

RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING/ZONING BOARD
OF THE BOROUGH OF SWEDESBORO
GRANTING DE MINIMUS EXCEPTION FROM THE
RESIDENTIAL SITE IMPROVEMENT STANDARDS
OF THE STATE OF NEW JERSEY
RESOLUTION NO. 2009-

WHEREAS, the applicant RUSSO HOMES, LLC, has filed an application for preliminary subdivision approval respecting the property known on the tax maps of the Borough of Swedesboro at Block 39, Lot 14 to create four (4) new residential building lots to be serviced by a cul-de-sac street; and

WHEREAS, the proposed lots to be subdivided in accordance with the Plan meet the Bulk requirements of the R-1 and R-2 Zones of the Borough of Swedesboro; and

WHEREAS, the applicant has requested a de minimus exception from the Residential Site Improvement Standards to permit a twenty (20) foot cartway within a twenty-two (22) foot right-of-way to service the four (4) new homes to be constructed as a result of the project; and

WHEREAS, the applicant has provided evidence that the existing development surrounding the site creates a situation where the applicant can only provide twenty-two (22) feet of right-of-way without acquiring additional lands from adjoining property owners; and

WHEREAS, the applicant has provided evidence in the form of testimony that is has attempted to acquire additional lands from adjoining property owners but has been denied the opportunity; and

WHEREAS, only four (4) homes will be serviced by the proposed twenty (20) foot cartway and twenty-two (22) foot right-of-way; and

WHEREAS, the applicant has advised the Board that it has reviewed the standards set forth at N.J.A.C. 5:21-4.2 and while it is able to provide a twenty (20) foot cartway with proposed no parking on either side of the street that it is unable to provide a forty (40) foot right-of-way as required by the above referenced administrative code citation; and

WHEREAS, in consideration of the foregoing, based upon the testimony presented at the time of the application and in consideration of the fact that this new subdivision cul-de-sac road will only service four (4) homes and could, therefore, be a very low intensity usage, the Planning Board finds and concludes as follows:

1. The above referenced background paragraphs are incorporated herein; and
2. The Planning Board finds and concludes that the applicant's proposed twenty (20) foot cartway within a twenty-two (22) foot right-of-way is consistent with the intent of the Residential Site Improvement Standards and the Site Improvement Act; and
3. Deviation from the RSIS is minimal, reasonable, limited and is not overly burdensome and will not burden the Borough of Swedesboro or the residents thereof; and
4. The provision of a twenty (20) foot cartway within a twenty-two (22) foot right of way meets with the needs of public health and safety and takes into account the fact that no additional development will ever be connected to this subdivision street and existing infrastructure will permit the servicing of the four (4) new homes to be constructed by public water, sewer and electric by connection to such services within Park Avenue which are existing.

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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