

**RESOLUTION NO. 2021-18
PILESGROVE TOWNSHIP PLANNING BOARD
RESOLUTION MEMORIALIZING THE GRANT
OF A BULK VARIANCES
SUBJECT TO CERTAIN CONDITIONS, TO
APPLICATION NO. 2021-003
FIDELITY ASSET MANAGEMENT, LLC
(BLOCK 74, LOT 13)**

**Approved: March 18, 2021
Memorialized: April 21, 2021**

WHEREAS, an Application was filed by Fidelity Asset Management, LLC (Applicant), whose mailing address is 740 Marne Highway, Suite 104, Moorestown, NJ 08057, by and through their attorney, Jeffrey M. Brennan, Esquire, with an address of 1307 White Horse Road, F-600, Voorhees, New Jersey 08043, for the construction of a single-family dwelling with Bulk Variances for pre-existing non-conforming lot area and lot depth for on property known as Block 74, Lot 13 on the Pilesgrove Township Tax Map and Block 10, Lot 1 on the Mannington Township Tax Map more commonly known as 366 Pierson Road (Property) being located within an RR - Restricted Residential Zoning District. The improvements being depicted on a Plan titled *VARIANCE PLAN 366 PIERSON ROAD*, dated December 29, 2020 and signed by Consulting Engineer Services with an address of 645 Berlin-Cross Keys Road, Suite 1, Sicklerville, New Jersey 08081 and signed by Adam R. Grant, Professional Land Surveyor with license number 24GS04335700, consisting of 1 page 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 February 12, 2021 (Completeness Engineer's Letter). Additionally, having reviewed the Application rendered a Technical Review Letter dated March 15, 2021 (Engineer's Letter); and,

WHEREAS, the Application was deemed complete by the Board on February 17, 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 Applicant submitted the following exhibits into the record:

A-1: Variance Plan

A-2: Architectural Plan

A-3: Correspondence to adjoining property owners

A-4: Written response from one adjoining property owner

A-5: Assessment postcard for property for 2021

A-6: Deed restriction agreement with Mannington Township

WHEREAS, no member of the Public spoke in favor or against the application;
and

WHEREAS, the Board heard testimony from Joseph Cliver project manager for the Applicant and representations made by Jeffrey M. Brennan, Esquire, attorney for 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 RR – Restricted Residential Zoning District as designated on the Township Zoning Map.
2. The Property is located at the northeast corner of the intersection of Mannington-Yorktown Road and Pierson Road.
3. The Property includes Block 74, Lot 13 in Pilesgrove Township and Block 10, Lot 1 in Mannington Township, with a lot area of 55,081 SF or approximately 1.26 acres.
4. The Property is presently vacant and partially wooded and contains freshwater wetlands.
5. The Applicant proposes to construct a single-family dwelling.
6. The dwelling will be approximately 1270 sq. ft., 3 bedrooms, two and half baths and two stories.
7. The property will be served with a well and septic.
8. The property is located in both Pilesgrove and Mannington Township.
9. The Applicant and Mannington Township entered into an agreement that, in part, as long as no structure was constructed in the Mannington Township portion of the property no zoning permits would be required by Mannington Township and all Mannington Township property could be utilized for bulk requirements for Pilesgrove Township zoning review.
10. Including the Mannington Township portion of the property, the existing lot area of 1.26 acres is less than the required lot area of 2.0 acres; and the existing lot depth is less than the required lot depth of 300 feet.
11. Additionally, there is a driveway encroachment with the adjacent property owner.

12. The Applicant attempted to purchase adjacent property to make the concerned property conform, however there was no interest by the adjoining property owners to sell any portion of their property.

13. One property owner offered to purchase the Applicant's property but only for \$10,000.00, which is substantially undervalued for the property.

14. As such the Applicant requires a Bulk Variance for the pre-existing non-conforming conditions of lot area, lot depth and the driveway encroachment.

15. 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 granting of the variances would not be a detriment to the public good and would not substantially impair the intent of the zoning ordinance

16. The Board next reviewed the Engineer's Letter. The Applicant agreed to comply with all comments and requirements contained in the Letter, subject to the Board Engineer's approval.

BE IT THEREFORE RESOLVED on this _____ day of _____, 2021 by the Pilesgrove Township Planning Board, the Bulk Variances and waivers requested as further depicted on the Plan submitted are granted, and are subject to the following conditions:

1. The elimination of the said driveway encroachment or an easement agreement which shall be approved by the Board Solicitor and Engineer.

2. All comments and requirements contained in the Engineer's Letter subject to the Board Engineer's approval.

3. 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.

4. 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

<https://dinicola.sharepoint.com/sites/server/Shared Documents/My Documents/CLIENT FILES - PILESGROVE PLANNING BOARD/Fidelity Asset Management, LLC/Resolution- Bulk Variance.docq>