

**RESOLUTION NO. 2020-  
PILESGROVE TOWNSHIP PLANNING BOARD  
RESOLUTION MEMORIALIZING THE GRANT  
OF A BULK VARIANCE  
SUBJECT TO CERTAIN CONDITIONS, TO  
APPLICATION NO. 2020-003  
DANIEL TIMMERMAN  
(BLOCK 13, LOT 17.04)**

**Approved: May 20, 2020  
Memorialized: June 15, 2020**

**WHEREAS**, an Application was filed by Daniel Timmerman (Applicant), whose mailing address is 1062 Route 45, New Jersey 08098, for a bulk variance for the installation of a 15ft x 30ft above ground pool with a 25ft x 40ft deck at property known as Block 13, Lot 17.04 on the Pilesgrove Township Tax Map and more commonly known as 1062 Route 45 (Property) being located within the AR Agricultural Retention Zoning District. The improvements being depicted as hand drawn by the Applicant on a copy of a survey entitled: *Survey of Lands for Daniel & Lori Timmerman* prepared by Datz Engineering & Land Surveying, whose mailing address is 109 Woodland Avenue, Mullica Hill, New Jersey 08062 dated July 9, 2015 and signed by Stephen Datz, Professional Land Surveyor, License #38942 being constituted of one (1) sheets; and,

**WHEREAS**, James H. McKelvie, P.E., CME, the Pilesgrove Township Planning Board engineer (Board Engineer), having reviewed the Application and rendered a completeness review letter thereon dated March 17, 2020 (Completeness Engineer's Letter); and,

**WHEREAS**, the Application was deemed complete by the Board on May 20, 2020 at the regular scheduled meeting of the Pilesgrove Township Planning Board; and

**WHEREAS**, notice to the public was required in accordance with the Township Ordinance and the Municipal Land Use Law (MLUL); and

**WHEREAS**, there is currently a pandemic caused by the novel virus COVID-19 which has caused the Governor of the State of New Jersey to issue various quarantine executive orders; and

**WHEREAS**, a result of these orders public gatherings is not permitted at the time this meeting was held, as such the Planning Board meeting was required to be conducted virtually.

**WHEREAS**, the Planning Board through the excellent work of the Secretary coordinated a virtual meeting through the program ZOOM; and

**WHEREAS**, the Planning Board issued its own notice to the public prior to the meeting that the meeting would be held virtually with the instructions of how to call into the meeting; and

**WHEREAS**, the Applicant noticed the Application to be heard at the April meeting of the Pilesgrove Township Planning Board. This meeting was canceled as a result of the COVID-19 Executive Orders; and

**WHEREAS**, a notice was put on the door of the Township Building indicating that the Application would be heard at the next scheduled Planning Board meeting; and

**WHEREAS**, once the decision that the meeting would be held virtually the Applicant send a notice to the 200ft property owners within the 10-day requirement and published the notice in the South Jersey Times however the publication in the South Jersey Times was not within the 10-day requirement; and

**WHEREAS**, after review of the Applicant's Notice for the April meeting the Planning Board decided that the April notice met the Notice requirement of the MLUL and Township Ordinance; and

**WHEREAS**, the Board determined that it had jurisdiction to hear the Application and proceeded with a Public Hearing on the Application on the regular meeting of the Pilesgrove Township Planning Board convened on May 20, 2020; and,

**WHEREAS**, the Board heard testimony and representation from Daniel Timmerman, the Applicant; and,

**WHEREAS**, after hearing the above testimony, public comment and representations, the Board made the following findings of fact:

1. The property is in an AR - Agricultural Retention Zoning District as designated on the Township Zoning Map.
2. The Property currently has a single-family residence and pole barn.
3. The Applicant is proposing to construct a 15ft x 30ft above ground swimming pool with a 25ft x 40ft deck.
4. The Applicant is requesting a bulk variance for Loat Coverage, where 9% is allowable by Township Ordinance, 12.28% currently exist and proposed is 14%.
5. As it relates to the variance requested the Applicant testified to the following negative and positive criteria:

Positive: The purpose of the MLUL would be advanced by this deviation from the zoning ordinance and the benefits from this deviation outweigh any detriment to the public good.

Negative: The pool and deck would not be a detriment to the public good and would not substantially impair the intent of the zoning ordinance

6. While, James H. McKelvie, PE, CME, the Planning Board Engineer did not provide a Technical Review Letter, he testified that the Applicant has complied with all requirements and would recommend all waivers requested.

**BE IT THEREFORE RESOLVED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the Pilesgrove Township Planning Board, the Bulk Variance and waivers requested as further depicted on the Plan submitted is granted, and is subject to the following conditions:

1. Payment of any and all required fees which are due or may become due to the Township within seven (7) day notice thereof, including but not limited to, settlement of any outstanding review escrow accounts.

2. Obtaining any and all other approvals for the proposed revisions that may be required by any governmental/regulatory body including, but not limited to, the New Jersey Department of Environmental Protection pursuant to the Freshwater Wetlands Act, the Salem County Planning Board and/or the Salem County Soil Conservation District, New Jersey Department of Transportation, etc. Applicant's engineer shall certify that said approvals have been received.

**BE IT FURTHER RESOLVED**, that in the event the above conditions are not satisfied within two (2) years from the date of the grant of approval, the relief granted herein shall be denied retroactively to said approval date.

**BE IT FINALLY RESOLVED** that the Applicant is hereby placed on notice that:

1. If he or his successors intend or desire to engage in a regulated activity upon the property as defined in N.J.S.A. 13:9B-3; and, if required, a Freshwater Wetlands Permit or exemption therefrom must be obtained.

2. In the event the development requires the disturbance of more than 5,000 square feet of Property, approval of a plan for soil erosion and sediment control may be required from the Salem County Soil Conservation District; and if so, no Certificate of Occupancy will issue until the plan is implemented.

3. Applicant shall comply with all representations made during the course of the hearing and in all filed documents.

4. Applicant shall indemnify and hold the Board harmless from any claim of any kind which may be made as a result of any deficiency in the Application, including any challenges to the notice requirements of the MLUL and Township Ordinance.

5. During construction, Applicant shall correct any condition causing erosion or any other deleterious effect upon the community within three (3) days notice, or any lesser time deemed required, from or by the Township Engineer.

6. Applicant shall be responsible for locating the improvements in accordance with the Ordinance and/or this Resolution. Same may require the retention of a professional land surveyor, engineer, etc. to ensure compliance with the Ordinance. Applicant expressly understands that the Township shall not be responsible for locating the improvements and if same are not in compliance with the Ordinance and/or this Resolution, Applicant shall be obligated to remove said non-conforming improvements and relocate them in accordance with the Zoning Requirements and/or this Resolution.

7. Any additional site improvements or modifications to the approved plan require approval from the Pilesgrove Planning Board.

8. The Applicant shall comply with all MLUL bonding requirements.

**PILESGROVE TOWNSHIP PLANNING BOARD**

**BY:** \_\_\_\_\_

**JEFFREY STRING, Chairperson**

**ATTEST:**

\_\_\_\_\_

**RITA SHADE, Secretary**

ACKNOWLEDGMENT

I, Daniel Timmerman, hereby certify I reviewed the within Resolution, and realize the Board has relied upon my representations as an essential element in granting this approval. I acknowledge I have the absolute right to request the rescission of this approval within 45 days of the adoption of the Resolution, subject to payment of any and all fees associated therewith. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: \_\_\_\_\_

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