

**STATE OF NEW JERSEY – COUNTY OF CAMDEN
BOROUGH OF TAVISTOCK**

BOROUGH OF TAVISTOCK PLANNING BOARD

RESOLUTION 01-2021

WHEREAS, TAVIS HOLDINGS TRUST, with an address of 2005 Market Street, Suite 2600, Philadelphia, PA 19103, has filed an application for development review seeking minor subdivision approval for a lot line adjustment with the requested variance, in regard to lands and premises located at Block 1, Lots 5 and 6, on the Borough of Tavistock Tax Map (the “Subject Property”); and

WHEREAS, the applicant’s case was presented before the Board of Commissioners acting as the Planning Board (“Board”) on November 23, 2021, (1) in sworn testimony by Jesse Dougherty, PE, the applicant’s Engineer; and (2) by the legal representation of Catherine M. Ward, Esquire;

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Borough Ordinances have been satisfied;

WHEREAS, the Board has considered the recommendations and comments of its professional staff;

WHEREAS, the Board after carefully considering the evidence and examining certain exhibits, has made the following factual findings and statements of reasons:

1. Tavis Holdings Trust is the owner of Block 1, Lot 5 and Tavistock Country Club is the owner of Block 1, Lot 6 located in the R-1 Zone.
2. The applicant seeks minor subdivision approval to make a lot line adjustment to eliminate a long-standing encroachment which will relocate the lot line between Lots 5 and 6. Lot 5 will increase from 32,377 square feet to 33,586 square and Lot 6 will be reduced from 20,000 square feet to 18,791 square feet .
3. The following documents and exhibits were reviewed and considered by the Board and are incorporated herein by reference:

(a) Application of the applicant filed by Catherine M. Ward, Esquire on September 28, 2021;

(b) Plan entitled, "Minor Subdivision Plan-162 Tavistock Lane," prepared by Marathon Engineering, dated June 30, 2021, consisting of one (1) page; and

(c) Board Engineer's review letter, dated November 15, 2021, consisting of four (4) pages.

4. Catherine M. Ward, Esquire presented the application on behalf of the applicant. She indicated the purpose of the application was to subdivide the Subject Property for the purposes of a lot line adjustment to remove a long-standing encroachment on the Country Club from the residence on Lot 5.

5. Jesse Dougherty, PE, the applicant's Engineer was qualified and provided sworn testimony confirming the representations made by Ms. Ward and summarized the minor subdivision plan and lot line adjustment. The Subdivision Plan dated June 30, 2021 was marked as Exhibit A.

6. The Board Engineer, Timothy R. Staszewski, PE, CME of Remington and Vernick Engineers was sworn and testified with respect to the application. He confirmed the lot line adjustment and noted that there is one new variance being created with respect to the reduction in lot size for the Country Club but the lot size for Lot 5 would now meet the ordinance requirements. It was noted the lot size variance for the Country Club parcel was due to a hardship and the benefit of the need to remove the long-standing encroachment. It is his opinion there will be no negative impacts from the lot size variance. It was noted that the subdivision will be filed by Plan and recorded in the County Clerk's Office. With respect to the Board Engineer's report, it was noted that no tree protection requirements need be met as there will be no new construction with respect to this application. It was also confirmed there will be no change in parcel numbers associated with this application. The applicant shall be required to submit one electronic copy of the final Subdivision Plan for the Board Engineer and Borough's signature but the Plan which is being approved does not require any revisions.

WHEREAS, no members of the public appeared at the hearing in connection with the application.

WHEREAS, in support of its determination, the Board found that the purposes of the Municipal Land Use Law would be advanced by the requested deviations from the Zoning Ordinance requirements and the benefits of such deviations would substantially outweigh any detriment.

WHEREAS, the Board also determined that granting the variance would not substantially impair the intent and purposes of the Master Plan and Zoning Ordinance.

WHEREAS, upon motion duly made to grant the minor subdivision application with the requested variance, the Board voted three (3) in favor thereof (Mayor Del Duca, Mrs. Del Duca and Colin Mack-Allen) with none (0) against and no abstentions, thereby granting the application subject to certain conditions mentioned hereinafter.

WHEREAS, this Resolution sets forth the Board's findings of fact and conclusions based thereon.

NOW, THEREFORE, BE IT RESOLVED by the Tavistock Borough Planning Board that the said application for a minor subdivision approval and requested variance for the purpose of a lot line adjustment to remove a long-standing encroachment on the Subject Property, shall be and is hereby granted specifically subject, however, to the testimony, representations and stipulations of the applicant, its attorney and witnesses at the time of the hearing and further specifically subject to the following conditions and stipulations:

1. The applicant shall comply with all the recommendations in the Board Engineer's review letter dated November 15, 2021, except as otherwise set forth herein.
2. The minor subdivision shall be filed by Plan or Deed and recorded in the County Clerk's Office.
3. The applicant shall obtain all required outside agency approvals.

4. The applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or file a written protest with the Borough Clerk within seven (7) days of receipt of a final voucher from the Borough.

5. These General Conditions of Approval and any additional conditions of approval, if any, shall be binding upon the applicant, the owner, developer, and any successors and/or assigns of them.

6. The applicant shall obtain approval from any other county, state or municipal agency having jurisdiction over the application, including, but not limited to, the Camden County Board of Health, the Camden County Planning Board, Camden County Soil Conservation District, New Jersey Department of Transportation.

7. The applicant has submitted certain plans and documents which were accepted by the Board as part of its application and further made certain representations and provided testimony at the time of the public hearing, all of which has been relied upon by the Board in making its determination. Should there be any material deviation from said documents, plans, representations or testimony or from any conditions contained herein, then the Board may, upon notice to the applicant and an opportunity to be heard, elect to rescind its approval.

8. The applicant is hereby advised that this application and plan have not been reviewed for conformance with the Americans With Disabilities Act (ADA). It is the responsibility of the applicant/owner to conform to said legislation.

9. This minor subdivision approval shall elapse unless within one hundred and ninety (190) days from the date the approval has been granted, the applicant either filed a plat in conformity with the approval, and the "Map Filing Law" (N.J.S.A. 46:23-99 et seq.) or records a Deed with the County Clerk which clearly describes the approved minor subdivision and files a copy of the Deed with the Borough's Engineer and the Borough's Tax Assessor. Such Deed shall also be signed by the Chairman and Secretary of the Board.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to the applicant, Borough Clerk, Borough Construction Official, Borough Tax Assessor and Borough Zoning Administrative Officer.

BE IT FURTHER RESOLVED, that a notice of the adoption memorialized hereunder be published and such notice together with a copy of the report shall be forwarded to the Camden County Planning Board.

BOROUGH OF TAVISTOCK

JOSEPH DEL DUCA, Chairman

ATTEST:

DENISE K. MOULES, Board Secretary

CERTIFICATION

The foregoing Resolution was duly adopted at a meeting of the Board on December 28, 2021.

DENISE K. MOULES, Board Secretary

Roll Call Vote:

	Yes	No	Abstain	Absent
Mayor Del Duca				
Commissioners Mack-Allen				
Commissioner Del Duca				