

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P- 1 - 2018

**CONCERNING THE APPLICATION OF
BLAIR AND AMY SPENCER
FOR VARIANCE APPROVAL
BLOCK 403, LOT 8**

WHEREAS, Blair and Amy Spencer have applied to the Planning Board of the Township of Edgewater Park for variance approval for property located at 611 Delanco Road, known as Block 403, Lot 8 (the "Property"), for the purpose of constructing a new detached garage to replace a garage previously located on the Property; and

WHEREAS, variances are required pursuant to *N.J.S.A. 40:55D-70(c)* because the Applicants' proposed garage exceeds the 600 square foot maximum for accessory structures in the R-2 Zoning District and the proposed garage will be the second accessory structure to be located on the Property; and

WHEREAS, the application was deemed complete by the Planning Board on February 15, 2018; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on February 15, 2018, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Board, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

WHEREAS, the Applicants presented evidence to the Board through testimony, plans. Photographs and other evidence; 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 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, approximately 55,629.50 square feet in area. The Property is improved with a one-story single-family detached residential dwelling, concrete walkways, concrete court and a masonry and frame accessory structure.

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2. The Applicants are proposing to construct a 960 square foot (24' by 40') detached garage on the Property to replace a two-story garage structure that has been demolished.

3. The Applicants have submitted an application for variances pertaining to the Ordinance requirements for the number of and size of accessory structures on a residential lot, providing the Board with a proposed set of plans and testimony.

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

7. The following variances are required in connection with the Applicants' proposed construction of an accessory structure on the Property:

a. Size of accessory structure – 600 square feet maximum for lots between one-half and two acres, 960 square feet proposed;

b. Number of accessory structures – one (1) permitted, two (2) proposed.

8. Blair Spencer provided the following sworn testimony during the February 15, 2018 Public Hearing:

a. The proposed garage will replace a previous garage that was recently demolished;

b. The proposed garage will be lower in height and smaller than the previous garage that was two-stories and exceeded 3,000 square feet in area;

c. The garage will be used to park two (2) cars and to provide a storage area for household items and a small work area;

d. The garage will be serviced by electricity only and will not be used for commercial purposes;

e. The garage will be pole barn style with beige siding to match the existing house and will have a copper roof;

f. The garage will enhance the aesthetics of the neighborhood;

g. The garage will satisfy the setback requirements for accessory structures on residential lots;

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h. It is his intention to ultimately remove the second accessory structure located adjacent to the rear property line.

9. The February 15, 2018 Hearing was opened to the Public without comment.

10. The Applicants are requesting variance approval to allow them to construct a new detached garage, to provide greater utilization for this Property and to improve the aesthetics of the Property and the neighborhood.

11 Without variance approval, the Applicants would be unable to construct the garage 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 requirements specified herein for accessory structures, as requested by the Applicants.

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 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.

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 15th day of February, 2018, that this Board hereby grants to the Applicants variances to permit the construction of a detached garage that is larger than the maximum permitted and will result in more than one (1) accessory structure on the Property, in accordance with the plans and testimony submitted by the Applicants and subject to the following:

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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 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 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 sworn testimony of Blair Spencer at the February 15, 2018 Public Hearing.

5. Subject to the Applicants receiving all required permits for the garage prior to the commencement of construction. Variance approval does not guaranty the issuance of the required permits as the Applicants are subject to the applicable construction code(s).

6. Subject to the garage as constructed not exceeding the maximum height permitted for accessory structures and not exceeding 960 square feet in area.

7. Subject to the new garage being serviced by electricity only and utilized for household purposes and not for any commercial purpose.

8. Subject to the Applicants assuming the risk if they commence construction of the garage prior to expiration of the appeals period for this variance approval.

9. Subject to the ultimate removal of the second garage on the Property. It is not the intention of this Approval to require the removal of the existing garage prior to the issuance of construction permits and a certificate of occupancy for the new 960 square foot garage.

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ROLL CALL VOTE

Those in Favor: 9

Those Opposed: 0

Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on February 15, 2018.

EDGEWATER PARK PLANNING BOARD

Attest:

By:


MARIAN JOHNSON, Chairwoman


NICOLE CARTER, Secretary

Dated: March 15, 2018

Date of Approval: February 15, 2018

Date of Memorialization: March 15, 2018

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P- 2-2018

**CONCERNING THE APPLICATION OF
HOOVER TRUCK AND BUS CENTERS
FOR VARIANCE AND SITE PLAN APPROVAL**

WHEREAS, Hoover Truck has applied to the Planning Board of the Township of Edgewater Park for variance and preliminary and final site plan approval for property located at 4313 South Route 130, known as Block 1202.07, Lot 4 and 4.05 (the "Property") on the Official Tax Map of the Township of Edgewater Park, for the purpose of operating a truck and bus sales center and to make improvements to the existing Park Plaza; and

WHEREAS, the proposed truck and bus sales center requires a variance pursuant to *N.J.S.A. 40:55D-70(d)(3)* as auto dealerships are conditional uses in the Highway Commercial Zone and the Applicant has not satisfied all of the conditions listed in Section 16-81(A) of the zoning ordinance; and

WHEREAS, the Applicant is also requesting variances pursuant to *N.J.S.A. 40:55D-70(c)* as the proposed development of the Property does not satisfy all of the requirements of the Highway Commercial Zone; and

WHEREAS, the application for variance and site plan approval was deemed complete by the Board on February 15, 2018; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on January 18, 2018, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

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

WHEREAS, the following exhibits were introduced by the Applicant during the February 15, 2018 Public Hearing:

- A-1 2014 Aerial Photograph of the Property;
- A-2 Color Rendering of Landscape Plan;
- A-3 Enlarged version of Site Plan, Sheet P-1, dated 12/12/17;

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- A-4 Typical Building Elevations, sheet P-2, dated 12/12/17;
- A-5 Photograph of existing site taken from Route 130;
- A-6 Northwest perspective from Route 130 of proposed building appearance;
- A-7 Northwest perspective at “Building A” showing proposed canopy elements;
- A-8 Western perspective of “Building B” showing Sales entrance and proposed canopy elements;
- A-9 Northeast perspective of service center side with proposed metal building addition;
- A-10 Pylon sign enhancements.

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support its application for variance and preliminary and 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 the Property, known as Park Plaza. The Property is currently improved with two buildings, the larger of which is partially occupied by the Restoration Station Church and the Church of God (“Building B”). The smaller of the existing buildings is a retail strip building (“Building A”).

2. The Applicant is proposing to operate a truck and bus sales center on portions of the Property and to make significant site improvements to enhance the aesthetic appearance of the site, rebranding the site to Hoover Plaza, providing the Board with a set of plans and other evidence supporting the proposed development of the Property.

3. The existing church tenants will remain and the retail strip use continued.

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

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

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

7. The Applicant is proposing the following improvements to the Property:

- a. Demolish a portion of Building B and construct a 14,600 square foot metal building to be used as the service center for the truck and bus sales use;

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- b. Repurpose 2 sections of Building B to provide a 3,200 square foot truck sales center and an 8,395 square foot parts center;
- c. Reconfigure portions of the existing parking lot with curbing and striping to provide car, bus and truck parking areas;
- d. Remove paving and replace with landscaped islands;
- e. Install new lighting and signage;
- f. Architectural modifications to Buildings A and B, including, entry canopies, decorative awnings and equipment screening.

8. The following conditions, listed in Section 16-81A for conditional use approval, are not satisfied by the proposed development of the Property:

- a. Front yard setback – 60 feet required, 11.2 feet existing for the proposed truck sales location and 51 feet proposed for the new service center building;
- b. Front yard setback to parking and display area – 20 feet required, 2.8 feet proposed;
- c. Side yard setback between parking/storage areas abutting non-residential zones – 15 feet required, no setback proposed as new paving to be installed adjacent to property line shared with Lot 7;
- d. Rear yard setback between parking areas abutting non-residential uses – 15 feet required, 12 feet existing;
- e. Impervious coverage – 70% maximum, coverage decreased from 89.6% to 87.7%;
- g. Landscaped area – 30% required, 12.3% proposed;
- h. Landscaped buffer along rear and side yards abutting non-residential zones – width of 15 feet required, no buffer proposed adjacent to Lot 7;
- i. Landscaped buffers along street lines – width of 20 feet required, 2.8 feet along Dutko Drive proposed;
- j. Separation between auto dealerships – 1000 feet required, existing car dealership is located across Dutko Drive.

9. The following bulk variances are required in connection with the proposed development of the Property:

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- a. Fencing prohibited in front yard areas, 6 foot high fence proposed along Dutko Drive;
- b. All parking areas require curbing, portions proposed to be uncurbed;
- c. 256 parking spaces required, 204 proposed;
- d. Parking prohibited in landscape buffer areas, the number of existing parking spaces in buffer areas is reduced;
- e. Planting areas of 20 feet required in front yards and 15 feet in side and rear yards required; paving encroaches into required planting areas but amount of existing paving is reduced;
- f. Monument signage limited to a height of 8 feet and sign area of 75 square feet; Applicant to repurpose the existing 28 foot high monument sign with 301.40 square feet of sign area;
- g. Monument sign setback of 15 feet required; existing setback is 12.2 feet;
- h. Façade sign package exceeding the size permitted.

10. The Applicant was represented at the February 15, 2018 Public Hearing by James Burns, Esquire of Dembo, Browns and Burns, LLC. Douglas Hoover, Robert Stout, David Barger and James Miller testified on behalf of the Applicant.

11. Mr. Hoover provided the following sworn testimony during the February 15, 2018 Public Hearing:

- a. He is an owner and Vice President of Hoover Truck;
- b. Hoover Truck was founded in 1966 and is currently located in Flanders and Cinnaminson, New Jersey;
- c. It is the intention to relocate the existing Cinnaminson facility to the Property;
- d. Hoover Truck sells new trucks and buses; the sale of cars is not and will not be part of the sales line;
- e. The hours of operation are 7:00 am to 5:00 pm Monday through Friday and 7:00 am to noon on Saturdays;
- f. The business has 12 employees consisting of 9 service personnel, 2 salespersons and 1 general manger;

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- g. Customers generally do not come to the site as the sales people will travel to customer locations;
- i. Trucks that are stored on site are mostly box and dump trucks that are in for service and display trucks are normally 10 to 15 in number;
- j. Normally, 10 to 12 buses will be displayed on site, but in the summer, the number will increase as buses are delivered to the site for ultimate delivery to schools and school bus companies in anticipation of the new school year;
- k. Parts are delivered twice a day to the site; 90% of all parts ordered are actually delivered directly to customers as most of the customers have their own service departments;
- l. Waste generated is primarily cardboard and waste disposal will be handled by a private hauler; recycling will be included;
- m. A waste oil burner that complies with all environmental regulations will be utilized for oil disposal;
- n. Noise level concerns are not anticipated as there is an evergreen buffer adjacent to the residential zone;
- o. The Applicant does not wash vehicles on site, it will only “hose off” vehicles prior to customer delivery.

12. Mr. Stout provided the following sworn testimony during the February 15, 2018 Public Hearing:

- a. He is the Applicant’s Professional Engineer, licensed in the State of New Jersey and has been qualified by New Jersey Land Use Boards to provide expert testimony in his area;
- b. Utilizes Exhibits A-1 and A-2 to describe the existing site and the proposed changes and improvements proposed by the Applicant;
- c. The changes to the site will improve existing non-conforming conditions;
- d. Additional landscaping will be added at the rear of the site as recommended by the Board Engineer by shifting parking to increase the buffer width;

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- e. Vinyl fencing, not chain link, will be included in the landscape buffer along Dutko Drive;
- f. The shortage in the number of parking spaces will not have a negative impact to the Plaza operation because the peak hours of the two (2) church tenants do not conflict with the truck and bus sales use and because the truck and bus sales use will not generate significant flow;
- g. The revised layout of the site will improve parking for the church tenants and the retail building, making these uses more user friendly;
- h. All new lighting will be installed in the parking area;
- i. The new lighting will have no impact on the adjacent residential uses as the rear lights will be turned off when that area is closed for business and the front lights reduced to security level after 11:00 p.m.;
- j. The parking area will be entirely repaved and, with the exception of the bus and truck storage area, restriped;
- k. All dumpsters will be enclosed;
- l. The Applicant will retain as much of the existing mature evergreens as possible;
- m. New plantings will be 6 to 8 feet in height at time of planting;
- n. The Applicant is proposing to utilize the existing freestanding sign, with aesthetic enhancements;
- o. The façade sign package includes (i) a 10 foot by 10 foot Brand Logo sign; (ii) a 10 foot by 10 foot Hoover Sales sign; (iii) a six foot by 2 foot Sales Entry sign; (iv) a 32 foot by 5 foot Restoration Station Church sign; (v) a 38 foot by 5 foot Hoover Parts and Service sign and (vi) a 20 foot by 5 foot Hoover Plaza sign;
- p. All individual tenant signs will conform with the requirements of the Code.

13. Mr. Barger provided the following sworn testimony during the February 15, 2018 Public Hearing:

- a. He is a licensed architect of the State of New Jersey and has been qualified by New Jersey Land Use Boards to provide expert testimony in his area;

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- b. Utilizes Exhibits A-3 to A-10 to describe the changes being made to the existing buildings with the architectural enhancements that will improve the aesthetics of the site, the limits of building demolition and the location of the new metal building that will be used for the truck and bus service area;
- c. There will be a de minimus increase to the height of the buildings caused by decorative screening that will be added to the tops of the buildings to screen roof top mechanicals;
- d. All buildings will have new earth tone colors;
- e. The existing pylon sign will be refinished with a thin stone veneer;
- f. All building renovations will conform with all applicable codes and be ADA compliant;
- g. The HVAC system will be energy efficient and all lighting will be LED style;
- h. The Applicant will add additional landscaping to provide screening of the new metal building from Cooper viewing perspective;
- i. The Applicant will add sidewalk where there is an existing gap along Cooper;
- j. All mechanics for the new building will be located inside and not on the roof of the building.

14. Mr. Miller provided the following sworn testimony during the February 15, 2018 Public Hearing:

- a. He is a Professional Planner licensed in the State of New Jersey and has been qualified by New Jersey Land Use Boards to provide expert testimony in the area of land planning;
- b. The Applicant's proposed truck and bus sales use is a conditional use in the Highway Commercial Zoning District and a (d)(3) variance is required because the applicant's proposed development does not satisfy all of the conditions listed in Section 16-81A of the Zoning Ordinance for auto dealerships;

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- c. A majority of the conditions are not satisfied because this is an existing development with existing conditions and limitations that affect the design layout, including the Property being irregularly shaped;
- d. Notwithstanding the deviations from the listed conditions, the site is appropriate for the proposed use as it is located along the Route 130 highway and advances purposes “A” and “G” of the Municipal Land Use Law;
- e. The Applicant’s proposed development of the Property is an adaptive reuse of structures needing rehabilitation;
- f. The Property easily accommodates the Applicant’s proposed development and uses;
- g. The Applicant has designed the site improvements to satisfy the listed conditions for those areas of the Property abutting residential zones and if the condition is not satisfied, the site has been designed to mitigate any negative impact to adjacent residential zones through the use of screening and enhanced landscaped areas;
- h. The Applicant’s proposed use is a specialized auto dealership in that it is limited to high-end trucks and buses and will have no detrimental impact to an existing used car dealership located across Dutko Drive and will not represent a negative visual appearance caused by similar uses in close proximity to each other;
- i. Granting of the required bulk variances would advance purpose “C” of the Municipal Land Use Law;
- j. The fencing proposed along Dutko Drive is for enhanced security measures and will be screened as the fencing is located within a landscape area;
- k. Curbing is not provided in all areas of the parking lot as new curbing would obstruct the sheet flow of stormwater and alter the stormwater management of the site;
- l. The parking requirements of the ordinance result in an over parked situation for the truck and bus sales use as 93 parking spaces would be

required by Ordinance but the actual truck and bus sales use is a low traffic generator with an actual need of 32 spaces;

- m. The sign package proposed by the Applicant has been designed specifically for the characteristics of this improved site and to properly identify the tenants;
- n. The Applicant will utilize but aesthetically enhance the existing monument sign;
- o. The façade signs proposed for Building “B” need to be larger to properly identify the different tenants, and the sales, parts and service areas, as this building is setback a considerable distance from the highway;
- p. Other signage proposed will be angled to the interior of the site.

15. The Board Engineer reviewed his review letter with the Board and the Applicant’s agents and representatives testified that the Applicant will work with the Board Engineer to address outstanding issues, including the embellishment of the building façade that faces Fox Run, the videoing of storm pipes and to provide access across the property to the rear of adjacent Lot 7

16. The February 15, 2018 Hearing was opened to the Public with the following comments:

- a. Angel Gooden of Fox Run who voiced concerns regarding the timing of the final paving of Dutko Road by Ryan Homes and the Applicant’s construction time schedule;
- b. Cedric Minter, the Township Construction Official, who questioned the Applicant’s procedure for washing vehicles.

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

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements pertaining to conditional use conditions, fencing, parking, landscape and signage, as specified herein, as requested by the Applicant.

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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 promote the safety, health and general welfare of the community, as the use of the Property provides safe and reliable water to the area.

3. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Edgewater Park, as the Applicant has designed the improvements to the Property to mitigate any negative impact from the truck and bus sales use not satisfying all of the conditions for an auto dealership and that the Property is particularly suited for the truck and bus sales use.

4. The Applicant's developmental proposal results in the modernization and improvements of a dated and stale site in need of capital expenditures.

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

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Edgewater Park, on the 15th day of February, 2018, that this Board hereby grants to the Applicant the following:

1. A variance pursuant to *N.J.S.A.* 40:55D-70(d)(3) to permit a truck and bus sales use on the Property without satisfying all of the conditions listed in section 16-81(A) of the Township Code;

2. Bulk variances to permit (i) fencing in the front yard along Dutko Drive; (ii) uncurbed parking areas; (iii) 204 parking spaces; (iv) parking in landscape buffer areas; (v) paving encroaching into planting areas; (vi) renovation and use of the existing monument sign and (vii) a facade sign package consisting of six (6) signs and a total area of 662 square feet; and

3. Preliminary and final site plan approval for a truck and bus sales center on the Property, including the (i) demolition of a portion of Building B and the construction of a 14,600 square foot metal building to be used as the service center for the truck and bus center; (ii) repurposing of 2 sections of Building B to provide a 3,200 square foot truck sales center and an 8,395 square foot parts center; (iii) reconfiguring portions of the existing parking lot with curbing and striping; (iv) removing paving and replace with landscaped islands; (v) installing new lighting and signage and (vi) adding architectural modifications to Buildings A and B,

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including, entry canopies, decorative awnings and equipment screening, together with other site improvements, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with all approvals subject to the following conditions:

- a. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township's Land Use Coordinator.
- b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all of the conditions shall the required building permit, certificate of occupancy or zoning permit be issued.
- c. Subject to the testimony of the Applicant and its witnesses and representatives at the February 15, 2018 Public Hearing.
- d. Subject to the submission of revised plans complying with this Resolution, as required.
- e. Subject to the Applicant posting all required inspection fees and performance and maintenance guarantees, required for construction of the project, as required.
- f. Subject to the Applicant's escrow account for the review of its Application being current. Failure of the escrow account to be current may result in the non-issuance of permits.
- g. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.
- h. Subject to the shifting of the parking area to increase the buffer width at the rear of the Property.
- i. Subject to the rear lights being turned off during off hours and the front lighting reduced to security level after 11:00 p.m.
- j. Subject to the entire parking area being repaved and except for the truck and bus storage area restriped.
- k. Subject to all tenant signs complying with the Township code.
- l. Subject to the proposed fence along Dutko Drive being black vinyl, rather than a decorative fencing as same will be located within a landscaped area and screened from view.

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m. Subject to the building façade facing Fox Run being embellished with architectural enhancements, i.e. faux windows or material/color changes, to provide a better visual aesthetic from that viewpoint. A green wall will not be required.

n. Subject to the Applicant coordinating with the Board Engineer the videoing of all storm pipes and inspecting of all inlets. All repairs necessary shall be completed.

o. Subject to the Applicant providing access across the Property to the rear of adjacent Lot 7.

p. Subject to the Applicant making all necessary repairs to Dutko Drive, if damaged during the Applicant's construction of Hoover Plaza after final paving was completed by Ryan Homes.

q. Subject to full vehicle washing not permitted on the site. The Applicant may hose off trucks and buses only.

r. Subject to the Applicant providing fire department with access to the 2 gates for access to the secured areas of the site in an emergency.

s. Subject to the Applicant complying with the comments of the Township fire official pertaining to the fire lane and striping.

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

ROLL CALL VOTE

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

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on February 15, 2018.

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


MARIAN JOHNSON, CHAIRWOMAN

Attested:


NICOLE CARTER, SECRETARY

Dated: March 15, 2018
Date of Approval: February 15, 2018
Date of Memorialization: March 15, 2018

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-3-2018

**CONCERNING THE APPLICATION OF
BALKAR SAINI
FOR VARIANCE AND MINOR SITE PLAN APPROVAL**

WHEREAS, Balkar Saini has applied to the Planning Board of the Township of Edgewater Park for Minor Site Plan and Variance Approval for property located at 4291 Route 130, known as Block 502, Lot 13.04 (the "Property") on the Official Tax Map of the Township of Edgewater Park, for the purpose of making improvements to the existing car wash; and

WHEREAS, the Property is located in the Commercial Light Industrial Zoning District of the Township; and

WHEREAS, variances in accordance with N.J.S.A 40:55d-70(c) are required as the proposed development of the Property does not satisfy the side and rear yard setback requirements of the Zoning Ordinance; and

WHEREAS, the application for Variance and Minor Site Plan Approval was deemed complete by the Board on September 20, 2018; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on September 20, 2018, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

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

WHEREAS, the following exhibits were introduced by the Applicant during the September 20, 2018 Public Hearing:

A-1 - Site Plan;

A-2 - Architectural Plan; and

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

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1. The Applicant is the owner/operator of the car wash currently operating on the Property. The Property is approximately 0.689 acres and is improved with a 1-story cinder block building that operates as the car wash, a permitted use in the Commercial Light Industrial Zone.

2. The Applicant is proposing to make improvements to the car wash site and has filed an Application with the Board for Variance and Minor Site Plan Approval.

3. The Applicant is proposing to install pay stations within existing paved areas, striping to create three (3) queuing lanes adjacent to the pay stations and to expand the existing block building to allow for new car wash equipment to be located inside the expanded building.

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

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

6. The Applicant's proposed development of the Property requires the following variances:

a. Side yard setback – 50 feet required, 31 feet proposed;

b. Rear yard setback – 50 feet required, 29 feet proposed.

7. The following non-conforming conditions exist on the Property:

a. Lot area – 5.0 acres required; 0.69 acres existing condition;

b. Lot width – 300 feet required; 120 feet existing condition;

c. Lot depth – 500 feet required; 250 feet existing condition;

d. Aggregate side yard – 100 feet required; 72.7 feet existing but may decrease as a result of the building expansion;

e. Impervious coverage – 65% maximum; 85% existing condition will not increase;

f. Landscaping – 20 and 15 foot widths required in front and side yard areas; less than 20 and 15 feet existing.

8. The Applicant and Michael Galani, PE, testified during the 09/20/18 Public Hearing.

9. Mr. Galani provided the following sworn testimony during the Public Hearing:

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- a. He is a Professional Engineer, licensed in the State of New Jersey, and he has been qualified by New Jersey Land Use Boards to provide expert testimony in the area of land engineering;
 - b. He is the Applicant's design engineer for the proposed site improvements;
 - c. Describes the improvements proposed for the car wash site;
 - d. The proposed improvements will create a safer site as more cars can stack on the site and not queue onto Route 130;
 - e. Describes the traffic circulation on site with the improvements as proposed;
 - f. The expanded building and the pay stations with separate queuing lanes provides benefits to the existing car wash site, in terms of safety and aesthetics, that outweigh any detriments resulting from the granting of side and rear yard setback variances.
10. The Applicant provided the following sworn testimony during the Public Hearing:
- a. The car wash has 6 to 7 employees;
 - b. The hours of operation are 8 a.m. to 6:00 p.m., Monday to Saturday;
 - c. The three (3) pay stations are automated and do not have to be manned;
 - d. The pay stations will allow for credit card payment;
 - e. The pay stations with 3 queuing lines will allow for increased stacking of vehicles on site, which currently spill onto Route 130;
 - f. The site will be able to host more cars;
 - g. The existing sign will remain but additional landscaping will be added;
 - h. Deliveries are made to the site during the day;
 - i. The shed type enclosure will be torn down when the building is expanded and the vacuums will be removed;
 - j. The expansion of the building will be new cinder block matching the existing block building;
 - k. New and improved wash equipment will be installed, including a larger conveyor belt that will shorten the wash time for vehicles;
 - l. The aesthetics of the site will be improved once the proposed improvements are completed;

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- m. A trash dumpster is located in the back of the Property for the trash disposal needs of the car wash;
- n. The proposed improvements will provide an opportunity to enhance the appearance and efficiency of the car wash;
- o. He will work with the Board Engineer for an improved landscaping plan, including landscaping for the sign and in the front and side yards of the Property.

11. The Board Engineer reviewed his August 13, 2018 Review Letter with the Board and the Applicant agreed to comply with the review comments.

12. The September 20, 2018 Hearing was opened to the public and Cedrick Minter, Township Zoning Officer, questioned the flow of cars on site.

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

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements pertaining to side and rear yard setbacks, as specified herein, 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 promote the safety, health and general welfare of the community.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 20th day of September 2018, that this Board hereby grants to the Applicant the following:

1. Variances pursuant to *N.J.S.A. 40:55D-70(c)(2)* to permit a side yard setback of 31 feet, a rear yard setback of 29 feet and an aggregate side yard less than the existing aggregate

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of 72.7 feet resulting from the development of the Property in accordance with this Resolution;
and

2. Minor site plan approval for improvements to the existing car wash, including the installation of three (3) pay stations and striping to create three (3) queuing lanes, and an expansion of the block building to accommodate new car wash equipment, as proposed by the Applicant, in accordance with the Plans and testimony 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's Land Use Coordinator.

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

c. Subject to the testimony of the Applicant and his witnesses and representatives at the September 20, 2018 Public Hearing.

d. Subject to the submission of revised plans complying with this Resolution, as required.

e. Subject to the Applicant's escrow account for the review of the Application being current. Failure of the escrow account to be current may result in the non-issuance of permits.

f. 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.

g. Subject to the Applicant complying with the August 13, 2018 review letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, CME, PP, except as modified by this Resolution.

h. Subject to the removal of the vacuum cleaners and the shed type enclosure when the expansion of the building is completed.

i. Subject to the Applicant working with the Board Engineer for the submission of a landscaping plan acceptable to the Board Engineer.

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j. Subject to variance and minor site plan approval not guaranteeing the issuance of zoning permits, construction permits or certificates of occupancy to the Applicant. The Applicant must comply with all applicable codes, rules and regulations for the issuance of such permits or certificates.

k. Subject to the Applicant being advised that the Applicant assumes the risk if he elects to commence with the approved site improvements prior to the expiration of the appeals period.

l. Subject to the Applicant posting the performance guarantee, maintenance guarantee and/or inspection fees that may be required by the Municipal Land Use Law of the State of New Jersey for the development of the Property.

ROLL CALL VOTE

Those in Favor: 6


Those Opposed: 0

Those Abstaining: 1

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on September 20, 2018.

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


MARIAN JOHNSON, CHAIRWOMAN

Attested:


NICOLE CARTER, ACTING SECRETARY

Dated: 10/18/18

Date of Approval: 9/20/18

Date of Memorialization: 10/18/18

**PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK
RESOLUTION NO. P-4-2018**

**CONCERNING THE APPLICATION OF
G & M AUTO
FOR VARIANCE APPROVAL**

WHEREAS, G & M Auto has applied to the Planning Board of the Township of Edgewater Park for variance approval for property located at 1636 Bridgeboro Road, known as Block 404, Lot 9.01 (the "Property") on the Official Tax Map of the Township of Edgewater Park, for the purpose of installing a ground mounted photovoltaic system on the Property; and

WHEREAS, the Property is located in the Commercial Light Industrial Zoning District of the Township; and

WHEREAS, the Applicant operates an auto body shop on the Property; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* is required as solar electric systems are not specifically permitted in the Commercial Light Industrial Zone; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(c)* is required as the Applicant is proposing less than the required 30 foot widths for planted areas in the side and rear yards; and

WHEREAS, the Application for Variance Approval was deemed complete by the Board on October 18, 2018; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on October 18, 2018, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

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

WHEREAS, the following exhibits were introduced by the Applicant during the October 18, 2018 Public Hearing:

A-1 - Revised Site Plan with access road shown; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support its 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:

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1. The Applicant is the owner of the Property. The Property is approximately 3.984 acres in area and is improved with a one-story block building used for an auto body shop.

2. The Applicant is proposing to install a ground mounted solar array field on the Property, measuring approximately 62.5 feet by 18.67 feet. The solar array field will be set back 60 feet from the Property's southerly property line and 218 feet from its rear property line.

3. The Applicant has submitted an Application for Use Variance Approval as solar array systems are not specifically permitted in the Commercial Light Industrial Zoning District. The following Plans were submitted with the Application for Development:

- a. Plan of Survey, prepared by Robbins Associates, dated 11/15/07;
- b. Solar array data and details, prepared by Solar Me, dated 09/06/17;
- c. Hyundai Solar Module data sheets.

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

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

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

7. The Applicant operates an auto body shop on the Property.

8. The following variances are required for the Applicant's proposed development of the Property:

- a. Use variance for the proposed solar array system; and
- b. Bulk variance for planted areas less than the required minimum width of 30 feet in side and rear yard areas abutting residential uses and residential zones. A single row of eight (8) trees planted 12 feet on center is proposed along the northerly side of the array field.

9. Gordon Choyce and William Maier provided testimony during the October 18, 2018 Public Hearing.

10. Mr. Maier provided the following sworn testimony:

- a. He is the President of Solar Me, the Applicant's solar contractor;

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- b. The solar array system proposed for the Property is designed to produce electricity for the auto body use located on the Property only and any excess electricity will be sold back to the grid as required by PSE&G;
 - c. The amount of electricity to be generated is 19.14 kW/DC;
 - d. An existing gravel path will provide access to the solar array field;
 - e. A disconnect is located at the meters on the building for emergencies;
 - f. No additional fencing, lighting or signage is required for safety or security measures; there is an existing gate securing the site;
 - g. The solar array field will be setback approximately 60 feet from the Property's southerly Property line, adjacent to Lot 8; a greater setback from the Property's northerly Property line and 218 feet from the rear property line;
 - h. The solar panels, at their highest point, will be just under 12 feet above ground level;
 - i. The solar array field is approximately 1,167 square feet in area and the size of the Property is 173,544 square feet;
 - j. The solar array field takes up less than 1% of the total area of the Property;
 - k. With the size of the solar array field in comparison to the size of the Property and the proposed setbacks, the solar array field will not have a substantial detrimental impact to the surrounding properties.
11. Mr. Choyce provided the following sworn testimony:
- a. He is the owner of G & M Auto Shop;
 - b. The Applicant will comply with the review letter of the Board Engineer.
12. The Board Engineer reviewed his September 10, 2018 Review Letter with the Board, including recommendations for additional landscaping to comply with the intent of the Zoning Ordinance. The Applicant through the testimony of its agents and representatives agreed to comply with the review comments.
13. The October 18, 2018 Hearing was opened to the Public without comment.

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

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements pertaining to the ground mounted solar array use and landscaping, as specified herein, 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 promote the safety, health and general welfare of the community.

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

4. The solar array field use is an inherently beneficial use under the Municipal Land Use Law of the State of New Jersey and the Applicant need only demonstrate that the solar array field use will not have a substantial detriment to the zone plan and zoning ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 18th day of October, 2018, that this Board hereby grants to the Applicant the following:

1. A variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* to permit a ground mounted solar array field to be installed on the Property; and

2. A variance to permit the planted areas in the side and rear yard areas to be less than 30 feet wide; as proposed by the Applicant, in accordance with the Plans and testimony submitted by the Applicant, with approval of the Variances and installation of the ground mounted solar array field subject to the following conditions:

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

b. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner.

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Only upon the fulfillment of all of the conditions shall the required building permit, certificate of occupancy or zoning permit be issued.

c. Subject to the testimony of the Applicant's agents and representatives at the October 18, 2018 Public Hearing.

d. Subject to the submission of revised plans complying with this Resolution, as required.

e. Subject to the Applicant's escrow account for the review of the Application being current. Failure of the escrow account to be current may result in the non-issuance of permits.

f. 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.

g. Subject to the Applicant complying with the August 13, 2018 review letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, CME, PP, except as modified by this Resolution.

h. Subject to the Applicant working with the Board Engineer for the submission of a landscaping plan acceptable to the Board Engineer.

i. Subject to variance approval not guaranteeing the issuance of zoning permits, construction permits or certificates of occupancy to the Applicant. The Applicant must comply with all applicable codes, rules and regulations for the issuance of such permits or certificates for the installation of the ground mounted solar array system.

j. Subject to the Applicant being advised that the Applicant assumes the risk if the installation of the approved site improvements commences prior to the expiration of the appeals period.

k. Subject to the Applicant posting any performance guarantee, maintenance guarantee and/or inspection fees that may be required by the Municipal Land Use Law of the State of New Jersey for the development of the Property.

l. Subject to the approval of the Edgewater Park Fire Official.

m. Subject to the solar array panels being removed upon discontinuance of use.

n. Subject to no livestock, including llamas and alpacas, permitted on the Property.

G & M AUTO – NO. P-4-2018

ROLL CALL VOTE

Those in Favor: 6
Those Opposed: 0
Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on October 18, 2018.

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

Attested:

MARIAN JOHNSON, CHAIRWOMAN

NICOLE CARTER, SECRETARY

Dated: _____

Date of Approval: _____

Date of Memorialization: _____

**PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK
RESOLUTION NO. P-5-2018**

**CONCERNING THE APPLICATION OF
KTI EXPRESS
FOR INTERPRETATION**

WHEREAS, KTI Express, LLC, has applied to the Planning Board of the Township of Edgewater Park for an interpretation as to whether the Applicant's proposed use is a trucking terminal, a use prohibited in the General Industrial District which will require a variance pursuant to *N.J.S.A.* 40:55D-70(d)(1) or is the proposed use substantially similar to the existing use of the property located at 719 Mt. Holly Road, known as Block 203, Lot 5 (the "Property") on the Official Tax Map of the Township of Edgewater Park¹; and

WHEREAS, *N.J.S.A.* 40:55D-70(b) authorizes the Board to hear and decide requests for interpretations of the zoning map or zoning ordinance or for decisions upon other special questions upon which the Board is authorized to pass by any zoning or official map ordinance; and

WHEREAS, a public hearing to consider the interpretation request was held by the Board on October 18, 2018; and

WHEREAS, the Planning Board after carefully considering the evidence presented by the Applicant and the testimony of the Board's Professionals, has made the following findings of fact:

1. The Applicant is under contract to purchase the Property. The Property is approximately 5.016 acres in area and is improved with a one-story block building.
2. The Applicant is proposing to use the Property "as is" for the storage of trucks by the owner and various tenants.
3. The Applicant has submitted an Application to the Board pursuant to *N.J.S.A.* 40:55D-70(b) for an interpretation of Section 16-82.19(A)(3) of the Township Zoning Ordinance as to whether the proposed use is a trucking terminal.
4. The taxes on the Property are current or exempt.
5. The Applicant has paid and/or posted all required fees and agreed to keep its review escrow current.

¹ The Applicant also applied for Use Variance Approval if the Board determined that the proposed use was a trucking terminal or an expansion of a non-conforming use.

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6. The Narrative Summary attached to the Application describes the current use and proposed use as follows:

- a. Gray Trucking, an affiliate of the current owner of the Property, Mt. Holly Road Associates, LLC, parks its trucks and trailers on the Property;
- b. Booth Trucking, a current tenant, is a material supplier who parks five (5) to six (6) dump trucks on the Property;
- c. Prior tenants included other businesses that parked and serviced vehicles, including trailers, tractors, dump trucks, flatbeds and cranes, on site;
- d. The Applicant's intention is to purchase the Property and to park, repair and service its trucks and trailers and to retain Booth Trucking as a tenant;

7. The Applicant was represented at the October 18, 2018 Hearing by Patrick F. McAndrew, Esquire. Max Baranov and Bob Gray testified on behalf of the Applicant.

8. Mr. Baranov provided the following sworn testimony during the October 18, 2018 Hearing:

- a. He is the Applicant's Managing Member;
- b. He confirmed the representations contained in the Application's Narrative Summary;
- c. The Applicant's business hours will be 7:00 a.m. to 6:00 p.m., Monday – Friday, and 9:00 a.m. to 2:00 p.m. on Saturday;
- d. The Applicant has 12 trucks that will leave the site 2 to 3 times a week;
- e. The Applicant will not store goods, materials, supplies or loads on site;
- f. The Applicant will not break down or load cargo at the Property;
- g. The Applicant's trucks will be stored on site but its trailers will normally be stored at its customers' places of business;
- h. Trailers will only be stored at the Property when being serviced and repaired;
- i. Fueling on site neither exists nor proposed;
- j. The use of the Property by the Applicant and the remaining tenant will be no greater than how the Property is currently utilized and how the Property has been used in the past;

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- k. The Applicant will have no more than seven (7) employees on site at one time;
- l. The Applicant will enhance the existing landscaping on site in the front of the Property and in the rear near the neighboring residential uses and zone;
- m. Other than additional landscaping, no other improvements to the Property are proposed.

9. Mr. Gray provided the following sworn testimony during the October 18, 2018 Public Hearing:

- a. He is a Member of the current owner of the Property and of Gray Trucking;
- b. He confirms the representations regarding the current and prior use of the Property, as contained in the Narrative Summary attached to the Application;
- c. The Property has never been used as a trucking terminal.

10. The Board Engineer and Board Planner reviewed the Engineer's review letter as well as the Application and testimony presented by the Applicant, including the prohibition of trucking terminals in the General Industry Zone and that the Ordinance does not define a trucking terminal use.

11. A trucking terminal is defined by the Commercial Real Estate Development Association ("CREDA") as a "specialized distribution building for redistributing goods from one truck to another, serves as an intermediate transfer point. The facilities are primarily used for staging loads (rather than long-term storage) and possess very little, if any, storage area."

12. During the Public portion of the October 18, 2018 Hearing, Mary Versaci had questions and concerns regarding additional landscaping and Township Zoning Officer, Cedric Minter, stated that all auto repairs should be undertaken inside the building, not in the yard area.

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

- 1. The current and proposed use of the Property includes automotive repair, offices for a logistics company and the storage of automotive vehicles and equipment, without any outside storage of materials.

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2. The current and proposed use of the Property is consistent with the uses permitted in the General Industrial Zone and is not a trucking terminal as defined by CREDA.

3. The Applicant's proposed use of the Property is substantially similar to the existing use and a use variance is not required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 18^h day of October, 2018, that based on the plans, Narrative Summary and testimony presented by the Applicant, this Board hereby interprets Section 16-82.19(A)(3) of the Township Code that the Applicant's proposed use is not a trucking terminal, is not an expansion of a non-conforming use and is substantially similar to the existing use of the Property, and that the Applicant's use of the Property is subject to the following:

1. Subject to the Applicant being advised that site plan approval shall be required prior to any change, expansion or enlargement of the use of the Property or any improvements to the Property.

2. Subject to the Applicant coordinating the additional landscaping in the front and rear of the site with the Board Engineer.

3. Subject to no exterior storage permitted on the site.

4. Subject to all auto repairs taking place inside the building, not in the yard area.

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

KTI EXPRESS – NO. P-5-2018

ROLL CALL VOTE

Those in Favor: 6
Those Opposed: 0
Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on October 18, 2018.

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



MARIAN JOHNSON, CHAIRWOMAN

Attested:



NICOLE CARTER, SECRETARY

Dated: 11/29/18

Date of Approval: 10/18/18

Date of Memorialization: 11/29/18

RESOLUTION NO. P – 6 – 2018

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF EDGEWATER PARK, COUNTY OF BURLINGTON
FINDING TOWNSHIP ORDINANCE NO. 2018-8, THE FAIR SHARE ORDINANCE,
AND TOWNSHIP ORDINANCE 2018-9, THE VARSACI ORDINANCE,
AMENDING CHAPTER 16 OF THE EDGEWATER PARK TOWNSHIP CODE,
ENTITLED “LAND DEVELOPMENT ORDINANCE,”
CONSISTENT WITH THE MASTER PLAN OF THE
TOWNSHIP OF EDGEWATER PARK**

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

WHEREAS, at its October 16, 2018 meeting, the Township Committee introduced Ordinance No. 2018-8, entitled “AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK, BURLINGTON COUNTY AMENDING ORDINANCE NO. 2017-4 TO ADDRESS THE REQUIREMENTS OF THE SUPERIOR COURT OF NEW JERSEY REGARDING COMPLIANCE WITH THE MUNICIPALITY’S FAIR SHARE AFFORDABLE HOUSING OBLIGATIONS” (the “Fair Share Ordinance”), amending **Chapter 16** (Land Development), **Section 93** (Affordable Housing) of the Township Code, and has referred the Fair Share Ordinance to the Planning Board for the Planning Board’s Master Plan consistency review and recommendation;

WHEREAS, the Township Committee also introduced at its October 16, 2018 meeting, Ordinance No. 2018-9, entitled “AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK, BURLINGTON COUNTY AMENDING ORDINANCE NO. 2010-4 TO ADDRESS THE REQUIREMENTS OF THE SUPERIOR COURT OF NEW JERSEY REGARDING COMPLIANCE WITH THE MUNICIPALITY’S FAIR SHARE AFFORDABLE HOUSING

OBLIGATIONS” (The “Varsaci Ordinance”), amending **Chapter 16** (Land Development) **Section 82.1** (Districts Enumerated); amending **Section 82.21** (R-8 Single Family and Multi Family Residential Inclusionary District); and modifying the Zoning Schedule of Area and Bulk Requirements to add the new standards for the multi-family units, and has referred the Varsaci Ordinance to the Planning Board for the Planning Board’s Master Plan consistency review and recommendation;

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

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT:

1. The amendments to Chapter 16 of the Land Development Ordinance of the Township of Edgewater Park, as set forth in ordinances introduced by the Township Committee on October 16, 2018 as the Fair Share Ordinance and the Varsaci Ordinance, having been previously reviewed by the Consulting Engineer, Planner and Solicitor to the Planning Board and no objection having been identified, are hereby found by this Board to be consistent with the Master Plan of the Township of Edgewater Park.

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

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

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

5. This Resolution shall take effect immediately.

MOTION: Charles Robinson SECOND: Marian Johnson

ROLL CALL:

AYES: Lauren DiFilippo, Chairwoman Marian Johnson, Kenneth Kauker, Charles Robinson, Vincent Smith, Stephen Malecki, and Gwendolyn Bonner.

NAYS: None

CERTIFICATION

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


NICOLE CARTER
Planning Board Secretary