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|-----------------------------------|---|---------------------------------|
| APPLICATION OF GC REALTY, LLC FOR | : | BRIGANTINE PLANNING BOARD       |
| FINAL MAJOR SUBDIVISION           | : |                                 |
| APPROVAL FOR BLOCK 8102, LOT 1    | : | APPLICATION NO. 29-2004 (FINAL) |
|                                   | : |                                 |
|                                   | : | DECISION AND RESOLUTION         |

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This matter having been heard by the Planning Board of the City of Brigantine on October 26, 2005 at its regular meeting at the Brigantine City Hall and a hearing on the application having been conducted with a quorum present, and Stephen R. Nehmad, Esquire appearing on behalf of the applicant; and

**WHEREAS**, the Brigantine Planning Board has reviewed the following items:

1. Major Subdivision Review Application Form, signed by James Maggs, Member of GC Realty, LLC;
2. Correspondence from John Barnhart addressing preliminary approval comments, dated 8/1/05.
3. Major Subdivision Plans prepared by Arthur W. Ponzio Co. & Associates, Inc., consisting of 7 sheets, revised to 8/1/05.

**WHEREAS**, Consulting Engineer, Edward P. Stinson, P.E., C.M.E., has reviewed the application and plans and has reported to the Board by his report of October 25, 2005, which is on file with the Brigantine Planning Board and was made a part of the record; and

**WHEREAS**, Planner Lance B. Landgraf, Jr., P.P., AICP of Aqua Terra, Inc., has reviewed the application and plans and has reported to the Board by his report of October 25,

2005, which is on file with the Brigantine Planning Board and was made a part of the record;  
and

**WHEREAS**, the Brigantine Planning Board has made the following findings of fact and reached the following conclusions:

1. This is an application for a major subdivision approval to create 12 single family residential building lots and one open space parcel at the site shown as Block 8102, Lot 1 on the current tax map of the City. The open space parcel is to be deeded to the City of Brigantine.

2. The site is located within the R-2 zoning district; all of the parcels will meet or exceed the lot area requirements within the district.

3. This application received preliminary major subdivision approval on January 26, 2005, memorialized pursuant to Decision and Resolution No. 29-2004 dated February 23, 2005.

4. On motion made by Karen Bew and seconded by Neil Kane, the Board voted 5 – 0 to deem the application complete.

5. Arthur Ponzio, a professional planner and engineer, appeared on behalf of the applicant.

6. The applicant has received its CAFRA permit, and will comply with all conditions and requirements contained therein.

7. The N.J. DEP required that the site be constructed with a gabion retaining system

rather than a bulkhead. As a result, the bulkhead detail has been removed from the plan. The applicant will revise the plan to provide a detail of the gabion system.

8. The boat docks proposed at the time of preliminary approval are no longer proposed. Should the applicant propose such docks in the future, the plans must be submitted to the Planning Board for review, to make certain that the proposed slips meet the requirements of Section 198-123, private residential marinas.

9. The applicant has reviewed the comments contained in the engineer's and planner's reports and can comply with all of those comments and recommendations.

10. Prior to the signing of the final plan, and as a condition of approval, the applicant will comply with review comments No. 6, 10, 13, 27, 28, and 29, and revise the subdivision plan accordingly.

11. The approvals shall be conditioned upon the applicant paying its proportionate share of the off site improvements to the water and/or sewer distribution system as set forth in the proposed agreement between the applicant and the City.

12. A discussion was held with respect to the demolition of the old country club building and ancillary structures. As a condition of final approval, the applicant agreed to commence and diligently pursue the demolition and re-grading of the site within 50 days from the date of the adoption of this Resolution.

13. No members of the public appeared to testify with respect to this application.

14. The final major subdivision approval shall be expressly conditioned upon the

following:


- a. Revisions to the subdivision plan as set forth above.
- b. Applicant complying with all of the conditions and recommendations contained in the engineers and planners reports.
- c. Dedication of Lot 1.13 to the City of Brigantine.
- d. Compliance with the Settlement Agreement entered into between the applicant's predecessor in title, the City of Brigantine, and the Planning Board, and all agreements regarding off-site sewer/water improvements.
- e. Satisfaction of all conditions of preliminary approval.
- f. Demolition of the country club building as set forth above.
- g. The applicant obtaining approval by the Atlantic County Division of Planning, the Cape-Atlantic Soil Conservation District, N.J. DEP sewer extension permit, City of Brigantine Sewer and Water Department, City of Brigantine Fire Department, along with any other local, county and state approvals necessary.
- h. The preparation and submission by applicant's engineer of a cost estimate of construction improvements to the City Engineer which is acceptable in amount.
- i. The production of a performance guarantee in a form approved in writing by the City Engineer, City Administrator and City Solicitor and the placement of the guarantee and/or bond on file with the City Administrator's Office.
- j. The preparation and submission by applicant's engineer of an estimate of the amount of construction inspection fees for the required site improvements listed in the performance guarantee, and the posting of those fees as approved by the City Engineer with the City Administrator.
- k. Applicant paying any and all escrow/review fees.
- l. Payment of all real estate taxes.

**WHEREAS**, on motion made by Karen Bew and seconded by Neil Kane to approve the applicant's request for final major subdivision approval, subject to the conditions set forth above, all were in favor of granting the approval, none were opposed.

**NOW, THEREFORE, BE IT DECIDED AND RESOLVED** by the Planning Board of the City of Brigantine that this application for final major subdivision approval be and hereby is granted, all subject to the conditions set forth above.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this applicant shall comply with all provisions of the City of Brigantine ordinances and the New Jersey Municipal Land Use Law and shall obtain any other local, county or state approvals necessary.

Dated: October 26, 2005

  
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Rose Roberts, Chairperson

I hereby certify this to be the written memorialization of a decision made by the City of Brigantine Planning Board at its meeting of October 26, 2005.

  
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Kim Gordy, Secretary

Voting in favor:    Bew  
                             Kane  
                             Cwiklinski  
                             Harvey  
                             Roberts