

Resolution No: 2018-07

**RESOLUTION OF THE COMBINED PLANNING/ZONING BOARD OF
ADJUSTMENT OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER,
STATE OF NEW JERSEY, GRANTING A 90-DAY EXTENSION OF TIME IN
WHICH TO PERFECT A PREVIOUSLY GRANTED FINAL MAJOR
SUBDIVISION APPROVAL, REGARDING PROPERTY LOCATED AT HUGHES
DRIVE AND VIVIAN LANE OFF OF BUCK ROAD (CR 553), TO WEONA POND,
LLC, REGARDING PROPERTY BEING FURTHER SHOWN ON THE TAX
MAPS OF THE TOWNSHIP OF ELK AS BLOCK 44, LOT 1,
APPLICATION NO. AD-18-03**

WHEREAS, Application No.: SD-10-01 (the "Application") had been filed with the Combined Planning/Zoning Board Adjustment of the Township of Elk, County of Gloucester, State of New Jersey (the "Board") by Weona Pond, LLC (the "Applicant") regarding a request for the Board to grant two one-year extensions to perfect a previously approved Final Major Subdivision approval regarding property located on Hughes Drive and Vivian Lane off of Buck Road (CR 553), (the "Subject Property"), and being further shown as Block 44, Lot 1 on the Tax Maps of the Township of Elk (the "Township"); and

WHEREAS, Applicant's Application No.: SD-10-01 was heard by the Board and approved on September 21, 2016, and was memorialized by the Board on October 19, 2016 by way of the Board's adoption of Resolution No. 2016-22, with said two one-year extensions to run until January 15, 2017; and

WHEREAS, thereafter, did the Applicant, by way of a letter Application (Application No. AD-17-03) from Applicant's attorney dated January 17, 2017, request a final one-year extension of time in which to perfect it's Application, said time to run until January 14, 2018, which request was heard and approved by the Board on February 15, 2017, by way of the adoption of Resolution No.. 2017-09; and

WHEREAS, thereafter, did the Applicant, by way of a letter Application (Application No. AD-18-03) from Applicant's attorney dated January 11, 2018, cite specific information that the Applicant, through delays in getting County Planning Board approval, plans signed, and satisfying the performance guarantee, was unable to perfect the previously granted Final Major Subdivision approval, and requested an extension of sixty (60) days pursuant to N.J.S.A. 40:55D-52.d., in which to finalize all outstanding matters; and

WHEREAS, the Board, having reviewed background information with respect to the Application, and still pending issues pertaining to same, deemed that, for good cause shown, an extension of ninety (90) days would be more appropriate, to give the Applicant ample time to complete all outstanding matters;

NOW, THEREFORE BE IT RESOLVED by the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, as follows:

1. The Applicant's letter Application dated January 11, 2018 was complete, entered into the record, and properly before the Board.

2. The Board reviewed the facts of the Application, the prior history associated with same, and determined that the Applicant acted with all due diligence and in good faith in attempting to satisfy all outstanding requirements regarding its previously granted Major Subdivision approval, within the time limits imposed by law but, despite its due diligence, exercised in good faith, could not do so due to circumstances beyond its control. In addition, the Board concluded that to provide adequate time for the Applicant to complete all outstanding requirements in order to perfect its prior Major Subdivision approval, that an extension of 90 (ninety) days would be appropriate.

7. The hearing on the Application was open to the public, at which time no member of the public present spoke either in favor of or opposed to the request.

CONCLUSIONS

The Board concluded that based on the representations made by Counsel for the Applicant by way of his letter of January 11, 2018, and based on the information previously received by the Board regarding the past approvals granted, it is apparent that the Applicant had promptly and diligently pursued all outside agency approvals and requirements, but was unable to perfect the final major subdivision approval within the time period permitted by law despite its best efforts, pursued in a timely manner. Accordingly, the Board finds that the Applicant's request for a sixty (60) day extension shall be amended to a ninety (90) day extension, until April 15, 2018, and should be granted based on information before the Board, and the representations made by Counsel for the Applicant.

CONDITIONS

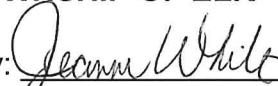
The Applicant shall remain obligated for any and all other conditions, understandings, approvals, agreements, and stipulations made by the Board, as were previously set forth in any and all prior resolutions of approval granted with

respect to the Applicant and the development proposed on the Subject Property, that are not otherwise inconsistent with the approval granted herein.

WHEREUPON, a motion was made by Board member White, which was seconded by Board member Schmidt, to grant the Applicant a ninety (90) day extension to permit finalization of the requirements of the previously granted final major subdivision approval, said extensions to run until April 15, 2018, at a meeting following a public hearing held on the Applicant's request on January 17, 2018 at 7:30 PM, time prevailing, with the following Board members voting in favor of the motion to grant approval: Poisker, Clark, Hughes, Nicholson, Shoultz, White, Schmidt, McKeever, Afflerbach. Board members Goss (Alternate # 1) and Swanson (Alternate # 2) were present and participated in the hearing but did not vote as there was a full quorum of the Board present and voting. There were no votes in the negative, and no abstentions or recusals.

THIS RESOLUTION WAS ADOPTED at a regularly scheduled meeting of the Combined Planning/Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey, on February 21, 2018 as a memorialization of the approval granted in the above referenced matter by the Board at the Board's its regularly scheduled meeting held on January 17, 2018 on the above referenced Application.

**COMBINED PLANNING/ZONING
BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF ELK**

By: 
JEANNE WHITE, Chairperson

ATTEST:

By: 
ANNA FOLEY, Secretary

CERTIFICATION

I hereby certify that the foregoing resolution is a true copy of a resolution adopted at a regularly scheduled meeting of the Elk Township Combined Planning/Zoning Board of Adjustment, County of Gloucester, State of New Jersey held on the 21st day of February 2018 at the Township Municipal Building, 680 Whig Lane, Monroeville, N.J. 08343 at 7:30 PM, time prevailing, as a memorialization of the action taken by the Board at the Board's meeting and public hearing held on January 17, 2018 on the above cited Application.


ANNA FOLEY, Secretary