

RESOLUTION # 2019-04

Downe Township Combined Planning Board

Applicant's Name: Bear Swamp Properties, Inc.

Application No.:

Property: Block 23, Lots 121-128, 130, 131, 147, 164-170, 189-196 and 198

Application For: Minor Subdivision

Public Hearing: December 11, 2018

Findings of Fact:

1. Applicant was represented before the Board by Michael P. Fralinger, Esq.
2. Applicant is the owner of Lots 121-128, 130, 131, 147, 164-170, 189-196 and 198 of Block 23, which are located in the M-1 Extractive Industry Zoning District, where C-1 standards apply. The lots are undeveloped and located along Railroad Avenue, Narrow Lane Road and Main Street.
3. Applicant proposes to reconfigure various lot lines to permit distributions of the lots to shareholders with no new lots being created and no new development or use being proposed. Some internal lots will not have the required 200-foot frontage, thus necessitating Bulk Variances for all of those lots being reconfigured.
4. The Board engaged in a discussion with the Applicant regarding the need for variances due to the lack of 200-foot frontage for some lots. The Applicant indicated that under the reconfiguration proposal, no lot would be reduced to less than 5 acres. Applicant assured the Board that this proposal will not violate the intent of Ordinance which is to require a

variance when there is proposed development. Applicant reiterated that this proposal involves no new development and these are all non-conforming lots which will remain non-conforming.

5. Attorney Fralinger argued that this proposal meets the positive criteria due to the shape, size and unique characteristics of the land and with regard to the negative criteria this proposal will have no impact on M-1 zoning.

6. The Board received and considered the following:

- a. Planning Board Minor Subdivision Application dated October 18, 2018
- b. Correspondence from Michael P. Fralinger, Esq., dated October 23, 2018 confirmation of taxes paid
- c. Correspondence from Michael P. Fralinger, Esq., dated November 6, 2018 Proof of 200 ft. mailing notice and proof of publication
- d. September 5, 2018 Plan of Minor Subdivision prepared by Guy M. De Fabrites, P.L.S., P.P.

7. The Board received and considered the October 31, 2018 Report of Board Engineer Thomas J. Tedesco, Jr., PE who was present and participated in the hearing.

8. The Board found that compliance was had with each of the various requirements of the Open Public Meetings Law, P.L. 1975 c. 231.

9. The Planning Board has carefully considered this matter and, based upon the representations and testimony presented on the Applicant's behalf, as well as the information set forth in the application materials, and the input from the Board's professionals, and by unanimous vote, finds that the application is complete and further finds that good cause exists for the granting of minor subdivision approval and the requested bulk variances for internal lots with less than required frontage.

NOW THEREFORE BE IT RESOLVED that the Board does hereby grant minor subdivision approval to Applicant, provided that the following conditions are met:

- A. Applicant must pay any and all required fees that are due, or become due to the Township, and replenish any outstanding review escrow accounts as directed, within seven (7) days notice thereof.
- B. That Applicant must comply with all representations made through any representative during the course of applicant's presentation to the Board, and in all documents filed with the application.
- C. The Applicant shall obtain approvals and permits as may be required by any other agency having jurisdiction.
- D. The Applicant shall submit the final Subdivision Map to the Board Engineer, for his review and approval.
- E. Once Applicant has complied with the foregoing, and satisfied any and all fees that are due the Township, and replenished any escrow funds as directed, Applicant shall present 6 copies of the approved Subdivision Map to the Board Secretary for signature by the Board Chairman, Secretary, and Engineer. The Map must contain the statement "Minor subdivision approval of the premises described herein was granted by the Downe Township Planning Board at its December 11, 2018 regular meeting, and memorialized on January 8, 2019 in Resolution 2019-04." This text should be followed by signature lines for Doug Cook, the Planning Board Chairman, and Nicole Marlette, Planning Board Secretary. The Map must also contain the Township Engineer Certification, "I have carefully examined this plan and it conforms with the provisions of the municipal ordinances and requirements, applicable thereto." This text should be followed by signature line for Thomas Tedesco, the Planning Board Engineer.
- F. The Applicant shall promptly thereafter file the Subdivision Map in the Office of the Cumberland County Clerk, and with the Downe Township Tax Assessor, within 190 days of the date of adoption of this Resolution.
- G. That compliance be had with all other requirements of the Downe Township Planning and Zoning ordinances and codes.

BE IT FURTHER RESOLVED that a Certified copy of this Resolution be furnished to Applicants and Notice of this action be advertised as required by Law.

ROLL CALL

THOSE IN FAVOR

THOSE OPPOSED

ABSTAINED

Mayor Robert Campbell		
Steven Burt		
Chairman Doug Cook		
Brent Daly		
Nancy Hartem		
John Gilligan		
Jeff Sanza		
		Michael Rothman (Absent)

The undersigned, Chairman of the Downe Township Combined Planning Board, hereby certifies that the above is a true copy of a Resolution adopted by said Board on

January 8th, 2019, to memorialize action taken on December 11, 2018.

Downe Township Planning Board



DOUG COOK, Chairman

ATTEST:



NICOLE MARLETTE, Secretary