

**RESOLUTION NO. 2020-010
PILESGROVE TOWNSHIP PLANNING BOARD
RESOLUTION MEMORIALIZING THE GRANT
OF A BULK VARIANCE
SUBJECT TO CERTAIN CONDITIONS, TO
APPLICATION NO. 2020-009
JARED & MELISSA ANDERSON
(BLOCK 13, LOT 5.02)**

**Approved: July 15, 2020
Memorialized: August 19, 2020**

WHEREAS, an Application was filed by Jared and Melissa Anderson (Applicants), whose mailing address is 208 Point Airy Road, Pilesgrove, New Jersey 08098, for a bulk variance for the installation of a 16'6" x 32'6" inground pool on property known as Block 13, Lot 5.02 on the Pilesgrove Township Tax Map and more commonly known as 208 Point Airy Road (Property) being located within an AR Agricultural Retention Zoning District. The improvement being depicted on a Google Earth image showing location of proposed pool, a cardinal pool diagram prepared by Del/Val Anderson and a Plan of Survey prepared by Land Engineering, LLC dated May 10, 2004; 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 June 15, 2020 (Completeness Engineer's Letter); and,

WHEREAS, the Application was deemed complete by the Board on June 17, 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 and social distancing executive orders; and

WHEREAS, as a result of these orders public gatherings are only permitted where appropriate social distancing can be maintained; and

WHEREAS, the Planning Board in an effort to meet the social distancing guidelines held the public hearing both virtually and in person where both the public and the Applicant had the opportunity to appear virtually 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 both virtually and in person with instructions of how to call into the meeting; and

WHEREAS, the Application was posted on the Pilesgrove Township website for the public who chose to attend the meeting virtually to review the Application with attachments; and

WHEREAS, the Applicant provided notice in accordance with applicable MLUL and Township Ordinance, in which it was indicated the Planning Board meeting would be held virtually, and/or in person, providing all required call-in information for public use; and

WHEREAS, the Board determined that it had jurisdiction to hear the Application and proceed with a public hearing on the Application on the regular meeting of the Pilesgrove Township Planning Board convened on July 15, 2020; and

WHEREAS, the Board heard testimony from Jared and Melissa Anderson, the Applicants; and

WHEREAS, after hearing the above testimony, 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 consists of a single-family residence with a metal pole barn.

3. The Applicant is proposing to construct a 16'6" x 32'6" inground swimming.
4. The Applicant is requesting a bulk variance for Lot Coverage, where 9% is allowable by Township Ordinance, 16% currently exist and proposed is 18%.
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 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 documents 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. Any and all conditions of approval detailed in the completeness engineer's letter, subject to the engineer's approval.

3. 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 Township and MLUL bonding requirements.

PILESGROVE TOWNSHIP PLANNING BOARD

BY: _____

JEFFREY STRING, Chairperson

ATTEST:

RITA SHADE, Secretary

ACKNOWLEDGMENT

I, Jared Anderson and Melissa Anderson, 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 willfully false, I am subject to punishment.

Dated: _____

Dated: _____

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