

- ☒ Approved
☒ General Conditions
☒ Additional Conditions
☐ Denied

RESOLUTION # PR 2007-61

☒ Minor Subdivision	Application # <u>E-22-56-850-672</u>
☐ Major Subdivision, Preliminary	Applicant <u>Edward Pleczynski</u>
☐ Major Subdivision, Final	Owner <u>Same</u>
☐ Minor Site Plan	Block <u>5901</u> Lot(s) <u>12.02</u>
☐ Major Site Plan, Preliminary	Action <u>November 15, 2007</u>
☐ Major Site Plan, Final	Memorialized <u>December 20, 2007</u>
☐ Conditional Use	Plan Name <u>NA</u>
☒ Waiver	
☐ Variance	
☒ Completeness	

WHEREAS, the applicant has applied to the Winslow Township Planning Board (WTPB) for the following approval: Completeness Review and Minor Subdivision Approval to create two lots: Create Lot 12.03 that will have an area of 0.83 acres for residential use and the remainder of lot 12.02 will have an area of 0.63 acres also to be used for residential use.

WHEREAS, the applicant has applied for the following ancillary approval(s) for the project:

With respect to completeness review of the application, the applicant requested the following checklist waivers:

- 1) Relief from providing a Cultural Resource Survey (#26);
- 2) Relief from providing the size and height of all existing and proposed structures (#46);
- 3) Relief from submitting a current conditions plan (#53);
- 4) Relief from providing proposed contours at one foot intervals (#54);
- 5) Relief from locating significant existing physical features within 200 feet of the site (#56);
- 7) Relief from providing profiles of all existing and proposed storm sewer, sanitary sewer and water mains (# 64); and
- 8) Relief from locating all driveways and right-of-way widths within 200 feet of the site (#67).

With respect to the application for minor subdivision approval, the applicant applied for the following ancillary approval(s) for the project:

- 1) Renewal of the waivers set forth in connection with the completeness review as set

forth above.

WHEREAS, the application for Completeness Review and Minor Subdivision Approval was considered by the WTPB on November 15, 2007; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing (X) was required and the WTPB has considered the public comments

() were not made

(X) were made questioning aspects of the application, but neither in favor or against the application;

() were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Township Ordinances have been made; and

WHEREAS, the WTPB has considered the application and the evidence and arguments submitted by the applicant in support thereof; and

WHEREAS, the WTPB has considered the recommendations and comments of its professional staff and the following written reports:

(X) Two (2) Engineer report(s) from Admas, Rehmann & Heggan Associates, Inc. dated 11/09/07 for completeness and for the minor subdivision and all information referenced therein;

() Planner report(s)

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the WTPB has made the following Findings of Fact and Conclusions:

1. The applicant submitted an application for Minor Subdivision for Block 5901, lot 12.02 that was reviewed by the Township Engineer for completeness.

2. The applicant applied for Minor Subdivision approval to create an additional lot 12.03 that will have an area of 0.83 acres that will remain as vacant land for the time being but will be used for construction of a single-family home and the remainder of lot 12.02 will have an area of 0.63 acres and will also be used for a single family home.

3. The applicant agrees to all conditions and requirements, in accordance with Township Ordinances.

4. The subject property described above is located in the PR-2 Zoning District.

5. At the hearing on November 15, 2007, the WTPB reviewed and considered the letters

from its Engineer above described.

6. Based upon all of the foregoing, the WTPB concludes that the application appears to meet all the requirements for completeness and Minor Subdivision Approval. The WTPB therefore concludes that applicant's application is deemed complete and Minor Subdivision approval should be and is hereby granted to the P.I.Q. in accordance with the terms and conditions hereof and thus discussed on the record, which are incorporated herein by reference and made a part hereof as if more set forth at length; and

NOW, THEREFORE, BE IT RESOLVED that the application has been deemed complete and that Minor Subdivision approval applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the following ancillary approval(s) applied for be and is/are hereby granted:

With respect to completeness of the application:

- 1) Relief from providing a Cultural Resource Survey (#26);
- 2) Relief from submitting a current conditions plan (#53);
- 3) Relief from providing proposed contours at one foot intervals (#54);
- 4) Relief from locating significant existing physical features within 200 feet of the site (#56); and
- 5) Relief from locating all driveways and right-of-way widths within 200 feet of the site (#67).

With respect to relief from providing the size and height of all existing and proposed structures, the applicant agreed to make a notation on all submitted plans of same to be in compliance and similarly with respect to obtaining relief from providing profiles of all existing and proposed storm sewer, sanitary sewer and water mains, the applicant agreed to comply with engineer's request that the plans depict the location of the water main will also note on all submitted plans

With respect to the application for minor subdivision approval:

- 1) Relief from providing a Cultural Resource Survey (#26);
- 2) Relief from submitting a current conditions plan (#53);
- 3) Relief from providing proposed contours at one foot intervals (#54);
- 4) Relief from locating significant existing physical features within 200 feet of the site (#56); and
- 5) Relief from locating all driveways and right-of-way widths within 200 feet of the site (#67).

With respect to relief from providing the size and height of all existing and proposed structures, the applicant agreed to make a notation on all submitted plans of same to be in compliance and similarly with respect to obtaining relief from providing profiles of all existing and proposed storm sewer, sanitary sewer and water mains, the applicant agreed to comply with engineer's request that the plans depict the location of the water main also be noted on all submitted plans.

BE IT FURTHER RESOLVED that the approval(s) hereby granted are made subject to the following Additional Conditions, which shall be conditions subsequent:

1. The within approval is hereby conditioned upon final review by the Planning Board Engineer, Professional Planner and Attorney of all plans and submissions required to be revised and resubmitted regarding the application, as more fully discussed on November 15, 2007. In the event the final review requires the applicant to perform any additional conditions, the applicant agrees to comply with same. The applicant further agrees to comply with all terms and conditions of the letters from the Board's professionals referenced above that have not otherwise been waived hereby, which reports are incorporated herein as if set forth at length.

2. All Conditions of Approval shall be binding upon the applicant, the owner, and any successors and/or assigns of either.

3. The applicant was made aware of and acknowledged their obligation to satisfy the affordable housing production obligation in accordance with the Township's adopted Fair Share Plan and Developer's Fee Ordinance in accordance with Township Ordinance Section 128-3.

4. The applicant will be required to submit a construction cost estimate to the WTPB and to post a performance guarantee and inspection fees for the two lots to be created by the minor subdivision. The bond will be posted prior to the Township approving any deeds and plans to be submitted by the applicant.

5. The applicant shall obtain approval from any other county, state or municipal agency having jurisdiction over the application, including, but not limited to, the Camden County Planning Board, Camden County Soil Conservation District, New Jersey Department of Transportation, and the Pinelands Commission, if applicable.

BE IT FURTHER RESOLVED that the approval hereby granted is made subject to the following General Conditions as applicable:

1. A brief notice of this decision shall be published in the official newspaper of the Township, at the applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized. A proof of publication shall be filed with the Administrative Officer of the WTPB within thirty (30) days of the date the decision is memorialized.

2. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or file a written protest with the Township Clerk/Business Administrator within seven (7) days of receipt of a final voucher from the Township.

3. These General Conditions of Approval and any additional conditions of approval, if any, shall be binding upon the applicant, the owner, developer, and any successors and/or assigns of them.

4. The applicants shall obtain approval from any other county, state or municipal agency having jurisdiction over the application, including, but not limited to, the Camden County Planning Department, Camden County Board of Health, the Camden County Planning Board, Camden County Soil Conservation District, New Jersey Department of Transportation, and the Pinelands Commission.

5. The applicants have submitted certain plans and documents which were accepted by the Planning Board as part of its application and further made certain representations and provided testimony at the time of the public hearing, all of which has been relied upon by the Planning Board in making its determination. Should there be any material deviation from said documents, plans, representations or testimony or from any conditions contained herein, then the Planning Board may, upon notice to the applicant and an opportunity to be heard, elect to rescind its approval.

6. Any improvement(s) to be constructed as a result of the WTPB approving this application shall be constructed and operated in full compliance with the Code of Winslow Township, the Revised Statutes of the State of New Jersey and any other applicable county and/or federal law.

7. If the above application involves the granting of a final subdivision or site plan approval, the Township Clerk/Business Administrator, Chairperson and Secretary of the WTPB shall not sign the final subdivision plan or final site plan nor shall any zoning permit issue until the applicant has demonstrated that all conditions of the final approval have been satisfied.

8. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date the approval has been granted the applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:23-99, et seq.) or records a deed with the county clerk which clearly describes the approved minor subdivision and files a copy of the deed with the Township's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of WTPB.

9. If a final approval has been granted, the applicant shall submit to the WTPB Engineer for his review a minimum of 8 complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

10. Performance Guarantees (complying with NJSA 40:55D-53) shall be posted with the Township for site and utility improvements installations. These guarantees shall remain in effect for both the time duration required to complete installation, and, upon completion, to inspect for compliance with the approved plan prior to a Certificate of Compliance and Certificate of Occupancy being issued. In the event the project is approved by the Winslow Township Planning/Zoning Board in phases which would permit Performance Guarantees to be submitted for each separate phase, each guaranty shall remain in effect for both the time duration required to complete installation, and upon completion to inspect for compliance with the approved plan, prior to a Certificate of Compliance and Certificate of Occupancy being issued with regard to

each separate phase. The applicant's engineer shall provide a cost estimate of the proposed site improvements excluding building costs.

11. Inspection fees shall be posted with the township for site and utility improvement inspections which are to be performed by the municipal engineer to check for compliance with the approved plan prior to a certificate of compliance and certificate of occupancy being issued. The applicant shall post the required inspection fee deposit with the application for a zoning permit (Condition Subsequent).

12. The applicant/owner is responsible for obtaining all permits and approvals necessary to construct the project/development and the various improvements. (Copies of all permits and approvals shall be filed with the board) (Condition Subsequent).

13. A two (2) year maintenance guaranty (complying with N.J.S.A. 40:55D-53) in the amount of 15% of the cost of improvements shall be provided to the Township upon acceptance of any improvements by the Township (Condition subsequent).

14. It is the ultimate responsibility of the applicant/owner to construct the necessary improvements in accordance with the Township standards and to offer said improvements to the Township in proper condition and as approved. All damaged and/or defective improvements shall be properly repaired and/or replaced (Condition Subsequent).

15. All improvements are subject to inspection by the Township. No site clearing or construction is to begin without proper notification to the Township Engineer (Condition Subsequent).

16. All street name signs, stop signs, miscellaneous traffic signs, etc. are to be installed by the applicant/owner upon construction of a street's hard surface base course and/or upon the direction of the Township (Condition Subsequent).

17. If the developer/owner wishes Township services such as snow removal, trash collection, etc. while the proposed municipal streets are not Township responsibility, the developer/owner shall request such and enter into a special agreement with the Township, if approved by the Township. (The care and maintenance of all streets and improvements are still the responsibility of the owner until acceptance by the Township, if accepted) (Condition Subsequent).

18. The developer/owner shall construct the required improvements within two (2) years (or as determined by the Township or as otherwise provided herein) of the final approval date, or the Township may elect to construct the improvements at the expense of the developer/owner (Condition Subsequent).

19. All municipal utility easements shall be expressly dedicated to the Township of Winslow (Condition Precedent).

20. As appropriate, the developer/owner shall prepare the necessary deeds or agreements conveying such real estate, right-of-ways, easements, improvements, etc. to the Township for acceptance by the Mayor and Township Committee. Upon final approval and prior to the issuance of a zoning permit, such conveyances shall be done by deed and recorded in the county

clerk's office, after having been reviewed and approved by the Township engineer, and Board or Township Solicitor (Condition Subsequent).

21. The storm water management facilities shall be constructed immediately upon the initial development of the property and completed to the extent necessary to properly manage the storm water runoff in accordance with the parameters of the design and within the intent of the approval of the board (Condition Subsequent).

22. The developer/owner is responsible for pursuing the installation of the street lighting, if so desired by the Township. Only such specific lights as approved by Atlantic Electric for installation shall be erected. In addition, a Certificate of Occupancy shall not be issued unless the street lighting is properly installed. Section 294-114.D.

Prior to the installation of any streetlight in an approved major subdivision, the developer shall have first secured a streetlight placement plan signed by the Planning Board. Section 294-113.C.

Note: The developer/owner shall be responsible for the operating and maintenance costs of street lighting on a dedicated public street until such time as the developer notifies the Township Clerk, in writing that:

(a) The street lighting on a dedicated public street has been installed and accepted for service by the public utility.

(b) Certificates of occupancy have been issued for at least 50% of the dwelling units and 50% of the floor area of the nonresidential uses on the dedicated public street or portion thereof indicated by section pursuant to Section 29 of P.L. 197, c.291 (C.40:55D-38). The municipality shall, within 30 days following receipt of the notification, make appropriate arrangements with the public utility for, and assume the payment of, the costs of the street lighting on the dedicated public street on a continuing basis.

Compliance by the municipality with the provisions of this section shall not be deemed to constitute acceptance of the street by the municipality.

23. No deed restrictions may exist in regard to this property/development, except those reviewed and included in the board's approval (Condition Subsequent).

24. A permit shall be obtained from the zoning officer after final approval and/or prior to any site clearing and/or construction (Condition subsequent).

25. The developer/owner shall continue to properly maintain all improvements of the development including but not limited to streets, storm sewer, drainage swales, etc. and shall sweep the streets, clean the storm sewers, mow the grass, remove silt and other debris from the swales and storm sewers, etc. on a monthly basis, or as may be necessary. This shall continue until the improvements are accepted by the Township (Condition Subsequent).

26. The developer/owner shall clean all storm sewer facilities and other such improvements as necessary prior to their acceptance, with final as-built certifications and plans being provided by the developer/owner's licensed professional engineer which indicate compliance with the approved plan, including the storm water drainage system. All

improvements shall be offered in proper and good condition. All damaged improvements shall be repaired and/or replaced to the satisfaction of the Township (Condition Subsequent).

27. The applicant/owner is to execute a hold harmless agreement with the Township regarding the storm water management plan and related stormwater facilities for this project. (This shall be done prior to a zoning permit being issued.) (Condition Subsequent).

28. The final plans to provide for all necessary temporary facilities such as cul-de-sacs and drainage easements (Condition Precedent to Final).

29. The public road right-of-ways within the development shall not be used as storage areas or "staging" areas for the construction of neither buildings nor site improvements (Condition Subsequent).

30. The final pavement surfacing of roadways shall not be installed on roadways used for construction traffic. The final pavement surfacing of roadways shall not be installed on any roadway until all repairs have been made to the various improvements within the roadway/right-of-way area and it is determined that further damage to such roadway improvements due to construction or construction traffic is not anticipated. The Township may, at its discretion, determine when final roadway surfacing may occur (Condition Subsequent).

31. The developer/owner shall provide the Township zoning officer and Township engineer 48 hours advance notice prior to any construction, including site clearing, being done. Section 246-26. The notification shall include the following information:

- (a) Project Application Number
- (b) Project Name
- (c) Project Location (Street, Block, Lot)
- (d) Owner and Developer's Name, Address and Telephone Number
- (e) Owner/Developer's Contact Person, Address, Telephone Number
- (f) Expected Start Date

32. Upon the initial construction of the storm water management system (storm sewers and swales) and all other related on-site/off-site improvements and prior to any certificate of occupancy being issued, an as-built plan of the storm water management system shall be provided to the Township zoning official along with a report from a professional engineer indicating whether the storm water management system was constructed in substantial conformance with the approved plan, and whether the system will operate as intended by the approved design. (Upon substantial completion of the development, a final report shall be prepared and provided to the Township.) (Condition Subsequent).

33. The applicant/owner is to be advised that the development of this property is to proceed in accordance with the approved plans and it is his responsibility to do so and obtain all necessary permits, inspections and other approvals which may be necessary to ultimately obtain a certificate of occupancy and/or acceptance of the improvements (Condition Subsequent).

34. Landscaping shall be maintained on a continuing basis as a condition of approval and the certificate of occupancy (Condition Subsequent).

35. The applicant/owner is hereby advised that this application and plan have not been reviewed for conformance with the Americans With Disabilities Act (ADA). It is the responsibility of the applicant/owner to conform to said legislation (Condition Subsequent).

36. The inspection and testing by the Township of the work done by the developer is solely for the benefit of the Township to determine the general quality of materials and workmanship. While the developer may avail himself of the Township's testing/inspection data, any decisions made by the developer as a result of the Township's test/inspection information shall be made at the developer's own risk. The developer has the right to conduct similar tests and inspections at his own expense to satisfy his need for information and data pertaining to materials and workmanship (Condition Subsequent).

37. During construction of the development's roadways, manhole castings, valve boxes, inlet castings (except curb piece type), etc. shall be set flush with the roadway surface to avoid potential damage to vehicles and other public works equipment, such as snow plows. Then, just prior to the construction of the final roadway surface, the castings shall be adjusted and set to final grade (Condition Subsequent).

38. Approvals shall be obtained from the NJDEP pertaining to the proposed water distribution system (Condition Precedent).

39. Provide complete as-built plans (signed by a N.J. licensed Land Surveyor) and testing results for all proposed utilities prior to roadway base course paving and prior to placing the pipes into service (Condition Subsequent).

40. All easements shall be approved and filed with Camden County prior to approval of the performance guarantees (Condition Precedent).

41. The applicant is responsible for complying with the terms and conditions of the preliminary approvals previously granted by the WTPB.

42. Whenever any application for preliminary major site plan or subdivision and planned and cluster development approval is approved subject to specified conditions intended to be fulfilled before the approval becomes effective ("conditions precedent"), said conditional approval shall lapse and become null and void unless all specified conditions precedent are fulfilled prior to the hearing on the application for Final Plan approval (or within 90 days if the application pertains to minor subdivision approval) of the date of conditional approval.

The fulfillment of all conditions precedent shall be reported, in writing, by the applicant to the Secretary of the reviewing board granting such conditional approval, and the Secretary may cause such reports to be verified in an appropriate manner.

Only upon fulfillment of all conditions precedent shall any subdivision plan be signed and/or any required zoning permit be issued. Nothing contained herein shall be construed as preventing the reviewing board, upon the submission of an application, for good cause shown, from granting an extension of the time for the fulfillment of all conditions precedent.

43. Whenever any application for final major site plan or subdivision and planned and cluster development approval is approved subject to specified conditions intended to be fulfilled before the approval becomes effective ("conditions precedent"), said conditional approval shall

lapse and become null and void unless all specified conditions precedent are fulfilled within ninety-five (95) days of the date of conditional approval.

The fulfillment of all conditions precedent shall be reported, in writing, by the applicant to the Secretary of the reviewing board granting such conditional approval, and the secretary may cause such reports to be verified in an appropriate manner.

Only upon fulfillment of all conditions precedent shall any subdivision plan be signed and/or any required zoning permit be issued. Nothing contained herein shall be construed as preventing the reviewing board, upon the submission of an application, for good cause shown, from granting an extension of time from the original ninety-five (95) days for the fulfillment of all conditions precedent.

44. Affordable Housing Obligation. The applicant shall satisfy its affordable housing production obligation in accordance with Winslow Township's adopted housing element and Fair Share Plan and Round Three Developer's Fee Ordinance, which requires paying a development fee of 1% of the coverage amount on the Homeowners Warranty Document of a for-sale unit or the appraised value on the document utilized for construction financing in the case of a rental unit, provided no increased residential density is approved pursuant to N.J.S.A. 40:55D-70(d)(5) or a use variance is granted pursuant to N.J.S.A. 40:5D-70(d)(1), (d)(2) or (d)(3) wherein the fee being 6%, into a Housing Trust Fund established by the Township Council. The entire development fee shall be paid by the developer and collected by Winslow Township at the time of the issuance of the Certificate of Occupancy for each residential unit within all residential zoning districts except those outlined in the Growth Share Ordinance. Section 128-5.

45. No representation by the Township of Winslow or the Winslow Township Planning Board is made concerning the availability of any sewer capacity or public water mains. However, for informational purposes only, the WTPB has been advised that sewer capacity is not currently available, and that applicant was notified of this both at the time of the application and at the time of the hearing. Applicant is directed to conduct an independent research of such availability and any approval granted herein is specifically contingent upon such availability. Applicant is hereby notified that the Township of Winslow has a specific Ordinance(s) concerning sewer allocation which has certain deadlines, and applicant is notified that applicant should be aware of same, and should seek legal counsel to assist in any interpretation of same.

46. Applicant is hereby notified that the Township Winslow has a Tax Abatement Ordinance, containing deadlines which must be adhered to. Applicant and its attorneys should research such Ordinance to ascertain whether or not applicant is eligible for same.

BE IT FURTHER RESOLVED that the certified copies of this Resolution be forwarded to the applicant, Township Clerk, Township Construction Official and Township Tax Assessor of the Township of Winslow.

WITH RESPECT TO COMPLETENESS REVIEW, a motion was made by Mr. Mitchell and seconded by Committeeman Kurl Auwarter to deem the application complete and a roll call vote indicated the following vote: Mr. Mitchell - yes; Mr. Autwater- yes; Mr. Scardino - yes; Mr. Guthrie - yes; Mrs. Stock - yes; all other members being absent.

RECORD OF VOTE FOR ACTION TAKEN 11/15/07 - MINOR SUBDIVISION						
BOARD MEMBERS	YES	NO	ABSTAIN	ABSENT	MOTION MAKER	SECOND
William Mitchell	x					x
Committeeman Karl Auwarter	x				x	
Rebecca Stock (Atl. 2)	x					
John Guthrie (Alt. 1)	x					x
John Tomasello				x		
John Holroyd				x		
Gulab Gidwani				x		
Eric Fooder, Jr.				x		
Mike Scardino	x					
Dr. Curry, Designee for Mayor Sue Ann Metzner				x		

RECORD OF VOTE FOR MEMORIALIZATION 12/20/07						
BOARD MEMBERS	YES	NO	ABSTAIN	ABSENT	MOTION MAKER	SECOND
William Mitchell	X				X	
Committeeman Karl Auwarter						
Rebecca Stock (Atl. 2)	X					
John Guthrie (Alt. 1)	X					
John Tomasello						
John Holroyd						
Gulab Gidwani						
Eric Fooder, Jr.						
Mike Scardino	X					X
Dr. Curry, Designee for Mayor Sue Ann Metzner						
Chairman William Druding						
Mayor Sue Ann Metzner						

I, Debbie Wells, Secretary of the Planning Board of the Township of Winslow, County of Camden and State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the said Board at a meeting held at the Municipal Building, Route 73, Braddock, New Jersey on the 15th day of November 2007, memorialized at a meeting held on December 20, 2007.

Debbie Wells
DEBBIE WELLS SECRETARY
WINSLOW TOWNSHIP PLANNING BOARD

William J. Druding
WILLIAM DRUDING CHAIRMAN