

RIDER TO THE APPLICATION

NATIONAL ENERGY PARTNERS LLC PRELIMINARY AND FINAL SITE PLAN WITH BULK VARIANCES BLOCK 63, LOT 70.01 201 N. FRONT STREET, CAMDEN, NJ 08102

BACKGROUND

National Energy Partners LLC (the “**Applicant**”) proposes to install a detached carport with solar panels on property owned by EMR Eastern, LLC located at Block 63, Lot 70.01 as designated on the tax map of the City of Camden, said property being located at 201 N. Front Street, Camden, New Jersey (the “**Property**”). The Property is approximately 41,382 sq. ft. +/- with building area of ground floor of 450 ft. +/- and located in the US-University and Support Zone. The Property is currently utilized for office.

The Applicant is seeking preliminary and final site plan approval with bulk variances to construct a detached carport with solar panels in the existing parking lot (the “**Project**”). Applicant is also requesting all bulk variance and design exception relief associated with its application for preliminary and final site plan approval.

The following bulk variances are requested:

- Minimum front yard setback of 0.4 feet proposed where 10 feet is required in the zone;
- Minimum side yard setback of 0.7 feet proposed where 5 feet is required in the zone;
- Minimum rear yard setback of 0.7 feet is proposed where 5 feet is required in the zone.

LEGAL ANALYSIS IN SUPPORT OF USE AND BULK VARIANCE RELIEF

The Applicant is seeking “C” bulk variance relief pursuant to N.J.S.A. 40:55D-70c(2). Regarding flexible bulk variance relief, N.J.S.A. 40:55D-70c(2) states that variances may be granted “where in an application or appeal relating to a specific piece of property the purposes of [the MLUL] would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment. . . .” In this case, the purposes of the MLUL are advanced by allowing the deviations requested. N.J.S.A. 40:55D-2(a) of the MLUL states that one purpose of the MLUL is to “encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.” N.J.S.A. 40:55D-2(i) of the MLUL states that another purpose of the MLUL is to “promote a desirable visual environment through creative development techniques and good civic design and arrangement.”

The variances requested are specifically related the Property and Project and can be granted without a substantial detriment to the public good and without impairing the intent and purpose of the City of Camden's Zoning Plan or Ordinance. In addition, the deviations will advance the purposes of the MLUL including but not limited to renewable solar energy which is inherently beneficial and the benefits achieved from granting the deviations substantially outweighs any potential detriments. The bulk variances will allow for efficient and effective collection of solar energy to help benefit the entire community. Moreover, the Project's modern and creative structural design is visually appealing, utilizes sound civic design and arrangement, and meshes well with the designs of the surrounding retail uses. The City of Camden has encouraged the development of solar and renewable energy.

For the reasons set forth above, along with the supplemental testimony to be submitted by the Applicant at the hearing, the Applicant submits that bulk variance relief under N.J.S.A. 40:55D-70c(2) is justified.

In support of its application, the Applicant will submit the expert testimony of Andrew Coursen, P.E. of Churchill Consulting Engineers who will provide professional civil engineering testimony. The Applicant reserves the right to present additional professionals and representatives at the time of the hearing.

The Applicant also respectfully requests that the Planning Board consider the Application as amended to include any variances, waivers, design exceptions, or other relief that the Planning Board or Township professionals may deem necessary or required in the review and action on this application.