

**RESOLUTION NO. 2022- 004
PILESGROVE TOWNSHIP PLANNING BOARD
RESOLUTION MEMORIALIZING THE GRANT
OF A GENERAL DEVELOPMENT PLAN APPROVAL AND
PRELIMINARY MAJOR SUBDIVISION APPROVAL,
SUBJECT TO CERTAIN CONDITIONS, TO
APPLICATION NO. 2021-021
NP PILESGROVE INDUSTRIAL, LLC
(BLOCK 45, LOTS 1 & 7)**

Approved: December 15, 2021

Memorialized: January 19, 2022

WHEREAS, an Application was filed by NP Pilesgrove Industrial, LLC (Applicant), whose mailing address is 4825 NW 41st Street, Suite 500, Riverside, MO 64150 by and through its attorney Benjamin A. Nadell, 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 General Development Plan Approval and Preliminary Major Subdivision Approval for the development of 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 Applicant submitted the following along with the appropriate application:

1. General Development Plan Stormwater Management Report, prepared by Dynamic Engineering and dated October 2021
2. Environmental Impact Statement prepared by Dynamic Engineering and dated October 2021
3. Traffic Study for Major Access Application prepared by Dynamic Traffic and dated March 29, 2021, with a revision date of September 2, 2021
4. ALTA/NSPS Land Title Survey prepared by Dynamic Survey dated January 27, 2021, constituting of five (5) sheets
5. Preliminary Major Subdivision Plan prepared by Dynamic Survey and dated October 28, 2021
6. General Development Plan prepared by Dynamic Engineering and dated October 18, 2021, constituting of twenty-seven (27) sheets; and,

WHEREAS, James H. McKelvie, PE/CME, the Pilesgrove Township Planning Board Engineer (Board Engineer), having reviewed the Application, rendered an Engineer's Report dated December 14, 2021; and,

WHEREAS, Randall Scheule, PP/AICP, Pilesgrove Township Planning Board Planner (Board Planner), having reviewed the Application rendered a Planner's Report Letter thereon dated November 12, 2021; and,

WHEREAS, the Board Planner having reviewed the Application rendered a Technical Review Letter dated December 10, 2021; and,

WHEREAS, the Application was deemed complete by the Board on November 17, 2021 at the regularly 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, 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 December 15, 2021; and

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

A-1: Overall Site Plan Rendering

A-2: Aerial Map

WHEREAS, the Board heard testimony from Joshua M. Sewald, PE, the Applicant's Engineer, who was qualified as an expert by the Board, and representations from Benjamin A. Nadell, 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 a few members of the public asked questions of the Applicant regarding the Application however, no one 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 a PLI – Planned Light Industrial Zoning District as designated on the Township Zoning Map.
2. The Property consists of +/- 442 acres and is currently 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. The Applicant is proposing to subdivide the property into six (6) separate lots for the development of wholesale uses, distribution centers, and warehousing.
5. Five (5) of the new lots will be utilized each for one (1) building/facility with the remaining lot to be utilized for a proposed wastewater treatment facility to be utilized for the entire development.
6. The Applicant has previously received a D(6) use variance approval under Pilesgrove Township Planning Board Application No. 2021-014 for exceeding the maximum height required by more than 10 feet or 10% of the maximum requirement.
7. The Applicant is requesting an approval of a General Development Plan in accordance with Section 145-41.4 of the Pilesgrove Township Land Use Ordinance.
8. In accordance with Section 145-41.4 C(1), the Applicant is requesting General Development Plan approval for Option #3 as detailed in the Pilesgrove Township Land Use Ordinance.
9. The Applicant testified that it meets all the requirements of Section 145-41.4 G, including but not limited to Subsection (3) in which the Planned Industrial Development would result in at least 100 acres of open space, and said open space would create greenways throughout the project connected to offsite natural features, more specifically a creek that runs through the concerned property and the adjoining property.

10. The Applicant testified that as a condition of approval, the 31 continuous farmland acres, as shown on the Plans, will continue to be preserved as farmland.
11. The Applicant also testified that subject to approval, they will be required to come in for preliminary and final site plan approval for each lot separately as business needs proceed.
12. The Applicant testified that they are seeking Preliminary Major Subdivision approval so that the lots shall be preliminarily created for them to proceed with individual site plan approval.
13. The Board next reviewed the Board Engineer's and the Board Planner's review letters. The Applicant agreed to comply with all comments and requirements in said letters, subject to the Engineer's and Planner's approval.

BE IT THEREFORE RESOLVED on this _____ day of _____, 2022 by the Pilesgrove Township Planning Board, the General Development Plan Approval and Preliminary Major Subdivision Approval as shown on the plans and documents submitted is granted, subject to the following conditions:

1. The Applicant shall confirm new lot numbers with the Pilesgrove Township Tax Assessor.
2. The Applicant shall submit and receive from the Pilesgrove Township Planning Board Final Subdivision approval.
3. The Applicant shall submit and receive Preliminary and Final Site Plan approval for all proposed lots.
4. The Applicant shall comply with all comments and requirements detailed in the Board Engineer and Planner's review letters.
5. All plans shall be updated as testified at the hearing by the Applicant and as detailed in the Board Engineer and Planner's review letters.

6. 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.
7. Obtaining any and all other approvals for the proposed revisions that may be required by any government/regulatory body including, but not limited to the New Jersey Department of Environmental Protection pursuant to Freshwater Wetlands Act, Salem County Planning Board and/or Salem County Soil Conservation District, New Jersey Department of Transportation, etc. Applicant's Engineer shall certify that said approvals have been received.
8. The General Development Plan Approval shall be valid for a period of twenty (20) years from the date upon which the Applicant receives final approval of the first section of the planned development in accordance with N.J.S.A. 40:55D-45.1.

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.
3. Any revisions or modifications made to the General Development Plan Approval will require the approval of the Pilesgrove Township Planning Board.

PILESGROVE TOWNSHIP PLANNING BOARD

BY: _____

MARK DESIATO, 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: _____

Y:\server - Documents\My Documents\CLIENT FILES - PILESGROVE PLANNING BOARD\NP Pilesgrove Industrial LLC\GDP Approval\Resolution - NP GDP Final.docxq