

RESOLUTION NO. P – 1 – 2020

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

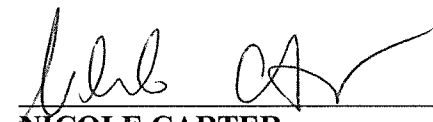
ROLL CALL:

AYES: Mayor Amutah, Mr. Alexander, Mr. Belgard, Chairwoman Johnson, Mr. Kauker, Mr. Robinson, Mr. Smith, Mr. Malecki, Ms. Bonner, and Ms. Tumminia.

NAYS: None

CERTIFICATION

I, **NICOLE CARTER**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Re-Organization Meeting held on January 9, 2020 at the Edgewater Park Municipal Building at 7:00 p.m.



NICOLE CARTER
Planning Board Secretary

RESOLUTION NO. P – 2 – 2020

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 9, 2020, shall be in accordance with Resolution #P-1-2020, designating the dates, times and places of such meetings which incorporated within this Resolution by reference.

RESOLUTION BY CONSENT AGENDA

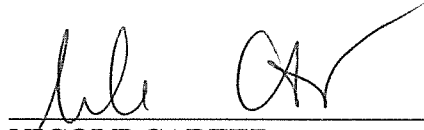
ROLL CALL:

AYES: Mayor Amutah, Mr. Alexander, Mr. Belgard, Chairwoman Johnson, Mr. Kauker, Mr. Robinson, Mr. Smith, Mr. Malecki, Ms. Bonner, and Ms. Tumminia.

NAYS: None

CERTIFICATION

I, **NICOLE CARTER**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Re-Organization Meeting held on January 9, 2020 at the Edgewater Park Municipal Building at 7:00 p.m.



NICOLE CARTER
Planning Board Secretary

RESOLUTION NO. P – 3 – 2020

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

ROLL CALL:

AYES: Mayor Amutah, Mr. Alexander, Mr. Belgard, Chairwoman Johnson,
Mr. Kauker, Mr. Robinson, Mr. Smith, Mr. Malecki,
Ms. Bonner, and Ms. Tumminia.

NAYS: None

CERTIFICATION

I, **NICOLE CARTER**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Re-Organization Meeting held on January 9, 2020 at the Edgewater Park Municipal Building at 7:00 p.m.



NICOLE CARTER
Planning Board Secretary

RESOLUTION NO. P – 4 – 2020

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 2019 and that the memorializing resolutions are, if applicable, on file in the Township Municipal Building:

Applicant	Property	Result	Description
Hearing Date	Block & Lot	Resolution #	
Township Committee	n/a	Approved	Twp. Resolution 2019-23, planning board's preliminary investigation of certain parcels located in the Twp. and determining whether such parcels satisfy the criteria as "an area in need of non-condemnation redevelopment" set for in the local redevelopment and housing law, N.J.S.A. 40A:12A-1.
2/21/2019	n/a	P-4-2019	
Township Committee	n.a	Approved	Twp. Ordinance 2019-2, the Abergel ordinance, amending chapter 16 (land development) of the Edgewater Park Township code and extending the C-3 highway commercial zoning district consistent with the master plan on the Township of Edgewater Park.
2/21/2019	n/a	P-5-2019	
Dina & Gerald Gares	139 Warren Street	Approved	Variance approval to install a five foot fence in the front yard setback area.
2/21/2019	1601 21	P-6-2019	
Ariel Realty	US Route 130	Approved	Variance, preliminary major subdivision and preliminary major site plan approval.
3/21/2019	1202 1.10, 9, 9.01	P-8-2019	
Township Committee	n/a	Approved	Twp. Ordinance 2019-6, planning board's recommending the Twp. Committee adopt a redevelopment plan for the former Pathmark center site pursuant to the local redevelopment and housing law, N.J.S.A. 40A:12A-7.
4/18/2019	1202 2, 11	P-9-2019	
Diamond Tools	4171 Route 130	Approved	Variances and amended site plan approval.
7/18/2019	404 2.02	P-10-2019	

RESOLUTION BY CONSENT AGENDA

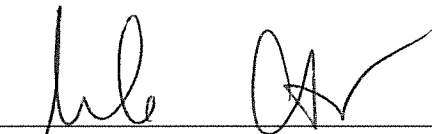
ROLL CALL:

AYES: Mayor Amutah, Mr. Alexander, Mr. Belgard, Chairwoman Johnson, Mr. Kauker, Mr. Robinson, Mr. Smith, Mr. Malecki, Ms. Bonner, and Ms. Tumminia.

NAYS: None

CERTIFICATION

I, **NICOLE CARTER**, Secretary of the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Planning Board of the Township of Edgewater Park, County of Burlington, State of New Jersey, at its Re-Organization Meeting held on January 9, 2020 at the Edgewater Park Municipal Building at 7:00 p.m.



NICOLE CARTER
Planning Board Secretary

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-5-2020

**CONCERNING THE APPLICATION OF
DANIEL PARK
FOR VARIANCE APPROVAL
BLOCK 1601, LOT 21**

WHEREAS, Daniel Park (the “Applicant”) has applied to the Planning Board of the Township of Edgewater Park (the “Board”) for variance approval for property located at 301 Woodlane Road, known as Block 1601, Lot 34 (the “Property”), on the Official Map of the Township, for the purpose of replacing an existing 4 foot vine-covered chain link fence with a 5 foot black aluminum picket fence around the perimeter of the Property and for location of an in-ground pool; and

WHEREAS, variances are required pursuant to *N.J.S.A. 40:55D-70(c)* because the height of the proposed fence exceeds the maximum height of fencing permitted in the front yard setback area of the Property and the pool is located in a side yard and not rear yard area; and

WHEREAS, the application was deemed complete by the Board on April 16, 2020; and

WHEREAS, a public hearing to consider the application was held by the Edgewater Park Planning Board on May 21, 2020, 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 Jersey¹; 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 1} The May 21, 2020 Public Hearing was conducted electronically in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The virtual meeting progressed with the consent of the Applicant.

PARK - RESOLUTION NO. P-5-2020

1. The Applicant is the owner of the Property, approximately 0.90 acres in area. The Property is located within the R-1 Zoning District and is improved with two-story single-family detached residential dwelling, a detached garage, an in-ground swimming pool and a decorative pond.

2. A Zoning Permit was issued to the Applicant for the installation of the in-ground swimming pool.

3. The Applicant is proposing to replace an existing 4 foot high vine covered chain link fence with a 5 foot high black aluminum picket fence around the perimeter of the Property.

4. The Applicant submitted an application to the Planning Board for a variance pertaining to the Ordinance requirement for the height of fencing in the front yard setback area of the Property, providing the Board with a proposed set of plans and testimony. The Applicant amended the Application when it was determined that the Zoning Permit previously issued for the in-ground pool was issued in error. The amended Application included variance relief for the pool's side yard location.

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. Fence height – limited to a maximum height of 4 feet in the front yard setback area; 5 feet proposed.
- b. Pool location – limited to rear yard area; the pool is located within the Property's side yard area.

8. Daniel Park provided the following sworn testimony during the May 21, 2020 Public Hearing:

- a. He is comfortable proceeding with the remote platform and has no objection to the virtual public hearing;
- b. The existing dwelling is a 200 year old brick home and all he wants to do is replace the existing fence;

PARK - RESOLUTION NO. P-5-2020

- c. The proposed fence will be a black aluminum picket style fence, five (5) feet in height and will fit with the character of the neighborhood;
- d. The proposed fence will be an improvement over the existing fence and will not negatively impact neighbors;
- e. He agrees to relocate the fence so that the fence will not be located in the right-of-way;
- f. He believes that the pool is located within the rear yard area as required, not the side yard.

9. The May 21, 2020 Hearing was opened to the Public without comment.

10. The Board Engineer reviewed the May 21, 2020 review letter of Environmental Resolutions, Inc. and characterized the Property as unique. He confirmed that the Zoning Permit was issued in error as the pool is not located in the rear yard area. Rear yard is defined in the ordinance as “an area extending across the full width of the lot between the rear lot line and the building...” and as the pool is forward of the rear foundation line of the existing dwelling, the pool is actually located in the side yard area. He also recommended that the fence be moved approximately 5 feet so that same is not located in the right-of-way. Upon his further review, the Applicant does not require a variance for excessive impervious coverage.

11. The Applicant is requesting variance approval to allow the installation of the five (5) foot high aluminum picket fence as proposed, and for the in-ground pool to remain in the side yard area, to provide greater utilization for this Property and to improve the aesthetics of the Property and the neighborhood.

12. Without variance approval, the Applicant would be unable to install the fence as proposed and would be required to relocate the in-ground pool.

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 fence height and pool location, 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

PARK - RESOLUTION NO. P-5-2020

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 21st day of May, 2020, that this Board hereby grants to the Applicant a variance to (i) permit the installation of a five (5) foot high aluminum picket style fence in the front yard setback area of the Property and (ii) a variance to permit the in-ground swimming pool to remain where located in the side yard area of 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.

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 May 21, 2020 Public Hearing.

5. Subject to the Applicant receiving all required permits prior to the installation of the fence 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 installation of the fence is commenced prior to the expiration of the appeals period for this variance approval.

PARK - RESOLUTION NO. P-5-2020

7. Subject to the Applicant moving the location of the fence back approximately 5 feet so that the fence is not located within the right-of-way.

8. Subject to any construction in the future of a new dwelling to replace the existing dwelling being located so that the pool is located no closer to the front property line than the rear of the dwelling being built.

9. Subject to the Applicant being advised that the perimeter fence may not satisfy a New Jersey State Statute known as William's Law, that requires a fence around pools. Prior to the removal of any existing fence and the installation of the proposed fence, the Applicant is to make the necessary application to the zoning officer and construction officer as to whether the proposed perimeter fence will satisfy William's Law.

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 21, 2019.

EDGEWATER PARK PLANNING BOARD

Attest:

Nicole Carter

NICOLE CARTER, Secretary

By:

Marian Johnson
MARIAN JOHNSON, Chairwoman

Dated: 6/23/20

Date of Approval: 5/21/20

Date of Memorialization: 6/18/20

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-6-2020

**CONCERNING THE APPLICATION OF
SOLAREAMERICA
FOR WAIVER OF SITE PLAN
BLOCK 404, LOT 2**

WHEREAS, SolareAmerica, 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 4167 Route 130 South, known as Block 404, Lot 2 (the “Property”), on the Official Map of the Township, for the purpose of installing solar panels on the canopy over the fuel dispensing station at the Wawa convenience store; and

WHEREAS, Section 16-56.2 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 June 18, 2020; and

WHEREAS, a public hearing to consider the application was held by the Board on July 16, 2020¹; 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 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 a solar installation contractor for Wawa, the owner of the Property. The Property is located within the Highway Commercial (“C-3”) Zoning District of

¹ The July 16, 2020 Public Hearing was conducted as a virtual hearing in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The virtual meeting progressed with the consent of the Applicant.

SOLARE AMERICA/WAWA - RESOLUTION NO. P-6-2020

the Township and is approximately 5.85 acres in area. The Property is improved with a Wawa Food Market and Fueling Station.

2. The Applicant is proposing to install solar panels on the top of the canopy located over the Wawa fueling station, providing the Board with an Application for Waiver of Site Plan Approval and a Structural Assessment for the existing canopy.

3. The taxes on the Property are current.

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

5. The Applicant was represented at the July 16, 2020 Hearing by Peter R. Thorndike, Esquire, of Ryan and Thorndike. John Scorsone testified on behalf of the Applicant.

6. Mr. Scorsone provided the following sworn testimony during the July 16, 2020 Hearing:

- a. He is the Applicant's President.
- b. The Applicant is Wawa's authorized installer of solar energy systems at Wawa food markets.
- c. The panels to be installed will be black on black solar panels that will extend the height of the canopy structure 6 inches.
- d. After installation of the solar panels, the height of the canopy structure will not exceed 24 feet.
- e. The solar energy created will run to an underground conduit and will supply 10% of the daily energy used by this Wawa.
- f. No solar energy will be returned to the grid.
- g. The solar energy system will not create noise, vibrations or other nuisance concerns.
- h. The panels are the latest technology available.
- i. There will be minimal chance of fire resulting from this solar energy system

7. The Board Engineer supported the Application as the solar energy system is a permitted accessory use to the principal Wawa Food Market and Fueling Station use and does not require substantial site development considerations.

SOLARE AMERICA/WAWA - RESOLUTION NO. P-6-2020

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. Waiver of the requirement for site plan approval is appropriate for the proposed development of the Property.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 16th day of July, 2020, that this Board hereby waives the requirement of site plan approval for a solar energy system that includes the installation of solar panels on the top of the canopy over the existing Wawa fuel station, 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 July 16, 2020 Hearing.
5. Subject to the Applicant receiving all required permits prior to the installation of the solar energy system commencing. Waiver of 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.

SOLARE AMERICA/WAWA - RESOLUTION NO. P-6-2020

7. Subject to the height of the canopy, post installation of the solar panels, not exceeding 25 feet.

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 July 16, 2020.

EDGEWATER PARK PLANNING BOARD

Attest:



NICOLE CARTER, Secretary

By: 

MARIAN JOHNSON, Chairwoman

Dated: 8/20/2020

Date of Approval: 7/16/2020

Date of Memorialization: 8/20/2020

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-7-2020

**CONCERNING THE APPLICATION OF
JUBILEE CHRISTIAN WORSHIP CENTER
FOR VARIANCE AND WAIVER OF SITE PLAN**

WHEREAS, the Jubilee Christian Worship Center (the “Applicant”) has applied to the Planning Board of the Township of Edgewater Park (the “Board”) for Variance and Waiver of Site Plan for property located at 1704 and 1708 Bridgeboro Road, known as Block 404, Lot 7 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of converting an existing building into a place of worship; and

WHEREAS, the Property is located in the R-3 Residential Zone of the Township; and

WHEREAS, places of worship are conditional uses in the R-3 Zone; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(d)(3)* is required as the Applicant is proposing a place of worship that does not satisfy the conditions listed in Section 310-14-6 for places of worship located in the R-3 Zone; and

WHEREAS, the application for Variance and Waiver of Site was deemed complete by the Board; and

WHEREAS, a public hearing to consider the application was held by the Planning Board on September 17, 2020¹, after appropriate public and personal notice was provided to all property owners within 200 feet of the Property and published in the Official Newspaper of the Township, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey; and

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

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support the application for Variance and Waiver of Site Plan, and after the meeting

¹ The September 17, 2020 Public Hearing was conducted with in-person and virtual participation in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The hybrid meeting progressed with the consent of the Applicant

JUBILEE CHRISTIAN WORSHIP CENTER - NO. P-7-2020

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 0.657 acres in area located in the R-3 Residential Zoning District of the Township. The Property is improved with a single-family residential dwelling and a 4,049 square foot commercial building most recently occupied by a florist.
2. The Applicant is proposing to convert 2,445 square feet of the commercial building into a place of worship for the Jubilee Christian Worship Center. The remaining 1,604 square feet of the commercial building will be used for storage space.
3. The proposed place of worship is a conditional use in the R-3 zone, subject to compliance with the conditions listed in Section 310-14-6A of the Zoning Ordinance (previously known as Section 16-81E).
4. The proposed place of worship does not satisfy Section 310-14-6A and the Applicant has submitted an application to the Board for Variances and Waiver of Site Plan.
5. The taxes on the Property are current or exempt.
6. The Applicant has paid and/or posted all required fees and agreed to keep the review escrow current.
7. Proper notice of the application for Variances and Waiver of Site Plan has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
8. The following conditional use variances are required for the proposed place of worship:
 - a. Lot Area – 3 acres required, 0.657 acres existing and proposed.
 - b. Lot Frontage – 250 feet required, 159 feet existing and proposed.
 - c. Lot Depth – 300 feet required, 200 feet existing and proposed.
 - d. Front Yard Setback – 50 feet required, 40 feet existing and proposed.
 - e. Side Yard Setback – 40 feet required, 9 feet existing and proposed.
 - f. Rear Yard Setback – 50 feet required, 38.3 feet existing and proposed.
 - g. Landscape Buffer Width – 30 feet required, 9 feet existing and proposed.
 - h. Number of Parking Spaces – 42 required, 14 proposed.
9. A bulk variance is required for the 60 square foot façade sign proposed for the place of worship.

JUBILEE CHRISTIAN WORSHIP CENTER - NO. P-7-2020

10. The Applicant was represented at the September 17, 2020 hearing by Patrick McAndrew, Esquire. Marcel Jamin-James, Adamu Jamin-James and Gary Eastwick testified during the September 17, 2020 Public Hearing.

11. Reverend and Mr. James provided the following sworn testimony during the September 17, 2020 Public Hearing:

- a. They are both trustees of the Jubilee Christian Worship Center and she is its pastor.
- b. Jubilee is a small place of worship that currently meets virtually for bible study and services. It previously conducted services in a member's house.
- c. The church meets from 10:am to 2:00 pm for Sunday Services and meets 6:00 p.m. to 8:00 pm Tuesday through Saturday for Counseling, Bible Study, Prayer Service and Choir Rehearsal.
- d. The church currently has 20 members.
- e. The number of parking spaces provided can accommodate 35-39 members, more than Jubilee current membership.
- f. Only interior modifications are proposed for the building, no exterior changes to the site are proposed.
- g. For signage, the church will utilize the existing freestanding sign with changeable copy and is proposing a 60 square foot (6 feet by 10 feet) façade sign.
- h. They understand the limitations that the proposed number of parking spaces place on the total number of attendees and will max out the number of persons attending services and other church events to 39 persons.
- i. They understand that if the church were to exceed 39 members, they would have to find alternative parking spaces on site or to move to a new location.
- j. They understand the concerns of the Board with respect to the number of parking spaces and the number of persons attending church functions and will utilize an usher to direct traffic entering and exiting the site.
- k. The church does not anticipate limousine, buses or delivery trucks entering the site.

JUBILEE CHRISTIAN WORSHIP CENTER - NO. P-7-2020

1. When members leave services or other church functions, they generally leave at staggered times, not everyone will leave at the same time.
12. Gary Eastwick provided the following sworn testimony during the September 17, 2020 Public Hearing:
 - a. He is the owner of the building and operator of the florist that previously occupied the building in question.
 - b. Eastwick Florist operated on the site since 1967.
 - c. He resides in the dwelling that is also located on the Property.
 - d. The church use will be much less of an intensive use than the florist in terms of traffic, hours and signage.
 - e. Holidays created excessive traffic to the florist with over 100 customers and 500 customers for Valentine's Day, well above the church's needs.
 - f. The façade sign for the florist over 900 square feet in size, substantially larger than the façade sign being proposed by Jubilee.
 - g. The building's storage space will be for his utilization only, not as a separate rental space.
 - h. If needed in the future, there is open space on the Property that can accommodate additional parking spaces.
 - i. There is one existing light that provides sufficient illumination of the parking area.
13. The September 17, 2020 Hearing was opened to the Public without comment.
14. The Board Engineer and Planner reviewed their review letter with the Board and had no objection to the requested Waiver of Site Plan as the testimony provided addressed their concerns and the conversion of a portion of the existing commercial building into a place of worship does not require substantial site development considerations.

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 the necessary information for the Board to make a decision on the application for Variance and Waiver of Site Plan.
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

JUBILEE CHRISTIAN WORSHIP CENTER - NO. P-7-2020

Edgewater Park would be advanced by the deviation from the zoning ordinance requirements pertaining to conditional use and signage requirements, 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 17th day of September 2020, that this Board hereby grants to the Applicant the following:

1. A Variance pursuant to *N.J.S.A. 40:55D-70(d)(3)* to permit the Applicant to convert a portion of the existing commercial building into a house of worship on the Property with a Lot Area of 0.657 acres, a Lot Frontage of 158 feet, a Lot Depth of 200 feet, a Front Yard Setback of 40 feet, a Side Yard Setback of 9 feet, a Rear Yard Setback of 38.3 feet, a Landscape Buffer Width of 9 feet and 14 parking spaces;

2. A variance pursuant to *N.J.S.A. 40:55D-70(c)* to permit a 6 foot by 10 foot façade sign and continued use of the existing freestanding sign;

3. Waiver of site plan for the conversion of a portion of the commercial building into a place of worship and a storage area, in accordance with the Application, Plans and Testimony submitted by the Applicant, with Variance and Site Plan Waiver approval subject to the following conditions:

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

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

JUBILEE CHRISTIAN WORSHIP CENTER - NO. P-7-2020

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 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 made during the September 17, 2020 public hearing, whether or not formalized in this Resolution.

e. 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.

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

g. Subject to the Applicant 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.

h. Subject to the review comments as contained in the August 20, 2020 review letter of Environmental Resolutions, Inc., by the Board Engineer, Rakesh R. Darji, PE, PP, CME, and the Board Planner, Edward Fox, AICP, PP.

i. Subject to the Burlington County Board of Health approving the adequacy of the existing septic system for the change in use of the Property.

j. Subject to an usher being utilized for the place of worship to direct traffic entering and exiting the site.

k. Subject to the attendance at all church functions limited to a total of 39 persons. If membership of the Jubilee Christian Worship Center increases and there is a need for attendance more than 39 persons, additional parking spaces must be found on site or the Applicant may have to relocate if attendance at church events exceeds the 39 person maximum.

l. Subject to the storage space being used for the personal use of the Owner of the Property, same is not to be rented out for use by others.

JUBILEE CHRISTIAN WORSHIP CENTER - NO. P-7-2020

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 September 20, 2020.

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


CHARLES ROBINSON, VICE-CHAIRMAN

Attested:


NICOLE CARTER, SECRETARY

Dated: 12/3/2020
Date of Approval: 9/17/2020
Date of Memorialization: 11/19/2020

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-8-2020

**CONCERNING THE APPLICATION OF
EXETER MT. HOLLY LAND, LLC
FOR VARIANCE AND
PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

WHEREAS, Exeter Mount Holly Land, LLC (the “Applicant”) has applied to the Planning Board of the Township of Edgewater Park (the “Board”) for variance and preliminary and final major site plan approval for property located on U.S. Route 130 at Delanco and Mt. Holly Roads, known as Block 501, Lots 1 and 6 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a 704,700 square foot warehouse/distribution facility with offices; and

WHEREAS, the proposed warehouse/distribution facility is a permitted use in the Township’s Commercial Light Industrial (C-LI-5) Zoning District; and

WHEREAS, the Applicant is also requesting variances related to the Township requirements for loading space dimension, overhead door location and fencing; and

WHEREAS, the Application for variance and preliminary and final site plan approval was deemed complete by the Board on February 20, 2020; and

WHEREAS, a public hearing to consider the Application was held by the Planning Board on September 17, 2020, 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 Jersey¹; and

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

WHEREAS, the following exhibits were introduced by the Applicant during the September 17, 2020 Public Hearing:

¹ The September 17, 2020 Public Hearing was conducted with in-person and virtual participation in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The hybrid meeting progressed with the consent of the Applicant.

EXETER – NO. P-8-2020

- A-1 Aerial Photograph of the Property and Surrounding Uses and Roads;
- A-2 Overall Site Plan;
- A-3 Landscaping Plan;
- A-4 Truck Stacking Exhibit;
- A-5 Turning Template Exhibit;
- A-6 Fencing Exhibit;
- A-7 Conceptual Rendering of Floor Plan;
- A-8 Conceptual Rendering of Building Elevations – Entrance
- A-9 Conceptual Rendering – Route 130 Driveway
- A-10 Conceptual Rendering – Route 130 Line of Sight;
- A-11 Conceptual Rendering – Delanco Road Line of Sight;
- A-12 Conceptual Rendering – Mt. Holly Road Line of Sight;
- A-13 E-mail from M. Floyd, Applicant’s Attorney, to T. Coleman, Board Solicitor, with terms of the understanding between Applicant and First Montgomery Group (“FMG”) relating to Delanco Road and enhanced buffering; and

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

1. The Applicant is the contract purchaser of the Property, approximately 58.833 acres in area, located in the Township’s C-LI-5 Zoning District. The Property is currently improved with an old farmhouse, occupied by an acupuncture business and upper level apartment units; a building utilized in connection with a landscaping business; and outbuildings and structures located in the rear of the Property.

2. The Applicant is proposing to develop a warehouse/distribution facility on the Property, providing the Board with an Application for Variances, Minor Subdivision and Preliminary and Final Major Site Plan Approvals; a Preliminary and Final Site Plan prepared by Mohawk Land Development Consultants, Thomas P. Bechard, Jr., PE; and other reports and information required by the Township’s Application submission checklists.

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

EXETER – NO. P-8-2020

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

5. Proper notice of the Application for Variance and Preliminary and Final Site Plan Approval has been given, based upon the certified list from the Offices of the Edgewater Park and Willingboro Tax Assessors.

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

- a. Demolition of the existing buildings and structures.
- b. Consolidation of Lots 1 and 6 into one (1) lot.
- c. Construction of a 704,700 square foot warehouse/distribution facility with offices.
- d. Construction of site improvements that include 289 off-street parking spaces, 209 trailer spaces, 174 truck loading berths, stormwater management basins, lighting and landscaping.

7. The Applicant is proposing primary access to the site from U.S. Route 130, by way of two (2) right-turn-in/right-turn-out driveways with the southern most driveway limited to tractor trailers. Secondary access to the site will be from Mt. Holly Road, which will allow exiting trucks, employees and other traffic to access the signalized intersection to turn left onto U.S. Route 130. No direct access from Delanco Road is proposed.

8. The development of the Property will require the following variances:

- a. Loading space dimension – 15' x 40' required, 13.5' x 60' feet proposed;
- b. Overhead doors – not permitted on the front façade of buildings, proposed along the Delanco Road front facade;
- c. Fencing – prohibited in front yard setback areas, post and rail fencing with black meshing and lockable gates is proposed for each of the above-ground basins, including basins within front yard areas.

9. The Applicant was represented at the September 17, 2020 Public Hearing by Michael Floyd, Esquire of Archer Law. Testimony was provided by Thomas Allman, Thomas P.

EXETER – NO. P-8-2020

Bechard, Jr., PE, Joseph DiGiorgio, AIA, NCARB, David Horner, PE, PTOE, and James Miller, AICP, PP².

10. Mr. Floyd represented to the Board that the Applicant consents to the hybrid meeting and that the Applicant agreed to provide an enhanced landscaping plan to address comments and questions that he received from John Cranmer, General Counsel to Edgewater Park Real Estate Associates, LLC, (FMG) owner of The Court Yards apartment complex on Delanco Road opposite of the Property.

11. Mr. Allman provided the following sworn testimony during September 17, 2020 Public Hearing:

- a. He is the Applicant's Director of Construction and Development.
- b. The Applicant is a private equity real estate development firm.
- c. Nationally, the Applicant has approximately 175 million square feet of warehouse space with 6 million square feet in New Jersey.
- d. The Property is well suited for the proposed warehouse/distribution facility as its located in a great geographical area with supporting population and easy access to north, south, east and west traffic routes.
- e. The building is designed as a cross dock facility with loading berths on the north and south sides of the building.
- f. The facility is designed with a ratio of one (1) door for each 5,000 square feet of warehouse space, resulting in less truck queuing.
- g. The Applicant does not have any tenants in place for the facility but the tenant(s) will be national and/or local warehouse/distribution operators.
- h. At the present time, the Applicant is not proposing any tenant restrictions.
- i. Four (4) sealed trash compactors are provided, located in dock spots, as is normal with the proposed use.
- j. Recycling is normally tenant specific with sealed containers backed up to a dock to be provided for recycling needs.
- k. Signage will either comply with the Edgewater sign requirements or the Applicant will apply for the necessary variances before the Board.

² Based on their education, experience and professional licenses, Messrs. Bechard, DiGregorio, Horner and Miller were qualified by the Board to testify as an expert in their respective areas of engineering, architecture, traffic engineering and land planning.

EXETER – NO. P-8-2020

- l. Office space will occupy five percent (5%) of the building space.
 - m. The facility will operate 24/7 and will have 50-200 employees.
12. Mr. Bechard provided the following sworn testimony during the September 17, 2020 Public Hearing:
- a. He is the Applicant's Professional Engineer.
 - b. Utilizing Exhibits A-1 through A-6, he orients the Board with the location of the Property and the improvements proposed for the warehouse/distribution facility.
 - c. The Property has three (3) road frontages.
 - d. The Property is located within a low topographical area of the Township.
 - e. The site is designed so that no truck traffic is directed to or from Delanco Road.
 - f. The 2 Route 130 ingress/egress drives will permit right turns in and out only, with one driveway limited to cars only and the second driveway for cars and trucks.
 - g. The design of the Mt. Holly Road ingress/egress drive will prevent trucks from making a right hand turn when exiting the site.
 - h. Sidewalks and crosswalks are provided along Mt. Holly and Delanco Roads as well as the entire Route 130 frontage.
 - i. Berms and landscaping are proposed along each of the road frontages.
 - j. The Applicant is willing to provide the enhanced landscape plan along Route 130 and Mt. Holly Road as it is providing along Delanco Road opposite the Court Yards Apartment Complex.
 - k. The enhanced landscape plan increases the height of the berm above the 3 to 5 feet provided and will increase the height of the plantings from 5 to 7 feet to 8 to 10 feet. The slope of the berm will be revised to provide for the increased berm height.
 - l. There are two (2) wetland areas on the Property, one of which will be filled in. A sheet-piled retaining wall will be utilized to minimize the disturbance to the second wetlands area which is vernal habitat for certain species.

EXETER – NO. P-8-2020

- m. All stormwater on site will drain to one of the 5 study areas on site via sheet flow and will percolate back into the ground.
- n. Four (4) at grade infiltration basins and two (2) subsurface basins will be utilized to spread stormwater throughout the site. Six (6) stormwater basins will be utilized for the stormwater draining off the building.
- o. The groundwater mounding analysis concludes that surrounding properties will not be affected by the proposed development of the Property.
- p. There is sufficient stacking of vehicles on site for a facility of this size.
- q. There are no turning issues that will affect on-site traffic circulation and maneuverability.
- r. Both truck courts will be screened with by the berm and landscaping proposed along the road frontages. A fencing plan has also been submitted if fencing is requested by a future tenant
- q. As requested by the Board's Engineer, the basins are now fenced with 4 foot high split rail fencing with meshing. Because the Property fronts on three roads, the design of the stormwater management system results in a front yard location for a basin as well as the now provided fence.
- r. The 13.5 foot wide loading berths is a result of the industry standard of 54 feet between internal columns for this type of facility. This 54 feet spacing permits four (4) 13.5 foot wide berths between columns. There will be 5 feet of space on each side of trucks parked at the loading berth.
- s. The three (3) road frontages of the Property result in the building having three (3) front facades. As a cross dock facility, one of the dock sides will be one of the front facades. For this facility, overhead doors will be located on the Delanco Road front façade.
- t. To mitigate any impact from the Delanco Road side loading berths, the Applicant has been working in cooperation with the owner of the Court Yards Apartment Complex and has agreed to the enhanced landscaping plan referenced in Exhibit A-13, will limit the hours of the docks facing Delanco Road until the enhanced landscaping buffer is in place and will

EXETER – NO. P-8-2020

submit a letter to Burlington County and Township Council requesting that truck traffic on Delanco Road be prohibited.

- u. The Applicant will comply with the review comments of the Board Engineer and Planner.
- v. The pole mounted and building mounted lights will shine down with the lighting elements recessed into the fixture.
- w. The Applicant will notify the Board and its professionals if any underground storage tanks are discovered on the Property during any of the construction related activity, including, but not limited to, demolition, site clearing, site preparation and construction.

13. Mr. DiGregorio provided the following sworn testimony during the September 17, 2020 Public Hearing:

- a. He is the Applicant's architect for this facility.
- b. Utilizing Exhibit A-7, he orients the Board with the proposed floor plan, identifying the office space and warehouse space.
- c. Utilizing Exhibits A-8 through A-11, he provides the rendering of the building's appearance from an entrance perspective and from each of the road frontages.
- d. The landscaping depicted on the Exhibits is as projected 3 to 5 years after planting, based on the original landscape plan, not the enhanced landscape plan that the Applicant will provide along Delanco Road and has agreed to provide along Route 130 and Mt. Holly Road.
- e. The building will utilize pre-constructed concrete panels.
- f. The height of the building, including roof top screening of equipment, will comply with the Ordinance's height requirements.

14. Mr. Horner provided the following sworn testimony during the September 17, 2020 Public Hearing:

- a. He is the Applicant's Traffic Engineer and prepared the Traffic Impact Study submitted with the Application.
- b. To be more conservative, he prepared the Traffic Study with a doubling of the expected traffic to/from the site.

EXETER – NO. P-8-2020

- c. Technical review has been received from the New Jersey Department of Transportation and the comments received relate to details only and not to issues with the proposed driveway locations.
- d. County review is on-going but in response to prior comments received from the County Engineer's Office, the site is designed without access to and from Delanco Road.
- e. Neither the State nor County have requested any geometrical modifications to the Mt. Holly Road/Route 130 Intersection.
- f. The Mt. Holly Road exit has been designed so that cars only can make right turns out onto Mt. Holly Road; trucks utilizing the Mt. Holly Road exit can only make left turns out.
- g. The guard house is located further on site rather than closer to the driveway access points so that any truck congestion will be internal to the site and not external on the public roads.
- h. The Applicant will prepare an operational plan with the tenant improvement plans that will include an identification of the truck courts so that drivers will know in advance which of the site access points to utilize to access the facility.

15. Mr. Miller provided the following sworn testimony during the September 17, 2020 Public Hearing:

- a. He is the Applicant's Professional Planner.
- b. Identifies the three (3) variances requested as c(2) Variances.
- c. The design of the site advances multiple purposes of the Municipal Land Use Law. The loading berth size demonstrates the efficiency of the design of the site with the number of loading docks proposed based on the square footage of the building. The use of the land for the proposed facility is appropriate as based on its Route 130 location and proximity to a road system to access routes in all directions. The design of the site minimizes the impact to the neighborhood.
- d. All impact from the operation of the facility will be internal to the site and not off-site.

EXETER – NO. P-8-2020

- e. With 3 front facades, some portion of the actual operational sides of the building would have to face the street, otherwise the site would not function as currently designed.
- f. The proposed cross dock building will function more efficiently and will reduce trucking queues.
- g. The enhanced landscaping plan and the limited hours of operation of the Delanco Road side docks opposite the Court Yards Apartments, until the enhanced landscaping plan is in place, will mitigate the impact of the docks located on the Delanco Road façade.
- h. Of the Court Yards Apartment Complex, only one of the buildings has an actual line of site to Delanco Road, the other building is already screened with mature landscaping.
- i. The proposed fencing around the basins provides additional security measures.
- j. Collectively, the 3 variances do not pose a substantial detriment to the area or the zone plan.

16. The Board Engineer and Planner reviewed the September 10, 2020 Review Letter of Environmental Resolutions, Inc. and informed the Board that the Applicant has addressed most of the comments and has agreed to comply with the contents of the letter.

17. During the Public portion of the September 17, 2020 Hearing, Robert Weiss, owner of the Avery Townhouse Apartments across Route 130 from the Property, expressed concerns or inquired about the Route 130 driveways, acceleration/deceleration lanes, headlight sweep from vehicles exiting the site onto Route 130 and whether the basins were wet or dry. The Applicant's witnesses responded that the Route 130 North driveway is for cars only entering and exiting the site; a deceleration lane is proposed for Route 130 for vehicles entering the site but no acceleration lane is provided for vehicles exiting onto Route 130 as it has been demonstrated that it is safer for vehicles to exit a site directly onto a driving lane and not onto an acceleration lane and that there is a traffic signal in close proximity to the driveways that will create a delay in the Route 130 traffic for traffic exiting the site; there should be no headlight sweep from the southerly driveway as this driveway is located opposite a wooded lot and not opposite the Weiss apartments; and that the basins are dry basins.

EXETER – NO. P-8-2020

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

1. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements pertaining to loading spaces, overhead door location and fencing, as specified herein, as requested by the Applicant.

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

3. Relief as requested by the Applicant can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance of the Township of Edgewater Park, as the Applicant has designed the improvements to the Property to mitigate any negative impact from the warehouse/distribution facility.

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

5. The consolidation of existing lots is not considered a subdivision within the meaning of the Municipal Land Use Law of the State of New Jersey and the Applicant's proposed consolidation of Lots 1 and 6 does not require subdivision approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 17th day of September, 2020, that this Board hereby grants to the Applicant the following:

1. Variances pursuant to *N.J.S.A. 40:55D-70(c)* to permit (i) the loading spaces to measure 13.5 feet by 60 feet; (ii) overhead doors along the Delanco Road front façade of the building; and (iii) fencing around the stormwater basins located in front yard areas of the Property; and

2. Preliminary and Final Major Site Plan Approval for the development of the Property with a 704,700 square foot warehouse/distribution facility, including 289 off-street parking spaces, 174 truck loading berths, 209 trailer spaces, 12 stormwater management basins with related appurtenances, lighting, landscaping and the demolition of existing structures and

EXETER – NO. P-8-2020

buildings, together with other site improvements, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with Variance and Site Plan Approval subject to the following conditions:

a. Proof that the Applicant has applied for the necessary approval(s) from all other agencies, including Burlington County Planning Board, Burlington County Soil Conservation District, New Jersey Department of Transportation and New Jersey Department of Environmental Protection, having jurisdiction over the Applicant's use of the Property shall be filed with the Township's Land Use Coordinator.

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

c. Subject to the testimony of the Applicant and its witnesses and representatives at the September 17, 2020 Public Hearing.

d. Subject to the September 10, 2020 Review Letter of Environmental Resolutions, Inc., by the Board Engineer, Rakesh R. Darji, PE, PP, CME, CFM, and the Board Planner, Edward Fox, AICP, PP, except as may be modified herein.

e. Subject to the submission of revised plans complying with this Resolution, as 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 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 Lots 1 and 6 being consolidated into one (1) lot. A Deed of Lot Consolidation shall be submitted to the Board for the review and approval of the Board Engineer and Solicitor prior to recording.

EXETER – NO. P-8-2020

j. Subject to the submission of a Stormwater Maintenance Plan for the stormwater management system for the development for the review and approval of the Board Engineer.

k. Subject to a Stormwater Maintenance Declaration being recorded at the Burlington County Clerk's Office. The Stormwater Maintenance Declaration shall be submitted for the review and approval of the Board Engineer and Board Solicitor prior to recording.

l. Subject to the enhanced landscaping plan, including higher berms and higher plantings, being utilized for each road frontage. The enhanced landscaping plan is subject to the review and approval of the Board Engineer and Board Planner.

m. Subject to the Applicant complying with the terms of Exhibit A-13 and the September 17, 2020 Letter from Mohawk Land Development Consultants to First Montgomery Group, including providing an enhanced landscaping buffer along Delanco Road, submitting a letter to the County of Burlington and the Township of Edgewater Park requesting that all truck traffic be prohibited on Delanco Road and restricting the hours of operation of the 26 loading docks facing Delanco Road opposite the Court Yards Apartment Complex to 6:00 a.m. until 9:00 p.m. until such time as the enhanced landscaping buffer is in place.

n. Subject to the Applicant entering into an agreement with the Township of Edgewater Park if Title 39 enforcement is desired.

o. Subject to office space occupying 5% of the total building area.

p. Subject to the submission of height calculations confirming that the height of the building complies with the height requirement of the Ordinance.

q. Subject to a Facility Operational Plan being submitted with the construction permits for a tenant's improvement plan. The Operational Plan shall include the identification of which access points to utilize for access to the north side docks and the south side docks.

r. Subject to the Applicant immediately notifying the Township, the Board and the Board's professionals if any underground storage tanks are discovered during construction activity.

s. Subject to no truck idling on site.

t. Subject to all proposed signs either complying with the Township Code or receiving variance approval from this Board prior to installation.

u. 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

EXETER – NO. P-8-2020

any permit as the Applicant is required to comply with all other applicable codes, ordinances, rules, regulations and statutes for the issuance of such permits.

ROLL CALL VOTE

Those in Favor: 8
Those Opposed: 1
Those Abstaining: 0

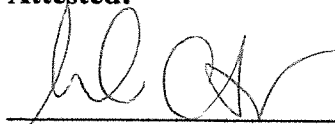
CERTIFICATION

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 September 17, 2020.

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


CHARLES ROBINSON, VICE-CHAIRMAN

Attested:



NICOLE CARTER, SECRETARY

Dated: 12/3/2020

Date of Approval: 9/17/2020

Date of Memorialization: 11/19/2020

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-9-2020

**CONCERNING THE APPLICATION OF
RIVIN AND GALINA MELOMEDMAN
FOR VARIANCE APPROVAL
BLOCK 312, LOT 4**

WHEREAS, Rivin and Galina Melomedman (the “Applicant”) have applied to the Planning Board of the Township of Edgewater Park (the “Board”) for variance approval for property located at 717 Green Street, known as Block 312, Lot 14 (the “Property”), on the Official Map of the Township of Edgewater Park, for the purpose of constructing a one-story single family residential dwelling on the Property; and

WHEREAS, variances are required pursuant to *N.J.S.A. 40:55D-70(c)* because the Property does not comply with the Lot Area and Lot Width requirements of the Residential 2 (R-2) Zoning District of the Township; and

WHEREAS, the Application was deemed complete by the Board on November 11, 2020; and

WHEREAS, a public hearing to consider the Application was held by the Board on November 11, 2020¹, 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 November 11, 2020 Public Hearing was conducted electronically in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The virtual meeting progressed with the consent of the Applicant.

MELOMEDMAN - RESOLUTION NO. P-9-2020

1. The Applicant is the owner of the Property, approximately 0.65 acres in area. The Property is located within the R-2 Zoning District and is currently vacant.

2. The Applicant is proposing to construct a one-story single-family residential dwelling on the Property.

3. The Applicant submitted to the Board an Application for variance approval pertaining to the Ordinance requirements for lot area and lot width, providing the Board with a proposed set of plans and testimony.

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. Lot area – 40,000 square feet required, 28,125 square feet existing;
- b. Lot width – 150 feet required, 125 feet existing.

8. Alan H. Ettenson, Esquire, of Taenzer, Ettenson & Aberant, P.C., represented the Applicant at the November 11, 2020 Public Hearing and represented to the Board that the Applicant consents to the Public Hearing being conducted virtually.

9. The Applicant provided the following sworn testimony during the November 11, 2020 Public Hearing:

- a. They currently reside in Delran and want to downsize by constructing a one-story home in Edgewater Park.
- b. The new home will have three (3) bedrooms.
- c. Other than variances for the existing lot area and lot width conditions, no other variances are required.
- d. They prefer a gravel driveway rather than a paved driveway as recommended by the Board Engineer.
- e. Other than one (1) lot, the Property is larger than the lots in the neighborhood.

MELOMEDMAN - RESOLUTION NO. P-9-2020

- f. The proposed dwelling will fit it with the existing homes in the neighborhood.
 - g. There will be no substantial detriment resulting from the construction of the proposed dwelling on the Property.
10. The November 11, 2020 Hearing was opened to the Public without comment.
11. The Board Planner reviewed the October 9, 2020 review letter of Environmental Resolutions, Inc. and informed the Board that a small bungalow that was demolished previously existed on the Property and that the Property is serviced by water and sewer. The Board Planner offered no objection to the variances requested but recommended that a post-construction grading plan be submitted.
12. The Applicant is requesting variance approval to allow the construction of the one-story single-family dwelling as proposed, to provide greater utilization for this Property and to improve the aesthetics of the Property and the neighborhood.
13. 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-2 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 lot area and lot width, 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.

MELOMEDMAN - RESOLUTION NO. P-9-2020

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 11th day of November 2020, that this Board hereby grants to the Applicant variances to permit a lot area of 28,125 square feet and a lot width of 125 feet for the construction of a one-story single family residential dwelling 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.

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 11, 2020 Public Hearing.

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

7. Subject to the Applicant submitting a post-construction grading plan.

8. Subject to the Applicant being advised that an impervious coverage variance will be required if the driveway is ever paved.

MELOMEDMAN - RESOLUTION NO. P-9-2020

ROLL CALL VOTE

Those in Favor: 6

Those Opposed: 0

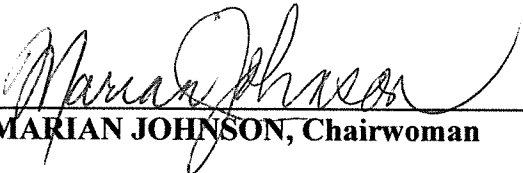
Those Abstaining: 0

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 November 11, 2020.

EDGEWATER PARK PLANNING BOARD

Attest:

By: 
MARIAN JOHNSON, Chairwoman


NICOLE CARTER, Secretary

Dated: 12/3/2020

Date of Approval: 11/11/2020

Date of Memorialization: 11/19/2020

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-10-2020

**CONCERNING THE APPLICATION OF
EDGEWATER PARK URBAN RENEWAL
FOR MINOR SITE PLAN APPROVAL**

WHEREAS, Edgewater Park Urban Renewal, 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 on U.S. Route 130 and Woodlane Road, known as Block 1202.09, Lots 2 and 11 (the “Property”) on the Official Tax Map of the Township of Edgewater Park, for the purpose of the Phase I Redevelopment of the Edgewater Park Commons retail center; and

WHEREAS, the Property is located in the C-3 Highway Commercial Zoning District and within the redevelopment area known as the “Non-Condensation Redevelopment Area Consisting of the Former Pathmark Shopping Center Site”; and

WHEREAS, the Applicant is also requesting that the Board grant a design exception, as authorized by the Redevelopment Plan, to permit parking within a landscape buffer area; and

WHEREAS, the Application for variance and preliminary and final site plan approval was previously deemed complete by the Board; and

WHEREAS, a public hearing to consider the Application was held by the Planning Board on November 19, 2020, as required by the land development regulations of the Township of Edgewater Park and the statutes of the State of New Jersey¹; and

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

WHEREAS, the following exhibit was introduced by the Applicant during the November 19, 2020 Public Hearing:

A-1 Site Plan Rendering; and

¹ The November 19, 2020 Public Hearing was conducted with in-person and virtual participation in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The hybrid meeting progressed with the consent of the Applicant.

EDGEWATER URBAN RENEWAL – NO. P-10-2020

WHEREAS, the Board after carefully considering the evidence presented by the Applicant in support of its Application for minor 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 13.90 acres in area, located in the Township's C-3 Highway Commercial Zoning District. The Property is improved with a 116,950 square foot shopping center building, a standalone Dunkin (Donuts) and a closed gas station. The Property is included in the Redevelopment Plan adopted for the Non-condemnation Redevelopment Area Consisting of the Former Pathmark Shopping Center Site.

2. The Applicant is the Redeveloper of the Property.

3. The Applicant is now proposing the Phase I Redevelopment of the Property and has filed an Application with the Board for Minor Site Plan Approval, providing the Board with the Application, Plans and other information required for the Board's review of the Phase I Redevelopment of the Property.

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 is proposing the following improvements to the Property:

- a. Repair and reconstruction of portions of the parking lot to include seal coating, milling and overlay or full depth reconstruction.
- b. Replacement of concrete parking islands with landscape islands.
- c. Replacement of light fixtures.
- d. Providing accessible parking spaces and ramps.
- e. Landscaping improvements.
- f. Striping improvements.
- g. Installation of two (2) freestanding signs.

7. A design standard waiver is required for the proposed Phase I Redevelopment of the Property as 47 parking spaces (28 existing and 19 new spaces) will be located less than the required 10 feet from the southern property line and within a landscape buffer area.

EDGEWATER URBAN RENEWAL – NO. P-10-2020

8. The Applicant was represented at the November 19, 2020 Public Hearing by Frank H. Wisniewski, Esquire, Flaster/Greenberg, PC. Testimony was provided by Ahmad Tamous, PE, and Joel Rosenberg.

9. Mr. Wisniewski represented to the Board that the Applicant consents to the Hearing being conducted with a combination of in-person and remote participation. Mr. Wisniewski further represented to the Board that the Minor Site Plan Application before the Board is for Phase I of the three (3) Phase Redevelopment of the Property with Phase I including the portion of the Property between the Big Lots Building out to Route 130, excepting out the former gas station, the Dunkin areas and the area behind the Big Lots Building.

10. Mr. Tamous provided the following sworn testimony during the November 19, 2020 Public Hearing:

- a. He is a Professional Engineer licensed in the State of New Jersey and based on his education, experience and licensing has been qualified by Land Use Boards to offer expert testimony in site engineering.
- b. The Phase I improvements are primarily repairs to the parking lot and include a combination of full depth pavement repair, milling and overlay or seal coating.
- c. Other Phase I improvements include curbing in front of the Big Lots Building, landscape islands, drive aisle delineation and curbing to improve traffic circulation, additional landscaping and lighting improvements.
- d. The Route 130 access is for right turn in and right turn out and the Woodlane Road access is full access and full egress.
- e. The existing light poles will be utilized but the light fixtures will change to improve the lighting of the site. The new light fixtures will be downward projection and will not spill off-site.
- f. The Applicant will work with the Board Engineer to perform a light study to confirm the adequacy of the lighting.
- g. The gas station area will be redeveloped in a future phase.
- h. The Applicant will place signage at the Woodlane Road exit that truck traffic must exit toward Route 130 and away from Spring Lane and the residential neighborhood.

EDGEWATER URBAN RENEWAL – NO. P-10-2020

- i. The Applicant will work with the Board Engineer and Board Planner to provide alternate plantings that will thrive in non-irrigated areas.
- j. Parking lot cart corrals are not provided in Phase I.
- k. The Applicant is willing to install bike racks and will work with the Board Engineer and Planner as to the location for same within the site.
- l. The existing stormwater management basin will be cleared of vegetation and its walls repaired.
- m. The Phase I improvements will result in the impervious coverage of the site being reduced by 2,848 square feet, from 88% to 86.4% and upon completion of the Phase II and Phase III improvements, the impervious coverage of the Property will not exceed 85%.

11. Mr. Rosenberg provided the following sworn testimony during the November 19, 2020 Public Hearing:

- a. He is the Applicant's Managing Member.
- b. The Applicant is willing to work with the Township to accommodate the Township's use of the drainage basin behind the building as may be necessary provided that the Township's as needed usage of the basin does not impact the stormwater management for the site.
- c. Big Lots recently expanded its square footage in the large retail building.
- d. The Applicant will work with the Board Engineer and Planner to address their review letter comments.
- e. The proposed freestanding signs comply with the Redevelopment Plan for the Property.

12. The Board Engineer and Board Planner reviewed the November 18, 2020 Review Letter of Environmental Resolutions, Inc. and informed the Board that (i) the Applicant has addressed most of their review comments; (ii) the buildings are remaining as is, not increasing in size; (iii) a traffic study is not required as the Applicant is revitalizing an existing, underutilized site, not developing new; (iv) the Township utilized the site's drainage basin in the past when necessary and (v) the Redevelopment Plan permits the Board to grant design standard waivers for deviations from requirements of the Redevelopment Plan and the underlying Zoning Ordinance. The Board Engineer also recommended that the vegetation clearing in the basin be

EDGEWATER URBAN RENEWAL – NO. P-10-2020

limited so that a buffer to the adjacent residential uses remains and that a pre-construction site meeting take place in order to delineate the grading changes required for the proposed improvements and to identify the areas of the parking lot that will undergo either full reconstruction, milling and overlay or seal coating.

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

1. This application complies with the requirements of the ordinance for a Minor Site Plan.

2. The site plan and other submission items substantially comply with the requirements of the Redevelopment Plan for the Property.

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Edgewater Park, on the 19th day of November, 2020, that this Board hereby grants to the Applicant the following:

1. Design standard waiver to permit 47 parking spaces to be located 1.7 feet from the southerly property line and within a landscape buffer area; and

2. Minor Site Plan Approval for the Phase I Redevelopment of the Property as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with Minor Site Plan Approval subject to the following conditions:

a. Proof that the Applicant has applied for the necessary approval(s), as may be required, from all other agencies, including Burlington County Planning Board, Burlington County Soil Conservation District, New Jersey Department of Transportation and New Jersey Department of Environmental Protection, having jurisdiction over the Applicant's use of the Property shall be filed with the Township's Land Use Coordinator.

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

c. Subject to the testimony of the Applicant and its witnesses and representatives at the November 19, 2020 Public Hearing.

EDGEWATER URBAN RENEWAL – NO. P-10-2020

d. Subject to the November 18, 2020 Review Letter of Environmental Resolutions, Inc., by the Board Engineer, Rakesh R. Darji, PE, PP, CME, CFM, and the Board Planner, Edward Fox, AICP, PP, except as may be modified herein.

e. Subject to the submission of revised plans complying with this Resolution, as 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 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 Applicant working with the Board Engineer and Board Planner to address all outstanding review comments and conditions of this Approval, including, but not limited to a light study confirming the adequacy of the site's lighting post-fixtured replacement; identifying alternate plantings for the non-irrigated landscape areas of the site and the location of bike racks.

j. Subject to the Applicant working with the Township of Edgewater Park for Township's use of the drainage basin as may be necessary to alleviate stormwater issues in that area of the Township, provided the Township's as needed use of the basin does not impact the Property.

k. Subject to the vegetation clearing required for the basin being limited so that a buffer to the neighboring residential properties remains.

l. Subject to the Applicant having a pre-construction site meeting with the Board Engineer to delineate the grading changes required for the proposed improvements and to improve stormwater drainage and to identify those areas of the parking lot that require full reconstruction, require milling and overlay or require seal coat only.

EDGEWATER URBAN RENEWAL – NO. P-10-2020

m. Subject to the Applicant's continued compliance with the obligations and responsibilities of its Redevelopment Agreement and with the Redevelopment Plan for the Property.

n. 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.

o. Subject to the Applicant making its affordable housing development fee payment as may be required by Township Ordinance and New Jersey State Law for the redevelopment of the Property.

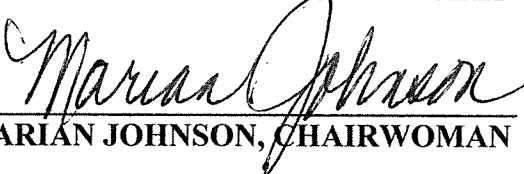
ROLL CALL VOTE

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 November 19, 2020.

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


MARIAN JOHNSON, CHAIRWOMAN

Attested:


NICOLE CARTER, SECRETARY

Dated: 2/17/2021
Date of Approval: 11/19/2020
Date of Memorialization: 12/17/2020

PLANNING BOARD OF THE TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. P-11-2020

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

WHEREAS, McDonald's USA, LLC (the "Applicant"), has applied to the Planning Board of the Township of Edgewater Park (the "Board" or "Planning Board") for Variance, Minor Subdivision and Preliminary and Final Major Site Plan Approval for property located at 4295 and 4299 US Route 130 South, known as Block 502, Lots 13.02 and 13.03 (the "Property") on the Official Tax Map of the Township of Edgewater Park, for the purpose of constructing a McDonald's fast food restaurant on newly configured Lot 13.03, together with associated site improvements on Lot 13.03, and adjusting the common lot line of the individual lots; and

WHEREAS, a variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* is required as the proposed fast food restaurant with drive-thru use is not permitted in the Commercial Light Industrial (C-LI-5) Zoning District of the Township of Edgewater Park¹; and

WHEREAS, variances pursuant to *N.J.S.A. 40:55D-70(c)* are also required as the proposed development of the Property does not satisfy the lot area, lot frontage, lot depth, lot width, side yard setback, landscape buffer, impervious coverage, accessory structure setback, parking and signage requirements of the Edgewater Park Zoning Ordinance; and

WHEREAS, the Application for Variances, Subdivision and Preliminary and Final Major Site Plan Approvals was deemed complete by the Board on December 17, 2020; and

WHEREAS, a Public Hearing to consider the application was held by the Planning Board on December 17, 2020², 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

¹ To the extent necessary, a (d)(2) variance is required as the reduction in the lot area for Lot 13.02 is an expansion of the existing non-conforming McDonalds use.

² The December 17, 2020 Public Hearing was conducted with in-person and virtual participation in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., as amended by A-3850 to permit electronic meetings, and in consideration of the Executive Orders issued by Governor Murphy and Guidelines issued by the Department of Community Affairs, to protect the public during the COVID-19 emergency. The hybrid meeting progressed with the consent of the Applicant.

McDONALDS - NO. P-11-2020

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 December 17, 2020 Public Hearing:

- A-1 Aerial photograph of existing conditions;
- A-2 Subdivision Plan;
- A-3 Demolition Plan, dated 12/15/20;
- A-4 Site Plan, dated 07/23/20;
- A-5 Site Plan, Revision 2, dated 10/20;
- A-6 Sign Plan, Revision 2, dated 10/15/20;
- A-7 Color Rendering of Intersection Sign;
- A-8 Architectural Elevations;
- A-9 List of required Variances, revised 12/17/20;
- A-10 Debranding Narrative Letter, dated 12/7/20

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

1. The Applicant is the developer of the Property. Existing Lot 13.02 is approximately 57,515 square feet in area and is improved with a 4,975 square foot McDonalds fast food restaurant with drive-thru, together with other site improvements. Existing Lot 13.03 is approximately 22,694 square feet in area and is vacant. A Shell Gasoline station previously occupied existing Lot 13.03. The Property is located within the Township's Commercial Light Industrial Zoning District (C-LI-5).

2. The Applicant is proposing to adjust the lot line for the two lots, to construct a new 4,310 square foot McDonalds with drive-thru and related site improvements on new Lot 13.03 and to market the existing McDonalds building for commercial use for 18 months.

3. Fast food restaurants with drive-thru are not permitted in the Commercial Light Industrial Zoning District.

McDONALDS - NO. P-11-2020

4. A Land Development Application has been submitted by the Applicant for Minor Subdivision Approval, Variances pursuant to *N.J.S.A.* 40:55D-70(c) and (d) and Preliminary and Final Major Site Plan approval. The Applicant is also requesting submission waivers for plan scale, identification of all structures within 200 feet, trees to be saved and combined preliminary and final major site plan approval. The Applicant has submitted the following in support of its Application:

- a. Land Development Application with Checklists for Completeness, Subdivision and Site Plan.
- b. Preliminary and Final Major Site Plans, prepared by Bohler Engineering (“Bohler”), dated 05/29/20, revised 07/23/20 (20 sheets).
- c. Summary of waivers and variances prepared by Bohler.
- d. Variance justification report, prepared by Keith A. Davis, Esquire.
- e. ALTA/NSPS Land Title Survey, prepared by Blue Marsh Associates, Inc. dated 04/12/18, revised 02/19/19 (2 sheets).
- f. Architectural Plans, prepared by URS Architects/Engineers, Inc., dated 06/16/20 (Seating Plan and Elevations).
- g. Phase I Environmental Site Assessment, prepared by Whitestone Associates, Inc. (“Whitestone”), dated 02/14/20.
- h. Limited Phase II Site Investigation, prepared by Whitestone, dated 02/14/20.
- i. Geotechnical Investigation Report, prepared by Whitestone, dated 02/14/20.
- j. Phase I Environmental Site Assessment Conclusions and Recommendations, prepared by Whitestone, dated 02/14/20.
- k. Signing and Striping, prepared by Atlantic Traffic and Design (“Atlantic”), dated 04/10/20 (1 sheet).
- l. Traffic Control Notes, prepared by Atlantic, dated 04/10/20 (2 sheets).
- m. Traffic Impact Statement, prepared by Atlantic, dated 07/15/20.
- n. General Project Description and Stormwater Management Calculations, prepared by Bohler, dated 05/29/20.
- o. Foot candle Plot, prepared by Security Lighting, dated 04/04/20.

McDONALDS - NO. P-11-2020

5. The taxes on the Property are current or exempt.
6. The Applicant has paid and/or posted all required fees and agreed to keep the escrow account current.
7. Proper notice of the application for Variances, Subdivision and Preliminary and Final Major Site Approvals has been given, based upon the certified list from the Office of the Edgewater Park Tax Assessor.
8. The Applicant is proposing the following development of the Property:
 - a. The consolidation and re-subdivision of Lots 13.02 and 13.03, resulting in the squaring-off of both lots and an increase in area of Lot 13.03.
 - b. Construction of a 4,310 square foot McDonalds fast food restaurant with drive-thru and site improvements for identification signage, accessory parking, lighting, landscaping, stormwater management and utilities on newly configured Lot 13.03.
 - c. Development and/or ultimate demolition of the existing McDonalds building located on newly configured Lot 13.02.
 - d. Additional landscaping on newly configured Lot 13.02.
 - e. Access driveway improvements.
9. The following variances are required for the development of newly configured Lot 13.02:
 - a. To the extent required, a (d)(2) variance for the expansion of the existing non-conforming McDonalds fast food restaurant with drive-thru caused by the lot line adjustment decreasing the lot area.
 - b. Lot Area – 5 acres required, 0.864 acres proposed.
 - c. Lot Frontage – 300 feet required along Route 130, 149.8 feet proposed.
 - d. Lot Depth – 500 feet required, 250 feet proposed.
 - e. Lot Width – 300 feet required, 149.8 feet proposed.
 - f. Side Yard Building Setback – 50 feet required, 37.4 feet proposed.
 - g. Impervious Coverage – 65% maximum permitted, 88.5% proposed.
 - h. Landscape Buffer – 15 feet required in rear and side yard setbacks, 0.0 feet proposed for rear yard and 8.0 feet proposed for side yard..

McDONALDS - NO. P-11-2020

10. The following variances are required for the development of the McDonalds fast food restaurant with drive-thru on newly configured Lot 13.03:

- a. A (d)(1) variance for the proposed McDonald's fast foot restaurant, a non-permitted use.
- b. Lot Area – 5 acres required, 0.978 acres proposed.
- c. Lot Frontage – 300 feet required, 137.2 feet proposed for Route 130 and 232.4 feet proposed for Cooper Street.
- d. Lot Depth – 500 feet required, 250 feet proposed.
- e. Lot Width – 300 feet required, 162.2 feet proposed for Route 130 and 252.5 feet proposed for Cooper Street.
- f. Side yard setback – 50 feet required, 46 feet proposed.
- g. Impervious coverage – 65% maximum permitted, 81.3% proposed.
- h. Side Yard Setback for Accessory Structure – 25 feet required, 1.5 feet proposed for refuse structure.
- i. Accessory Structure Location – prohibited in buffer areas, refuse structure within buffer area proposed.
- j. Parking – prohibited within landscape buffer areas, parking proposed along the Southern, Western and Eastern property lines.
- k. Landscape buffer – 20 feet required in front yard and 15 feet in the rear and side yards, 12.5 feet for Route 130 front yard, 5.0 feet for Cooper Street front yard, 3.4 feet for rear yard and 0.80 feet for side yard proposed.

11. The following variances are required for the sign package for the proposed McDonalds restaurant:

- a. Digital Copy – Prohibited along Cooper Street, LED changing content proposed for pre-browse (2), menu board (2) and monument signs(2).
- b. Number of Business Signs – Three (3) permitted, two (2) monument and six (6) façade signs proposed.
- c. Façade sign area – 40 square feet per façade permitted, 46.8 square feet proposed for both the Route 130 and Cooper Street facades.
- d. Route 130 Monument sign height – 8 foot maximum, 8.5 feet proposed.

McDONALDS - NO. P-11-2020

- f. Route 130 Monument Sign setback – 15 feet from curbline required, 9.3 feet proposed.
- g. Building sign height – 2 foot maximum permitted, 3'6" proposed for three (3) "M" logo signs.
- h. Directional sign area – 4 square foot maximum permitted, 5.75 square feet proposed for three (3) directional signs.
- i. Monument Signs – 1 permitted, 2 proposed.

12. The Application and supporting documents submitted by the Applicant as well as the Exhibits utilized by the Applicant during the December 17, 2020 Public Hearing were posted on the Township's website and available for inspection. By-appointment only inspections were also available to any interested person.

13. The Applicant was represented at the December 17, 2020 Public Hearing by Keith A. Davis, Esquire of Nehmad, Davis and Goldstein, PC. Michael Jeitner, PE, and James Miller, PP, testified on behalf of the Applicant³.

14. Mr. Davis made the following representations to the Board during the December 17, 2020 Public Hearing:

- a. The Applicant consents to the Public Hearing with remote and limited in-person participation.
- b. The existing McDonalds will continue to operate during the development of Lot 13.03.
- c. The Applicant would prefer to maintain the existing McDonalds building for a period of 18 months from the issuance of a Certificate of Occupancy for the new McDonalds in order to market same for another commercial use, subject to site plan approval.
- d. If the Applicant is not successful in marketing the former McDonalds building during the 18-month time period, the building will be demolished and the foundation removed.

³ Based on their education, professional licenses and experience, Mr. Jeitner and Mr. Miller were qualified by the Board to testify as an expert in their respective areas of site engineering and land planning.

McDONALDS - NO. P-11-2020

- e. The Applicant will post a performance bond to secure the demolition of the former McDonalds building if the Applicant fails to remove same after expiration of the 18-month period.
- f. The Applicant will buffer the former McDonalds building with landscaping along the front and access drive side during the 18-month period.

15. Mr. Jeitner provided the following sworn testimony during the December 17, 2020 Public Hearing:

- a. He is a professional engineer licensed in the States of New Jersey and Delaware and the Commonwealth of Pennsylvania.
- b. He is the Applicant's design engineer for the proposed development of the Property.
- c. Using Exhibit A-1, he orients the Board with the existing conditions of the Property, the proposed improvements and the surrounding properties.
- d. Existing Lot 13.02 is an "L" shaped lot that wraps around Lot 13.03.
- e. The lot line adjustment will square off the lots and increase the lot area for Lot 13.03 by 19,893 square feet, with an equal reduction of Lot 13.02's lot area.
- f. Reconfigured Lot 13.02 will be 37,622 square feet (0.864 acres) and reconfigured Lot 13.03 will be 42,587 square feet (0.978 acres).
- g. There are currently six (6) access points for the Property, 2 on Cooper Street and 4 on Route 130.
- h. The development of the Property will reduce the number of access points from 6 to 2 with a right in/right out Route 130 driveway serving both Lots and a full access Cooper Street driveway.
- i. The Cooper Street access point will align with the existing jughandle.
- j. The new McDonalds, at 4,310 square feet, will be smaller than the existing McDonalds.
- k. The number of parking spaces provided for the new McDonalds complies with the ordinance requirements.

McDONALDS - NO. P-11-2020

- l. The new McDonalds will be a state of art building, ADA compliant and will be consistent in appearance with the newer style McDonalds.
- m. The new building will be modern but neutral in appearance with a flat roof and parapet wall to screen the roof-top equipment.
- n. A major upgrade of the drive-thru is included for the new McDonalds with side-by-side drive-thru lanes, each with their own menu boards for ordering, that merge into one lane with separate windows for paying and pick-up. An area is also included for special or longer pick-up times so that a back-up of the drive-thru lanes is minimized.
- o. The on-site traffic pattern will require vehicles entering the site from Cooper Street to circulate around the new McDonalds to access the drive-thru lanes.
- p. The access drive from Route 130 has been shifted to new Lot 13.03 with an easement to be provided for the benefit of Lot 13.02.
- q. Collectively, the plans currently show a 3,000 square foot reduction in the impervious coverage of Lots 13.02 and 13.03.
- r. The impervious coverage will be further reduced when landscaping is added around the existing McDonalds building if the Applicant's 18-month proposal is accepted.
- s. The landscaping proposed for the new McDonalds site will include plantings and street trees along Cooper Street, low-lying shrubs and trees along Route 130 and landscaped islands.
- t. The lighting for the new McDonalds will be all new LED fixtures with no spillage.
- u. Stormwater management will comply with NJDEP requirements.
- v. The Applicant is working with NJDOT to address water quality and a reduction in the stormwater leaving the site.
- w. The new McDonalds will operate 24/7.
- x. A designated loading area is not required for the new McDonalds. Separate doors for freezer loading and dry storage are located toward the

McDONALDS - NO. P-11-2020

rear of the non-drive thru side of the building. This site will normally receive 3 deliveries per week.

- y. McDonalds now owns its own distribution company with a palletized delivery system. Delivery trucks will be on site for 10 to 15 minutes to drop new pallets and pick-up old pallets. The delivery trucks do not wait while the new pallets are broken down. This delivery system avoids the need for a designated loading area.
- z. The trash enclosure has been positioned on site so as not to obstruct the traffic circulation.
- aa. The trash enclosure will include two (2) dumpsters and an area for recycling.
- bb. Front end loaders will access the trash enclosure area from the Cooper Street access drive.
- cc. Design waivers are required to permit parking spaces to measure 9 x 18 and 8 x 18.6 and to permit no designated loading area.
- dd. The impervious coverage for Lot 13.02 will be reduced from approximately 90% to 88.5% and will be further reduced with new landscaping that will screen the existing building.
- ee. Security lighting for Lot 13.02 will be maintained in concert with the new building.
- ff. There will be more signs for the new McDonalds site but the aggregate sign area will be reduced.
- gg. The existing main McDonalds sign will be removed.
- hh. A freestanding sign is proposed for Route 130 with a monument sign at the intersection of Route 130 and Cooper Street and a monument sign at the Cooper Street access drive.
- ii. The Cooper Street and intersection signs will each have a stagnant portion with the "M" logo and a digital, changing content portion. The intersection sign will also include "Welcome to Edgewater Park" and a curved knee wall.

McDONALDS - NO. P-11-2020

- jj. With the addition of Welcome to Edgewater Park, the intersection sign will be 8'6" in height, slightly higher than the 8 foot permitted; the height of the Cooper Street sign complies with the Ordinance.
- kk. The digital portions of the Cooper Street and intersection monument signs are 25 square feet each.
- ll. In addition to the monument signs, there will be six (6) building mounted façade signs.
- mm. The aggregate sign area for the freestanding sign, the monument signs and the mounted signs for the new McDonalds is less than the aggregate sign area for the existing McDonalds.
- nn. The total square footage of the mounted signs for the new building is 140 square feet with 40 square feet permitted.
- oo. Changeable copy LED pre-menu and menu boards are located in the drive-thru lanes.
- pp. The Demolition Plan provides for the demolition of the rear seating/play area located on the existing McDonalds site with the macadam removed and the ground seeded; all signage associated with the "Old" McDonalds will be removed as part of the debranding of that building.
- qq. The Demolition Plan also provides for the demolition of the existing McDonalds building and foundation removal within 18 months of the issuances of a CO for the new McDonalds.
- rr. 18-20 parking spaces will remain on the existing McDonalds site with space for additional parking spaces available in the future. Site plan approval would be required for the use of the existing building if the Applicant's marketing of Lot 13.02 is successful.
- ss. The development of the Property includes the debranding of the existing McDonalds building, and will require an easement for the Route 130 driveway and an easement for the adjacent car wash to cross Lot 13.03.
- tt. The proposed development of the Property will require NJDOT, County Planning Board and County Soil Conservation District Approvals.

McDONALDS - NO. P-11-2020

16. Mr. Miller provided the following sworn testimony during the December 17, 2020 Public Hearing:

- a. He is a professional planner licensed in the State of New Jersey.
- b. He prepared for his testimony by reviewing the Township's Master Plan, zoning ordinance, redevelopment plan and visiting the site.
- c. The Property is located at the West corner of 130 and Cooper Street and is a combined 1.841 acres in area.
- d. The site is zoned C-LI-5 which permits retail, service and light industrial uses, but does not permit fast food restaurants.
- e. Lot 13.03 faces south and is surrounded by a warehouse distribution complex for Burlington Coat to the North, a cemetery and A & H Auto Body to the East, a Walgreens Pharmacy in Willingboro Township to the South and the previously refenced car wash to the west.
- f. The approvals sought by the Applicant include site plan approval, subdivision approval, use variance to allow the proposed McDonalds use on Lot 13.03, and bulk and sign variances.
- g. To address the positive criteria for the granting of a use variance, special reasons justify the use variance as the relief sought advances purposes of the Municipal Land Use Law of the State of New Jersey.
- h. Purposes of the MLUL advanced by the Application include: (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; (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 (i) to provide a desirable visual environment through creative development techniques and good civic design and arrangement.
- i. To justify the use variance, the Applicant must demonstrate that the site is "particularly suited" for the proposed McDonalds use. The McDonalds

McDONALDS - NO. P-11-2020

use is established at this location and the requested relief will allow the use to be reconstructed and improved. The current restaurant has an obsolete layout with parking and circulation not meeting current needs and the shift away from eat-in dining to drive-thru service. The drive-thru lane circles an obsolete play area, a play area that is no longer viable and one that should not be surrounded by access drives. Further, the site needs to be upgraded to meet current ADA requirements.

- j. The new layout will replace these “dated” conditions with improvements that comply with the ADA, provides safe appropriate circulation, increases the capacity and efficiency of the drive-thru by adding a second lane and better spacing between ordering and pick-up, provides more controlled and better design access to Rt. 130 and Cooper Street and offers more convenient and accessible parking.
- k. The subdivision or lot line adjustment associated with the rebuild creates a more contemporary lot pattern and corrects some of the existing deficiencies of the current undersized and shallow corner lot arrangement.
- l. The rebuilding of this McDonalds will result in significant upgrades to the site’s appearance as the new building will be more attractive and modern in its appearance, the sign package will be upgraded and the improvements represent an aesthetic enhancement for the area.
- m. The location remains appropriate for the use due to the established land use patterns. The site is bordered by a 650,000 sf warehouse and a car wash. Other uses in the immediate vicinity are highway commercial uses such as a pharmacy and a body shop. These existing uses are fully compatible with the McDonalds and may even benefit from the service provided by McDonalds.
- n. The proposed plans will contribute to ongoing efforts to redevelop the Route 130 commercial corridor. The site will be redeveloped and modernized; these improvements will contribute to the overall stability and vitality of this segment of the highway corridor.

McDONALDS - NO. P-11-2020

- o. The continued use of the existing McDonalds building is consistent with Section 68 of the MLUL which entitles the owner of a pre-existing structure to continue its use including the restoration and repair of the structure. The applicant seeks to reuse this structure in accordance with Section 68. The Applicant will remove obsolete items and provide landscaping to upgrade the site. These are all measures permitted by the MLUL.
- p. The requested relief will also allow for the adaptive reuse of the site, an action that will support the district.
- q. To address the negative criteria, the use will not result in a substantial detriment to the public good and will not substantially impair the intent of the zone plan and zoning ordinance.
- r. The use is existing, established and compatible with a highway commercial district. It has no potential to adversely impact the neighboring uses which are either industrial or auto service uses and have no potential to be adversely impacted by the reconstruction of an existing fast food restaurant.
- s. There is no impairment of the intent and purpose of the zone plan and zoning ordinance as the granting of this use variance can be reconciled with the failure to include this use in the C-LI-5 District and the relief requested will not substantially impair the intent or purpose of the zone plan and zoning ordinance for the following reasons: the use is existing and the relief will allow it to be redesigned and modernized. The impact of the use is similar too current conditions and is lessened by the proposed improvements. The use is similar in its character, scale and impact to uses expressly permitted by the zone such as retail sales and service uses.
- t. The use complements the other uses in the area by providing a complementary service that can be utilized by the employees and customers of these uses.
- u. A dated structure will be replaced with a modern building.

McDONALDS - NO. P-11-2020

- v. The lot line adjustment will realign the lots in a way that will make them more conforming and capable of contributing to the long term vitality and stability of the district.
- w. The bulk variances result from existing conditions and the lot line adjustment provides a better zoning alternative in that the benefits of the relief sought substantially outweigh any detrimental impacts.
- x. These benefits include the elimination of the existing lot geometry where an “L” shaped lot wraps around an undersized corner lot with insufficient depth, conditions that compromise the utility of these lots and hampers circulation and site layout. Access to the corner lot is moved further away from the intersection, improving traffic safety. It allows the proposed use and any future use of Lot 13.02 to be integrated with shared access drives.
- y. Any detriment from this relief will be minor and offset by the benefits: the plan maximizes the depth of both lots and the shared circulation system offsets the nonconforming lot areas. The plan also responds to the existing site constraints, the tract is bordered by an existing car wash on an undersized lot that cannot dedicate space to this tract without adding to its own nonconformity.
- z. As it relates to the variances required for the trash enclosure location, the benefits of this relief include separating the trash enclosure from active areas of the site and locating the enclosure in an appropriate location that allows for convenient, safe and efficient use.
- aa. There is little detriment resulting from the trash enclosure’s location as the setback is to an adjoining parking lot area and falls within the center of the tract.
- bb. The benefits of no designated loading area include a more appropriate and efficient parking and circulation system as a loading area would occupy areas that are better suited for parking and it would interfere with the traffic flow for the drive-thru service. No loading area responds to contemporary operational practices with deliveries occurring at off-peak

McDONALDS - NO. P-11-2020

hours utilizing a pallet system; there is simply no need for a designated loading area for the use.

- cc. There is no detriment resulting from the lack of a loading area. The site has operated without a loading area in the past and there is no discernible negative impact from this condition.
- dd. Locating parking within the required landscape buffer areas addresses site constraints created by the limited depth and size of the lots, allows for more efficient use of the site and provides sufficient parking and safe circulation.
- ee. Detriments associated with parking within the landscape buffer areas are minor. There is no need to provide buffers along the side yards of commercial lots with integrated access and circulation systems. The buffer to the car wash is an existing condition and it creates no discernible harm. No buffer is required to the north as the existing landscaping area on the warehouse lot has a depth of approximately 200'.
- ff. The benefits of digital signs include the use of LED technology that allows signs to be smaller and the ability to remotely change the copy to display menu text appropriate to breakfast, lunch and dinner times.
- gg. The impact of digital signs is minor as the proposed digital signs have no significant off-site impact due to their location and size.
- hh. As for the remainder of the sign variances, benefits include a total area for the proposed signs significantly smaller than the total area of the existing McDonalds signs, appropriate identification of a building that can be approached from two roads and from an adjoining site, that the signs on the rear and pick up window side of the structure are relatively small and impact the immediate area only, the use of logos and a publicly recognizable letter "M" provides quicker recognition with a smaller overall sign area, the highway sign and monument signs identify the use and the monument signs aid in wayfinding by identifying the Cooper Street driveway.
- ii. The proposed signage is appropriate to identify the new McDonalds use.

McDONALDS - NO. P-11-2020

jj. The relief requested can be granted as the collective benefits substantially outweigh any detriments.

17. The December 17, 2020 Hearing was opened to the public without comment.

18. The Board Engineer and Planner reviewed their review letter with the Board and the Applicant's agents and representatives testified that the Applicant will comply with all review comments. The Board Engineer stated that the Applicant's testimony and revised plans addressed most of the comments contained in their review letter. There was no objection offered to the submission and 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 Variances, Subdivision and Preliminary and Final Major Site Plan Approvals.

2. This application relates to a specific piece of property and the purposes of the zoning laws of the State of New Jersey and of the zoning ordinance of the Township of Edgewater Park would be advanced by the deviation from the zoning ordinance requirements pertaining to use, lot area, lot frontage, lot depth, lot width, side yard setback, landscape buffer, impervious coverage, accessory structure setback, parking and signage, as specified herein, as requested by the Applicant.

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

4. Relief as requested by the Applicant 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. An impervious coverage variance is not required for Lot 13.02 as the development of the Property will reduce the impervious coverage of this Lot

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Edgewater Park, on the 17th day of December, 2020 that this Board hereby grants to the Applicant the following:

McDONALDS - NO. P-11-2020

1. Submission waivers pertaining to plan scale, structures on adjacent properties, tree saving plan and combined preliminary and final major site plan approvals.
2. Design waivers to permit (a) parking spaces to measure 9 feet by 18 feet and 8 feet by 18.6 feet and (b) no designated loading area.
3. Minor Subdivision Approval for the adjustment of the Lot 13.02/Lot 13.03 lot line to increase Lot 13.03 by 19,893 square feet.
4. A variance pursuant to *N.J.S.A. 40:55D-70(d)(1)* to permit the construction of a McDonalds fast food restaurant with drive-thru on reconfigured Lot 13.03.
5. A variance pursuant to *N.J.S.A. 40:55D-70(d)(2)* to permit the existing non-conforming McDonalds use to continue to operate on reduced size Lot 13.02 while Lot 13.03 is being developed and for 18 months after the issuance of a CO for the new McDonalds.
6. Variances pursuant to *N.J.S.A. 40:55D-70(c)* for Lot 13.02 to permit:
 - a. a Lot Area of 0.864 acres;
 - b. a Lot Frontage on Route 130 of 149.8 feet;
 - c. a Lot Depth of 250 feet;
 - d. a Lot Width of 149.8 feet;
 - e. a Side Yard Building Setback of 37.4 feet;
 - f. no rear yard landscape buffer and an 8.0 foot side yard landscape buffer.
7. Variances pursuant to *N.J.S.A. 40:55D-70(c)* for Lot 13.03 to permit:
 - a. a Lot Area of 0.978 acres;
 - b. Lot Frontages of 137.2 feet on Route 130 and 232.4 feet on Cooper Street;
 - c. a Lot Depth of 250 feet;
 - d. a Lot Width of 162.2 feet for Route 130 and 252.5 feet for Cooper Street;
 - e. a Side Yard Setback of 46 feet;
 - f. an Impervious Coverage of 81.3%;
 - g. the trash enclosure to be located within a required buffer area with a 1.5 foot side yard setback;
 - h. Parking to be located within the required landscape buffer areas along the southern, western and eastern property lines; and
 - i. Landscape buffers of 12.5 feet for Route 130, 5.0 feet for Cooper Street, 3.6 feet for the rear yard and 0.80 feet for the side yard. areas.

McDONALDS - NO. P-11-2020

8. Variances pursuant to *N.J.S.A. 40:55D-70(c)* for the sign package for the new McDonalds that includes:

- a. Digital Copy for the pre-browse, menu board and monument signs;
- b. Two (2) monument and six (6) façade signs;
- c. An aggregate sign area for the six (6) façade signs to be 140 square feet, 46.8 square feet total sign area per façade;
- d. The Route 130/Cooper Street intersection Monument sign to be 8.5 feet in height with a less than required setback for the Welcome to Edgewater Park and curved knee wall portion of the sign;
- e. Three (3) “M” logo buildings signs 3’6” in height; and
- f. Three (3) directional signs 5.75 square feet in area.

9. Preliminary and Final Major Site Plan Approval for the development of Lot 13.03 with a 4,310 square foot McDonalds with drive-thru and related site improvements for parking, lighting, landscaping, stormwater management, driveway access and utilities; the continued business operations of the existing McDonalds on Lot 13.02 during the period of construction of the new McDonalds; the demolition of the existing McDonalds if site plan approval is not granted for a commercial use within 18 months of the issuance of a CO for the new McDonalds; the demolition of the old seating/play area, removal of macadam and seeding of the newly cleared area on Lot 13.02; and the screening of the existing McDonalds building with additional landscaping when business operations are moved to the new McDonalds, as proposed by the Applicant, in accordance with the Plans, Testimony and Exhibits submitted by the Applicant, with Waivers, Variance, Subdivision, and Site Plan approvals subject to the following conditions:

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

McDONALDS - NO. P-11-2020

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 and representatives at the December 17, 2020 Public Hearing, whether formalized in this Resolution or not.

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

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

g. Subject to the Applicant also posting a performance guarantee, prior to the issuance of a CO for the new McDonalds, for the demolition of the existing McDonalds building located on reconfigured Lot 13.02. The performance guarantee shall provide the Township of Edgewater Park the ability to utilize the guarantee to demolish the existing McDonalds building and remove its foundation, if the Applicant fails to demolish the existing McDonalds building in accordance with this Approval.

h. Subject to the Applicant, if a performance guarantee has been posted in accordance with Condition (g), demolishing the existing McDonalds building and removing its foundation within 18 months of the issuance of a CO for the new McDonalds and a site plan approval has not been granted by the Board for the commercial use of Lot 13.02.

i. Except as otherwise provided for in Conditions (g) and (h), the Applicant shall initiate the demolition of the existing McDonalds building and remove its foundation if the Applicant fails to post a performance guarantee in accordance with Condition (g) of this Resolution or if a posted performance guarantee is revoked or lapses. Exhibit A-3 shall govern the demolition if the existing McDonalds building is to be demolished.

i. Subject to the Applicant debranding the existing McDonalds site on reconfigured Lot 13.02 in accordance with Exhibit A-10.

k. 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.

McDONALDS - NO. P-11-2020

l. 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.

m. 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.

n. Subject to the review comments of the Board Engineer and Board Planner as contained in the October 12, 2020 Review Letter of Environmental Resolutions, Inc., by Rakesh R. Darji, PE, PP, CME and Edward Fox, AICP, PP.

o. Subject to all easements required for the development of the Property as approved being delineated and shown on the Final Plans. Required easements include an easement for the Route 130 access drive and for access to the adjacent car wash across reconfigured Lot 13.03. All easement documents shall be prepared and submitted for the review and approval of the Board Solicitor and Board Engineer prior to recording with the County of Burlington.

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

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

r. Subject to the approval of the Board Planner of the landscaping plan for the screening of the existing McDonalds building with the Applicant posting the required guarantees

McDONALDS - NO. P-11-2020

and fees for this landscaping. Landscaping shall commence with the debranding of the existing site.

s. 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

Variances pursuant to N.J.S.A. 40:55D-70(d)

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

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

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

Preliminary and Final Major Site Plan Approval

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 December 17, 2020.

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



MARIAN JOHNSON, CHAIRWOMAN

Attested:



NICOLE CARTER, SECRETARY

Dated: 2/12/2021
Date of Approval: 12/17/2020
Date of Memorialization: 1/21/2021