

## RESOLUTION NO. P – 1 – 2022

### NOTICE OF SCHEDULED MEETINGS

Notice is hereby given by the Planning Board of the Township of Edgewater Park that the following is a list of the regular meetings of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey.

### REGULAR MONTHLY OFFICIAL PUBLIC MEETINGS

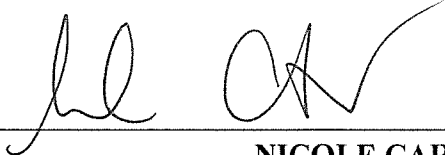
All such meetings to be held at 7:00 PM at the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. Formal action may be taken at any and all scheduled meetings. Planning Board reserves the right to enter into closed session. The Planning Board also reserves the right to schedule additional meetings on an "As Needed" basis.

### RESOLUTION BY CONSENT AGENDA

NAME	YES	NO	RECUSED	ABSTAINED	ABSENT
Mr. Alexander	X				
Mr. Belgard	X				
Mr. Kauker	X				
Mr. Smith					X
Mr. Westphal					X
Mr. Malecki	X				
Ms. Bonner	X				
Mrs. Tumminia					X
Mayor DiFilippo	X				
Chairwoman Johnson	X				

### 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 Re-Organization Meeting held on Thursday, January 6, 2022 at the Edgewater Park Municipal Building at 7:00 p.m.

  
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**NICOLE CARTER**  
Planning Board Secretary

## RESOLUTION NO. P – 2 – 2022

### OPEN PUBLIC MEETINGS ACT

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

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

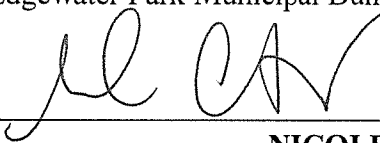
- Section 1. All advance written notices of the Planning Board meetings shall be posted by the Secretary on the Official Bulletin Board located in the Township Municipal Building.
- Section 2. All advance written notices of the Planning Board meetings shall be given to the two newspapers: Burlington County Times & Courier Post.
- Section 3. All advance written copies notices of the Planning Board meetings through-out the year shall be mailed to all persons requesting copy of the same, after payment by such persons of fee of \$50.00, News Media shall be exempt from such fees.
- Section 4. The schedule of regular official Planning Board meetings and regular work sessions for the period from and after this reorganization meeting in January 6, 2022, shall be in accordance with Resolution #P-1-2022, designating the dates, times and places of such meetings which incorporated within this Resolution by reference.

### RESOLUTION BY CONSENT AGENDA

NAME	YES	NO	RECUSED	ABSTAINED	ABSENT
Mr. Alexander	X				
Mr. Belgard	X				
Mr. Kauker	X				
Mr. Smith					X
Mr. Westphal					X
Mr. Malecki	X				
Ms. Bonner	X				
Mrs. Tumminia					X
Mayor DiFilippo	X				
Chairwoman Johnson	X				

### CERTIFICATION

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\_\_\_\_\_  
**NICOLE CARTER**  
Planning Board Secretary

## RESOLUTION NO. P – 3 – 2022

### AUTHORIZING AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES

**Whereas**, there exists a need for Solicitor, Engineer and Planner and;

**Whereas**, Requests for Qualifications and Proposals were solicited through a fair and open process in accordance with N.J.A.C. 19:44A-20.5 et seq.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Edgewater Park, in the County of Burlington, and the State of New Jersey, that the Chairperson and Planning Board Secretary are hereby authorized and directed to execute agreements for the following qualified professionals:

#### SECTION I:

A:	Environmental Resolutions, Inc.	Engineer
B:	Environmental Resolutions, Inc.	Planner
C:	Raymond, Coleman, Heinhold, LLP	Solicitor

#### SECTION II:

These contracts are awarded without competitive bidding as “Professional Services”, in accordance with *N.J.S.A. 40A: 11-5(1) (a) et seq.* of the Local Public Contract Law, and/or awarded with *N.J.S.A. 19:44A-20.4 et seq.*; the above named Professionals are licensed to practice in the State of New Jersey.

Pursuant to N.J.S.A. 40A:11-5(1) (a) the following information is set forth:

- A. Duration of Contracts: All terms are for one-year.
- B. Amount of Contracts: All specified per contract and budget appropriation.
- C. This resolution and the above-mentioned contracts will be on file and available for public inspection in the office of the Clerk of the Township of Edgewater Park.

#### SECTION III:

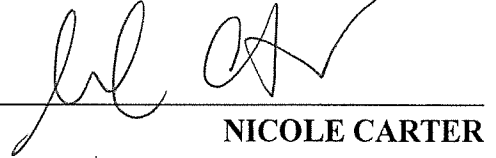
This resolution shall be printed once in the “Burlington County Times” and the “Courier Post” as required by law within ten days of its adoption.

### RESOLUTION BY CONSENT AGENDA

NAME	YES	NO	RECUSED	ABSTAINED	ABSENT
Mr. Alexander	X				
Mr. Belgard	X				
Mr. Kauker	X				
Mr. Smith					X
Mr. Westphal					X
Mr. Malecki	X				
Ms. Bonner	X				
Mrs. Tumminia					X
Mayor DiFilippo	X				
Chairwoman Johnson	X				

## 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 Re-Organization Meeting held on Thursday, January 6, 2022 at the Edgewater Park Municipal Building at 7:00 p.m.

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

**NICOLE CARTER**  
**Planning Board Secretary**

## RESOLUTION NO. P – 4 – 2022

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Edgewater Park Township Planning Board, County of Burlington and State of New Jersey that in its capacity as a zoning board of adjustment heard the following variance applications during 2021 and that the memorializing resolutions are, if applicable, on file in the Township Municipal Building:

Applicant	Property	Result	Description / First Paragraph of Resolution
Hearing Date	Block & Lot	Resolution #	
Edgewater Storage LLC	4201 US Route 130 South	Approved	Variance, Waiver and Preliminary Major Site Plan Approval for property located at 4201 US Route 130 South, known as Block 404, Lot 2.02 (the "Property") on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a 10 building Self-Storage facility with associated site improvements on the Property... etc. & subject to conditions.
11/19/2020	404   2.02	P-5-2021	
Curaleaf	4237 Route 130 South	Approved	Minor site plan approval for property located at 1020 Woodlane Road, known as Block 1801, Lot 2 (the "Property") on the Official Tax Map of the Township of Edgewater Park, for the purpose of making parking lot improvements to the commercial portion of the Orchard Park Apartments site... etc. & subject to conditions.
12/17/2020	P-6-2021	P-8-2021	
Edgewater Storage LLC	4201 US Route 130 South	Approved	Final Major Site Plan Approval for property located at 4201 US Route 130 South, known as Block 404, Lot 2.02 (the "Property") on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a 10 building Self-Storage facility with associated site improvements on the Property... etc. & subject to conditions.
5/20/2021	404   2.02	P-9-2021	
Terry Corte	717 Green Street	Approved	variance approval for property located at 516 Otto Avenue, known as Block 903, Lot 31 (the "Property"), on the Official Map of the Township of Edgewater Park, for the purpose of constructing a front porch addition for the existing single family residential dwelling on the Property... etc. & subject to conditions.
11/18/2021	903   31	P-11-2021	


### RESOLUTION BY CONSENT AGENDA

NAME	YES	NO	RECUSED	ABSTAINED	ABSENT
Mr. Alexander	X				
Mr. Belgard	X				
Mr. Kauker	X				
Mr. Smith					X
Mr. Westphal					X
Mr. Malecki	X				

Ms. Bonner	X				
Mrs. Tumminia					X
Mayor DiFilippo	X				
Chairwoman Johnson	X				

### 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 Re-Organization Meeting held on Thursday, January 6, 2022 at the Edgewater Park Municipal Building at 7:00 p.m.


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**NICOLE CARTER**  
**Planning Board Secretary**

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

**RESOLUTION NO. P-5-2022**

**CONCERNING THE APPLICATION OF  
PUBLIC STORAGE  
FOR WAIVER OF SITE PLAN  
BLOCK 1202.09, LOT 2**

**WHEREAS**, Public Storage, a Maryland REIT (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park (the “Board”) for a waiver of site plan approval for property located at 4351 Route 130 South, known as Block 1202.09, Lot 2 (the “Property”), on the Official Tax Map of the Township, for the purpose of installing a rooftop solar photovoltaic system on one of the existing self-storage buildings located at the Property; and

**WHEREAS**, Section 310-11-1B of the Township Code provides the Board with discretion to waive the requirement for site plan approval where the Board determines that the proposed development is a permitted use in the zone and does not involve substantial site development considerations; and

**WHEREAS**, the application was deemed complete by the Board on November 18, 2021; and

**WHEREAS**, a public hearing to consider the application was held by the Board on January 20, 2022; and

**WHEREAS**, the Applicant presented evidence to the Board through testimony, plans, and other evidence, introducing the following Exhibit:

A-1 Photographs of a similar rooftop solar photovoltaic system installed at the Applicant’s Delran, New Jersey self-storage facility; and

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

1. The Applicant is the owner of the Property, improved with four (4) self-storage buildings and one (1) building utilized by the Applicant for its on-site office. The Property is

## **PUBLIC STORAGE - RESOLUTION NO. P-5-2022**

located within the Highway Commercial (“C-3”) Zoning District of the Township and is approximately 4.02 acres in area.

2. The taxes on the Property are current.
3. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.
4. The Applicant is proposing to install a rooftop solar photovoltaic system on Building C, providing the Board with an application and related items, which include:
  - a. Land Development Application for Waiver of Site Plan Approval with Checklist;
  - b. Zoning Permit Denial, dated 04/19/21;
  - c. Plan of Survey (unsealed photocopy), prepared by Daniel P. Hunley, PLS, dated 04/12/95;
  - d. Electrical/Structural Engineering Plans, prepared by Brian Sielaff, PE, dated 02/05/21;
  - e. Photo exhibit comprised of a portion of the Borough’s Tax Map and aerial photos depicting properties within 200 feet of the Property;
  - f. Photographs depicting installation of solar panels that are identical to those proposed at the Property.
5. Building C is the second longest of the 4 storage buildings located on the Property.
6. The proposed rooftop solar photovoltaic system would be a permitted accessory mechanical system if the electrical energy is provided directly to the site or to the electrical grid for a service credit for the site’s energy bill.
7. The Applicant was represented at the January 20, 2022 Hearing by Lauren R. Tardanico, Esquire, of Chiesa Shahinian & Giantomasi, PC. Jeremy Hoffman testified on behalf of the Applicant.
8. Mr. Hoffman provided the following sworn testimony during the January 20, 2022 Hearing:
  - a. He is the Operations and Administrative Manager for 1<sup>st</sup> Light, the Applicant’s rooftop solar photovoltaic system contractor.

## **PUBLIC STORAGE - RESOLUTION NO. P-5-2022**

- b. It is common in the industry for solar panels to be installed on self-storage buildings.
- c. The proposed rooftop solar photovoltaic system will be installed on Building C only with the system's circuitry and a "kill" switch installed in Building A.
- d. The energy produced by the rooftop solar photovoltaic system will be returned to the grid and the Applicant issued a credit toward the site's energy bill. Energy will not be sold by the Applicant to third parties.
- e. Building C is approximately 140 feet from Route 130 and 75 feet from 7 residences in the adjacent Silver Park West Community.
- f. Building B is located between Building C and Silver Park West.
- g. Both Building B and Building C are approximately 10 feet high with Building B being 60 feet longer.
- h. The proposed panels will not be mounted on an angle and will have a mounting height of 6" off the base of the roof.
- i. The panels will only be seen from the second floor of a few of the Silver Park West residences.
- j. The view from Silver Park will not be that different than the flat roof of the linear building and the non-angled installation will not be a visual downside.
- k. No other site changes are proposed.

9. The Board Engineer/Planner supported the Application for waiver of site plan as the proposed rooftop solar photovoltaic system does not require substantial site development considerations and the energy produced will service the site or result in a credit to the site's energy bill.

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

- 1. The proposed development of the Property is a permitted accessory mechanical system to the principal use and does not involve substantial site development considerations.
- 2. Waiver of the requirement for site plan approval is appropriate for the proposed development of the Property.

## **PUBLIC STORAGE - RESOLUTION NO. P-5-2022**

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Edgewater Park, on the 20<sup>th</sup> day of January, 2022, that this Board hereby waives the requirement of site plan approval for the installation of a rooftop solar photovoltaic system on Building C, in accordance with the application, plans and testimony submitted by the Applicant, subject to the following:

1. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township of Edgewater Park.
2. The fulfillment of the conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.
3. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.
4. Subject to the sworn testimony of the Applicant's agents and representatives at the January 20, 2022 Hearing.
5. Subject to the Applicant receiving all required permits prior to the installation of the rooftop solar photovoltaic system commencing. Waiver of site plan approval does not guaranty the issuance of the required permits as the Applicant is subject to all applicable codes and regulations.
6. Subject to the Applicant assuming the risk if installation of the rooftop solar photovoltaic system commences prior to the expiration of the appeals period.
7. Subject to the solar panels being installed consistent with the plans and specifications submitted to the Board
8. Subject to the submission of a notarized and witnessed certification from an authorized representative of the Applicant that identifies the representative's position with the Applicant, that the representative personally visited the Property and that the existing conditions of the Property are as shown on the 1995 survey submitted.

**PUBLIC STORAGE - RESOLUTION NO. P-5-2022**

9. Subject to the comments of the Board Engineer and Board Planner as contained in the December 13, 2021 review letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICO, PP.

10. Subject to the comments of the Township Fire Official as contained in the September 2, 2021 review letter of Matthew Augustino.

**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 January 20, 2022.

**EDGEWATER PARK PLANNING BOARD**

**Attest:**

By:   
MARIAN JOHNSON, Chairwoman

  
\_\_\_\_\_  
NICOLE CARTER, Secretary

Dated: February 17, 2022

Date of Approval: January 20, 2022

Date of Memorialization: February 17, 2022

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

**RESOLUTION NO. P-6-2022**

**CONCERNING THE APPLICATION OF  
RT. 130S, LLC  
FOR VARIANCE APPROVAL**

**WHEREAS**, Rt. 130S, LLC, successor to Ariel Realty, LLC (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park (the “Board” or “Planning Board”) for Variance Approval for property located on US Route 130, known as Block 1202, Lots 1, Block 1202.11, Lots 20 and 21 and Block 1202.12, Lot 23 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for its sign package for the Eagle Chase Development; and

**WHEREAS**, Ariel Realty, LLC received Variance, Preliminary and Final Major Site Plan Approval and Preliminary and Final Major Subdivision Approval, as memorialized by Board Resolutions P-8-2019 and P-11-2019, for the Eagle Chase Development with 136 fee simple townhouse lots, 2 twelve (12) unit inclusionary apartment buildings and a 16,000 square foot retail building; and

**WHEREAS**, the prior Board approvals did not include a sign package approval for the Eagle Chase Development; and

**WHEREAS**, the current Application requires variances pursuant to *N.J.S.A. 40:55D-70(c)* as the Applicant’s proposed sign package does not satisfy the Ordinance requirements for the number of signs, style of signs and height and area of signs; and

**WHEREAS**, the application for Variance Approval was deemed complete by the Board on January 20, 2022; and

**WHEREAS**, a public hearing to consider the application was held by the Planning Board on January 20, 2022, 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**, then Applicant introduced the following Exhibits during the January 20, 2022 Public Hearing:

A-1 Sign Location Plan;

A-2 Sign Detail Plan; and

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

**WHEREAS**, the Board after carefully considering the evidence presented by the Applicant in support its application for 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 C-3 and R-TH/MF Zoning Districts of the Township.
2. The taxes on the Property are current.
3. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.
4. The Applicant is proposing a sign package for the Eagle Chase Development and has provided the Board with the following:
  - a. Standard Development Application for sign variances;
  - b. Topographic Survey, prepared by Anthony F. DiRosa, PLS, Tri-State Engineering and Surveying, PC, dated 03/17/18;
  - c. Sign Location Plan and Sign Detail Plan, also prepared by Anthony F. DiRosa, dated 08/11/21.
5. Eagle Chase is a mixed use residential and commercial development, approved by the Board for 136 fee simple townhouse units, 2 twelve (2) unit inclusionary apartment buildings and a 16,000 square foot retail building.
6. The Eagle Chase sign package proposed by the Applicant includes:
  - a. Replacing the existing Silver Park West sign at Route 130 and Forrestal Drive with one (1) monument sign to identify the Eagle Chase Townhouse Community, the Eagle Chase Apartments and the Silver Park West Community.
  - b. Replacing the existing shopping center sign in the triangular median at Route 130 and F. Parsons Boulevard with one (1) multi-tenant pylon sign for the retail site, and the Eagle Chase Townhouse and Apartment communities.

**RT. 130S, LLC - NO. P-6-2022**

- c. Installing one (1) monument sign at the intersection of Basin "1" and F. Parsons Boulevard to identify the Eagle Chase Townhouse and Eagle Chase Apartment communities.
- d. Installing one (1) monument sign at the intersection of Basin "2" and F. Parsons Boulevard to identify the Eagle Chase Townhouse and Eagle Chase Apartment communities.
- e. Install one (1) monument sign at the intersection of Forrestal Drive and L. Wendowski Street to identify the Eagle Chase Townhouse and Eagle Chase Apartment communities.

7. The following variances are required for the Applicant's proposed Eagle Chase sign package:

- a. To include a Silver Park West identification on the monument sign proposed for the intersection of Route 130 and Forrestal Drive, where such an identification is not permitted.
- b. To permit one (1) pylon sign on the north side of the triangular median at Route 130 and F. Parsons Boulevard, where only monument style sign is permitted.
- c. To include an Eagle Chase Townhouse and an Eagle Chase Apartments identification on the pylon sign proposed for the north side of the triangular median at Route 130 and F. Parsons Boulevard, where such an identification is not permitted.
- d. To permit four (4) monument signs, one each at the intersections of (i) Route 130 and Forrestal Drive, (ii) Basin "1" and F. Parsons Boulevard, (iii) Basin "2" and F. Parsons Boulevard and (iv) Forrestal Drive and L. Wendowski Street, where only one (1) monument sign would be permitted.
- e. To permit the four (4) proposed monument signs to exceed the 4 foot maximum height and 12 square foot maximum sign area as follows:
  - Route 130 and Forrestal Drive – 55 inch height, 26.11 square foot sign area;
  - Basin "1" and F. Parsons Boulevard – 5 foot height and 21.25 square foot sign area;
  - Basin "2" and F. Parsons Boulevard – 5 foot height and 21.25 square foot sign area;

**RT. 130S, LLC - NO. P-6-2022**

- Forrestal Drive and L. Wendowski Street – 5 foot height and 21.25 square foot sign area.
  - f. To permit the pylon sign on the north side of the triangular median to be 18 feet in height with a 125.71 square foot sign area where the maximum height and sign area permitted are 8 feet and 100 square feet.
  - g. To permit the pylon sign on the north side of the triangular median to be setback 15 feet where a 25 foot setback is required.
- 8. The Applicant was represented at the January 20, 2022 Public Hearing by Alan Ettenson, Esquire. Joseph Mancini, PE, PP, testified on behalf of the Applicant. Mr. Mancini, based on his education, experience and professional licenses, was qualified by the Board to offer expert testimony in land development engineering and land planning.
- 9. Mr. Mancini provided the following sworn testimony during the January 20, 2022 Public Hearing:
  - a. The Applicant is proposing four (4) monument and one (1) pylon style signs for the Eagle Chase Development.
  - b. He identifies the location of each of the five (5) signs, as well as the height, sign area, setback and content of each.
  - c. He identifies each variance required.
  - d. The Applicant's proposed sign package will promote Purposes G, H and I of the Municipal Land Use Law as the signs will direct the motoring public to the site and the size of the signs is appropriate for the traffic speeds along Route 130.
  - e. The signs will not conflict with existing signs along Route 130 and will not impair the public good.
  - f. A pylon sign is proposed for the north side of the triangular median as a monument sign would not be effective and could possibly block the view of traffic.
  - g. The existing pylon sign is 30 feet in height and the proposed pylon sign is closer to the ordinance requirement.
  - h. The Applicant will install landscaping at the base of each sign and a waiver from this standard will not be required.

- i. The Applicant will work with the Board Engineer and Planner as to an acceptable landscaping plan for the signs, the pylon sign appearance and limiting the monument signs to one-sided copy.
10. The January 20, 2022 Hearing was opened to the Public without comment.
11. The Board Planner reviewed his review letter with the Board and the Applicant's agents and representatives testified that the Applicant will comply with all review comments.

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

1. The Applicant has submitted a Complete set of plans so that the Board has the necessary information to make a decision on the application for Variance Approval.
2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements pertaining to signs, as specified herein, as requested by the Applicant.
3. The benefits of the deviation from the zoning ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval and the development of the Property as proposed will promote the safety, health and general welfare of the community.
4. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Edgewater Park.

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the Township of Edgewater Park, on the 20<sup>th</sup> day of January, 2022, that this Board hereby grants to the Applicant the following variances for the Eagle Chase sign package:

1. Variance to include a Silver Park West identification on the monument sign proposed at the intersection of Route 130 and Forrestal Drive;
2. Variance to permit one (1) pylon sign on the north side of the triangular median at Route 130 and F. Parsons Boulevard;
3. Variance to include an Eagle Chase Townhouse and an Eagle Chase Apartments identification on the pylon sign proposed for the north side of the triangular median at Route 130 and F. Parsons Boulevard.

**RT. 130S, LLC - NO. P-6-2022**

4. Variance to permit four (4) monument signs, one each at the intersections of (i) Route 130 and Forrestal Drive, (ii) Basin "1" and F. Parsons Boulevard. (iii) Basin "2" and F. Parsons Boulevard and (iv) Forrestal Drive and L. Wendowski Street.

5. Variances to permit the four (4) monument signs to exceed the 4 foot maximum height and 12 square foot maximum sign area as follows:

- (i) Route 130 and Forrestal Drive – 55 inch height, 26.11 square foot sign area;
- (ii) Basin "1" and F. Parsons Boulevard – 5 foot height and 21.25 square foot sign area;
- (iii) Basin "2" and F. Parsons Boulevard – 5 foot height and 21.25 square foot sign area;
- (iv) Forrestal Drive and L. Wendowski Street – 5 foot height and 21.25 square foot sign area proposed.

6. Variances to permit the pylon sign on the north side of the triangular median to be 18 feet in height with a 125.71 square foot sign area.

7. Variance to permit a 15 foot setback for the pylon sign on the north side of the triangular median.

Variance Approval, as proposed by the Applicant, and in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, is subject to the following conditions:

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

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

c. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of the conditions shall the required subdivision plat be executed and building permits, certificates of occupancy or zoning permits be issued.

d. Subject to the sworn testimony and representations of the Applicant's witnesses and representatives at the January 20, 2022 Public Hearing.

**RT. 130S, LLC - NO. P-6-2022**

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

f. Subject to the Applicant'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 Applicant applying for and receiving all permits that are required prior to sign installation. 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.

i. Subject to the review comments of the Board Engineer and Board Planner as contained in the December 2, 2021 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP, except as may be modified by this Resolution.

j. Subject to the Applicant satisfying any outstanding review comment and approval condition with the Board Engineer and Board Planner, including the landscaping for each of the five (5) signs proposed, the appearance of the pylon sign and for one-sided monument signs. Failure of the Applicant to address all outstanding review comments and conditions of approval to the satisfaction of the Board Engineer and Board Planner will require further Board consideration.

**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 January 20, 2022.

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

  
MARIAN JOHNSON, CHAIRWOMAN

**Attested:**

  
\_\_\_\_\_  
NICOLE CARTER, SECRETARY

Dated: February 17, 2022

Date of Approval: January 20, 2022

Date of Memorialization: February 10, 2022

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

**RESOLUTION NO. P-7-2022**

**CONCERNING THE APPLICATION OF  
CURALEAF  
FOR PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL  
WITH BULK VARIANCES**

**WHEREAS**, Curaleaf NJ II, Inc. (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park (the “Board” or “Planning Board”) for Preliminary and Final Major Site Plan Approval, regarding the property located at 4237 US Route 130 South, known as Block 501, Lots 4 and 4.01 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, with respect to the continued operation of an existing medicinal cannabis dispensary and the addition of adult use recreational cannabis retail sales pursuant to Ordinance 2021-12 from a portion of a building located on the Property (the “Application”); and

**WHEREAS**, variances pursuant to *N.J.S.A. 40:55D-70(c)* are required as the proposed development of the Property does not satisfy the aggregate side yard setback, school separation, accessory structure setback, generator and loading area location, fence height and parking requirements of the Zoning Ordinance; and

**WHEREAS**, as memorialized by Resolution No. P-6-2021, the Board granted Change of Use and Minor Site Plan with Variance Approvals to the Applicant to operate a 7,640 square foot medical cannabis dispensary from the existing 21,890 square foot building located on the Property; and

**WHEREAS**, a condition of Resolution No. P-6-2021 required the Applicant to return to the Board prior to adding adult use recreational cannabis sales to Applicant’s operations at the Property; and

**WHEREAS**, the Application for Preliminary and Final Major Site Plan Approval with Variances was deemed complete by the Board on March 17, 2022; and

**WHEREAS**, a Public Hearing to consider the Application was held by the Planning Board on March 17, 2022, 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

**CURALEAF - NO. P-7-2022**

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

**WHEREAS**, the following Exhibits were introduced by the Applicant during the Public Hearing:

- A-1 Site Plan Rendering;
- A-2 Circulation Plan;
- A-3 Proximity Exhibit; and

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

1. The Applicant is a lease holder of the Property. The Property is approximately 2.115 acres in area and is improved with a 21,890 square foot building, parking lot, freestanding sign, parking area lights, landscaping and gravel surfaces. The Property is located within the Township's Commercial Light Industrial Zoning District (C-LI-5).

2. The Applicant operates a medicinal cannabis dispensary from a 7,640 square foot portion of the existing building. The medicinal cannabis dispensary was previously approved by the Board as a Change of Use with Minor Site Plan Approval, as memorialized in Resolution No. P-6-2021.

3. The Applicant now proposes to commence adult use recreational cannabis dispensary sales within the existing cannabis dispensary space and, as required by Resolution No. P-6-2021, the Applicant has returned to the Board prior to doing so through this Application for Preliminary and Final Major Site Plan Approval.

4. The proposed adult use recreational cannabis retail sales operation is a permitted use in the C-LI-5 Zoning District.

5. A Land Development Application has been submitted by the Applicant for the proposed Preliminary and Final Major Site Plan Approval with Variances. In furtherance of the proposed development of the Property, the Applicant has submitted the following:

- a. Land Development Application, dated 02/07/22.

**CURALEAF - NO. P-7-2022**

- b. Preliminary and Final Major Site Plan (Parking Lot Expansion), prepared by Eric E. Boe, PE, LAN Associates, dated 10/19/21, last revised 03/10/22 (9 sheets).
  - c. Stormwater Management Report, prepared by Mr. Boe, undated.
  - d. Traffic Impact Study, prepared by Bryan Proska, PE, Traffic Planning and Design, Inc., dated 03/03/22.
6. The taxes on the Property are current.
7. The Applicant has paid and/or posted all required fees and agreed to keep the escrow account current.
8. Proper notice of the Application for Preliminary and Final Major Site Plan Approval with Variances has been given.
9. The Applicant is proposing the following development of the Property:
- a. Add adult use recreational retail sales to the existing medicinal cannabis dispensary.
  - b. Construct an additional 19,900 square foot full depth pavement parking area.
  - c. Provide a total of 105 parking spaces, including six (6) handicap accessible parking spaces with an ADA compliant ramp for access to the building and four (4) make-ready EV parking spaces.
  - d. Add a new secure loading area and ramp connecting the new secured loading area to the existing rear door access to the building.
  - e. Add an outdoor generator next to the building on a new concrete pad.
  - f. Make associated site improvements for circulation, lighting, landscaping and loading.
10. The following non-conforming conditions presently exist on the Property and will remain unchanged:
- a. Lot Area – 2.115 acres.
  - b. Lot Width – 139.95 feet.
  - c. Side Yard Setback (north/northeast side) – 14.9 feet.
11. The following variances are required in connection with the proposed development of the Property:

**CURALEAF - NO. P-7-2022**

- a. Distance between an adult use recreational cannabis dispensary and an existing school – 1,500 feet required; less than 1,500 feet proposed;
- b. Hours of operation – before 9:00 a.m. prohibited; 8:00 a.m. until 9:00 p.m. proposed;
- c. Maximum number of parking spaces required – 41 permitted; 105 parking spaces proposed;
- d. Aggregate Side Yard Setback – 100 feet required; 82.9 feet existing, 77.4 feet proposed;
- e. Loading area location – rear yard location required; side yard location proposed;
- f. Fence height – 6 foot maximum; 8 feet proposed for fence and gate surrounding secured loading area;
- g. Generator location – compliance with principal building setbacks required; within principal building setbacks proposed.

12. The following Design Waivers are required for the proposed development of the Property:

- a. Parking space dimension – 10' by 20' required; 9' by 18' proposed;
- b. Loading area dimension – 10' by 60' required, 12' by 25' proposed;
- c. Number of loading spaces – 2 required; 1 proposed.

13. The Applicant was represented at the Public Hearing by CherylLynn Walters, Esquire, of Nehmad, Davis & Goldstein, PC. Bridgette Fonseca, James Sherrard, Erik Boe, PE, Bryan Proška, PE, and James Miller, PP<sup>1</sup>, testified on behalf of the Applicant.

14 Ms. Fonseca provided the following sworn testimony during the March 17, 2022 Public Hearing:

- a. She is the Applicant's District Manager of Retail Operations.
- b. She is familiar with the Applicant's Edgewater Park site.
- c. The State of New Jersey is currently establishing guidelines so that patients with a medicinal cannabis card will have priority and continue to be supplied cannabis products.

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<sup>1</sup> Based on their Education, Experience and State Licenses, Mr. Boe, Mr. Proška and Mr. Miller were qualified by the Board to provide expert testimony in their respective fields.

**CURALEAF - NO. P-7-2022**

- d. Both the medicinal and recreational cannabis dispensaries will operate from the 7,640 square foot area currently occupied by the Applicant's medical cannabis dispensary.
- e. For this site, medicinal patients and recreational customers will be separated upon entering the site and directed to separate medicinal point of sales representatives or recreational point of sales representatives to facilitate their transaction.
- f. The hours of operation will be 8:00 a.m. until 8:00 p.m., seven days a week, with the 8:00 a.m. to 9:00 a.m. hour limited to medicinal cannabis only sales.
- g. The Edgewater Park site will have 35-50 employees across 3 shifts, with approximately 30 employees at any given time. Security will be present during each shift.
- h. Sixty (60%) percent of sales will be cash sales with the remaining forty (40%) by debit card.
- i. Cash is transported off-site by third-party security couriers.
- j. Security continuously polices and maintains the exterior of the site.
- k. The Applicant will obtain the required Township license after it receives the New Jersey license for adult use recreational cannabis sales.

15. Mr. Sherrard provided the following sworn testimony during the March 17, 2022 Public Hearing:

- a. He is a retired New Jersey State Police Officer and is the head of security for the Applicant's northeast operations, including the Edgewater Park site.
- b. The Applicant tracks the growth of the product from seed until the seed is sold in the form of a cannabis product.
- c. A third-party security firm will be used to transport the product to the Edgewater Park site.
- d. For security reasons, the timing of delivery of the cannabis, as well as cash pick-up, will be random.

**CURALEAF - NO. P-7-2022**

- e. The Applicant tracks every package, from packaging, through transport and delivery to the Edgewater Park site and through sale.
- f. The site will be completely monitored by cameras, capable of spotting details 300 to 400 yards away.
- g. The New Jersey Department of Health will have access to the Applicant's camera feed 24 hours a day.
- h. All deliveries will enter the secured, closed gate area. The size of the proposed loading area is sufficient for the delivery requirements for both the medicinal and adult use recreational cannabis dispensary.
- i. Cannabis will not be consumed on site.
- j. In addition to in-person point of sales, the Applicant will also offer on-line points of sale.
- k. The 8 foot fence height is for security purposes and will not be topped with barbed wire.

16. Mr. Boe provided the following sworn testimony during the March 17, 2022 Public Hearing.

- a. He is the Applicant's project engineer and is employed by LAN Associates.
- b. He reviewed the site plan and identified the location of the paved parking area, basin, generator pad and site lighting.
- c. Originally 111 parking spaces were shown on the site plan, but six (6) parking spaces were removed in order to provide six (6) landscaped islands as requested by the Board Engineer. Six (6) ADA spaces and four (4) make-ready EV spaces are included in the 105 spaces.
- d. Vehicular circulation will be one-way throughout the site.
- e. None of the parking spaces will be angled.
- f. The Applicant will comply with the March 8, 2022 Review Letter issued by Matthew Augustino, Township Fire Official.
- g. The Applicant will comply with the March 17, 2022 Review Letter issued by the Board Engineer and Planner and will finalize the site's landscape plan with the Board Engineer and Planner, as a condition of approval.

**CURALEAF - NO. P-7-2022**

17. Mr. Proska provided the following sworn testimony during the March 17, 2022 Public Hearing:

- a. He is the Applicant's traffic engineer and he prepared the Traffic Impact Study submitted with the Application.
- b. Data from other states with similar cannabis uses was utilized in preparing the traffic study.
- c. The peak operating time for this site will be Saturday afternoons with an expected traffic count of 110 trips to the site.
- d. 75 trips are expected for peak times other than Saturday's peak time.
- e. The Applicant will obtain any necessary NJDOT approval required.
- f. The current parking area is acceptable for the medicinal cannabis dispensary, but the addition of the adult use recreation cannabis supports an expansion of the parking area for at least 95 vehicles.
- g. The 105 parking spaces now provided are sufficient and the site will operate efficiently.
- h. The expected customer turnover rate is 3 to 7 minutes.

18. Mr. Miller provided the following sworn testimony during the March 17, 2022 Public Hearing.

- a. He is the Applicant's Professional Planner.
- b. He reviewed each of the variances required for the development of the Property as proposed.
- c. An 8:00 a.m. start time will allow a period of time for medicinal cannabis sales only.
- d. While the site technically violates the 1,500 foot separation required between the property lines of the proposed use and an existing school, the school building and dispensary building satisfy the 1,500 foot separation requirement and the two sites now are separated by the new large warehouse being constructed in between. In addition, there is no direct road connection between the school site and the Property.
- e. The proposed improvements, including the number of parking spaces will create a more efficient use of the Property.

**CURALEAF - NO. P-7-2022**

- f. The generator is a state licensing requirement that will provide an alternate power source for security purposes. The generator will not be visible from the roads.
- g. On this Property, the side yard location of the loading area provides a more secure location than a rear yard location.
- h. The 8 foot high fence is a security enhancement.
- i. The proposed aggregate side yard setback is a slight reduction from the existing aggregate and allows for a site layout that balances site improvements, ADA compliance and security concerns.
- j. Collectively, the variances advance purposes A and C of the Municipal Land Use Law and represent a better zoning alternative. There is little detriment to the public as the use is a permitted use located on a State Highway.

19. The March 17, 2022 Hearing was opened to the Public without comment.

20. The Board Engineer and Planner reviewed the March 17, 2022 review letter of Environmental Resolutions, Inc., and testified that the Applicant had addressed most of their review comments and that the Applicant agreed to work with the Board's professionals to address the outstanding review comments. Neither the Board Engineer nor Planner offered any objection to the variances or design waivers requested by the Applicant.

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

1. The Applicant has submitted a Complete set of plans so that the Board has the necessary information to render a decision on the application for Preliminary and Final Major Site Plan Approval.

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements pertaining to parking, loading, side yard setback, school distance separation, hours of operation, accessory structure location and fencing, as specified herein and set forth more fully at the time of the Hearing, as requested by the Applicant.

**CURALEAF - NO. P-7-2022**

3. The benefits of the deviation from the zoning ordinance requirements specified herein would substantially outweigh any detriment to the public good as variance approval and the development of the Property as proposed will continue to promote the safety, health and general welfare of the community and there will be no negative impacts from the grant of the requested variances.

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

5. The Applicant by applying for Preliminary and Final Major Site Plan Approval has satisfied the condition of Resolution No. P-6-2021 as it relates to the addition of the adult use recreational cannabis dispensary as an additional use of the Property.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Edgewater Park, on the 17<sup>th</sup> day of March, 2022, that this Board hereby grants to the Applicant the following:

1. Variances pursuant to *N.J.S.A. 40:55D-70(c)* to permit:
  - a. The distance between the site and an existing school to be less than 1,500 feet;
  - b. Hours of operation of 8:00 a.m. until 9:00 p.m.;
  - c. 105 parking spaces;
  - d. Aggregate Side Yard Setback of 77.4 feet;
  - e. The loading ramp to be located within a buffer area;
  - f. The loading area to be located in the Property's side yard setback area.
  - g. A fence height of 8 feet; and
  - h. The generator to be located within the principal building's required setback area.
2. Design waivers to permit:
  - a. 9' by 18' foot parking spaces; and
  - b. One (1) loading area, measuring 12' by 25'.
3. Satisfaction of the condition of the prior change of use and minor site plan approval (as memorialized in Resolution P-6-2021) to return to the Planning Board prior to commencing adult use recreational cannabis sales at the Property.

**CURALEAF - NO. P-7-2022**

4. Preliminary and Final Major Site Plan Approval to permit the site improvements identified in the Application and at the Hearing relating to parking, lighting, landscaping, stormwater management, signage and access, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with Variances and Waivers, subject to the following conditions:

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

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

c. The fulfillment of all conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of the conditions shall the required site plan be executed and building permits, certificates of occupancy or zoning permits be issued.

d. Subject to the sworn testimony and representations of the Applicant's witnesses and representatives at the March 17, 2022 Public Hearing, whether formalized in this Resolution or not.

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

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

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

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

**CURALEAF - NO. P-7-2022**

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

j. Subject to satisfaction of the review comments of the Board Engineer and Board Planner as contained in the March 17, 2022 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP., as testified to and discussed during the course of the March 17, 2022 Public Hearing.

k. Subject to a Deed of Lot Consolidation being submitted for the review and approval of the Board Engineer and Solicitor consolidating the Property into one lot.

n. Subject to NJDOT review and approval or issuance of a Letter of No Interest.

o. Subject to a Stormwater Management Maintenance Declaration, referencing the approved Stormwater Management Maintenance Plan, being recorded in the Clerk's Office of the County of Burlington. The Declaration shall be submitted for the review and approval of the Board Solicitor and Board Engineer prior to recording.

p. Subject to the Applicant complying with the March 8, 2022 letter of the Township Fire Official.

q. Subject to the Applicant obtaining all State and Township licenses required to operate an adult use recreation cannabis dispensary on the Property.

r. Subject to the Applicant satisfying all conditions of Resolution No. P-6-2021 not otherwise satisfied by this Approval as discussed herein.

s. Subject to the hours of operation limited to 8:00 a.m. to 9:00 p.m. with the first hour limited to medicinal cannabis sales only.

t. Subject to the Applicant complying with the Township's Affordable Housing Development Fee requirements as set forth in Section 120-27 et seq. of the Township Code for the payment of the applicable development fee required for the development of the Property as approved.

**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 March 17, 2022.

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

  
MARIAN JOHNSON, CHAIRWOMAN

Attested:

  
NICOLE CARTER, SECRETARY

Dated: 4/21/2022

Date of Approval: March 17, 2022

Date of Memorialization: April 21, 2022

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

**RESOLUTION NO. P-8-2022**

**CONCERNING THE APPLICATION OF  
EMT RENEWABLES, LLC  
FOR MINOR SITE PLAN APPROVAL  
BLOCK 401, LOT 1**

**WHEREAS**, EMT Renewables, LLC (the “Applicant”) has applied to the Planning Board of the Township of Edgewater Park (the “Board”) for Minor Site Plan approval for property located at 4151 South Route 130, known as Block 401, Lot 1 (the “Property”), on the Official Tax Map of the Township, for the purpose of installing a solar array canopy/carport above a portion of the existing parking area at the Abundant Life Fellowship place of worship site;

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

**WHEREAS**, the application was deemed complete by the Board on May 19, 2022; and

**WHEREAS**, a public hearing to consider the application was held by the Board on July 21, 2022; 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 the Application for 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 Applicant is the solar installation contractor for the existing Abundant Life Fellowship place of worship, the owner of the Property.

## **EMT RENEWABLES/ABUNDANT LIFE FELLOWSHIP - RESOLUTION NO. P-8-2022**

2. The Applicant is proposing to install a car port structure, approximately 125'11" x 41'10", with a mounted solar canopy, erected over a portion of the existing parking area utilized by the Owner's place of worship, providing the Board with an Application for Minor Site Plan Approval, Survey of Proposed Solar Carport Location, prepared by Robert L. Gigol, NJPLS, of DMC Associates, LLC, dated 02/22/22, revised 02/25/22 and Minor Site Plan, prepared by Jordan Tlumak, PE, dated 03/03/22.

3. Pursuant to Section 310-42-6 of the Land Development Ordinance, Board review and approval is required prior to the installation of an alternative energy source system.

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

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

6. The Applicant was represented at the July 21, 2022 Hearing by Todd W. Heck, Esquire, of Testa Heck Testa & White, PA. Samantha O'Brien and Peter Kaelin testified on behalf of the Applicant.

6. Ms. O'Brien provided the following sworn testimony during the July 21, 2022 Hearing:

- a. She is a Manager for the Applicant;
- b. Two hundred fifteen (215) panels are proposed which will allow Abundant Life Fellowship to receive tax credits;
- c. The proposed solar array system will cover the owner's entire PSE&G bill;
- d. She describes the design and location for the car port structure(s);
- e. The proposed car port structures will result in 4 of the existing 348 parking spaces reduced to a compact car sized space;
- f. The height between the pavement and the panels will be at least 14 feet.

8. Mr. Kaelin provided the following sworn testimony during the July 21, 2022 Hearing:

- a. He is the Applicant's Director of Operations;
- b. He identifies the location of the two (2) inverters that convert the sunlight into electric energy;

**EMT RENEWABLES/ABUNDANT LIFE FELLOWSHIP - RESOLUTION NO. P-8-2022**

- c. The Applicant will comply with the review letter issued by the Township's Fire Official;
  - d. Security lighting will be kept on a timer and are designed to shine downward;
  - e. The system is monitored remotely and is capable of being shut off in 20 seconds in case of fire;
  - f. There will be a 14 foot clearance for firetrucks to navigate underneath the canopy;
  - g. The maximum height from ground to the top of the solar panels will be 19'9";
  - h. The proposed solar energy improvements will not have an impact on neighboring properties;
  - i. The Delanco Land Use Board approved a similar solar energy installation for Abundant Life Fellowship's Living Springs Senior Residences.
9. The July 21, 2022 Hearing was opened to the Public without comment.

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

- 1. The proposed development of the Property is a permitted accessory use to the principal use and does not involve substantial site development considerations.
- 2. The Applicant's proposed development of the Property satisfies the Ordinance requirements as a Minor Site Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Edgewater Park, on the 21st day of July, 2022, that this Board hereby grants Minor Site Plan Approval to the Applicant for a solar energy system that includes the installation of solar panels on the top of a car port canopy over a portion of the existing parking area at the Abundant Life Fellowship place of worship use, in accordance with the application, plans and testimony submitted by the Applicant, subject to the following:

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

## **EMT RENEWABLES/ABUNDANT LIFE FELLOWSHIP - RESOLUTION NO. P-8-2022**

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

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

4. Subject to the sworn testimony of the Applicant's agents and representatives made on the record at the July 21, 2022 Hearing, whether recorded in this Resolution or formally imposed as a condition of approval;

5. Subject to the Applicant receiving all required permits prior to the installation of the solar energy system commencing. Minor site plan approval does not guaranty the issuance of the required permits as the Applicant is subject to the applicable codes and regulations.

6. Subject to the Applicant assuming the risk if installation of the solar energy system is commenced prior to the expiration of the appeals period.

7. Subject to the review comments of the Board Engineer and Board Planner as contained in the May 19, 2022 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edwrd Fox, AICP, PP, except as may be modified in this Resolution.

### **ROLL CALL VOTE**

Those in Favor: 7

Those Opposed: 0

Those Abstaining: 0

**EMT RENEWABLES/ABUNDANT LIFE FELLOWSHIP - RESOLUTION NO. P-8-2022**

**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 21, 2022.

**EDGEWATER PARK PLANNING BOARD**

**Attest:**

**By:**

  
**MARIAN JOHNSON, Chairwoman**

  
**PATRICIA CAHALL, Secretary**

**Dated:**

8/18/2022

**Date of Approval:**

July 21, 2022

**Date of Memorialization:**

August 18, 2022

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

**RESOLUTION NO. P-9-2022**

**CONCERNING THE APPLICATION OF  
BURLINGTON COAT  
FOR AMENDED PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

**WHEREAS**, Burlington Coat Factory Realty Edgewater Park (the “Applicant”), has applied to the Planning Board of the Township of Edgewater Park (the “Board” or “Planning Board”) for Amended Preliminary and Final Major Site Plan Approval for property located at Route 130 and Coopertown Road, known as Block 502, Lots 12.02, 12.03 and 13 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a 155 space tractor trailer truck facility for the existing Burlington Coat Factory warehouse facility; and

**WHEREAS**, the Application for Amended Preliminary and Final Major Site Plan Approval was deemed complete by the Board on May 19, 2022; and

**WHEREAS**, a Public Hearing to consider the application was held by the Planning Board on July 21, 2022, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

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

**WHEREAS**, the following Exhibits were introduced by the Applicant during the July 21, 2022 Public Hearing:

- A-1 Aerial photograph of the Property, hi-lighted;
- A-2 Color rendering of Site Plan; and

**WHEREAS**, the Board after carefully considering the evidence presented by the Applicant in support its application for Amended 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:

## **BURLINGTON COAT - NO. 9-2022**

1. The Applicant is the owner of the Property. Lot 12.02 is the existing trucking facility for the Burlington Coat warehouse, Lot 12.03 is a 300-foot wide vacant parcel that connects Lot 12.02 and Lot 13, and Lot 13 is the existing Burlington Coat warehouse facility.

2. The Applicant is proposing to consolidate Lots 12.02 and 12.03 and to construct a 155-space tractor trailer parking facility with guard house. The Applicant's proposal is a permitted accessory use permitted by a Redevelopment Plan that includes the Property.

3. In support of its proposed development of the Property, the Applicant submitted the following:

- a. Land Development Application, dated 05/02/22;
- b. Amended Preliminary and Final Site Plan, prepared by Robert R. Stout, PE, PLS, Stout and Caldwell, dated 04/06/22 (10 sheets);
- c. Stormwater Management Report, prepared by Robert R. Stout, dated 04/2022;
- d. Operations and Maintenance Manual for Stormwater Management Facilities, prepared by Robert R. Stout, dated 04/2022;
- e. Traffic Engineering Assessment Report, prepared by Nathan B. Mosley, PE, CME, Shropshire Associates, LLC, dated 04/07/22.

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

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

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

7. The proposed development of the Property does not require variances.

8. The proposed development of the Property will require design waivers for a fence located within the 60' Route 130 and Delanco-Coopertown Road front yard setback areas and for a 10 foot wide evergreen buffer.

9. The Applicant was represented at the July 21, 2022 Public Hearing by John Gillespie, Esquire, of Parker McCay. Matthew Walsh, PE, appeared as the Applicant's engineer, Nathan Moseley, PE, appeared as the Applicant's traffic engineer and Tearance Mosley,

## BURLINGTON COAT - NO. 9-2022

appeared as the Applicant's Senior Director of Supply Chain Management. Mr. Walsh and Mr. Moseley were qualified and recognized as expert witnesses in support of the application.

10. Mr. Gillespie made the following representations to the Board during the July 21, 2022 Public Hearing:

- a. The Applicant will amend its Application and revise the site plan to eliminate 36 of the proposed 155 tractor trailer spaces, reconfigure the parking area and add a landscape berm with advanced screening;
- b. The Applicant, utilizing the services of a real estate broker, was unsuccessful in marketing for a commercial use that portion of the Property now proposed for tractor trailer parking.

11. Mr. Walsh provided the following sworn testimony during the July 21, 2022 Public Hearing:

- a. Utilizing the Exhibits, he describes the existing conditions of the site and the improvements proposed by the Applicant;
- b. The existing stormwater management basin will be expanded and the proposed stormwater management facilities will comply with NJDEP Best Practices;
- c. With the elimination of the 36 parking spaces, as represented by the Applicant's Attorney, the proposed impervious coverage will be reduced;
- d. The snow scraper, which the Applicant is required to have by law, is movable;
- e. The existing guard shack will be relocated;
- f. The sliding gate will be relocated;
- g. There is no change to the existing ingress/egress access points;
- h. The spaces identified as "storage only" are for trailers only, there will be no outside storage on site;
- i. The Applicant will comply with the review comments of the Board Engineer and Board Planner;
- j. Lots 12.02 and 12.03 will be consolidated;
- k. The Applicant will work with the Board Engineer to determine the location of the existing sanitary sewer easement and whether said

## BURLINGTON COAT - NO. 9-2022

easement is located on the Applicant's property or on an adjacent property;

- l. The Applicant will satisfy its Affordable Housing obligation in accordance with Township Ordinances;
  - m. The Applicant will revise the landscaping plan for the site and will comply with the Township's landscaping standards;
  - n. The landscape berm that will be added to the plans will be irrigated;
  - o. The Applicant will work with the Board Engineer to finalize the landscape plan for the site;
  - p. The neighboring car wash does not have access to the easement area;
  - q. The two signs identifying the off-site apartments have been removed.
12. Mr. Mosley provided the following sworn testimony during the July 21, 2022

Public Hearing:

- a. The site will operate 7 days a week with 10-hour shifts Monday through Thursday and one 12 hour shift Friday, Saturday and Sunday;
  - b. The Applicant, if traffic problems occur when employees arrive and depart the site, is willing to meet with the Township to discuss shift schedules and the possibility of staggering employee start and end times.
13. Mr. Moseley provided the following sworn testimony during the July 21, 2022

Public Hearing:

- a. He prepared the Traffic Assessment Report submitted with the Application;
- b. Traffic counts were generated from 6:00 a.m. to 9:00 p.m. for each of the current ingress and egress points;
- c. Based on the traffic counts, he opined that there would be no measurable increase in traffic created by the additional 119 tractor trailer spaces proposed for the site;
- c. At weekday peak hours, there will be an increase of 3 to 4 truck trips per hour;
- d. The site is staggered and well managed by the Applicant;
- e. Approval will be required from the County Planning Board and NJDOT.

## BURLINGTON COAT - NO. 9-2022

14. During the public portion of the July 21, 2022 hearing, Zoning Officer Cedric Minter, a resident of Cooper Street, testified that he was concerned with tractor trailers misusing Cooper Street.

15. The Board Engineer and Board Planner reviewed the July 19, 2022 Review Letter of Environmental Resolutions, Inc. and had no objection to the Application and the design waivers requested as the Applicant will revise the site plan to eliminate 36 of the tractor trailer parking spaces originally proposed and will comply with their outstanding review comments.

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

1. The Applicant has submitted a Complete set of plans so that the Board has the necessary information to render a decision on the application for Amended Preliminary and Final Major Site Plan Approval.

2. The Application does not require variances pursuant to *N.J.S.A. 40:55D-70(c)* and (d).

3. The use proposed is a permitted accessory use for the Burlington Coat warehouse facility located on an adjoining lot.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Edgewater Park, on the 21<sup>st</sup> day of July, 2022, that this Board hereby grants to the Applicant the following:

1. Design waivers to permit (a) fencing setbacks of approximately 10 feet from U.S. 130 east of the exit drive, approximately 22 feet from US 130 west of the exit drive and approximately 8 feet from Delanco-Coopertown Road; and (b) a 10 foot wide landscape buffer; and

2. Amended Preliminary and Final Major Site Plan Approval for the construction of a tractor trailer parking area for 119 tractor trailers serving the Burlington Coat warehouse facility, together with other site improvements, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, subject to the following conditions:

a. Subject to the Applicant obtaining all other approvals that may be required for the development, including, but not limited to Burlington County Planning Board approval,

## BURLINGTON COAT - NO. 9-2022

Burlington County Soil Conservation District approval, New Jersey Department of Transportation approval and New Jersey Department of Environmental Protection approval.

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

c. The fulfillment of all conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of the conditions shall the required subdivision plat be executed and building permits, certificates of occupancy or zoning permits be issued.

d. Subject to the sworn testimony and representations of the Applicant's witnesses made on the record at the July 21, 2022 Public Hearing, whether recorded in this Resolution or formally imposed as a condition of Approval.

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

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

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

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

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

j. Subject to the review comments of the Board Engineer and Board Planner as contained in the July 19, 2022 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP., except as may be modified herein.

## **BURLINGTON COAT - NO. 9-2022**

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

l. Subject to Lots 12.02 and 12.03 being consolidated into one. A deed of lot consolidation shall be submitted for the review and approval of the Board Engineer and Solicitor and the consolidated lot number approved by the Township Tax Assessor.

m. Subject to the approval of the Board Planner of the revised landscaping plan for the site, including the addition of a landscaped berm and additional landscaping. All new landscaping shall be irrigated.

n. Subject to the Applicant requesting NJDOT approval for sidewalk and ADA ramps along Route 130 and to permit a sign at the jughandle prohibiting right turns onto Cooper Street.

o. Subject to the Applicant meeting with the Township to discuss shift schedules and the possibility of staggering employee start and end times if traffic problems occur when employees arrive and depart the site.

p. Subject to the Applicant complying with the Affordable Housing Development Fee requirements of the applicable Township Ordinances or State law, rule or regulation.

q. Subject to the Applicant requesting that the Township Tax Assessor identify the consolidated lot with a Delanco Road address for GPS direction purposes. The Board recognizes that a Delanco Road address would also require approval of the United States Postal Service.

### **ROLL CALL VOTE**

Those in Favor: 7

Those Opposed: 0

Those Abstaining: 0

**BURLINGTON COAT - NO. 9-2022**

**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 21, 2022.

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

  
**MARIAN JOHNSON, CHAIRWOMAN**

**Attested:**

  
**PATRICIA CAHALL, SECRETARY**

**Dated:**

8/18/2022

**Date of Approval:**

July 21, 2022

**Date of Memorialization:**

August 18, 2022

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

**RESOLUTION NO. P-10-2022**

**RESOLUTION OF THE PLANNING BOARD  
OF THE TOWNSHIP OF EDGEWATER PARK  
FINDING TOWNSHIP ORDINANCE NO. 2022-08  
CONSISTENT WITH THE MASTER PLAN OF THE  
TOWNSHIP OF EDGEWATER PARK**

**WHEREAS**, pursuant to the Municipal Land Use Law of the State of New Jersey (*N.J.S.A.* 40:55D-26, 32 and 64), the Planning Board of the Township of Edgewater Park (the “Board”) is obligated to review any and all proposed land use control ordinances, including amendments to the Official Map, and make a report of any inconsistencies with the Master Plan prior to adoption by the Township Committee of the Township of Edgewater Park;

**WHEREAS**, at its June 21, 2022 meeting, the Township Committee of the Township of Edgewater Park, County of Burlington, introduced Ordinance No. 2022-08, entitled “**AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK, NEW JERSEY ESTABLISHING, AMENDING AND SUPPLEMENTING CHAPTER 310 LAND DEVELOPMENT AND ZONING TO INCLUDE CHAPTERS 310-13-17 RECREATIONAL/ADULT USE CANNABIS TRANSFER TAX, 310-13-18 TAX IN ADDITION TO OTHER TAXES, 310-13-19 COLLECTION, AND 310-13-20 PAYMENT; VENDOR VIOLATIONS AND PENALTIES**” and has referred Ordinance 2022-08 to the Board for the Board’s Master Plan consistency review and recommendation;

**WHEREAS**, through this Resolution, the Board wishes to memorialize its findings concerning the review and analysis of Township Ordinance 2022-08, amending and revising Article 13 (General Regulations) of Chapter 310 (Land Development and Zoning of the Code of the Township of Edgewater Park to include Sections 310-13-17, 310-13-18, 310-13-19 and 310-13-20.

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

1. The amendments to Chapter 310 (**Land Development and Zoning**), Article 13 (**General Regulations**), of the Code of the Township of Edgewater Park to include Section 310-13-17 (**Recreational/Adult Use Cannabis Transfer Tax**), Section 310-13-18 (**Tax in Addition to Other Taxes or Fees**), Section 310-13-19 (**Collection**) and Section 310-13-20 (**Payment; Vendor Violations and Penalties**), as set forth in Township Ordinance 2022-08, introduced by the Township Committee of the Township of Edgewater Park on June 21, 2022, having been previously reviewed by the Consulting Engineer, Planner and Solicitor to the Planning Board and no objection having been identified, are hereby found by this Board to be not inconsistent with the Master Plan of the Township of Edgewater Park.

2. This Resolution shall constitute the report of the Board required pursuant to the Municipal Land Use Law (*N.J.S.A. 40:55D-26*) for the Board's review of Township Ordinance 2022-08.

3. The Board's Solicitor, Consulting Engineer, Planner and Secretary are hereby further authorized to undertake any and all action to forward this Resolution to the Township Committee for their consideration prior to adoption of Ordinance 2022-08.

4. This Resolution shall take effect immediately.

**MOTION:** \_\_\_\_\_ **SECOND:** \_\_\_\_\_

**ROLL CALL:**

**AYES:** \_\_\_\_\_

\_\_\_\_\_

**NAYS:** \_\_\_\_\_

\_\_\_\_\_

## **CERTIFICATION**

**I, PATRICIA CAHALL**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board, at its Regular Meeting held on July 21, 2022.

  
**PATRICIA CAHALL**  
**Planning Board Secretary**

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

**RESOLUTION NO. P-11-2022**

**CONCERNING THE APPLICATION OF  
MICHAEL LANG  
FOR VARIANCE APPROVAL  
BLOCK 404.03, LOT 8**

**WHEREAS**, Michael Lang (the “Applicant”) has applied to the Planning Board of the Township of Edgewater Park (the “Board”) for variance approval for property located at 301 Orange Drive, known as Block 404.03, Lot 8 (the “Property”), on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a 1,500 square foot accessory structure on the Property; and

**WHEREAS**, variances are required pursuant to *N.J.S.A. 40:55D-70(c)* because the proposed structure does not comply with the accessory structure requirements for gross floor area, height and quantity; and

**WHEREAS**, a “c” variance will also be required for the installation of a future driveway as a driveway to the accessory structure will increase the impervious coverage of the Property to an amount greater than the maximum impervious coverage permitted; and

**WHEREAS**, the Application was deemed complete by the Board on August 18, 2022; and

**WHEREAS**, a public hearing to consider the Application was held by the Board on August 18, 2022, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Board, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

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

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

1. The Applicant is the owner of the Property, approximately 20,000 square feet in area located in the R-3 Zoning District of the Township. The Property is improved with a two-story single family residential dwelling, concrete driveway, inground swimming pool and a shed.

**LANG - RESOLUTION NO. P-11-2022**

2. The Applicant is proposing to construct a 30 foot by 50 foot (1,500 square feet) accessory structure on the Property for storage of collector vehicles and other personal property.

3. The Applicant submitted to the Board an Application for Variance Approval, Variance Checklist, a hand drawn property sketch and a Property Survey prepared by William J. Robbins, PLS, Robbins Associates, dated 02/14/22.

4. The taxes on the Property are current.

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

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

7. The following variances are required for the proposed development of the Property:

- a. Accessory structure gross floor area – 450 square foot maximum, 1,500 square feet proposed;
- b. Accessory structure height – 16 foot maximum, 16.5 feet proposed;
- c. Number of accessory structures – 1 permitted, 2 proposed;
- d. Impervious coverage – 30% maximum, 30% proposed with proposed accessory structure, 37% with future driveway.

8. The Applicant provided the following sworn testimony during the August 18, 2022 Public Hearing:

- a. He collects antique vehicles.
- b. The Property includes a one-car garage with a one-car driveway.
- c. He currently stores his antique cars outside.
- d. The proposed accessory structure will be utilized for the storage of his antique cars, motorcycles and other personal property.
- e. The proposed accessory structure will not be used for any commercial use or living space.
- f. The proposed accessory structure will have electrical service for lighting only and possibly a lift in the future. The lift will be used to increase the storage capacity, not for working on a vehicle.
- g. The proposed accessory structure will not be serviced by water or sewer.

## LANG - RESOLUTION NO. P-11-2022

- h. The proposed accessory structure will have a metal roof and metal siding.
  - i. The proposed accessory structure will be an aesthetic enhancement of the Property.
  - j. The proposed accessory structure will be installed outside of the existing 20 foot wide Township drainage easement that runs across the Property.
  - k. The Property does not flood.
  - l. Downspouts on the proposed accessory structure will be directed away from neighboring properties.
  - m. It is his intention to install a driveway in the future to provide access to the proposed accessory structure.
9. The August 18, 2022 Hearing was opened to the Public without comment.
10. The Applicant is requesting variance approval to allow the construction of the accessory structure as proposed, to provide greater utilization for this Property and to improve the aesthetics of the Property and the neighborhood.
11. Without variance approval, the Applicant would be unable to construct the dwelling as proposed, which is otherwise in conformance with the requirements of the R-3 Zoning District.

**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 impervious coverage and size, height and number of accessory structures, 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.

## LANG - RESOLUTION NO. P-11-2022

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Edgewater Park, on the 18<sup>th</sup> day of August, 2022, that this Board hereby grants to the Applicant variances to permit (i) two accessory structures, (ii) an accessory structure measuring 30 feet by 50 feet with a height of 16.5 feet and (iii) an impervious coverage of 37%, in accordance with the application, plans and testimony submitted by the Applicant, subject to the following:

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

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

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

4. Subject to the sworn testimony of the Applicant at the August 18, 2022 Public Hearing, whether formalized in this Resolution or not.

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

6. Subject to the Applicant assuming the risk if construction of the accessory structure commences prior to the expiration of the appeals period for this variance approval.

7. Subject to the completed accessory structure being no larger than 30 feet by 50 feet with a height not to exceed 16.5 feet.

8. Subject to the excess impervious coverage for the Property being limited to the installation of a driveway for access to the 1,500 square foot accessory structure, with the driveway no larger than 20 feet by 68 feet.

9. Subject to the submission of a Grading Plan for the review and approval of the Board Engineer, prior to the issuance of construction permits.

## LANG - RESOLUTION NO. P-11-2022

10. Subject to any exterior lighting for the accessory structure shining down so as not to glare onto adjacent properties.

11. Subject to the use of the 1,500 square foot accessory structure being limited to the uses as testified by the Applicant during the Public Hearing. There shall be no commercial use or residential occupancy of the accessory structure.

12. Subject to the accessory structure not to be constructed within the 20 foot wide Township drainage easement located on the Property.

### 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 August 18, 2022.

### EDGEWATER PARK PLANNING BOARD

Attest:

  
PATRICIA CAHALL, Secretary

By:   
MARIAN JOHNSON, Chairwoman

Dated: 9-15-2022

Date of Approval: August 18, 2022

Date of Memorialization: September 15, 2022

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

**RESOLUTION NO. P-12-2022**

**CONCERNING THE APPLICATION OF  
JAMES MATTHEWS  
FOR VARIANCE APPROVAL  
BLOCK 404.03, LOT 7**

**WHEREAS**, James Matthews (the “Applicant”) has applied to the Planning Board of the Township of Edgewater Park (the “Board”) for variance approval for property located at 303 Orange Drive, known as Block 404.03, Lot 7 (the “Property”), on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a 960 square foot accessory structure on the Property; and

**WHEREAS**, a variance is required pursuant to *N.J.S.A. 40:55D-70(c)* because the proposed structure does not comply with the accessory structure requirement for gross floor area; and

**WHEREAS**, a “c” variance will also be required for the installation of a future driveway as a driveway to the accessory structure will increase the impervious coverage of the Property to an amount greater than the maximum impervious coverage permitted; and

**WHEREAS**, the Application was deemed complete by the Board on August 18, 2022; and

**WHEREAS**, a public hearing to consider the Application was held by the Board on August 18, 2022, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Board, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

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

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

1. The Applicant is the owner of the Property, approximately 20,000 square feet in area located in the R-3 Zoning District of the Township. The Property is improved with a two-story single family residential dwelling and concrete driveway.

## **MATTHEWS - RESOLUTION NO. P-12-2022**

2. The Applicant is proposing to construct a 30 foot by 32 foot (960 square feet) accessory structure on the Property for storage of collector vehicles and other personal property.
3. The Applicant submitted to the Board an Application for Variance Approval, Variance Checklist, a hand drawn property sketch and a Property Survey prepared by William J. Robbins, PLS, Robbins Associates, dated 02/14/22.
4. The taxes on the Property are current.
5. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.
6. Proper notice of the application for variance approval has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
7. The following variances are required for the proposed development of the Property:
  - a. Accessory structure gross floor area – 450 square foot maximum, 960 square feet proposed;
  - b. Impervious coverage – 30% maximum, 23% proposed with proposed accessory structure, 32% with future driveway.
8. The Applicant provided the following sworn testimony during the August 18, 2022 Public Hearing:
  - a. He collects antique vehicles.
  - b. He currently stores his antique cars outside.
  - c. The proposed accessory structure will be utilized for the storage of his antique cars, motorcycles and other personal property.
  - d. The proposed accessory structure will not be used for any commercial use or living space.
  - e. The proposed accessory structure will have electrical service for lighting only.
  - f. The proposed accessory structure will not be serviced by water or sewer.
  - g. The proposed accessory structure will have a metal roof and metal siding.
  - h. The proposed accessory structure will be an aesthetic enhancement of the Property.

## MATTHEWS - RESOLUTION NO. P-12-2022

- i. The proposed accessory structure will be installed outside of the existing 20 foot wide Township drainage easement that runs across the Property.
  - j. The Property does not flood.
  - k. Downspouts on the proposed accessory structure will be directed away from neighboring properties.
  - l. It is his intention to install a driveway in the future to provide access to the proposed accessory structure.
9. The August 18, 2022 Hearing was opened to the Public without comment.
10. The Applicant is requesting variance approval to allow the construction of the accessory structure as proposed, to provide greater utilization for this Property and to improve the aesthetics of the Property and the neighborhood.
11. Without variance approval, the Applicant would be unable to construct the dwelling as proposed, which is otherwise in conformance with the requirements of the R-3 Zoning District.

**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 impervious coverage and accessory structure gross floor area, 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 18<sup>th</sup> day of August, 2022, that this Board hereby grants to the Applicant variances to permit (i) an accessory structure measuring 30 feet by 32 feet and (ii) an impervious

## MATTHEWS - RESOLUTION NO. P-12-2022

coverage of 32%, in accordance with the application, plans and testimony submitted by the Applicant, subject to the following:

1. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township of Edgewater Park.
2. The fulfillment of all conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.
3. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.
4. Subject to the sworn testimony of the Applicant at the August 18, 2022 Public Hearing, whether formalized in this Resolution or not.
5. Subject to the Applicant receiving all required permits prior to construction of the accessory structure commencing. Variance approval does not guaranty the issuance of the required permits as the Applicant is subject to the applicable construction code(s) and regulations.
6. Subject to the Applicant assuming the risk if construction of the accessory structure commences prior to the expiration of the appeals period for this variance approval.
7. Subject to the completed accessory structure being no larger than 30 feet by 32 feet with a height not to exceed 16.0 feet.
8. Subject to the excess impervious coverage for the Property being limited to the installation of a driveway for access to the 960 square foot accessory structure, with the driveway no larger than 20 feet by 86 feet.
9. Subject to the submission of a Grading Plan for the review and approval of the Board Engineer, prior to the issuance of construction permits.
10. Subject to any exterior lighting for the accessory structure shining down so as not to glare onto adjacent properties.

## MATTHEWS - RESOLUTION NO. P-12-2022

11. Subject to the use of the 960 square foot accessory structure being limited to the uses as testified by the Applicant during the Public Hearing. There shall be no commercial use or residential occupancy of the accessory structure.

12. Subject to the accessory structure not to be constructed within the 20 foot wide Township drainage easement located on the Property.

### 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 August 18, 2022.

### EDGEWATER PARK PLANNING BOARD

Attest:

By:   
MARIAN JOHNSON, Chairwoman

  
PATRICIA CAHALL, Secretary

Dated: 9-15-2022

Date of Approval: August 18, 2022

Date of Memorialization: September 15, 2022

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

**RESOLUTION NO. P-13-2022**

**CONCERNING THE APPLICATION OF  
RANSOME PROPERTIES, LLC  
FOR MINOR SITE PLAN APPROVAL  
BLOCK 404, LOT 4**

**WHEREAS**, Ransome Properties, LLC (the “Applicant”) has applied to the Planning Board of the Township of Edgewater Park (the “Board”) for Minor Site Plan approval for property located at 1655 Mt. Holly Road, known as Block 404, Lot 4 (the “Property”), on the Official Tax Map of the Township, for the purpose of installing a 1,000-gallon above ground propane tank at its landscape supply business; and

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

**WHEREAS**, the application was deemed complete by the Board on July 21, 2022; and

**WHEREAS**, a public hearing to consider the application was held by the Board on October 20, 2022; and

**WHEREAS**, the Applicant presented evidence to the Board through testimony, plans and other evidence, including a 2017 aerial photograph of the Property, identified as Exhibit A-1; and

**WHEREAS**, the Board after carefully considering the evidence presented by the Applicant in support of the Application for 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 Applicant is the owner of the Property, approximately 2.0 acres, located in the C-3 (Highway Commercial) Zoning District of the Township. The Property is improved with a 2-story frame building, gravel parking lot, two (1) 100-gallon propane tanks and concrete storage bins for stone, mulch and other landscape materials.

## **RANSOME PROPERTIES - RESOLUTION NO. P-13-2022**

2. The Applicant is proposing to install a 1,000-gallon propane tank as a tank refill station for retail sales.
3. The Applicant applied for Minor Site Plan Approval for its proposed development of the Property and has submitted the following:
  - a. Standard Development Application;
  - b. Site Improvement Plan, prepared by Robert R. Stout, PE, PLS, Stout and Caldwell Engineers, LLC, dated 05/16/22 (2 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 the review escrow current.
6. The Applicant was represented at the October 20, 2022 Hearing by Seth N. Broder, Esquire, Broder Law Group. Douglas Fitzgerald, Doug Frohoc and Robert R. Stout, PE, the Applicant's Professional Engineer, appearing and each being duly sworn, with Mr. Stout qualified, and recognized as an expert witness in support of the Application.
7. Mr. Fitzgerald provided the following sworn testimony during the October 20, 2022 Public Hearing:
  - a. He is the Applicant's Managing Member, authorized to provide testimony regarding the Minor Site Plan Application.
  - b. The existing 100-gallon tanks are not going to be removed from the Property.
  - c. The new 1,000-gallon tank will be used for retail propane sales only, it will not be used to heat the building.
  - d. The hours of operation are 7:00 a.m. to 5:00 p.m., Monday through Saturday, and 8:00 a.m. to 2:00 p.m. on Sundays.
  - e. The business has 4 employees.
  - g. Signage is not required.
  - h. The new tank will have no impact on parking.
  - i. The location proposed for the new tank is to accommodate campers, which have propane tanks on the camper's passenger side.

## **RANSOME PROPERTIES - RESOLUTION NO. P-13-2022**

- j. On average, it takes less than 5 minutes to refill a tank.
- k. 18 wheelers safely navigate the site.
- l. Permits were secured from the Township prior to installation of the greenhouses located on the Property.

8. Mr. Frohoc provided the following sworn testimony during the October 20, 2022 Public Hearing:

- a. He is the safety coordinator for Allen Oil and Propane, the Applicant's Contractor for installation of the 1,000-gallon propane tank.
- b. He is familiar with the Property.
- c. The 1,000-gallon tank is 16 feet long by 41 inches in diameter.
- d. The tank will sit on either a concrete pad or rails, to be determined by Allen's propane engineer.
- e. Allen's propane engineer will submit the required Application to the New Jersey Department of Community Affairs ("DCA").
- f. Installation and operation of the 1,000-gallon tank will satisfy the DCA requirements for propane tanks.
- g. Allen Oil and Propane will coordinate installation of the propane tank with the DCA.
- h. The DCA will inspect the construction of the tank and tank resting area.
- i. A 6-foot high chain link fence will surround the proposed propane tank.
- j. DCA required yellow bollards will be located around the tank.
- k. Propane deliveries are made by trucks much smaller than an 18-wheeler.
- l. The Applicant's employees will be trained and certified by Allen Oil and Propane.
- m. The DCA reviews the certificates on an annual basis.
- n. The Applicant will not sell new tanks.

## **RANSOME PROPERTIES - RESOLUTION NO. P-13-2022**

9. Mr. Stout provided the following sworn testimony during the October 20, 2022 Public Hearing:

- a. He is the Applicant's Professional Engineer.
- b. The new propane tank will be located behind the front line of the building.
- c. An auto-turn template was provided confirming that there is more than sufficient room on site for a large truck to turn; the location of the new propane tank will not negatively impact site circulation.

10. The Board Planner reviewed the August 16, 2022 Review Letter from Environmental Resolutions and had no objection to the waiver submissions identified in the Review Letter and that the Application satisfied the requirements of a minor site plan.

11. The October 20, 2022 Hearing was opened to the Public without comment.

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

1. The proposed development of the Property is an accessory use to the landscaping supply use and does not involve substantial site development considerations.
2. The Applicant's proposed development of the Property satisfies the Ordinance requirements as a Minor Site Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Edgewater Park, on the 20<sup>th</sup> day of October, 2022, that this Board hereby grants Minor Site Plan Approval to the Applicant for the installation of a 1,000-gallon propane tank on the Property, in accordance with the application, plans and testimony submitted by the Applicant, subject to the following:

1. Proof that the Applicant has applied for the necessary approval(s) from all other agencies, including the New Jersey Department of Community Affairs, having jurisdiction over the Applicant's use of the Property shall be filed with the Township of Edgewater Park.
2. The fulfillment of the conditions precedent shall forthwith be reported in writing to the Township of Edgewater Park, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of all conditions shall the site plan be signed or any required building permit, certificate of occupancy or zoning permit be issued.

## **RANSOME PROPERTIES - RESOLUTION NO. P-13-2022**

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 sworn testimony of the Applicant's agents and representatives made on the record at the October 20, 2022 Hearing, whether recorded in this Resolution or formally imposed as a condition of approval.

5. Subject to the Applicant receiving all required permits prior to the installation of the propane tank commencing. Minor site plan approval does not guaranty the issuance of the required permits as the Applicant is subject to the applicable codes and regulations.

6. Subject to the Applicant assuming the risk if installation of the propane tank commences prior to the expiration of the appeals period.

7. Subject to the review comments of the Board Engineer and Board Planner as contained in the August 16, 2022 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edwrd Fox, AICP, PP, except as may be modified in this Resolution.

### **ROLL CALL VOTE**

Those in Favor: 8

Those Opposed: 0

Those Abstaining: 0

**RANSOME PROPERTIES - RESOLUTION NO. P-13-2022**

**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 20, 2022.

**EDGEWATER PARK PLANNING BOARD**

**Attest:**

**By:**

  
**MARIAN JOHNSON, Chairwoman**

  
**PATRICIA CAHALL, Secretary**

**Dated:**

11/17/2022

**Date of Approval:**

October 20, 2022

**Date of Memorialization:**

November 17, 2022