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Attorney for Brigantine Planning Board

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

This matter having been heard by the Planning Board of the City of Brigantine on January 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. Certification that taxes are paid, dated November 9, 2004, prepared by Donna L. O'Brien, Tax Collector, City of Brigantine;
3. List of property owners within 200 feet, dated September 24, 2004, signed by Barbara Y. Saccoccia, Tax Assessor, City of Brigantine;
4. Copy of Zoning Map Amendment Resolution from the Brigantine Planning Board, dated October 13, 2004;
5. Major Subdivision Plans prepared by Arthur W. Ponzio Co. & Associates, Inc., consisting of 7 sheets, dated 9/26/04 and revised to 12/20/04;
6. Stormwater Management Report prepared by Arthur W. Ponzio Co. & Associates, Inc., signed by Jon J. Barnhart, not dated.

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 January 24, 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 January 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.

2. The site is located partly in the R-2 district, and partly in the C-2 district. The 12 single family residential building lots are proposed for the R-2 portion of the site, and single family residences are permitted uses in this zone. The open space parcel is proposed for that portion of the site located within the C-2 district.

3. On motion made by Karen Bew and seconded by Neil Kane, the Board voted 8-0 to deem the application complete, and to grant waivers from the following submission requirements:

a. A waiver from the requirement to submit a metes and bounds description of the subject property, item No. 3 on the major subdivision checklist. This waiver can be granted due to the fact that a current outbound survey was provided with the application, and the survey reflects the metes and bounds description.

b. A waiver from the requirement to submit a natural resource inventory, item No. 11 on the major subdivision checklist. This waiver is acceptable because the site is indicated as fill material on the USDA maps and fill material has no value as a natural resource.

4. Jon J. Barnhart, a professional planner and engineer, testified on behalf of the applicant. The property is approximately 6.149 acres in area. An open space parcel of 2.97 acres will be created and dedicated to the City of Brigantine as part of the application.

5. The applicant proposes to realign portions of Roosevelt Boulevard and Golf Course Drive as part of the subdivision application, and concrete curbing and sidewalk is proposed to be installed along the northern side of Golf Course Drive.

6. This subdivision comes about as a result of the Settlement Agreement reached between the applicant's predecessor in title, B & J Realty, II, LLC, and the City of Brigantine as well as the Planning Board of the City of Brigantine, Docket No. ATL-L-1706-03. As part of that Settlement Agreement, the City of Brigantine adopted Ordinance No. 32 of 2004 to revise the zoning map to extend the R-2 zone to the area where the 12 new proposed residential lots are located. The resolution acknowledged that the purpose of the amendment was to allow the owner of the property to apply to the Planning Board for approval for 12 55' wide lots on that portion of Lot 1, Block 8102, which was to be rezoned. By Decision and Resolution No. ORDREV-1, dated October 20, 2004, the Planning Board deemed Ordinance No. 32 of 2004, amending the zoning map, to be consistent with the master map in accordance with N.J.S.A. 40:55D-26.

7. In addition to the dedication of new Lot 1.13 to the City, the applicant will also be dedicating to the City certain lands identified on Page C3 of the subdivision plat at the intersection of Golf Course Drive and Roosevelt Boulevard, in order to facilitate significant improvements to this intersection to make it operate safely and more efficiently.

8. The 12 new residential lots will meet or exceed all zoning, area and bulk requirements for the zone. Each site will provide two boat slips upon DEP approval, and the residential lots will be improved with custom designed homes. These are premium sites which are intended to support custom high end construction.

9. The applicant has reviewed the comments contained in the Engineer's and Planners' reports and can comply with all of those comments and recommendations, except that Mr. Stinson's comment No. 28 is dependent upon DEP approval of a bulkhead as opposed to some other waterfront protection system. As to comment No. 8 of Mr. Stinson's report, and comments No. 2, 3 and 5 of Mr. Landgraf's report, the applicant acknowledged that a redesign of the intersection will be prepared and submitted at the time of final approval.

10. James Maggs, managing member of the applicant, testified on behalf of the applicant. Mr. Maggs stated that the applicant has participated in pre-application conferences with the DEP, and a waterfront development permit application has been filed. Mr. Maggs represented that whatever shoreline protection system is approved by the DEP, whether it be a bulkhead, a revetment wall, or a gabion system, this same shoreline protection will be

extended to Lot 1.13, the dedicated area. The applicant agreed that in the event a bulkhead is approved, it will be constructed to achieve elevation 9.0 minimum, provided that DEP approves this.

11. All shore protection systems, as approved by the DEP, will be completed at the same time, prior to the construction of dwellings on any of the residential lots. The applicant will grade and seed the property to be dedicated to the City.

12. Thereafter, a discussion ensued with respect to securing the existing clubhouse building on the site, which is not only an eyesore but a safety hazard as it serves as a shelter for wildlife and is subject to break-ins by trespassers. The applicant did not wish to demolish the structure until all approvals were obtained, but agreed to secure the premises to prevent entry, and to work with the City Police Department and Code Enforcement Office to make certain that these security arrangements are maintained until the structure can be demolished.

13. The Board supports an expedited DEP review because of the safety concerns associated with the existing structure.

14. Nancy McCloskey and Randy Leiser, of 1513 E. Shore Drive, testified with respect to this application at the public portion of the hearing. They questioned what the City's intentions were with respect to dedicated Lot 1.13, and expressed concern about drainage being adversely affected by the new bulkhead..

15. The subdivision plan will be revised in accordance with the comments, conditions and recommendations contained in the Engineer's and Planner's reports.

16. The preliminary 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. Applicant securing the existing structure to prevent entry as set forth above.
- d. Dedication of Lot 1.13 to the City of Brigantine.
- e. Compliance with the Settlement Agreement entered into between the applicant's predecessor in title, the City of Brigantine, and the Planning Board.
- f. The applicant obtaining approval by the Atlantic County Division of Planning, the Cape-Atlantic Soil Conservation District, along with any other local, county and state approvals necessary.
- g. Applicant paying any and all escrow/review fees.
- h. Payment of all real estate taxes.

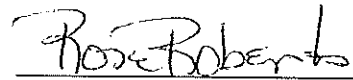
WHEREAS, on motion made by Tom Gribbin and seconded by Neil Kane to approve the applicant's request for preliminary major subdivision approval, all were in favor, none were opposed.

NOW, THEREFORE, BE IT DECIDED AND RESOLVED by the Planning Board of the City of Brigantine that this application for preliminary 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

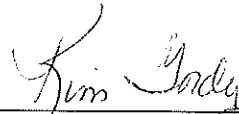
Municipal Land Use Law and shall obtain any other local, county or state approvals necessary.

Dated: February 23, 2005



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 January 26, 2005.



Kim Gordy, Secretary

Voting in favor: Bew
 Kane
 Cwiklinski
 Weiner
 Daniels
 Gribbin
 Coyne
 Roberts