

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2018-11**

WHEREAS Spiro Karolidis has applied to the Planning Board of the Borough of Woodbury Heights seeking minor subdivision approval creating one new lot and variances for a side yard setback of 20.3' where 30' is required and front yard setback of 20.5' where 30' is required; and

WHEREAS, the property in question is located on Glassboro Road, Block 74, Lot 5 in the CC Community Commercial 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 Spiro Karolidis 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. Louis D. Greenwald, Esquire appeared on behalf of the applicant and presented the testimony of James A. Clancy, a Professional Engineer and Land Surveyor. The applicant is the owner of a parcel of property with an area of approximately 4.72 acres and two buildings, a dollar store and a pizzeria. The applicant proposes a subdivision resulting in two lots, one for each building. Proposed new lot 5.02 will consist of 1.03 acres with the dollar store and the remainder lot 5, 3.68 acres with the pizzeria. The dollar store presently has a side yard of 20.3' where 30' is required and the setback will not change as a result of this subdivision. The pizzeria on lot 5 presently has a front yard setback of 20.5' where 30' is required which will not change as a result of this subdivision. There is an existing bridge over a stream that runs between the two commercial uses. The Board carefully considered the review letter of July 26, 2018 prepared by Planning Board Engineer, Mark R. Brunermer, P.E., C.M.E. The applicant agreed to comply with all comments set forth in the letter. No one from the public appeared to comment on the application.

2. The application submitted by the applicant substantially complies with the requirements of the Borough of Woodbury Heights Ordinance. The request by the applicant 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.

3. 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 Spiro Karolidis seeking minor subdivision approval creating one new lot and variances for a side yard setback of 20.3' where 30' is required and front yard setback of 20.5' where 30' 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. The applicant shall prepare a cross easement for review by the Planning Board Engineer and Solicitor which shall include the drive aisle to the space across from the handicapped spaces and through the parking lot aisles. The cross easement shall also provide for the use and maintenance of the bridge across the stream between the two commercial uses. The easement shall be recorded following approval by the Planning Board Engineer and Solicitor.

4. Subdivision deeds, including legal descriptions shall be submitted to the Board Solicitor and Engineer for review prior to execution by the Chairman and Secretary.

5. A rebar or monument shall be set at the new property corner along Glassboro Road prior to the subdivision deeds being signed by the Chairman and Secretary.

Adopted at a regular meeting of the Borough of Woodbury Heights Planning Board on October 1, 2018.

PLANNING BOARD OF THE BOROUGH
OF WOODBURY HEIGHTS

BRUCE FARRELL, CHAIRMAN

ATTEST:

SHANNON ELTON, SECRETARY