces, landscaped buffer, signage and sidewalk, for the proposed catering facility and site improvements; and

WHEREAS, prior to the Applicant finalizing its site plan, the Burlington County Planning Board required the Applicant to revise its plan by dedicating an easement of 8.25 feet in width for right-of-way and road widening purposes; and

WHEREAS, as a result of the County requirement, the Applicant now requires additional variances; and

WHEREAS, the application was deemed complete by the Planning Board on April 16, 2009; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on April 16, 2009, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property 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 submitted the following Exhibits at the April 16, 2009 Public Hearing:

- A - 1 - Color rendering of overall site and landscaping plan, prepared by Stout and Caldwell Engineers, Robert R. Stout, PE, PLS;

Kove Catering - No. P-23-2009

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

1. The Applicant is the contract purchaser of Block 502, Lot 12.03, a vacant 4.3071 tract located at Route 130 South and Delanco-Coopertown Road (the "Property"). The Property was recently subdivided by the Property owner as part of a minor subdivision application approved by the Planning Board at its October 16, 2008 meeting.
2. The Applicant has submitted an application for Amended Final Site Plan approval and for variances pertaining to lot area and front yard setback, providing the Board with a proposed set of plans and testimony.
3. The taxes on the Property are current.
4. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.
5. Proper notice of the application for Variances and Amended Final Site Plan approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
6. The Property is located in the Township's C-LI-5 Zoning District.
7. The Applicant is proposing to construct a 14,500 square foot catering facility and associated site improvements on the Property. The proposed use is a permitted use in the C-LI-5 zoning district. The Applicant is under agreement to purchase the Property from the Betty Simon Trust, current owner. The Betty Simon Trust received minor subdivision approval to subdivide Block 501, Lot 12, into Lots 12.02 and 12.03. In connection with minor subdivision approval, the Betty Simon Trust was granted variances permitting a lot depth of 314.56 feet and a lot area of 4.31 acres for Lot 12.03.
8. By Resolution No. P-17-2008, the Planning Board granted Preliminary and Final Site Plan Approval for the proposed catering facility and site improvements.
9. In connection with Preliminary and Final Site Plan Approval, the Planning Board granted variances to the Applicant to permit the following:
 - a. Lot Area of 4.3071 acres;
 - b. Lot Depth of 314.56 feet;

Kove Catering - No. P-23-2009

- c. Front yard setback of 48.10 feet for the canopy portion of the building;
- d. 233 parking spaces;
- e. Parking spaces and curbing located in the landscaped buffer;
- f. Parking within 4.4 feet of the front property line and within 8.7 feet of the eastern property line;
- g. Two monument signs, one having 136.88 of sign area on each side with a digital display area of 7 feet by 9 feet and one sign with 75 square feet of sign area on each side;
- h. The Route 130 sign within 5 feet of the front property line;
- i. No sidewalk along Route 130 and Delanco-Coopertown Road.

10. Prior to finalizing its site plan, the Applicant was advised by the Burlington County Planning Board that the Applicant would be required to dedicate an easement of 8.25 feet in width for right of way and road widening purposes. The dedication of an additional 8.25 feet will result in the Applicant requiring additional variances for front yard setback and lot area.

11. Tracy Siebold, Esquire, of Ballard Spahr, represented the Applicant at the Public Hearing. Robert Stout, PE, PLS testified on behalf of the Applicant at the Public Hearing.

12. Robert Stout testified as follows:

- a. He is the Applicant's professional engineer, licensed in the State of New Jersey and has been qualified to give expert testimony in his field by land use boards in the State of New Jersey.
- b. He compares the prior plans with the revised plans showing the effect of the County's right of way requirement.
- c. The lot area as measured to the ultimate right of way will be 4.22 acres, less than the 4.31 acres previously approved. A variance will be required for the 4.22 acre lot area.
- d. The front yard setback to the canopy of the building will be 39.85 feet, less than the 48.10 foot setback previously approved. A variance will be required.
- e. No other material changes have been made to the previously approved plans. The site layout, traffic circulation, building size and intensity of development are essentially unchanged.

Kove Catering - No. P-23-2009

f. There is no impairment of the Zone Plan or Zoning Ordinance resulting from the plan revision.

13. The Board Engineer and Planner have reviewed the revised plans submitted in connection with Amended Site Plan Approval and have no objection to the variances requested.

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

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

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

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

4. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township, as the revisions required from County review do not substantially change the previous approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 16th day of April, 2009, that this Board hereby grants to the Applicant the following:

1. Variances to permit the following:
 - a. Lot area of 4.22 acres; and
 - b. A front yard setback of 39.85 feet for the canopy portion of the building.
2. Amended Final Site Plan approval to construct a 14,500 square foot catering facility with related site improvements, in accordance with the plans submitted by the Applicant, subject to the following conditions:

Kove Catering - No. P-23-2009

- a. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township of Edgewater Park, including but not limited to approval from the Burlington County Planning Board and the Burlington County Soil Conservation District.
- b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.
- c. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.
- d. Subject to the comments of compliance made by the Applicant and its agents and representatives at the November 20, 2008 and April 16, 2009 Planning Board Public Hearings.
- e. Subject to the Applicant satisfying the comments of the Planning Board Engineer/Planner as contained in the November 13, 2008 and April 9, 2009 Review Letters of Environmental Resolutions, Inc. by Thomas J. Miller, PE, PP, CME, and Barbara J. Fegley, AICP, PP, except as may be modified herein.
- f. Subject to the Applicant satisfying Resolution No. P-17-2008 by which the Planning Board granted Preliminary and Final Site Plan Approval to the Applicant, except as may be modified herein.
- g. Subject to the Applicant submitting all required performance and maintenance guarantees.

Kove Catering - No. P-23-2009

- h. Subject to the submission of revised plans complying with Preliminary and Final Site Plan Approval and Amended Final Site Plan Approval, if required.

ROLL CALL VOTE

Those in Favor:

Those Opposed:

Those Abstaining:

CERTIFICATION

I hereby certify that this foregoing Resolution is a true resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on April 16, 2009.

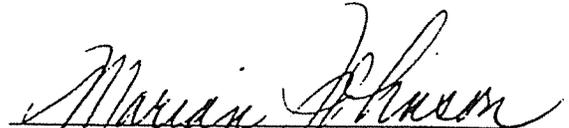
Attest:

EDGEWATER PARK PLANNING BOARD



SHERI HANNAH, Secretary

By:



MARIAN JOHNSON, Chairman

Dated: 4-16-09

Date of Approval: 4-16-09

Date of Memorialization: 4-16-09

RESOLUTION NO. P – 24-09

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
FENNIMORE
BLOCK 1501, LOTS 22, 22.01 AND 22.02
MINOR SUBDIVISION APPROVAL

WHEREAS, Robert Fennimore has applied to the Planning Board of the Township of Edgewater Park for minor subdivision approval for property located on Woodlane Road at the Railroad, known as Block 1501, Lots 22, 22.01, and 22.02 (the "Property"), for the purpose of realigning the lot lines to create two (2) lots; and

WHEREAS, the Applicant submitted a minor subdivision plan prepared by John E. Gauntt, PLS, dated November 20, 2008, last revised March 31, 2009; and

WHEREAS, the application was deemed complete by the Planning Board on April 16, 2009; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on April 16, 2009; and

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

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of his application for 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:

1. The Applicant is the owner of the Property, approximately 93,425 square feet in area. The Property is improved with two (2) single-family residential dwellings. The Property is located in the R-4 Single-Family Residential Zoning District.
2. The Applicant has submitted an application for minor subdivision approval, providing the Board with a proposed set of plans and testimony.
3. The taxes on the Property are current.
4. The Applicant has paid and/or posted all required fees and agreed to keep his review escrow current.
5. The Applicant is proposing to realign the Property's lot lines to create two (2) lots, proposed Lot 22 having a Lot Area of 65, 858 square feet and proposed Lot 22.01 having a

FENNIMORE – RESOLUTION NO. P-24-09

Lot Area of 19,600 square feet. Each lot will contain a single-family residential dwelling. The Applicant is not proposing any construction at this time.

6. The Applicant will dedicate to the Township an area of 7,967 square feet, extending 30 feet southwestwardly from the centerline of Woodlane Road across the entire Property, for road widening.

7. The proposed Lots conform with the Ordinance requirements of the R-4 Zoning District.

8. The Applicant testified that he will comply with the March 3, 2009 Review Letter of the Board Engineer/Planner, Environmental Resolutions, Inc.

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

1. The Applicant has submitted a complete set of plans for the Board to take action on the application for minor subdivision approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 16th day of April, 2009, that this Board hereby grants to the Applicant, minor subdivision approval for the realignment of the lot lines of the Property to create two (2) lots, in accordance with the plans submitted by the Applicant, subject to the following conditions:

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

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

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

FENNIMORE – RESOLUTION NO. P-24-09

4. Subject to the comments of compliance made by the Applicant at the April 16, 2009 Planning Board Public Hearing.

5. Minor Subdivision Approval shall expire 190 days from the date on which the Resolution of municipal approval is adopted unless within such period a plat in conformity with minor subdivision approval and the provisions of the Map Filing Law or a deed clearly describing the approved minor subdivision is filed by the Applicant with the County Recording Officer, the municipal engineer and the municipal tax assessor. The plat or deed shall be signed by the Planning Board Chairman and Secretary prior to filing with the County Recording Office. A copy of this Resolution shall be attached to and recorded with the Subdivision Deed.

6. Minor subdivision approval shall not be construed as guaranteeing the issuance of building permits to the Applicant. The Applicant must comply with all requirements for the issuance of the required building permits for any construction on Lots 22 and 22.01.

7. Subject to the comments of the Board Engineer as contained in the March 3, 2009 Review Letter of Environmental Resolutions, Inc., by Thomas J. Miller, PE, PP, CME and Barbara J. Fegley, AICP, PP.

8. Subject to the Applicant dedicating to the Township the 7,967 square feet area for road widening purposes. A Deed of Dedication is required.

ROLL CALL VOTE

Those in Favor: 8

Those Opposed: 0

Those Abstaining: 1

CERTIFICATION

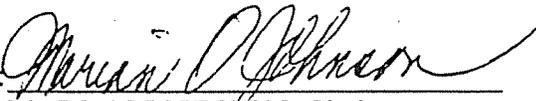
I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on April 16, 2009.

Attest:

EDGEWATER PARK PLANNING BOARD



SHERI HANNAH, Secretary

By: 

MARIAN JOHNSON, Chairman

Dated: 5-21-09

Date of Approval: 4-16-09

Date of Memorialization: 5-21-09

RESOLUTION NO. P-*B*, 09

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
JENNIFER BYGRAVE
BLOCK 314, LOT 3.01
VARIANCE APPROVAL

WHEREAS, Jennifer Bygrave has applied to the Planning Board of the Township of Edgewater Park for variance approval for property located on Beverly-Bridgeboro Road, known as Block 314, Lot 3.01 (the "Property"), for the purpose of constructing a single family detached residential dwelling; and

WHEREAS, variances are required because the Applicant has not satisfied all of the requirements of the Edgewater Park Zoning Ordinance; and

WHEREAS, the application was deemed complete by the Planning Board on March 19, 2009; and

WHEREAS, public hearings on March 19, 2009 and April

WHEREAS, the Applicant and other evidence; and

WHEREAS, the following were presented at the March 19, 2009 Public Hearing:

A-1 - Revised Survey;

B-1 - Aerial Map of the Area with Tax Lots superimposed;

WHEREAS, the following exhibit was presented at the April 16, 2009 Public Hearing:

A-2 - Revised Plot Plan showing house location;

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

1. The Applicant is the daughter of the owner of the Property and it is the owner's intention to transfer the Property to the Applicant. The Applicant is proposing to construct a single family detached residential dwelling on the Property.

BYGRAVE – RESOLUTION NO. P-23-09

2. The Applicant has submitted an application for variances pertaining to the Ordinance requirements for lot area, lot width and side yard setbacks, providing the Board with a proposed set of plans and testimony.

3. The taxes on the Property are current.

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

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

6. The Property is located in the Township's R-2 Residential Zoning District.

7. The Property is currently unimproved vacant land.

8. The owner of the Property also owns adjacent Lots 2 and 3. A single family residential dwelling is located primarily on Lot 2 but a portion of the dwelling crosses the property line onto Lot 3.

9. The Property has a lot area of 15,349.72 square feet and a lot width of 75 feet, which are less than the ordinance requirements of 40,000 square feet and 150 feet for lot areas and lot widths in the R-2 Zone. Variances are required.

10. The Applicant originally proposed side yard setbacks of 5 feet and 15 feet for the dwelling. The R-2 Zone requires a minimum side yard setback of 20 feet with an aggregate of 50 feet for dwellings. Variances are required.

11. During the March 19, 2009 Public Hearing, the Board expressed concerns regarding the dwelling location and questioned whether the Property could be made larger by transferring a part of Lot 3 to the Property. A minor subdivision would be required.

12. During the April 16, 2009 continuation of the Public Hearing, the Applicant was represented by Dennis Germano, Esquire. Mr. Germano represented to the Board that the owner of the Property was not willing to increase the size of the Property by a minor subdivision of his adjacent lot.

13. The Applicant revised her plot plan and turned the house 90 degrees so that the "short" side of the house faced Beverly-Bridgeboro Road. The Applicant also revised the house plan so that the "short" side of the house facing Beverly-Bridgeboro Road had a front of the house appearance by locating the front door to this "short" side and locating a window adjacent to the front door. The Applicant's revised house plan resulted in side yard setbacks of 20 feet

BYGRAVE – RESOLUTION NO. P-23-09

single family detached residential dwelling in accordance with the plans reviewed by the Planning Board, subject to the following conditions:

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

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

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

4. Subject to the comments of compliance made by the Applicant at the March 19, 2009 and April 16, 2009 Planning Board Public Hearings.

5. Subject to the Applicant complying with the March 4, 2009 review letter of Environmental Resolutions, Inc., by Thomas J. Miller, PE, PP, CME and Barbara J. Fegley, AICP, PP.

6. Subject to the owner consolidating Lots 2 and 3 of Block 314 into one lot. A deed of lot consolidation is to be submitted for the review by the Board Engineer and Board Attorney.

ROLL CALL VOTE

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

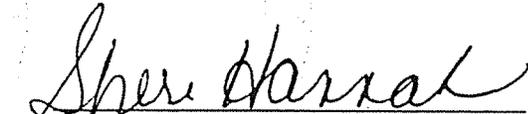
BYGRAVE - RESOLUTION NO. P-23-09

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on April 16, 2009.

Attest:

EDGEWATER PARK PLANNING BOARD



SHERI HANNAH, Secretary

By: 

MARIAN JOHNSON, Chairwoman

Dated: 5/21/09

Date of Approval: 4/16/09

Date of Memorialization: 5/21/09

**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
June 18, 2009
7:30P.M.**

MEETING CALLED TO ORDER. The Meeting was called to order at 7:30pm.

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier Post on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mr. Aaronson, Mrs. Belgard, Mr. Levay, Mr. Charles Robinson and Chairman Johnson.

Alternate No. 2 Mr. McElwee

Absent: Mr. Graziani, Mr. Robbins and Mr. Westphal

Also in attendance: Tom Coleman of Raymond & Coleman, Board Solicitor, Tom Miller of Environmental Resolutions Inc, Board Engineer and Barbara Fegley of Environmental Resolutions Inc., Board Planner.

Mr. Johnson and Mayor Mount was recluse from both applications.

APPROVAL OF MINUTES FROM May 21, 2009.

RESOLUTION NO. P-25-09

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
RAYMOND REBILAS
BLOCK 803, LOT 7
VARIANCE APPROVAL

WHEREAS, Raymond Rebilas has applied to the Planning Board of the Township of Edgewater Park for variance approval for property located at 104 Hendrickson Avenue, known as Block 803, Lot 7 (the "Property"), for the purpose of constructing a storage shed on the Property; and

WHEREAS, a variance is required because the proposed storage shed exceeds the maximum size for accessory structures in the R-4 Zoning District; and

WHEREAS, the application was deemed complete by the Planning Board on May 21, 2009; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on May 21, 2009; and

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

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

1. The Applicant is the owner of the Property. The Property is improved with a single family detached residential dwelling and is located in the R-4 Zoning District. The Applicant is proposing to construct a 248 square foot (12.4 feet by 20 feet) Everlast storage shed on the Property.
2. The Applicant has submitted an application for a variance pertaining to size of an accessory structure, providing the Board with a proposed set of plans and testimony.
3. The taxes on the Property are current.
4. The Applicant has paid and/or posted all required fees and agreed to keep his review escrow current.
5. Proper notice of the application for variance approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.

REBILAS – RESOLUTION NO. P-25-09

6. Storage sheds are permitted accessory uses in the R-4 Zone. The Applicant requires a variance to exceed the size limitation for storage sheds of 144 square feet.

7. The Applicant testified as follows:

- a. The proposed shed will store household equipment, presently stored in the basement of the existing dwelling. The garage has been converted into a bedroom for the Applicant's family.
- b. The proposed shed will match the appearance of the dwelling.
- c. The only utility that will service the proposed shed is an electric line.
- d. The impervious coverage with the proposed site improvements for the shed and retaining wall will be 41.40%, less than the maximum coverage permitted in the R-4 Zone.
- e. The shed will be anchored in accordance with the requirements of the applicable codes and the shed will be placed on a slab at grade with the anchors.
- f. Drainage will not be an issue.

8. The Applicant is requesting variance approval to allow him to construct the storage shed as proposed, to provide greater utilization for the Property.

9. Without variance approval, the Applicant would be unable to construct the storage shed as proposed, which is otherwise in conformance with the ordinance requirements of the Township of Edgewater Park.

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

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirement specified herein for the size of an accessory structure, as requested by the Applicant.

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

REBILAS – RESOLUTION NO. P-25-09

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 21st day of May, 2009, that this Board hereby grants to the Applicant a variance to permit a 248 square foot (12.4 feet by 20 feet) storage shed on the Property in accordance with the plans reviewed by the Planning Board, subject to the following conditions:

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

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

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

4. Subject to the comments of compliance made by the Applicant at the May 21, 2009 Planning Board Public Hearing.

5. Subject to the Applicant complying with the April 20, 2009 review letter of Environmental Resolutions, Inc., by Thomas J. Miller, PE, PP, CME.

6. Subject to the storage shed being no larger than 248 square feet.

REBILAS – RESOLUTION NO. P-25-09

ROLL CALL VOTE

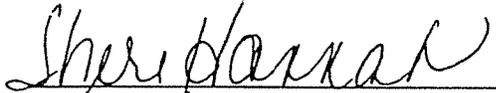
Those in Favor: 7
Those Opposed: 0
Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on May 21, 2009.

Attest:

EDGEWATER PARK PLANNING BOARD


SHERI HANNAH, Secretary

By: 
MARIAN JOHNSON, Chairwoman

Dated: 6/18/09

Date of Approval: 5/21/09

Date of Memorialization: 6/18/09

Motion- Mr. Robinson
Seconded- Mr. Aaronson

Mr. Aaronson, Mrs. Belgard, Mr. Levay, Mr. Charles Robinson and Chairman Johnson.

OLD BUSINESS

Raymond Rebilas
Block 803, Lot7
Accessory Building
Resolution P-25-09

Motion- Mr. Aaronson
Seconded- Mr. Levay

Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed: 7, 0, and 0

Hamza Ozdemir
Block 1806, Lot10
Pigeon Coop

Mr. Robinson reclude from this application.

Mr. Coleman, Solicitor, explains to Mr. Ozdemir that he needs to give special reason as to why he should be permitted to have a pigeon coop and as to how it applies to the Master Plan.

Barbara Fegley, Planner explained the Master Plan.

Mr. Coleman questions Mr. Ozdemir as to the special reasons.
Mr. Ozdemir testified that he has ties to these birds. As far as the neighbor concerns he testified that these birds do not bite nor carry any diseases. Mr. Ozdemir also testified that he would use more insulation in the coop if noise is a concern. Also that he would limit the flying time and as for the birds being in the neighbor's property that it is not any different than when wild birds land in peoples' property.

Mr. Coleman explained that Mr. Ozdemir needs to explain how the bird will not cause a detriment to the neighborhood.

Mr. Ozdemir testified that other people do not have to have a permit to have dogs and cats. Also that a resident a few streets over has a permit for pigeons.

Mr. Coleman testified that he cannot comment on permits or ordinances from 15-20 years ago. But that what the current ordinances are.

**Motion- Mr. Levay
Seconded- Mrs. Johnson**

Voted in the Affirmative: 0

Voted in the Negative: Mr. Aaronson, Mrs. Belgard, Mr. Levay, Mr. McElwee and Chairman Johnson.

Motion Denied: 0, 5, and 0

7:51 Mr. Robinson returned to meeting

NEW BUSINESS

**Clearwire USA
801 Bridgeboro Road
Cell Antennas**

Warren Stillwell, Attorney for Cooper Levenson, representing Clearwire USA LLC. Mr. Stillwell testified that Clearwire proposes to place three antennas on the legs of the water tower located at 801 Bridgeboro Road. The control panel will be placed on the roof.

Ariel Liriano, Glenn Wallace, sworn in by Tom Coleman, Board Solicitor.

Ariel Liriano- Radio Frequency Engineer- Clearwire-Radio Frequency Designer. Mr. Liriano testified that Clearwire is trying to start a broadband service. This will be a voice over IP carrier.

A-1 Proposed Coverage- Depiction of coverage from this site. Red-in Building coverage, Green-On Street coverage.

Mr. Liriano testified that this site will comply with all FCC regulations. There will not be any detriment to the community. There will not be any noise from this site.

Glenn Wallace-Engineer, expert witness for Clearwire.

Mr. Wallace testified that Clearwire proposed to attach three antennas to the legs of the existing tower. Clearwire will paint antenna to match tower. The control panel will be three foot by six foot, and will be placed on the lower roof. The entire site is fenced.

Mr. Stillwell testified that there will be service maintenance on the control panel approximately once a month.

Mr. Stillwell addresses review letter given by Environmental Resolutions. Clearwire agreed to all conditions.

Mr. Wallace testified that there will not be any detriment to the neighborhood. Also that there will not be an excessive amount of traffic due to the maintenance is only done once a month.

** Condition of Approval, submittal of structural load of the roof of the building.

**Motion-Mr. Levay
Seconded-Mrs. Belgard**

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Levay, Mr. Charles Robinson, Mr. McElwee and Chairman Johnson.

Motion passed 6, 0, and 0

MEETING OPEN TO THE PUBLIC

No comment from the public

CORRESPONDENCE

No correspondence

ADJOURNMENT

Mr. Levay made a motion to adjourn at 8:41pm and Mr. Aaronson seconded.

Motion passed unanimously.

**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
July 16, 2009
7:30P.M.**

MEETING CALLED TO ORDER Meeting was called to order at 7:30pm.

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

** Mr. Johnson and Mayor Mount withdrew from the meeting due to the application being heard was a use variance.

ROLL CALL

Present: Mr. Aaronson, Mrs. Belgard, Mr. Levay, Mr. Charles Robinson and Chairman Johnson., **Alternate No. 2 Mr. McElwee**

Absent: Mr. Westphal, **Alternate No. 1, Mr. Robbins**

APPROVAL OF MINUTES FROM June 18, 2009.

**Motion- Mr. Aaronson
Seconded- Mr. Robinson**

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Levay, Mr. Charles Robinson and Chairman Johnson.

OLD BUSINESS

**Hamza Ozdemir
Block 1806, Lot 10
Pigeon Coop
Resolution P-26-09 Denial**

**Motion – Mr. Robinson
Seconded – Mrs. Belgard**

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Levay, Mr. Charles Robinson and Chairman Johnson.

Motion passed 5, 0, and 0

**Clearwire USA
801 Bridgeboro Road
Cell Antennas
Resolution P-27-09**

**Motion- Mr. Robinson
Seconded- Mrs. Johnson**

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Levay, Mr. Charles Robinson and Chairman Johnson.

Motion passed 5, 0, and 0

NEW BUSINESS

**Elaina Garabedian
119 Green Street
Block503, Lot 8
Addition**

**Elaina Garibidian-119 Green Street Edgewater Park.
Sean McHose- 48 W Cedar St, Merchantville**

Mr. McHose testified that Ms. Garibedian proposes to construct an addition to her existing home. The addition will be 16feet by 28 feet with a basement. The driveway will stay the same as existing.

Exhibit A-1 full signed survey.

Ms. Garabedian testified that she plans to build the addition to make the home more handicapped accessible. Ms. Garabedian also testified that she owns and pays taxes on lot 8 and 9. They are billed separately.

Tom Miller, Engineers suggest that the lots be combined.

Ms. Garabedian also testified that she plans to have new siding put on the house. And that the addition will not be a detriment to the neighborhood, but will be a compliment. She also plans to do landscaping.

Motion-Mr. Robinson
Seconded- Mr. Aaronson

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Levay, and Mr. Charles Robinson, Mr. McElwee and Chairman Johnson.

Motion passed 5, 0, and 0

MEETING OPEN TO THE PUBLIC

No comment from the public

CORRESPONDENCE

Living Springs
Acceptance of Resignation of Mr. Graziani.

ADJOURNMENT

Mr. Levay made a motion to adjourn and Mr. Robinson seconded.
Motion passed unanimously.

RESOLUTION NO. P-09-26

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
HAMZA OZDEMIR
FOR
DENIAL OF USE VARIANCE
BLOCK 1806, LOT 10

WHEREAS, Hamza Ozdemir, has applied to the Planning Board of the Township of Edgewater Park for Variance Approval for property located at 214 Powdermill Road, known as Block 1806, Lot 10, for the purpose of installing a 9 foot by 11 foot pigeon coop on the Property; and

WHEREAS, pigeon coops are not permitted in the R-4 Zoning District and a variance pursuant to N.J.S.A. 40:55D-70(d) is required; and

WHEREAS, the proposed pigeon coop would be the second accessory structure on the Property and a variance is required pursuant to N.J.S.A. 40:55D-70(c) to permit more than one (1) accessory structure in the R-4 Zoning District; and

WHEREAS, the application was deemed complete on May 21, 2009; and

WHEREAS, public hearings to consider the application for Variance Approval were held by the Planning Board on May 21, 2009 and June 18, 2009, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

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

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

1. The Applicant is the owner of Block 1806, Lot 10, located at 214 Powdermill Road in the R-4 Residential Zoning District of the Township (the "Property"). The Property is improved with a single-family residential dwelling, a storage shed and the pigeon coop subject of the instant application. The pigeon coop was installed without the Applicant requesting any permits.

OZDEMIR – RESOLUTION NO. P-09-26

2. The Applicant has submitted an application for Variance Approval, providing the Board with a proposed set of plans and testimony.

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 his review escrow current.

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

6. Mayor Mount, Mr. Robinson and Mr. Johnson recused themselves from participating during the public hearing. The Applicant elected to proceed with the Public Hearing with five (5) Board members, after having been advised that five (5) affirmative votes would be required to approve his request for a use variance and that the Public Hearing could be continued to a new date so that a full Board could consider his Application.

7. The Applicant constructed a 9 foot by 11 foot pigeon coop on the Property. A variance pursuant to N.J.S.A. 40:55D-70(d) is required because pigeon coops are not permitted in the R-4 Zoning District. A variance pursuant to N.J.S.A. 40:55D-70(c) is also required to permit two (2) accessory structures, the storage shed and the pigeon coop on the residential lot.

8. The Public Hearing on the application commenced on May 21, 2009 and was continued until June 18, 2009 so that the Applicant could continue the hearing with an interpreter. The Applicant is Turkish.

9. At the June 18, 2009 hearing, the Applicant was assisted by an interpreter.

10. At the hearings, the Applicant testified as follows:

- a. The pigeon coop was erected in the summer of 2008;
- b. Forty (40) to fifty (50) pigeons will be housed in the coop;
- c. Only ten (10) to fifteen (15) pigeons fly at a time;
- d. The pigeons fly from the Property's backyard;
- e. He obtains the pigeons from a friend;
- f. The pigeons may go on the roofs of neighbors' homes;
- g. The coop has a fan and a heater;
- h. The coop was erected in the summer of 2008;
- i. The pigeons have occasionally defecated on neighbor's roofs;
- j. The pigeons are a hobby and not a business;

OZDEMIR – RESOLUTION NO. P-09-26

- k. The pigeons are his pets;
 - l. The pigeons are kept clean;
 - m. The pigeons receive antibiotics and inoculations
11. The following individuals testified at the Public Hearing:
- a. Susan Schmidt who testified that the pigeons and pigeon coop do not fit in the neighborhood;
 - b. Joan Bennett who testified that the pigeons do not always find themselves back to the pigeon coop;
 - c. Anna Sileot who testified that she found a dead pigeon in her yard;
 - d. Shirley Wright who testified that her property backs up to the Applicant's property and she is concerned with the health risk to her family because the pigeons land on her roof and her shed, are unsanitary and defecate on her property, make noise and disturb her use and enjoyment of her property and she has to chase the pigeons away by blowing a whistle near them;
 - e. William Harris who testified that the pigeons use his swimming pool as a bird bath and it takes away the enjoyment of using his property.

12. The Applicant did not provide any testimony as to what the benefits of a use variance would be, failed to demonstrate any special reasons that exist to support the granting of a use variance and could not offer any testimony supporting how the use variance could be granted without impairing the zone plan and the zoning ordinance of the Township.

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

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

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the zoning ordinance of the Township of Edgewater Park would not be advanced by the deviation from the zoning ordinance requirement specified herein for the pigeon coop use, as requested by the Applicants.

OZDEMIR – RESOLUTION NO. P-09-26

3. The benefits of the deviation from the zoning ordinance requirement specified herein would not substantially outweigh any detriment to the public good.

4. Relief as requested by the Applicant cannot be granted without substantial detriment to the public good and would substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park on the 18th day of June, 2009, that this Board hereby denies to the Applicant a variance pursuant to N.J.S.A. 40:55D-70(d) to permit a pigeon coop on the Property in the R-4 Zoning District.

ROLL CALL VOTE

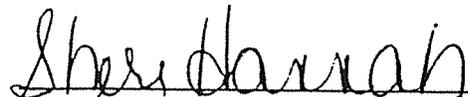
Those in Favor: 5
Those Opposed: 0
Those Abstaining: 0

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 18, 2009.

EDGEWATER PARK PLANNING BOARD

Attest:



SHERI HANNAH, Secretary

By:



MARIAN JOHNSON, Chairwoman

Dated: 7/16/09

Date of Approval: 6/18/09

Date of Memorialization: 7/16/09

**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
August 20, 2009
7:30P.M.**

MEETING CALLED TO ORDER The meeting was called to order at 7:30pm.

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mr. Aaronson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Alternate No. 1, Mr. Robbins, Alternate No. 2 Mr. McElwee

Absent: Mrs. Belgard, Mr. Johnson, Mayor Mount

APPROVAL OF MINUTES FROM July 16, 2009.

Motion- Mr. Robinson

Seconded- Mr. Levay

Voted in the affirmative: Mr. Aaronson, Mr. Levay, Mr. Charles Robinson, and Chairman Johnson.

Abstained: Mr. Westphal

Motion passed 4, 0, and 1

OLD BUSINESS

**Elaina Garabedian
119 Green Street
Block 503, Lot 8
Addition
Resolution P-28-09**

**Motion-Mr. Robinson
Seconded-Mr. Aaronson**

**Voted in the Affirmative: Mr. Aaronson, Mr. Levay, Mr. Charles Robinson and
Chairman Johnson.**

Motion passed: 4, 0, and 0

NEW BUSINESS

No new business

MEETING OPEN TO THE PUBLIC

No comment from the public

CORRESPONDENCE

No correspondence

ADJOURNMENT

**Mr. Robinson made a motion to adjourn at 7:33pm. Mr. Levay seconded.
Motion passed unanimously**

RESOLUTION NO. P-28-09

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
GARABEDIAN
BLOCK 503, LOTS 8 AND 9

WHEREAS, Elaina Garabedian has applied to the Planning Board of the Township of Edgewater Park for Variance Approval for property located at 119 Green Street, known as Block 503, Lots 8 and 9 (the "Property") on the Official Tax Map of the Township of Edgewater Park for the purpose of constructing an addition to a single family detached residential dwelling; and

WHEREAS, a Variance pursuant to N.J.S.A. 40:55D-70(d) is required because the existing detached dwelling is a non-conforming use in the Multi-Family Residential (R-MF) Zoning District and the proposed addition is an expansion of the non-conforming use; and

WHEREAS, Variances are also required pursuant to N.J.S.A. 40:55D-70(c) because the Applicant has not satisfied all of the requirements of the Edgewater Park Zoning Ordinance; and

WHEREAS, a public hearing to consider the application was held by the Board on July 16, 2009, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

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

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

1. The Applicant is the owner of the Property located in the R-MF Zoning District. The Property is improved with a single family detached residential dwelling.

2. The Applicant has submitted an application for variance approval pursuant to N.J.S.A. 40:55D-70(c) and 70(d), providing the Board with a proposed set of plans and testimony. The plans submitted were prepared by Halo Property Services, LLC, were dated June, 2009, and include Top, Side 1, Side 2 and Rear Elevations of the proposed rear addition.

3. The taxes on the Property are current.

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

GARABEDIAN

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

6. The Applicant is proposing to construct a 558 square foot addition with full basement and a 68 square foot covered porch to the existing single-family detached residential dwelling, a non-conforming use in the R-MF Zoning District.

7. The Property has a lot area of 40,000 square feet. Lot areas of 5 acres are required in the R-MF Zoning District. A variance is required for the non-conforming lot area.

8. The Property has a lot width of 200 feet. Lot widths of 300 feet are required in the R-MF Zoning District. A variance is required for the non-conforming lot width.

9. The Property has a lot depth of 200 feet. Lot depths of 500 feet are required in the R-MF Zoning District. A variance is required for the non-conforming lot depth.

10. The Property has a front yard setback of 14 feet. Front yard setbacks of 60 feet are required in the R-MF Zoning District. A variance is required for the non-conforming front yard setback.

11. The proposed addition and porch do not increase the existing non-conforming lot area, lot width, lot depth and front yard setback.

12. The Applicant is disabled and the addition and porch will enhance her quality of life by making the dwelling more disabled friendly.

13. The single family detached dwelling was constructed in 1890 and the Applicant purchased the Property from her mother in 2002.

14. The permitted principal uses in the R-MF Zoning District include multi-family dwellings at a maximum density of eight (8) dwelling units per acre, public parks and recreational buildings and governmental buildings and facilities.

15. The Board Engineer and Planner reviewed the Application and submitted a review letter to the Planning Board and the Applicant testified that she would comply with the comments contained in the review letter..

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

1. The Applicant has submitted the required information in the form of plans and

GARABEDIAN

testimony in order for the Board 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 the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements specified herein for the expansion of a non-conforming use, lot area, lot width, lot depth and front yard setback, as requested by the Applicant.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 16th day of July, 2009, that this Board hereby grants to the Applicant (i) a Variance to permit the construction of a 558 square foot addition with full basement and a 68 square foot covered porch to the existing single-family residential detached dwelling; and (ii) Variances to permit a lot area of 40,000 square feet, a lot width of 200 feet, a lot depth of 200 feet and a front yard setback of 14 feet, in accordance with the plans submitted by the Applicant and subject to the following:

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

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

3. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any

GARABEDIAN

and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.

4. Subject to the Applicant consolidating Lots 8 and 9 into one (1) lot. A deed of lot consolidation shall be submitted to the Planning Board.

5. Subject to the comments of compliance made by the Applicant at the July 16, 2009 public hearing.

6. Subject to the review comments of the Board Engineer and Planner as contained in the July 6, 2009 Review Letter of Environmental Resolutions, Inc., by Thomas J. Miller, PE, PP, CME and Barbara J. Fegley, AICP, PP.

7. Subject to the size of the addition not to exceed 558 square feet and the size of the covered porch not to exceed 68 square feet as shown on the elevations prepared by Halo Property Services, LLC and submitted by the Applicant.

8. Subject to the Applicant being advised that Variance approval does not guaranty the issuance of a zoning permit, building permit or certificate of occupancy for the addition and porch; the Applicant is advised that she must comply with all applicable rules, regulations, codes and statutes for the construction of the addition and porch.

9. Subject to the Applicant's escrow account remaining current. Failure of the escrow account being current may result in the non-issuance of zoning permits, construction permits and/or certificates of occupancy.

ROLL CALL VOTE

Those in Favor: 5

Those Opposed: 0

Those Abstaining: 0

GARABEDIAN

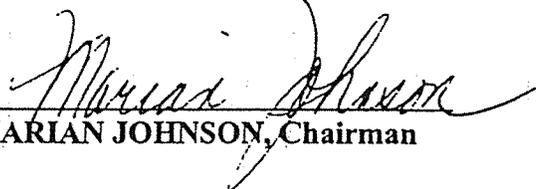
CERTIFICATION

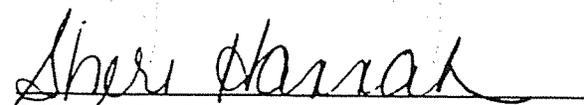
I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on July 16, 2009.

EDGEWATER PARK PLANNING BOARD

Attest:

By:


MARIAN JOHNSON, Chairman


SHERI HANNAH, Secretary

Dated: 8/20/09

Date of Approval: 7/16/09

Date of Memorialization: 8/20/09

1

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be easily accessible to all relevant parties.

2

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include interviews, surveys, and focus groups. Each method has its own strengths and weaknesses, and it is important to choose the most appropriate method for the specific research objectives.

3

3. The third part of the document discusses the ethical considerations that must be taken into account when conducting research. It is important to ensure that the research is conducted in a fair and unbiased manner, and that the rights and privacy of the participants are protected.

**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
September 17, 2009
7:30P.M.**

MEETING CALLED TO ORDER The meeting was called to order at 7:30pm.

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Alternate No. 1, Mr. Robbins, Alternate No. 2 Mr. McElwee

Also in attendance were Tom Coleman of Raymond and Coleman, Township Solicitor. Tom Miller, Township engineer and Barbara Fegley, Township Planner, of Environmental Resolutions.

APPROVAL OF MINUTES FROM August 20, 2009.

Motion- Mr. Robinson

Seconded- Mr. Levay

Roll call:

Voted in the Affirmative: Mr. Aaronson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Abstained: Mrs. Belgard, Mr. Johnson, Mayor Mount
Motion passed 5, 0, and 3

OLD BUSINESS

No old business

NEW BUSINESS

**Greater American Communities
Fox Run
Block 1202, Lot 4.01
Age Restricted Community
Preliminary and Final Site Plan**

Fred Dubowsky Esq. - Attorney for the Miller Group.
Testified about approvals given to past builder.
Jeff Richter-engineer sworn in by Tom Coleman.

Exhibit A-1, Original greater American site plan
Exhibit A-2, original site plan for 4.01
Exhibit A-3 color rendering of fox run phase 1
Exhibit A-4 color rendering of fox run phase 1-2
Exhibit A-5-single family home 2 styles
Exhibit A-6 duplex model
Exhibit A-7 single family detached home-2200 sq feet
Exhibit A-8 manor homes- 3 story apartment style homes

The proposed project is the same as the previous except a road will be added to Kove Road, eliminating one unit to provide that that access. Some of the units have been eliminated temporarily for the temporary basin that will be located to the east of the property. These basins will be temporary only until phase 2 is in effect. Should the developer not move forward with phase 2, the basins are adequate for the existing development. If phase 2 comes into effect, these basins will be filled in and home will be built in that area. Also the units that would be located to the rear of the property have been eliminated until phase 2 is proposed. The temporary or permanent basins will be maintained by the Community Association.

There are 84 units; 18 singles, 18 duplex, 3 manor homes w 10 units. This plan reflects the same road pattern and parking. There is no on street parking on the main road. The landscaping plan will remain the same.

Jeff P. Miller- 96 Vanlue Court, East Brunswick, The Miller Group, sworn in by Tom Coleman.

Mr. Miller testifies as the different types of homes. Exhibits A-9 to A-12 is photographs of homes of a very similar development.

Exhibit A-9 color rendering single family detached homes
Exhibit A-10 color rendering single family detached homes
Exhibit A-11 color rendering single family detached homes
Exhibit A-12 color rendering single family detached homes

Open to the Public:

Marlene Basset- Jefferson Square E-3. Will the original 35 foot buffer stay the same with this plan?
Mr. Richter testified yes.

Closed to the Public

Motion- Mr. Robinson
Seconded- Mrs. Johnson

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 8, 0, and 0

MEETING OPEN TO THE PUBLIC

No comment from the public

CORRESPONDENCE

No correspondence

ADJOURNMENT

Mr. Levay made a motion to adjourn the meeting at 9:31pm and Mrs. Johnson Seconded.

Motion passed unanimously

**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
October 15, 2009
7:30P.M.**

MEETING CALLED TO ORDER

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.
Alternate No. 1, Mr. Robbins, Alternate No. 2 Mr. McElwee

APPROVAL OF MINUTES FROM September 17, 2009.

Motion- Mr. Levay
Seconded- Mr. Westphal

Roll call:
Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 8, 0, and 0

OLD BUSINESS

**Greater American Communities
Fox Run
Block 1202, Lot 4.01
Age Restricted Community
Resolution P-29-09**

**Motion-Mr. Robinson
Seconded-Mr. Levay**

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 8, 0, and 0

NEW BUSINESS

**Ordinance No. 2009-11
Amend Sections of Chapter XVI, Land Development Ordinance**

Tabled until November 19, 2009 meeting.

**Motion-Mr. Aaronson
Seconded-Mr. Levay**

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 8, 0, and 0

**Ordinance No. 2009-13
Amendment of Chapter 16.200, Storm Water Management**

After a considerable amount of discussion the board has decided to have Township Committee revisit the section 14.4 # 1.

**Motion-Mr. Robinson
Seconded-Mr. Aaronson**

RESOLUTION NO. P-29-2009

**RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD,
THE MILLER GROUP
BLOCK 1202, LOT 4.01**

WHEREAS, The Miller Group has applied to the Planning Board of the Township of Edgewater Park for preliminary and final major site plan approval for property located on Kove Road, known as Block 1202, Lot 4.01, for the purpose of constructing an age-restricted, multi-family housing community consisting of mixed building types; and

WHEREAS, a variance is required because the Applicant has not satisfied all of the requirements of the Edgewater Park Zoning Ordinance; and

WHEREAS, in August and September, 2006, the Planning Board granted Preliminary and Final Site Plan Approvals to Greater American Communities, II, LLC ("Greater American"), to construct an age-restricted, multi-family residential community of mixed building types on Lot 4.01 and other adjacent lots; and

WHEREAS, the 2006 Site Plan Approvals were in connection with (i) an Agreement of Sale, dated November 24, 2004, between the Township of Edgewater Park as Seller and Quest Properties, LLC, as Buyer of Block 1202, Lot 4.01; (ii) a Development Agreement, dated March 24, 2006, between the Township and Greater American, as Developer of Block 1202, Lots 1.10, 4.01 and 9; and (iii) an Assignment Agreement by which Quest Properties, LLC, assigned all of its rights, title and interest in the November 24, 2004 Agreement of Sale to Greater American; and

WHEREAS, by Resolution No. 53-2007, the Township resolved that the November 24, 2004 Agreement of Sale and the March 24, 2006 Development Agreement were null and void; and

WHEREAS, the 2006 Site Plan Approvals granted by the Planning Board to Greater American are no longer valid; and

WHEREAS, the Township entered into a Development Agreement and Agreement of Sale, dated June 5, 2009, with the Applicant for the sale of Block 1202, Lot 4.01 and the development of Block 1202, Lots 1.10, 4.01 and 9 into an age-restricted residential community of 237 market-rate units consisting of 67 single family court home units, 100 duplex court homes

and 70 manor home units plus a sufficient number of Affordable Housing Units to satisfy the COAH requirements for the entire development, but not to exceed 257 units; and

WHEREAS, the June 5, 2009 Development Agreement/Agreement of Sale provided for the independent development of Block 1202, Lot 4.01 with no more than 96 home units, including all affordable housing units required for the development of that Lot; and

WHEREAS, the Applicant has now submitted an Application for Preliminary and Final Site Plan Approval for the development of Fox Run Phase I on Block 1202, Lot 4.01 consisting of 84 home units with 18 single family dwellings, 36 duplex units (18 buildings) and 30 manor home units (3 buildings); and

WHEREAS, a public hearing to consider the application was held by the Edgewater Planning Board on September 17, 2009, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey;

WHEREAS, the following exhibits were submitted by the Applicant and offered into evidence at the hearing:

- A-1 - 2006 approved Site Plan;
- A-2 - 2006 approved site plan for the Block 1202, Lot 4.01 portion;
- A-3 - Color rendering of Fox Run, Phase I;
- A-4 - Color rendering of Fox Run, Phases I and II;
- A-5 - Architectural Drawing of a Single Family home;
- A-6 - Architectural Drawing of a Duplex Model;
- A-7 - Architectural Drawing of a Single Family home, 2200 square feet in size;
- A-8 - Architectural Drawing of a manor home;
- A-9 - Picture of a finished single-family home in Holmdel, New Jersey;
- A-10 - Picture of a finished single-family home in Holmdel, New Jersey;
- A-11 - Picture of a finished single-family home in Holmdel, New Jersey;
- A-12 - Picture of a finished single-family home in Holmdel, New Jersey.

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

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of 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 has entered into an Agreement of Sale and Development Agreement with the Township to purchase Block 1202, Lot 4.01 (the "Property") and to develop the Property and adjacent Lots 1.10 and 9 into an age-restricted residential community that also includes affordable housing units.

2. The Applicant has submitted an application for preliminary and final major site plan approval, providing the Board with a proposed set of plans and testimony.

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

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

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

6. The Property is located in the Township's Redevelopment Zone and is subject to the requirements of the redevelopment plan and the Developer's Agreement between the Applicant and the Township.

7. The Applicant is proposing to construct 84 home units on the Property consisting of 18 single family homes, 36 duplex units (18 buildings) and 30 manor units (3 buildings of 10 units per building).

8. The June 5, 2009 Development Agreement/Agreement of Sale provides for the following:

- a. The Applicant intends to develop Block 1202, Lots 1.10, 4.01 and 9 into an age-restricted residential community of 237 market-rate units comprised of 67 Single Family Court Home Units, 100 Duplex Court Homes Units, 70 Manor Home Units and a sufficient number of affordable units to meet the COAH requirements for the entire development and to develop a 10,000 square foot office building for Medical Arts and Assisted Living on part of the property adjacent to Route 130, together with all associated roads, storm water drainage, active and passive recreation facilities and open space required for the development of the properties as contemplated therein;
- b. The residential development shall not exceed a density of 8 units per acre and the Age-Restricted Residential-Commercial Zoning District (R-AR-1) bulk design requirements and standards shall apply;
- c. The total number of housing units for the entire residential community, inclusive of the affordable units, shall not exceed 257 units;

- d. The development of the Property, independent of Block 1202, Lots 1.10 and 9, shall not exceed 96 home units, inclusive of all required affordable housing units that would be required for the development of the Property;
- e. The Township may accept a cash payment into its affordable housing trust fund to offset an agreed upon number of affordable housing units;
- f. No more than thirty percent (30%) of the housing units will be the Manor Home units;
- g. The residential development will be developed under the condominium form of ownership, with the streets and services in the residential community being privately maintained by the condominium association;
- h. The Applicant shall make a good faith effort to negotiate the acquisition of Block 1202, Lots 1.10 and 9 and if the Applicant is unable to acquire Lots 1.10 and 9 at their appraised fair market value, the Township shall consider, and acknowledges that it can proceed, to acquire the lots through the use of eminent domain.
- i. No less than eight percent (80%) of the units will be owned and occupied by households where at least one occupant is at least 55 years of age or older and no permanent resident is under the age of 19 years of age. Based on housing market conditions, the Applicant may seek approval for an increase in the number of non-age restricted units but not to exceed thirty five percent (35%) of the total units, excluding the affordable housing units.
- j. The Township and Applicant shall use their best efforts to begin the project on the Property even if at that time Lots 1.10 and 9 have not been acquired.

9. Fred S. Dubowsky, Esquire, represented the Applicant at the September 17, 2009 Public Hearing. Jeffrey Richter, Barbara Casey and Jeffrey Miller testified on behalf of the Applicant.

10. Mr. Dubowsky represented to the Board that the prior applicant, Greater American, no longer has any interest in the Property and that former principals of Greater American are principals in the Applicant.

11. Mr. Richter testified as follows:

- a. He is a professional engineer, licensed in the State of New Jersey and has been qualified to give expert testimony as an engineer before land use boards in the State of New Jersey;
- b. He compares the development proposed for the Property and the development contemplated for Lots 1.10 and 9 with the 2006 approved site plan;

- c. He has reviewed the September 17, 2009 Review Letter from Environmental Resolutions, Inc. with the Applicant and the Applicant will comply with the review comments;
- d. COAH units will be built on the site;
- e. A condominium plan will be submitted for Board approval at the time of construction but no certificates of occupancy will be issued until the Board approves the condominium plan;
- f. It is the Applicant's intention to construct the residential community in accordance with the Township's Redevelopment Plan with Phase I being constructed on the Property and Phase II being constructed on Block 1202, Lots 1.10 and 9;
- g. A variance permitting Fox Run Phase I to be developed on 12.40 acres, rather than the 30 acres required will promote the public good by providing for housing for older persons and low and moderate income families;
- h. If the Applicant is unable to acquire Block 1202, Lots 1.10 and 9, the Applicant recognizes that the Site Plan for Phase I will have to be revised to accommodate the required landscaping, buffering and recreation facilities.

12. Mr. Miller testified as follows:

- a. He is an architect, registered in the State of New Jersey; and
- b. He describes and provides architectural drawings of the proposed single-family homes, duplexes and manor homes.

13. Ms. Casey testified as follows:

- a. She is an attorney-at-law of the State of New Jersey;
- b. She previously represented Greater American in connection with the 2006 site plan approvals;
- c. The development is required to be registered with the State of New Jersey in accordance with the New Jersey Condominium Act and the New Jersey Planned Real Estate Development Full Disclosure Act.
- d. No recreation facilities for the residential community are proposed for Phase I, those facilities are proposed for Phase II.

14. The Applicant through the testimony of its agents and representatives has agreed to comply with the comments contained in the review letter of the Board Engineer and Board Planner.

15. The Applicant has testified why sidewalks are not required in the "court" areas of the community.

16. The number of proposed manor homes for Phase I of Fox Run exceeds the 30% limit contained in the Development Agreement with the Township. The number of manor homes for Phase I would be limited to 25 homes (30% of the 84 total residential units proposed for Phase I) and the Applicant is proposing 30 manor home units.

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

1. This application relates to a specific piece of property and the Applicant has provided the necessary information in the form of plans, renderings and testimony so that the Board can make an informed decision on the application for Preliminary and Final 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 and the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirement for lot area 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 would allow for the development of the Property, and otherwise promote the safety, health and general welfare of the Township.

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 17th day of September, 2009, that this Board hereby grants to the Applicant the following:

1. Submission waivers as identified in the September 11, 2009 review letter of Environmental Resolutions, Inc.

2. Variance to permit the development of the Property with 12.40 acres where 30 acres is otherwise required.

3. Preliminary and Final Site Plan Approval for the construction of Phase I of Fox Run, in accordance with the plans submitted by the Applicant and subject to the following conditions:

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

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

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

d) Subject to the comments of compliance made by the Applicant and its agents and representatives at the September 17, 2009 Planning Board Public Hearing.

e) Subject to the comments of the Planning Board Engineer as contained in the September 11, 2009 Review Letter of Environmental Resolutions, Inc. by Thomas J. Miller, PE, PP, CME, and Barbara J. Fegley, AICP, PP.

f) Subject to the submission of the governing documents establishing the condominium association, together with the association's declaration of covenants and restrictions and by-laws.

g) Subject to the submission of all easements required for the community, including the easement required to connect into the stormwater discharge and overflow located on Lot 4.06.

h) Subject to a Condominium Plan being submitted for Board Approval prior to the issuance of any certificates of occupancy for the residential community.

i) Subject to the Applicant posting all performance and maintenance guarantees required for the development of the residential community. A bond will be required for all of the

landscaping so that if the Applicant is unable to acquire Block 1202, Lots 1.10 and 9, the landscaping bond will be drawn upon for the Phase I landscaping.

j) Subject to the Applicant complying with all of the terms and conditions contained in the June 5, 2009 Development Agreement/Agreement of Sale between the Applicant and the Township. Subject to the Township approving the Phase I housing mix that contains the 30 manor home units.

k) Subject to the Applicant returning to the Planning Board for Amended Site Plan Approval prior to the issuance of fifty percent (50%) of the certificates of occupancy for Phase I of Fox Run if the additional land for Phase II has not been acquired by that date. The amended plans shall include the requirements for recreation, buffers and landscaping.

l) Subject to the Applicant's Escrow Account being kept current. Failure of the Escrow Account to be kept current will result in the non-issuance of zoning permits, construction permits and/or certificates of occupancy.

ROLL CALL VOTE

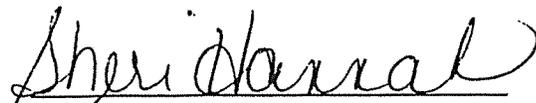
Those In Favor: 8
Those Opposed: 0
Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on September 17,2009.

Attest:

EDGEWATER PARK PLANNING BOARD



SHERI HANNAH, Secretary

By:



MARIAN JOHNSON, Chairwoman

Dated: 10-15-09

Date of Approval: 9-17-09

Date of Memorialization: 10-15-09

Counter Motion- Mr. Levay

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Voted in the Negative: Mr. Levay

Motion passed 7, 1, and 0

Ordinance No. 2009-14

Amendment to Chapter 16.200 Storm water Control Ordinance

Motion-Mr. Robinson

Seconded-Mr. Levay

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 8, 0, and 0

Thomas & Dawn Thompson

Block 1201.07, Lot24

Shed

Proper notice was not given in order to be heard by the Planning Board.

MEETING OPEN TO THE PUBLIC

No comment from the public

CORRESPONDENCE

No correspondence

ADJOURNMENT

Mr. Levay made a motion to adjourn at 8:05. Mrs. Belgard seconded.

Motion passes unanimously.

**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
November 19, 2009
7:30P.M.**

MEETING CALLED TO ORDER

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson and Mr. Westphal

Alternate No. 1, Mr. Robbins, Alternate No. 2 Mr. McElwee

Absent: Chairman Johnson

Also in attendance: Tom Coleman of Raymond and Coleman and Tom Miller of Environmental Resolutions.

APPROVAL OF MINUTES FROM October 15, 2009.

Motion- Mr. Robinson

Seconded-Mr. Westphal

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mayor Mount, Mr. Charles Robinson, Mr. Westphal.

Motion passed 7, 0, and 0

OLD BUSINESS

Edgewater Park Township
Planning Board Meeting
November 19, 2009

**Ordinance No. 2009-11
Amend Sections of Chapter XVI, Land Development Ordinance**

Removed from agenda.

NEW BUSINESS

**Thomas & Dawn Thompson
Block 1201.07, Lot24
Shed**

Dawn Thompson and Thomas J. Thompson, 317 S. Harrison Ave, sworn in by Tom Coleman.

Dawn Thompson testified that they wish to obtain a variance for a second shed. The purpose of the second shed is for storage of pool supplies and yard equipment. The size of the shed is 6'x10'. The shed is set on an existing 8x12 concrete pad. The shed would be consistent to the aesthetics of the house. Mrs. Thompson testified that the second shed would not be a detriment to the neighborhood. The shed meets height requirements as long as they are less than 10 feet.

Mr. Tom Miller, Engineer, of Environmental resolutions reviews letter.

MEETING OPEN TO THE PUBLIC

Steven Lamb, 315 S Harrison Ave. Sworn in by Tom Coleman.

Mr. Lamb testified that the height of the structures is taller than what the ordinance allows. The original shed has been elevated.

Photos

- A-1 Existing Shed after modification
- A-2 Existing Shed after modification
- A-3 New Shed
- A-4 New Shed

Tom Thompson testified that there are other properties with 2 accessory structures.

- A-5 Photo of N. Arthur Drive
- A-6 Original zoning permit

Motion- Mr. Levay
Seconded- Mrs. Belgard

Voted in the affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Johnson, Mr. Levay, Mr. Robins, Mr. Charles Robinson, Mr. Westphal.

Abstained: Mayor Mount

Motion passed 6, 0, and 1

MEETING OPEN TO THE PUBLIC

No comment from the public

CORRESPONDENCE

No correspondence

ADJOURNMENT

Mr. Johnson made a motion to adjourn and Mr. Westphal seconded.

Motion passed unanimously

RESOLUTION NO. P-30-09

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
THOMPSON
BLOCK 1201.07, LOT 24
VARIANCE APPROVAL

WHEREAS, Dawn and Tom Thompson have applied to the Planning Board of the Township of Edgewater Park for variance approval for property located at 317 South Harrison Avenue, known as Block 1201.07, Lot 24 (the "Property"), for the purpose of installing three accessory structures (two storage sheds and one above ground swimming pool); and

WHEREAS, a variance is required because the number of accessory structures exceeds the number of accessory structures permitted in the R-4 Zoning District; and

WHEREAS, the application was deemed complete by the Planning Board on November 19, 2009; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on November 19, 2009; and

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

WHEREAS, the following exhibits were introduced at the November 19, 2009 Public Hearing by Stephen Lamb:

- A-1 Photo of first shed after modification;
- A-2 Photo of first shed;
- A-3 Photo of second shed;
- A-4 Photo of second shed; and

WHEREAS, the following exhibits were introduced at the November 19, 2009 Public Hearing by the Applicants:

- A-5 Photo of garage at 204 Arthur;
- A-6 Photo of Property with two sheds;
- A-7 Application for permit for installation of second shed; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicants in support of their application for variance approval, and after the meeting was

THOMPSON - RESOLUTION NO. P-30-09

opened to the public for their questions, comments and input, has made the following findings of fact:

1. The Applicants are the owners of the Property. The Property is improved with a single family detached residential dwelling and is located in the R-4 Zoning District. An above ground swimming pool and one storage shed with an overhang are located on the Property. A second storage shed is under construction.

2. The Applicants have submitted an application for a variance pertaining to the number of accessory structures, providing the Board with a proposed set of plans and testimony.

3. The taxes on the Property are current.

4. The Applicants have paid and/or posted all required fees and agreed to keep their review escrow current.

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

6. Storage sheds and swimming pools are permitted accessory uses in the R-4 Zone. The Applicants require a variance to permit more than one accessory structure on the Property.

7. The Applicants testified as follows:

- a. The first shed is utilized to store belongings of Mrs. Thompson's deceased mother;
- b. The second shed will be utilized to store pool equipment which would otherwise be stored outside, a less aesthetic appearance;
- c. The second shed will be 6 feet by 10 feet and 8 feet n height and will be the same color as the house;
- d. The second shed will have one light fixture for inside illumination;
- e. Other properties in the neighborhood have more than one shed;
- f. They will use the dwelling as their primary residence within the next six months;
- g. They have owned the Property for six years;
- h. The current swimming pool replaced a swimming pool that existed on the Property when they purchased the Property;

THOMPSON - RESOLUTION NO. P-30-09

- i. An Application was submitted for a permit to erect the second shed but the permit was revoked after the Township received a complaint from a neighbor;
 - j. They have no plans to rent the house.
8. Stephen Lamb testified as follows:
- a. The Applicants do not reside in the dwelling;
 - b. The Applicants did not apply for a permit for the first shed and were not going to get a permit for the second shed;
 - c. The first shed was snuck in.
9. The Applicants are requesting variance approval to allow them to have 2 storage sheds and 1 above ground swimming pool, as accessory structures, as proposed, to provide greater utilization for the Property.
10. Without variance approval, the Applicants would be unable to retain the 2 storage sheds and 1 above ground swimming pool existing on the Property, which is otherwise in conformance with the ordinance requirements of the Township of Edgewater Park.

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

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirement specified herein for the number of accessory structures, as requested by the Applicants.
2. The benefits of the deviation from the zoning ordinance requirement specified herein would substantially outweigh any detriment to the public good as variance approval would allow for the development of the Property, and otherwise promote the safety, health and general welfare of the Township.
3. Relief as requested by the Applicants can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 19th day of November, 2009, that this Board hereby grants to the

THOMPSON - RESOLUTION NO. P-30-09

Applicants a variance to permit three (3) accessory structures on the Property in accordance with the plans reviewed by the Planning Board, subject to the following conditions:

1. Proof that the Applicants have applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicants' use of the Property shall be filed with the Township of Edgewater Park.

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

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

4. Subject to the comments of compliance made by the Applicants at the November 19, 2009 Planning Board Public Hearing.

5. Subject to the Applicants complying with the October 6, 2009 review letter of Environmental Resolutions, Inc., by Thomas J. Miller, PE, PP, CME.

6. Subject to the second shed being no larger than 6 feet by 10 feet and no higher than 10 feet. The only utility to serve the second shed is electricity for one light fixture.

7. Subject to the Applicants reducing the height of the first shed to 10 feet no later than June 1, 2010.

THOMPSON - RESOLUTION NO. P-30-09

ROLL CALL VOTE

Those in Favor: 6

Those Opposed: 1

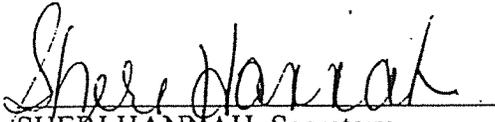
Those Abstaining: 1

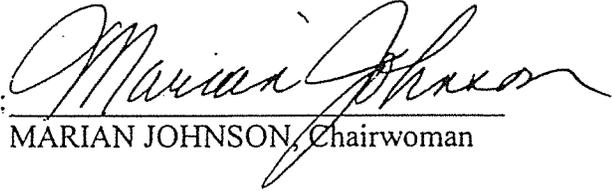
CERTIFICATION

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 November 19, 2009.

Attest:

EDGEWATER PARK PLANNING BOARD


SHERI HANNAH, Secretary

By: 
MARIAN JOHNSON, Chairwoman

Dated: 12/17/09

Date of Approval: 11/19/2009

Date of Memorialization: 12/17/09

**EDGEWATER PARK TOWNSHIP
PLANNING BOARD
MINUTES
December 17, 2009
7:30P.M.**

MEETING CALLED TO ORDER

FLAG SALUTE

STATEMENT OF THE MINUTES

Public Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Planning Board in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building on January 09, 2009.
- B. By faxing/e-mailing written notice to the Burlington County Times and the Courier on January 09, 2009.
- C. By filing written notice with the Clerk of the Township on January 09, 2009.

ROLL CALL

Present: Mr. Aaronson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Alternate No. 1, Mr. Robbins, Alternate No. 2 Mr. McElwee

Absent: Mrs. Belgard, Mr. Johnson, Mr. McElwee and Mayor Mount

Also in Attendance: Thomas Coleman Esq., Of Raymond, Coleman and Heinold and Barbara Fegley of Environmental Resolutions.

APPROVAL OF MINUTES FROM November 19, 2009.

Motion-Mr. Levay

Seconded- Mr. Robinson

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Levay, Mr. Charles Robinson and Mr. Westphal...

Abstained: Chairman Johnson

Motion passed 5, 0, and 1

OLD BUSINESS

**Thomas & Dawn Thompson
Block 1201.07, Lot24
Shed
Resolution P-30 -09**

**Motion- Mr. Robinson
Seconded- Mr. Levay**

Voted in the Affirmative: Mr. Aaronson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Mr. Robbins.

Abstained: Chairman Johnson

Motion passed 5, 0, and 1

Mrs. Belgard joins the meeting at 7:38.

Motion to Recess at 7:36PM.

**Motion- Mr. Levay
Seconded- Mr. Robinson**

Voted in the Affirmative: Mr. Aaronson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal, Mr. Robbins and Chairman Johnson.

Motion passed 6, 0, and 0

Motion to re-enter into Public Session at 7:38PM

**Motion- Mr. Levay
Seconded- Mr. Robinson**

Voted in the Affirmative: Mr. Aaronson, Mr. Levay, Mr. Charles Robinson, Mr. Westphal, Mr. Robbins and Chairman Johnson.

Motion passed 6, 0, and 0

NEW BUSINESS

**Kove Catering
Block 502, Lot 12.03
Preliminary/Final Site Plan Approval
Reaffirmation**

RESOLUTION NO. P-31-09

RESOLUTION OF THE EDGEWATER PARK TOWNSHIP PLANNING BOARD
LAMAINA, LLC
BLOCK 502, LOT 12
MINOR SUBDIVISION AND VARIANCE APPROVAL

WHEREAS, Lamaina, LLC, has applied to the Planning Board of the Township of Edgewater Park for minor subdivision approval for property located at Route 130 and Delanco-Cooperstown Road, known as Block 502, Lot 12 (the "Property"), for the purpose of subdividing Lot 12 into two (2) lots; and

WHEREAS, the Applicant submitted a minor subdivision plan prepared by Robert R. Stout, PE, PLS, dated August 14, 2008, last revised April 2, 2009; and

WHEREAS, variances pursuant to N.J.S.A. 40:55D-70(c) are required because the proposed subdivision does not satisfy the lot area and lot depth requirements of the Edgewater Park Zoning Ordinance; and

WHEREAS, a variance pursuant to N.J.S.A. 40:55D-70(d) is required because the Applicant is proposing to retain two (2) existing non-conforming billboard uses on proposed Lot 12.03 and the subdivision of the Property is an expansion of these non-conforming uses; and

WHEREAS, the Planning Board granted minor subdivision approval to the Betty Simon Trust, Owner of the Property, on October 16, 2008 to subdivide the Property in the same configuration as proposed by the Applicant and in connection with the October 2008 Approval, granted the lot area and lot depth variances as currently requested by the Applicant; and

WHEREAS a condition of the October 2008 Approval required the two (2) billboards to be removed prior to the recording of the minor subdivision deed/plan perfecting the Minor Subdivision Approval and as such, the Board did not consider a variance pursuant to 40:55D-70(d) at that time; and

WHEREAS, at the time of the October 2008 Approval, the Applicant was under Agreement to purchase proposed Lot 12.03 for the purpose of constructing a catering hall;

WHEREAS, in December, 2008, the Applicant received Preliminary and Final Site Plan Approval to construct a catering hall on proposed Lot 12.03; and

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WHEREAS, the October 2008 Approval was never perfected by the recording of a minor subdivision deed or plan and the Applicant is now proposing to re-affirm the October 2008 Approval and has requested relief to retain the two (2) non-conforming billboards; and

WHEREAS, the application was deemed complete by the Planning Board on December 17, 2009; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on December 17, 2009; and

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

WHEREAS, the Applicant presented the following evidence at the December 17, 2009 Public Hearing:

A – 1 - Minor Subdivision Plan; and

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

1. The Applicant is under Agreement of Sale to purchase proposed Lot 12.03 from the Betty Simon Trust. With the exception of two (2) non-conforming billboard signs, the Property is vacant. The Property is located in the C-LI-5 Zoning District.

2. The Applicant has submitted an application for minor subdivision approval and for a variance pertaining to the Ordinance requirements for lot area and lot depth, providing the Board with a proposed set of plans and testimony. The Applicant is also requesting a variance to expand the non-conforming billboard uses.

3. The taxes on the Property are current.

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

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

6. The Applicant is proposing to subdivide Lot 12 into two lots, proposed Lot 12.02, 10.45 acres in area and proposed Lot 12.03, approximately 4.31 acres in area. As a result of

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County Planning Board review, the lot area for proposed Lot 12.03 may be reduced to 4.22 acres if the County requires additional right-of-way along the County road.

7. The Zoning Ordinance requires lot areas of 5 acres in the C-LI-5 zoning district; a variance is required for proposed Lot 12.03.

8. The Zoning Ordinance requires lot depths of 500 feet in the C-LI-5 zoning district and the Applicant is proposing a lot depth of 314.56 feet for proposed Lot 12.03; a variance is required.

9. The Planning Board granted minor subdivision approval to the Betty Simon Trust on October 16, 2008 to subdivide the Property in the same configuration as proposed by the Applicant and granted variances to permit a lot area of 4.31 acres and a lot depth of 314.56 feet for proposed Lot 12.03. The two (2) non-conforming billboards were to be removed prior to the filing of the minor subdivision deed/plan required to perfect the October 2008 Minor Subdivision Approval. As a result of County review, the lot area for proposed Lot 12.03 may be reduced to 4.22 acres if the County requires a deed of dedication and not an easement for future right-of-way for the County road.

10. In October, 2008, the Applicant was under Agreement to purchase proposed Lot 12.03 for the purpose of constructing a catering hall. The Applicant received Preliminary and Final Site Plan Approval to construct a catering hall on proposed Lot 12.03 in December of 2008.

11. The Applicant, in connection with minor subdivision approval and lot area and lot depth variances, is now requesting that the two (2) existing non-conforming billboards located on proposed Lot 12.03 be permitted to remain until construction of the catering hall begins. The subdivision of the Property is an expansion of a non-conforming use because the non-conforming billboards will be located on a smaller lot.

12. Michael Lamaina testified as follows:

- a. He is the Applicant's Managing Member and will be the operator of Kove Catering in accordance with the December 2008 Site Plan Approval granted by the Board;
- b. The reasons expressed in October, 2008, for the granting of the lot area and lot depth variances, that is, there are similarly sized lots less than 5 acres in the area of the Property and the shape of the Property with

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frontages along Route 130 and Delanco-Cooperstown Road would result in irregularly shaped lots, remain applicable;

- c. The Applicant has been unable to secure the financing necessary for the construction of the catering hall and the temporary retention of the two (2) billboards will help offset the carrying costs for Lot 12.03.

13. The Applicant is requesting variance approval to allow it to subdivide the Property as proposed, to provide greater utilization for this property.

14. Without variance approval, the Applicant would be unable to subdivide the Property as proposed, which is otherwise in conformance with the ordinance requirements of the C-LI-5 Zone of Edgewater Park.

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

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements specified herein for lot area, lot depth and the expansion of a non-conforming use, as requested by the Applicant.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 17th day of December, 2009, that this Board hereby grants to the Applicant (i) a variance to permit the expansion of a non-conforming use by permitting the temporary retention of two (2) non-conforming billboard uses; (ii) a variance to permit a lot area of 4.3071 acres and a lot depth of 314.06 feet for proposed Lot 12.03 with the lot area to be further reduced to 4.22 acres if the County required a deed of dedication for additional right-of-way along the County road; and (iii) minor subdivision approval subdividing Lot 12 into Lots

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12.02 and 12.03, in accordance with the plans submitted by the Applicant, subject to the following conditions:

1. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township of Edgewater Park.
2. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the minor subdivision plat or deed be signed and any required building permit, certificate of occupancy or zoning permit be issued.
3. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.
4. Subject to the comments of compliance made by the Applicant's agents and representatives at the December 17, 2009 Planning Board Public Hearing.
5. Minor Subdivision Approval shall expire 190 days from the date on which the Resolution of municipal approval is adopted unless within such period a plat in conformity with minor subdivision approval and the provisions of the Map Filing Law or a deed clearly describing the approved minor subdivision is filed by the Applicant with the County Recording Officer, the municipal engineer and the municipal tax assessor. The plat or deed shall be signed by the Planning Board Chairman and Secretary prior to filing with the County Recording Office. A copy of this Resolution shall be attached to and recorded with the Subdivision Deed.
6. Subject to the two (2) existing billboards being removed from Lot 12.03 prior to the time a building permit is issued for any construction on this lot.
7. Minor subdivision approval shall not be construed as guaranteeing the issuance of building permits to the Applicant for Lot 12.03 or the Owner for Lot 12.02. The Applicant and the Owner must comply with all requirements for the issuance of the required building permits for any construction on Lots 12.02 and 12.03. The Owner and the Applicant are being advised that there shall be no curb cuts on Route 130 when the lots are developed.

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8. Subject to the comments of the Board Engineer, as contained in the October 15, 2008 Review Letter of Environmental Resolutions, Inc., by Thomas J. Miller, PE, PP, CME and Barbara J. Fegley, AICP, PP, as issued at the time of the October 2008 Approval.

9. Subject to the comments of the Board Planner, as contained in the December 2, 2009 Review Letter of Environmental Resolutions, Inc., by Barbara J. Fegley, AICP, PP, issued for the current application.

ROLL CALL VOTE

Those in Favor:

Those Opposed:

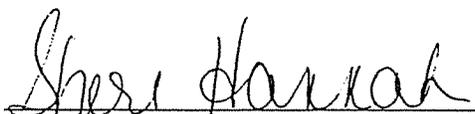
Those Abstaining:

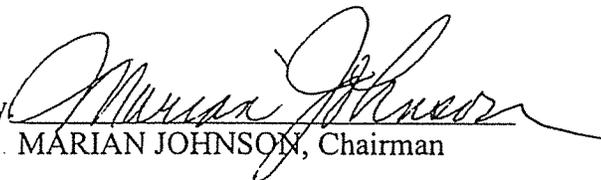
CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on December 17, 2009.

Attest:

EDGEWATER PARK PLANNING BOARD


SHERI HANNAH, Secretary

By 
MARIAN JOHNSON, Chairman

Dated: 12/17/2009

Date of Approval: 12/17/2009

Date of Memorialization: 12/17/2009

Mr. Edward Pemberthy, Attorney for Kove Catering.

Michael Lamanian sworn in by Tom Coleman Edgewater Park Planning Board Solicitor.

Mr. Pemberthy testified in regard to the previous approvals given at the November 19, 2009 meeting and all that is needed is a reaffirmation. Also that Mr. Lamanian is asking for a variance for the two billboards to remain on the property until building permits for the facility are obtained.

Mr. Lamanian testified that he would like the billboards to remain so revenue can still be generated until the building of the facility. The billboards will be removed within 30 days of the issuance of the building permits.

Barbara Fegley Township Planner- review letter.

Minor subdivision with a variance

Motion-Mr. Aaronson

Seconded- Mrs. Belgard

Roll call: Mr. Aaronson, Mrs. Belgard, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 6, 0, and 0

Kove Catering

Block 502 Lot 12.03

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Motion-Levay

Seconded-Robinson

Voted in the Affirmative: Mr. Aaronson, Mrs. Belgard, Mr. Levay, Mr. Charles Robinson, Mr. Westphal and Chairman Johnson.

Motion passed 6, 0, and 0

MEETING OPEN TO THE PUBLIC

No comment from the public

CORRESPONDENCE

Tom Coleman reviewed the Memorandum in regards to cell towers from the Federal Communication Commission.

ADJOURNMENT

Mr. Levay made a motion to adjourn at 8:06PM. Mr. Robinson seconded.

Motion passed unanimously

Crestar Capital LLC
 (Formerly known as CCTS Capital LLC)

US Bank CUST for Crestar Capital, LLC

EIN# 26-3752347

1415 Route 70 East
 Suite 500
 Cherry Hill, NJ 08034

Date _____
 Tax Collector _____

Municipality _____
 County _____

Telephone _____
 Fax _____

From: Carin K Cohen
 856-616-0280 x 228
 Email: ccohen@crestarcapital.com
 Fax: 856-616-0282

Confirm Date of Tax Sale _____
 Confirm Time of Tax Sale _____

Confirm Address where Tax Sale will be held: _____

Please verify the following information regarding your upcoming Tax Sale. In addition please confirm if Crestar Capital will be able to pay for the liens purchased at the tax sale with a company check. If not, please specify your preferred method of payment.

Please confirm the following by circling Yes or No

➤ Crestar Capital confirmed to attend Tax Sale Yes No
 (If Pre-registration is required please forward us all necessary documents to register)

➤ 6% Year End Penalty Yes No

➤ Fiscal Year 7/1 to 6/30 Yes No

➤ Accelerated Tax Sale Yes No

➤ Crestar Check Accepted Yes No

➤ If Certified funds are required will Crestar have enough time to go to the bank? Yes No

- If our Company check is not accepted and we will not have time to go to the bank, will you accept a wire transfer? Yes No
- If a wire is an accepted method of payment please email/fax our office your wire instructions.

➤ Is an updated list for current properties that remain in the Tax Sale available? (If yes, please fax or email to Carin K. Cohen) Yes No

➤ Is a delinquent list available? (If yes, please fax or email to Carin K. Cohen) Yes No

➤ Are separate checks needed for Tax, Utility and Premiums? Yes No

If so please circle the number of checks that may possibly be needed: 1 2 3 4

Please provide the following information:

Equalization Ratio _____ Equalization Year _____

➤ Can we communicate by email Yes No

If so please provide the Tax Collectors Email Address:

Please issue all certificates in the following name: US Bank CUST for Crestar Capital, LLC

Please mail awarded Certificates to:
 U.S. Bank Corporate Trust Services
 DCS-Tax Lien Service Group
 50 S. 16th Street
 Suite 1950
 Philadelphia, PA 19102-2513

Please email or fax this for back to Crestar Capital, LLC attention: Carin K. Cohen

856-616-0282 or ccohen@crestarcapital.com

Thank you in advance for your cooperation.

**Request for Taxpayer
Identification Number and Certification**

Give Form to the
requester. Do not
send to the IRS.

Name (as shown on your income tax return)
US BANK CUST FOR CRESTAR CAPITAL LLC

Business name/disregarded entity name, if different from above
CRESTAR CAPITAL LLC

Check appropriate box for federal tax classification:
 Individual/sole proprietor
 C Corporation
 S Corporation
 Partnership
 Trust/estate
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) **P**

Other (see instructions) **Other (see instructions)**

Address (number, street, and apt. or suite no.)
US Bank Corporate Trust Services - Tax Lien Service Group

City, state, and ZIP code
2 Liberty Place, 50 S 16th St, Ste 1950, Philadelphia, PA 19102

List account number(s) here (optional)

Requester's name and address (optional)

Print or type
See Specific Instructions on page 2.

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

2	6	-	3	7	5	2	3	4	7
---	---	---	---	---	---	---	---	---	---

Employer identification number

--	--	--	--	--	--	--	--	--	--

Social security number

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here
Signature of U.S. person **[Signature]**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note, if a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.