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C.O.A.H

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Attorneys for the Egg Harbor Township Planning Board

APPLICATION OF DROZDOV SPORKIN
AND LISTER FOR CHECKLIST
WAIVERS, DESIGN WAIVERS,
VARIANCE RELIEF AND CONDITIONAL
PRELIMINARY MAJOR SUBDIVISION
APPROVAL FOR BLOCK 5202, LOTS 21
& 22

TOWNSHIP OF EGG HARBOR
PLANNING BOARD

Application No. SDP 02-09

DECISION AND RESOLUTION

THIS MATTER, having been heard by the Planning Board of the Township of Egg Harbor on April 20, 2009 at a regularly scheduled meeting at the Township Hall of the Township of Egg Harbor, and the Board having reviewed the Application and Plans, as submitted, and a quorum being present; and,

WHEREAS, the Township of Egg Harbor Planning Board has heard the testimony of Bob Watkins, PE, Planning Board Engineer and received his Report dated April 6, 2009 and made a part of this Decision and Resolution by reference; and

WHEREAS, the Township of Egg Harbor Planning Board has heard the testimony of the Planning Board Planner, Craig Hurless and received his report dated March 3, 2009 and made a part of this Resolution by reference; and

WHEREAS, the Township of Egg Harbor Planning Board has reviewed the Application submitted by the applicant together with Preliminary Major Subdivision Plans prepared by Marathon Engineering dated February 18, 2008 last revised March 25, 2009, Boundary and Topographic Survey prepared by Warren H. Knott & Associates dated August 14, 2006 last revised August 29, 2006, Map of Survey prepared by Vargo Associates dated January 15, 2008

*MQWAS
Marathon
Plans
MUA
J. A.
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P. B. JUST*

last revised July 30, 2008, Stormwater Management Calculations prepared by Marathon Engineering dated February 18, 2008 last revised March 25, 2009, Environmental Impact Statement prepared by Marathon Engineering dated October 3, 2008, Certificate of Filing prepared by the Pinelands Commission dated September 25, 2008, Certificate of Taxes Paid prepared by Township of Egg Harbor dated November 13, 2008 and the Application materials prepared by the applicant dated January 14, 2009 last revised March 25, 2009 ; and

WHEREAS, the Township of Egg Harbor Planning Board, based upon the exhibits submitted, the reports and testimony of the Planning Board Engineer and Planner, and the testimony presented on behalf of the Applicant, makes the following findings of fact:

1. The Applicant is Drozdov, Sporkin & Lister whose address is Chelsea Avenue, Egg Harbor Township, New Jersey 08234.
2. The Applicant has submitted a properly filed Application, and all required documentation and has paid all required fees and has complied with the Advertising and Notice Requirements of the Municipal Land Use Law.
3. The subject site is known as Block 5202 Lots 21 & 22, containing approximately 14.51 acres of land.
4. The project will be serviced by public water and public sewer.
5. The site is located in the RG-1 (Residential) zoning district. The Applicants proposed use of the site for single-family detached dwellings are a permitted principal use within the zone.

6. The within Application is for checklist waivers, design waivers, variance relief and conditional preliminary major subdivision approval. In particular, the applicant is the owner of the above referenced 14.51 acre parcel located along Chelsea Avenue, located approximately 1, 100 feet east of the intersection of Ocean Heights Avenue and Chelsea Avenue. The applicant is proposing to subdivide the above referenced parcel in nineteen (19) lots to create eighteen (18) single family detached residential building lots and one (1) stormwater basin lot. Additional improvements include an extended tree protection easement and the extension of Chelsea Avenue onto Churchill Drive.
7. As part of the Application, the Applicant is requesting the following checklist waivers:
 - a. From item number 1: copy of plans in digital format.
 - b. From item number 3: map showing land uses within 500' ft.
 - c. From item number 8: COAH signature on preliminary plat.
 - d. From item number 11: Elevations and contours extending 100' ft. from the property lines.
 - e. From item number 16: Plans of future street extensions.
 - f. From item number 20: Copy of proposed protective covenants and deed restrictions.
 - g. From item number 26: Open space recreation plan.

8. In support of the checklist waivers, the Applicants Professional testified, that all of the requested checklist waivers can be granted without any detriment to Egg Harbor Township.
9. Based upon the testimony provided and the recommendation of the Planning Board Engineer and Planner, the Planning Board hereby grants the requested checklist waivers as set forth in paragraph 7 above.
10. As part of the Application, the Applicant is also seeking the following design waivers:
 - a. From section 94-28A: Open space and recreation.
 - b. From section 94-36A: Lot disturbance.
 - c. From section 225-506D: cultural resource survey.
11. In support of the design waivers, the Applicants Professional testified that all of the requested design waivers can be granted without any detriment to Egg Harbor Township.
12. Based upon the testimony provided and the recommendation of the Planning Board Engineer and Planner, the Planning Board hereby grants the design waivers as set forth in paragraph 10 above.
13. As part of the Application, the Applicant is also seeking the following variance relief:
 - a. From section 225-506D Cultural resource survey.
14. In support of the Variance Relief, the Applicant testified that the requested variance can be granted without detriment to Egg Harbor Township.

15. Based upon the testimony presented and the recommendation of the Planning Board Engineer and Planning Board Planner, the Egg Harbor Township Planning Board hereby grants the Variance relief as set forth under paragraph 13 above.
16. As a condition of the approval, the Applicant agreed to provide a 6 ft. high board on board fence along the Western edge of Stanford Road, the length of Mr. Bob Lockerby's property, located at Block 5202, Lot 23.
17. As a condition of the approval, the applicant agreed to have his planner meet with the township planner after completion of the project to add more buffer to the area adjacent to the Chelsea Avenue frontage.
18. As a condition of the approval, the applicant agreed to meet with the Township to calculate their contribution to re-pave/improve Chelsea Avenue, prior to final approval.
19. As a condition of the approval, the applicant agreed the Home Owner's Association on the property shall be responsible for non-storm water basin matters, as the applicant shall pay the township maintenance fee for the basin to be the responsibility of the Township.
20. As a condition of the approval, the applicant agreed to the COHA fee which is 1% of the equalized value of the approved home and land based on formula calculation provided by the township's tax assessor.
21. As a condition of the approval, the applicant agreed to pay an in lieu contribution of \$5,900 per lot for open space recreation.

NOW, THEREFORE, A Motion having been made and approved, the Egg Harbor Township Planning Board hereby grants Checklist Waivers, Design Waivers, Variance Relief and Conditional Preliminary Major Subdivision Approval as requested, subject to the following terms and conditions:

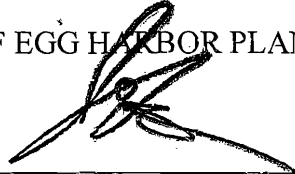
- a. The Applicant shall comply with the review comments of the Planning Board Engineer and Planner and the reports to the extent not modified herein.
- b. The approval granted herein is contingent upon the Applicant receiving the approval of any and all governmental agencies having jurisdiction including but not limited to, the Egg Harbor Township MUA.
- c. The Applicant shall develop the project in accordance with the testimony upon which the checklist waivers, design waivers and variances were granted.
- d. All conditions of this Decision and Resolution shall be enforceable unless otherwise waived by the Planning Board by the withholding of building permits and/or Certificates of Occupancy or by any other remedy available at law or in equity.
- e. The Applicant will revise the Subdivision to meet all conditions set forth by the Planning Board of Egg Harbor Township.
- f. All municipal taxes, liens and fees shall be paid prior to the issuance of any building permits or the signing of any plat.
- g. There shall be no improvements or clearing of the site until all conditions of the approvals are met. Applicant agrees and understands, failure to comply with this condition of the resolution will result in Municipal

penalties as outlined in the code of the Township of Egg Harbor Section 225-94 et seq.

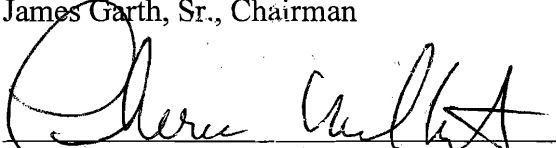
- h. Agreement by the Applicant to specific items not contained within the Decision and Resolution, which are otherwise set forth in the Application, or which are contained within the record of the hearing of this Application, are adopted by reference even though not set forth herein at length.
- i. Notwithstanding anything to the contrary contained above, the effectiveness of the aforementioned approval is subject to the conditions of the Egg Harbor Township Ordinances which suspend the effectiveness of any approval should escrow funds required of the Applicant not be timely paid.

TOWNSHIP OF EGG HARBOR PLANNING BOARD

By:


James Garth, Sr., Chairman

By:


Theresa Wilbert, Land Use Administrator

Dated:

June 15, 2009

VOTING IN FAVOR OF THE
CHECKLIST WAIVERS:

ABSTENTIONS:

OPPOSED:

- From item number 1: copy of plans in digital format.
- From item number 3: map showing land uses within 500' ft.
- From item number 8: COAH signature on preliminary plat.
- From item number 11: Elevations and contours extending 100' ft. from the property lines.
- From item number 16: Plans of future street extensions.
- From item number 20: Copy of proposed protective covenants and deed restrictions.
- From item number 26: Open space recreation plan.

Aponte

none

Carman

Garth

Kearns

Levy

Macon

McCullough

Miller

Saslav

VOTING IN FAVOR OF THE

DESIGN WAIVERS:

ABSTENTIONS:

OPPOSED:

From section 94-28A: Open space and recreation.

From section 94-36A: Lot disturbance.

From section 225-506D: cultural resource survey.

Aponte none

Carman

Garth

Kearns

Levy

Macon

McCullough

Miller

Saslav

VOTING IN FAVOR OF THE
VARIANCE RELIEF:

ABSTENTIONS:

OPPOSED:

From section 225-506D Cultural resource survey.

Aponte

none

Carman

Garth

Kearns

Levy

Macon

McCullough

Miller

Saslav

VOTING IN FAVOR OF THE
CONDITIONAL PRELIMINARY

MAJOR SUBDIVISION APPROVAL: ABSTENTIONS:

OPPOSED:

Aponte

none

Carman

Garth

Kearns

Levy

Macon

McCullough

Miller

Saslav