

**MINUTES**  
**WOODLAND TOWNSHIP**  
**LAND DEVELOPMENT BOARD**  
September 18, 2018

Board Secretary, Maryalice Brown, called the regularly scheduled meeting of the Woodland Township Land Development Board to order at 7 pm.

**RECORD OF ATTENDANCE**

<u>AB</u> Glen Jaggard	<u>X</u> Mike Huber
<u>AB</u> Wayne Morris	<u>X</u> Louis Cantafio(Alt. #1)
<u>X</u> Mark Herndon	<u>X</u> Derrick Daniels (Alt #2)
<u>X</u> William DeGross	<u>AB</u> Mr. Leisse
<u>X</u> Edward Lewis	<u>X</u> Ms. Szymborski (Board Solicitor)
<u>X</u> Tim Murphy	<u>X</u> Mrs. Brown (Secretary)

**SWEARING IN OF MEMBER** Ms. Brown issued the Oath of Office to Mr. Daniels and welcomed him to the Board.

**APPROVAL OF MINUTES:** Mr. Herndon made a motion to approve the May 15, 2018 minutes, 2<sup>nd</sup> by Mr. Lewis. All in favor.

**AGENDA ITEMS:** None

**NEW BUSINESS:**

**a. Application 2018-3 – Brenda King**

Discussion: George Kurtz, Contractor GK Construction sworn in. Seeking 1 variance for lot size Mr. Herndon asked if house could be placed on another place on lot that would be in conformance. Need 50', only has 30'. Engineer issued report. No issue with variance. The well will be on neighboring lot 1.03. - Ms. King testified she is the owner of property. Mr. DeGross made a motion to open the meeting to public comment, Mr. Cantafio 2<sup>nd</sup> the motion. The meeting was opened, no comments received. The public comment portion was closed. Ms. King needs to provide proof of ownership.

A motion was made by Mr. Murphy, 2<sup>nd</sup> by Mr. Herndon to consider Application 2018-3 complete. Roll call vote, all in favor

**b. Resolution 2018-7 – Set Back Variance (Application 2018-3)** A motion was made by Mr. Cantafio, 2<sup>nd</sup> by Mr. Herndon to approve resolution 2018-7. Roll call vote, all in favor

**Open to the Public:** None

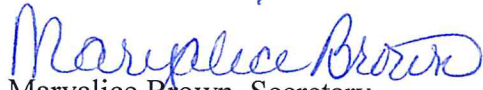
**Comments by the Board** None

Ms. Szymborski asked if Mr. Daniels if he had been given information on the necessary course. Mr. Daniels gave Ms. Szymborski his email so she could provide Mr. Daniels with the information.

**Motion for adjournment:**

Mr. Herndon made a motion to adjourn, 2<sup>nd</sup> by Mr. Cantafio. All in favor.

Respectfully submitted:



Maryalice Brown, Secretary  
Land Use Board

WOODLAND TOWNSHIP LAND DEVELOPMENT BOARD

RESOLUTION NO. 2018- 7  
APPLICATION NO. 2018- 3

- Approved
- General Conditions
- Specific Conditions
- Denied

*Applicant:* Brenda King  
*Property Address:* 4 Prince Street  
Chatsworth, NJ 08019  
Block 3705, Lot 1.02

- Minor Subdivision
- Major Subdivision Preliminary
- Major Subdivision Final
- Minor Site Plan
- Major Site Plan Preliminary
- Major Site Plan Final
- Amended Site Plan
- "C" ("Bulk") Variance(s)
- "D" ("Use") Variance(s)
- Design Waivers

*Owner:* Brenda King  
17 Tyler Lane  
Berlin, NJ 08009

*Action:* September 18, 2018  
*Memorialized:* September 18, 2018

**WHEREAS**, the Applicant has applied to Woodland Township Land Development Board (the "Board"), a joint land use board pursuant to N.J.S.A. 40:55D-25c(1), for the following:

Bulk variance relief in connection with the development of a single-family residential dwelling, together with related site improvements, including a garage and a new well and septic system.

**WHEREAS**, the property has an address of 4 Prince Street, Chatsworth, New Jersey 08019, is designated as Block 3705, Lot 1.02 on the Tax Map of Woodland Township, and is located in the Residential 1 Acre ("R-1") Zoning District; and

**WHEREAS**, the application requires the following relief from the standards of the Woodland Township Land Use and Development Ordinance:

**I. "D" ("Use") Variance Relief**

None.

**II. "C" ("Bulk") Variance Relief**

Front Yard Setback – 50 feet required, 30 feet proposed

**III. Design Exceptions**

None.

**WHEREAS**, the application was considered by the Board at a public hearing on September 18, 2018, the same of which was presented by \_\_\_\_\_ of Neike, Constantine & Associates, Inc., Applicant’s Engineer, supported by the sworn testimony of Brenda King, and pursuant to the following (*plans, reports and other documentation submitted by Applicant and its professionals, as applicable*):

- a. Land Development Application submitted by Brenda King.; and
- b. Building Permit Plot Plan and Construction Details prepared by Neike, Constantine & Associates, Inc., dated June 18, 2018;
- c. Certificate of Filing from State of New Jersey Pinelands Commission, dated October 2, 2015;
- d. Consistent Determination from State of New Jersey Pinelands Commission, dated January 5, 2016; and
- e. Exhibits presented at the public hearing as follows:

- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ; and

**WHEREAS**, a public hearing  was not required; or

**WHEREAS**, a public hearing  was required and the Board has considered that public comments

- were not made by the public
- were made in favor of all or some aspect of the application
- were made against all or some aspect of the application; and

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

**WHEREAS**, the Board has considered the application and the evidence and arguments submitted by the Applicant in support thereof; and

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



- Engineer report(s) dated September 4, 2018;
- Planner report(s) dated \_\_\_\_\_;
- Traffic Consultant report(s) dated \_\_\_\_\_;

Copies of which are attached hereto and made a part hereof; and

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The property subject of the application is located at of 4 Prince Street, Chatsworth, New Jersey 08019, designated as Block 3705, Lot 1.02 on the Tax Map of Woodland Township, and located in the Residential 1 Acre ("R-1") Zoning District.
2. Applicant currently operates an auto repair garage on the property. Applicant proposes to demolish the auto repair garage and construct a single-family residential dwelling, together with related site improvement, including a garage and a new well and septic system.
3. The proposed use of the property as a single-family residential dwelling is permitted within the R-1 zone.
4. In connection with its proposal, Applicant requires a bulk variance from the applicable front yard setback requirement. Specifically, within the R-1 Zone, a front yard setback of 50 feet is required where 30 feet is proposed.
5. An existing non-conformity to which no change is proposed relates to lot area; being a minimum of 1 acre is required and 0.43 acre exists.
6. Applicant's Engineer, \_\_\_\_\_, testified \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Brenda King, the Applicant, testified \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
8. The Board considered the report of its Engineer, Thomas Lisse, PE, of Pennoni Associates Inc., and it was found that all of the comments contained therein had been addressed by the Applicant and the Applicant's Engineer.
9. The Board opened the meeting to members of the public to consider comments regarding the application and no one appeared.

**WHEREAS**, in support of its determination, the Board found that its questions were satisfactorily addressed and that the purposes of the Municipal Land Use Law would be advanced by the application because the development proposed by Applicant is a permitted use and strict compliance with the applicable bulk requirements would exact an undue hardship on Applicant given the size of the property; and

**WHEREAS**, upon motion duly made and seconded to grant the application for bulk variance relief, the Board voted in favor of granting the application subject to certain conditions mentioned hereinafter, if applicable.

**SPECIFIC CONDITIONS OF APPROVAL**

1. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**GENERAL CONDITIONS OF APPROVAL**

1. A brief notice of this decision shall be published by the Board Secretary 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 10 days of the date this decision is memorialized (Township Code § 170-6D(9)). A proof of publication shall be filed with the Secretary of the Board within 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.
3. These General Conditions of Approval shall be binding upon the Applicant, the owner, and any successors and/or assigns of either.
4. The Specific Conditions of Approval, if any, shall be binding upon the Applicant, the owner and any successors and/or assigns of either.
5. The Applicant shall be required to obtain all outside agency approvals.
6. Any improvement(s) to be constructed as a result of the Board approving this application shall be constructed and operated in full compliance with the Code of Woodland Township, the Revised Statutes of the State of New Jersey and any other applicable local, county, state and/or Federal law.
7. Unless specifically waived in whole or in part and noted in the Specific Conditions of this Approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the Applicant, in order to assure the installation and maintenance of all required improvements required by the approval or as a



condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53, et seq. and the Woodland Township Code. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of 2 years after final acceptance of the improvements.

8. If the above application involves the granting of a final subdivision or final site plan approvals, the Chairperson and Secretary of the Board shall not sign the Final Subdivision Plat or Final Site Plan or shall any zoning permit issue until the Applicant has posted the required performance guarantee and Applicant has demonstrated that all conditions of the final approval have been satisfied.
9. Applicants seeking preliminary and/or final site plan and/or subdivision approval shall:
  - A. Submit 5 copies of a complete survey of the property (except for streets) to be dedicated, which survey shall be performed and certified by a licensed surveyor.
  - B. Submit a topographic survey showing contour intervals of 2 feet at a scale no larger than one inch equaling 100 feet.
  - C. Submit 5 copies of complete (as-built) plans of any improvements, except for streets, on the subject property.
  - D. When applicable, submit a deed of conveyance, approved as to form, content and description by the Township Solicitor. The said deed shall contain provision for the signature of the Chairperson and Secretary of the Board. Where streets are offered for acceptance, a legal description by metes and bounds describing the centerline shall be included.
  - E. When applicable, obtain title insurance naming the Township of Woodland as the insured party in an amount equal to the fair market value of dedicated property; this requirement shall not pertain to the streets. In the case of drainage easements not shown on or generated after the final plan is filed in the County Clerk's Office and property having a fair market value of one thousand dollars (\$1,000.00) or less, a title search indicating marketable title shall be sufficient, provided said search is certified by a title insurance company authorized to do business in the State of New Jersey.
10. 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 Chairperson and Secretary of the Board.

11. If a final approval has been granted, the Applicant shall submit to the Board 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 its approval.
12. As part of the first application for final approval, the Applicant shall provide a construction schedule which must be satisfactory to the Board Engineer.
13. The Applicant shall comply with Title 39 of the New Jersey Statutes.
14. If applicable, the Applicant shall construct all drainage basins or alternate drainage facilities upon the subject property, including inflow and outflow structures, prior to the commencement of any construction upon the subject property.
15. 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 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.
16. 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.
17. 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 representation made by the Applicant, including but not limited to



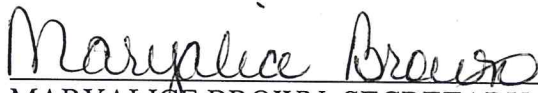
proper service and notice upon interested parties and publication of the notice of public hearing in this matter in accordance with the law.

18. 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.
19. 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 a part of said relief. The Applicant is solely responsible for fore 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.
20. 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 use and development ordinances, zone codes and any other applicable municipal codes, and the New Jersey 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.
21. The Applicant must obtain and all other construction or other municipal permits required with respect to the as granted herein.

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution shall be forwarded to the Applicant, Township Clerk, and Township Zoning Officer.

RECORD OF VOTE FOR ACTION TAKEN (APPLICATION)						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Glen Jaggard (Chairman)						
Wayne Morris (Vice Chairman)						
Mark Herndon	✓					✓
William DeGross	✓					
Edward Lewis	✓					
Tim Murphy	✓				✓	
Todd Hall						
Mike Huber (Alternate No. 1)	✓					
Louis Cantafio (Alternate No. 2)	✓					

I, Maryalice Brown, Secretary to the Woodland Township Land Development Board, County of Burlington, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the action taken by the said Board at a meeting held in the Woodland Township Municipal Building, 3943 Main Street, Chatsworth, New Jersey 08019, on the 18<sup>th</sup> day of September, 2018.

  
 MARYALICE BROWN, SECRETARY  
 WOODLAND TOWNSHIP  
 LAND DEVELOPMENT BOARD

RECORD OF VOTE FOR ACTION TAKEN (RESOLUTION)						
BOARD	AYE	NAY	Abstain	Absent	Motion Made By	Second
Glen Jaggard (Chairman)						
Wayne Morris (Vice Chairman)						
Mark Herndon	✓					✓
William DeGross	✓					
Edward Lewis	✓					
Tim Murphy	✓					
<del>Todd Hall</del> <sup>(ALT 2)</sup> <i>Deerick Daniel</i>	✓					
Mike Huber (Alternate No. 1)	✓					
Louis Cantafio ( <del>Alternate No. 2</del> )	✓				✓	

I, Maryalice Brown, Secretary to the Woodland Township Land Development Board, County of Burlington, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of the action taken by the said Board at a meeting held in the Woodland Township Municipal Building, 3943 Main Street, Chatsworth, New Jersey 08019, on the 18<sup>th</sup> day of September, 2018.

*Maryalice Brown*  
 \_\_\_\_\_  
 MARYALICE BROWN, SECRETARY  
 WOODLAND TOWNSHIP  
 LAND DEVELOPMENT BOARD