

THE FOLLOWING WILL BE ON THE AGENDA FOR THE REGULAR MEETING OF THE JOINT LAND USE BOARD FOR MONDAY, NOVEMBER 22, 2021 IN THE LINDENWOLD BOROUGH HALL.

1. CALL MEETING TO ORDER
2. SUNSHINE ANNOUNCEMENT
3. FLAG SALUTE
4. ROLL CALL
5. APPROVAL OF MINUTES FROM OCTOBER 28, 2021
6. RESOLUTION

JLUB-21-6A
PRODIGY GAMES
BLOCK 122, LOT 9

JLUB-21-8
SUNSATONAL LANDSCAPING
BLOCK 238, LOT 1.04

7. NEW BUSINESS

APPLICATION JLUB-21-9
STRONGEST VERSION, LLC
2400 EGG HARBOR ROAD
UNIT 2412
BLOCK 267, LOT 8
CHANGE IN USE
EMPTY SPACE TO PACKAGING AND ONLINE
SALES OF ALL-NATURAL BODY CARE PRODUCTS

8. OPEN MEETING TO THE PUBLIC
9. ADJOURNMENT

THE REGULAR MEETING OF THE JOINT LAND USE BOARD FOR THURSDAY, OCTOBER 28, 2021 WAS CALLED TO ORDER AT 6:00 P.M. AT THE LINDENWOLD BOROUGH HALL.

SUNSHINE ANNOUNCEMENT

FLAG SALUTE

PRESENT:

KATHLEEN MCGILL GASKILL, ESQ. – BOARD SOLICITOR
JEFF HANSON, PE, CME, - BOARD ENGINEER

MEMBERS PRESENT:

MAYOR RICH ROACH
COUNCILWOMAN LINDA HESS
MR. CRAIG WELLS
MR. JOE VANDERGRIFT
MS. JOY JACKSON
MS. PAT STRIPPOLI
MR. JERMAINE JACKSON
MS. NANCY DIDOMENICO
MS. HEATHER PROTICH
MR. WALT LENKOWSKI

MEMBERS ABSENT:

MR. HOWARD DAWSON

MR. LENKOWSKI ENTERTAINED FOR A MOTION TO APPROVE THE MINUTES FROM SEPTEMBER 23, 2021.
MR. WELLS MADE THE MOTION TO APPROVE, MOTION SECONDED BY COUNCILWOMAN HESS. ROLL CALL WAS UNANIMOUS. MOTION CARRIED.

MR. LENKOWSKI ENTERTAINED FOR A MOTION TO APPROVE RESOLUTION JLUB-21-7, UNITED PAVING, BLOCK 257, LOT 1. MR. WELLS MADE THE MOTION TO APPROVE, MOTION SECONDED BY MAYOR ROACH. ROLL CALL WAS UNANIMOUS. MOTION CARRIED.

NEW BUSINESS

APPLICATION JLUB-21-8
SUNSATONAL LANDSCAPING
1202 LAUREL ROAD
BLOCK 238, LOT 1.04
MINOR SITE PLAN

DAVE CHERUBINI – APPLICANT
GREG FUSCO – APPLICANTS ENGINEER
SWORN IN

MR. FUSCO GIVES OVERVIEW - TYPE OF BUSINESS

BOARD ENGINEER GIVES OVERVIEW OF APPLICATION/REVIEW LETTER

QUESTION AND ANSWER SESSION BETWEEN BOARD ENGINEER, APPLICANTS ENGINEER AND APPLICANT (LANDSCAPING BUFFER, DRIVEWAY AREA, TRUCKS, LIGHTING, PARKING, LOADING ZONE WAIVER, HOURS OF OPERATION, NUMBER OF EMPLOYEES, SOLID WASTE, SECURITY SYSTEM, STONE AREA USED FOR STAGING AND IT'S ROPED OFF, WILL COMPLY WITH STOP SIGN, STORM WATER MANAGEMENT, PHASING IN DEVELOPMENT)

MR. LENKOWSKI OPENED THE MEETING TO THE PUBLIC AND NO ONE STEPPED FORWARD.

BOARD SOLICITOR SUMS UP APPLICATION.

MR. LENKOWSKI ENTERTAINED FOR A MOTION. MAYOR ROACH MADE THE MOTION TO APPROVE, MOTION SECONDED BY MS. STRIPPOLI. ROLL CALL WAS UNANIMOUS. MOTION CARRIED.

APPLICATION JLUB-21-6A
PRODIGY GAMES
110 N. WHITE HORSE PIKE
BLOCK 122, LOT 9
PARKING VARIANCE

GARY BAILEY, ESQ. – APPLICANTS ATTORNEY
DAVID BARNES – APPLICANT

MR. BAILEY GIVES OVERVIEW OF APPLICATION

DISCUSSION ON PARKING AT TY & SONS AND TROTТА'S

BRIEF QUESTION AND ANSWER SESSION BETWEEN BOARD ENGINEER, BOARD SOLICITOR, APPLICANT AND BOARD MEMBERS
(TOTAL NUMBER OF PARKING SPACES, END TIME OF TOURNAMENTS, TOURNAMENTS (4) TO (5) TIMES A WEEK, SOME ARE DROP OFF, SOME CAR POOL, SECURITY SYSTEM, EASEMENT AGREEMENT)

MR. LENKOWSKI OPENED THE MEETING TO THE PUBLIC AND NO ONE STEPPED FORWARD

BOARD SOLICITOR SUMS UP APPLICATION

MR. LENKOWSKI ENTERTAINED FOR A MOTION. MAYOR ROACH MADE THE MOTION TO APPROVE, MOTION SECONDED BY COUNCILWOMAN HESS. ROLL CALL WAS UNANIMOUS. MOTION CARRIED.

MR. LENKOWSKI OPENED THE MEETING TO THE PUBLIC AND NO ONE STEPPED FORWARD.

MEETING ADJOURNED - NANCY DIDOMENICO, BOARD SECRETARY

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF LINDENWOLD JOINT LAND USE BOARD
CAMDEN COUNTY, NEW JERSEY
APPLICATION NO. JLUB 21-06A**

IN THE MATTER OF	:	JOINT LAND USE BOARD
PRODIGY GAMES LLP,	:	BOROUGH OF LINDENWOLD
	:	APPLICATION NO. JLUB 21-06A
	:	BLOCK 122, LOT 9
	:	110 NORTH WHITE HORSE PIKE
	:	
	:	GRANTED: October 28, 2021
	:	MEMORIALIZED: November 22, 2021

**A RESOLUTION GRANTING A PARKING VARIANCE FOR THE PROPOSED RETAIL
STORE AND GAMING LOUNGE SUBJECT TO CONDITIONS**

WHEREAS, Prodigy Games, L.L.P., maintaining a place of business at 110 North White Horse Pike, Lindenwold, New Jersey 08021 (hereinafter designated the “Applicant”) has submitted an application to the Borough of Lindenwold Joint Land Use Board (hereinafter designated the “Board”) seeking a variance for parking for its retail store/gaming lounge at the building located at 110 North White Horse Pike, also known as Block 122, Lot 9 on the Official Tax Map of the Borough of Lindenwold (hereinafter the “Subject Property”);

WHEREAS, the Board considered the following documents submitted by the Applicant in connection with this application:

- (1) Borough of Lindenwold Joint Land Use Variance Application prepared by the Applicant’s partner David Barnes and dated September 2, 2021;
- (2) Borough of Lindenwold Affidavit of Ownership signed by the Applicant’s partner David Barnes;
- (3) Copies of the Notice to Property Owners and Public Advertisement of Hearing;
- (4) Easement Agreement with Frank Trotta, the owner of 24 North White Horse Pike, Lindenwold, New Jersey with parking schematic dated October 22, 2021;
- (5) Affidavit of Frank Trotta on parking easement dated October 20, 2021;
- (6) Statement by Frank Trotta in regard to the security system serving 24 North White Horse Pike;

(6) Easement Agreement with Estate of Frank J. Moffa and Estate of Adeline J. Moffa, the Applicant and Tymour Brown and Ty and Sons Auto Repair and Towing;

(5) Copy of the Tax Certification Form for the Borough of Lindenwold for the Subject Property and the Borough of Lindenwold and the CCMUA account statements;

WHEREAS, on October 28, 2021, a public hearing was conducted on the application of the Applicant with the Applicant being represented by Gary L. Bailey, Jr., Esquire of Bailey & Associates, LLC;

WHEREAS, the Board having heard the testimony presented by the Applicant and the Board Engineer, G. Jeffrey Hanson, PE, CME, and having heard the arguments of the Applicant's counsel, Gary L. Bailey, Esquire; and having opened the hearing for public comment and no member of the public spoke on this application, and having considered the application submitted in connection herewith;

NOW THEREFORE BE IT RESOLVED that the Board makes the following findings of facts:

FINDINGS OF FACT

1. The Applicant is a tenant of a one story brick building located at 110 North White Horse Pike, Lindenwold, New Jersey also known as Block 122, Lot 9 of the Official Tax Map of the Borough of Lindenwold (the "Subject Property") located in the B-2 (Highway Business) District. The Applicant's initial application to this Board was for the approval of a change of use to permit the operation of a retail hobby game store and gaming lounge.

2. On August 26, 2021, the Applicant received approval for a change of use for the retail store for the sale of trading cards and video games as retail uses are a permitted use pursuant to Borough Code Section 365-58A and 365-67A allowing for the operation of a retail store. The Borough Code does not specifically permit gaming lounges, but it was noted at that hearing that the game lounge for tournaments could be characterized as a lodge for fraternal or social purposes which could be permitted under Brough Code Section 365-58D(4). Notwithstanding, as this use involved additional parking demands and requirements, such proposed use could not be considered by the Board in the absence of a parking and circulation schematic showing the on-site parking available on the Subject Property and the traffic circulation on site. To the extent that the Subject Property could not accommodate the additional parking requirements for this gaming lounge on site, the Applicant was instructed that an application for a parking variance for that proposed use would be required, and that the Applicant should seek alternate off-street parking arrangements for this proposed use as the Board has concerns about parking overflow by the Applicant's customers and tournament attendees on Maple Avenue and the surrounding residential community. The Applicant was instructed that the operation of a gaming lounge was not allowed until such time as the Board considers such proposed change of use and the resulting parking issue.

3. The Subject Property contains a total of nine (9) parking spaces, including one (1) handicapped accessible space. In the parking and circulation schematic which the Applicant

submitted, ingress and egress to the Subject Property was by way of two access drives on Maple Avenue with an interior one-way drive exists at the rear of the building on the Subject Property with egress and ingress to Maple Avenue and the other access drive on Maple Avenue servicing the adjoining property where the operation of Ty and Sons Auto Repair and Towing is located.

4. The operation of the Applicant's retail store and the gaming lounge requires twenty (20) parking spaces pursuant to the parking schedule set forth in Brough Code Section 365-94 and there are only nine (9) parking spaces on the Subject Property. To satisfy the parking requirements for both the retail store and the gaming lounge, the Applicant entered into an Easement Agreement with Frank Trotta, who is the owner of the adjacent property known as 24 N. White Horse Pike, Lindenwold, also known as Block 121, Lot 4, where the adjoining auto repair and towing business of Ty and Sons Auto Repair and Towing is located, which property fronts on White Horse Pike but extends to the rear of the Subject Property to Maple Avenue. That easement grants access on and through 24 North White Horse Pike to the parking area contained thereon for so long as the Applicant is the tenant at the Subject Property and for so long as the Applicant abides by the terms of the Easement Agreement. Said Easement Agreement allows the Applicant to utilize thirteen (13) parking spaces on 24 North White Horse Pike on Monday through Thursday from 2:00pm to 9:00pm, and on Friday through Sunday, from 1:30pm to 9:30pm for the proposed gaming lounge tournaments. Said easement is limited to those days and times. In addition, the Applicant is required under that Agreement to keep the easement area free, clear of any litter, and open for the benefit of the owner and other concurrent uses of this parking area and to safeguard the owner's property by closing and locking the gate after use or entry. Said Easement Agreement has a provision for the termination of the easement rights and privileges for non-compliance of the terms of said easement by the Applicant.

5. Additionally, the Applicant entered into an Easement Agreement with the existing tenant on 24 North White Horse Pike, Tymour Brown and Ty and Sons Auto Repair and Towing, which provides their consent to the creation of easement rights to utilize those 13 parking spaces on the property which they lease from Frank Trotta. That easement is subject to the same limitation on parking and termination set forth in Paragraph 4 above

6. The Applicant testified that with these additional off-street parking measures proposed by these easement agreements, the Applicant will be providing 22 parking spaces where only 20 parking spaces are required, and that the Applicant will supervise customer parking so that there will be no on-street parking for its proposed use. If additional parking is needed beyond the on-site parking on the Subject Property and the off-street parking made available by the easement agreements, the Applicant will direct customers to additional legal on-site parking within a 5-10 block radius of the Subject Property. These measures taken together will militate against any adverse impact on the surrounding residential neighborhood by the grant of the proposed parking variance as the Applicant has agreed not to use or allow on-street parking for its proposed uses.

7. The Applicant also presented a statement by Frank Trotta in regards to the 24 hour security cameras on the parking areas which are the subject of the Easement Agreements, and the traffic into the parking area.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this application for a variance from the requirements of Borough of Lindenwold Zoning Ordinance Section 365-94, which govern parking requirements under authority granted to same by N.J.S.A. 40:55D-70.

2. The Applicant has demonstrated by the preponderance of the evidence that this application for a parking variance for its proposed uses has satisfied the positive criteria for the granting of variance relief as this deviation will advance the purposes of the Municipal Land Use Law as described in N.J.S.A. 40:55D-2(a) "to encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner that will promote the public health, safety, morals and general welfare." The Board acknowledges that certain flexibility is required in addressing on-site parking requirements for older developed properties along the White Horse Pike.

3. The Board has determined that the relief sought can be granted without substantial negative impact on the surrounding neighborhood and will not impair the intent and purposes of the Master Plan or Zoning Ordinances of the Borough of Lindenwold, as alternate off-street parking will be available via the proposed Easement Agreements to meet the parking requirements for its proposed uses. These measures will militate against any adverse impact on the surrounding residential community by on-street parking, as will the Applicant's representation that they will supervise parking and if additional parking spaces are still required that they direct customers to other off-street parking within a 5-10 block radius and that no street parking will be utilized for its proposed use.

4. The Board determined that the Applicant has met the requirements of N.J.S.A. 40:55D-70(c)(2) for the granting of this parking variance.

NOW THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Lindenwold, in the County of Camden and State of New Jersey, on the 28th day of October, 2021, upon motion duly made by Mayor Richard Roach, Jr. and seconded by Councilwomen Linda Hess that the parking variance requested in this application be and is hereby **GRANTED**, subject to the following terms and conditions:

1. That the application, all exhibits, testimony, maps and other documents submitted, and all representations made, and all testimony given before the Board at its meeting of October 28, 2021 are true and accurate of the facts relating to the Applicant's request for relief. In the event that it appears to the Board, on reasonable grounds, that the application, exhibits, testimony, maps and other documents are not accurate, are materially misleading, or are the result of mistake, and the same have been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought, the Board may rescind its approval and rehear the application, or any part of said application, either upon the application of an interested party or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interest of justice.

2. That the parking variance granted herein is conditioned on the following:
 - a. That the Easement Agreements for the off-site, off-street parking for the Applicant's proposed use shall be reviewed and approved by the Board's engineer and counsel and recorded with the Office of the Camden County Clerk and with recorded copies of same provided the Board's Secretary;
 - b. That no modifications shall be made to the Easement Agreements without the approval of the Board;
 - c. That the Easement Agreements shall remain in full force and effect during the occupancy of the Subject Property by the Applicant and not allowed to be terminated.
 - d. The Applicant shall post all required inspection fees required and shall keep the Applicant's escrow account for the review of this application current.

3. The Applicant shall not occupy and operate this retail store and gaming lounge until all occupancy certificates/approvals and a mercantile license have been obtained from the Zoning/Code Enforcement Officers, and all other permits, approvals or licenses have been obtained from other governmental agencies as may be required by law or local ordinance. The Applicant shall comply with any requirements or conditions of such approvals or permits, which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies permits and/or approvals, if any, are required. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from any such outside agencies.

4. At any time after adoption of this Resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition set forth herein, upon a proper showing of materially misleading submission, material misstatement, materially inaccurate information or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there has been a material fault or deficiency in the application, the Board shall take whatever action it deems appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval or such other *action as appropriate.

5. The Applicant shall indemnify and hold the Borough of Lindenwold harmless from any claims whatsoever which may be made as a result of any deficiency in the application, or as to any representation made by the Applicant.

6. The grant of the requested relief does not discharge the Applicant from all other duties associated with the ownership and use of the Subject Property or other duties under the Lindenwold Code or other laws as it relates to the maintenance, licensing, condition of and any activities on the Subject Property or otherwise relating to the ownership or occupancy of the Subject Property. These conditions of approval shall be binding upon the Applicant, the tenant of the Subject Property, and any successors and/or assigns of same.

**ROLL CALL VOTES ON MOTION TO GRANT APPLICATION FOR APPROVAL OF
A CHANGE OF USE AND MINOR SITE PLAN WAIVER FOR THE RETAIL STORE:**

IN FAVOR: Mayor Richard Roach, Jr. Councilwoman Linda Hess, Walter Lenkowski,
Pat Strippoli, Craig Wells, Joseph Vanderbilt, Joy Jackson, Howard Dawson and Jermaine
Jackson

OPPOSED: None

ABSTENTION: None

BE IT FURTHER RESOLVED that a certified copy of this Resolution of Memorialization be
sent via regular mail to the Applicant within ten (10) days of the date of adoption, and a copy of this
Resolution shall be filed with the Administrative Officer or Clerk of the Borough, Borough Construction
Official, Borough Zoning Officer and made available to all other interested parties.

Walter Lenkowski, Chairperson
Joint Land Use Board
Borough of Lindenwold

NANCY DIDOMENICO, Secretary
Joint Land Use Board
Borough of Lindenwold

CERTIFICATION

This Resolution of Memorialization being adopted by action of the Joint Land Use Board of the
Borough of Lindenwold on this day of November 22, 2021, is a true copy of the action taken by the
Lindenwold Joint Land Use Board at its meeting held on October 28, 2021.

NANCY DIDOMENICO, Secretary
Joint Land Use Board
Borough of Lindenwold

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF LINDENWOLD LAND USE BOARD
CAMDEN COUNTY, NEW JERSEY
APPLICATION NO. JLUB-21-8**

**IN THE MATTER OF
DAVID CHERUBINI DBA
SUNSATONAL LANDSCAPING**

**: LAND USE BOARD
: BOROUGH OF LINDENWOLD
: APPLICATION NO. JLUB-21-8
: BLOCK 238, LOT 1.04
: 1202 LAUREL ROAD
:
:
: GRANTED: October 28, 2021
: MEMORIALIZED: November 22, 2021**

**A RESOLUTION GRANTING MINOR SITE PLAN APPROVAL
AND DESIGN WAIVERS**

WHEREAS, David Cherubini, maintaining a business address at 1202 Laurel Road, Lindenwold, New Jersey, and doing business as Sunsational Landscaping (hereinafter the "Applicant"), has submitted an application to the Borough of Lindenwold Joint Land Use Board (hereinafter the "Board"), for minor site plan approval for the property known as 1202 Laurel Road, Lindenwold, New Jersey 08021, also known as Block 238, Lot 1.04 (the Subject Property"), along with waivers of certain submission and design requirements; and

WHEREAS, the Applicant submitted the following documentation in connection with its application:

- (1) Borough of Lindenwold Joint Land Use Board Development Application, dated September 30, 2021 and signed by the Applicant;
- (2) Borough of Lindenwold Affidavit of Ownership, undated and signed by the Applicant;
- (3) Borough of Lindenwold Joint Land Use Board Checklist for Minor Site Plans dated September 30, 2021 and signed by Tom DeStick;
- (4) Minor Site Plan prepared by Key Engineers, Inc., dated September 29, 2021, signed and sealed by Gregory Blasé Fusco, P.E., and consisting of the following:
 - (a) Cover Sheet, Sheet 1 of 5;
 - (b) Plan of Survey and Demolition, Sheet 2 of 5;
 - (c) Minor Site Plan, Sheet 3 of 5;
 - (d) Grading Plan, Sheet 4 of 5; and
 - (e) Details, Sheet 5 of 5;
- (5) Camden County Planning Board Application dated September 30, 2021 and signed by the Applicant and completed by Robert Scott Smith, P.L.S., P.P.;

- (6) Borough of Lindenwold Tax Certification Form;
- (7) Borough of Lindenwold Escrow Agreement dated September 30, 2021 and signed by the Applicant;
- (8) Schematic of Hoop House; and ;
- (9) Resolutions of the Joint Land Use Board No. 20-4, 20-4A, and 20-4B;

WHEREAS, the Applicant has requested a waiver of the submission requirements of a complete plan of all types of plantings and a complete site lighting plan;

WHEREAS, said application, having been reviewed by the Board's Engineer, G. Jeffrey Hanson, P.E., CME, of Environmental Resolutions Inc. by letter dated October 20, 2021, who deemed the application conditional complete for hearing purposes subject to the Applicant supplying the requested testimonial and/or documentary evidence;

WHEREAS, on October 24, 2021, the Board held a public hearing in connection with this application with the Applicant appearing along with his engineer, Gregory Blasé Fusco, P.E., P.P. of Key Engineers, Inc.;

WHEREAS, the Board, having heard the testimony and evidence presented by the Applicant, the Applicant's engineer Gregory Blasé Fusco, and the Board's Engineer, G. Jeffrey Hanson, P.E., CME, and having opened the hearing for public comments, and no one wishing to comment, and having considered the application submitted herewith;

NOW, THEREFORE, be it resolved that the Board makes the following findings of facts:

FINDINGS OF FACTS:

1. The Applicant is the owner of the Subject Property, which is a 3.5 acre triangular parcel of land, situated on the westerly side of Laurel Road (County Road No. 673). The Subject Property is a split zoned lot with the frontage along Laurel Road to the depth of 145 feet being located in the OP-1 (Office Professional) District and with the balance of the Subject Property to the rear being located in the R-1 (Single Family Detached Residential) District. The Subject Property is designated as Lot 1.04 of Block 238 on the Borough of Lindenwold Official Tax Map.

2. On April 23, 2020, the Applicant received a use variance for the Subject Property under the Joint Land Use Board Application No. JLUB-20-4 to allow for a multiple use garden center, nursery and a contractor's office for his landscaping business. The Subject Property was approved for the operation of a commercial and retail landscaping and garden center, which included the storage and sale of bulk landscaping materials. The Applicant also received approval to utilize portions of the Subject Property for the production of nursery stock in greenhouses or through in-ground plantings of trees and shrubs for his landscaping business. This application by the Applicant was part of a bifurcated application and the use variance previously granted was conditioned on the subsequent application seeking site plan approval of the Subject Property for the approved uses.

3. In a subsequent application, JLUB-20-4A, the Applicant received authorization for the temporary operation of a business for the sale of seasonal items on the Subject Property in advance of final site plan approval due to the financial hardship which the COVID 19 pandemic and the restrictions imposed by Executive Order 104 and 107 issued by Governor Murphy on the Applicant and with the Board recognizing the costs associated with the development of a site plan. This temporary authorization for a limited seasonal garden stand ran from September 15 to December 31, 2020 and was conditioned on the review and approval by the Borough's Construction Code Official of the proposed layout of this retail stand and associated parking. This temporary authorization was further extended in application JLUB No. 20-4B from April 1, 2021 to May 31, 2021 due to delays in getting responses from the NJDEP on several environmental issues associated with a deep ravine along the Subject Property's northerly boundary which information was necessary in order to complete the site plan.

4. In the present application, the Applicant is seeking minor site plan approval for the Subject Property and design waivers for a landscaped buffer required under Borough Code Section 365-92, for a loading and delivery area as required by Borough Code Section 365-93.N(2), and for a landscape plan as required by Borough checklist.

5. The Subject Property is currently improved with a two-story brick dwelling/office building, a stone parking lot containing seven (7) stalls, a driveway leading to several sheds in the rear portion of the Subject Property and a separate trailer enclosed within a 6 ft high chain link fence. The property is accessed via three (3) separate curb openings that are connected with a stone driveway. A ravine runs along the northerly property line and contains a stream that meanders on and off the Subject property. The Subject Property is bound on the south along Laurel Road with a single family dwelling and across Laurel Road is a residential community, on the east and north by tract of open space owned by Camden County, on the west by a self storage facility.

6. The Applicant is seeking minor site plan approval to construct various improvements associated with the approved use. Specifically those proposed improvements include reconfiguring the existing parking stalls servicing the dwelling/office building and constructing a concrete handicap stall and concrete walkway to the building, resulting in eight (8) parking spaces, which will be used for customer parking. Six (6) parking spaces are required. Construction of a 20 ft by 100ft greenhouse is proposed behind the office building. There are also three (3) 10 ft by 150 ft hoop houses which are proposed behind the office building and greenhouse and two (2) future hoop houses. A 24 ft wide soil driveway is proposed along the ravine in the rear which ends in a soil parking lot for the business vehicles. The fenced area on the Subject Property enclosing the trailer will be surfaces with dense graded aggregate and this area will also contain several block storage bins containing mulch and aggregate. The Applicant agreed that the horseshoe driveway between the two northerly curb openings will be restricted to one way traffic and that a stop sign will be installed at the middle driveway at its intersection with Laurel Road. It was agreed that no screening needed to be provided for the storage bins.

7. The Applicant testified that this business will operate seven (7) days a week from 8am to 7pm on Monday through Saturday and from 10am to 4pm on Sunday. In January and February, the business will be selling firewood. The Subject Property will have commercial and retail traffic coming in and out along with deliveries of stock. The business will be selling plants,

shrubs, soil and mulch. General landscaping and lawn equipment will be stored on-site and there will be between 2-4 employees with the Applicant's and employees' vehicle being parked in the rear. The Applicant estimates that there will be 30-40 customers coming in and out of the Subject Property at its busiest time. The Applicant estimates that 95% of its business will be the wholesale sale of plants and materials. The Applicant indicated that all trash will be staged in trash receptacles and will be taken off-site by the Applicant's dumpster and delivered in a dump truck to the Pennsauken dump and no trash dumpsters are required and no screening will be necessary. The Subject Property is already equipped with surveillance cameras. The Applicant has agreed to provide a stop sign at the middle driveway intersection with Laurel Road. Additionally, any business identification sign for the proposed business will comply with the requirements of the Borough's sign ordinance.

8. While the Applicant is requesting a waiver of a full landscaped plan of the Subject Property, the Applicant did testify that there will be several "Green Giant" arborvitae and Leland cypress along the border that abuts the residential dwelling on Lot 1.11. The Applicant is also seeking a design waiver for a lighting plan as required by Borough Code Section 365-93D as the existing lighting meets the standard and no new lighting is being proposed.

9. The Board's engineer has determined that several other design waivers are required. A design waiver from Borough Code Section 365-93B(1) is required as the Applicant is not installing a durable and dustless surface for the rear parking area to be utilized for the company vehicles, proposing instead that the existing soil surface with existing gravel be used as same will help with the storm water management for the site and this area will have minimal traffic. A design waiver is also needed as there is no proposed loading area on the Subject Property as required by Borough Code Section 365-93N(2). The Applicant is proposing using the existing stone driveway between the office and the parking stalls which will be used for staging pickup and deliveries. A design waiver will be required as a parking stall is proposed approximately 10 feet from the right of way on Laurel Road, where Borough Code Section 365-93J prohibits maneuvering of parked vehicles within 20 feet of the right of way.

10. The Board's Engineer indicated that the proposed improvements on the Site Plan including the new dense graded aggregate surfacing and the construction of the various hoop houses and green house will result in more than 0.25 acres of net new impervious coverage. It was agreed that the Applicant's engineer will work with the Board's engineer to develop stormwater management plan which will be phased in as the development progresses as several of the proposed hoop houses will not be constructed until sometime in the future.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this application for minor site plan approval for this development pursuant to the authority granted by Borough Code §190-27 & 28 and the Municipal Land Use Law at N.J.S.A. 40:550-37.

2. The Board has further reviewed the proposed application and has considered the impact of the proposed application on the Borough of Lindenwold and its residents and the orderly development of the site and general area in which it is located. The proposed development in

general complies with the area and bulk requirements of the OP-1 and R-1 Zoning Districts. The Board has determined that the impact of the proposed development on stormwater management will be addressed by the Applicant in conjunction with the Board's engineer; that the parking and the traffic circulation for the development has been adequately addressed on-site; that the buffering of this commercial site from the adjoining residential lot has been addressed and the proposed development in general has complied with the applicable provisions of the Borough's site plan ordinance. The Board finds that the within application for minor site plan approval is otherwise complete and in compliance with the procedural and substantive requirements of the local ordinances, site plan review guidelines and meets the standards established by the MLUL for site plan approval, subject to the conditions hereinafter set forth.

3. The Board finds that pursuant to §190-34 of the Borough Code it has power to grant such waivers from the submission and design requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions of site plan review and approval of the Land Use and Development Ordinance if the literal enforcement of one or more provisions would be impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

4. The Applicant has demonstrated by the preponderance of the credible evidence that the waivers requested by the Applicant or otherwise required for site plan review from certain submission and design requirements are reasonable and within the purposes and intent of the provisions for site plan review found in the Land Use and Development Ordinance, and that the literal enforcement of said provisions would be impracticable subject to the conditions hereinafter set forth

NOW THEREFORE, BE IT RESOLVED by the Joint Land Use Board of the Borough of Lindenwold, in the County of Camden and State of New Jersey, on the 28th day of October, 2021, upon motion duly made by Mayor Richard Roach and seconded by Pat Strippoli that this application for minor site plan an approval and design waivers be and are hereby **GRANTED**, subject to the following terms and conditions.

1. That the application, all exhibits, testimony, maps and other documents submitted, and all representations made, and all testimony given before the Board at its meeting of October 28, 2021 are true and accurate of the facts relating to the Applicant's request for relief. In the event that it appears to the Board, on reasonable grounds, that the application, exhibits, testimony, maps and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same have been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought, the Board may rescind its approval and rehear the application, or any part of said application, either upon the application of an interested party or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interest of justice.

2. The Applicant shall comply with the terms and conditions of the Resolution No. 20-4 granting a use variance for the Subject Property.

3. The Applicant shall develop a Stormwater Maintenance Plan, which shall be reviewed and approved by the Board's Engineer which plan shall phase in certain stormwater measures as the proposed development of the site with hoop houses and a greenhouse progresses. The Stormwater Management Plan shall name the individual responsible for the maintenance of any stormwater measures required in the plan. This plan shall be incorporated into a deed restriction on the Subject Property, recorded with the Office of the Camden County Clerk and proof of recording shall be filed with the Board and the Office of the Borough's Tax Assessor.
4. All revisions to the Minor Site Plan shall be submitted to the Board's Engineer shall clearly indicate a revision date and be accompanied by a point by point reference to the comments of the applicable review letter.
5. If the Applicant has not already done so, the Applicant shall have its security and surveillance measures reviewed and approved by the Borough Police Department and shall comply with its recommendations.
6. The Applicant shall comply with all conditions of approval and shall submit an affidavit of compliance with the Board showing the condition that each document satisfies.
7. The Applicant must maintain an escrow account with the Borough of Lindenwold and pay the costs of all professional review and other fees required to act on the application, pursuant to the applicable provisions of the Borough of Lindenwold's land development ordinances, zoning code and any other applicable municipal codes, and the New Jersey Municipal Land Use Law. The Applicant's escrow account must be current prior to any permit being issued, or construction or other activity commencing on the approved application.
9. The Applicant shall not occupied the proposed building until all occupancy certificate/approvals have been obtained from the Zoning/Code Enforcement Officer, and all other approvals, permits or licenses have been obtained including the Camden County Planning Board and other governmental agencies as may be required by law. The Applicant shall comply with any requirements or conditions of such approvals or permits, which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be a part of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies permits and/or approvals, if any, are required. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from any such outside agencies.
10. The Applicant is permitted to continue its temporary authorization to sell seasonal items through to December 31, 2021.
11. At any time after adoption of this Resolution should a party of interest appeal to the Board for an order vacating or modifying any term or condition set forth herein, upon a proper showing of materially misleading submission, material misstatement, materially inaccurate information or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault or deficiency in the application, the Board shall take whatever action it deems appropriate at that time, including but not limited to

a rescission of its prior approval, a rehearing, a modification of its prior approval or such other action as appropriate.

12. The Applicant shall indemnify and hold the Borough of Lindenwold harmless from any claims whatsoever which may be made as a result of any deficiency in the application, or as to any representation made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance on certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Borough pursuant to N.J.S.A. 340:55D-12, and publication of the notice of public hearing in this matter in accordance with the law.

13. The grant of the requested relief does not discharge the Applicant from all other duties associated with the ownership and use of the Subject Properties or other duties under the Lindenwold Code or other laws as it relates to the maintenance, licensing, condition of and any activities on the Subject Property or otherwise relating to the ownership of the Subject Property. These conditions of approval shall be binding upon the Applicant, the owner of the Subject Property, and any successors and/or assigns of same.

ROLL CALL VOTES ON MOTION TO GRANT MINOR SITE PLAN APPROVAL AND SEVERAL DESIGN WAIVERS:

IN FAVOR: Mayor Richard Roach, Jr. Councilwoman Linda Hess, Walter Lenkowski, Pat Strippoli, Craig Wells, Joseph Vandergrift, Joy Jackson, Howard Dawson and Jermaine Jackson

OPPOSED: None

ABSTENTION: None

BE IT FURTHER RESOLVED that a certified copy of this Resolution of Memorialization be sent via regular mail to the Applicant within ten (10) days of the date of adoption, and a copy of this Resolution shall be filed with the Administrative Officer or Clerk of the Borough, Borough Construction Official, Borough Zoning Officer and make available to all other interested parties.

WALTER LENDOWSKI, Chairperson
Joint Land Use Board
Borough of Lindenwold

NANCY DIDOMENICO, Secretary
Joint Land Use Board
Borough of Lindenwold

CERTIFICATION

This Resolution of Memorialization being adopted by action of the Joint Land Use Board of the Borough of Lindenwold on this 22nd day of November, 2021, is a true copy of the action taken by the Lindenwold Joint Land Use Board at its meeting held on October 28, 2021.

NANCY DIDOMENICO, Secretary
Joint Land Use Board
Borough of Lindenwold

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Borough of Lindenwold

JOINT LAND USE BOARD APPLICATION FOR:

Minor Site Plan

Waiver

Variance

Amended Site Plan

Date submitted 10/27/21

Application No. JLUB-21-9

Applicant's Name Thomas Sandelier (Strongest Version LLC)

Address 165 Lakeview Dr. S

Gibbsboro, NJ 08026

Phone Number [REDACTED]

Name and address of present owner (if other than above)

Name Scale Works LLC

Address 2400 Egg Harbor Rd

Lindenwold, NJ 08021

Phone Number [REDACTED]

Interest of applicant if other than owner Renting as tenant

Location of site 2412 Egg Harbor Rd., Lindenwold, NJ 08021

Neighborhood or Section

Street

Block(s) _____ Lot(s) _____ Zone _____

Number of proposed lots _____

Area of entire tract _____

Development Plans: Sell lots only (Yes) _____ (No) _____

Construct houses for sale (Yes) _____ (No) _____

Other _____

Proposed Density _____

Number of dwelling units per net acre* _____

*Gross acre less area for Right-Of-Way, Easements and other Improvements.

NAME AND ADDRESS OF PERSON PREPARING SKETCH PLAT

Name _____

Address _____

Phone Number _____

Signature of Applicant _____

I Certify that this application and map attached hereto (was or was not) duly approved by Resolution of the Joint Land Use Board of the Borough of Lindenwold at a meeting held on _____

Board Secretary _____ Borough of Lindenwold

Borough of Lindenwold

TO THE JOINT LAND USE BOARD PETITION FOR:

Variance _____

Waiver ☒ _____

Name of Applicant Thomas Sandelier

Address 165 Lakeview Dr. S.

Gibbsboro, NJ 08026

Phone Number [REDACTED]

Applicant is the Owner (), Tenant (X) of the following described property:

2412 Egg Harbor Rd

Lindenwold, NJ 08021

Assessment Map: Plate _____ Block(s) 267 Lot(s) 8

Present use of Land or Building Vacant

Desired use of Land or Building Body Care Product Packaging and Internet sales

NOTE: Has this property ever been the subject of an application before the
Planning Board _____ Zoning Board _____

If yes, please give reason _____

Applicant desires the following Variance/Waiver:

Date _____ Signature of Applicant _____

Borough of Lindenwold

AFFIDAVIT OF OWNERSHIP

"MUST BE COMPLETED AND RETURNED"

Name of Company/Organization Strongest Version LLC

Is Company a Corporation? (Yes) X (No) _____

Is Company a Partnership? (Yes) _____ (No) X

Please list any and all individuals who are "OWNERS" (full or part) of the Company/Organization, and if a Non-Profit Organization, list all "BOARD MEMBERS".

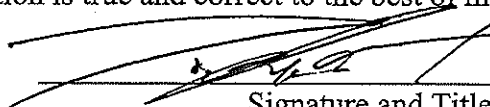
Name

Address

Title

Thomas A. Sandelier / 165 Lakeview Dr. S., Gibbstown 08026 / Owner

The above information is true and correct to the best of my knowledge.

 Owner
Signature and Title

Thomas A. Sandelier / Owner
Please **PRINT** Name and Title



CHECK LIST

Details Required For Minor Site Plans

Note: See Section 139-47.A-D of the Borough of Lindenwold Land Development Ordinance for further details of submission requirements and procedures.

Applicant Thomas Sandelier/Strongest Version LLC Block Lot
Address 2412 Egg Harbor Rd., Lindenwold, NJ 08021

A Minor Site Plan is defined under Section 139-2 as the following:

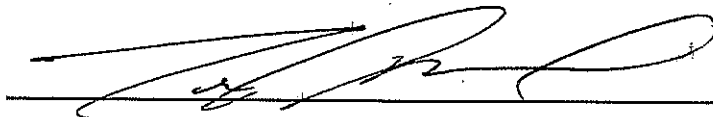
"Development of one or more lots of an addition to an existing building or structure of less than 1,000 square feet, addition of an accessory structure of less than 1,000 square feet, addition of a handicap ramp, addition to an existing parking lot or paved area involving less than 500 square feet and does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42 [Added 3-10-1993 by Ord. No. 929]

The following items shall be submitted to the Administrative Officer twenty-eight (28) days prior to the next scheduled hearing.

Item #	Provided	Not Applicable	Waiver Asked For	Item Of Information Required By The Land Development Ordinance
1	X			A complete application form and payment of the application fees and escrows, eighteen (18) copies.
2		X		An accurate site plan at a scale of not less than one (1) inch equals fifty (50) feet. The plan should be signed and sealed by a professional licensed in the State of New Jersey, eighteen (18) copies in accordance with the New Jersey Law governing professionals 7:40..
3	X			A certificate from the Borough Tax Collector that no taxes or assessments are due or delinquent (tax search), two copies.
4			X	Camden County Planning Board Application, four (4) copies, if the proposed development will have any impact on a Camden County roadway or facility.

The following items are required on The Minor Site Plan:

Item #	Provided	Not Applicable	Waiver Asked For	Item Of Information Required By The Land Development Ordinance
1	X			The zoning classification of the property, the tax plate, block and lot numbers, the owners and applicant's names and addresses shown on the plans.
2		X		The location of any proposed buildings, structures, parking and open spaces. The location of existing buildings, structures, roadways and driveways within 50 feet of the property.
3		X		Acreage of the tract to the nearest tenth of an acre or square feet.
4		X		Existing contours with datum referenced. Spot elevations at corners of proposed structures, paved areas and handicap ramps
5		X		All lot lines, setback lines, the location and purpose of any easements, underground or overhead utility lines in any street which abuts the property.
6		X		A parking and circulation plan showing the location and arrangement of vehicular access ways and the location, size and capacity of all parking and loading areas.
7			X	A complete plan, including location, size and type of all plantings.
8		X		Pavement construction detail, and any other construction detail necessary to construction
9		X		Curbs, sidewalks and all other areas devoted to pedestrian use.
10		X		Preliminary Architectural Floor Plans and Elevations signed and sealed by an architect licensed in the State of New Jersey.
11			X	Key map showing the location of the site within the Borough at a scale of no less than 1 inch equals 1000 feet.
12		X		North Arrow, Scale written and graphic on each sheet.
13		X		A complete site lighting plan, including location, size, type and wattage of all proposed fixtures.
14		X		A copy of any protective covenant or deed restrictions applying to the tract to be developed shall be submitted along with the site plan. If no deed restrictions, covenants, easements exists, it shall be so noted on the plan.
15	X			Any other information which is deemed to be necessary for the review of the plan by the Joint Land Use Board.



10/26/21

SIGNATURE AND TITLE OF PERSON WHO PREPARED CHECK LIST.

DATE.