

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2018-12**

WHEREAS, American Commercial Development, LLC has applied to the Planning Board of the Borough of Woodbury Heights for minor subdivision approval to separate out the College Boulevard Connector for dedication to the N.J.D.O.T.; and

WHEREAS, the property in question is located on State Highway, Route 45 and Moore Street, Block 40.04, Lots 12 and 12.01 in a Highway Commercial (HC) Zone; and

WHEREAS, the Borough of Woodbury Heights Planning Board has the right to exercise to the same extent and subject to the same restrictions, all the powers of the Zoning Board of Adjustment; and

WHEREAS, the Borough of Woodbury Heights Planning Board has had an opportunity to review the application for American Commercial Development, LLC and a hearing having been held thereon and proper notices having been served on all surrounding property owners as required by Statute; and

WHEREAS, the Borough of Woodbury Heights Planning Board has made the following factual findings:

1. I. Dominic Simeone, Esquire appeared on behalf of the applicant and presented the testimony of Kelly Schemele, a representative of the applicant LLC. Plans submitted with the application were prepared by Adam R. Grant, Professional Land Surveyor. The applicant is the owner of Lots 12 and 12.01. The College Boulevard Connector is an existing roadway which runs between the two lots. The lot line between the two lots runs through the center line of the College Boulevard Connector. The purpose of this application is to separate the College Boulevard Connector from Lots 12 and 12.01 so that it may be formerly dedicated to the State of New Jersey Department of Transportation which presently maintains the roadway. Therefore, the portions of Lots 12 and 12.01 presently utilized for the roadway shall be removed from those lots so that the roadway may be separately established and new lot lines established for Lots 12 and 12.01.

3. Subdivision Deeds, including legal descriptions shall be submitted to the Board Solicitor and Engineer for review prior to execution by the Chairman and Secretary. The Deeds shall not be executed until such time as all fees and escrows have been satisfied in full.

2. This approval shall expire in 190 days unless the applicant files a plat or records deeds within such time pursuant to statute.

1. The applicant shall obtain any other applicable governmental approvals which the applicant is required to obtain from any Federal, State, County or Local Governmental Agency or body.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights that the application of American Commercial Development, LLC for minor subdivision approval to separate out the College Boulevard Connector for dedication to the N.J.D.O.T. is hereby granted subject to the following conditions:

6. Because of the nature and configuration of the applicant's land, failure to grant the variance will work a peculiar and exceptional practical difficulty on the applicant.

5. The application submitted by the applicants substantially complies with the requirements of the Borough of Woodbury Heights Ordinance. The request by the applicants granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Borough of Woodbury Heights Ordinance.

4. No one from the public appeared to comment on the application.

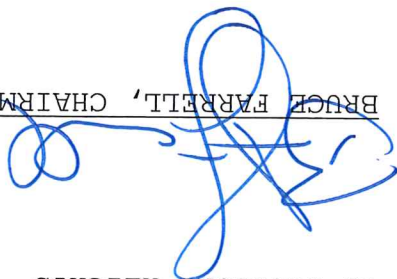
3. The applicant has submitted an amended plan adding a zoning table to clarify zoning and setback conditions. Survey corner monuments will not be installed as the Department of Transportation will use their system to tie the connector into State Highway, Route 45.

2. The applicant indicates that the State of New Jersey Department of Transportation is aware of this process and intends upon accepting dedication of the roadway. The Board considered the Planning Board Engineer's review letter of September 24, 2018 and the Planning Board Planner's review letter of September 26, 2018.

Adopted at a regular meeting of the Borough of Woodbury Heights Planning Board on November 5, 2018.

PLANNING BOARD OF THE BOROUGH
OF WOODBURY HEIGHTS

BRUCE FARRELL, CHAIRMAN



ATTEST:

SHANNON ELTON, SECRETARY

