

Resolution No.: 2006-26(R)

RESOLUTION OF THE PLANNING BOARD OF THE TOWNSHIP OF EAST GREENWICH, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING FINAL MAJOR SUBDIVISION APPROVAL TO M & R BUILDERS, INC., A/K/A BRYSON'S VILLAGE, REGARDING PROPERTY LOCATED ON COUNTY HOUSE ROAD, AND BEING FURTHER SHOWN AS BLOCK 16.02, LOT 2, ON THE TAX MAPS OF THE TOWNSHIP OF EAST GREENWICH, APPLICATION NO.: 2003-13(F)

WHEREAS, Application No.: 2003-13(F), (the "Application"), was filed by M & R Builders, Inc., 10 Cedar Road, Mickleton, New Jersey 08056 (the "Applicant") for Final Major Subdivision approval regarding property located on County House Road, Clarksboro, New Jersey 08080 (the "Subject Property") and being further shown on the tax maps of the Township of East Greenwich (the "Township") as Block 16.02, Lot 2; and

WHEREAS, the Applicants did appear at a meeting and public hearing held on the Application by the Board on September 19, 2006 at which time the Applicant was represented by Ronald J. Venuto, President of M & R Builders, Inc. and did also appear at said time was Clint B. Allen, Esquire, Archer & Greiner, One Centennial Square, Haddonfield, New Jersey 08033-0968 (attorney for the Applicant), as well as Thomas E. Hart, P.E., Marathon Engineering and Environmental Services, Inc., 510 Heron Drive, Suite 100, Swedesboro, New Jersey 08085 (the Applicant's engineer"); and

WHEREAS, Messrs. Hart and Venuto were sworn and provided testimony on the Application;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of East Greenwich, County of Gloucester, State of New Jersey, as follows:

FINDINGS OF FACT

1. The Application was deemed to be complete and properly before the Board. As such, the Board had jurisdiction to act on the Application.
2. The Applicant submitted, and the Board entered into the record, the following:

A. Application, Application Fee, Escrow Agreement, and Escrow Deposit.

B. Plan of Final Major Subdivision as follows: Sheet 1 of 7 – Cover Sheet; Dated 01-26-04, Latest Revision Date 05-08-06; Sheet 2 of 7 – Geometry Plan, Dated 01-26-04, Latest Revision Date 06-16-04; Sheet 3 of 7 – Plan of Improvements, Dated 05-08-06, Latest Revision Date 06-18-06; Sheet 4 of 7 –Grading and Utilities Plan, Dated 06-02-03, Latest Revision Date 06-16-06; Sheet 5 of 7 –Landscape and Lighting Plan, Dated 06-02-03, Latest Revision Date 06-16-04; Sheet 6 of 7 – Details, Dated 06-02-03, Latest Revision Date 01-26-04; Sheet 7 of 7 –Soil Conservation Plan, Dated 06-02-03, Latest Revision Date 06-16-04; Sheet 1 of 1 – Bryson's Village – Final Plat, Dated 11-16-05, Latest Revision Date 06-07-06; Sheet 1 of 1 – Bryson's Village – Plan of Survey, Dated 06-07-06. Sheets 1 of 7 through 7 of 7 were prepared, signed, and sealed by Thomas Hart, P.E., Marathon Engineering and Environmental Services, Inc., 510 Heron Drive, Suite 100, Swedesboro, New Jersey 08085. The Final Plan of Lots and Plan of Survey were prepared, signed, and sealed by Charles E. Szovati, L.S., Millennium Surveying and Engineering, 199 North Woodbury-Glassboro Road, Pitman, New Jersey 08071.

3. The Applicant had received Preliminary Major Subdivision approval with respect to the Subject Property by way of Resolution No. 2003-31(R), adopted by the Board on October 21, 2003, as a memorialization of the approval granted by the Board on the Application, following a public hearing, held on September 16, 2003.

4. Mr. Allen provided a procedural background with respect to the subject Application. Mr. Allen pointed out that there would be nine residential building lots, a stormwater management basin, as well as an agreement by the Applicant to pay a recreation fee in lieu of providing on-site recreation in the amount of \$1,357.00 per residential lot. In addition, the Applicant had agreed, pursuant to its Preliminary Major Subdivision approval as required by Township Ordinance 6-2002, to post a development fee of one-half of one-percent ($1/2$ of 1%) of the equalized assessed value for each approved lot within the subdivision, to be used for the sole purpose of assisting the Township in meeting its fair share affordable housing obligation. Said fee shall be paid as follows: fifty percent (50%) of the per lot amount to be posted at the issuance of each building permit, with the remaining fifty percent (50%) to be posted at the issuance of a Certificate of Occupancy for each residence upon construction of same upon each lot.

5. Mr. Hart, on behalf of the Applicant, reviewed the final plan of subdivision as set forth above, with the Board. Mr. Hart indicated that the plan of final major subdivision approval meets all of the conditions that were required of the Applicant pursuant to the prior preliminary major subdivision approval which had been memorialized by the Board by way Resolution No.: 2003-31(R).

6. The Board's Engineer, Thomas E. Cundey, P.E., Remington & Vernick Engineers, Inc., 232 Kings Highway East, Haddonfield, New Jersey 08033, reviewed with the Board and the Applicant his letter of September 11, 2006 as follows:

A. Performance Standards. This Application received preliminary approval September 26, 2003. All of the review comments were addressed satisfactorily as part of that approval. In addition, the curb, roadway base paving, water, sanitary sewer, and storm sewer, have all been installed as per plan.

B. Major Subdivision Plans. The plans are essentially the same as the preliminary plans that were previously approved. The Preliminary Plan of Lots sheet was renamed as the Geometry Plan. Mr. Cundey's only comments as to the major subdivision plans apply to this sheet. Many drafting errors occur along the Bryson's Court right-of-way showing the question mark symbol instead of the survey geometry symbol, delta. Also, this sheet incorrectly shows two (2) concrete monuments being set on the adjacent property, Lot 2.02. The Applicant agreed to make the necessary corrections.

C. Final Plan of Lots.

a) The County may extend the Bryson's Way cul-de-sac through to Kings Highway at some point in the future. The roadway geometry for this extension is not known at this time. The revisions to right-of-way and easements at the cul-de-sac bulb will need to be accomplished by the County during their right-of-way process for acquiring the property for the roadway extension. Gloucester County will provide the metes and bounds description of the easement area, that would benefit East Greenwich Township, at the end of the Bryson's Way cul-de-sac bulb. The connection from the Bryson's way cul-de-sac to Kings Highway shall be done at the County's expense.

b) The area of the southerly utility easement along County House Road is incorrectly shown as 891 sq. ft. The Applicant agreed to correct the same.

7. The Board's professional planner, E. Michael Wisnosky, PP, AICP, Ragan Design Group Planning, LLC, Jackson Commons, Suite C-3, 30 Jackson Road, Medford, N.J. 08055, reviewed with the Board and the Applicant his letter of September 11, 2006 as follows:

A. Completeness Checklist. The Application was received by the Board Secretary on August 14, 2006. The Applicant has requested that as a condition of final approval, the following items will be provided:

- a) Final plan sets.
- b) Protective covenants and deed restrictions that affect the property.
- c) Letters from the utility companies verifying service.
- d) Architectural elevations (if deemed necessary).

In response to the foregoing, the Applicant introduced into the record "Exhibit A-1, M&R, 9/19/06" which was a series of photographs (10) which have been

previously supplied to the Applicant by the Ragan Design Group, and the same representing the proposed architectural elevations of the houses to be built in Bryson's Village.

B. The prior resolution granting preliminary major subdivision approval requires that language in the deeds of Lots 2.11 (former Lot 4) and 2.03 (former Lot 9) prohibiting fencing within the front yard setback, be provided. Further, the owners of the lots should be responsible for the maintenance of the drainage basins situated on these properties. This should be made a condition of final approval. The Applicant agreed to comply, and said language shall be submitted to the Board's Engineer and Attorney for review and approval prior to their filing.

C. Condition number six of the prior resolution granting preliminary major subdivision approval required the Applicant to meet with the Environmental Commission. The Applicant should comment on the results of the meeting. Mr. Venuto, submitted into the record "Exhibit A-2, M&R, 9/19/06", which was a letter to the Applicant dated September 14, 2006, from the East Greenwich Township Environmental Commission, Frederick J. Hills, Chairperson, indicating that the Environmental Commission did not have questions or concerns to report regarding the plan of final major subdivision that had been submitted.

D. the Applicant should comment on the County's proposal of providing a connector Road from the end of the development to Kings Highway. As discussed at the subcommittee meeting, language should be placed within the deeds of each lot disclosing the possibility of this road connection. Mr. Venuto testified as to what the proposal from the County of Gloucester was with regard to extending the proposed Bryson's Village cul-de-sac through to Kings Highway. Mr. Venuto entered into the record a public information statement regarding a public hearing held in East Greenwich Township on August 30, 2006 regarding the proposal to connect the Bryson's Village cul-de-sac road through to Kings Highway. Attached was a map of the proposed project in the proposed cut through to Kings Highway. The same was entered into the record as "Exhibit A-3, M&R, 9/19/06". It is understood that East Greenwich Township will be responsible for maintenance of Bryson's Way once the extension to Kings Highway is completed and after Bryson's Way has been accepted by the Township.

8. The hearing on the Application was opened to the public, at which time no members of the public present spoke either in favor of or opposed to the Application.

CONCLUSIONS

The Board concluded that final major subdivision approval should be approved as complying with the prior requirements of the Applicant that were a part of the preliminary major subdivision approval, consistent with the conditions, understandings,

agreements, and stipulations as set forth above under "Findings of Fact" above, and as further set forth below as "Conditions" below, as being in the best interests of the zone plan, the master plan, and being in consistent with the preliminary major subdivision approval that had already been approved by the Board as memorialized by way of adoption of the Board's Resolution No.: 2003-31(R).

CONDITIONS

1. The Board presumes that the Applicant's Application, all exhibits, maps and other documents submitted and relied on by the Applicant, are true and accurate representations of the facts relating to the Applicant's request for relief. In the event that it appears to be the Board, on reasonable grounds, that such Application, exhibits, maps and other documents submitted are not accurate, are materially misleading, or are the result of mistake, and the same had been relied upon by the Board as they bear on facts which were essential in the granting of the relief sought by the Applicant, the Board may rescind its approval and rehear the Application, either upon application of an interested party or on its own motion, when unusual circumstances so require, or where a rehearing is necessary and appropriate in the interests of justice.

2. At any time after the adoption of this resolution of memorialization, should a party of interest appeal to the Board for an order vacating or modifying any term or condition as set forth herein, upon proper showing of a materially misleading submission, material misstatement, materially inaccurate information, or a material mistake made by the Applicant, the Board reserves the right to conduct a hearing with the Applicant present, for the purpose of fact-finding regarding the same. Should the facts at said hearing confirm that there had been a material fault in the Application, the Board shall take whatever action it deems appropriate at that time, including but not limited to a rescission of its prior approval, a rehearing, a modification of its prior approval, or such other action as appropriate.

3. The Applicant shall indemnify and hold the Township harmless from any claims whatsoever which may be made as a result of any deficiency in the Application, or as to any representations made by the Applicant, including but not limited to proper service and notice upon interested parties and publication of the notice of public hearing in this matter in accordance with the law, if applicable.

4. The relief as granted herein is subject to the discovery of any and all deed restrictions upon the Subject Property which had not been known or had not been disclosed to the Board, but which would have had a materially negative impact upon the Board's decision in this matter had they been so known, or so disclosed.

5. The Applicant must obtain approvals from any and all other governmental and/or public agencies as required, whether federal, state, county or local, over which the Board has no control but which are necessary in order to finalize and/or implement the relief being granted herein, as well as any construction that may be apart of said relief. The Applicant is solely responsible for determining which governmental and/or public agencies, if any, such approvals are required of. The Applicant is further required to submit a copy to the Board's Secretary of all approvals and/or denials received from such outside agencies, with a copy thereof to the Board's Solicitor, Engineer and Planner.

6. The Applicant must maintain an escrow account with the Township and pay the costs of all professional review and other fees required to act on the Application, pursuant to the applicable sections of the Township's land development ordinances, zone codes and any other applicable municipal codes, and the N.J. Municipal Land Use Law. The Applicant's escrow account must be current prior to any permits being issued, or construction or other activity commencing on the approved project.

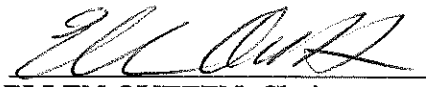
7. The Applicant must obtain and all other construction or other municipal permits required with respect to the relief as granted herein.

8. The Applicant must comply with all conditions, stipulations, and agreements, as set forth under the prior preliminary major subdivision approval, Resolution No.: 2003-31(R) that are not otherwise inconsistent with the "Findings of Fact", "Conclusions", or "Conditions" set forth herein.

WHEREUPON, a motion was made and seconded to grant final major subdivision approval, to the Applicant, at a meeting following a public hearing held on the Application by the Planning Board of the Township of East Greenwich, County of Gloucester, State of New Jersey, held on September 19, 2006 at 7:00 P.M., time prevailing, with the following Board members voting in favor of the motion: Outten, De George, Grant, Adams, Carfagno, Pool, McHenry, Crothers (Alternate Member # 1) and Mitchell (Alternate Member # 2). Board members Schweigart and Miller were absent. There were no abstentions or recusals and no votes were cast in the negative.

THIS RESOLUTION WAS ADOPTED at a regularly scheduled meeting of the Planning Board of the Township of East Greenwich, County of Gloucester, State of New Jersey, held on October 17, 2006 at 7:00 P.M., time prevailing, as a memorialization of the decision of the Board reached on the Application cited hereinabove at the Board's September 19, 2006 meeting and public hearing held at 7:00 P.M., time prevailing.

**EAST GREENWICH TOWNSHIP
PLANNING BOARD**

By: 
ELLEN OUTTEN, Chairperson

ATTEST:


ANGELA L. HAGUE, Secretary

CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted at a regular meeting of the East Greenwich Township Planning Board, County of Gloucester, State of New Jersey, held on the 17th day of October 2006 at the Township Municipal Building, 159 Democrat Road, Mickleton, N.J. 08056 at 7:00 PM, time prevailing, as a memorialization of the action taken by the Board at the Board's September 19, 2006 meeting and public hearing held on the above cited application.


ANGELA L. HAGUE, Secretary