

Resolution No.: 06-2020

RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF LOGAN, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING APPROVAL OF A "d" USE VARIANCE TO PERMIT A WAREHOUSE WITH OFFICE IN THE INTERCHANGE COMMERCE (IC) ZONE DISTRICT, TO 50 LAMSON, LLC, REGARDING PROPERTY LOCATED ON LAMSON LANE, AND BEING FURTHER SHOWN AS BLOCK 801, LOT 55 ON THE TAX MAPS OF THE TOWNSHIP OF LOGAN, APPLICATION NO.: 01-20Z

WHEREAS, Application No.: 01-20Z (the "Application") was submitted before the Zoning Board of Adjustment of the Township of Logan, County of Gloucester, State of New Jersey (the "Board") by 50 Lamson, LLC, 153 Beachfront, Manasquan, N.J. 08736 (the "Applicant") for a "d" Use Variance to permit a commercial warehouse as a principal use in the Interchange Commercial (IC) Zone District, regarding property located on Lamson Lane (the "Subject Property") and being further shown as Block 801, Lot 55 on the Tax Maps of the Township of Logan (the "Township"); and

WHEREAS, the Applicant bifurcated the Application pursuant to N.J.S.A. 40:55D-76(b); and

WHEREAS, the Applicant did appear at a meeting and public hearing held by the Board on the Application on July 13, 2020 at 7:00 PM, time prevailing, said public hearing being held both in-person and by virtual participation via either audiovisual or telephonic means, due to State regulations governing the Covid-19 Pandemic, at which time were the following present on behalf of the Applicant: Ronald L. Shimanowitz, Esquire, Hutt & Shimanowitz, PC, 459 Amboy Avenue, P.O. Box 648, Woodbridge, N.J. 07095 (the Applicant's attorney); Renee Anstiss, P.E., Maser Consulting, P.A., 1000 Waterview Drive, Suite 201, Hamilton, New Jersey 08691 (the Applicant's professional engineer); Raymond C. Liotta, P.P., Maser Consulting, P.A., 331 Newman Springs Road, Suite 203, Red Bank, N.J. 07701 (the Applicant's Professional Planner); John Kainer, a Principal of the Applicant, testifying as an expert in the field Commercial Brokerage matters; Rick Pratt, A.I.A., Pratt Design Studios, 74 Ocean Blvd., Atlantic Highlands, N.J. 07716; The Applicant's professional architect; Michelle Briehof, P.E., Maser Consulting, P.A., 331 Newman Springs Road, Suite 203, Red Bank, N.J. 07701 (the Applicant's Traffic Engineer); and Christopher Otteau, Certified Commercial Appraiser, Otteau Group, Inc., 100 Matawan Road, Suite 320, Matawan, N.J. 07747, the Applicant's Real Estate Appraisal expert; and

WHEREAS, Messrs. Kainer, Pratt, Otteau, and Liotta, and Ms. Anstiss and Ms. Briehof, entered into the record their professional backgrounds, education, licensing and

experience, after which, without objection, were Messrs. Kainer, Pratt, Otteau, Liotta, and Ms. Anstiss and Ms. Briehof, stipulated by the Board, on the record, as experts in their respective fields of commercial brokerage, architecture, real estate appraisals, planning, civil engineering, and traffic engineering and, as such, they were qualified to testify as experts in said fields on behalf of the Applicant for the purpose of the Application, after which were Messrs. Kainer, Pratt, Otteau, Liotta, and Ms. Anstiss and Ms. Briehof sworn as to any testimony that they would give on behalf of the Applicant;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Logan, County of Gloucester, State of New Jersey as follows:

FINDINGS OF FACT

1. The Application was deemed to be complete. As such, the Board had jurisdiction to act on the Application.
2. The Board's professional engineer and professional planner, Uzo Ahiaakwe, P.E., P.P., P.L.S., CME, Tochi Consulting Engineers, 542 Berlin-Cross Keys Road, Suite 3-267, Sicklerville, New Jersey 08081-4367, was sworn as to any and all testimony that he would give on behalf of the Board with respect to the Application before the Board.
3. The Applicant is 50 Lamson LLC, 153 Beachfront, Manasquan, N.J. 08736.
4. The Owner of the Subject Property is Russell Leone, 8 Bodo Otto Drive, Mickleton, N.J. 08056.
5. The Applicant and the Board submitted various documents that were entered into the record by the Board, as follow:
 - A. Application, Application Fee, Escrow Agreement, Escrow Deposit, Notice of Public Hearing, Certified List of Property Owners within 200 ft. of the Subject Property, Certification of Taxes Paid, Affidavit of Service, Affidavit of Publication, and Submission Checklists, W-9, and Site Inspection Consent.
 - B. Letter dated March 27, 2020, and revised June 18, 2020, from Uzo Ahiaakwe, P.E., P.P., P.L.S., C.M.E. Tochi Consulting Engineers, (the Board's professional Engineer and Planner), regarding Mr. Ahiaakwe's review of the Application.
 - C. Letter dated May 1, 2020 to the Board from Scott D. Oatman, Municipal Fire Chief and Fire Marshall, Township of Logan, stating that he had no reservations about the Use Variance being granted and that, if granted, he would do a full review at such time as Site Plan application with associated documents is submitted.
 - D. Title Insurance Commitment issued by Chicago Title Insurance Company regarding the Subject Property dated July 9, 2019.

E. Hearing Exhibits, as follow:

- (A) Exhibit A-1 - Existing Conditions Plan;
- (B) Exhibit A-2 - Lamson Lane Site Plan Rendering;
- (C) Exhibit A-3 - Architectural Floor Plan;
- (D) Exhibit A-4 - Architectural Elevation;
- (E) Exhibit A-5 - Lamson Lane Development Site Zoning Exhibit;
- (F) Exhibit A-6 – Market Study Report

F. The following documents were also submitted:

<u>Sheet</u>	<u>Title</u>	<u>Date</u>	<u>Revision Date</u>
5 Sheets	Traffic Assessment Letter	3/2/2020	6/30/2020
2 Sheets	Boundary and Topographic Survey	8/29/2019	
	<u>Use Variance Plan:</u>		
1 of 5	Cover Sheet	3/2/2020	
2 of 5	Existing Conditions Plan	3/2/2020	
3 of 5	Layout Plan	3/2/2020	
4 of 5	Conceptual Landscape Plan	3/2/2020	
5 of 5	Truck Turn Plan	3/2/2020	
	<u>Architectural Plan</u>		
SD1	Ground Floor Plan	02/10/2020	
SD2	Elevation	02/10/2020	
	Phase 1 Environmental Site Assessment	4/2020	
	Environmental Assessment	06/16/2020	
	Atlantic City Electric Utility Will Serve Letter	12/09/2019	
	Logan Township MUA Utility Will Serve E-Mail & Plan	11/07/2019	
	Verizon Will Serve Letter	11/19/2019	
	New Jersey American Water Utility Will Serve E-Mail	01/24/2020	

Notes:

The Variance Plan consisting of five (5) sheets was prepared, signed, and sealed by Ms. Renee Anstiss, PE, Maser Consulting PA., 2000 Midlantic Drive, Mount Laurel, N.J. New Jersey 08054. (856) 797-0412

The Boundary and Topographic Survey consisting of two (2) sheets was prepared, signed, and sealed by Michael F. Burns, PLS, Maser Consulting PA., 2000 Midlantic Drive, Suite 100, Mount Laurel, N.J. 08054 (856) 797-0412

The Conceptual Architectural Floor and Elevation Plan consisting of two (2) sheets were prepared, signed, and sealed by Rick Pratt, AIA, Prat Design Studios, LLC, 74 Ocean Blvd, Atlantic Highlands, NJ 07716. (609) 668-8002

The Traffic Assessment Letter was prepared, signed, and sealed by Michelle R. Briehof, PE, Maser Consulting, PA, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701. (732) 383-1950

The Environmental Assessment was prepared, and signed by Ms. Kayleigh Sena and Robert L. Carter Jr., Marathon Engineering & Environmental Services, Inc., 3 Killdeer Court, Suite 302, Swedesboro, New Jersey 08085. (856) 241-9705

Phase I Environmental Site Assessment was prepared by Ms. Christine Galdaleta and Mr. Gregory E Buzan, SSG-BARCO, Inc, 122 Walters Avenue, Ewing, New Jersey 08638 (609) 883-8021

6. The Applicant is seeking a use variance to permit the construction of a one-story building to be used for warehousing and office space, along with a truck loading/unloading area, passenger vehicle parking lot, and other necessary improvements as show on the plans submitted, including: A. 257,250 sq. ft. of warehouse space; B. 5,250 sq. ft. of office space; C. two proposed stormwater management basins; D. an on-site subsurface sewage disposal system; E. Thirty-Six (36) Truck-Trailer parking stalls, each 12 ft. X 55 ft.; F. One hundred eight (108) parking spaces for cars/vehicles, each 9 ft. X 18 ft.; G. landscaping; and H. other necessary site improvement.

7. The Zoning requirements related to the Application are as follows:

ZONING REQUIREMENTS (1)

A. Use The following are applicable:

(1): The Applicant's proposed use for a Warehouse with Office is not a permitted principal use in the Interchange Commercial (IC) Zone District. Accordingly, the Applicant has filed an Application for a use variance to permit the proposed use .

B. Area and Bulk Requirements:

<u>Code Reference</u>	<u>Item</u>	<u>Required</u>	<u>Proposed Condition</u>	<u>Conformity Status</u>
III.7.D.1	Use		Warehouse & Office Space	V
III.D.4.a.	Min. Lot Area (3)	2.5 Acres	27.74 Acres	C
III.D.4.b.	Min. Lot Width	300 Ft.	1,081 Ft.	C
III.D.4.c.	Min. Lot Frontage	200.00 Ft.	1,469 Ft.	C

Principal Building Setback:

III.7.D.4.d.	Min. Front Yard	80 Ft.	107.80 Ft.	C
III.7.D.4.e.	Min. Side Yard	20 Ft. (each)	67.30 Ft.	C
III.7D.4.f.	Min. Rear Yard	35.00 Ft.	835.00 Ft.	C

Accessory Building Setback:

III.7.D.4.g.	Min. Side Yard	10.00 Ft.	N/A	C
III.7.D.4.h.	Min. Rear Yard	10.00 Ft.	N/A	C
III.7.D.4.i.	Max. coverage of Impermeable surface including buildings	65 %	40.40 %	C
III.7.D.4.j.	Max. coverage of lot by building	30 %	21.84 %	C
III.7.D.4.k.	Max. Bldg. Ht. (stories/feet)	4 stories/45 Ft.	< 45.00 Ft.	C

Notes:

(1) Analysis based on Unified Development Ordinance (UDO) adopted by Logan Township Council on December 28, 2010 by ord. 19-2010. C = Conformance V = Variance Required

8. The Subject Property is located in the Township's Interchange Commercial (IC) Zone District. It is located in close proximity to N.J. State Highway Rt. 295, at Exit 14 (Repaupo), which leads to Repaupo Station Road. The Subject Property is a short distance from Exit 14 and is located on Lamson Lane which intersects Repaupo Station Road, and is a short distance from Repaupo Station Road. The Subject Property consists of 27.94 acres of farmland. Miller Used Trucks is located on the west side of Repaupo Station Road across from the intersection of Lamson Lane. On the east side of Repaupo Station Road at the intersection of Lamson Lane is the S&S Auction site, consisting of multiple commercial buildings and a large paved parking area. To the west and behind the Subject Property, off of Lamson Lane, there are three single-family residences. The Subject Property currently consists of 27.949 acres of farmland

9. The Applicant is seeking use variance approval to construct a one-story building for warehousing and office space, along with two parking areas: one for employees and visitors to the building, and one for tractor trailer parking at loading docks. The warehouse would consist of 257,250 square feet of warehouse space, and 5,250 square feet of office space. Two stormwater management basins are proposed, as well as an on-site sewage disposal system. There would be thirty-six (36) tractor trailer parking stalls, each stall 12 ft. x 55 ft., and one hundred and eight (108) parking spaces for cars/vehicles, each space 9 ft. x 18 ft. Landscaping is proposed as part of the development of the Subject Property, along with other site improvements. Proposed access to the site will consist of two (2) full movement driveways along Lamson Lane.

10. Mr. Shimanowitz, the Applicant's attorney, provided an overview of the Application consistent with the above information.

11. Mr. Kainer testified that there are generally two types of prospective tenants: bulk warehouse/distribution centers, and fulfillment centers. The former is what the Applicant is proposing, and such a use would require fewer employees, fewer vehicles, and less activity at the site. A fulfillment center generates more activity, more traffic and more employees. Mr. Kainer testified that, if approved, the Applicant will use an on-site septic system, landscaping, and other amenities. The hours of operation will be unrestricted (24/7), but most likely the tenant would work Monday-Friday, 6:30 AM – 10 PM, and half a day on Saturdays.

12. Ms. Anstiss testified on the overall physical attributes of the site for the proposed use. Ms. Anstiss testified as to the surrounding uses, site access/egress, the fact that there would be separate access/egress points for trucks and passenger vehicles, and that the truck access would simply cross over Lamson Lane into the parking area where the proposed loading docks are located. The Trucks would not have to travel far on Lamson Lane as the truck entrance is very close to Repaupo Station Road. Passenger vehicles would exit Lamson Lane into the designated parking area, well before the residences on Lamson Lane. Ms. Anstiss testified as to the specifications for the proposed warehouse/office building, consistent with the information set forth above.

13. Mr. Pratt testified as to the proposed elevations and floor plans of the proposed building. The building would be 45 feet in height. The base color would be a "site

white” and accent colors would include “cityscape”, “leisure blue” and “blue blood”. Mr. Pratt testified as to the front and rear facades, incorporating the employee parking area and entrance to the offices, and the loading dock area on the opposite side of the building.

14. Ms. Briehof testified as to the Applicant’s Traffic Assessment Letter, which had been entered into the record. The prospective AM peak hours for the warehouse / office building would generate a total of 75 trips; the PM peak hour 56 trips; and the Saturday peak hours 16 trips. Access to the site is proposed via two (2) full movement driveway along Lamson Lane, southbound. Twenty-Four foot wide traffic aisles are proposed, which can accommodate two-way traffic throughout the site. The aisle within the vicinity of the loading dock area is 75 feet wide, which is sufficient to accommodate the WB-67 trucks anticipated to utilize the site. The proposed vehicle parking will exceed ordinance requirements.

15. Mr. Otteau reviewed his 28-page Market Study Report with the Board. Mr. Otteau testified as to his analysis of the neighborhood in which the Subject Property is situated, a site analysis, and review of the proposed development and its impact on the area. Mr. Otteau testified that based on his investigation, he has determined that the presence of warehouse development bordering on or near residential homes does not result in a greater discount than similar homes not nearing or bordering on warehouse development. Accordingly, Mr. Otteau concluded that the proposed warehouse development will not have any adverse effect on the market value of surrounding residential properties.

16. Mr. Liotta testified as to his professional opinion that the Applicant and the proposed development, meets both the “positive” and the “negative” criteria proofs necessary for the grant of a use variance. Mr. Liotta testified that the site is uniquely suited for the proposed use. He reviewed Exhibit A-5 to show the surrounding commercial uses in the immediate area. Mr. Liotta cited the Township’s 2010 Master Plan and testified that, in his professional opinion, the proposed development met the goals and objectives of the Master Plan. He testified that the proposed development had less of an impact on the I-295 corridor than other uses already within said corridor. Mr. Liotta pointed out that the proposed use does not deviate from any of the bulk standards within the IC Zone District, and that all bulk and area standards will be met without the need for further variances. This emphasized that the proposed use is particularly suited for the site. In addition, the proposed use would advance the general welfare of the community by providing a low impact development; the Subject Property is located adjacent to other commercial developments; and the impact of vehicle traffic and parking needs will be less than what other permitted uses would generate.

17. As to the “negative” criteria, Mr. Liotta testified that the proposed use would not be a substantial detriment to the Zone Plan, The Master Plan, and the immediate area. Proper and significant landscaping is proposed between the Subject Property and the three residences on Lamson Lane. Vehicle traffic and parking area have been designed so that no vehicles associated with the proposed use would need to go down Lamson Lane anywhere close to the residences, especially trucks which would not go very far

down Lamson Lane. Mr. Liotta pointed out that the proposed use would have less of a negative impact on the immediate area than many of the “of right” uses which are already permitted in the IC Zone District.

18. Mr. Liotta testified that, in his professional opinion, the Applicant’s Application meets both the “positive” and “negative” criteria necessary for a use variance to be granted.

19. The Board’s professional engineer and planner, Mr. Ahiarakwe, reviewed his letter of June 18, 2020 as follows:

General Comments:

1. The Applicant should provide testimony to the Board regarding the nature/type of proposed use, anticipated traffic (type, size and volume), expected number of visitors, maximum number of employees/customers, number of shifts, hours of operations and any other relevant data regarding the development.
2. The Applicant submitted a Traffic Assessment Letter that provided an analysis of the trip generation, parking access and parking assessment of the proposed development.

Trip Generation

· Trip generation estimates were performed, and comparisons were made between the proposed development and “as-of-right” scenarios.

In order to determine the amount of traffic to be generated by the proposed development and “as-of-right” scenarios, data from the Institute of Transportation Engineers (ITE) were used by the Applicant as shown in the table below:

<u>Development</u>	<u>Land Use – ITE Trip Generation</u>	<u>AM Peak Hour Total Trips</u>	<u>PM Peak Hour Total Trips</u>	<u>SAT Peak hour Total Trips</u>
<u>Proposed</u>	LUC 150- Warehouse LUC 710 Office Bldg.	75	56	16
<i>Scenario A:</i>				
	144,000 SF Medical Office Bldg. (as-of-right)	309	490	661
<i>Scenario B:</i>				
	125,000 SF Retail Bldg.			

(as-of-right) LUC 820 – Shopping Center	214	641	738
Difference (Proposed vs Scenario A)	234	434	645
Difference (Proposed vs. Scenario A)	139	585	722

- The report submitted indicates the proposed development would generate a maximum of 75 new peak hour trips.
- The proposed development generates far less trips than either “as-of-right” scenarios as shown in the above table.
- No exceptions as to the summary provided.

Site Access

- Two (2) full movement driveways are proposed for site access.
- The Applicant should review the impact of the new peak hour trips on vehicle/truck queuing at both (a) the intersection of Lamson Lane and Repaupo Station Road; and (b) the intersection of the first driveway and Lamson Lane.

The Applicant indicated in the report that the above intersection queues will not impact the operation of the proposed driveways. References are made to data in a Traffic Engineering Assessment prepared by Shropshire Associates, dated November 29, 2018. A copy of the referenced report should be provided to the Board. The Applicant has complied.

Parking Assessment

<u>USE</u>	<u>SIZE (SF)</u>	<u>RATIO</u>	<u>REQUIRED PARKING</u>
Warehouse	257,250	1 Stall Per 5,000 SF	52
Office	5,250	4 Stalls Per 1,000 SF	21
Total Required Parking Stalls			73
Total Provided Parking Stalls			108

The number of parking stalls provided exceed the calculated number required per the Ordinance. No exceptions are taken to the analysis provided on parking demand.

3. Per Article VII.B.3, a full EIS shall be prepared and submitted for cases involving non-residential developments seeking a use variance, unless otherwise waived under the appropriate guidelines of this ordinance. The Applicant agreed to comply at the time that a submission of an application for site plan approval is made.

An Environmental Assessment Report dated June 16, 2020 was submitted. The Board's engineer has reviewed the same and takes no exception to the report. If the Board were to grant the Use Variance Approval, The Board's engineer recommends that an Environmental Impact Statement be submitted.

4. A copy of Phase I Environmental Site Assessment Report (Phase 1) for the Subject Property was submitted to the Board. The Phase I was completed by SSG-BARCO, Inc in accordance with ASTM Standard E-1527-13.

The assessment revealed evidence of one (1) potentially recognized environmental condition (REC) in connection with the property:

· REC-1 Historical Agricultural Use

The report indicates that no RECs require additional Phase II investigation at this time. No exceptions are taken to the report provided

5. A copy of all applications made, and permits received from the New Jersey Department of Environmental Protection and other applicable agencies should be provided to the Board. The Applicant agreed to comply as a condition of site plan submission.

6. Copies of any wetland delineation performed, approved, or used for the Use Variance Plan should be submitted to the Board. The metes and bounds description of the delineation should also be shown on the property survey of the subject site. The Applicant agreed to comply as a condition of site plan submission.

7. Letters should be provided from utility companies and municipal utility authority stating that public water and sewer is available, including capacity. The Applicant has complied.

PERFORMANCE STANDARDS

Not applicable

SUMMARY OF VARIANCES AND WAIVERS

Variances: Use Variance

APPROVAL PROCESS

If the Zoning Board should grant the Use Variance Approval, the following is applicable:

1. The Applicant's engineer must make appropriate revisions pursuant to the Zoning Board action.
2. Ten (10) copies of the final site plan should be submitted to the Board engineer's office for review, approval, and signature.
3. The Applicant must contact the Zoning Board office to settle any outstanding review escrow accounts prior to the issuance of building permits.

OUTSIDE AGENCY APPROVALS

This plan may be subject to the review and approval of other outside agencies. Evidence of these approvals must be submitted to the Township Zoning Department and this office prior to the signing of the final site plans

1. Gloucester County Planning Board
2. Gloucester County Soil Conservation District
3. Logan Township
4. Logan Municipal Utilities Authority
5. Any others as may be necessary

19. The Board opened the hearing to the public as to the requested use variance made by the Applicant. The following member of the public was sworn and provided testimony before the Board.

A. Edward Durr, 59 Lamson Lane, testified that he was a truck driver and resided on Lamson Lane across the street from where the proposed warehouse would be built. Mr. Durr disputed the Traffic Statement submitted by the Applicant and stated that there would be more deliveries and traffic than what the Applicant stated. Mr. Durr testified that it would be very difficult for trucks to maneuver off of I-295 in order to get to the site, which would create a hazardous condition. He was concerned with wetlands on the Subject Property and said that the proposed use would destroy the aesthetics and quiet that he and his family have enjoyed for 40 years.

There being no further members of the public wishing to testify on this specific question, the public portion was closed.

CONCLUSIONS

The Board concluded that the Applicant had met its burden as to proving that the proposed use will not have a substantially negative impact on nearby properties, or be contrary to the intent and purpose of the Township's zone code and master plan. The Subject Property is located in an area surrounded by other commercial uses. The

Applicant had properly met the “positive” and “negative criteria”, by demonstrating, among other things, that the proposed use would have less of an impact on the immediate area than many of the already permitted uses in the IC Zone District. In particular, there would be no truck traffic down Lamson Lane past the truck driveway, and automobile traffic would have limited use of Lamson Lane in order to reach the facility’s proposed parking area, thereby eliminating the need to travel down Lamson Lane to where the existing residences are located. Furthermore, the Applicant will have to provide a site plan for approval, at which time proper noise abatement, landscaping, and other development issues will be addressed to lessen any negative impact caused by the development on adjacent properties.

CONDITIONS

1. The Board presumes that the Applicant’s Application, all maps, Exhibits, and other documents submitted and relied on by the Applicant, are true and accurate representations 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, maps, and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied on by the Board as they bear on facts that were essential in the granting of the relief requested by the Applicant, the Board may rescind its approval and rehear the Application, either upon the request or 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 interests of justice.

2. At any time after the adoption of this resolution of memorialization, should a party on interest appeal to the Board for an order vacating or modifying any term or conditions as set forth herein, upon the proper showing of a 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 fact(s) at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems to be 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.

3. The Applicant shall indemnify and hold the Township harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties made in reliance upon the certified list of property owners and other parties entitled to notice, said list having been provided to the Applicant by the Township pursuant to N.J.S.A. 40:55D-12.c., and publication of the notice of public hearing in this matter in accordance with law; provided however that such indemnity and hold harmless shall not apply to claims arising from a deficiency in the certified list of property owners upon which the Applicant is entitled to rely.

4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.

5. The Applicant must obtain all approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but 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, if any, such approvals are required of. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Attorney, Engineer and Planner.

6. The Applicant must maintain an escrow account with the Township and pay the costs of all professional review and other fees required to act on this Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law. The Applicant's escrow account must be current prior to any permits being issued, or constructions or other activity commencing on the approved project, or any certificate of occupancy being issued.

7. The Applicant must obtain any and all other construction or municipal permits, inspections, etc., required with respect to the relief as granted herein.

8. The Applicant's engineer must make appropriate revisions to the plans pursuant to the Zoning Board action.

9. One (1) copy of the final plan, as amended, shall be submitted to the Board's engineer for review and approval. Once approval is granted, Ten (10) copies of the final site plan should be submitted to the Board engineer for approval and signature.

10. The Applicant should note that an escrow and performance bond may be required for this Application and, if applicable, an estimate of all onsite improvements shall be submitted and reviewed by the Board's engineer. The inspection escrow should be posted prior to the issuance of building permits.

WHEREUPON a motion was made by Board member Siglow, which was seconded by Board member Seelig, to grant the requested use variance, subject to the Conditions and Findings of Fact set forth above, including the need for the Applicant to file a formal Site Plan Application, with the following Board members voting in favor of the motion: Love-Moore, Siglow, Clark, Drew, Seelig, Rutch and King-Morton (Alternate # 2). There were no votes in the negative, and no abstentions, recusals or absences. One regular Board member position, and the Alternate # 1 position were vacant.

THIS RESOLUTION WAS ADOPTED at a regularly scheduled meeting of the Zoning Board of Adjustment of the Township of Logan, County of Gloucester, State of New Jersey held on August 10, 2020 as a memorialization of the action taken by the Board as to the above referenced Application at the Board's regularly scheduled meeting, following a public hearing, held on July 13, 2020.

**LOGAN TOWNSHIP ZONING
BOARD OF ADJUSTMENT**

By: *Kathy Love-Moore*
KATHY LOVE-MOORE, Chairperson

ATTEST:

By: *Cynthia L Giandomenico*
CYNTHIA GIANDOMENICO, Secretary

CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted at a regularly scheduled meeting of the Logan Township Zoning Board of Adjustment, County of Gloucester, State of New Jersey held on the 10th day of August 2020 at the Township Municipal Building, 125 Main Street, Bridgeport, N.J. 08014 at 7:00 PM, time prevailing, as a memorialization of the action taken by the Board at the Board's meeting and public hearing held on July 13, 2019 on the above cited Application.

Cynthia L Giandomenico
CYNTHIA GIANDOMENICO, Secretary