

**RESOLUTION
TOWNSHIP OF KNOWLTON
PLANNING BOARD
In the Matter of Gary Osmun
Application #PB 14-001
Minor Subdivision Approval
Decided on September 23, 2014
Memorialized on November 25, 2014
Minor Subdivision Approval Amended and Restated
Decided on July 24, 2018
Memorialized on August 28, 2018**

WHEREAS, Gary Osmun has made application to the Knowlton Township Planning Board for minor subdivision approval for property known as Block 68, Lots 27.01 and 27.02, as shown on the Tax Map of the Township of Knowlton, located on 143 Knowlton Road, in the FP/Farmland Preservation Zone; and,

WHEREAS, a public hearing was conducted on June 26, 2018, at which the Board determined it had jurisdiction, and an additional public hearing was conducted on July 24, 2018;

NOW, THEREFORE, the Planning Board makes the following findings of fact, based on evidence presented at its public hearing, at which a record was made.

Gary Osmun appeared along with the project engineer, Thomas G. Knutelsky, seeking a lot line adjustment/minor subdivision to correct the placement of a property corner located within the driveway on Lot 27.01. A previous resolution memorialized in 2004 set a property line corner at the edge of the driveway and this application proposes moving the corner 13 feet in a northwesterly direction along the existing frontage on Knowlton Road. The proposal is to swap an equal size area from Lot 27.02 and exchange it with Lot 27.01 so the total square footage of both lots will remain the same. The even swap of lot area is simply a lot line adjustment that minimally changes the shapes of the lots.

Moreover, the applicant presented a 2008 consent order issued under seal by the Honorable Harriet Derman, presiding judge of the Superior Court Chancery Division, Warren County, that vested title in the applicant to a certain area of questionable title, as shown on the "Minor Subdivision Plan Proposed Lot Line Adjustment" plan prepared by Mr. Knutelsky, and the Board attorney was satisfied that the vesting of title was duly-issued and valid, and the appeal period for same had passed.

A report from the Board Engineer, Rodman Associates, dated June 20, 2018, was considered by the Board in its deliberations and the applicant satisfied the Board's and engineer's inquiries on each item identified..

The Board also reviewed the issue of the nearby Category 1 stream and heard testimony from the applicant and his engineer that the applicant will honor and abide by all riparian setback requirements in the Flood Hazard Control Act buffer at the time he undertakes to develop the property and, in particular, the proposed driveway.

There were no members of the public present expressing an interest in this application.

NOW, THEREFORE, the Planning Board hereby makes the following conclusions of law, based upon the foregoing findings of fact.

In reviewing the application, plans and testimony, the Board finds that applicant has met the minimum requirements of the Municipal Land Use Law to be granted minor subdivision relief. The Board finds that the lots conform to the minimum subdivision standards, lot size and constitutes reasonable planning.

The Board is satisfied that the land swap proposed as part of this application is appropriate to be granted minor subdivision relief. The lot sizes remain the same and the subdivision is contemplated in order to correct an error in the placement of a property corner. The Board expressed some concerns regarding the riparian buffer and conditions set forth in the previous resolution. The applicant indicated a willingness to comply with all previous conditions of the 2004 resolution, as well as NJDEP requirements.

A motion was made by Board Member Dale Glynn, seconded by Board Member Kathy Cuntala, to grant minor subdivision approval and any associated relief necessary for approval of the application.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board, that the application of Gary Osmun, for Block 68, Lots 27.01 & 27.02, as shown on the Tax Map of the Township of Knowlton, requesting a lot line adjustment/minor subdivision, is granted, pursuant to N.J.S.A. 40:55D-47, subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with the plans submitted and approved.
2. This approval is granted strictly in accordance with the plat prepared by Harold E. Pellow & Associates, Inc., dated May 2018, as amended by this approval.

3. The deeds recorded memorializing this subdivision shall contain the following recital:

This Deed is made pursuant to Minor Subdivision Approval granted by the Knowlton Township Planning Board on July 24, 2018, and memorialized by resolution dated August 28, 2018. The minor subdivision is subject to any conditions imposed by that resolution and is perfected by the recordation of this Deed pursuant to N.J.S.A. 40:55D-47.

Board Chairman

Board Secretary

The applicant shall record the deeds within 190 days after memorialization or **April 3, 2019**. Failure to do so shall render this approval null and void.

4. Applicant shall prepare and submit to the Board for the Engineer's and Attorney's review and approval deeds with legal descriptions (metes and bounds) of all proposed conditions, including slope and drainage easements, required as part of this approval. Applicant shall concurrently provide a title report or attorney opinion letter stating that any easements the municipality is to be deeded, if any, are free and clear of all liens, mortgages and encumbrances, as determined by the Board Attorney.

5. As a condition subsequent, submission of revised plans regarding the labeling of lot lines are required, pursuant to the Board Engineer's June 20, 2018, review letter.

Revisions to plans shall be accompanied by a letter from the Applicant's professionals detailing the revisions made to the plan to the Township Engineer's review letter by item number and where on each sheet of the plans the revision(s) was made.

6. The applicant is bound to comply with the representations made to the Board by the applicant and applicant's professionals.

7. The applicant shall submit to the Board Engineer and Board Attorney a driveway maintenance agreement for review and approval, prior to the Deeds being signed. The agreement shall specify applicant will submit to and abide by all laws, regulations and ordinances applicable to the project as well as riparian/flood hazard setback requirements administered by the NJDEP upon build-out of the driveway.

8. The applicant shall obtain Township and County driveway permits.

9. The applicant shall comply with conditions of the previous resolution, including conditions #8, 9 and 10, regarding the driveway and mitigation measures.

10. Warren County Planning Board review and/or approval, if required. Any substantial deviations from the plans shall require return to this board for review.

11. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of any request by the Board's Secretary.

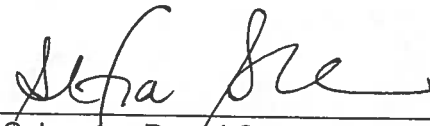
12. Certificate that taxes are paid to date of approval.

13. All terms and conditions of the Board's previous approval, except as satisfied or amended, shall remain in full force and effect.

14. Any condition without a specific time limit shall be complied with within six months of the date of this resolution's memorialization.

15. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Knowlton, County of Warren, State of New Jersey, or any other jurisdiction.

The undersigned secretary certifies the within resolution was adopted by this Board on July 24, 2018, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on August 28, 2018.



Alfia Schemm, Board Secretary

FOR: 7

AGAINST: 0

ABSTAIN: 2 Cost

Board Members Eligible to Vote:

Taylor; Cuntala; Murray; Smith; Prosser; Starrs; Drake; Glynn; Tironi