

**RESOLUTION NO. 2020-011  
PILESGROVE TOWNSHIP PLANNING BOARD  
RESOLUTION MEMORIALIZING THE GRANT  
OF PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL  
WITH BULK VARIANCES  
APPLICATION NO. 2020-007  
RICHARD COHEN  
(BLOCK 28, LOT 2)**

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

**WHEREAS**, an Application was filed by Richard Cohen (Applicant), whose mailing address is 106 South 7<sup>th</sup> Street, Philadelphia, PA 19106, for Preliminary and Final Major Subdivision Approval with a bulk variance for property known as Block 28, Lot 2 on the Pilesgrove Township Tax Map (Property) being located in a AR – 1 Agriculture Retention Zoning District. The subdivision being depicted on a subdivision plan titled MAJOR SUBDIVISION PLAN FOR RICHARD COHEN prepared by Schaeffer Nassar Scheidegg, Consulting Engineers, LLC, by Rami N. Nassar, Professional Engineer, dated March 19, 2018, last revised June 3, 2019, consisting of 5 pages; and

**WHEREAS**, James H. McKelvie, P.E., CME, the Pilesgrove Township Planning Board engineer (Board Engineer), having reviewed the Application rendered a completeness review letter thereon dated February 17, 2020 (Completeness Engineer’s Letter) and a technical review letter thereon dated July, 10 2020 (Technical Review 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**, 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 the Applicant, Richard Cohen and the Applicant's Engineer, Rami N. Nassar, PE; and,

**WHEREAS**, after hearing the above testimony the Board made the following findings of fact:

1. The property is in an AR – 1 Agriculture Retention Zoning District as designated on the Township Zoning Map.
2. The Property is currently cultivated land.
3. The property is approximately 43.9 acres in size.
4. The Applicant is proposing to subdivide the property into 3 lots.
5. As proposed the subdivision includes the remaining mother lot which will be preserved farmland and shall consist of approximately 39.86 acres and the 2 new proposed lots 2.10 and 2.11 both approximately 3 acres in size.
6. The 2 new proposed lots shall be utilized as single-family dwelling lots.
7. All lots shall comply with all bulk standards.
8. All lots shall have their own septic and well systems.

9. There was a lengthy discussion regarding the applicability of Township Ordinance Section 145-17P – Agricultural Buffer.
10. It was determined that the Applicant needed a variance from the Agricultural Buffer requirement for the proposed lots.
11. The applicant is requesting there to be a 75' agricultural buffer where 150' buffer is required.
12. 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

13. The Board next reviewed the Technical Review Letter and Planner Review Letter. The Applicant agreed to comply with all comments and requirements contained in the Letters subject to the Engineer's and Planner's approval.

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

1. The subdivision shall be filed by deeds in the Office of the Clerk of Salem County. The deeds shall be approved by the Board solicitor and shall contain legal descriptions that have been approved by the Board Engineer. The deeds shall be recorded not later than 190 days from the date of the adoption of the within resolution.

2. The subdivision deeds shall include "Right to Farm" language to be reviewed and approved by the Board Solicitor.

3. Applicant shall comply with all comments and requirements detailed on the Board Engineer and Planner review letters.

4. The Applicant shall submit to the Board Engineer an official letter stating that the remaining mother lot cannot be preserved without the completion of the subdivision approval.

5. The Applicant agrees to limit the impervious surface on each lot to less than 1/8 an acre and to limit the total disturbance on each lot to less than 1/2 an acre so as to remain below the applicable thresholds for compliance with the New Jersey Stormwater Management Regulations.

6. 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.

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

3. 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.

**PILESGROVE TOWNSHIP PLANNING BOARD**

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

**JEFFREY STRING, Chairperson**

**ATTEST:**

\_\_\_\_\_

**RITA SHADE, Secretary**

## ACKNOWLEDGMENT

I, Richard Cohen, 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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