

**RESOLUTION NO. 2022-001
PILESGROVE TOWNSHIP PLANNING BOARD
RESOLUTION MEMORIALIZING THE GRANT
OF A USE VARIANCE AND BULK VARIANCE IS SUBJECT TO CERTAIN
CONDITIONS, TO APPLICATION NO. 21-09
MICHAEL LEONETTI
(BLOCK 42, LOT 3.08)**

**Approved: December 15, 2021
Memorialized: January 19, 2022**

WHEREAS, an Application was filed by Michael Leonetti (Applicant), whose mailing address is 52 Harrisonville Lake Road, Pilesgrove, New Jersey 08098, for a use variance and bulk variances for 30 x18 utility building a pole barn located on the property known as Block 42, Lot 3.08, on the Pilesgrove Township Tax Map and more commonly known as 52 Harrisonville Lake Road, Pilesgrove, New Jersey 08098. The Property being located in an RR Restricted Residential Zoning District. The pole barn being depicted on a survey of lands and a set of construction plans, prepared by Pioneer Pole Buildings, Inc., whose address is 716 South Route 183, Schuylkill Haven, PA 17972, dated May 26, 2021; and,

WHEREAS, Randall Scheule, PP/AICP, the Pilesgrove Township Planning Board Planner, having reviewed the Application and rendered a review letter thereon dated June 15th, 2021 (Planner's Letter); and,

WHEREAS, the Application was deemed complete at a regularly scheduled Pilesgrove Township Meeting, with requested waivers by the board

WHEREAS, notice to the public was required in accordance with the Township Ordinance and 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 has 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 December 15, 2021; and,

WHEREAS, no members of the public spoke on the application; and

WHEREAS, the Board heard testimony from the Applicant; and

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

1. The Property is located in an RR - Restricted Residential Zoning District.
2. The Property is located at 52 Harrisonville Lake Road, Pilesgrove, New Jersey 08098.
3. The property consists of .887 acres and is improved with a one-story dwelling, shed and bituminous driveway.
4. The Applicant is proposing to construct a 13.6 ft high, 18 ft x 30 ft pole barn.
5. The Applicant will require the following bulk variances:
 - a. Side yard setback – 30 ft required; 3 ft proposed.
 - b. Distance between buildings - 20 feet required where less than 20 ft is proposed.
6. The Applicant will also require a use variance as pole barns are not a permitted accessory structure in the concerned zoning district.
7. As it relates to the bulk variances 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 proposed pole barn would not be a detriment to the public good and would not substantially impair the intent of the zoning ordinance.
8. 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:

Positive: The Applicant testified that the property is particularly suited for the particular use.

Negative: 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.

9. The Board next reviewed the Planner's Letter. The Applicant agreed to comply with all comments and requirements 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, use variance and bulk variances for the construction of a pole barn as further depicted on the Plan submitted is granted with the waivers requested, subject to the following conditions:

1. To comply with all comments and requirements contained in the Planner's letter, subject to Planner's satisfaction.
2. To pay any and all required fee's 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.
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 Salem County Planning Board. 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 granted 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. The Applicant shall comply with all representations made during the hearing and all filed documents.
2. Applicant shall indemnify and hold the Board harmless from any and all claims of any kind which may be the result of any deficiency in the Application.
3. During construction Applicant shall correct any condition causing corrosion and/or negative effect upon the community wherein three (3) days' notice or any lesser time deemed required from or by the Township Engineer.

4. Applicant shall be responsible for locating the improvements in accordance with the ordinance and/or this Resolution. Same may be required by the retention of a professional land surveyor, engineer, etc. to ensure compliance with the Ordinance. Applicant expressly understands that the Township shall 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-confirmative improvements and re-locate them in accordance with the zoning requirements or this resolution.
5. Any additional site improvements or modifications to the approved plan require approval from the Pilesgrove Township Planning Board.
6. The Applicant shall comply with any and all ordinance and MLUL bond requirements.

PILESGROVE TOWNSHIP PLANNING BOARD

BY: _____
JEFFREY STRING, Chairperson

ATTEST:

RITA SHADE, Secretary

ACKNOWLEDGMENT

I, Michael Leonetti, 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: _____

Michael Leonetti, Applicant

[https://dinicola.sharepoint.com/sites/server/shared documents/my documents/client files - pilesgrove planning board/leonetti/resolution.docq](https://dinicola.sharepoint.com/sites/server/shared%20documents/my%20documents/client%20files%20-%20pilesgrove%20planning%20board/leonetti/resolution.docq)