

**RESOLUTION NO. 2021- 028
PILESGROVE TOWNSHIP PLANNING BOARD
RESOLUTION MEMORIALIZING THE GRANT
OF A BULK VARIANCE
SUBJECT TO CERTAIN CONDITIONS, TO
APPLICATION NO. 2021-007
CHRISTOPHER MOORE
(BLOCK 2.07, LOT 18)**

**Approved: September 18, 2021
Memorialized: October 20, 2021**

WHEREAS, an Application was filed by Christopher Moore (Applicant), whose mailing address is 24 Waterview Drive, Pilesgrove, New Jersey 08098, for a bulk variance for the installation of an inground pool, including fence, pool equipment, masonry wall and steps and a covered structure at property known as Block 2.07, Lot 18 on the Pilesgrove Township Tax Map and more commonly known as 24 Waterview Drive (Property) being located in the SR - Single Family Residential Zoning District. The improvements being depicted on a plan entitled: *Pool Grading Plan* prepared by JTS Engineers & Land Surveyors, Inc, whose mailing address is 19 Stratford Avenue, Stratford, New Jersey 08084 dated February 20, 2021 and signed by Philip J. Schaeffer, Professional Land Surveyor, License #34498 constituting of one (1) sheet; 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 May 18, 2021 (Completeness Engineer's Letter); and,

WHEREAS, Randall Scheule, PP/AICP, the Pilesgrove Township Planning Board planner (Board Planner), having reviewed the Application and rendered a letter thereon dated July 19, 2021 (Planners Letter): and

WHEREAS, the Application was deemed complete by the Board 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, the Board determined that it had jurisdiction to hear the Application and proceeded with a Public Hearing on the Application on the regular meeting of the Pilesgrove Township Planning Board convened on August 18, 2021; and,

WHEREAS, the Board heard testimony from the Applicant, Christopher Moore; and representations made by the Applicant's Attorney, Jeffrey Rapattoni, Esq.; and

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

1. The Property is in an SR – Single Family Residential Zoning District as designated on the Township Zoning Map.
2. The Property address is at 24 Waterview Drive.
3. The Property currently has a single-family dwelling, bituminous driveway, septic system in the front yard and a concrete walk.
4. The Applicant is proposing to construct an inground pool in their rear yard, including fence, pool equipment, a masonry wall and steps, and a covered structure.
5. The Applicant is requesting a bulk variance for lot coverage, where 12% is allowable by township ordinance and where 20.56% is proposed.
6. 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 and associated improvements would not be a detriment to the public good and would not substantially impair the intent of the zoning ordinance.

7. The Board next reviewed the Planner's letter. The Applicant agreed to comply with all comments and requirements contained in the Planners letter subject to the Planner's approval.

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 is granted, and is subject to the following conditions:

1. To comply with any and all comments and requirements contained in the Engineer's letter and Planner's letter, subject to the Engineer's and Planner's satisfaction.

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, Christopher Moore, 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: _____

[https://dinicola.sharepoint.com/sites/server/Shared Documents/My Documents/CLIENT FILES - PILESGROVE PLANNING BOARD/Moore/Resolution-2.docq](https://dinicola.sharepoint.com/sites/server/Shared%20Documents/My%20Documents/CLIENT%20FILES%20-%20PILESGROVE%20PLANNING%20BOARD/Moore/Resolution-2.docq)