

Resolution No.: 2022 - 14

RESOLUTION OF THE COMBINED PLANNING/ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING A USE VARIANCE AND BULK VARIANCE, HOME OCCUPATION VARIANCE, AND WAIVER OF SITE PLAN APPROVAL, TO CHRISTOPHER SPERA AND DOROTHY CROSBEE, REGARDING PROPERTY LOCATED AT 836 CLEMS RUN AND BEING FURTHER SHOWN AS BLOCK 33, LOT 12.16 ON THE TAX MAPS OF THE TOWNSHIP OF ELK, APPLICATION NO.: ZB-22-02

WHEREAS, Application No.: ZB-22-02 (the “Application”) was submitted to the Combined Planning/Zoning Board Adjustment of the Township of Elk, County of Gloucester, State of New Jersey (the “Board”) by Dorothy Crosbee and Christopher Spera (together, the “Applicant”) for a Use Variance, Bulk Variance, Home Occupation Variance, and waiver of Site Plan approval, to permit the parking of two commercial box trucks associated with Mr. Spera’s moving company, Powerhouse Movers, and operate his moving business as a home occupation on residential property located at 836 Clems Run Road (the “Subject Property”) and being further shown as Block 33, Lots 12.16 on the Tax Maps of the Township of Elk (the “Township”); and

WHEREAS, the Applicant did appear at a meeting and public hearing held by the Board on the Application on November 16, 2022 at 7:00 P.M., time prevailing, at which time were the following present on behalf of the Applicant: Michael Aimino, Esquire, Aimino & Dennen LLC, 40 Newton Avenue, Woodbury, N.J. 08096 (the Applicant’s attorney); James Clancy, P.E., P.P., P.L.S., C.M.E., Clancy & Associates, Inc., 601 Asbury Avenue, National Park, N.J. 08063 (the Applicant’s Professional Planner, Professional Engineer and Professional Land Surveyor); and Ms. Dorothy Crosbee and Christopher Spera, both of residence at the Subject Property with Ms. Crosbee being the owner of the Subject Property and Mr. Spera being a resident of same; and

WHEREAS, Mr. Clancy provided his background, licensing and experience in the State of New Jersey as a licensed professional planner, engineer and surveyor, after which the Board deemed Mr. Clancy, without objection, to be an expert in the fields of Planning, Engineering and Land Surveying, and was qualified to testify as such on behalf of the Applicant on the Application; and

WHEREAS, were Messrs. Clancy and Spera, and Ms. Crossbe, sworn as to any testimony that they might give on the Application;

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

FINDINGS OF FACT

1. The Application was deemed to be conditionally complete, subject to the Board acting on the Applicant's request for certain submission waivers. Because the Application involved a "use" (d.1) variance, the Class I Board member (Mr. Lucas) and the Class III member (Ms. Nicholson) recused themselves from the hearing. Thereafter, the Board was constituted as a 7-member Zoning Board of Adjustment.

2. The Board's professional planner, Candace Kanaplue, P.P., A.I.C.P., Bach Associates, PC, 304 White Horse Pike, Haddon Heights, NJ 08035 and the Board's professional engineer, Stan Bitgood, P.E., C.M.E., Bryson & Yates, Consulting Engineers, LLC, 307 Greentree Road, Sewell, NJ 08080, the Board's Professional Engineer, were both sworn as to any testimony that they would give on behalf of the Board for the purposes of the Application.

3. The Applicant submitted and the Board entered into the record the following:

A. Application, Application Fee, Escrow Agreement, Escrow Deposit, Notice of Hearing, Affidavit of Service, Affidavit of Publication, Certification of Taxes Paid on the Subject Property, and Certified List of Property Owners within 200 ft. of the Subject Property, Affidavit of Ownership.

B. Listing of other agencies to be notified in Elk Township;

C. Four color photographs of the Subject Property marked as Exhibits A-1 through A-4;

D. A hand drawing of the Subject Property and the proposed location of where truck parking will occur.

E. Letter dated August 18, 2022 from Candace Kanaplue, P.P., A.I.C.P., Bach Associates, PC, the Board's professional planner, to the Board, regarding Ms. Kanaplue's review of the Application.

F. Letter dated August 10, 2022 from Stan M. Bitgood, P.E., C.M.E., Federici & Akin, P.A., the Board's professional Engineer, to the Board, regarding his review of the Application.

G. "Statement of Application", filed with the Board by the Applicant's attorney, outlining the nature of the Application and the relief being sought.

H. Plan of Survey of the Subject Property dated 8/31/16 signed by Donald C. Pennell, P.L.S., Pennell Land Surveying, Inc., 327 Clems Run Road, Mullica Hill, N.J. 08062.

I. Plan of Pool As-Built, dated February 10, 2020, prepared and signed by Daren C. Leeper, PLS, Leeper Land Group, LLC, 767 Brunswick Pike, Lambertville, New Jersey 08530.

4. The Applicant was requesting certain waivers from completeness review:

- **#15 requires statement providing an overview of the proposed uses of the land and improvements, alterations, or additions.** *Waiver recommended for completeness only. The applicant shall provide testimony at the meeting.* The Applicant agreed to comply.
- **#21 requires statement as to any application requirements for which waiver is sought.** *Waiver recommended for completeness only. The applicant shall provide testimony at the meeting.* The Applicant agreed to comply.
- **#53 location of historic features within 200 feet.** *A waiver is recommended.*
- **#55 requires the applicant to provide contours at 20 foot intervals on the tract and within 100 feet of the tract in accordance with the grading plan requirements.** *A waiver is recommended for completeness only. The Applicant has now provided the same.*
- **#77 requires the size and location of proposed signs.** *A waiver is not recommended. If no signs are proposed, the Applicant must testify to this at the hearing.* The Applicant agreed to provide such testimony.

5. **WHEREUPON**, a motion was made by Mr. Afflerbach, which was seconded by Mr. Swanson, to deem the Application complete, based on the understandings and representations set forth above, with the following members voting to deem the Application complete: Clark, Shoultz, White, Afflerbach, Richardson (Alternate # 1) and Swanson, (Alternate # 2). Mr. Hughes voted “no”. Board Members McKeever and Schmidt were absent. Board members Lucas and Nicholson had recused themselves. The Board, having deemed the Application complete, the hearing on the Application continued.

6. **Zoning and Use.**

In accordance with Section 96-71.B., the RE District permits agricultural uses and buildings, single family detached dwellings, public parks and playgrounds, accessory uses and structures subordinate to permitted uses. In accordance with Section 96-71.C. Conditional Uses in the RE District include institutional uses, home occupations, golf courses, campgrounds and commercial solar operations. A commercial moving company and the associated truck parking are not permitted in the RE zoning district. A D(1) use variance is required to permit a use or principal structure in a district restricted against such use or structure.

7. The Applicant's Attorney, Mr. Aimino, provided information regarding the Application, both based on his representations made at the hearing, and in reliance on his "Statement of Application", which that had been entered into the record by the Board.

8. Mr. Aimino set forth that he Applicants are seeking two (2) use variances and any necessary bulk variances, in order to permit the operation of a Home Occupation at the Applicants' residence in the form of a professional moving business and to allow the parking of two (2) trucks used in connection with the business. Applicants further seek a Waiver of Site Plan Approval. The property is approximately 3.5 acres and is located in the RE Rural Environmental Residential District.

9. The Applicant, Christopher Spera is a 55% owner of a business Powerhouse Movers, LLC, ("Powerhouse") along with his business partner, Tyler Darrow (45%). Powerhouse engages in traditional moving services for residences and businesses that are relocating. Mr. Spera had been legally operating his business out of his residential property in Franklinville, however, due to his impending divorce, he was forced to relocate and live with his aunt, the Co-Applicant and owner of the property, Dorothy Crosbee.

10. The operations of Powerhouse consists of Mr. Spera, Mr. Darrow and two (2) helpers. Mr. Spera and Mr. Darrow pick up the trucks in the morning, drive to their various job sites during the day and return the trucks to the site at the end of the day. Typically their helpers come to the location. At times they are picked up. It is not always the case that two (2) trucks are on site – at times it is only one truck. Trucks are never backed onto Clems Run Road. There is sufficient turn around space on the asphalt pad such that the trucks are maneuvered so that they can drive straight down the driveway and then onto Clems Run Road.

11. Mr. Spera has a computer at the residence wherein he takes business orders for services and handles billing and financial issues. It is important to note that no customers ever come to the site. Nothing is stored in the residence. No changes are proposed to the exterior of the residential building which would in any way suggest a commercial business. By law, the Applicant must display a small sign which identifies the business on site. The sign is approximately 2 x 3 in size. With the landscaping that is proposed by the Applicant, as well as, the fact that there is a natural hedgerow to the right of the residence (when looking at the home), the fact that the home is set back approximately 275 feet from the roadway, and the truck parking area is screened by the house itself, it would be extremely difficult for anyone to see the parking of the two (2) trucks on site.

12. In response to the Board's Professional Planner's Comments in her letter of August 18, 2022, page 4, the Applicant would offer the following:

a. The description of the Applicant's business (Powerhouse) business is set forth above.

- b. Trucks leave the site in the morning and return at night.
- c. No trash is generated as a result of the business activities.
- d. Hours of operation are from 7:30 AM to a maximum of 7:30pm with all activities taking place off site.
- e. There are no deliveries to the site.

HOME OCCUPATION VARIANCE:

§96-71C(2) permits Home Occupations in the RE zoning district as a conditional use, in accordance with the requirements set forth in §96-79A. Those requirements are set forth below, with the Applicant's responses in **bold**.

A. Home occupations, provided that the sum of all such uses in a dwelling complies with the following standards:

(1) Home occupations may not employ more than one person who is not a member of the household residing in the dwelling. **The Applicant's business consists of one (1) partner who resides outside the household and two (2) helpers. All business activities of the three additional employees takes place off site.**

(2) The home occupation shall primarily be conducted by mail, computer media, or via the telephone so that it will not generate traffic caused by clients or customers visiting the dwelling. **The Applicant fully complies with this requirement.**

(3) The residential exterior appearance of the structure shall not be altered. **The Applicant fully complies with this requirement.**

(4) Not more than 20% of the total floor area of the dwelling may be devoted to the home occupation use. **Applicant fully complies with this requirement.**

(5) There shall be no outside storage or display of materials, products or equipment. **The Applicant complies with this requirement except to the extent the trucks are considered equipment.**

(6) One off-street parking space must be provided in addition to those required for the dwelling if a nonresident person is employed in conjunction with the home occupation use. **The Applicant can comply with this requirement.**

Because the Applicant is not able to meet all of the requirements set forth in ordinance, the Applicant requires and seeks a conditional use variance pursuant to N.J.S.A. 40:55D-70d(3) - a deviation from a specification or standard pursuant to section 54 of P.L. 1975, c.291 (C.40:55D-67).

The Applicant points out that it is important to note on the outset that home occupations are contemplated for this zoning district, subject to the conditions set forth in the ordinance. In the Applicant's opinion, the Applicant overwhelmingly meets those

conditions. The ordinance limits the number of employees to only the residential employee and one other employee. Here the Applicant has two (2) additional employees that work for the company. The Applicant's Attorney pointed out that a unique aspect of the Applicant's business, however, is three of the employees never perform any work at the residence. The three employees show up, get into a moving truck and leave the site for the day. All work performed by the three (3) additional employees takes place off site.

The Applicant contends that the Subject Property is particularly suited to this proposed use as the Subject Property sits far back from the roadway, (approximately 275 feet), is screened to the right side by a natural hedgerow and the parking area itself is screened by the house and by the proposed landscaping of the Applicant. The property to the left has along their house line a row of landscaping that shields their property from the Subject Property. The Applicant represents that a granting of the use variance would support the purposes of zoning in N.J.S.A. 40:55D-2.a and .g, in providing for the appropriate use of land in a manner which would promote public health, safety, morals, and general welfare and would provide for a variety of agricultural, residential, recreational, commercial and industrial uses to meet the needs of the citizens of New Jersey.

The Applicant's counsel pointed out that Powerhouse provides a necessary service to the community and can do so with virtually no impact to the surrounding properties. For the most part, given the screening of the parking site and the fact that the business operations primarily take place off site, there is no substantial negative impact to the surrounding community. Furthermore, as home occupations are contemplated for the zoning district, granting this variance would not represent a substantial impairment to the zoning ordinance or master plan.

TRUCK PARKING VARIANCE

As indicated above, the Applicant is seeking to park two (2) trucks at the residence which are used in Powerhouse's moving business. §96-54D(8) prohibits the parking of commercial trucks that exceed one ton in a residential area. Here the Applicant is seeking to park two (2) vehicles, thus a use variance is required and requested.

Trucks are backed into the parking spaces at night. In the morning, Mr. Spera and his partner, Mr. Darrow, pick up the trucks for use during the day. Their helpers arrive at the site and park in the spots left vacant by the trucks. The trucks are used in the day's business and then returned at night. Powerhouse has two (2) trucks: 1) a 16 foot box truck; and 2) a 20 foot box truck. It is not always the case that both trucks are on site as one of the trucks is sometimes stored at Mr. Darrow's residence.

For the same reasons set forth above, the Applicants contend that they are able to meet the criteria for the granting of this use variance.

WAIVER OF SITE PLAN APPROVAL

As there are no proposed changes to the residence or the parking area, with the exception of landscaping in the parking area, which the Applicants would agree as a condition of approval to working with the Board's professionals, the Applicants seek a Waiver of Site Plan Approval.

8. Mr. Clancy testified that, in his professional opinion, the Applicant's request for relief meets both the "positive" and the "negative" criteria, pursuant to the Municipal Land Use Law.

As to the "positive" criteria, Mr. Clancy concurred with the Applicant's Attorney's representations regarding the Applicant meeting the purposes of Zoning by way of N.J.S.A. 40:55D-2.a and 2.g. In particular, the requested relief will promote the general welfare of the community by providing a needed service (residential movers), recognizing that the proposed use will only be for a period of up to three years, and the rural nature of the area. The Subject Property also provides for sufficient space in an appropriate location for the proposed use, given the size of the Subject Property.

As to the "negative criteria", there would not be a substantial detriment to the zone plan, the master plan, or the local area, by way of the use proposed for a period of up to three years. This is because the proposed use would have a negligible impact on traffic (with only two trucks that leave early in the morning and return at night), the agreement of the Applicant to work with the Board's planner as to buffering and landscaping; and the fact that the proposed use would not generate any significant noise, pollution, or other negative impact.

9. The Board's Professional Planner, Candace Kanaplue, P.P., A.I.C.P., reviewed with the Board and the Applicant her letter of August 18, 2022 regarding the Application.

1. **Use.** The following are conditional use requirements for a home occupation in the RE zoning district per §96-79. The Applicant should provide the following information prior to or at the hearing:
 - a. A home occupation may not employ more than one person who is not a member of the household residing at the dwelling. The Applicant shall indicate the number of employees that will be on-site that do not reside at the dwelling.
 - b. A home occupation shall primarily be conducted by mail, computer media, or via the telephone so that it will not generate traffic caused by clients or customers visiting the dwelling. The Applicant shall indicate if any customers will be visiting the site and if so with what frequency. The Applicant, through its attorney, has indicated that there would be no visitors to the site.
 - c. The residential exterior appearance of the structure shall not be altered. The Applicant agreed to comply.

- d. Not more than 20% of the total floor area of the dwelling may be devoted to the home occupation use. The Applicant agreed to comply.
 - e. There shall be no outdoor storage or display of materials, products or equipment. The Applicant agreed to comply.
 - f. One off-street parking space must be provided in addition to those required for the dwelling if a nonresident person is employed in conjunction with the home occupation use. The Applicant agreed to comply.
2. In addition to the conditional use requirements the Applicant shall provide the following information:
- a. Detailed description of the proposed business. The Applicant has complied.
 - b. The frequency of the box trucks entering or exiting the site. The Applicant has complied
 - c. Trash storage and generation associated with the business. The Applicant has complied.
 - d. Hours of operation. The Applicant has complied.
 - e. Deliveries to the site associated with the business. The Applicant has agreed to comply.
3. **Buffers.** Section 96-47 of the Unified Development Code requires vegetated buffers between different uses in addition to minimum yards. The adjacent lot(s) to the east and west are residential and therefore require a 75 foot buffer. The Applicant should describe the impacts to adjacent residential dwellings and how they can be minimized. There is an existing evergreen row of trees adjacent to Lot 12.15. However, if there are any gaps, the Board's Planner recommends the Applicant add additional landscaping or a solid fence. The Board's Planner recommends a solid row of Green Giant arborvitae trees spaced a maximum of eight (8') on center and six (6') at planting height be planted along the entirety of the property line adjacent to Lot 12.18 to provide a year-round buffer to the adjacent residential property. The Applicant testified that the side property line with Lot 12.18 is almost 670 feet in length, and only a small portion of the Subject Property will house the trucks. The Applicant stated that it would agree to buffer the truck parking area rather than the entire property, and will work with the Board's Planner in achieving the same.

10. The Board's Professional Engineer, Stan M. Bitgood, P.E., C.M.E., Bryson & Yates, L.L.C., reviewed with the Applicant and the Board, his letter of August 10, 2022, as follows:

Proposed Uses

Proposed Use: The Applicant proposes to park two (2) commercial box trucks on a residential property. Truck parking is not a permitted use in the RE district.

Existing uses: The lot currently has one single-family dwelling with a pool and one large detached shed, a concrete parking area and an asphalt driveway. Adjacent uses include a residence in lot 12.15 to the west, a farm to the south, and a residence to the east. Residences also exist to the north east on the opposite side of Clems Run Road.

The existing concrete parking area appears to be approximately 50 feet by 46 feet, part of which appears to be of different surface.

Proposed Site Improvements

There are no proposed site improvements. Testimony shall be provided confirming that no new pavement is proposed and that the trucks will have ample room for full turn around movements on the existing pavement. The Applicant confirmed the same.

Completeness Review

A signed & sealed plan has not been submitted. However, the sketch, if supplemented with appropriate testimony, as underlined above, may be sufficient for the Board to make an informed decision.

Technical Comments

Parking areas must be on the same lot as the principal building or premises for which such parking spaces are provided, in accordance with code section 96-54 D (1). Testimony regarding the principal business location of the Powerhouse Moving should be provided. A web search revealed a Powerhouse Movers, LLC at 105 St. Anthony Lane, Franklinville, NJ. Justification for a variance must be provided in accordance with the Municipal Land Use Law. **The Applicant has complied.**

Elk Code 96-54 D (5) requires all non-residential use off-street parking to be adequately lighted, with downward focused non-glare lighting. No lighting is proposed. Justification for a variance must be provided in accordance with the Municipal Land Use Law. **The Applicant agreed to work with the Board's engineer as to the appropriate lighting.**

Exterior overnight parking of commercial vehicles over one ton, or any commercial vehicle with permanent business markings, is prohibited in a residential zone, by code

section 96-54 D. (8). Justification for a variance must be provided in accordance with the Municipal Land Use Law. The Applicant has complied.

Recommendations

While approval is not recommended by the Board's engineer, should this be approved by the Board, the Applicant must comply with all conditions in § 96-54 section D, to the extent that the Board does not grant variances or waivers for items in that code section. **The Applicant will work with the Board's engineer as to all items and issues in 96-54 D.**

If approved, paved parking will be required for the box trucks. A plan of survey and truck turning movement diagrams shown on it at the same scale should be required. If additional paving is needed, the Applicant should submit as the board may require, either a site plan or a grading plan, prepared by a licensed professional engineer, showing all improvements and topography on the lot, together with appropriate heavy duty paving details. Approval of said plan and details by the Board's Engineer should be a condition precedent to approval, which therefore must be reviewed and approved within 95 days of the Board's resolution. **The Applicant agreed to provide a modified site plan which will address the landscaping/buffering concerns raised by the Board's Planner; the truck/vehicle parking, storage, and turning; the lighting of the parking area; and the drainage pipe located in the parking area; all raised by the Board's engineer.**

If approved the resolution granting the Use Variance should clearly and explicitly prohibit any backing of vehicles into Clems Run Road, and any driving or parking of vehicles on un-paved surfaces as well. **The Applicant agreed to comply to these conditions.**

The approving resolution should also require that an effective buffer be maintained between the parking area and all parts of the driveway, and all adjacent residential uses. **The Applicant has agreed to work with the Board's Planner on this issue.**

12. The hearing on the Application was opened to the public, at which time there being no members of the public giving testimony, the public portion was closed.

CONCLUSIONS

The Board concluded that the requested use variances shall be granted on the basis of the plans submitted, the testimony given by the Applicant and the Applicant's expert, and the testimony rendered in support of the "positive" criteria (the purposes of zoning being met), and the "negative" criteria (i.e., that there will not be a substantial detriment to the zone plan or the master plan if the use variance is approved). In particular, the Board finds that the Subject Property is particularly suited for the proposed use given that the proposed use will provide adequate light, air and open space; the proposed use will not conflict with the development and general welfare of the neighboring municipalities, the county and the state; and that the requested use provides sufficient space in an appropriate location. The Board further recognizes that while "use" variances, and other

variances, generally run “with the land”, that the Applicant has waived its rights to this condition, and is asking that the use variance only be in effect for a period not exceeding three years from the date of the Resolution of approval being memorialized. Said restriction shall be a condition of approval. The Applicant will work with the Board’s Planner and Engineer as to issues set forth above.

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 in 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.

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 relief granted herein is conditioned upon the Applicant meeting all of the conditions, agreements, and representations set forth above, under Findings of Fact.

WHEREAS, a motion was made to approve the Application by Board member White, which was seconded by Board member Clark, specifically to grant a Use Variance, Bulk Variance, Home Occupation approval, and waiver of a formal site plan submission, to the Applicant, based on the representations, acknowledgments and agreements made by the Applicant as are more fully set forth above under Findings of Fact, at a meeting following a public hearing held on the Application on November 16, 2022 at 7:00 PM, time prevailing, with the following Board members voting in favor of the motion to grant the approval are Shoultz, White, Afflerbach, Richardson (Alternate # 1) and Swanson (Alternate # 2). Board members Hughes and Clark voted "No". Board members Lucas and Nicholson had recused themselves.

THIS RESOLUTION WAS ADOPTED at a regularly scheduled meeting of the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, on September 16, 2020, as a memorialization of the approval granted in the above referenced matter by the Board at its regular meeting held on August 19, 2020 on the above referenced Application.

**COMBINED PLANNING/ZONING
BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF ELK**

By: 
JEANNE WHITE, Chairperson

ATTEST:

By: 
ANN MARIE WEITZEL, Secretary

CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted at a regularly scheduled meeting of the Elk Township Combined Planning/Zoning Board of Adjustment, County of Gloucester, State of New Jersey held on the 14th day of December 2022 at the Township Municipal Building, 680 Whig Lane, Monroeville, N.J. 08343 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 November 16, 2022 on the above cited Application.


ANN MARIE WEITZEL, Secretary