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APPLICATION OF MEMORIAL FIELD 2.3, : ABSECON PLANNING BOARD
LLC, FOR MINOR SUBDIVISION :
APPROVAL FOR LOT 1.01 OF BLOCK 203, : APP. NO. 1-2014
ROUTE 30, MICHIGAN AVENUE AND :
NEW JERSEY AVENUE : **DECISION AND RESOLUTION**

This matter having been heard by the Planning Board of the City of Absecon on February 11, 2014, at its regular meeting at the Municipal Complex, 500 Mill Road, Absecon, New Jersey and a hearing on the application having been conducted with a quorum present; and

WHEREAS, the Absecon Planning Board has reviewed the application form submitted by the Applicant and the following plans:

Sheet	Title	Prepared By	Dated	Revised
1 of 1	Subdivision Plan	Taylor, Wiseman & Taylor	10/25/13	
1 of 1	Survey Plan	Duffy, Dolcy, McManus & Roesch, P.C.	2/26/08	11/11/13

WHEREAS, the City of Absecon Planning Board has heard the testimony of Consulting Engineer, Andrew A. Previti, P.E., of Maser Consulting, P.A., and received his report of January 20, 2014; and

WHEREAS, the City of Absecon Planning Board has heard the testimony of Consulting Planner, Robert L. Reid, PP, AICP, and received his report of January 21, 2014; and

WHEREAS, the following additional findings of fact and conclusions are made at this time:

1. Application. The Applicant is Memorial Field 2.3, LLC, with an address of 16 High Point Drive, Medford, NJ 08055. Fox Chase Bank is the owner of the subject property and has consented to this application. This application proposes to subdivide existing Lot 1.01 of Block 203 into two (2) lots to be known as Lots 1.01 and 1.03.

2. Site. The site is located in the C-1 Central Business Commercial District. The site is located on Route 30, Michigan Avenue and New Jersey Avenue. The existing lot contains 270,072.00 square feet and is undeveloped.

3. Zoning. The proposed subdivision complies with the area and bulk requirements of the C-1 Central Business Commercial District. The subdivision proposes to create Lot 1.01 which will have a lot area of approximately 157,275 square feet with approximately 224.42 feet of frontage on Route 30, approximately 245.38 feet of frontage on Michigan Avenue and approximately 325.35 feet of frontage on New Jersey Avenue; and proposed lot 1.03 which will have a lot area of approximately 111,930 square feet with approximately 373.76 feet of frontage on Route 30 and approximately 636.01 feet of frontage on New Jersey Avenue. This Application is for subdivision only and no development is proposed.

4. Notice Not Required. As a minor subdivision without variances, public notice in accordance with N.J.S.A. 40:55D-12 is not required.

5. Hearing. Appearing on behalf of the Applicant was William F. Hyland, Jr., Esquire, of Hyland Levine, LLP. Testifying on behalf of the application was Joseph Mancini, P.E., of Taylor, Wiseman & Taylor. There were no public comments or questions.

6. Variances. No variances are required.

7. Fire Department and Police Department Review. This approval is subject to the

recommendations of the Absecon Police Department and Absecon Fire Department.

8. Satisfaction of Conditions. The applicant will comply with all outstanding conditions of the Board and Board Consultants set forth in the report of Consulting Engineer, Andrew A. Previti, P.E. dated January 20, 2014, and Planning Consultant, Robert L. Reid, P.P., A.I.C.P., dated January 21, 2014, and all representations made on behalf of the Applicant during the hearing and will submit any required revised plans or other documents within 180 days from the date of this Decision and Resolution for the review and approval of the Board Consultants.

The conditions the Applicant shall comply with include, but are not limited to the following:

- a. The Applicant shall amend the Subdivision Plan as follows:
 - i. The dimensions and lot area shall be corrected to be in conformance with the Survey Plan; and
 - ii. A signature line for the Planning Board Engineer shall be placed on the plan.
- b. The Applicant shall provide the proposed Access Easement to the Planning Board Solicitor and Engineer for review and approval. The Applicant must provide evidence of recording of such easement.
- c. The Applicant shall preserve the 36" diameter ohio buckeye tree depicted on the subdivision plan.

9. Payment of Taxes and Fees. This approval is conditioned upon payment of all taxes and assessments on the subject property and the payment of all application fees and escrows.

10. Compliance With Approval. This approval is based upon the full and diligent

adherence by the Applicant to all representations made to the Board. Any failure of the Applicant or the Applicant's successors or assigns to fully adhere to all of the provisions of this approval and all representations made by or on behalf of the Applicant, directly or indirectly, in the hearing or in the application documents, may be deemed to be a material breach of this approval. Such a breach will constitute a violation of the Development Ordinance and the City may remedy such violation by the withholding of building permits, certificates of occupancy, continuing certificates of occupancy, or any other permit, approval or certificate for the property which is the subject of this approval. In addition, the City may seek the imposition of fines or penalties pursuant to the Development Ordinance or may pursue any other remedy available to it at law or in equity, including an action in the Superior Court to enjoin such violation or to compel performance or compliance.

11. Other Approvals. The Applicant shall comply with all federal, state and local laws, rules and regulations and shall obtain any and all other necessary government approvals required for this approval. If as a result of the review by any other governmental agency there is any change in the subdivision approved by this Board or any modification of any statement or representation made by or on behalf of the Applicant, the Applicant must notify the Board and the Board shall have the right to review that issue as it may relate to or impact this approval and the Board may modify or amend this approval as appropriate.

12. Prior Approval. All terms and conditions of the prior Decision and Resolution of the Planning Board of the City of Absecon for Preliminary Major Site Plan and Variance Approval for App No. 5-2008 dated November 25, 2008, remain in full force and effect to the extent not inconsistent herewith.

13. Enforceability. All references in this Decision and Resolution to the Applicant shall, where appropriate for the context, also mean the Applicant's successors or assigns. If any provision of this Decision and Resolution or the application thereof shall be held to be invalid or unenforceable to any extent, the remainder of this Decision and Resolution shall not be affected thereby and shall remain enforceable to the fullest extent of the law.

14. Expiration of Approval. Approval of this minor subdivision shall expire 190 days from the date of the adoption of this resolution unless a subdivision plat in conformance with this approval and the provisions of the Map Filing Law is filed with the Atlantic County Clerk, the Municipal Engineer and the Municipal Tax Assessor. The 190 day period for filing is subject to possible extension by the Planning Board in accordance with N.J.S.A.40:55D-47.

15. Filing of Minor Subdivision Plat. This subdivision shall be filed by subdivision plat and not by subdivision deed because of the necessity to have on file the information set forth on the approved subdivision plat.

NOW, THEREFORE, BE IT DECIDED AND RESOLVED by the Planning Board of City of Absecon that this application for minor subdivision approval is granted as set forth above by a vote of nine (9) in favor, none (0) against and none (0) abstaining.

DATED: 3/11/14



Thomas Hunter, Chairman



Tina Lawler, Board Secretary

RE: Memorial Field 2.3, LLC
Minor Subdivision Approval
William F. Hyland, Jr., Esquire

Those voting in favor:
Armstrong, Ciccone, Hayden, Horton,
Howell, Preston, Roswell, Savell,
Thomas

OPPOSED:

RECUSED: