

**RESOLUTION OF FINDINGS AND CONCLUSIONS  
PLANNING BOARD OF THE  
BOROUGH OF WOODBURY HEIGHTS  
2018-09**

WHEREAS Mary Jane Jones has applied to the Planning Board of the Borough of Woodbury Heights seeking minor subdivision approval consisting of a Lot Line Adjustment along with bulk variances and a variance to permit off street parking for one vehicle where two is required; and

WHEREAS, the property in question is located on Lake Avenue, Block 96, Lots 17 and 18 in a Residential 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 Mary Jane Jones 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. James E. Gabel, Esquire appeared on behalf of the applicant. The applicant is the owner of two adjoining residential lots each improved with a single family dwelling. There is presently a shared driveway between the two lots. However, the lot line between the two lots encroaches two feet into the driveway. The applicant is seeking minor subdivision approval consisting of a Lot Line Adjustment whereby the lot line between Lots 17 and 18 shall be shifted two feet so that the entire driveway will be on Lot 18. The two feet shall be taken from Lot 17 and added to Lot 18.

2 As a result of the Lot Line Adjustment, the preexisting side yard encroachment on Lot 18 will be eliminated but a side yard encroachment on Lot 17 will be created. Also, the non-conforming lot frontage for Lot 17 of 50 feet will be further reduced to 48 feet. Also, due to the elimination of the shared driveway, Lot 17 will have no off street parking. Borough Ordinance requires off street parking for two vehicles. The applicant proposes installation of a 25 feet x 10 feet driveway which will accommodate one vehicle rather than two. Both parcels are for sale, Lot 18 is presently under contract. The Board considered the review letters of Planning Board Engineer, Mark R. Brunermer, P.E., C.M.E. dated June 1, 2018 and Planning Board Planner, Tiffany A. CuvIELLO, PP, AICP dated June 4, 2018.

3. The Board determined that the proposed Lot Line Adjustment represented good planning and that the applicant had satisfied the positive and negative criteria as required by Municipal Land Use Law. However, the Board felt that certain conditions regarding construction of the new driveway were necessary to protect the integrity of the neighborhood.

4. The application submitted by the applicant substantially complies with the requirements of the Borough of Woodbury Heights Ordinance. The request by the applicants can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Borough of Woodbury Heights Ordinance. The applicant has shown the special reasons necessary to grant the variance.

5. 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.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights that the application of Mary Jane Jones seeking minor subdivision approval consisting of a Lot Line Adjustment along with bulk variances and a variance to permit off street parking for one vehicle where two is required is hereby granted subject to the following conditions:

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.

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

3. A design waiver is granted for Lot 18 for there being no offset between the edge of the driveway and the property line where an offset of 5 feet is required.

4. The following variances are granted for Lot 17:

- Frontage of 48 feet where 75 feet is required.
- Lot width of 48 feet where 75 feet is required.
- A front yard setback of 25.86 feet where 30 feet is required, a pre-existing condition.

- A side yard of 8.41 feet where 10 feet is required.
- Installation of a driveway with a minimum area of 25 feet x 10 feet to accommodate off street parking for one vehicle where off street parking for two vehicles is required.

5. The encroachment of the chain link fence from Lot 15 onto Lot 18 shall be removed.

6. The "stone" area shown on Lot 17 will be eliminated and replaced with top soil and seed.

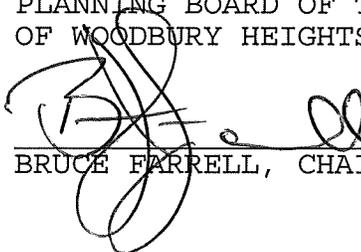
7. A driveway with a minimum area of 25 feet x 10 feet as shown on the plans submitted with the application, shall be constructed on Lot 17. A grading plan for the driveway shall be submitted and approved prior to approval of subdivision deeds for Lots 17 and 18. Construction of the driveway shall be completed prior to occupancy of the home on Lot 17 and in any event, no later than six months from the date of completion of the sale of Lot 18. A performance bond shall be required for construction of the driveway. The applicant may provide a letter of credit or cash in lieu of the performance bond.

8. The subdivision plan shall be revised to conform with the conditions of this approval as well as the conditions set forth in the review letters of the Planning Board Engineer and Planner.

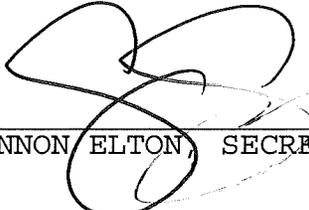
9. The applicant shall comply with all conditions set forth in the review letters of the Planning Board Engineer and Planner which are not inconsistent with this approval.

Adopted at a regular meeting of the Borough of Woodbury Heights Planning Board on July 2, 2018.

PLANNING BOARD OF THE BOROUGH  
OF WOODBURY HEIGHTS

  
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BRUCE FARRELL, CHAIRMAN

ATTEST:

  
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SHANNON ELTON, SECRETARY