

RESOLUTION NO. P – 1 – 2023

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. Belgard					X
Mr. Alexander					X
Mr. Kauker					X
Mr. Smith	X				
Mrs. DiFilippo					X
Mr. Malecki	X				
Ms. Bonner	X				
Mrs. Tumminia	X				
Mr. Daloisio	X				
Chairwoman Johnson	X				

CERTIFICATION

I, **PATRICIA CAHALL**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Re-Organization Meeting held on Thursday, January 5, 2023 at the Edgewater Park Municipal Building at 7:00 p.m.


PATRICIA CAHALL
Planning Board Secretary

RESOLUTION NO. P – 2 – 2023

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 5, 2023, shall be in accordance with Resolution #P-1-2023, 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. Belgard					X
Mr. Alexander					X
Mr. Kauker					X
Mr. Smith	X				
Mrs. DiFilippo					X
Mr. Malecki	X				
Ms. Bonner	X				
Mrs. Tumminia	X				
Mr. Daloisio	X				
Chairwoman Johnson	X				

CERTIFICATION

I, **PATRICIA CAHALL**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Re-Organization Meeting held on Thursday, January 5, 2023 at Edgewater Park Municipal Building at 7:00 p.m.



PATRICIA CAHALL
Planning Board Secretary

RESOLUTION NO. P – 3 – 2023

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. Belgard					X
Mr. Alexander					X
Mr. Kauker					X
Mr. Smith	X				
Mrs. DiFilippo					X
Mr. Malecki	X				
Ms. Bonner	X				
Mrs. Tumminia	X				
Mr. Daloisio	X				
Chairwoman Johnson	X				

CERTIFICATION

I, **PATRICIA CAHALL**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Re-Organization Meeting held on Thursday, January 5, 2023 at the Edgewater Park Municipal Building at 7:00 p.m.



PATRICIA CAHALL
Planning Board Secretary

RESOLUTION NO. P – 4 – 2023

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 2022 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 #	
Rt. 130S, LLC	US Route 130 South	Approved	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 on the Official Tax Map of the Township of Edgewater Park, for its sign package for the Eagle Chase Development; and variances to permit the four (4) monument signs to exceed the 4 foot maximum height and 12 square foot maximum sign area. <i>etc. & subject to conditions.</i>
1/20/2022	1202 1, 1202.11 20 & 21 1202.12 23	P-6-2022	
Curaleaf	4237 Route 130 South	Approved	Major site plan with bulk variance approval for property located at 4237 US Route 130 known as Block 501, Lots (the "Property") on the Official Tax Map of the Township of Edgewater Park, 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
3/17/2022	501 4, 4.01	P-7-2022	<i>etc. & subject to conditions.</i>
Michael Lang	301 Orange Drive	Approved	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. A "c" variance will also be required for the installation of a future driveway as a driveway will increase the impervious coverage of the property to an amount greater than the maximum impervious coverage permitted. <i>etc. & subject to conditions.</i>
8/18/2022	404.03 8	P-11-2022	
James Matthews	303 Orange Drive	Approved	variance approval for property located at 303 Orange Drive, known as Block 404.03, Lot 7 (the "Property"), on the Official Map of the Township of Edgewater Park, for the purpose of constructing a 960 square foot accessory structure on the property. A "c" variance will also be required for the installation of a future driveway as a driveway will increase the impervious coverage of the property to an amount greater than the maximum impervious coverage permitted. <i>etc. & subject to conditions.</i>
8/18/2022	404.03 8	P-12-2022	

RESOLUTION BY CONSENT AGENDA

NAME	YES	NO	RECUSED	ABSTAINED	ABSENT
Mr. Belgard					X
Mr. Alexander					X
Mr. Kauker					X
Mr. Smith	x				
Mrs. Difilippo					x
Mr. Malecki	x				
Ms. Bonner	x				
Mrs. Tumminia	x				
Mr. Daloisio	x				
Chairwoman Johnson	x				

CERTIFICATION

I, PATRICIA CAHALL, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Re-Organization Meeting held on Thursday, January 5, 2023 at the Edgewater Park Municipal Building at 7:00 p.m.



PATRICIA CAHALL
Planning Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-5-2023

**CONCERNING THE APPLICATION OF
OCV DEVELOPMENT, LLC
FOR WAIVER OF SITE PLAN
BLOCK 1202.11, LOT 23**

WHEREAS, OCV Development, LLC (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 4333 Route 130 South, known as Block 1202.11, Lot 23 (the “Property”), on the Official Tax Map of the Township, for the purpose of refurbishing an oil change facility, previously approved as a conditional use by Resolution No. 1988-8; 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 December 15, 2022; and

WHEREAS, a public hearing to consider the Application was held by the Board on January 19, 2023; and

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

A-1 Aerial photograph with Property hi-lighted; 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 contract purchaser of the Property, improved with a 1,380 square foot closed automotive service/oil change building and other site improvements. The Property is located within the Highway Commercial (“C-3”) Zoning District of the Township and is approximately 0.587 acres in area.

OCV DEVELOPMENT - RESOLUTION NO. P-5-2023

2. Conditional Use Approval, memorialized by Resolution No. 1988-8, was granted by the Board for the now closed oil change facility.

3. The Applicant is proposing to operate a Take 5 Oil Change Facility on the Property and has filed an Application with the Board for waiver of site plan approval.

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

- a. Remove septic system and connect Property to the public sewer system;
- b. Construct a trash enclosure with concrete pad;
- c. Re-stripe the parking area;
- d. Install bollards and pavement markings around the existing building;
- e. Replace signage with Take 5 Oil Change signage.

7. The Applicant was represented at the January 19, 2023 Hearing by Kevin Sheehan, Esquire, of Parker McCay, PA. Ken Feldman and Tony Diggan, PE, the Applicant's Professional Engineer, appearing and each being duly sworn, with Mr. Diggan qualified, and recognized as an expert witness in support of the Application.

8. Mr. Feldman provided the following sworn testimony during the Board's January 19, 2023 Hearing:

- a. He is the Senior Operations Representative and responsible for control of the Take 5 Oil Change Facility;
- b. He has significant experience in the oil change business;
- c. The hours of operation for this Facility will be 7:00 a.m. to 8:00 p.m., Monday through Friday; 7:00 a.m. to 5:00 p.m. on Saturdays; and 9:00 a.m. to 4:00 p.m. on Sundays;
- d. The average oil change at a Take 5 Facility will take 8 to 9 minutes;
- e. Customers remain in their cars during the oil changes;
- f. All work will be performed inside;
- g. The interior of the existing building remains fitted out for an oil change use;
- h. Take 5 complies with all rules and regulations governing the disposal of used oil and oil filters;

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- i. Oil separators are used in the process;
- j. Used oil is collected in very large steel drums and the used oil will be removed from the site on a weekly basis by a licensed hauler;
- k. A cross easement, with the adjoining property, is located on the Property and the proposed improvements will not interfere with the existing easement;
- l. The Applicant will comply with the Affordable Housing Development Fee requirements of the Township.

9. Mr. Diggan provided the following sworn testimony during the January 19, 2023 Public Hearing:

- a. He is the Applicant's Professional Engineer with the Kimley Horn Engineering Firm;
- b. He orients the Board with the Property and surrounding area;
- c. He describes the improvements proposed to the site, including signage, re-striping of the parking lot, installation of a sidewalk along the front of the Property and the location of the new trash enclosure;
- d. The development of the Property will require the removal of one (1) white pine tree, which will be replaced;
- e. The Applicant will also supplement the existing landscaping;
- f. The Applicant will satisfy the parking requirement by providing 11 on-site parking spaces;
- g. There will be five (5) employees at the Facility, including one (1) employee-manager.

10. The Board Planner testified that the Applicant is not requesting any design waivers, there has not been an abandonment of the pre-existing conditional use and that the Application satisfies the criteria for a site plan waiver.

11. The January 19, 2023 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. Waiver of the requirement for site plan review is appropriate as the construction, alteration or change of occupancy or use does not affect existing circulation, drainage, relationships of buildings to each other, landscaping, buffering, lighting, and other considerations

OCV DEVELOPMENT - RESOLUTION NO. P-5-2023

of site plan review. The Property is developed and the exterior improvements proposed are minimal.

2. The Applicant's proposed development is not a change in use of the Property and the previously approved oil change facility has not been abandoned.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 19th day of January, 2023, that this Board hereby waives the requirement of site plan approval for the proposed development of the Property into a Take 5 Oil Change Facility, 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 19, 2023 Hearing, whether formalized in this Resolution or not.

5. Subject to the Applicant receiving all required permits prior to construction 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 construction commences prior to the expiration of the appeals period.

7. Subject to the comments of the Board Engineer and Board Planner as contained in the January 12, 2023 review letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP, except as may be modified herein.

OCV DEVELOPMENT - RESOLUTION NO. P-5-2023

8. Subject to the Applicant working with the Board Planner for the additional landscaping supplementing the site's existing landscaping.
9. Subject to all services provided to customers taking place inside the building.
10. Subject to the Applicant complying with the Township's Affordable Housing Development Fee requirements.

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 January 19, 2023.

EDGEWATER PARK PLANNING BOARD

Attest:


PATRICIA CAHALL, Secretary

By: 
MARIAN JOHNSON, Chairwoman

Dated: 2/16/2023

Date of Approval: January 19, 2023

Date of Memorialization: February 16, 2023

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-6-2023

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWNSHIP OF EDGEWATER PARK
FINDING TOWNSHIP ORDINANCE NO. 2023-02
CONSISTENT WITH THE MASTER PLAN OF THE
TOWNSHIP OF EDGEWATER PARK**

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

WHEREAS, at its January 17, 2023 meeting, the Township Committee of the Township of Edgewater Park, County of Burlington, introduced Ordinance No. 2023-02, entitled "**AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK AMENDING CHAPTER 310, ARTICLE 40 OF THE CODE OF THE TOWNSHIP OF EDGEWATER PARK AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE READY SPACES**" and has referred Ordinance 2023-02 to the Board for the Board's Master Plan consistency review and recommendation;

WHEREAS, through this Resolution, the Board wishes to memorialize its findings concerning the review and analysis of Township Ordinance 2023-02, amending and revising Article 40 (Off-Street Parking and Loading Area Design) of Chapter 310 (Land Development and Zoning) of the Code of the Township of Edgewater Park.

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

1. The amendments to Chapter 310 (**Land Development and Zoning**), Article 40 (**Off-Street Parking and Loading Area Design**), of the Code of the Township of Edgewater Park, to include Section 310-40-16 (**Electric Vehicle Supply/Service Equipment**), as set forth in

Township Ordinance 2023-02, introduced by the Township Committee of the Township of Edgewater Park on January 17, 2023, 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 2023-02

4. This Resolution shall take effect immediately.

MOTION: Mr. Smith **SECOND:** Ms. Bonner

ROLL CALL:

AYES: Mr. Alexander, Mrs. Difilippo, Mr. Kauker, Mr. Smith, Mr. Malecki,
Ms. Bonner, Mrs. Tumminia, Mr. Belgard, Mr. Daloisio

NAYS: None

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 January 19, 2023.


PATRICIA CAHALL, Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-7-2023

**CONCERNING THE APPLICATION OF
EARL GEERTGENS
FOR VARIANCE APPROVAL
BLOCK 1601, LOT 5.01**

WHEREAS, Earl Geertgens (the “Applicant”) has applied to the Planning Board of the Township of Edgewater Park (the “Board”) for variance approval for property located at 301 Farnum Street, known as Block 1601, Lot 5.01 (the “Property”), on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a 748 square foot detached garage on the Property; and

WHEREAS, variances are required pursuant to *N.J.S.A. 40:55D-70(c)* because the proposed development of the Property does not comply with the impervious coverage and accessory structure setback requirements of the Township Zoning Ordinance; and

WHEREAS, the Application was deemed complete by the Board on February 16, 2023; and

WHEREAS, a public hearing to consider the Application was held by the Board on February 16, 2023, 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, introducing the following Exhibit during the February 16, 2023 Public Hearing:

A-1 Photo of detached garage previously located on the Property; 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 10,148 square feet in area located in the R-1 Zoning District of the Township. The Property is improved with a one-

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story single family residential dwelling, fencing, bituminous driveway, concrete walkway and patio and a concrete block wall.

2. The Applicant is proposing to construct a 748 square foot detached two-car garage on the Property.

3. The Applicant submitted to the Board an Application for Variance Approval; Variance Checklist; Zoning Permit Application and Denial; a Property Survey, prepared by William J. Robbins, PLS, dated 09/01/21; and a New Garage Addition Plan, prepared by Nilo C. Regojo, AIA.

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. Impervious coverage – 20% maximum, 34.73% existing, 35.02% proposed;
- b. Accessory structure side yard setback – 3 feet required, 2.33 feet existing and proposed.

8. The Applicant provided the following sworn testimony during the February 16, 2023 Public Hearing:

- a. The proposed garage will replace a garage that he tore down in 2019.
- b. The prior garage was in poor condition and was torn down so that a certificate of occupancy could be issued for the dwelling.

9. The Applicant's Architect, Nilo C. Regojo, provided the following sworn testimony during the February 16, 2023 Public Hearing:

- a. The remaining foundation for the prior garage will be entirely removed;
- b. The garage will be serviced by electric only; plumbing will not be extended to the new garage;
- c. The garage will mesh aesthetically with the scheme of the neighborhood.
- d. The roof height will not exceed 16 feet;

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- e. The garage will only be used for personal use;
- f. The gutters will be located on the garage based on existing drainage pattern; stormwater runoff from the garage will be kept on the Property;
- g. There are no existing drainage issues.

10. The February 16, 2023 Hearing was opened to the Public with neighboring property owner, Arthur Stark, addressing a question from a Board Member regarding a driveway that bisects the Property.

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 side yard setback, 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 16th day of February 2023, that this Board hereby grants to the Applicant variances to permit (i) an impervious coverage of 35.02% and (ii) a side yard setback of 2.33 feet for an accessory structure, for the construction of a detached two-car garage 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 having jurisdiction over the Applicant's use of the Property shall be filed with the Township of Edgewater Park.

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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 and the Applicant's witnesses and representatives at the February 17, 2023 Public Hearing, whether formalized in this Resolution or not.

5. Subject to the Applicant receiving all required permits prior to construction of the detached garage 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 detached garage commences prior to the expiration of the appeals period for this variance approval.

7. Subject to the completed detached garage being no larger than 748 square feet with a height not to exceed 16 feet. The post-construction impervious coverage shall not exceed 35.02%.

8. Subject to any exterior lighting for the detached garage shining down so as not to glare onto adjacent properties.

9. Subject to the use of the 748 square foot detached two-car garage being limited to the personal use as testified by the Applicant and the Applicant's witness during the Public Hearing. There shall be no commercial use or residential occupancy of the accessory structure.

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ROLL CALL VOTE

Those in Favor: 9
Those Opposed: 0
Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on February 16, 2023.

EDGEWATER PARK PLANNING BOARD

Attest:

By: 
MARIAN JOHNSON, Chairwoman


PATRICIA CAHALL, Secretary

Dated: 3/16/2023

Date of Approval: February 16, 2023

Date of Memorialization: March 16, 2023

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-8-2023

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

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

WHEREAS, the development of the Property previously received a front yard setback variance and preliminary major site plan approval for the construction of a 1-story 16,000 square foot retail building as part of a larger mixed-use development that included 136 fee simple townhouse lots and two (2) twelve-unit apartment buildings¹; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* is required as the proposed residential apartment use is not permitted in the C-3 Highway Commercial Zoning District; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55d-70(c)* is required as the proposed building’s setback to F. Parsons Boulevard is less than the 60 foot front yard setback required in the C-3 Zone; and

WHEREAS, the application for Variance Approval was deemed complete by the Board on April 20, 2023; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on April 20, 2023, 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

¹ See Board Resolutions P-8-2019 and P-11-2019.

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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 April 20, 2023 Public Hearing:

- A-1 Architectural Plans, prepared by Mario Lachanaris, RA, dated 01/24/23 (4 sheets);
- A-2 Color Rendering of proposed mixed-use building;
- A-3 Use Variance Plan, prepared by Joseph A. Mancini, PE, Tristate Engineering and Surveying, PC; and
- A-4 Site Plan approved in 2019; 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, approximately 2.85 acres located in the Township's C-3 Highway Commercial Zoning District. The Property has frontage along U.S. Route 130 and F. Parsons Boulevard and is unoccupied with an existing asphalt drive and paved drives adjacent to a Pep Boys Auto Parts and Service Center located on an adjoining Lot.

2. The Property is part of a mixed use development that received prior Board approvals for residential and commercial use, which include 136 fee simple townhouses and 24 apartments on adjacent parcels and the development of the Property with a 16,000 square foot retail building and 81 parking spaces.

3. The Applicant is now proposing to develop a mixed residential and commercial use on the Property rather than the 16,000 square foot retail building previously approved by the Board, as memorialized by Resolution No. P-11-2019.

4. The Applicant is proposing a four story building with 9,000 square feet of first floor retail commercial and restaurant area and forty-five (45) non-aged restricted residential apartments on the second, third and fourth floors.

5. The proposed retail commercial and restaurant uses are permitted uses in the C-3 Zoning District.

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6. The proposed apartment use is not permitted in the C-3 Zoning District and the Applicant has filed an Application² for “c” and “d” variance relief and has provided the Board with the following:

- a. Use Variance Plan, prepared by Joseph A. Mancini, PE, Tristate Engineering and Surveying, PC, dated 12/19/22;
- b. Architectural Plans, prepared by Mario Lachanaris, RA, dated 01/24/23, consisting of Cover Sheet with Front and South Elevations (Sheet 1 of 4), First Floor Plan (Sheet 2 of 4), Upper Floor Plans (Sheet 3 of 4) and Rear and North Elevations (Sheet 4 of 4); and
- c. Trip Generation Letter, prepared by Victor C. Anosike, PE, McMahon Associates, dated 12/28/22 (5 pages) with NJDOT Traffic Count Data (Attachment A – 2 pages), Trip Generation Calculations and Land Use Descriptions Previously Approved for 16,162 square foot Retail Strip (Attachment B- 6 pages), Trip Generation Calculations and Land Use Descriptions for 4,040 square foot Retail Strip and 93-Seat High Turnover Restaurant and 45 Apartments (Attachment C – 35 pages) and NJDOT Access Permit A-130-S-21144-2019 (Attachment D).

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

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

9. 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.

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

- a. Use variance for the proposed 45 non-age restricted apartments;
- b. Height variance for the proposed 4-story building, exceeding the 3-story height limit by more than 10%; and
- c. Front yard setback - 60 feet required, 45 feet proposed to F. Parsons Boulevard.

² The Applicant has elected to bifurcate its Application, deferring site plan consideration to the future.

11. The Applicant was represented at the April 20, 2023 Public Hearing by Alan Ettenson, Esquire, with Mario Lachanaris, RA, appearing as the Applicant's Architect; Anthony DeRosa, PE, appearing as the Applicant's Engineer; Daniel McGinnis, PE appearing as the Applicant's Traffic Engineer and James Miller, PP, appearing as the Applicant's Planner, each being duly sworn qualified, and recognized as expert witnesses in support of the application.

12. Mr. Ettenson made the following representations to the Board during the April 20, 2023 Public Hearing:

- a. The best use of the Property is a mixed-use of retail, restaurant and apartments, not just retail;
- b. The Applicant will comply with the Township's Affordable Housing requirements and will provide a 15% set aside of 7 affordable units, with 2 of the affordable units being 3 bedroom apartments, as well as complying with the non-residential development fee requirement; and
- c. The Applicant will comply with the parking requirements for the proposed mixed-use building;
- d. Variance approval, if granted by the Board for the proposed development, would require the submission of a site plan application and Board approval.

13. Mr. Lachanaris provided the following sworn testimony during the April 20, 2023 Public Hearing:

- a. He is the Applicant's Licensed Architect with 20 plus years of experience;
- b. The proposed building will be L-shaped, four-stories, 44 feet in height, with the short side of the L's first floor being opened for vehicle access to covered apartment entrance at the rear of the building;
- c. Three retail stores, approximately 4000 square feet, and one (1) 93-seat restaurant, approximately 3,000 square feet, are located on the first floor, with the retail stores facing Route 130;
- d. The first floor will also include a lobby space for the upper floor apartments, including stairways, elevators and mechanical rooms;

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- e. In order to comply with the parking requirements, at the time of site plan approval, the area for the retail store use and the number of restaurant seats may be reduced with a corresponding increase to the apartment's lobby area;
- f. There will be 15 apartment units on each of the upper floors with twenty-six (26) 1-bedroom apartments, seventeen (17) 2-bedroom apartments and two (2) 3-bedroom apartments;
- g. The exterior of the building will include a mansard roof on the fourth floor and gables on the front, rear and sides;
- h. The elevator shaft projection will be stucco and the building's mechanicals will include a parapet for screening;
- i. The proposed building extends further back along F. Parsons Boulevard than the 16,000 square foot retail strip building but will not project further into the front yard setback than the 45 foot setback variance previously granted.

13. Mr. DeRosa provided the following sworn testimony during the April 20, 2023 Public Hearing:

- a. He is the Applicant's Professional Engineer with over 20 years of professional experience;
- b. The size of the parcel, the basin and the entrance drives are the same as approved in 2019 for the 1-story, 16,000 square foot retail building;
- c. The first floor foot print of the proposed 4-story building is approximately 9,000 square feet, excluding the open area in the rear of the building;
- d. Sidewalk will be provided around the building;
- e. A designated loading area will be provided;
- f. Outdoor dining is not part of the current application;
- g. The site plan will include electric vehicle parking spaces.

14. Mr. McGinnis provided the following sworn testimony during the April 20, 2023 Public Hearing:

- a. He is the Applicant's Traffic Engineer;

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- b. There will be an increase of 25 morning peak hour trips for the mixed use building than the number of morning peak hour trips for the 16,000 square foot retail building approved in 2019;
- c. There will be a decrease of 56 p.m. peak hour and 47 Saturday trips for the mixed use building;
- d. No further NJDOT approval is required and the previously issued Access Permit remains valid as the proposed development does not represent a substantial change from the previously approved retail building, per NJDOT guidelines and regulations;
- e. The parking spaces for the mixed-use building will measure 9 feet by 18 feet, consistent with the variance previously granted for the retail building;
- f. The distribution of moving traffic with respect to vehicles exiting the site to access Route 130 North should be the same for the proposed mixed use when compared to the distribution of the previously approved retail use.

15. Mr. Miller provided the following sworn testimony during the April 20, 2023 Public Hearing:

- a. He is the Applicant's Professional Planner with 40 plus years of experience;
- b. The Property is located at the NE corner of Route 130 and F. Parsons Blvd. in the C-3 Zoning District of the Township;
- c. The C-3 Zone permits retail and service uses, offices, financial institutions, restaurants, and shopping centers;
- d. The surrounding zoning is C-3 along Route 130 and R-AR-1 to the rear of the lot;
- e. The surrounding uses are a townhouse development to the North; auto repair, self-storage facility and a large strip center to the East; a strip commercial site within Willingboro, including fast food outlets, and a large and mostly vacant shopping center to the South and the Pep Boys to the West;
- f. The subject lot had been approved for a retail center with 16,000 square feet of retail space and 81 parking spaces;

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- g. The Applicant seeks approval to replace the retail center with a mixed-use building containing a restaurant, retail space suited for small service uses such as hair and nail salons, boutique retail or professional offices and 26 one-bedroom apartments, 17 two-bedroom apartments, and 2 three-bedroom apartments in three floors above the retail use;
- h. The Apartments will comply with Affordable Housing requirements for a 15% set aside of affordable units for a total of 7 affordable apartment units, with 2 being 3-bedrooms;
- i. Parking for will be provided for 129 vehicles and comply with the applicable codes;
- j. If necessary to comply with the parking requirements of the Ordinance, the Applicant will convert portions of the restaurant and commercial space for additional amenities for the apartments that would not increase parking demand such as meeting or workout rooms;
- k. The relief requested is a d(1) use variance to allow the proposed residential apartment use which is excluded from the C-3 Zone and a c(2) variance to permit a 45 foot setback on F. Parsons Blvd.;
- l. The requested c(2) variance and if required, a d(6) height variance, is subsumed within the d(1) variance in accordance with Price v. Himeji, as ancillary to the d(1) and governed by the same proofs;
- m. As it relates to the height requirements of the C-3 Zone, the building height will be just below the 45 foot maximum height permitted in the C-3 Zone, however, the number of stories permitted is 3-stories, 4-stories are proposed; if required by the Board, a d(6) height variance is requested;
- n. Addressing the positive criteria, special reasons justify the requested use variance as the relief sought advances MLUL purposes;
- o. The MLUL purposes advance include purpose “a” - to encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner that will promote the public health, safety, morals, and general welfare; purpose “g” - to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational,

commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens and purpose “i” - to provide a desirable visual environment through creative development techniques and good civic design and arrangement;

- p. To support the grant of a use variance, it must be shown that the site is “particularly suited” for proposed use;
- q. The Property is particularly suited for the proposed mixed-use as the mixed-use building is an appropriate element of the planned community, the site in question is the last section of a mixed-use development extending over two zoning districts, and this development combines multi-family housing with commercial uses and will fill a portion of the Township’s affordable housing obligations through the required set aside;
- r. The proposed mixed-use building is consistent with the mixed-use character of the overall development and is consistent with the shift to more multi-family residential uses which have been occurring along the Route 130 corridor and contributed to its redevelopment and renewal;
- s. The mixed-use building responds to recent trends and development constraints that evolved subsequent to the approvals and agreements in place when the original design concept was approved;
- t. The original concept plan for the development of the overall tract dates from 2018 and during the following years, the Covid pandemic and the ongoing shift to online retail have resulted in a contraction of the demand for retail space in strip centers;
- u. The vacancies in the strip centers along the Route 130 corridor are evidence of these trends;
- v. While strip centers have struggled there are uses that remain viable for highway locations, including food services such as restaurants; service uses that do not compete with on-line retailers such as nail and hair salons, barbers, and similar uses that require in-person service; and professional

- practices that involve visitation that cannot be accommodated remotely or in a home office such as dental or physical therapy services;
- w. These type of business uses often locate on the ground floor of residential buildings in business districts where mixed-use buildings are permitted;
 - x. The proposed mixed-use building has been designed to adjust to current development trends and will provide a more viable use for the site;
 - y. The 3-story, 45 foot height standard of the ordinance is intended to ensure that a building has an attractive pitched roof; the Applicant's design with a mansard roof satisfies the intent of the height requirement;
 - z. With a setback of 100 feet from Route 130, there is less visual impact of this 4-story building;
 - aa. Addressing the negative criteria, the proposed mixed-use will not result in a substantial detriment to the public good and the proposed use will not impair the intent of the zone plan and zoning ordinance;
 - bb. The general welfare prong of the negative criteria is usually satisfied by showing that the proposed use will not adversely impact the immediate neighborhood;
 - cc. The proposed use has no potential to adversely impact the surrounding area, it will contain a residential use compatible with the residential sections of the planned community, both are multi-family uses with similar impacts, and the non-residential uses are less intense than those that were originally slated for this site;
 - dd. The proposed use will also be compatible with the adjoining business uses as the site is large enough to separate the mixed-use complex from neighboring uses and structures that combine ground level business uses with upper-level residential apartments are generally compatible with business districts;
 - ee. A public benefit is provided by including the required affordable housing units;
 - ff. The granting of this variance can be reconciled with the failure to include this use in the C-3 District and the relief requested will not substantially

impair the intent or purpose of the zone plan and zoning ordinance as the proposed mixed-use is the final phase of a mixed-use development; the uses it contains were elements of this project which combined multi-family and commercial uses into pods; the proposed plan would combine these uses on one lot, but the elements of the mixed-use would be similar with the character and impact of those in the balance of the project, a combination of multi-family residential and business uses; and it will also provide a more viable development option that responds to changes in development patterns that occurred following the initial approvals for this community;

- gg. The overall development and this segment of the project also contributes to the implementation of the Township's Housing Element and Fair Share Plan;
- hh. These factors combine to reconcile the relief sought with the policies contained in the zone plan and zoning ordinance and show that the requested relief will not result in a substantial impairment of the intent and purpose of the zone plan and zoning ordinance;
- ii. The relief requested satisfies the negative criteria and will not significantly impair the intent and purpose of the zone plan and zoning ordinance.

17. The following questions and comments were made by the public during the April 20, 2023 hearing:

- a. Steven Craig who was concerned with improvements close to the adjacent auto repair facility;
- b. Jeff Stephenson who expressed concerns about the lack of benefit to the Township and the number of children who will reside in the new apartments;
- c. Cal Stephenson who was concerned with the 4-story height of the building as it relates to emergencies and the equipment required.

18. Rakesh Darji, the Board Engineer testified that a 15 foot wide buffer area is adjacent to the auto repair facility; the number of children anticipated will be no more than 8 children, based on the number of bedrooms proposed for each apartment; the Property is

approximately 7 feet lower than Route 130 where the building will be constructed and that the building does not exceed the 45 foot maximum height permitted in the C-3 Zone. Mr. Darji recommended that the Applicant not decrease the size of the retail space and the number of restaurant seats if compliance with parking requirements can be demonstrated even if all parking is not located on the Property.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Edgewater Park, on the 20th day of April, 2023, that this Board hereby grants to the Applicant (i) a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* to permit the development of the Property to include 45 non-age restricted rental apartments; (ii) a variance pursuant to *N.J.S.A. 40:55D-70(d)(6)* to permit a 4-story mixed-use building and (iii) a variance pursuant to *N.J.S.A. 40:55D-70(c)(2)* to permit a front yard setback of 45 feet to F. Parsons Boulevard for the proposed mixed-use building, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with Variance Approval subject to the following conditions:

RT130S, LLC - NO. P-8-2023

- a. Subject to the Applicant obtaining all other approvals that may be required for the development, including, but not limited to Burlington County Planning Board approval, Burlington County Soil Conservation District approval, New Jersey Department of Transportation approval and New Jersey Department of Environmental Protection approval.
- b. Proof that the Applicant has applied for the necessary approval(s) from all other agencies having jurisdiction over the Applicant's use of the Property shall be filed with the Township's Land Use Coordinator.
- c. The fulfillment of all other conditions precedent shall forthwith be reported in writing to the Township, which may cause such reports to be verified in an appropriate manner. Only upon the fulfillment of the conditions shall the required subdivision plat be executed and building permits, certificates of occupancy or zoning permits be issued.
- d. Subject to the sworn testimony and representations of the Applicant's witnesses and representatives at the April 20, 2023 Public Hearing.
- e. Subject to Preliminary and Final Site Plan Approval for the development of the Property consistent with the grant of the variances identified in this Resolution.
- f. Subject to the Applicant complying with the applicable conditions contained in Resolution No. P-8-2019 and Resolution No. P-11-2019.
of Resolution No.
- g. Subject to the Applicant's escrow account for the review of its Application being current.
- h. Nothing herein contained shall be deemed to waive or modify the requirement that the Applicant obtain from any and all other agencies having jurisdiction in this matter, any and all approvals required by law and this approval is specifically conditioned upon the Applicant obtaining those approvals.
- i. Subject to the review comments of the Board Engineer and Board Planner as contained in the undated Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP, except as same may be modified by this Resolution.

ROLL CALL VOTE

Those in Favor: 6
Those Opposed: 1
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 April 20, 2023.

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



MARIAN JOHNSON, CHAIRWOMAN

Attested:



PATRICIA CAHALL, SECRETARY

Dated: May 18, 2023

Date of Approval: April 20, 2023

Date of Memorialization: May 18, 2023

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-13-2023

**CONCERNING THE APPLICATION OF
SST II 4233 US 130 LLC
FOR WAIVER OF SITE PLAN
BLOCK 501, LOT 2.01**

WHEREAS, SST II 4233 US 130 LLC (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 4233 Route 130 South, known as Block 501, Lot 2.01 (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 Smart Stop 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 October 19, 2023; and

WHEREAS, a public hearing to consider the Application was held by the Board on October 19, 2023; and

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

- A-1 Photographs of the rooftop solar photovoltaic system installed on the Smart Stop Storage Building;
- A-2 Analysis Letter, prepared by David P. Colegrove, AIA, LaBella Associates, dated 09/01/20; and
- A-3 Structural Engineer’s Report, prepared by Trevor Jones, PE, dated 10/19/23; 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:

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1. The Applicant is the owner of the Property, improved with six (6) self-storage buildings and one (1) building utilized by the Applicant for its on-site office. The Property is located within the Commercial-Light Industrial ("C-LI-5") Zoning District 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 has installed a rooftop solar photovoltaic system on one of the Smart Stop Storage buildings and is proposing to install related electrical equipment on the office building, providing the Board with an Application and related items, which include:

- a. Land Development Application, received 02/23/23, revised 06/12/23;
- b. Application Cover Letter and Project Narrative, prepared by Peter Drescher, Warner Energy, LLC, dated 07/17/23;
- c. ALTA/ACSM Land Title Survey, prepared by Nikolas R. Fusco, PLS, Republic National, dated 05/18/15 (unsealed copy);
- d. Structural Certification for Installation, prepared by Ali Hajihashemi, PE, dated 12/01/20;
- e. Roof Mount Solar Permit Package, prepared by Warner Energy, Sheets PV-1.0 to PV-7.0 (8 sheets);
- f. Structural Analysis, prepared by David P. Colegrove, AIA, LaBella Associates, dated 09/01/20.

5. The rooftop solar photovoltaic system would be a permitted accessory mechanical structure 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.

6. The Applicant was represented at the October 19, 2023 Hearing by Justin White, Esquire, of Testa Heck Testa & White, PA. Christopher May and Zach Drescher testified on behalf of the Applicant.

7. Mr. Drescher provided the following sworn testimony during the October 19, 2023 Hearing:

- a. He is a representative of Warner Energy, the Applicant's solar developer;
- b. The rooftop solar photovoltaic system was installed by the former contractor who failed to secure the permits prior to installation;

SST II - RESOLUTION NO. P-13-2023

- c. The installed panels have not been connected to the Smart Stop electric system;
- d. PSE&G has approved the photovoltaic system to serve Smart Stop's electric needs;
- e. Additional equipment will be installed on the roof of the office building;
- f. The rooftop panels will only be installed on the one building;
- g. The rooftop panels do not angle up, they have a flat installation and project 6 to 8 inches above the roof;
- h. The panels cannot be seen from below;
- i. Screening of the panels will result in shading, impairing the effectiveness of the system;
- j. The Applicant will secure all required permits and inspections prior to the system becoming operational.

8. Mr. May provided the following sworn testimony during the October 19, 2023 Hearing:

- a. He is a Regional Manager for SmartStop Self Storage and familiar with the Edgewater Park site;
- b. The 2015 Survey is accurate, there have been no changes to the Property since the date of the Survey.

9. The October 19, 2023 Hearing was opened to the public without comment.

10. The Board Planner testified that the Application satisfies the Ordinance requirements for a waiver of site plan, the proposed system is a permitted accessory use for the principal self-storage use of the Property and the waiver requested by the Applicant pertaining to screening is not unreasonable.

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 structure 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.

SST II - RESOLUTION NO. P-13-2023

3. Waiver of the requirement that the roof mounted solar panels be screened is appropriate as screening will reduce the effectiveness of the renewable energy photovoltaic system.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 19th day of October, 2023, that this Board hereby waives the requirement of site plan approval for the rooftop solar photovoltaic system installed on one of the self-storage buildings located on the Property, as well as the additional equipment to be installed on the site's existing office building, in accordance with the Application, Plans, Exhibits 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 October 19, 2023 Hearing, whether formalized in this Resolution or not.

5. Subject to the Applicant applying for all permits and inspections that were otherwise required prior to the installation of the rooftop solar photovoltaic system. Waiver of site plan approval does not guarantee the issuance of the required permits as the Applicant is subject to all applicable codes and regulations.

6. Subject to the Applicant having assumed the risk by installing the rooftop solar photovoltaic system prior to Board action and the issuance of the required permits by the Township's Zoning and Construction Offices.

7. Subject to the solar panels and other equipment being installed consistent with the plans, specifications, reports and analysis submitted to the Board.

SST II - RESOLUTION NO. P-13-2023

8. Subject to the comments of the Board Engineer and Board Planner as contained in the September 7, 2023 review letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP, except as may be modified herein.

9. Subject to the Applicant submitting the Plans and other submission documents to the Township Fire Official for review and comment.

ROLL CALL VOTE

Those in Favor: 6

Those Opposed: 0

Those Abstaining: 0

CERTIFICATION

I hereby certify that this foregoing Resolution is a true memorializing resolution, as adopted by the Planning Board of the Township of Edgewater Park in accordance with its decision at its regular meeting on October 19, 2023.

EDGEWATER PARK PLANNING BOARD

Attest:

By: Marian Johnson
MARIAN JOHNSON, Chairwoman

Patricia Cahall
PATRICIA CAHALL, Secretary

Dated: 11/16/2023

Date of Approval: October 19, 2023

Date of Memorialization: November 16, 2023

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-14-2023

**CONCERNING THE APPLICATION OF
KTI EXPRESS, LLC
FOR MINOR SITE PLAN APPROVAL
BLOCK 203, LOT 4.02**

WHEREAS, KTI Express, 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 800 Mt. Holly Road, known as Block 203, Lot 4.02 (the “Property”), on the Official Tax Map of the Township, for the purpose of improving the existing parking area and installing landscaping, lighting and other features for its proposed automobile repair use; 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 September 21, 2023; and

WHEREAS, a public hearing to consider the Application was held by the Board on October 19, 2023; and

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

- A-1 Aerial photograph of the Site; and
- A-2 Color rendering of the Site Plan; 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:

KTI EXPRESS - RESOLUTION NO. P-14-2023

1. The Applicant is the owner of the Property, approximately 3.1 acres, located in the Industrial (I) Zoning District of the Township. The Property is improved with a single-story 13,600 square foot (+/-) building and other site improvements.

2. The Applicant is proposing to operate an automobile repair facility from the Property and is proposing parking area improvements and lighting and landscaping enhancements to the site.

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, undated;
- b. Site Plan, prepared by Matthew J. Walsh, PE, Stout and Caldwell Engineers, LLC, dated 08/15/23 (4 sheets).

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. The Applicant was represented at the October 19, 2023 Hearing by James W. Burns, Esquire, Dembo, Brown and Burns, LLP. Max Baranov, the Applicant's Representative and Matthew Walsh, PE, the Applicant's Professional Engineer, appearing and each being duly sworn, with Mr. Walsh qualified, and recognized as an expert witness in support of the Application.

7. Mr. Burns made the following representations to the Board during the October 19, 2023 Hearing:

- a. The Application is for Minor Site Plan Approval for an automobile repair facility, a Permitted Use in the Industrial Zone;
- b. Variances are not required, only a design waiver for not providing a designated loading space;
- c. Improvements are proposed to the parking area, and the site's landscaping, lighting and utilities;
- d. The Applicant is abandoning the 2009 Major Site Plan Approval granted by the Board to a prior applicant with an interest in the Property.

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8. Mr. Baranov provided the following sworn testimony during the October 19, 2023 Public Hearing:

- a. He is the Applicant's Representative;
- b. The Applicant has owned the Property for less than one (1) year and is cleaning and enhancing the aesthetic appearance of the site;
- c. The Applicant is proposing to repair trucks on this site, having outgrown its existing facility, located on the adjacent lot;
- d. Car repairs will continue on the adjacent lot with the Property limited to truck repairs;
- e. The Applicant will be using the existing building only, there will be no outside storage or outside repair work;
- f. None of the site improvements previously approved by the Board in 2009 have been made to the Property;
- g. The Applicant has no interest in developing the Property in accordance with the approved 2009 Major Site Plan and is abandoning same;
- h. The hours of operation will be 8:00 a.m. – 6:00 p.m., Monday – Friday and 8:00 a.m. – 2:00 p.m. on Saturday;
- i. The proposed parking is sufficient for the needs of the use;
- j. A separate designated loading space is not required for this use as the site will receive approximately 1 delivery per day in a boxed truck sized vehicle that can utilize an existing parking space without impacting the parking needs of the auto repair use;
- k. The aesthetics of the site will be enhanced with the addition of landscaping and a trash enclosure, both of which were not part of the site when the Applicant acquired the Property;
- l. There will be no long term truck parking on site; trucks will only park on site when they present for repairs;

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m. All repair work and storage will be inside the building.

9. Mr. Walsh provided the following sworn testimony during the October 19, 2023 Public Hearing:

- a. He is the Applicant's Professional Engineer;
- b. He describes the site's existing and proposed improvements and orients the Board with the Property's location and neighboring uses;
- c. The site's parking areas will be expanded 350 square feet;
- d. There will be 16 car spaces along the Property's north property line, 1 accessible and 1 car space adjacent to the building and 20 truck spaces;
- e. The truck parking spaces will not be delineated with bumpers;
- f. On-site circulation has been improved and the truck turning template demonstrates that trucks can back in to parking spaces without getting too close to the building;
- g. The only new concrete is for the 2 parking spaces adjacent to the building;
- h. There are no changes proposed to the site's access, the Applicant will continue to utilize the one (1) gated entrance;
- i. Landscaping is proposed along the front and north property line with the existing buffer to remain;
- j. The nine (9) proposed building mounted, downward facing, LED lights are sufficient for the site's lighting needs;
- k. There are four (4) bay doors on the southern side of the building;
- l. Landscaping will be added at the faux entrance along Mt. Holly Road;
- m. As proposed, the Application satisfies the Ordinance requirements for a minor site plan.

10. The October 19, 2023 Hearing was opened to the Public without comment.

11. The Board Planner, Edward Fox, AICP, PP, testified that (i) the concerns raised in the October 19, 2023 Review Letter have been addressed by the Applicant; (ii) the Applicant has

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cleaned up the site; (iii) the proposed screening is sufficient as the Property is in an industrial zone occupied by industrial uses and (iv) the Application and improvements proposed satisfy the Ordinance's definition of a minor site plan.

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

1. The proposed development of the Property does not involve substantial site development considerations.
2. The Applicant's proposed development of the Property satisfies the Ordinance requirements as a Minor Site Plan.
3. The Applicant has demonstrated that the proposed automobile use does not require a designated loading area/space.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 19th day of October, 2023, that this Board hereby grants Minor Site Plan Approval to the Applicant for the improvements proposed to the property for an automobile repair use, in accordance with the Application, Plans, Exhibits 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 made on the record at the October 19, 2023 Hearing, whether recorded in this Resolution or formally imposed as a condition of approval.

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5. Subject to the Applicant receiving all required permits prior to the construction/installation of the approved site improvements 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 construction/installation 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 October 19, 2023 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

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 19, 2023.

EDGEWATER PARK PLANNING BOARD

Attest:

By:


MARIAN JOHNSON, Chairwoman


PATRICIA CAHALL, Secretary

Dated:

11/16/2023

Date of Approval:

October 19, 2023

Date of Memorialization:

November 16, 2023

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-15-2023

**CONCERNING THE APPLICATION OF
THOMAS AND ANNE YANNES
FOR VARIANCE APPROVAL
BLOCK 1702, LOT 3**

WHEREAS, Thomas and Anne Yannes (the “Applicant”) have applied to the Planning Board of the Township of Edgewater Park (the “Board”) for variance approval for property located at 317 Cliff Avenue, known as Block 1702, Lot 3 (the “Property”), on the Official Map of the Township, for the purpose of installing an in-ground swimming pool and surrounding patio; and

WHEREAS, variances are required pursuant to *N.J.S.A. 40:55D-70(c)* because the proposed development of the Property does not satisfy the setback and impervious coverage requirements of the Zoning Ordinance; and

WHEREAS, the application was deemed complete by the Board on September 21, 2023; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on November 16, 2023, 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 18,687 SF in area, located in the Township’s R-2 Zoning District. The Property is improved with a 2 and ½ story single family residential dwelling, detached garage, a bituminous driveway, fencing and the inground pool with surrounding patio subject of the Application.

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2. The Property is a through lot, with the front of the dwelling facing Cliff Avenue and the rear of the Property adjacent to Woodlane Road.

3. The Applicant submitted an application to the Planning Board for variance approval, providing the Board with the Board's Standard Development Application, dated June 15, 2023; an Application Description, prepared by Thomas Yannes, dated June 16, 2023; Township Zoning Permit No, 6276, dated August 19, 2021; Plan of Survey, prepared by Robins Associates, dated August 14, 1992; Uniform Construction Code Inspection Approvals for Building Subcode dated September 22, 2022, Electrical Subcode dated May 3, 2022 and Plumbing Subcode dated May 26, 2022; Letter from Township Zoning Officer dated May 27, 2022 and photographs of the installed in ground pool.

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 setback – 30 feet required in rear yard of through lot – 15 feet to inside wall of pool proposed;
- b. Swimming pool setback – 10 feet from any principal or accessory structure required – 8 feet from garage on adjacent Lot 4 proposed; and
- c. Impervious Coverage – 20% maximum permitted, 48%, including pool and patio, proposed.

8. Thomas Yannes provided the following sworn testimony during the November 16, 2023 Public Hearing:

- a. The pool was constructed in 2021;
- b. A Zoning Permit for the pool was issued on the day construction of the pool was completed;
- c. The pool also passed plumbing, electrical and building inspections;

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- d. He did not receive the letter from the Zoning Officer that the Zoning Permit and Construction Permits should not have been issued until after inspections of the pool and patio were completed;
 - e. The Zoning Officer's letter instructed him that an application for variances would have to be filed with the Board;
 - f. The pool has been used since it was completed in 2021 without issue; and.
 - g. An existing hedge row screens the pool from view.
9. The November 16, 2023 Hearing was opened to the Public without comment.
10. The Board Planner reviewed the August 14, 2023 letter of Environmental Resolutions, Inc. and advised the Board that the Applicant's testimony addressed the review comments provided therein.

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 setback and impervious coverage, 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.

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 16th day of November, 2023, that this Board hereby grants to the Applicant variances to permit (i) a 15 foot rear yard setback for an accessory structure on a through lot, as measured to the inside wall of the pool, (ii) the pool to be setback 8 feet from the garage structure located on adjacent Lot 4 and (iii) an impervious coverage of 48%, inclusive of

the pool and patio, 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 November 16, 2023 Public Hearing, whether formalized in this Resolution or not.

5. Subject to the comments of the Board Engineer and Planner as contained in the August 14, 2023 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, CME, PP, and Edward Fox, AICP, PP.

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 November 16, 2023.

EDGEWATER PARK PLANNING BOARD

Attest:


PATRICIA CAHALL, Secretary

By: 
MARIAN JOHNSON, Chairwoman

Dated: 12/21/2023

Date of Approval: November 16, 2023

Date of Memorialization: December 21, 2023