

IN THE MATTER OF	:	JOINT LAND USE BOARD
EDWARD TAYLOR,	:	BOROUGH OF LINDENWOLD
dba IAO ENTERTAINMENT, LLC	:	APPLICATION NO. JLUB 21-03
	:	BLOCK 268, LOT 1
	:	2512 EGG HARBOR RD.
	:	
	:	
	:	GRANTED: June 24, 2021
	:	MEMORIALIZED: July 22, 2021

WHEREAS Edward Taylor, residing at 511 Spruce Avenue, Lindenwold, New Jersey 08021 and doing business as IAO Entertainment, LLC (hereinafter designated the “Applicant”) has submitted an application to the Borough of Lindenwold Joint Land Use Board (hereinafter designated the “Board”) seeking (1) approval for a change of use for a vacant space known as Unit E in an industrial complex located at 2512 Egg Harbor Road, Lindenwold, New Jersey, also known as Block 268, Lot 1 on the Official Tax Map of the Borough of Lindenwold (hereinafter the “Subject Property”) to a recording studio and community programs, and (2) a waiver of the requirement for a minor site plan;

- (1) Borough of Lindenwold Joint Land Use Application prepared by the Applicant and dated May 12, 2021;
- (2) Consent by Owner dated May 18, 2021, and signed by Mike Janel, member of MHSLJ, LLC, the Subject Property owner;
- (3) Borough of Lindenwold Check List for Minor Site Plans and signed by the Applicant and May 17, 2021;
- (4) Borough of Lindenwold Affidavit of Ownership signed by the Applicant;
- (5) Escrow Agreement dated May 12, 2021 and signed by the Applicant; and

(5) Copy of the Tax Certification Form for the Borough of Lindenwold for the Subject Property;

WHEREAS the application was reviewed by the Board's Engineer, G. Jeffrey Hanson, PE, CME, of Environmental Resolutions Inc., by letter dated June 7, 2021;

WHEREAS on June 24, 2021, a public hearing was conducted on the application of the Applicant;

WHEREAS the Board's Engineer recommended that the application be deemed complete subject to the Applicant supplying the requested testimonial and/or documentary evidence;

WHEREAS the Board having heard the testimony and evidence presented by the Applicant, Edward Taylor and company secretary, Calicia Alexander, and the Board Engineer, G. Jeffrey Hanson, PE, CME and having opened the hearing for public comment and no members of the public wishing to comment, 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 Unit E situated in an industrial complex located at 2512 Egg Harbor Road, Lindenwold, New Jersey, also known as Block 268, Lot 1 on the Official Tax Map of the Borough of Lindenwold (the "Subject Property"), which space was formerly occupied by Sterling Lady Knights Cheerleaders. The Applicant is seeking approval for a change of use to allow for the operation of a recording studio and community based music programs.

2. The Subject Property is an industrial complex situated on 2.95 acres fronting on Egg Harbor Road and is comprised of two (2) buildings, which are one story in height and brick and masonry construction, which collectively provide a total of 38,375 square feet (SF) of building space. The building which is the subject of this application is a two (2) unit building, Units E and F, comprised of approximately 12,453SF in area with the Applicant occupying Unit E and with Unit F being occupied by an automotive performance shop, EFX Tuning.

3. The Subject Property is located in the I-1 (Industrial) District of Lindenwold and is bound on the west by South Jersey Gas CNG Fueling Facility, on the east by International Welding Supply, on the south by Pennsylvania Reading Seashore Rail Line and on the north, across Egg Harbor Road, by the Camden County Public Works Complex.

4. The Applicant is seeking approval for a change of use to allow for the operation of a sound and video production studio and a facility for music lessons. The stated proposed uses are permitted uses in the I-1 District as set forth in Borough Code §365-76A. The Applicant is also seeking a waiver of minor site plan as the Applicant proposes no external modifications to the site.

5. The Applicant testified that they would operate this proposed facility at the Subject Property Monday through Friday from 9:00 a.m. to 5:00 p.m., and from 9:00 a.m. to 6:00 p.m. on Saturday and Sunday, with evenings hours from 7:00 p.m. to 10:00 p.m. on three (3) evenings, the nights of which shall rotate. They anticipate having a total of 15 employees, to include music teachers and sound engineers, who will work at varying times. The floor plan which the Applicant provided in his application shows that the interior of this Unit is divided into four (4) rooms with an open space area, and the Applicant testified that the space has three (3) exits. The Applicant anticipates having three (3) clients per room with a maximum of 12-15 clients at one time. Music lessons will be provided for all ages with youth under the age of 18 years accompanied by a parent or guardian. A summer music program is also anticipated. The Applicant testified that there will be no retail sales, including on-site or online sales, conducted at this facility.

6. The Applicant and the Board Engineer testified that the existing parking appears adequate for the stated use, and some improvements have been made to the deterioration of same noted in the last application on the Subject Property. The tenant proposes to use the existing signage for this space utilizing its business name IAO Recording Studio. The Unit is currently equipped with security and surveillance cameras, which system will be submitted to the Borough Police Department for review and approval. The Applicant testified that the stockpile of concrete block noted as General Comment #5 in the Board Engineer's review is not permanent and is to be removed by the landlord.

7. The Applicant testified that they are currently occupying this space and was advised that all occupancy is conditioned on obtaining a Certificate of Occupancy, and if any renovations have occurred which require a building permit, those permits must be obtained and closed out. In addition, the Applicant was advised that all businesses in the Borough must obtain a mercantile license.

8. The Applicant requests the waiver of a site plan and the various requirements of a site plan as there are no additional exterior site improvements or exterior renovations to the Subject Property being proposed with this application.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this application for minor site plan approval for a change of use pursuant to Borough Code §190-26, which provides that site plan review and approval must be obtained prior to the conversion of any use.

2. Waiver of submission requirements in the context of a site plan review is recognized under N.J.S.A. 40:55D-10.3 and by Borough Code §190-34.

3. Pursuant to Borough Code §190-34, the Board shall have the power to grant such exceptions from the 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 requested waiver of the minor site plan for the Subject Property would be 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 submission of a minor site plan would be impracticable or impose an undue hardship upon the Applicant as the Applicant is not undertaking any exterior site improvement. The Board finds that the granting of the requested waiver of the requirement for a minor site plan would be a reasonable exercise of the Board's discretion

5. The Board finds that change of use can be approved as the proposed use is a permitted use within the I-1, Industrial Zoning District pursuant to Borough Code §365-76A.

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 24th day of June, 2021, upon motion duly made by Howard Dawson and seconded by Joseph Vandergrift that this application for an approval of the proposed change of use and waiver of site plan submission requirement 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 June 24, 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 approval and other relief granted herein to the Applicant are conditioned on the Applicant submitting the security system plan for the Subject Property for review and approval by the Borough Police Department and the submission of proof to the Board that this condition has been satisfied.

3. The Applicant shall not occupy and operate this facility until all occupancy certificates/construction permits and 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. The Applicant shall post all required inspection fees required and shall keep the Applicant's escrow account for the review of this application current.

5. 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.

6. 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.

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

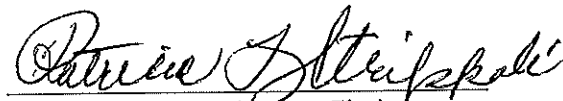
IN FAVOR: Mayor Richard Roach, Jr., Pat Strippoli, Joseph Vandergrift, Joy Jackson,
and Howard Dawson

OPPOSED: None

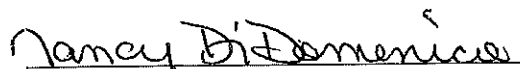
ABSTENTION: None

RECUSED: Craig Wells

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.



PAT STIPPOLI, Acting 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 July 22, 2021, is a true copy of the action taken by the Lindenwold Joint Land Use Board at its meeting held on June 24, 2021.


HEATHER PROTICH, Acting Secretary
Joint Land Use Board
Borough of Lindenwold

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF LINDENWOLD LAND USE BOARD
CAMDEN COUNTY, NEW JERSEY
APPLICATION NO. JLUB-21-4**

**IN THE MATTER OF
WLV HOLDINGS, LLC**

**: LAND USE BOARD
: BOROUGH OF LINDENWOLD
: APPLICATION NO. JLUB-21-4
: BLOCK 243, LOT 7.05 & 7.07
: 409 EAST GIBBSBORO RD.
:
:
: GRANTED: June 24, 2021
: MEMORIALIZED: July 22, 2021**

**A RESOLUTION GRANTING APPROVAL FOR A CHANGE OF USE, MINOR SITE
PLAN AND BULK VARIANCE RELIEF**

WHEREAS WLV Holdings LLC, having an office at 15 America Avenue, Suite 301, Lakewood, New Jersey 08701 (hereinafter the "Applicant"), has submitted an application to the Borough of Lindenwold Joint Land Use Board (hereinafter the "Board"), for a change of use and, minor site plan approval for the property known as 409 East Gibbsboro Road, Lindenwold, New Jersey 08021, also known as Block 243, Lot 7.05 and 7.07 (the Subject Property"), along with bulk variance relief;

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

- (1) Borough of Lindenwold Joint Land Use Board Development Application, dated May 17, 2021, and signed by the Applicant's Vice President Arnold Aderet;
- (2) Borough of Lindenwold Variance Application dated May 14, 2021, and signed by Michael E. Avila, as Agent for the Applicant;
- (3) Borough of Lindenwold Affidavit of Ownership signed by Arnold Aderet, the Applicant's Vice-President;
- (4) Borough of Lindenwold Consent By Owner dated May 15, 2021, and signed by Arnold Aderet, the Applicant's Vice President;
- (5) Borough of Lindenwold Joint Land Use Board Checklist for Minor Site Plans dated May 14, 2021, and signed by Project Manager;

(6) Site Plan prepared by Avila Engineering dated May 14, 2021, signed and sealed by Michael E. Avila, P.E. and consisting of the following:

- (a) Cover Sheet, Sheet No 1 of 3;
- (b) Existing Site Conditions and Demolition Plan, Sheet No 2 of 3; and
- (c) Site Layout, Grading and Drainage Plan, Sheet No. 3 of 3;

(7) Architectural Plans prepared by Eric Hafer & Associates, P.A. dated May 14, 202, and consisting of the following:

- (a) Zoning Plan, Sheet Z-1;
- (b) New Entry Building Elevations, Sheet Z-2; and
- (c) Leasing Office Monument Sign, Sheet Z-3;

(8) Existing Conditions Plan dated May 13, 2021, prepared by REL Survey, LLC and signed and sealed by Robert E. Lee, P.L.S.;

(9) Stormwater Assessment for 409 East Gibbsboro Road prepared by Avila Engineering, dated May 14, 2021, and signed and sealed by Michael E. Avila, P.E.;

(10) Borough of Lindenwold Tax Certification Form and CCMUA account balance; and

(11) Borough of Lindenwold Escrow Agreement dated May 12, 2021, and signed by the Applicant's Vice President, Arnold Aderet;

(12) Affidavit of Publication issued by the Courier Post;

WHEREAS said application, having been reviewed by the Board's Engineer, G. Jeffrey Hanson, P.E., CME, of Environmental Resolutions Inc. by letter dated June 9, 2021, and said application was deemed conditional complete for hearing purposes subject to the Applicant supplying the requested testimonial and/or documentary evidence;

WHEREAS the Applicant provided notice of public hearing by publication and by certified mail to all property owners within 200 feet of the Subject Property, more than 10 days before the date of hearing, providing the Board with jurisdiction to hear this application;

WHEREAS, on June 24, 2021, the Board held a public hearing in connection with this application with the Applicant being represented by David A. Thatcher, Esquire of Thatcher Passarella, P.C.;

WHEREAS, the Board, having heard the testimony and evidence present by the Applicant's representative, Samuel Hirth, the Applicant's engineer and planner, Michael E. Avila, P.E., the Applicant's architect, Jeff Mayberry, 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 heard the arguments of the Applicant's counsel, 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 Subject Property is a 16,714 square foot corner lot (0.383 acres) having 75 feet of frontage on Gibbsboro Road, also known as County Road No. 702, and 222.86 feet of frontage on Presidential Avenue, and is situated within the B-1 (Business Neighborhood) Zoning District of the Borough of Lindenwold. The Subject Property is also known as Lots 7.05 and 7.07 on Block 243 of the Borough of Lindenwold Official Tax Map with Lot 7.07 situated to the rear of Lot 7.05 and fronting exclusively on Presidential Avenue. The area surrounding the Subject Property is improved with multi-family apartment dwellings and with various retail and office uses occurring across Gibbsboro Road. The Subject Property is owned by the Applicant and the Woodlane Apartments immediately to the east of the Subject Property are also owned by the Applicant.

2. The Subject Property is currently improved with a vacant 2108 square foot, one story masonry building located on Lot 7.05, a bituminous parking lot having approximately 11 parking spaces located on Lot 7.07, and a concrete driveway that accesses Gibbsboro Road and runs through Lot 7.05 to the parking area to the rear with trees buffering the parking lot from the adjacent property. The Applicant proposes to convert the existing building into a leasing office and laundromat for the adjacent Woodland Apartments. As part of that project, the Applicant proposed to remove the concrete driveway leading to and from Gibbsboro Road and to replace same with a new 24 foot full movement bituminous access drive to Presidential Avenue. Portions of the curbing of Presidential Avenue will be removed and a sidewalk will be constructed from the building to the parking lot. The parking lot is proposed to be restriped providing for fourteen (14) parking spaces with one (1) fully compliant handicapped parking space to be provide in close proximity to the building. The building will be improved with a portico with decorative structural columns added to the Presidential Avenue façade. An existing free standing business sign will be removed and replaced with a new 27.32 square foot freestanding identification sign which will be situated at the intersection of Gibbsboro Road and Presidential Avenue and mounted on a brick monument mirroring the signage for the Woodland Apartments with lighting and landscaping. The Applicant presented a color photograph marked as Exhibit A-1 showing the existing signage for the Woodland Apartments, which the proposed sign will mirror.

3. The proposed use of the Subject Property as a leasing office and laundromat are permitted uses in the B-1 Zoning District per Brough Code §365-58. The Subject Property does not meet several of the area bulk zoning requirements, namely the front yard setback from Presidential Avenue is 14.80 feet where 30 feet is required and the side yard setback for one side is 6.5 feet where 10 feet is required. These deviations from the bulk requirements in the B-1 District are existing con-conformities for which the Applicant is seeking variance relief.

4. The Applicant testified that the leasing office will be 1484 square feet in size, will be opened Monday through Friday from 9:00 am to 5:00 pm, and will be staffed with three (3) employees. The proposed laundromat will replace the existing machines located in the basements of the five (5) buildings comprising the Woodlane Apartments. The proposed laundromat will be approximately 978 square feet in size, will be fully self-serving and will be open every day from

7:00 am to 12:00 am. This laundromat will not be open to the public with only tenants from the Woodlane Apartments having access, and will be equipped with 27 stackable washer/dryer combinations. Given the close proximity to the apartment complex, it is anticipated that most tenants will walk to the laundromat and the proposed 10 parking spaces allocated to that use will be adequate. There will be no staff present at the laundromat and a cleaning crew will service the site several times a week if not daily. There will be no products sold there and the Applicant anticipates a minimal of trash. The building is equipped with security and surveillance cameras which have been incorporated into the security and surveillance system serving the Woodane Apartments. The Applicant maintained that having this laundromat at the Subject Property will promote safety as it will alleviate the need for the tenants to cross Gibbsboro Road to use the laundromat on that side. The Applicant stated that the old laundry will be removed but agreed to furnish lock box entrance by the Borough's emergency responders for the old basement laundry room

5. The Applicant's engineer and planner addressed the proposed new signage. As provided in Borough Code §365-87E, the placement of other than functional signs is prohibited within twenty (20) feet of an existing right-of-way of a public street. The freestanding monument signage proposed is within 1.63 feet of the Subject Property's Presidential Avenue right-of-way and 1.63 feet from its Gibbsboro right-of-way. In addition, the Applicant is proposing a second identification sign for the Woodlane Apartments which is not located at a principal entrance to the apartments where Borough Code §365-88M prohibits more than one (1) identification sign for each principal entrance to an apartment complex. Lastly, the maximum permitted sign area for an apartment complex pursuant to Borough Code §365-88M is 50 square feet where the Applicant proposes a combined signage area of 55 square feet. The Applicant is seeking bulk variance relief for the location, number and size of the proposed signage.

6. The Applicant's engineer and planner presented the Applicant's argument for the variance relief sought with respect to the signage which could be granted as a c(2) variance. The proposed sign with the existing signage for Woodlane Apartment will serve as bookends to the apartment campus. The arrangement of the proposed sign is a visual enhancement for the Subject Property and compliments the existing signage. The placement of the proposed sign close to the right-of-way does not result in any hazards as the sight triangle at this intersection is not adversely affected and provides better visibility for those travelling on Gibbsboro Road. Safety is further advances by the placement of the access driveway away from the county road to Presidential Avenue, a side street, along with its increased width of 25 feet. It was argued that the signage, both in its placement, size and number, presents no detriments.

7. With respect to the buffer required by Borough Code §365-91 for lots located in the B-1 District which are adjacent to a residential zone, the existing vegetation at the rear of Lot 7.07 serves as an adequate buffer and no design waivers are required. The Board Engineer requested that the existing vegetation should be trimmed and maintained.

8. The Subject Property has a sidewalk along Gibbsboro Road, but no sidewalk exists or is being proposed along Presidential Avenue. At the request of the Board, the Applicant has agreed to extend the sidewalk along Presidential Avenue to the shared property line between Lot 7.05 and Lot 7.07.

9. The Applicant has agreed to work with the Board's engineer to address to the Board's engineer's satisfaction certain of the Board's engineer's design comments to include the comments noted as #3, #4 and #5. The Applicant also agreed to provide the Board Engineer with sufficient data to access whether the existing utility connections can handle the increased flow from the laundromat, and to consolidate the lots comprising the Subject Property.

CONCLUSIONS OF LAW

1. The Board has jurisdiction under authority granted to same by N.J.S.A. 40:55D-70(c) to act on this application for variance relief from the signage requirements of Borough Code §365-87E and 365-88M and to grant relief from the Subject Property's pre-existing deviations from the bulk area requirements for the B-1 Zoning District as noted in Borough Code §365-119.

2. The Board finds that the Applicant has demonstrated by the preponderance of credible evidence that there are special reasons for the granting of variance relief sought under the authority of N.J.S.A. 40:55-70(c)(2), which allows departures when the purposes of the MLUL would be advanced by a deviation from the zoning ordinance and the benefits of the deviation substantially outweigh any detriments. As argued by the Applicant's counsel, the purposes of the MLUL as described in N.J.S.A. 40:55D-2 Section i are advanced by this application as it promotes a desirable visual environment and good civic design and arrangement, and satisfies the positive criteria for variance relief

3. The Applicant has demonstrated by the preponderance of the evidence that this variance relief can be approved without substantial detriment to the public good and will not cause sight triangle issues for motorist, nor damage to the character of this business district, nor will it substantially impair the intent and purposes of the zoning plan, and the benefits of the variance substantially outweigh any detriments.

4. 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.

5. The Board finds that the proposed uses of the Subject Property as a leasing office and laundromat for the Applicant's adjacent apartment complex is a permitted use in the B-1 District. 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 Board has determined that the parking for the development has been adequately addressed on-site; that the traffic circulation on the site has been improved by the reconfiguration and expansion of the access drive, that the proposed signage and landscaping is an enhancement to the site and general area and the proposed development in general has complied with the applicable provisions of the Borough's site plan ordinance subject to the conditions set forth below.

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 24th day of June, 2021, upon motion duly made by Howard Dawson and seconded by Pat Strippoli that this application for a change of use, minor site plan approval and variance relief as set forth above 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 June 24, 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 construct to the Board Engineer's satisfaction a sidewalk on Presidential Avenue from Gibbsboro Road to the shared rear property line between Lot 7.05 and Lot 7.07 and revise the site plan to reflect that addition.

3. The Applicant will consolidate Lots 7.05 and 7.07 on Block 243 into one lot and shall consult with the Borough Tax Assessor as to new lot designation. The Applicant shall provide the Board Secretary with the duly recorded Deed of Consolidation.

4. The Applicant shall provide the Board Engineer with the necessary data to verify that the current utility connections are adequate to handle the flow from the laundromat. If the capacity is determined to be insufficient for the proposed use, the Applicant's professional will work with the Board Engineer to achieve satisfactory capacity.

5. The Applicant shall have its security and surveillance measures reviewed and approved by the Borough Police Department and shall comply with its recommendations. In addition, the Applicant shall provide a lock box or such other arrangement for the Borough's emergency personnel to have access to the former basement laundry room.

6. The Applicant and its professionals shall work with the Board Engineer to work out to the Board's Engineer's satisfaction the design comments noted in the Board Engineer's review letter of June 9, 2021, and any future resubmission of the Plans 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.

7. The Applicant shall bring the CCMUA charge for the Subject Property current within 30 days of this approval.

8. 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.

9. 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 occupy 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. 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.

11. 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.

12. 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.

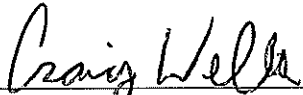
ROLL CALL VOTES ON MOTION TO GRANT APPROVALS FOR A CHANGE IN USE<
MINOR SITE PLAN APPROVAL AND APPROVAL FOR THE REQUESTED VARIANCES:

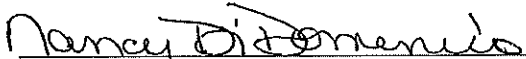
IN FAVOR: Mayor Richard Roach, Jr., Acting Chairperson Craig Wells, Pat Strippoli,
Joseph Vandergrift, Joy Jackson and Howard Dawson

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.


CRAIG WELLS, Acting Chairperson
Vice 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 July, 2021, is a true copy of the action taken by
the Lindenwold Joint Land Use Board at its meeting held on June 24, 2021.


HEATHER PROTICH, Acting Secretary
Joint Land Use Board
Borough of Lindenwold

**RESOLUTION OF MEMORIALIZATION
BOROUGH OF LINDENWOLD LAND USE BOARD
CAMDEN COUNTY, NEW JERSEY
APPLICATION NO. JLUB-21-5**

	: LAND USE BOARD
	: BOROUGH OF LINDENWOLD
IN THE MATTER OF JAMES	: APPLICATION NO. JLUB-21-5
MAYFIELD	: BLOCK 238, LOT 1.03
	: 769 CHEWS LANDING ROAD
	:
	: GRANTED: June 24, 2021
	: MEMORIALIZED: July 22, 2021

**A RESOLUTION GRANTING APPROVAL WITH CONDITIONS FOR USE
VARIANCES AND BULK VARIANCES TO CONSTRUCT A POLE BARN AT A SITE
OF A PRE-EXISTING NON-CONFORMING DWELLING LOCATED IN THE
OP-1(OFFICE PROFESSIONAL) DISTRICT**

WHEREAS, James Mayfield, residing at 769 Chews Landing Road, 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 approval for use variances to expand his non-conforming residential use located at Block 238, Lot 1.03 on the Official Tax Map of the Borough of Lindenwold (hereinafter referred to as the "Subject Property"), by the construction of a rear yard pole barn which exceeds the permitted square footage for residential accessory buildings and the height limitation of outside storage facilities;

WHEREAS, the Subject Property is located in the OP-1 (Office Professional) District, where residence and storage facilities are not permitted;

WHEREAS, on February 22, 2018, the Applicant received approval from the Board for use variances and bulk variances to construct a pole barn at the Subject Property, which approval required in Resolution dated March 22, 2018 that the Applicant commence the development proposed by the use variance within one (1) year of approval as required by Brough Code §365-4;

WHEREAS, the Applicant failed to commence development within said time period and failed to request an extension of time, which failures required the Applicant to reapply to the Board for a new approval;

WHEREAS, the Applicant submitted the following documents for the Board's consideration in connection with his reapplication:

- (1) Borough of Lindenwold Joint Land Use Variance Application prepared by the Applicant dated June 9, 2021;
- (2) Building Elevation of proposed pole barn prepared by APB Pole Barns of San Antonio, Texas;
- (3) Schematic drawing of Subject Property undated and unsigned;
- (4) Pole Barn specifications prepared by APB Pole Barns of San Antonio, Texas;
- (5) Notice of Property Owners prepared by the Applicant;
- (6) Public Advertisement Notice prepared by the Applicant and dated 06/10/2021;
- (7) Copy of the Tax Certification Form for the Borough of Lindenwold for the Subject Property;

WHEREAS, the Applicant provided notice of public hearing by publication and by certified mail to all property owners within 200 feet of the Subject Property, more than 10 days before the date of public hearing, providing the Board with jurisdiction to hear this matter.

WHEREAS, on June 24, 2021, the Board held a public hearing in connection with this application with the Applicant appearing and with Board member, Mayor Richard Roach, Jr., recusing himself, and the Applicant having been advised that the Board had only five (5) members eligible to vote on said application, the Applicant elected to proceed with the hearing of this application;

WHEREAS, the Board having heard and considered the testimony and evidence presented by the Applicant, and the Board's Engineer, G. Jeffrey Hanson, PE, CME, and having open the hearing for public comment and no members of the public wishing to comment, 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 the owner of the Subject Property, which is a 1.57 acres parcel of land located in the OP-1 (Office Professional) District, which parcels abuts the Borough of Lindenwold boundary with Gloucester Township. The Subject Property is an irregular shaped lot having 502 feet of frontage on Chews Landing Road and having a depth of 200 feet on its right side and a depth ranging in parts to 270 feet on its left side.

2. The Subject Property is improved with a one-story 1,125 square foot residential dwelling being 45 feet in length and 25 feet in depth and having a 75 foot setback from Chews Landing Road. It is also improved with a 720 square foot backyard shed being 20 feet by 36 feet

in dimension. The dwelling is serviced by a septic system situated between the dwelling and the backyard shed. These improvements comply with the bulk and area requirements of the OP-1 District except that the shed does not satisfy the rear yard setback requirement of 30 feet.

3. The OP-1 District does not allow for residential dwellings and storage facilities as set forth in Borough Code §365-50 and 51. The tax records on the Subject Property indicate that the dwelling was constructed in 1960 and as such, the residential use of the Subject Property is a pre-existing non-conforming use.

4. The Applicant reaffirmed his prior testimony on this matter and proposes to expand that residential use of the Subject Property by the construction of a 2400 square foot pole barn having a length of 60 feet, a depth of 40 feet and a height of 16 feet and situated to the rear right of the dwelling, setback 40 feet from the right side yard property line and 55 feet from the rear property line. The pole barn was further illustrated by the building elevations prepared by the manufacturer and submitted as part of this application. Those elevations show a metal structure with a sloped cabled roof with three (3) overhang garage doors, each being 14 feet wide and 10 feet high on the front of the pole barn, which the Applicant testified will be modified by the relocation of one (1) garage door to the side end wall to take advantage of the added height provided by the cabled roof. The Applicant testified that the total building coverage on the Subject Property with the proposed pole barn will be 2.7%. The pole barn will not have electric or plumbing service.

5. The Applicant is seeking a d(2) and d(1) use variance to allow for the expansion of a non-conforming residential use of the Subject Property located in the OP-1 District by the construction of a rear yard pole barn for the Applicant's personal use and to allow for a storage facility which is not permitted in the OP-1 District. The Applicant maintained that the pole barn was necessary to safely store his many recreational items, to include a boat, a 37 foot motor home, and jet skis. This storage will also provide a better visual environment for the Subject Property by removing these recreational items from plain view on the property. The Subject Property is a large, wooded parcel on the outskirts of the Borough, the parcel is large enough to adequately handle a pole barn of the proposed size and is particularly suited for such use. The construction will involve the removal of only 3 or 4 trees.

6. The Applicant is also seeking bulk variances from the requirements set forth in Borough Code § 365-108 that outdoor storage facilities not exceed 12 feet in height. The Applicant's proposed pole barn is 16 feet height, which is required to safely accommodate the motor home that will be stored there. The proposed pole barn exceeds the size limitation of 580 square feet on accessory garages in residential zones, and to the extent same may be applicable to the pole barn in this OP-1 District, the Applicant seeks a variance from same.

7. The Applicant testified that there will be no commercial use of the pole barn, that no storage of commercial or business equipment will occur in the pole barn, that the pole barn will be used solely for the storage of personal recreational items, and no visible storage of any kind will be permitted on the Subject Property. These representations are to be made conditions of any approval.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this application for use variances under the provisions of N.J.S.A. 40:55D-70(d)(1) and (d)(2).

2. The Board finds that this application for approval to construct the proposed pole barn for use by the residents of the Subject Property located in the OP-1 District will advance the purposes of the Municipal Land Use Law as described in N.J.S.A. 40:55D-2(g) as the pole barn with its storage capacity will provide for a better visual environment. The Board finds that the site of the proposed pole barn is particularly suited for this use as it is a large, wooded lot on the outskirts of the Borough.

3. The Board also finds that the granting of these use variances to allow for this expansion of the pre-existing non-conforming use by the construction of a storage facilities which are not permitted in the OP-1 District can be granted without substantial detriment to the surrounding areas and to the public good and will not substantially impair the intent and purposes of the zone plan for this district.

4. The Board also finds that the granting of bulk variances as to the deviation from the 12 foot height limitation of this proposed storage facility as set forth in Borough Code §365-108 and the square foot limitation on residential garages as set forth in Borough Code §365-20B(1) can be granted under the authority of N.J.S.A. 40:55-70(c)(2), which allows departures when the purposes of the Municipal Land Use Law ("MLUL") would be advanced by a deviation from the zoning ordinance and the benefits of the deviation substantially outweigh any detriments, and the proposed deviation represents a better zoning alternative.

NOW THEREFORE, BE IT RESOLVED, that the motion duly made by Howard Dawson and duly seconded by Pat Strippoli that this application for use variances from the provisions of §365-50 and §365-51 of the Borough Code to allow for the expansion of a non-conforming residential use and the construction of the proposed pole barn and for bulk variances for the size and height of the proposed pole barn 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 January 25, 2018, February 22, 2018, and June 24, 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 use variance approvals granted herein are expressly made conditioned on the following terms: (a) that there shall be no commercial use of the pole barn, (2) that there shall be no storage of business or commercial equipment in the pole barn (3) that the pole barn shall be used solely for the storage of personal and recreational items; and (4) that there shall be no visible storage of any kind on the Subject Property.

3. All use variances are subject to the provisions of Borough Code §365-4, which requires that the Applicant commence the development proposed by the use variance within one (1) year of approval.

4. 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. 40:55D-12, and publication of the notice of public hearing in this matter in accordance with the law.

ROLL CALL VOTE ON MOTION TO GRANT USE VARIANCES AND BULK VARANCES AS HEREIN ABOVE SET FORTH.

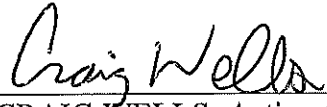
IN FAVOR: Pat Strippoli, Craig Wells, Joseph Vandergrift, Joy Jackson and Howard Dawson

OPPOSED:

ABSTENTION:

RECUSING: Mayor Richard Roach, Jr.

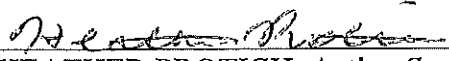
BE IT FURTHER RESOLVED that a certified copy of this Resolution of Memorialization be sent via regular mail to the Applicant within ten (10) days of the date of adoption, and a copy of this Resolution shall be filed with the Administrative Officer or Clerk of the Borough, Borough Construction Official,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


CRAIG WELLS, Acting Chairperson/Vice
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 July, 2021, is a true copy of the action taken by the Lindenwold Joint Land Use Board at its meeting held on June 24, 2021.


HEATHER PROTICH, Acting Secretary
Joint Land Use Board
Borough of Lindenwold

Borough of Lindenwold

JOINT LAND USE BOARD APPLICATION FOR:

Minor Site Plan

Waiver

Variance

Amended Site Plan

Date submitted 6/22/21

Application No. 111B-21-6

Applicant's Name Prology Games

Address 110 North White Horse Pike

Phone Number _____

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

Name Franklin and Moff Estate

Address 110 N. White Horse Pike

Lindenwold NJ 08021

Phone Number _____

Interest of applicant if other than owner Retail/gaming lounge

Location of site Maple Ave and White Horse Pike

Neighborhood or Section _____ Street _____

Block(s) 127 Lot(s) 9 Zone B-1

Number of proposed lots 1

Area of entire tract _____

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

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

Other N/A

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 N/A

Phone Number _____

Signature of Applicant [Signature]

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 Prodigy Games LLP

Address 110 N White horse pkce

Phone Number David Burns 856-658-9571

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

110 N white horse pkce Lindenwold NJ

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

Present use of Land or Building empty

Desired use of Land or Building Retail/gaming lounge/ community ent. Recre.

NOTE: Has this property ever been the subject of an application before the

Planning Board N/A Zoning Board N/A

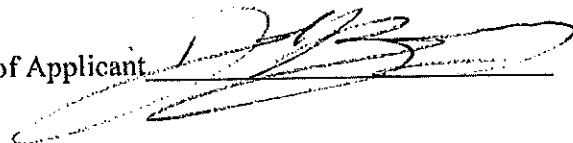
If yes, please give reason _____

Applicant desires the following Variance/Waiver:

See Check list

Date 5/15/21

Signature of Applicant





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 David Bernes Block 109 Lot B Address 110
White House Pike 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	✓			A complete application form and payment of the application fees and escrows, eighteen (18) copies.
2		✓		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	✓			A certificate from the Borough Tax Collector that no taxes or assessments are due or delinquent (tax search), two copies.
4		✓		Camden County Planning Board Application, four (4) copies, if the proposed development will have any impact on a Camden County roadway or facility.

MINOR SITE PLAN CHECKLIST ~ PAGE 1 OF 2
March 16, 2009

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	✓			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		✓		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		✓		Acreage of the tract to the nearest tenth of an acre or square feet.
4		✓		Existing contours with datum referenced. Spot elevations at corners of proposed structures, paved areas and handicap ramps
5		✓		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		✓		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		✓		A complete plan, including location, size and type of all plantings.
8		✓		Pavement construction detail, and any other construction detail necessary to construction
9		✓		Curbs, sidewalks and all other areas devoted to pedestrian use.
10		✓		Preliminary Architectural Floor Plans and Elevations signed and sealed by an architect licensed in the State of New Jersey.
11		✓		Key map showing the location of the site within the Borough at a scale of no less than 1 inch equals 1000 feet.
12		✓		North Arrow, Scale written and graphic on each sheet.
13		✓		A complete site lighting plan, including location, size, type and wattage of all proposed fixtures.
14		✓		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	✓			Any other information which is deemed to be necessary for the review of the plan by the <u>Joint Land Use Board</u> .

SIGNATURE AND TITLE OF PERSON WHO PREPARED CHECK LIST.

DATE.

6/22/21

Borough of Lindenwold

AFFIDAVIT OF OWNERSHIP

"MUST BE COMPLETED AND RETURNED"

Name of Company/Organization Prodigy Games LLP

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

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

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

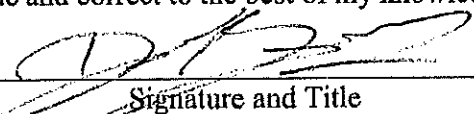
Address

Title

Marcella Perry 2441 Patten St. Camden NJ 08104

Title - owner

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


Signature and Title

David Barnes
Please **PRINT** Name and Title

BOROUGH OF LINDENWOLD

JOINT LAND USE BOARD

Consent by Owner

I certify that I am the Owner of the property which is the subject of this application and I hereby consent to the making of this application and the approval of the plans submitted herewith. I further consent to the inspection of the property in connection with this application as deemed necessary by the Municipal agency.

SWORN & SUBSCRIBED to before

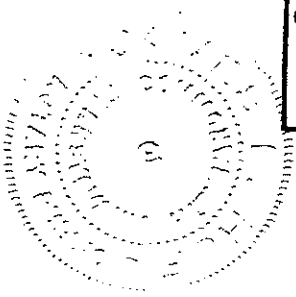
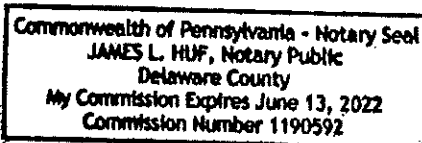
me this 10 day of JUNE, 2021

James L. Huff
(Notary)

Michele Moffa Wall
10 June 2021
(Signature) (Owner) (Date)

Estate of Frank J. Moffa & Estate of Adeline J. Moffa
Michele Moffa Wall, Executrix

(Print Name)



BOROUGH OF LINDENWOLD

AGREEMENT

THIS AGREEMENT MADE THIS 22nd DAY OF June 2021

BETWEEN Prodigy Genes LLC
(APPLICANT'S NAME)

HEREINAFTER REFERRED TO AS "APPLICANT" AND THE JOINT LAND USE BOARD OF THE BOROUGH OF LINDENWOLD, HEREINAFTER REFERRED TO AS "BOARD".

WHEREAS, APPLICANT IS CURRENTLY SEEKING (MINOR/MAJOR SITE PLAN, MINOR/MAJOR SUBDIVISION PLAN) FROM THE JOINT LAND USE BOARD OF THE BOROUGH OF LINDENWOLD AND;

WHEREAS, THE BOARD DESIRES TO ESTABLISH AN ESCROW WHEREBY WORK REQUIRED TO BE PERFORMED BY PROFESSIONALS EMPLOYED BY THE BOARD WILL BE PAID FOR BY THE APPLICANT AS REQUIRED UNDER THE PROVISIONS OF THE ORDINANCE OF THE BOROUGH OF LINDENWOLD, AND;

WHEREAS, BOTH PARTIES FEEL THAT IT IS APPROPRIATE TO REDUCE THIS UNDERSTANDING TO WRITTEN FORM.

WITNESSED:

IT IS MUTUALLY AGREED BETWEEN PARTIES THAT:

SECTION 1. PURPOSES

THE BOARD AUTHORIZES ITS PROFESSIONAL STAFF TO REVIEW, INSPECT, REPORT AND STUDY ALL PLANS, DOCUMENTS, STATEMENTS, IMPROVEMENTS, AND PROVISIONS MADE BY THE APPLICANT IN CONFORMING TO THE REQUIREMENTS OF THE BOROUGH ORDINANCES. THE BOARD DIRECTS ITS PROFESSIONAL STAFF TO MAKE ALL ORAL AND/OR WRITTEN REPORTS TO THE BOARD OF ITS CONCLUSIONS AND FINDINGS DERIVED FROM THE REVIEW, STUDY, INVESTIGATION AND LIKE OR SIMILAR DUTIES PERFORMED AS ELSEWHERE AUTHORIZED. THE APPLICANT AGREES TO PAY ALL REASONABLE PROFESSIONAL FEES INCURRED BY THE BOARD FOR THE PERFORMANCE OF THE DUTIES OUTLINED ABOVE.

SECTION 2. ESCROW ESTABLISHED

APPLICANT AND THE BOARD IN ACCORDANCE WITH THE PROVISIONS OF THIS AGREEMENT HEREBY CREATE AN ESCROW TO BE ESTABLISHED BY THE BOARD IN A DEPOSITORY SELECTED BY THE BOARD.

SECTION 3. ESCROW FUNDED

APPLICANT BY EXECUTION OF THIS AGREEMENT SHALL PAY TO THE BOARD, TO BE DEPOSITED IN THE DEPOSITORY REFERRED TO IN SECTION 2, SUCH SUMS AS ARE REQUIRED. EXECUTION OF THIS AGREEMENT BY THE BOARD ACKNOWLEDGES RECEIPT OF THE SUMS REFERRED TO UNDER THIS PARAGRAPH.

SECTION 4. INCREASE IN ESCROW FUND

IF DURING THE EXISTENCE OF THIS ESCROW AGREEMENT THE FUNDS HELD BY THE ESCROW HOLDER SHALL BE INSUFFICIENT TO COVER ANY VOUCHER OR BILL SUBMITTED BY THE PROFESSIONAL STAFF AND REVIEWED AND APPROVED BY THE BOARD, APPLICANT SHALL WITHIN (14) DAYS FROM THE DATE OF RECEIPT OF WRITTEN NOTICE, DEPOSIT ADDITIONAL SUMS WITH THE ESCROW HOLDER TO COVER THE AMOUNT OF THE DEFICIT REFERRED TO ABOVE.

SECTION 5. TIME OF PAYMENT

THE PROFESSIONALS REFERRED TO IN THIS AGREEMENT UPON THE CONCLUSION OF THEIR SERVICES OR PERIODICALLY DURING PERFORMANCE OF THEIR SERVICES, SHALL SUBMIT VOUCHERS CONFORMING TO THE REQUIREMENTS ESTABLISHED BY THE BOARD FOR VOUCHERS OF THE TYPE AND KIND REFERRED TO UNDER THIS PARAGRAPH. SAID VOUCHERS SHALL INCLUDE THE AMOUNT OF ALL FEES AND COSTS INCURRED AS A RESULT OF THE SERVICES SET FORTH UNDER SECTION 1 OF THIS AGREEMENT.

SECTION 6. BOARD OF REVIEW

THE BOARD SHALL REVIEW THE VOUCHERS SUBMITTED BY THE PROFESSIONALS TO DETERMINE WHETHER THE SERVICES HAVE BEEN PERFORMED IN THE MANNER AND TO THE DEGREE REQUIRED BY THIS AGREEMENT. UPON MAKING A DETERMINATION THAT SAID SERVICES HAVE BEEN PERFORMED PROPERLY, THE BOARD SHALL PROCESS SAID VOUCHERS IN THE SAME MANNER AND UNDER THE SAME TERMS AS ARE

NORMALLY EMPLOYED FOR VOUCHERS SUBMITTED FOR WORK PERFORMED FOR THE JOINT LAND USE BOARD. AT THE CONCLUSION OF THIS PROCESSING, THE AMOUNTS SPECIFIED IN SAID VOUCHERS SHALL BE DEDUCTED BY THE ESCROW HOLDER FROM THE ESCROW ESTABLISHED PURSUANT TO THIS AGREEMENT.

SECTION 7. APPLICANT'S OBJECTION

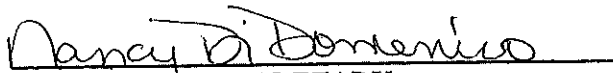
THE APPLICANT SHALL HAVE THE RIGHT TO MAKE PERIODIC INSPECTIONS OF THE RECORDS MAINTAINED BY THE ESCROW HOLDER TO DETERMINE THE STATUS OF THE ESCROW AT ANY POINT IN TIME. WHERE THE APPLICANT OBJECTS TO THE PAYMENT OF ANY VOUCHER FROM THE ESCROW FUND, HE SHALL HAVE THE RIGHT TO APPEAL UPON (3) DAYS NOTICE TO ALL PROFESSIONALS, TO THE BOARD TO DETERMINE WHETHER THE PAYMENTS OR PAYMENT OBJECTED TO ARE PROPER. THE STANDARDS OF REVIEW TO BE UTILIZED BY THE BOARD IN DETERMINING WHETHER SAID PAYMENTS ARE PROPER, OR WHETHER THE FEES INCURRED ARE REASONABLE AND WHETHER THE WORK HAS BEEN PERFORMED PROPERLY.

SECTION 8. INTEREST ALLOCATIONS

ANY AND ALL INTEREST WHICH WOULD RESULT FROM OR ARISE OUT OF THE DEPOSITS BEING MADE AND HELD IN ESCROW BY THE APPLICANT SHALL REVERT TO THE USE AND ENJOYMENT OF THE ESCROW HOLDER AS COMPENSATION FOR THE SERVICES RENDERED IN CONNECTION WITH THIS ESCROW AGREEMENT.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THE DATE FIRST WRITTEN ABOVE.


APPLICANT'S SIGNATURE


BOARD SECRETARY

VARIANCE APPLICATION FOR: VARIANCE (), USE VARIANCE (X), WAIVER ()
MINOR SITE PLAN (), MAJOR SITE PLAN ()
MINOR SUBDIVISION (), MAJOR SUBDIVISION ()

APPLICATION NO. Sub 21-7 DATE SUBMITTED 9/22/20

Applicant's Name United Paving Contractors, LLC - c/o William Williams
Address 707 First Avenue
Deptford, NJ 08096
Phone Number 856-374-2001

Name and address of Present Owner (IF OTHER THAN ABOVE)
Name William Williams
Address 707 First Avenue
Deptford, NJ 08096
Phone Number 856-374-2001

Interest of Applicant if other than owner Tenant

Location of Site Intersection of Bangor Avenue and Derby Avenue Bangor Avenue
Neighborhood or Section Street

Block(s) 257 Lot(s) 1 Zone R-1

Number of Proposed Lots 1 (existing) Area of entire Tract 1.96 acres +/- (85,377 SF)

DEVELOPMENT PLANS: Sell Lots Only (YES) (NO)^x
Construct Houses for Sale (YES) (NO)^x
Other Construct a commercial building (50'x100') with associated parking to offer paving services

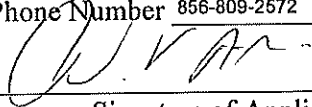
Proposed Density N/A

Number of Dwelling Units per Net Acre * N/A

*GROSS ACRE LESS AREA FOR RIGHT-OF-WAY, EASEMENTS AND OTHER IMPROVEMENTS.

NAME AND ADDRESS OF PERSON PREPARING SKETCH PLAT.

Name Michael E. Avila, P.E., P.P. - Avila Engineering, LLC
Address 228 West White Horse Pike - Suite B
Berlin, NJ 08009
Phone Number 856-809-2572


Signature of Applicant

Borough of Lindenwold

VARIANCE APPLICATION

Applicant: Owner _____ Tenant X _____

Name United Paving Contractors, LLC - c/o William Williams Phone: (856) - 374-2001

Address 707 First Avenue
Deptford, NJ 08096

NOTE: If tenant of property is applying for this variance, they must have written permission from the owner for submission to this Board.

Applicant is the owner of the following described property:

Applicant is not owner of property _____

Block 257 Lot 1 Plate _____ Zone R-1

Existing use of Land or Building Vacant wooded lot

Proposed use of Land or Building Commercial Use, Paving Services

Use Variance required? Yes

Applicant requesting the following variance(s) from SETBACKS on:

	Lot Size	Frontage	Front Setback	Rear Setback	Left Side Setback	Right Side Setback	Total Side Setback
EXISTING	85,377 sf	> 100 FT	N/A	N/A	N/A	N/A	N/A
REQUIRED	10,000 SF	100 FT	35 FT	25 FT	10 FT	15 FT	25 FT
PROPOSED	85,377 SF	>100 FT	35.50 FT	N/A	> 25 FT	N/A	> 25 FT

Where applicable: D.E.P. Wetland approval required: YES _____ NO X

Other Variances requested: No

Has this property ever been the subject of an application before the Planning Board? No

Has this property ever been the subject of an application before the Zoning Board? No

If yes, please give reason N/A

[Signature]
Signature of Applicant

9/18/20
Date

Borough of Lindenwold

TO THE JOINT LAND USE BOARD PETITION FOR:

Variance Use Variance Waiver _____

Name of Applicant United Paving Contractors, LLC - c/o William Williams
Address 707 First Avenue
Deptford, NJ 08096
Phone Number 856-374-2001

Applicant is the OWNER (), TENANT (X) of the following described property:

1 Bangor Avenue
Lindenwold, NJ 08021

Block(s) 257 Lot(s) 1 Plate _____

Present use of Land or Building Vacant wooded lot

Desired use of Land or Building Commercial Use, Paving Services

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

If YES, Please give reason N/A

Applicant desires the following **VARIANCE / WAIVER**

Use Variance to allow a commercial use (paving services) in a residential zone.


Signature of Applicant

8/18/20
Date

AFFIDAVIT OF OWNERSHIP

"MUST BE COMPLETED AND RETURNED"

Name of Company / Organization: United Paving Contractors, LLC - c/o William Williams

Is Company a Corporation? (YES) _____ (NO) X

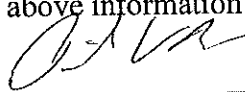
Name of State in which incorporated: N/A

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"

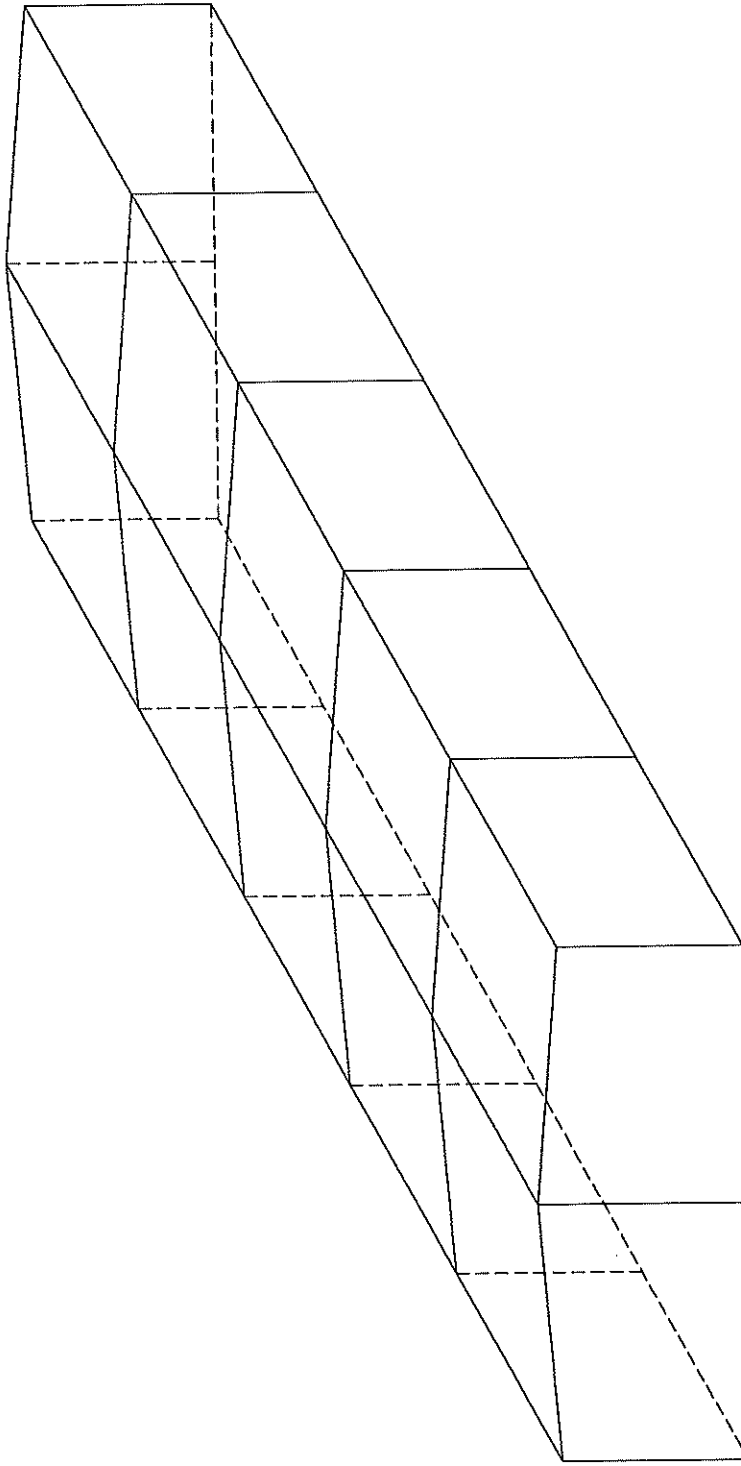
Name	Address	Title
<u>William Williams</u>	<u>707 First Avenue</u>	<u>President</u>

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


Signature and Title

William Williams
Please **PRINT** Name and Title

NOT FOR CONSTRUCTION



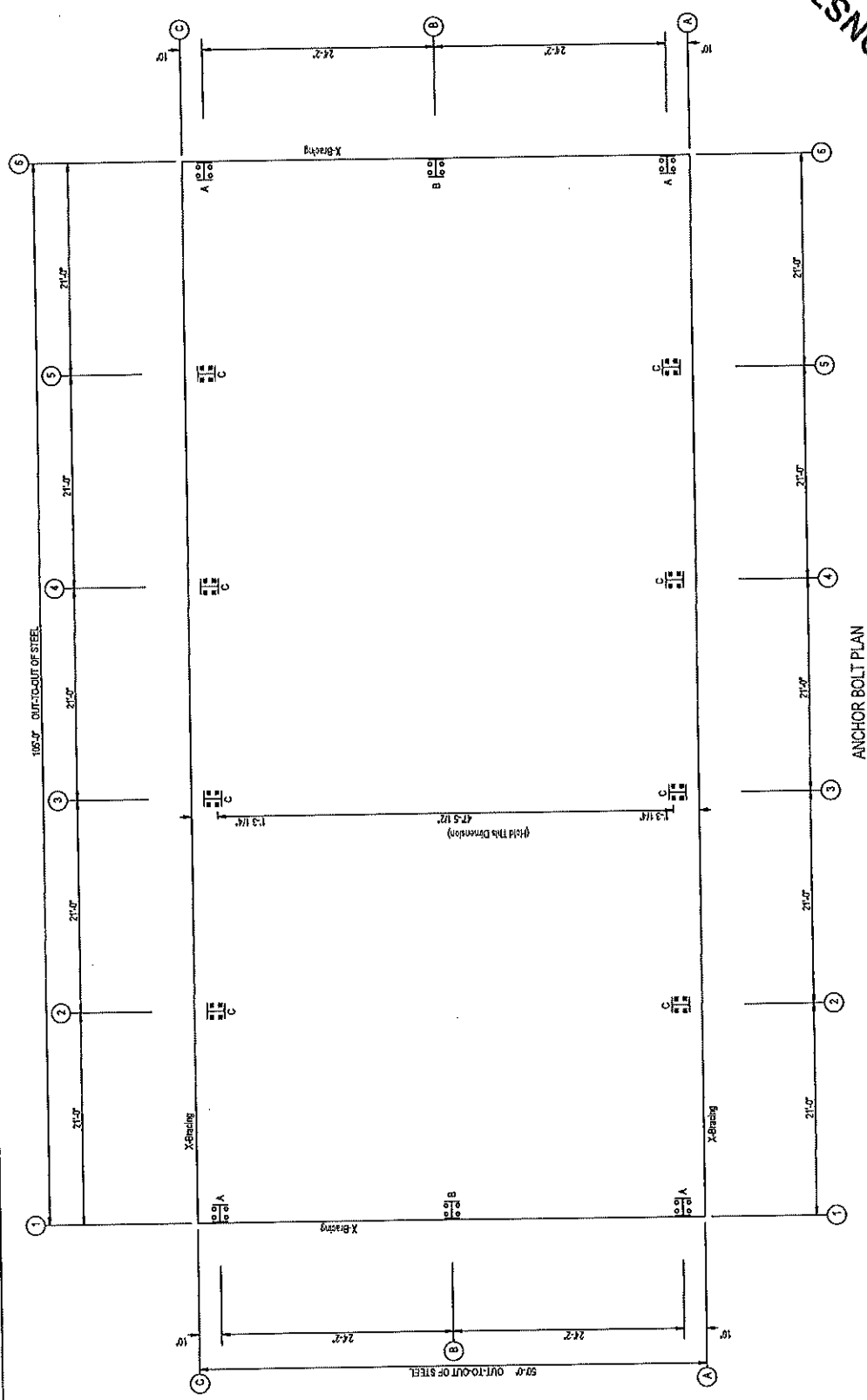
9/28/20

Building Layout

243894302

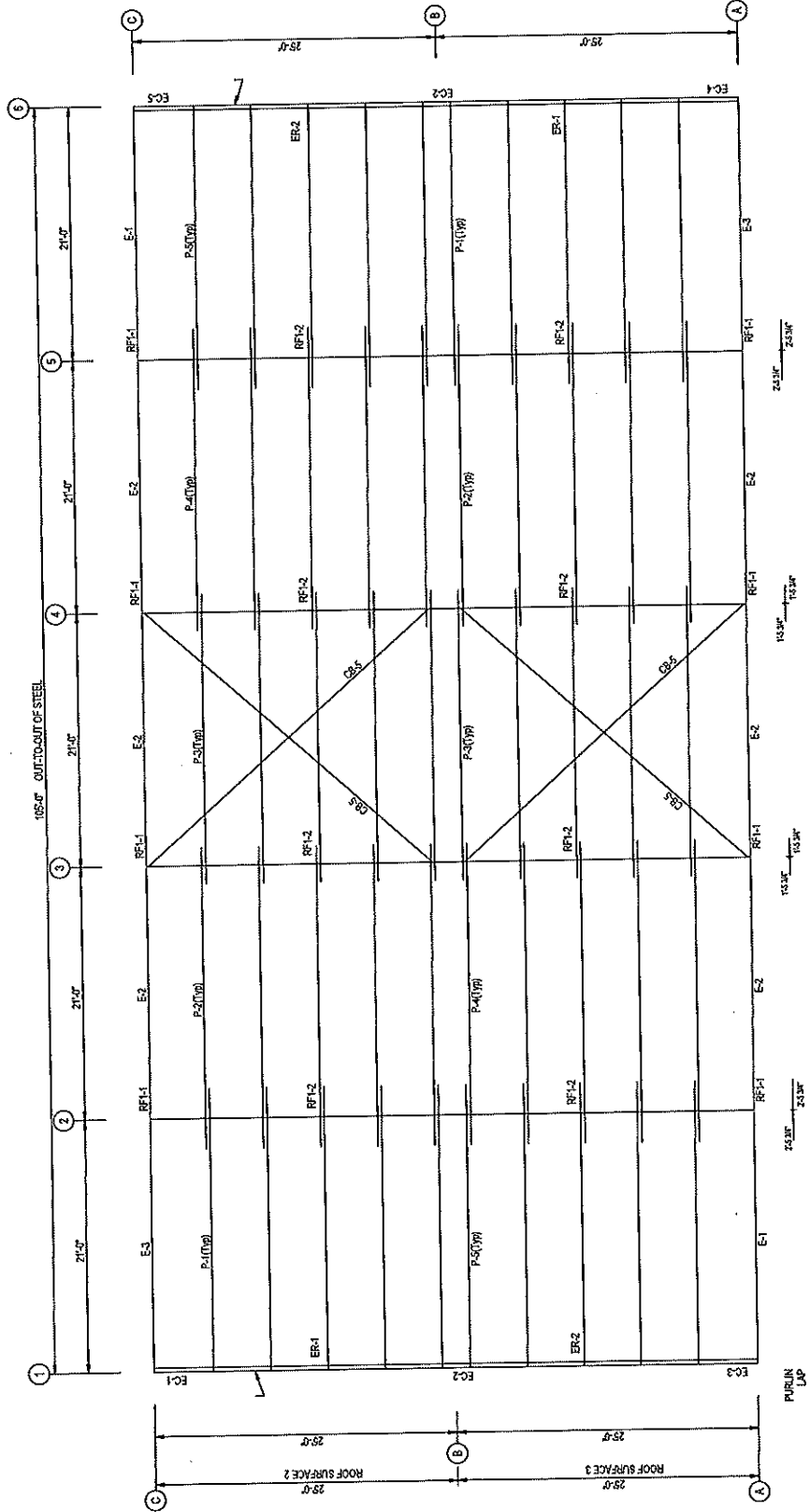
NOT FOR CONSTRUCTION

○ Dia: 56"
 □ Dia: 34"



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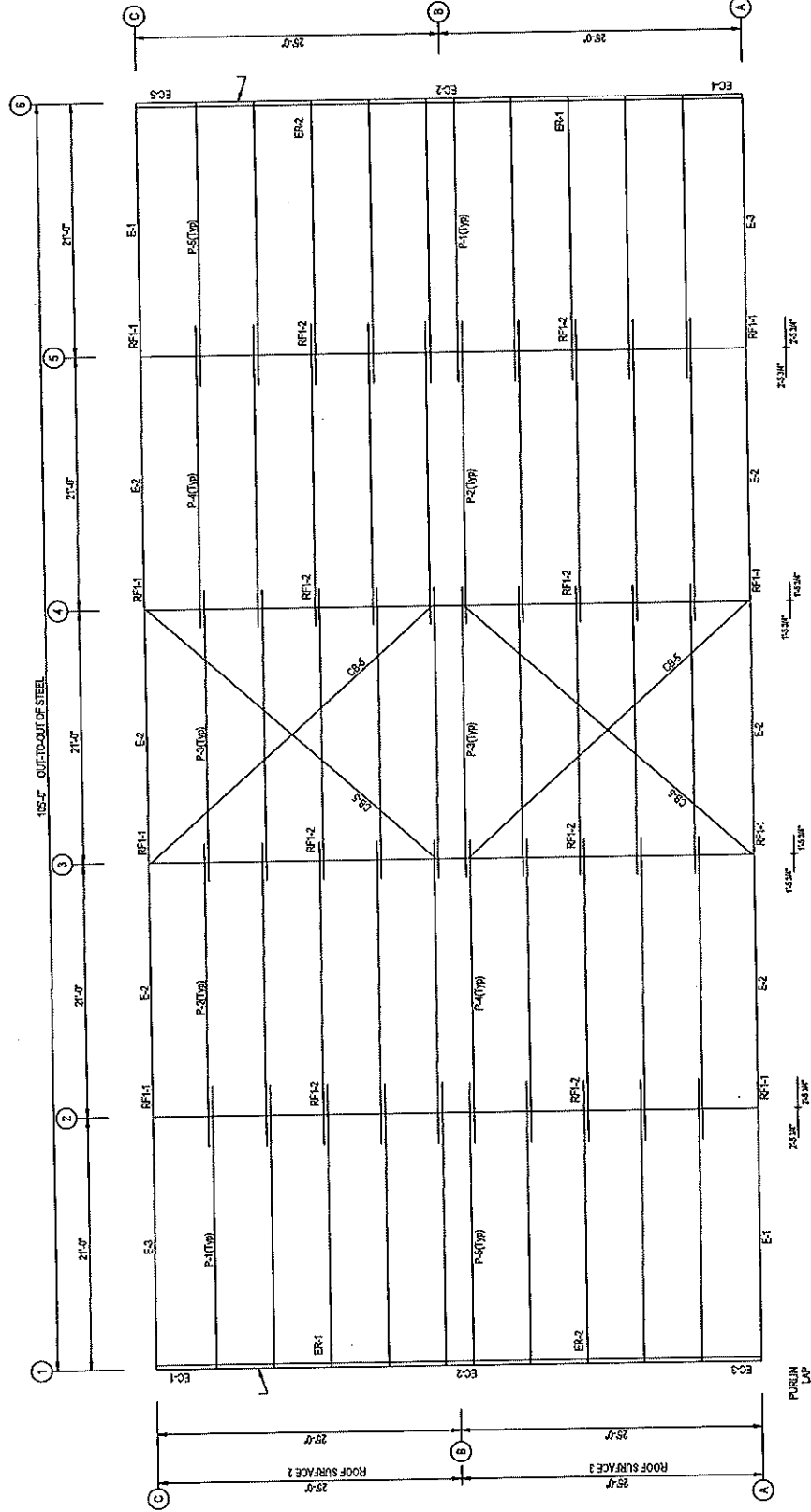
ROOF SHEETING
PANELS: 26 Gauge PBR
Galvalume



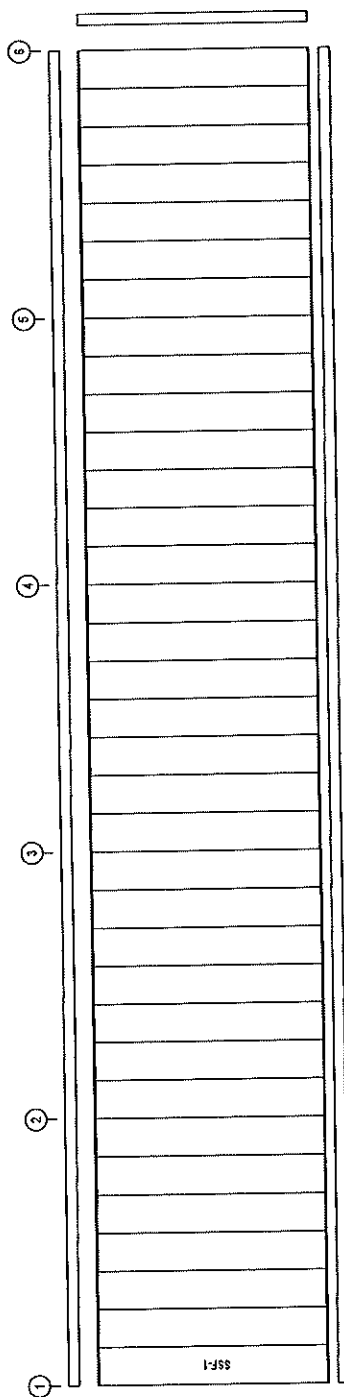
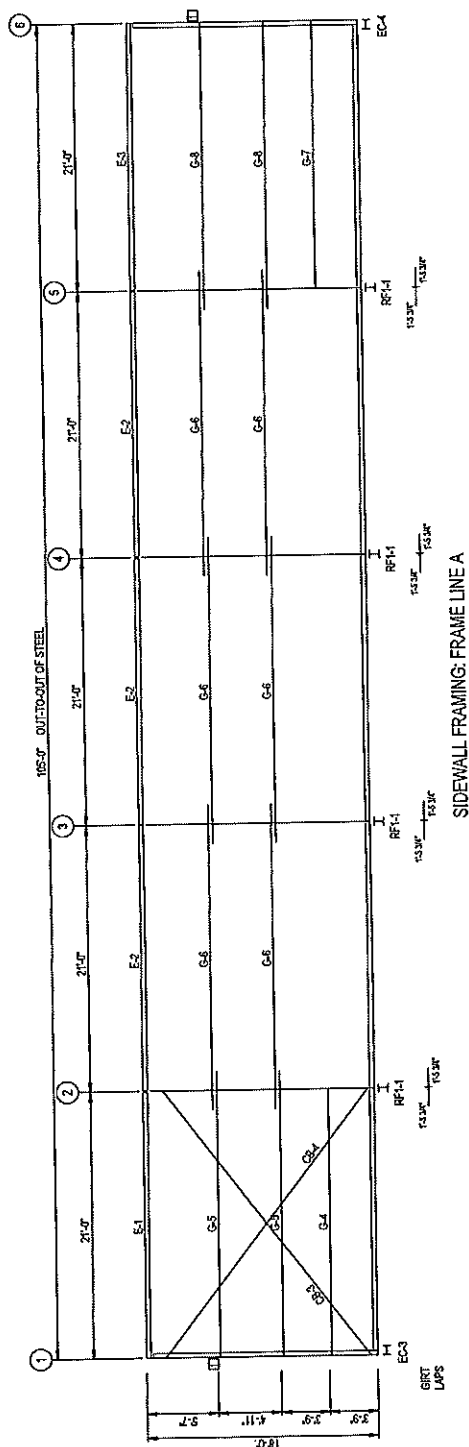
ROOF FRAMING PLAN

NOT FOR CONSTRUCTION

ROOF SHEETING
PANELS: 26 Gauge PBR
Galvalume



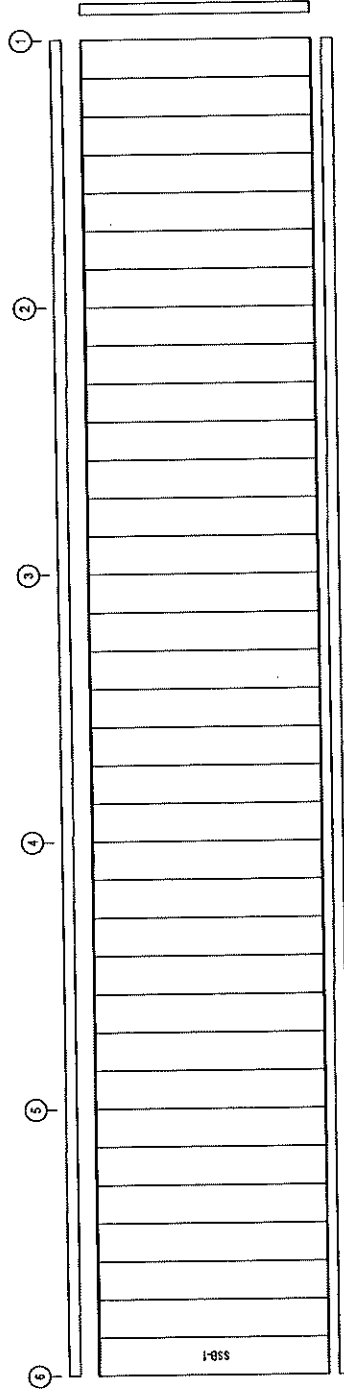
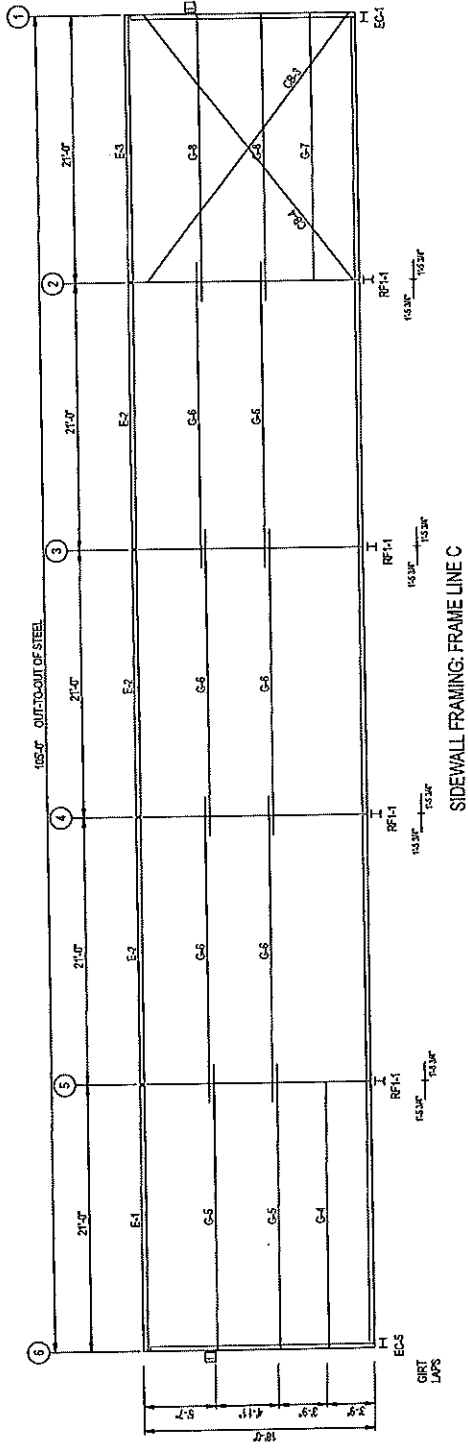
ROOF FRAMING PLAN



SIDEWALL SHEETING & TRIM: FRAME LINE A
PANELS: 26 Gauge PBR - Desert Sand

James H. Jones - Director

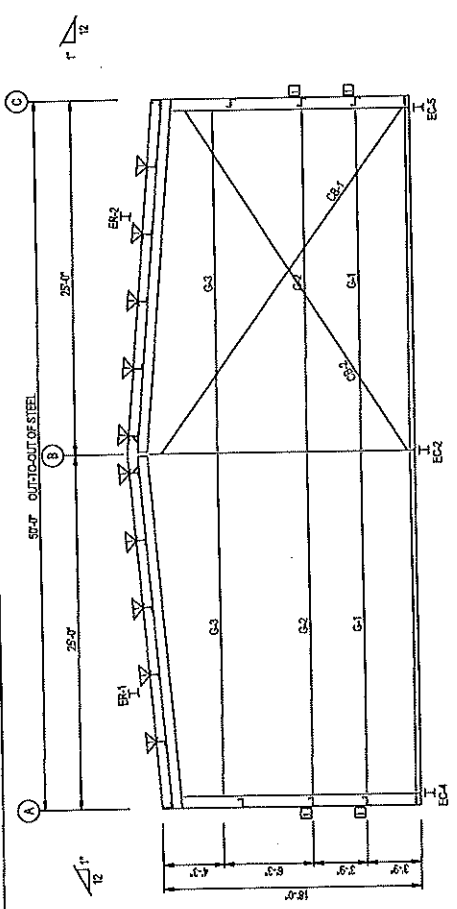
CONNECTION PLATES
FRAME LINE C
FIELD INTERMEDIATE
1 OF 2



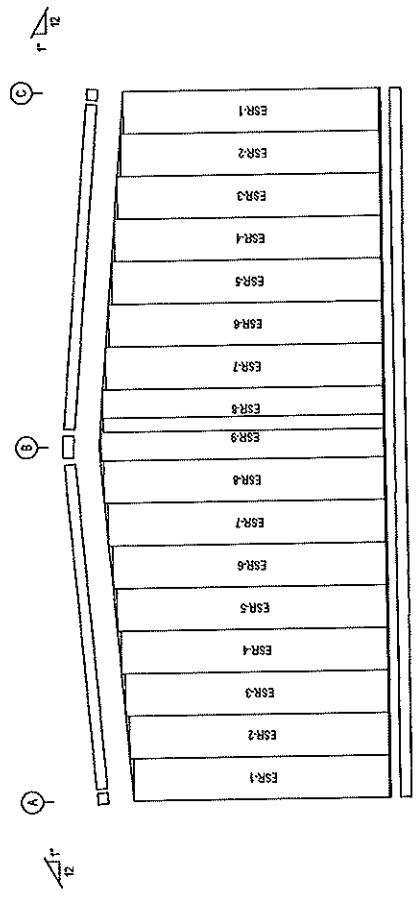
SIDEWALL SHEETING & TRIM: FRAME LINE C
PANELS: 26 Gauge PBR - Densit Sand

NOT FOR CONSTRUCTION

S231 TABLE			
FRAME LINE 6			
LOCATION	QUN	TYPE	LENGTH
ES-R-1	4	A325	10"
ES-R-2	4	A325	10"
ES-R-3	4	A325	10"
ES-R-4	4	A325	10"
ES-R-5	4	A325	10"
ES-R-6	4	A325	10"
ES-R-7	4	A325	10"
ES-R-8	4	A325	10"
ES-R-9	4	A325	10"
ES-R-10	4	A325	10"
ES-R-11	4	A325	10"
ES-R-12	4	A325	10"
ES-R-13	4	A325	10"
ES-R-14	4	A325	10"
ES-R-15	4	A325	10"
ES-R-16	4	A325	10"
ES-R-17	4	A325	10"
ES-R-18	4	A325	10"
ES-R-19	4	A325	10"
ES-R-20	4	A325	10"
ES-R-21	4	A325	10"
ES-R-22	4	A325	10"
ES-R-23	4	A325	10"
ES-R-24	4	A325	10"
ES-R-25	4	A325	10"
ES-R-26	4	A325	10"
ES-R-27	4	A325	10"
ES-R-28	4	A325	10"
ES-R-29	4	A325	10"
ES-R-30	4	A325	10"
ES-R-31	4	A325	10"
ES-R-32	4	A325	10"
ES-R-33	4	A325	10"
ES-R-34	4	A325	10"
ES-R-35	4	A325	10"
ES-R-36	4	A325	10"
ES-R-37	4	A325	10"
ES-R-38	4	A325	10"
ES-R-39	4	A325	10"
ES-R-40	4	A325	10"
ES-R-41	4	A325	10"
ES-R-42	4	A325	10"
ES-R-43	4	A325	10"
ES-R-44	4	A325	10"
ES-R-45	4	A325	10"
ES-R-46	4	A325	10"
ES-R-47	4	A325	10"
ES-R-48	4	A325	10"
ES-R-49	4	A325	10"
ES-R-50	4	A325	10"
ES-R-51	4	A325	10"
ES-R-52	4	A325	10"
ES-R-53	4	A325	10"
ES-R-54	4	A325	10"
ES-R-55	4	A325	10"
ES-R-56	4	A325	10"
ES-R-57	4	A325	10"
ES-R-58	4	A325	10"
ES-R-59	4	A325	10"
ES-R-60	4	A325	10"
ES-R-61	4	A325	10"
ES-R-62	4	A325	10"
ES-R-63	4	A325	10"
ES-R-64	4	A325	10"
ES-R-65	4	A325	10"
ES-R-66	4	A325	10"
ES-R-67	4	A325	10"
ES-R-68	4	A325	10"
ES-R-69	4	A325	10"
ES-R-70	4	A325	10"
ES-R-71	4	A325	10"
ES-R-72	4	A325	10"
ES-R-73	4	A325	10"
ES-R-74	4	A325	10"
ES-R-75	4	A325	10"
ES-R-76	4	A325	10"
ES-R-77	4	A325	10"
ES-R-78	4	A325	10"
ES-R-79	4	A325	10"
ES-R-80	4	A325	10"
ES-R-81	4	A325	10"
ES-R-82	4	A325	10"
ES-R-83	4	A325	10"
ES-R-84	4	A325	10"
ES-R-85	4	A325	10"
ES-R-86	4	A325	10"
ES-R-87	4	A325	10"
ES-R-88	4	A325	10"
ES-R-89	4	A325	10"
ES-R-90	4	A325	10"
ES-R-91	4	A325	10"
ES-R-92	4	A325	10"
ES-R-93	4	A325	10"
ES-R-94	4	A325	10"
ES-R-95	4	A325	10"
ES-R-96	4	A325	10"
ES-R-97	4	A325	10"
ES-R-98	4	A325	10"
ES-R-99	4	A325	10"
ES-R-100	4	A325	10"



ENDWALL FRAMING: FRAME LINE 6



ENDWALL SHEETING & TRIM: FRAME LINE 6

PANELS: 26 Gauge PBR - Desert Sand

NOT FOR CONSTRUCTION

