

**RESOLUTION NO. 2021- 019
PILESGROVE TOWNSHIP PLANNING BOARD
RESOLUTION MEMORIALIZING THE GRANT
OF A USE VARIANCE
SUBJECT TO CERTAIN CONDITIONS, TO
APPLICATION NO. 2021-
JOHN S. DIGREGORIO
(BLOCK 61, LOT 4.02)**

**Approved: April 23, 2021
Memorialized: May 19, 2021**

WHEREAS, an Application was filed by John S. DiGregorio (Applicant), whose mailing address is 1013 Kings Highway, Pilesgrove, New Jersey 08098, for a Use Variance for the development of property known as Block 61, Lot 4.02 on the Pilesgrove Township Tax Map and more commonly known as 143 County Home Road (Property) being located in an AR Agricultural Zone. The use being depicted on a survey prepared by Land Engineering, LLC and signed by James A. Clancy, undated, consisting of 2 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 15, 2021 (Completeness Engineer's Letter); and

WHEREAS, Randall Scheule, P.P. AICP, the Pilesgrove Township Planning Board Planner (Board Planner), having reviewed the Application rendered a Planner Report Letter thereon dated April 16, 2021 (Planner Review Letter); and,

WHEREAS, the Application was deemed complete by the Board on April 23, 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, notice was provided in accordance with the Township Ordinances and the MLUL; 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 April 23, 2021; and

WHEREAS, the Board heard testimony and representations from John S. DiGregorio, the Applicant; and

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

1. The property is in an A-R Agricultural Zoning District as designated on the Township Zoning Map.
2. The Property contains a 1-story ranch style dwelling, consisting of 2,080 square feet.
3. The Property is 2.00 acres in size.
4. The subject property is located on the west side of Country Home Road, approximately 1,700 feet southeast of Kings Highway (CR 620).
5. The Property contains an existing dwelling, attached garage and driveway.
6. The Applicant has been utilizing the Property as a short-term rental for customers utilizing the Game Creek Hunting Farms, as well as other guests.
7. The Applicant has been obtaining a new Certificate of Occupancy for each individual use period.
8. The Applicant is requesting a use variance to ensure continued use of the Property in this manner, with relief regarding the frequency of the necessity for a certificate of occupancy.
9. For the granting of the d(1) Use Variance the Applicant must show:
 - a. **Positive Criteria:** The granting of the variance will promote the general welfare, uses that are deemed (inherently beneficial) or the development of the site is particularly suited for the proposed use.
 - b. **Negative Criteria:** The Use Variance cannot be granted without showing that such a variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zoning Ordinance.

10. As it relates to the Use Variance requested together with the Applicant's submission, the Applicant testified to the following regarding the Positive and Negative Criteria:

- a. **Positive Criteria:** The Applicant testified that the Use will benefit the community and the property is particularly suited for the particular use.
- b. **Negative Criteria:** The proposed use can be granted without substantial detriment to the public good as it sits back far from the property lines and it would create minimal noise and traffic. Additionally, it will not impair the intent and purpose of the Zoning Ordinance.

11. No member of the public appeared and spoke on the Application.

12. As it relates to the relief from the Certificate of Occupancy requirement, the Applicant was advised by the Board Solicitor that the Planning Board had no jurisdiction to relax this requirement and he shall address this matter with the Township Committee and or the Township Housing Officer for further advisement.

13. The Board Next reviewed the Technical Review Letter and Planner Review Letter. The Applicant agreed to comply with all the comments and requirements contained in the letters, subject to the engineer's and planner's approval.

BE IT THEREFORE RESOLVED on this ____ day of _____, 2021 by the Pilesgrove Township Planning Board, the Use Variance 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. Any and all conditions of approval detailed in the technical engineer's and planner's review letter, subject to the planner's and 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. 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.

Any site improvements or modifications to the site require approval from the Pilesgrove Planning Board.

PILESGROVE TOWNSHIP PLANNING BOARD

BY: _____

JEFFREY STRING, Chairperson

ATTEST:

RITA SHADE, Secretary

ACKNOWLEDGMENT

I, John S. DiGregorio, 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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