

**RESOLUTION NO. 2021- 030**  
**PILESGROVE TOWNSHIP PLANNING BOARD**  
**RESOLUTION MEMORIALIZING THE GRANT**  
**OF MINOR SUBDIVISION APPROVAL WITH BULK VARIANCES**  
**APPLICATION NO. 21-013**  
**RICHARD WARNER**  
**(BLOCK 22, LOTS 3 AND 7)**

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

**WHEREAS**, an Application was filed by RICHARD WARNER (Applicant), whose mailing address is 35 East Avenue, Woodstown, New Jersey 08098, through his attorney Michael F. Floyd, Esquire, of Archer & Greiner, P.C., whose mailing address is One Centennial Square, Haddonfield, New Jersey 08033, for a Minor Subdivision approval for property known as Block 22, Lot 3 and 7, on the Pilesgrove Township Tax Map (Property) being located within an AR-1 Agricultural Zoning District. The subdivision being depicted on a certain Minor Subdivision Plan prepared by Fralinger Engineering, and signed by Guy M. De Fabrites, PLS, PP, NJ License No. 24GS03484300, dated June 14, 2021, consisting of (1) sheet; and,

**WHEREAS**, James H. McKelvie, P.E., CME, the Pilesgrove Township Planning Board engineer, having reviewed the Application and rendered an engineer's report dated August 16, 2021; and,

**WHEREAS**, Randall Scheule, PP/AICP, the Pilesgrove Township Planning Board planner, having reviewed the Application rendered a letter dated August 16, 2021 (Planner's letter); and,

**WHEREAS**, the Application was deemed complete, with waivers requested by the 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 September 15, 2021; and,

**WHEREAS**, the Board heard testimony from the Applicant, Richard Warner, and representations made by the Applicant's attorney, Michael F. Floyd, Esquire, attorney for the Applicant; 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 located in an AR-1 Agricultural Zoning District.
2. The Applicant is an appointed receiver of the Property by order of the court.
3. The Applicant is requesting a Minor Subdivision to the Property per court order.
4. The Minor Subdivision proposes a lot line adjustment between Lot 3 and Lot 7. Lot 3 will be reduced by 95.50 acres to 51.56 +/- acres. Lot 7 will be increased in size to 172.48 +/- acres.
5. The Property contains multiple dwellings and accessory structures which are being contained.
6. The single dwelling and the associated improvements on Lot 7 are partially in Oldmans Township and conform to the AR-1 Zoning requirements.
7. Lot 3 contains four (4) residential dwellings and numerous accessory structures. The dwelling and shed adjacent to Sharptown exhibit existing nonconforming conditions, in which they are within the required 75' front setback.
8. The Applicant is requesting approval for the existing nonconforming conditions as they are not exasperated or enlarged by the proposed subdivision.
9. The proposed subdivision creates a nonconforming rear setback for a one-story wood framed dwelling retained on Lot 3.
10. The Applicant is therefore requesting a bulk variance for rear yard setback where 75' is required and 51' is proposed.
11. The Applicant is requesting that the multiple residential dwellings being retained on proposed Lot 3, which is a preexisting nonconforming condition, be approved as the nonconformities are not being exasperated or enlarged by the proposed subdivision.

12. As it relates to the Variance and the continuation of the preexisting nonconforming conditions requested, the Applicant testified to the following regarding the Positive and Negative criteria:

Positive: The purpose of the Municipal Land Use Law (MLUL) would be accomplished by granting the variance. Additionally, the positives for allowing the increased gross area outweigh the negatives.

Negative: The Variances would not be a detriment to the public good and would not substantially impair the intent and purpose of the zoning ordinance.

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

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

**BE IT THEREFORE RESOLVED** on this \_\_\_\_ day of \_\_\_\_\_, 2021 by the Pilesgrove Township Planning Board, the Minor Subdivision application and Bulk Variances further depicted on the Minor Subdivision Application and Bulk Variance Plan submitted is granted with the waivers requested, subject to the following conditions:

1. The Applicant shall comply with all comments and requirements detailed in the Planner's and Engineer's letter, subject to the Planner's and Engineer's satisfaction.
2. The Applicant shall verify with the Township Tax Assessor the appropriate lot and block numbers for the proposed lots.
3. Payment of any and all required fees which are due or may become due to the Township within seven (7) days 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 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.

5. The minor subdivision shall be filed by deeds in the Office of the Clerk of Salem County. The deeds shall be approved by the Board solicitor and shall contain legal descriptions that have been approved by the Board Engineer. The deeds shall be recorded not later than 190 days from the date of the adoption of the within resolution.
6. Applicant shall comply with all representations made during the course of the hearing and in all filed documents.
7. 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.
8. The minor subdivision deeds shall include “Right to Farm” language to be reviewed and approved by the Board Solicitor.

**PILESGROVE TOWNSHIP PLANNING BOARD**

**BY: \_\_\_\_\_**  
**JEFFREY STRING, Chairperson**

**ATTEST:**

\_\_\_\_\_  
**RITA SHADE, Secretary**

ACKNOWLEDGMENT

I, Richard Warner, the Applicant, hereby certify I reviewed the within Resolution, and realize the Board has relied upon all 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: \_\_\_\_\_

\_\_\_\_\_  
Richard Warner

ACKNOWLEDGMENT

I, \_\_\_\_\_, the Principal of the co-applicant, Westwood Knolls Associates, Inc., hereby certify I reviewed the within Resolution, and realize the Board has relied upon all 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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