

**RESOLUTION NO. 2021- 031  
PILESGROVE TOWNSHIP PLANNING BOARD  
RESOLUTION MEMORIALIZING THE GRANT  
OF A USE VARIANCE  
SUBJECT TO CERTAIN CONDITIONS, TO  
APPLICATION NO. 2021-014  
NP PILESGROVE INDUSTRIAL, LLC  
(BLOCK 45, LOTS 1 & 7)**

**Approved: September 15, 2021  
Memorialized: October 20, 2021**

**WHEREAS**, an Application was filed by NP Pilesgrove Industrial, LLC (Applicant), whose mailing address is 4825 NW 41<sup>st</sup> Street, Suite 500, Riverside, MO 64150 by and through its attorney Jeffrey R. Chang, Esquire from the firm of Saul Ewing Arnstein & Lehr, LLP with an address of 650 College Road, East, Suite 4000, Princeton, New Jersey 08540 for a Use Variance for the development of a warehouse with 122.29 foot tall structure on property known as Block 45, Lots 1 & 7 on the Pilesgrove Township Tax Map and located on Route 40 and Pointers-Auburn Road (Property) being located in an PLI – Planned Light Industrial Zone. The use being depicted on a Plan entitled Bifurcated Use Variance Plan dated by July 21<sup>st</sup>, 2021, prepared by Dynamic Engineering Consultants, PC and signed and sealed by Joshua M. Sewald, P.E. license No. 52908, said plan consisting of four (4) pages; 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 September 9<sup>th</sup>, 2021 (Planner Review Letter); and,

**WHEREAS**, the Application was deemed complete by the Board on August 18<sup>th</sup>, 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 September 15<sup>th</sup>, 2021; and

**WHEREAS**, the Applicant submitted the following exhibits into the record:

A-1: Aerial Overlay

A-2: Overall Site Plan Rendering

A-3: Schematic Site Plan A14

A-4: Birds eye view of the proposed development

**WHEREAS**, the Board heard testimony from the Applicant, Joshua M. Sewald, PE, the Applicant Engineer, Christine Cofone, PP, the Applicant Planner and representations from Jeffrey R. Chang, Esquire, the Applicant's attorney; and

**WHEREAS**, the Board provided an opportunity for interested members of the public to ask questions or make statements regarding the application and no members of the public spoke in support of or in opposition to the application; and

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

1. The property is in an PLI – Planned Light Industrial Zoning District as designated on the Township Zoning Map.
2. The Property is approximately 455 acres and is utilized as a sod farm with associated office, shop buildings, storage structures and a farmhouse.
3. The subject property is located on the New Jersey State Highway Route 40 and Pointers-Auburn Road (County Route 646).
4. Applicant proposes a planned industrial development including wholesale uses, distribution centers and warehousing.
5. The proposed development would include the subdivision of Lots 1 and 7 into six (6) new lots, one for each building/facility and one for the proposed wastewater treatment facility.
6. The Applicant is requesting a bifurcated use variance approval for d(6) height variance to permit the height of a principal structure to exceed by 10 feet or 10% the maximum height permitted in the district for a principal structure.

7. The Township ordinance in a PLI zoning district provides for a maximum building height of forty-eight (48 ft) feet and three (3) stories high, except for hotel/motel buildings which are permitted to be 72 ft in height and 6 stories high.
8. As proposed the highest point of the building shall be 122.29 ft high. This shall include the building, HVAC units, lightning rods and differential in grade.
9. The proposed warehouse that is of concern to this application will be a cold storage, all automatic warehouse.
10. The height of the warehouse is for efficiency purposes, due to the intended use.
11. As it relates to the Use Variance requested the Applicant's Planner provided extensive testimony regarding the Positive and Negative Criteria, in which they justified the following:
  - a. **Positive Criteria:** The Applicant identified special reasons, and testified that the Use would 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. Additionally, it will not impair the intent and purpose of the Zoning Ordinance.
12. The Board Next reviewed the Planner Review Letter. The Applicant agreed to comply with all the comments and requirements contained in the letters, subject to the 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. The approval is conditioned upon the Applicant applying for Major Subdivision and Major Site Plan approval or applying for a General Development Plan.
2. The approval is subject to the building, that is of concern in this application, being located and designed as shown on the submitted plans. In the event that the location and/or design of the building is modified, the Applicant shall be required to return to the Planning Board for further review.

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. Any and all conditions of approval detailed in the planner's review letter, subject to the planner's approval.

**BE IT FINALLY RESOLVED** that the Applicant is hereby placed on notice that:

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

2. 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, \_\_\_\_\_, 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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