

RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING/ZONING BOARD
OF THE BOROUGH OF SWEDESBORO
RESOLUTION NO. 2009-

WHEREAS, RUSSO HOMES, LLC, has applied to the Planning/Zoning Board of the Borough of Swedesboro for Preliminary Major Subdivision approval to create four single family house lots with one remaining existing house lot on a parcel of property located at 25 Lake Avenue, Swedesboro, New Jersey and designated on the Tax Map of the Borough of Swedesboro as Block 39, Lot 14, which application includes a request for a de minimus exception from the requirements of the New Jersey Residential Site Improvements Standards for right of way and cart path for the proposed roadway servicing the four newly created residential lots exiting onto Park Avenue; and

WHEREAS, the subject property is zoned R-1 and R-4; and

WHEREAS, the application was deemed complete on October 13, 2008; and

WHEREAS, public hearings were held concerning said application on October 13, 2008 and January 12, 2009; and

WHEREAS, the matter was open to the Public for comment on both October 13, 2008 and January 12, 2009; and

WHEREAS, the Board, having heard all the evidence presented, has made the following findings of fact, statements of information and conclusions:

1. The Board finds that the notices were properly served in compliance with the New Jersey Statutes and Planning/Zoning Ordinances of the Borough of Swedesboro.

2. The Board finds that the subject property is zoned R-1 and R-4.

3. The Board finds that the present use of the subject property is for one single family dwelling and vacant land.

4. The Board finds that the Use proposed by the applicant is a permitted Use in the zone, but that the application as presented by the applicant would require the granting of a de minimus exception from the New Jersey Residential Site Improvement Standard which requires a 40 foot right of way and 24 foot cart-way for the roadway servicing the four newly created residential lots. Applicant is proposing a 22 foot right of way and 20 foot cart-way.

5. The applicant testified that he has attempted to obtain additional property to expand the right of way and cart-way to the New Jersey Residential Site Improvement Standards but that there is no additional property available for purchase.

6. Applicant's Engineer, Mr. Andrew Hogg, testified that if the RSIS Standards were based on the number of homes to be serviced by the subject street, the street would fall under Rural Design Standards and the cart-way path would not need a waiver. Due to its location within the municipality the RSIS Standards require a wider right-of-way and a wider cart-way and path. He further testified, that in his opinion, the exception requested was consistent with the intent of the Site Improvement Act, was reasonable, limited and not unduly burdensome, met the needs of public health and safety and did take into account existing infrastructure and possible surrounding future development. Mr. Hogg also provided testimony that each of the new homes to be constructed would have a double driveway which will provide 3.5 off-street parking spaces and that internal sidewalks or sidewalk along the right of way entrance are not necessary due to the sidewalk extension that will extend from the cul-de-sac bulb to Lake Avenue.

7. Mr. Hogg also testified that due to the limited amount of impervious coverage on the lots after construction, NJDEP Stormwater regulations did not require calculations on volume of storm water run off.

8. Applicant presented Mr. Paul Lott who has been a sales representative for E P Henry for eight years. Mr. Lott presented testimony regarding the Eco Pavers which will be used for the paving of the driveways for the four homes to be constructed in order to eliminate impervious driveways.

9. Mr. Hogg testified that the only variance from municipal ordinances required for the subdivision was the front yard setback on the presently existing home, which is 22.87 feet rather than the 25 foot set back required. This is an existing condition.

10. During the public hearings the following people presented testimony:

A. Ms. Marilyn Brahms of 18 Lake Avenue, Swedesboro, New Jersey testified and provided a series of photographs showing existing trees on the site which will be removed as a result of construction. She presented a concern that the removal of the trees would exacerbate water problems for homes already existing in the area with basements.

B. Mr. Michael Murphy of 519 Park Avenue, presented testimony that he was concerned about fire equipment entering and exiting the site and the fact that children associated with the additional development may cause a tax increase for residents of the municipality.

C. Ms. Carolyn Gahrs of Thompson Avenue testified that she is concerned with parking issues on Park Avenue.

D. Ms. Kim McDunough of 114 Park Avenue, expressed concern as to parking issues on Park Avenue and traffic that uses Park Avenue entering from East Avenue.

E. Mr. Milton Leap of 120 Thompson Avenue expressed concern with traffic and access by emergency vehicles as well as the erosion of the ditch which receives drainage from the property which is adjacent to his parents' property.

F. Mr. Vasta of 521 Park Avenue expressed concerns with the lack of parking on Park Avenue and the density of homes in the community.

G. Mr. Scardino of 123 Thompson Avenue expressed concern with emergency vehicle access to the newly constructed homes and expressed concern as to drainage from the property.

H. Mr. Murphy of 519 Park Avenue, expressed concern at the October 13, 2008 public hearing that without installation of the sidewalk the children on the way to school will cut through adjacent residents yards. He also expressed concerns as to parking on Park Avenue.

I. Mr. Eltzer expressed concern as to construction noise and traffic during construction of the new homes.

J. Ms. McDunough, of 114 Thompson Street testified that she was concerned about drainage issues.

K. Mr. Leorta of 119 Thompson Street provided testimony that expressed concerns regarding the density of the housing in the area.

11. The applicant testified that he would agree to comply with all comments and modifications contained in the review letter of the Planning/Zoning Board Engineer dated December 3, 2008.

12. The Board determined that the application presented by the applicant substantially complies with the Ordinances of the Borough of Swedesboro as pertains to preliminary major subdivision applications.

13. The Board determined that the variance for set back on the existing home is an existing condition and does not impair the intent of the Zoning Ordinance as it applies to the property in question.

14. The Board determined that the applicant's request for a *de minimus* exception was consistent with the intention of the Site Improvement Act, was reasonable, limited and not unduly burdensome, met the needs of public health and safety and takes into account the existing infrastructure and possible future development.

NOW, THEREFORE, BE IT RESOLVED by the Planning/Zoning Board of the Borough of Swedesboro that the application for preliminary major subdivision approval is granted subject to the following conditions:

1. The applicant shall comply with all applicable modifications and corrections contained in the Planning/Zoning Board Engineer's letter dated December 3, 2008.

2. Applicant's counsel will complete and forward to the Solicitor for the Planning/Zoning Board such additional documentation as may be required for presentation of Applicant's request for a de minimus exception from the New Jersey Residential Site Improvement Standards within one week.

3. Applicant will obtain all other necessary approvals from applicable government agencies and bodies controlling applicant's use of the property including but not limited to the Gloucester County Planning Board.

This Resolution adopted at a regular Meeting of the Planning/Zoning Board of the Borough of Swedesboro held on January 12, 2009.

Memorialized Resolution adopted at a regular meeting of the Planning/Zoning Board of the Borough of Swedesboro held on February 9, 2009.

PLANNING/ZONING BOARD OF THE
BOROUGH OF SWEDESBORO

By: _____
CHARLES HOMAN, CHAIRMAN

ATTEST:

SECRETARY

Prepared by:
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