

ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MIDDLE

RESOLUTION NO. 042315-08¹²

WHEREAS, Grande Properties LLC applied to the Zoning Board of Adjustment of the Township of Middle for "C" Variances from the provisions of Section 250-409, the Town Center TC District of the Code of the Township of Middle, for the premises located at 3174 Route 9 South, Rio Grande also known as Block 1436.05, Lot 1 as delineated on the Official Map of the Township of Middle, Cape May County, New Jersey for the purpose of permitting applicant to construct a West Marine commercial retail use and a US Dept. of Labor office at its existing shopping center where a parking variance is necessary along with a variance for front yard setback and amended preliminary and final major site plan approval.

A. August 8, 2013 Hearing. A hearing was held on August 8, 2013, at the Municipal Building of the Township of Middle at which time testimony was taken and exhibits reviewed. At the hearing the following testimony was offered:

1. The applicant was represented by Jeffery April, Esq. PO Box 1195, Marmora, NJ.
2. Applicant presented testimony from the following witnesses:
 - a. Thomas Juliano, 200 Campbell Drive, Willingboro, NJ 08046, one of the principals of the applicant Grande Village LLC.
 - b. Matthew Rutt, professional engineer, Landcore Engineering, 8614 Montgomery Avenue, Wyndmoor, PA 19038
 - c. Beth-Ann Grasso, professional engineer, Pennoni Associates, Inc, 3071 E Chestnut Avenue, Vineland, NJ.
3. The following exhibits were introduced by Applicant at the hearing and entered into evidence
 - a. A-1 Colorized Version of Site Plan laid over aerial.
4. Various Zoning and Planning Board approvals have been previously obtained for this shopping center project in Rio Grande, NJ. Applicant now desires to complete the build out of this center with the addition of a 13,175 square feet retail space to be utilized for a West Marine store and a 12,000 square foot office space to be utilized by the NJ Dept of Labor and Workforce

Development.

5. The center currently consists of a 20,810 square foot Office Depot, a 7500 square foot Sleepy's mattress retailer and a 6000 square foot Joy Buffet restaurant.

6. A parking study was conducted this year for the Applicant by Pennoni Associates. A manual count study showed that the maximum weekday demand for the existing development was 25 spaces which is 140 spaces less than the 165 spaces currently required by Township Ordinance. If demand for the 2 additional proposed uses proves to be consistent with the Township ordinance which would be 59 spaces for the West Marine and 60 spaces for the State LDW office, the total maximum weekday demand would be 144 spaces. The current site is providing 246 spaces already which would seem to be far more than adequate as testified to by Applicant's professional. In addition, Applicant's professional testified that even a calculation utilizing the Urban Land Institute's Shared Parking rates for weekday and weekend peak periods results in a need for 246 spaces on a weekday and 233 spaces on a weekend and therefore the site's current provision of 246 spaces would meet the peak parking demands.

7. No members of the public appeared either in favor or in opposition to the application.

8. The applicant withdrew its request for sign variance for the proposed West Marine use.

9. The board engineer's report was reviewed and the applicant agreed to comply with all of the recommendations contained therein.

B. Findings of Fact and Conclusions of Law. The Zoning Board of Adjustment of the Township of Middle, after carefully considering the evidence presented at the hearing held in this matter, has made the following factual and legal findings:

1. Each statement of fact in Section A is incorporated by reference in this paragraph as if each was separately fully set forth herein.
2. The application and supporting documents were properly filed within the time limits provided and the necessary fees were paid.
3. The proper notices were given to the persons and bodies as required by law and the necessary publications were made in accordance with law and proofs submitted with respect thereto; and
4. Proof of payment of all taxes (if applicable) currently required to be paid was made by

Applicant(s).

5. Applicant(s), Grande Village, LLC is the record owner(s) of Block 1436.05, Lot 1, as delineated on the Official Tax Map of the Township of Middle, duly filed, and therefore Applicant has standing to pursue this Application before the Zoning Board of Adjustment of the Township of Middle.

6. The site of the Application is located in the Town Center (TC) District.

7. A bulk variance is necessary for parking because applicant is proposing 246 parking spaces which exist now, where 284 spaces will be required under Middle Township Ordinance Section 218-77G. This is a variance of 38 spaces.

8. Applicant also requires a variance from maximum front yard setback due to the fact that since the time the existing project was first approved and partially constructed, the Middle Township ordinance in the TC Zone was revised to require that a building's setback from the street should not exceed 25 feet. As currently constructed, the center's maximum setback is 219.33 feet and therefore a variance is necessary.

9. The Board finds that it can grant the front yard setback variance under the C-1 hardship variance standard. The development is almost 70% complete and was allowed under the prior zoning ordinance where there was no provision for maximum front yard setback variance. To require the rest of the development of the building to be closer to the street would result in peculiar and exceptional difficulties to the developer and would be visually unattractive to the overall physical scheme of the shopping center.

10. The Board further finds it can grant the parking variance based upon the flexible (c) (2) standard. The Board agrees with Applicant and its experts that the current occupants of the center are low turnover type businesses and that the applicable ordinance requires more than what is actually needed even at this time without the addition of the other proposed uses. Board agrees with Applicant's professional that given these current uses along with the parking counts conducted under Applicant's parking study, that the benefits of granting this parking variance outweigh the detriment of having fewer spaces than required under the Middle Township ordinance. This of course assumes the existing uses remain as they are. The Board is mindful that changes in use will result in the reexamination of the off street parking situation. The Board

finds that by not requiring additional spaces which will not be utilized, the variance relief will result in promoting one of the purposes of the Municipal Land Use Act, that being the more efficient use of land with a view to lessening the cost of development. Unnecessary paved lot coverage would also increase storm water runoff which will not be of benefit to the environment.

11. The Board further concludes that the grant of these bulk variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The Board finds that the parking ordinance contemplates retail uses which involve higher customer type businesses and therefore allowing the deviation in this instance will not create a substantial impairment of the zone plan and zoning ordinance. Nor would the grant of the maximum front yard setback variance create a substantial impairment of the zone plan and zoning ordinance. This is so since requiring the developer to build the rest of the development closer to the street would not really advance the goal of pedestrian accessible centers given that the predominant part of the center which is already built would still remain at a significant distance from the roadway. Furthermore, the variance can be granted without substantial detriment to the public good. The uses being contemplated will benefit the public and the off street parking being afforded has been demonstrated to be more than adequate for the community's use. As for the setback variance, the line of the shopping center will simply be extended to accommodate the additional uses and will continue to remain at the setback it currently exists it and therefore no substantial public detriment will be anticipated by the grant of this variance either.

C. NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Middle that:

1. Applicant's request for a "c" Variance where 246 parking spaces are proposed and 284 parking spaces are required, is GRANTED.
2. Applicant's request for a variance from maximum front yard setback where 25 feet is required and 219.33 feet is proposed is GRANTED.
3. Applicant's request for Amended Preliminary and Final Site Plan Approval is GRANTED.
4. The variances and site plan approval are subject to the following conditions:
 - a. The parking variance being granted is specifically for the configuration of uses set forth

herein and testified to by the Applicant. Any change in type of uses or reconfiguration shall require the Applicant to come back before this Board for a review as to the adequacy of the parking.

b. A revised grading plan must be submitted to ensure that there is adequate slope from the building façade to the adjacent curb/asphalt areas.

c. A detail of the proposed trash enclosure should be added to the plans.

d. The landscaped area directly outside the proposed emergency exit on the south side of the building shall be eliminated and replaced with a grass island.

e. The 15 spaces on the south side of the building shall be designated as employee parking only with a “do not enter” sign placed in the intersection area of the Linden entrance and the front of the building in the area of these spaces. Traffic shall be designated as one way clockwise around the entire building (going north to south and east to west) and marked accordingly by appropriate directional signs and striping. Plans shall be revised accordingly.

f. Bumper stops, set back approximately 2 ½ feet, shall be provided for the 15 employee parking spaces.

g. The applicant should provide a review letter from the Bureau of Fire Prevention for this project

h. This approval is subject to all of the applicable conditions, not otherwise set forth in this resolution, of a certain Review Memorandum prepared by Vincent C. Orlando, C.L.A., P.E., Zoning Board Engineer, dated July 25, 2013 and any revisions thereto, all of which are hereby fully incorporated herein.

i. The Applicant must secure all approvals required from all other governmental bodies and agencies having jurisdiction over the matter.

j. All revisions as required from the approval must be completed and a letter detailing the revisions made shall be provided.

k. The appropriate performance guarantee and inspection fees must be posted with the Middle Township Zoning Officer.

l. An engineer’s cost estimate is required for review and approval.

m. The applicant shall request in writing a pre-construction meeting with the Township Engineer. At the pre-construction meeting, the applicant shall provide the following in writing: the responsible person in charge, a list of sub-contractors and a tentative work schedule.

n. The applicant' engineer must submit three (3) signed and sealed prints, stamped "Final Construction Plans" to the Middle Township Zoning Office".

D. BE IT FURTHER RESOLVED that:

1. A copy of this Resolution shall be supplied to the Applicant and filed with the Township Clerk.

2. A notice of this decision shall be published in the official newspaper of the municipality by the Board Secretary.

3. The proper Board officials are authorized to take all actions necessary to effectuate this approval.

4. This Resolution shall take effect immediately subject to Applicant's compliance with the aforesaid conditions.

Memorialized: September 12, 2013

At the time of Memorialization:

Offered by: S. Bradley

Seconded by: M. Saioni

	Present at Hearing	Vote at Hearing	Vote on Resolution
James McLaughlin	YES	YES	YES NO
Vincent Colasanti	YES	YES	YES NO
Stephen Bradway	YES	YES	YES NO
Greg Martin	YES	YES	YES NO
Mike DiPalantino	NO		
Mark Saioni	YES	YES	YES NO
Melanie Collins	YES	YES	YES NO
Jim Norris	NO		
Suzanne Cafero	YES	YES	YES NO

The foregoing Memorializing Resolution was passed by the Zoning Board of Adjustment of the Township of Middle at a meeting held on September 12, 2013. It memorializes a decision the Board reached at its August 8, 2013 meeting.

David L. May
David L. May, Secretary

ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MIDDLE
RESOLUTION NO 042315BEZ-12

WHEREAS, Beazer Homes Corp applied to the Zoning Board of Adjustment of the Township of Middle for a waiver from one of the provisions of Section 218-76 Streets of the Code of the Township of Middle, for the property known as intersection of Aberdeen Way and NUSH Route 9, Rio Grande (Block 1436 and 1466, Lots 19 & 2) as delineated on the Official Map of the Township of Middle), Cape May County, New Jersey, specifically for a waiver from the minimum longitudinal street grade in connection with its installation of surface course asphalt for a subdivision roadway at the project known as "The Gatherings" in Rio Grande, NJ.

A. July 12, 2012 Hearing. A hearing was held on July 12, 2012 at the Municipal Building of the Township of Middle at which time testimony was taken and exhibits reviewed. At the hearing the following testimony was offered:

1. The applicant was represented by attorney Michael Brandman, 123 N Union Avenue, Cranford, NJ. Also appearing on behalf of applicant was its professional engineer James Biegen, 553 Beckett Rd Logan NJ, and John Herzog, vice president of operations for Beazer New Jersey, 1210 Northbrook Drive, Trevoose, PA.

2. This project was the subject of a prior subdivision application before the Board in 2004 by Grande Properties with its approval embodied in Resolution 042315. This subdivision was purchased by the current applicant and most of the site improvements and homes have been constructed. Applicant is now preparing to put down the final coat of asphalt as part of its construction of the subdivision roadway which will ultimately be designated as a public Middle Township Road. Prior to doing so, the Township requires an as-built of the roadway's existing conditions to determine the slope of the roadway. At that point it was discovered that in limited areas (approximately 5-8 % of entire roadway length), the 0.5 % minimum longitudinal grade cannot be maintained.

3. The Board engineer's report was reviewed .

4. Several members of the public appeared with regards to the application to voice their concerns. These individuals reside at "The Gatherings" which is the subject subdivision of this application. They are as follows: Trudy Trappler 38 Lochalsh Lane , (President of

Homeowners Association Board and member of Transition Committee}}; David Wright, 33 Lochalsh Lane (Chairperson of the Transition Committee) and Jack Brady, 28 Lochalsh Lane (member of Homeowners Association Board).

B. Findings of Fact and Conclusions of Law. The Zoning Board of Adjustment of the Township of Middle, after carefully considering the evidence presented at the hearing held in this matter, has made the following factual and legal findings:

1. Each statement of fact in Section A is incorporated by reference in this paragraph as if each was separately fully set forth herein.
2. The application and supporting documents were properly filed within the time limits provided and the necessary fees were paid.
3. The proper notices were given to the persons and bodies as required by law and the necessary publications were made in accordance with law and proofs submitted with respect thereto; and

4. Proof of payment of all taxes (if applicable) currently required to be paid was made by Applicant(s).

5. Applicant Beazer Homes Corp is the owner of Block 1436 and 1466, Lots 19 & 2 as delineated on the Official Tax Map of the Township of Middle, duly filed, and therefore Applicant has standing to pursue this Application before the Zoning Board of Adjustment of the Township of Middle.

6. The site of the Application is located in the Town Residential (**TR**) District.

7. The Board agrees with its Engineer and the testimony of Applicant's engineer that given the existence of the current improvements and previously installed curbing, sidewalks and drainage, it is not possible, in certain very limited areas (5-8% of entire roadway), to comply with the minimum longitudinal grade set forth in Middle Township Ordinance Section 218-76 (C) (1) and as required by Section 5:21-4.19 of the State of New Jersey's Residential Site Improvement Standards. Therefore, literal enforcement of the Site Plan Ordinance standard from which the waiver has been requested would be impractical and exact undue hardship upon the Applicant. Furthermore, the Board finds that the waiver being granted is de minimis, reasonable and appropriate and within the general purpose and intent of the rules, regulations and standards

established by the Township's subdivision and site plan ordinance. Testimony from both engineers confirmed that drainage would be adequate and there would be no ponding water or ice formation resulting from the grant of this exception. Consequently, this waiver meets the needs of public health and safety and takes into account surrounding development.

8. The Board accepts the recommendation of its Engineer that in those limited areas where the 0.50% minimum longitudinal grade cannot be maintained, a .35% minimum grade will be required.

C. NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Middle that:

1. Applicant's request for a waiver for the requirement of 0.50% minimum longitudinal grade in certain limited roadway areas as designated in Applicant's submitted plans, is GRANTED.

2. The waiver relief granted herein will be subject to the following conditions:

a. In those areas, where Applicant is unable to meet the 0.50% minimum longitudinal grade for the roadway, a minimum of 0.35% must be maintained and plans shall be revised accordingly.

b. The Applicant must secure all approvals required from all other governmental bodies and agencies having jurisdiction over the matter.

c. All revisions as required from approval must be completed and a letter detailing the revisions made shall be provided.

d. The applicant's engineer must submit three (3) signed and sealed prints, stamped "Final Construction Plans" to the Middle Township Zoning Office.

e. This approval is subject to all of the applicable comments and conditions of a certain Review Memorandum prepared by Vincent C. Orlando, C.L.A., P.E., dated July 3, 2012 and any revisions thereto, all of which are incorporated by reference and made a part hereof.

D. BE IT FURTHER RESOLVED that:

1. A copy of this Resolution shall be supplied to the Applicant and filed with the Township Clerk.

2. A notice of this decision shall be published in the official newspaper of the

ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MIDDLE

RESOLUTION NO. 042315-08

WHEREAS, Grande Properties LLC applied to the Zoning Board of Adjustment of the Township of Middle for a "C" Variance from the provisions of Section 250-17, the Regional General Business **RGB District**, Multiple Use Commercial, of the Code of the Township of Middle, for the premises located at 3174 Route 9 South, also known as Block 1436.05, Lot 1 as delineated on the Official Map of the Township of Middle, Cape May County, New Jersey for the purpose of permitting applicant to operate a restaurant at its existing shopping center where a parking variance is necessary.

A. May 8, 2008 Hearing. A hearing was held on May 8, 2008, at the Municipal Building of the Township of Middle at which time testimony was taken and exhibits reviewed. At the hearing the following testimony was offered:

1. The applicant was represented by Jeffery April, Esq. PO Box 1195, Marmora, NJ.
2. Applicant presented testimony from the following witnesses:
 - a. Greg Farnham, Pennoni Associates Inc., 515 Grove Street, Haddon Heights, NJ
 - b. Thomas Juliano, 560 Fellowship Road, Ste 214, Mt Laurel, NJ, principal in Grande Properties, LLC, the applicant.
2. Applicant desires to convert the 6000 square foot retail space previously approved in its shopping center into a 148 seat Chinese buffet restaurant.
3. A parking study was conducted in April of this year by Pennoni Associates. Mr. Farnham presented an aerial showing the current center which has an Office Depot and a Sleepy's. He testified that on March 27, 2008 a count was done and the maximum number of cars parked there while both stores were open was sixteen (16) in a 248 space parking lot. He further testified that a restaurant such as that proposed could be operated with the current amount of parking spaces without any problem since currently they are using less than 10 percent of their spaces. He based his opinion on the fact that the businesses currently in operation are retail uses which usually generate a very low parking demand.
4. No members of the public appeared either in favor or in opposition to the application.
5. The board engineer's report was reviewed and the applicant agreed to comply with all

of the recommendations contained therein.

B. Findings of Fact and Conclusions of Law. The Zoning Board of Adjustment of the Township of Middle, after carefully considering the evidence presented at the hearing held in this matter, has made the following factual and legal findings:

1. Each statement of fact in Section A is incorporated by reference in this paragraph as if each was separately fully set forth herein.
2. The application and supporting documents were properly filed within the time limits provided and the necessary fees were paid.
3. The proper notices were given to the persons and bodies as required by law and the necessary publications were made in accordance with law and proofs submitted with respect thereto; and
4. Proof of payment of all taxes (if applicable) currently required to be paid was made by Applicant(s).
5. Applicant(s), Grande Village, LLC is the record owner(s) of Block 1436.05, Lot 1, as delineated on the Official Tax Map of the Township of Middle, duly filed, and therefore Applicant has standing to pursue this Application before the Zoning Board of Adjustment of the Township of Middle.
6. The site of the Application is located in the Regional General Business (**RGB**) District.
7. A bulk (c) use variance is necessary because applicant is proposing 246 parking spaces where 295 spaces are required.
8. The Board finds it can grant the parking variance based upon the flexible (c) (2) standard. The Board agrees with Applicant that the current occupants of the center are low turnover type businesses and that the applicable ordinance requires more than what is actually needed at this time. Given that less than 10% of the available parking is being used by the present tenants, the Board is confident that sufficient off street parking is going to be provided for the restaurant use and the benefit of having this off street parking outweighs the detriment of having fewer spaces than as required under the Middle Township ordinance. This of course assumes the existing uses remain as they are the Board is mindful that changes in use will result

ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MIDDLE

RESOLUTION NO. 043 15 OD

WHEREAS, Office Depot applied to the Zoning Board of Adjustment of the Township of Middle for a "C" Variance from the provisions of Section 218-83 (D) (6), Signs of the Code of the Township of Middle, for the premises known as Block 1436.05, Lot 1 as delineated on the Official Map of the Township of Middle, Cape May County, New Jersey for the purpose of installing signage for a proposed Office Depot in the Grande Village retail center.

A. May 11, 2006 Hearing. A hearing was held on May 11, 2006, at the Municipal Building of the Township of Middle at which time testimony was taken and exhibits reviewed. At the hearing the following testimony was offered:

1. The applicant was represented by Jeffery April, Esq. PO Box 1195, Marmora, NJ .

2. Testimony was presented from Nellie Mikola, Service Select Signs, 16 Canal Street, Bristol, Pennsylvania. Robert DeCoursy, manager of the Mays Landing Office Depot Store was also present.

3. Office Depot is one of the tenants at the Grande Village Retail Center located across from Lowes on a busy Route 9 corridor in the Rio Grande area of Middle Township.

4. The only subject of this application is a wall mounted sign. The Board did not consider any free standing sign application. Ms. Mikola presented proposed signage plans for the building sign, the dimensions of which are 230 square feet when boxed. The Middle Township ordinance allows for wall mounted signs not to exceed 75 square feet for businesses located within a shopping center. Ms. Mikola stated that the 5 foot letters are needed for the size of the building facade and to provide sufficient visibility for the business off of Route 9. She further indicated that the proposed signage is consistent with the size of other signs in adjoining area shopping centers.

5. No member of the public gave testimony or appeared in opposition with regards to the application.

6. The board engineer's report was reviewed. Mr. Orlando reviewed various applications which have come before the Middle Township Planning boards recently and have dealt with sign variances for stores in the new area shopping centers as follows: The Bed Bath and Beyond Store

in the reexamination of the off street parking situation. The Board finds that by not requiring additional spaces which will not be utilized, the variance relief will result in promoting one of the purposes of the Municipal Land Use Act, that being the more efficient use of land with a view to lessening the cost of development.

9. The Board further concludes that the bulk variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The Board finds that the parking ordinance contemplates retail uses which involve higher customer type businesses and therefore allowing the deviation in this instance will not create a substantial impairment of the zone plan and zoning ordinance. Furthermore, the variance can be granted without substantial detriment to the public good. The use being contemplated will benefit the public and the off street parking being afforded has been demonstrated to be more than adequate for the community's use.

10. The Board also find that the Applicant is proposing no changes whatsoever to the site and is simply seeking to fill an empty building space with a use other than what was originally proposed. The building, parking lot, lighting, landscaping, etc. are already in existence and are not being varied by this application. Given this, the Board finds that the request by Applicant for site plan waiver is reasonable under these circumstances.

C. NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Middle that:

1. Applicant's request for a "c" Variance where 246 parking spaces are proposed and

with linear footage of 125' 9" of store facade had requested 402 SF and was approved for 300 SF, Ross with linear footage of 158' 6 " of store facade had requested 269 SF and was approved for 269 SF, Famous Foot Wear with 56 feet of store facade had requested 154 SF and was approved for the same, Michaels with 118' 10" of store facade had requested 321 SF with 4 signs and the Board reduced to it to 235 SF Total with 2 signs (180 for the main sign and 50 ft-2nd sign), and Boaters World with 59' of frontage had requested 182 SF and was permitted 150 SF. Considering the above, applicant's signage request seems to be in line with recent prior applications for businesses in the same locale.

B. Findings of Fact and Conclusions of Law. The Zoning Board of Adjustment of the Township of Middle, after carefully considering the evidence presented at the hearing held in this matter, has made the following factual and legal findings:

1. Each statement of fact in Section A is incorporated by reference in this paragraph as if each was separately fully set forth herein.
2. The application and supporting documents were properly filed within the time limits provided and the necessary fees were paid.
3. The proper notices were given to the persons and bodies as required by law and the necessary publications were made in accordance with law and proofs submitted with respect thereto; and
4. Proof of payment of all taxes (if applicable) currently required to be paid was made by Applicant(s).
5. Applicant(s), Office Depot is a tenant of the record owner of Block 1436.05, Lot 1 as delineated on the Official Tax Map of the Township of Middle, duly filed, and has the consent of the owner Grande Properties LLC, to file this application and therefore Applicant has standing to pursue this Application before the Zoning Board of Adjustment of the Township of Middle.
6. The site of the Application is located in the **Regional General Business (RGB)**

District.

7. A (c) variance is necessary because the applicant is requesting an accessory sign which exceeds the permitted square footage for wall mounted business shopping center signs under the Middle Township Ordinance.

8. The Board finds it can grant the bulk variances for signage based upon the (c) (2) criteria as an accessory use since one of the purposes of the Municipal Land Use Law would be advanced by this deviation from the standard, specifically to promote the public safety and welfare by highlighting the business and allowing motorists to be alerted to the location without unnecessary slowing on a busy road.

9. The Board further finds that the aforesaid variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The property is located on a commercial roadway with existing nearby business uses with similarly sized signs. The Board in granting this application has specifically considered various other recent sign applications decided by the Planning Board for this business area, in an effort to create some uniformity.

C. NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Middle that:

1. Applicant's request for variance relief to allow the display of an wall mounted sign with a square footage of 230 square feet, is granted.

2. These approvals are subject to all of the applicable conditions, not otherwise set forth herein, of a certain Review Memorandum, prepared by Vincent C. Orlando, C.L.A., P.E., Zoning Board Engineer, dated May 9, 2006 and annexed hereto as Exhibit "A".

3. Prior to final approval:

a. The Applicant must secure all approvals required from all other governmental bodies and agencies having jurisdiction over the matter.

b. An engineer's cost estimate shall be submitted to the Middle Township Zoning Officer for review and approval

c. All revisions as required from the preliminary approval must be completed.

d. The appropriate performance guarantee and inspection fees must be posted with the Middle Township Zoning Officer.

e. The applicant shall schedule a pre-construction meeting with the Township Engineer by contacting the Middle Township Zoning Office. At the pre-construction meeting the applicant shall provide in writing the following: the responsible person in charge, a list of sub-contractors

and a tentative work schedule.

f. The applicant's engineer must submit three (3) signed and sealed prints, stamped "Final Construction Plans" to the Middle Township Zoning Office.

D. BE IT FURTHER RESOLVED that:

1. A copy of this Resolution shall be supplied to the Applicant and filed with the Township Clerk.

2. A notice of this decision shall be published in the official newspaper of the municipality by the Board Secretary.

3. The proper Board officials are authorized to take all actions necessary to effectuate this approval.

4. This Resolution shall take effect immediately subject to Applicant's compliance with the aforesaid conditions.

Memorialized: June 8, 2006

At the time of Memorialization:

Offered by: Art Cornell

Seconded by: Greg Martin

	Present at Hearing	Vote at Hearing	Vote on Resolution
James McLaughlin	YES	YES	YES NO
Arthur Cornell	YES	YES	YES NO
Vincent Colasanti	YES	YES	YES NO
Joyce Jewell	YES	YES	YES NO
Dennis Anderson	NO		
Daniel Money	NO		
Stephen Bradway	YES	YES	YES NO
David Ross	YES	YES	YES NO
Greg Martin	YES	YES	YES NO

The foregoing Memorializing Resolution was passed by the Zoning Board of Adjustment of the Township of Middle at a meeting held on June 8, 2006. It memorializes a decision the Board reached at its May 11, 2006 meeting.


David L. May, Secretary
Middle Township Zoning Board

ZONING BOARD OF ADJUSTMENT-OF THE TOWNSHIP OF MIDDLE

RESOLUTION NO. 042315-SB/SP

WHEREAS, Grande Properties LLC applied to the Zoning Board of Adjustment of the Township of Middle for preliminary and final major subdivision and site plan approval, for the premises known as Block 1436, Lot 19 as delineated on the Official Map of the Township of Middle, Cape May County, New Jersey in conjunction with applicant's proposed planned development of age restricted lots, adjoining accessory community center and commercial retail building, where variances from bulk standards and waivers from site plan standards are requested.

A. June 10, 2004 Hearing. A hearing was held on June 10, 2004, at the Municipal Building of the Township of Middle at which time testimony was taken and exhibits reviewed. At the hearing the following testimony was offered:

1. The applicant was represented by Jeffery April, Esq, PO Box 1195, Marmora, NJ.
2. Applicant presented testimony from the following witnesses:
 - a. Kevin Haney, PE, 776 Mountain Blvd, Watchung, NJ.
 - b. Peter Karabashian, 27 Gordon's Alley, Atlantic City, NJ
 - c. David Shropshire, 709 Stokes Road, Medford, NJ
 - d. William Juliano, principal in Grande Properties, LLC, the applicant.
3. . Prior exhibits submitted in the previous application, A-1, A-4 and A-5 were referred to in applicant's submission of it's case.
4. Kevin Haney, engineer, previously qualified as an expert, gave an overview of the project detailing a three part subdivision. The first lot would subdivide the 55,000 Sq foot commercial project from the age restricted residential area. The second lot would be a parcel of approximately 1.053 acre which would be conveyed to the trailer park to the north and consolidated with their property in an effort to rectify the existing encroachments of trailers and sheds on the property line. The third parcel would consist of the 115 individually sub-divided age-restricted lots.
5. David Shropshire, previously qualified as an expert traffic engineer, gave testimony concerning the various traffic patterns and the proposed accesses both to the commercial

project and the residential area. Emphasis was placed upon the fact that the proposed access onto Linden Lane would greatly benefit this project and help with the traffic flow.

6. Vilma Pambo, 1704 Rt 9, Swainton, NJ voiced her concern over providing enough open space in the project .

7. Anna Tershana and her husband of 303 Linden Lane, Rio Grande, spoke in favor of keeping the current natural vegetation intact as much as possible to provide the requisite buffers as opposed to fencing. There were no members of the public appearing in opposition to the application.

8. The board engineer's report was reviewed and the applicant agreed to comply with all of the recommendations contained therein.

B. Findings of Fact and Conclusions of Law. The Zoning Board of Adjustment of the Township of Middle, after carefully considering the evidence presented at the hearing held in this matter, has made the following factual and legal findings:

1. Each statement of fact in Section A is incorporated by reference in this paragraph as if each was separately fully set forth herein.

2. The application and supporting documents were properly filed within the time limits provided and the necessary fees were paid.

3. The proper notices were given to the persons and bodies as required by law and the necessary publications were made in accordance with law and proofs submitted with respect thereto; and

4. Proof of payment of all taxes (if applicable) currently required to be paid was made by Applicant(s).

5. The site of the Application is located partially in the Planned Development (PD) District and partially in the Regional General Business (RGB) District.

6. As relates to the commercial building the Applicant seeks a variance from the front yard setback on the north side of the right of way which was necessitated solely by the proposed right of way being dedicated as a public road. One Hundred (100) feet is required and Twenty (20) feet is proposed.

7. The Board finds that the variance relief can be granted based upon the (c) (2) criteria

since the dedication of the roadway as a public road for this project as opposed to maintaining it as a private entry would enhance the public health, safety and general welfare, hence the need for a variance. The board takes notice of the fact that this particular setback is more akin to a side yard setback which would only require 40 feet and the benefits of any deviation from the standards would far outweigh any detriments and further would have no substantial impairment of the zone plan and zoning ordinance.

8. Further, the Board finds that the waivers from site plan standards, particularly as regards the landscaping are reasonable under the circumstances given the commercial character of the building surrounded by sidewalk. The parking waiver regarding the exit drive is also reasonable since the proposed exit onto Linden Lane provides for more than ample stacking, according to the Township engineer. As bolstered by Mr. Shropshire's testimony, the waiver for the 15 foot radius requirement is also deemed to be reasonable since vehicle traffic could substantially go on-site and some minor changes will be made to the drive island to accommodate larger vehicles. The Board finds that the literal enforcement of the Subdivision and Site Plan Ordinance standards for which these waivers are requested would be impractical and would exact undue hardship.

C. NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Middle that:

1. Applicant's request for a front yard variance on the north side of the right of way is granted where 100 feet is required and 20 feet is proposed is granted.
2. Applicant's request for a waiver for an exit drive for a parking lot with a capacity of 100 or more vehicles, where a required minimum length of 80 feet from the street right of way to the parking area is required and sixty five (65) feet is proposed is granted.
3. Applicant's requests for waivers from the requirement that there be no parking closer than 15 feet to the building and 10 Feet is proposed and the requirement of a four (4) foot wide landscaping strip around the structure where none is proposed, are granted.
4. Applicant's request for a waiver from the requirement of a 15 foot radius for parking areas of 25 or more where applicant is proposing six (6) feet, is granted.

5. Applicant's request for a waiver of the requirement that 25% of the site plan be reserved for landscaping where applicant is proposing 21.53%, is granted.
6. Applicant's request to allow a one foot separation between the bottom of Basin 1 and the Estimated Seasonal High Water Table(ESHW/ATP) instead of the required two (2) feet is granted.
7. Preliminary site plan approval for commercial center is granted subject to conditions contained in a certain Review Memorandum prepared by Vincent C. Orlando, C.L.A., P.E., Zoning Board Engineer, dated May 13, 2004, subject to applicant's submission of revised plans and to revised noticing by applicant showing the access to Linden Lane as part of its application.
8. Preliminary major subdivision approval is granted subject to the conditions outlined in a certain Review Memorandum prepared by Vincent C. Orlando, C.L.A., P.E., Zoning Board Engineer, dated May 13, 2004 and the conditions outlined in the D variance relief granted to Applicant
9. The variances and waivers are further subject to the following conditions:
 - a. The Applicant must secure all approvals required from all other governmental bodies and agencies having jurisdiction over the matter.
 - b. These approvals are subject to all of the applicable conditions of a certain Review Memorandum prepared by Vincent C. Orlando, C.L.A., P.E., Zoning Board Engineer, dated May 13, 2004 and annexed hereto as Exhibit "A".
- D. BE IT FURTHER RESOLVED that:
 1. A copy of this Resolution shall be supplied to the Applicant and filed with the Township Clerk.
 2. A notice of this decision shall be published in the official newspaper of the municipality by the Board Secretary.
 3. The proper Board officials are authorized to take all actions necessary to effectuate this approval.
 4. This Resolution shall take effect immediately subject to Applicant's compliance with the aforesaid conditions.

Memorialized: July 8, 2004
At the time of Memorialization:

Offered by: Seconded by:
Mr. Cornell Mr. Callendar

	Present at Hearing	Vote at Hearing	Vote on Resolution
Rudolph Callendar	YES	YES	YES NO
Vincent Colasanti	YES	YES	YES NO
Joyce Jewell	YES	YES	YES NO
Art Cornell	YES	YES	YES NO
Dennis Anderson	YES	YES	YES NO
Daniel Money	NO	N/A	YES NO
James McLaughlin	YES	YES	YES NO
Marlyn Gold	YES	YES	YES NO
Stephen Bradway	YES	N/A	YES NO

The foregoing Memorializing Resolution was passed by the Zoning Board of Adjustment of the Township of Middle at a meeting held on July 8, 2004. It memorializes a decision the Board reached at its June 10, 2004 meeting.


David L. May, Secretary
Middle Township Zoning Board

ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MIDDLE

RESOLUTION NO. 042315-SB/SPR

WHEREAS, Grande Properties LLC applied to the Zoning Board of Adjustment of the Township of Middle for amended preliminary and final major subdivision and site plan approval, for the premises known as Block 1436, Lot 19 as delineated on the Official Map of the Township of Middle, Cape May County, New Jersey in conjunction with applicant's proposed planned development of age restricted lots, adjoining accessory community center and commercial retail building.

A. November 4, 2004 Hearing. A hearing was held on November 4, 2004, at the Municipal Building of the Township of Middle at which time testimony was taken and exhibits reviewed. At the hearing the following testimony was offered:

1. The applicant was represented by Jeffery April, Esq. PO Box 1195, Marmora, NJ .
2. Applicant presented testimony from the following witnesses:
 - a. Kevin Haney, PE, 776 Mountain Blvd, Watchung, NJ.
 - b. William Juliano, principal in Grande Properties, LLC, the applicant.
 - c. Ray Taylor, Middle Township NJ, Vice President of Beazer Homes USA.
 - d. David Lummis, Cherry Hill, NJ , Architect
3. The following exhibits were presented by the Applicant:
 - a. A-1 compilation of sub-division and site plan documents (colored up for illustration purposes).
 - b. A-2 Architectural of retail building
 - c. A-3 Architectural of the clubhouse
 - d. A-4 Aerial view of the site
 - e. A-5 Sample Board
4. Kevin Haney, engineer, previously qualified as an expert, detailed the amendments to the site plan and subdivision plans which included relocation of the clubhouse, addition of the driveway access onto Linden Lane for the retail facility and various other minor miscellaneous site plan and subdivision issues.
5. Mr. Lummis, was accepted as an expert, and discussed the architectural plans for the

retail facility and clubhouse.

6. Mr. Taylor offered general information about the proposed residential development, stating that a Homeowners Association would be established to maintain the common areas, thereby ensuring a quality high end project.

7. Doris and Robert Wisting, 12 Linden Lane, Rio Grande, NJ and Margaret Christensen, 10 Linden Lane, Rio Grande, NJ expressed their concern over the possible traffic in the area of the Linden Lane retail driveway access.

8. The board engineer's report was reviewed and the applicant agreed to comply with all of the recommendations contained therein.

B. Findings of Fact and Conclusions of Law. The Zoning Board of Adjustment of the Township of Middle, after carefully considering the evidence presented at the hearing held in this matter, has made the following factual and legal findings:

1. Each statement of fact in Section A is incorporated by reference in this paragraph as if each was separately fully set forth herein.

2. The application and supporting documents were properly filed within the time limits provided and the necessary fees were paid.

3. The proper notices were given to the persons and bodies as required by law and the necessary publications were made in accordance with law and proofs submitted with respect thereto; and

4. Proof of payment of all taxes (if applicable) currently required to be paid was made by Applicant(s).

5. Applicant(s), Grande Properties LLC, is the record owner of Block 1436, Lot 19 as delineated on the Official Tax Map of the Township of Middle, duly filed, and therefor Applicant has standing to pursue this Application before the Zoning Board of Adjustment of the Township of Middle.

6. The site of the Application is located partially in the Planned Development (PD) District and partially in the Regional General Business (RGB) District.

C. NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Middle that:

1. Applicant's request for amended Preliminary site plan approval is granted subject to all conditions contained in this resolution along with those outlined in a certain Review Memorandum prepared by Vincent C. Orlando, C.L.A., P.E., Zoning Board Engineer, dated November 3, 2004 and annexed hereto as Exhibit A.

2. Applicant's request for amended Preliminary major subdivision approval is granted subject to all conditions contained in this resolution along with those outlined in a certain Review Memorandum prepared by Vincent C. Orlando, C.L.A., P.E., Zoning Board Engineer, dated November 3, 2004 and annexed hereto as Exhibit A.

3. Applicant's request for final site plan and subdivision is granted subject to all conditions contained in this resolution along with those outlined in a certain Review Memorandum prepared by Vincent C. Orlando, C.L.A., P.E., Zoning Board Engineer, dated November 3, 2004 and annexed hereto as Exhibit A.

4. The approvals are further subject to the following conditions:

a. The area of the Linden Lane access drive shall be evaluated at the time of construction to determine whether additional fencing is needed.

b. The six foot high privacy fence proposed along the southern property line shall be eliminated and additional landscaping and shrubbery substituted.

c. A six foot high privacy fence shall be constructed on the eastern edge of the curb line behind the drive aisle of the retail building in order to screen the retail facility from the residential area.

d. The fencing located around all retention basins is to be split rail with wire mesh and not chain link fencing.

e. A six foot high chain link fence is to be installed on the Parkway right of way to the east.

f. The clubhouse and pool are to be first in the order of construction for the residential development.

g. The Township of Middle is to maintain the interior roads of the development as part of its road network.

h. Any additional architectural features for the proposed buildings will be delineated on

the plan and must meet all ordinance requirements including but not limited to the size of any proposed walls or signage. The applicant will work with the Township Engineer to comply with any requested revisions.

i. All facades of the retail facility will be split face block with no painted surfaces.

j. The square footage of the retail building is to be maintained at 55,000 square feet maximum and to remain within the footprint as set forth on the plan.

k. Building coverage for residential lots shall not exceed 40% maximum which includes all decks, overhangs, steps and porches.

l. Any decks, steps, porches and overhangs must fall within the required setback areas.

5. Prior to construction and/or filing of the final plat:

a. The Applicant must secure all approvals required from all other governmental bodies and agencies having jurisdiction over the matter.

b. An engineer's cost estimate should be submitted to the Middle Township Zoning Officer for review and approval.

c. The appropriate performance guarantee and inspection fees must be posted with the Middle Township Zoning Officer.

d. The applicant shall schedule a pre-construction meeting with the Township Engineer by contacting the Middle Township Zoning Office. At the pre-construction meeting the applicant shall provide in writing the name of the responsible person in charge, along with a tentative work schedule and list of sub-contractors.

e. All revisions as required from the final approval must be completed.

f. Prior to the filing of this plat, the applicant will be required to post the necessary fees for lighting with the Township of Middle Zoning Office.

g. Prior to the filing of this map, the proposed lot numbers must be verified with by the Middle Township Tax Assessor.

h. The applicant's engineer must submit three (3) signed and sealed prints, stamped "Final Construction Plans" to the Middle Township Zoning Office.

D. BE IT FURTHER RESOLVED that:

1. A copy of this Resolution shall be supplied to the Applicant and filed with the

Township Clerk.

2. A notice of this decision shall be published in the official newspaper of the municipality by the Board Secretary.

3. The proper Board officials are authorized to take all actions necessary to effectuate this approval.

4. This Resolution shall take effect immediately subject to Applicant's compliance with the aforesaid conditions.

Memorialized: December 9, 2004
At the time of Memorialization:

Offered by: Mr. Cornell Seconded by: Mrs. Jewell

	Present at Hearing	Vote at Hearing	Vote on Resolution
Rudolph Callendar	YES	YES	YES NO
Vincent Colasanti	YES	YES	YES NO
Joyce Jewell	YES	YES	YES NO
Art Cornell	YES	YES	YES NO
Dennis Anderson	NO		
Daniel Money	NO		
James McLaughlin	YES	YES	YES NO
Marlyn Gold	YES	YES	YES NO
Stephen Bradway	NO		

The foregoing Memorializing Resolution was passed by the Zoning Board of Adjustment of the Township of Middle at a meeting held on December 9, 2004. It memorializes a decision the Board reached at its November 4, 2004 meeting.


David L. May, Secretary
Middle Township Zoning Board

ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MIDDLE

RESOLUTION NO. 042315

WHEREAS, Grande Properties LLC applied to the Zoning Board of Adjustment of the Township of Middle for "P" Variances from the provisions of Section 250-12, the Planned Development **PD District**, Subsection B, Principal Uses, and Section 250-17, the Regional General Business **RGB District** of the Code of the Township of Middle, for the premises known as Block 1436, Lot 19 as delineated on the Official Map of the Township of Middle, Cape May County, New Jersey for the purpose of permitting applicant to construct a planned development of age restricted lots along with an accessory community center and an adjoining commercial retail building.

A. June 10, 2004 Hearing. A hearing was held on June 10, 2004, at the Municipal Building of the Township of Middle at which time testimony was taken and exhibits reviewed. At the hearing the following testimony was offered:

1. The applicant was represented by Jeffery April, Esq. PO Box 1195, Marmora, NJ.
2. Applicant presented testimony from the following witnesses:
 - a. Kevin Haney, PE, 776 Mountain Blvd, Watchung, NJ.
 - b. Peter Karabashian, 27 Gordon's Alley, Atlantic City, NJ
 - c. David Shropshire, 709 Stokes Road, Medford, NJ
 - d. William Juliano, principal in Grande Properties, LLC, the applicant.
3. Exhibits were marked as follows:
 - a. A-1 Proposed development exhibit rendering dated 6/10/2004 prepared by Mr. Haney's office
 - b. A-2 Proposed development –aerial view dated 9/4/2003 prepared by Mr. Haney's office.
 - c. A-3 graphic prepared by Mr. Karabashian's office showing 6600 sq. ft lot w/dimensions of 55' W x 120' L-depicting building area envelope
 - d. A-4 Additional graphic prepared by Mr. Haney's office showing lot size w/building envelope.
 - e. A-5 Graphic rendition of clubhouse building

4. Kevin Haney, engineer, was qualified as an expert and testified that the "d" use variances were required as follows: a. Approximately 50 feet of the proposed commercial building project would extend from the RGB zone into the PD zone which does not allow commercial use b. a density variance to allow the 115 planned units.

5. Peter Karabashian, a licensed planner, was qualified as an expert in his field and gave testimony that the surrounding areas consisting of a trailer park to the North and residential properties to the south were dense areas. He stated that the commercial variance being requested was a "de minimis" one and that the 50 feet which would extend into the PD zone was actually open space, creating an aesthetically pleasing buffer between the commercial building and the planned development. He testified that such a variance would have no impact on the zone plan or ordinance and that if you removed 50 feet from the project there would be an impact on the setback and landscape corridor of the commercial development on Route 9. This variance would allow for the addition of commercial land to be used for landscaping, design and parking.

6. He gave further testimony on the second variance regarding the density issue, concentrating on the differences in the average amount of people occupying a standard single family residential unit with those occupying an age restricted unit, concluding that if the property was developed with standard SF dwellings(which would not require a variance), the result would be more people, more impact on the surrounding community. He also stated that the minimum 6600 square foot lot proposed could easily accommodate an age-restricted house where individuals are downsizing and looking for ease of maintenance.

7. David Shropshire, expert traffic engineer, gave testimony that an age restricted development of 115 units compared with a development of approximately 85-95 non-restricted single family homes would be a far less intensive traffic impact on the surrounding neighborhood given the less trips per day and at peak hours made by those in age-restricted housing and the lower number of automobiles per household.

8. Anna Tershana and her husband, Edward Tershana, of 303 Linden Lane, Rio Grande, spoke in favor of the application, stating that she did not feel that the development in and of itself would create a traffic problem. Mr. Tershana told the Board that he felt the use proposed would be the best for the property given the trend that more people were living longer lives. There were

no members of the public appearing in opposition to the application.

9. The board engineer's report was reviewed and the applicant agreed to comply with all of the recommendations contained therein.

B. Findings of Fact and Conclusions of Law. The Zoning Board of Adjustment of the Township of Middle, after carefully considering the evidence presented at the hearing held in this matter, has made the following factual and legal findings:

1. Each statement of fact in Section A is incorporated by reference in this paragraph as if each was separately fully set forth herein.

2. The application and supporting documents were properly filed within the time limits provided and the necessary fees were paid.

3. The proper notices were given to the persons and bodies as required by law and the necessary publications were made in accordance with law and proofs submitted with respect thereto; and

4. Proof of payment of all taxes (if applicable) currently required to be paid was made by Applicant(s).

5. The site of the Application is located partially in the Planned Development (PD) District and partially in the Regional General Business (RGB) District.

6. A (d) use variance is necessary because a portion of the proposed commercial development encroaches into the adjoining PD zone which does not provide for commercial uses.

7. A d (5) variance for density is required to allow development of the 115 lots.

8. One of the reasons which is frequently stated in order to justify the grant of a Special Reasons "d" variance is that the proposed use which is applied for advances one or more of the purposes of Zoning. The Board finds that the requested density variance promotes several of these. By granting this age-restricted variance, one of the designated purposes of zoning is advanced, that being the provision for senior citizen housing for a population which more and more requires such support. This project also promotes the general welfare of the community by concentrating the population within an available infrastructure at this particular location. This is consistent with the state plans and the Middle Township plan for land use because the subject area is a central one serviced by a good road system and infrastructure which can absorb the

population proposed. The Board finds that as such, it promotes another designated purpose of zoning which is set forth as promoting the establishment of appropriate population densities and concentrations that will contribute to the well being of persons, neighborhoods, communities and regions and preservation of the environment.

9. The Board also finds that the negative criteria are met since by granting the requested variances the amount of people occupying the site will be substantially less than that permitted by the ultimate use of this site for unrestricted single family dwellings which would bring more traffic, more impact on the school systems and hence on community services

10. The Board concludes that the D variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan. It is noteworthy that there were no individuals from the surrounding properties who voiced any opposition to the proposed application and those neighbors who did appear stated their support of the application.

11. Applicant(s) also seek(s) bulk variances for the residential development in the PD zone for minimum lot area, minimum lot frontage and lot width, front yard setback, side yard setbacks, rear yard setbacks, and maximum building coverage as follows:

	Required	Proposed
Minimum Lot Area	12,000 SF	6,600 SF
Minimum Lot Width	75 ft	55 ft
Minimum Lot Frontage	75 ft	55 ft
Minimum Front Yard Setback	30 ft	20 ft
Minimum Side Yard Setbacks	10 ft	7 ft
Total Side Yard Setbacks	25 ft	15 ft
Minimum Rear Yard Setback	30 ft	20 ft.
Maximum Building Coverage	35%	40 %

12. The Board finds it can grant the above variances based upon the (c) (2) criteria as more specifically set forth above since the benefits of any deviation from the standards would far outweigh any detriments by allowing the age-restricted development in an area which could be

developed with standard size single family dwelling lots without the need for a variance. Such development would have far more of an adverse impact on the surrounding community.

C. NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Middle that:

1. Applicant's request for a "d" Variance to permit the encroachment of the proposed commercial use approximately 50 feet into the PD zone is granted.
2. Applicant's request for a (d)(5) variance to permit density as outlined on the application of 115 units conforming to the age restricted statutory requirements is granted with the condition that 10 % is to be set aside for low and moderate income housing (5% low and 5% moderate).
3. Applicant's requests for variances from minimum lot area, lot width and front yard setbacks relating to the residential use are granted as follows:

	Required	Proposed
Minimum Lot Area	12,000 SF	6,600 SF
Minimum Lot Width	75 ft	55 ft
Minimum Lot Frontage	75 ft	55 ft
Minimum Front Yard Setback	30 ft	20 ft
Minimum Side Yard Setbacks	10 ft	7 ft
Total Side Yard Setbacks	25 ft	15 ft
Minimum Rear Yard Setback	30 ft	20 ft
Maximum Building Coverage	35%	40 %

2. The variances are subject to the following conditions:
 - a. The Applicant must secure all approvals required from all other governmental bodies and agencies having jurisdiction over the matter.

- b. This approval is subject to all of the applicable conditions of a certain Review Memorandum prepared by Vincent C. Orlando, C.L.A., P.E., Zoning Board Engineer, dated May 12, 2004, and annexed hereto as Exhibit "A".

D. BE IT FURTHER RESOLVED that:

1. A copy of this Resolution shall be supplied to the Applicant and filed with the

Township Clerk.

2. A notice of this decision shall be published in the official newspaper of the municipality by the Board Secretary.

3. The proper Board officials are authorized to take all actions necessary to effectuate this approval.

4. This Resolution shall take effect immediately subject to Applicant's compliance with the aforesaid conditions.

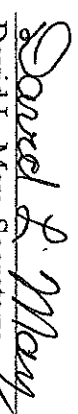
Memorialized: July 8, 2004

At the time of Memorialization:

Offered by: Seconded by:
Mr. Cornell Mr. Callendar

	Present at Hearing	Vote at Hearing	Vote on Resolution
Rudolph Callendar	YES	YES	YES NO
Vincent Colasanti	YES	YES	YES NO
Joyce Jewell	YES	NO	YES NO
Art Cornell	YES	YES	YES NO
Dennis Anderson	YES	YES	YES NO
Daniel Money	NO		YES NO
James McLaughlin	YES	YES	YES NO
Marlyn Gold	YES	YES	YES NO
Stephen Bradway	YES		YES NO

The foregoing Memorializing Resolution was passed by the Zoning Board of Adjustment of the Township of Middle at a meeting held on July 8, 2004. It memorializes a decision the Board reached at its June 10, 2004 meeting.


David L. May, Secretary
Middle Township Zoning Board