

DOCKET NO: 00-70
MOORESTOWN TOWNSHIP PLANNING BOARD
IN THE MATTER OF THE APPLICATION OF
KRISTINA FREYNIK
BLOCK 4801, LOT 1
MINOR SUBDIVISION AND WAIVERS
WITH CONDITIONS

RECITAL:

WHEREAS, the above referenced application has been submitted to the Moorestown Township Planning Board ("Board") seeking Minor Subdivision and Waiver Approvals;

WHEREAS, Kristina Freynik is the ("Applicant"), and the owner of the property is the Estate of Laura Freynik, and the property is identified on the tax map of the Township of Moorestown as Block 4801, Lot 1 ("PIQ");

WHEREAS, the Applicant seeks to subdivide one lot into 3 buildable lots;

WHEREAS, the Applicant is also seeking waivers from Chapter 158-30A to permit existing overhead utility lines to remain, and from Chapter 158-15.1 Soil Testing;

WHEREAS, the Property is located in the Township's R-2 zoning district;

WHEREAS, the Applicant was not represented by counsel;

WHEREAS, the Applicant presented sworn testimony of witnesses in support of the application.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Moorestown, County of Burlington and State of New Jersey that:

ARTICLE I. JURISDICTION. All procedural requirements according to law have been met and the Board has jurisdiction to hear and take action on the application.

ARTICLE II. ACTION. The Board granted with conditions, Minor Subdivision Approval to create 3 lots from a 3.9 acre site located in an R-2 Zone.

The Board granted the approval with the following waivers: waiver from Chapter 158-30A to permit existing overhead utility lines to remain; and waiver from the requirement for soil testing as required in Chapter 158-15.1.

The approval is based on the testimony, representations and stipulations of the Applicant, its representatives and witnesses at the time of the hearing and further specifically subject to any and all conditions and stipulations set forth herein for the PIQ. Said approval is based on plans prepared by William H. Nicholson Associates, P.A., dated April 27, 2001 and revised through August 20, 2001.

ARTICLE III. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

The application is complete and in compliance with the procedural requirements of the local ordinances and state statute. The application is for Minor Subdivision approval to create 3 lots from a 3.9 acre site located in an R-2 Zone. This applicant had presented a concept plan to the Board in August of 2000 and it was suggested that the applicant consider creating traditional rectangular-shaped lots and utilize a common driveway opening on to Church Street due to sight distance problems and the speed and volume of traffic here. The applicant is now proposing that design. The Applicant also requested a waiver from Chapter 158-30A to permit existing overhead utility lines to remain and a waiver from the submission of a soil test as required in Chapter 158-15.1. In relation to the application submitted the Board has received reports from its professional staff, the content and text of said reports being incorporated herein by reference and spread upon the public record by way of oral testimony at the hearing. The Applicant in support of its application was sworn in and testified. The Board concluded that the approval would not have a negative impact on the

community, PIQ or adjoining properties.

ARTICLE IV. TERMS AND CONDITIONS. The approval granted herein is specifically conditioned upon the following:

1. Compliance with applicable construction code, fire code, health and other similar regulations.
2. Review and acceptance, as to form and sufficiency, of all maintenance and performance guarantees if applicable.
3. Current payment of all municipal taxes, liens, charges and assessments prior to signing of the subdivision plat.
4. Compliance with all of the comments, terms and conditions of said professional reports along with all modifications and revisions made to all plans and any revisions thereto which are incorporated herein by reference.
5. Mailboxes for each of three lots shall be grouped at the common access drive for the safety of letter carriers.
6. A single, common pad location shall be provided for trash and recycling.
7. The remainder of the lot frontage not used for the common access drive shall be restricted from access to North Church Street. Applicant shall record a deed restriction to this effect.
8. The improvements shown on the Improvement Plan, prepared by Wm. H. Nicholson Associates, PA, dated 4/27/01, revised 8/20/01, with any subsequent revisions, as required by the Director of Community Development, shall be considered conditions of the subdivision approval.

9. Each dwelling shall have separate water and sewer connections.
10. Applicant shall comply with all items noted in the Township Engineer's report dated September 5, 2001 (copy attached). The location of trees over 6" in caliper shall be shown on lot grading plans to be submitted with any application for construction permits.
11. The Applicant shall record a deed restriction and place a note on the plan restricting any new dwelling to be located in the front 50% of the lot. Said compliance shall be submitted at the time of the issuance of the construction permit.
12. Any accessory structure or accessory buildings or improvements anywhere on the lots shall be accompanied with a grading plan to be reviewed together with all deed restrictions, by the Township Engineer.
13. Applicant shall comply with all professional reports regarding storm water management including seepage pits. Said compliance shall be submitted prior to the request for a construction permit and shown on a grading plan. A note shall be added in the deed and on the subdivision plan requiring said seepage pits.
14. Applicant will add a note to the plans and deed-restrict the lots permitting only selective tree clearing. All proposed clearing shall be reviewed by the Township Engineer prior to the request for a construction permit.
15. Nothing contained in this Resolution shall be deemed to waive or modify the requirement that the Applicant secure from any and all other agencies having jurisdiction over the matter any and all approvals required by law and this approval is specifically conditioned upon the Applicant securing those approvals.

BE IT FURTHER RESOLVED, that a motion was made by Harry Koons and duly seconded

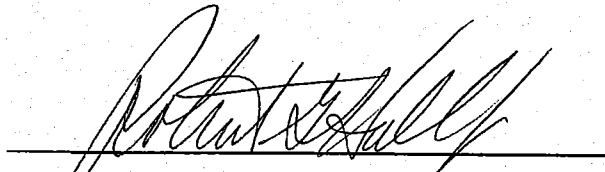
by Milton McFalls to approve the application as set forth in this Resolution.

ROLL CALL VOTE:

IN FAVOR: Andrew Shapiro, Thomas Keyes, Harry Koons, Milton McFalls, Michael Nichols, John Terry, William Wesolowski, Tom Wilkinson and Sandra McGuire.

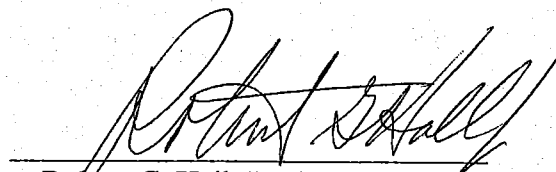
OPPOSED: None.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution of Memorialization be sent, via regular mail, to the Applicant within ten (10) days of the date of adoption, and a brief notice of this decision shall be published by the applicant in the official newspaper of the Township.


Robert G. Hall, Jr., Secretary

CERTIFICATION

This Resolution of Memorialization being adopted by action of the Planning Board on this 1st day of November 2001, is a true copy of the action taken by the Moorestown Township Planning Board and its meeting held on September 6, 2001.


Robert G. Hall, Jr., Secretary