

**RESOLUTION NO. 2021-17  
PILESGROVE TOWNSHIP PLANNING BOARD  
RESOLUTION MEMORIALIZING THE GRANT  
OF A BULK VARIANCE  
SUBJECT TO CERTAIN CONDITIONS, TO  
APPLICATION NO. 2021-001  
JOHN ESH  
(BLOCK 79, LOT 16)**

**Approved: January 20, 2021  
Memorialized: March 18, 2021**

**WHEREAS**, an Application was filed by John Esh (Applicant), whose mailing address is 388 Woodstown Daretown Road, Pilesgrove, NJ 08098, for the construction of a single-family dwelling with a bulk variance for rear year set back at property known as Block 79, Lot 16 on the Pilesgrove Township Tax Map and more commonly known as 388 Woodstown Daretown Road (Property) being located within an AR – Agricultural Retention Zoning District. The improvements being depicted hand drawn on a copy of the official tax map for the Property and a CAD Architectural drawing of the proposed single-family dwelling; 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 January 15, 2021 (Completeness Engineer’s Letter); and,

**WHEREAS**, the Application was deemed complete by the Board on January 20, 2021 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, Go To Meeting; 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**, additionally, the Applicant provided notice to the public in accordance with the applicable MLUL and Township Ordinance informing them that the meeting would be held virtually along with providing instructions on how to call in.

**WHEREAS**, the Application was posted on the Township website for review and use by interested public; and

**WHEREAS**, Additionally, the Applicant was required to provide paper copies of the Application to documents to any member the public requests and same; and

**WHEREAS**, the Board determined it had jurisdiction to hear the Application and proceeded with a public hearing on the Application at the regular meeting of the Pilesgrove Township Planning Board, convened on March 18, 2021; and

**WHEREAS**, the Board heard testimony from 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 is located on the north side of Woodstown Daretown Road (CR615), approximately 300 feet east of South Main Street / Yorktown Road (CR672).
3. The Property is approximately 6.61 acres in size.
4. The Property presently contains an existing 2-½ story frame dwelling, main barn/stalls, wood stall, block garage, frame patio, shed, septic system, bituminous drive, above ground pool, bituminous driveway, wood deck, walkway, well and shed.
5. The Applicant agreed to submit a grading plan

6. The Applicant is proposing to construct a single family residence with a rear-year set back of 60 feet where 75 feet is permitted and therefore a bulk variance will be required.

7. As it relates to the variance requested, the Applicant testified to the following positive and negative 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 rear yard setback of the single family residence as proposed would not be a detriment to the public good and would not substantially impair the intent of the zoning ordinance

8. 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 \_\_\_\_\_, 2021 by the Pilesgrove Township Planning Board, the Bulk Variance and waivers requested as further depicted on the Plan submitted are granted, and are subject to the following conditions:

1. The Applicant shall submit a grading plan

2. 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.

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 MLUL bonding requirements.

**PILESGROVE TOWNSHIP PLANNING BOARD**

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

**JEFFREY STRING, Chairperson**

**ATTEST:**

\_\_\_\_\_

**RITA SHADE, Secretary**

## ACKNOWLEDGMENT

I, John Esh, 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: \_\_\_\_\_

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