

## **RESOLUTION**

### **TOWNSHIP OF HOWELL PLANNING BOARD RESOLUTION OF MEMORIALIZATION MONMOUTH COUNTY, NEW JERSEY EXTENSION OF TIME**

**Approved: November 2, 2023  
Memorialized: December 14, 2023**

**MATTER OF: FREDERICK J. HARE**

**APPLICATION NO. SD-3002**

**WHEREAS**, an application for an extension of minor subdivision approval has been made to the Howell Township Planning Board (hereinafter referred to as the “Board”) by Frederick J. Hare (hereinafter referred to as the “Applicant”) on lands known and designated as Block 39, Lot 7 as depicted on the Tax Map of the Township of Howell (hereinafter “Township”), and more commonly known as 94 Porter Road in the ARE-2 (Agricultural Rural Estate-2) Zone; and

**WHEREAS**, a public hearing was held before the Board on November 2, 2023 with regard to this application; and

**WHEREAS**, the Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; and

**WHEREAS**, a complete application has been filed, the fees as required by Township Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

**NOW, THEREFORE**, does the Howell Township Planning Board make the following findings of fact and conclusions of law with regard to this application:

1. The subject Property contains 5.16 acres with 280 feet of frontage along the southern side of Porter Road within the ARE-2 Zone District. The subject Property is located approximately 1,200 feet west of the Porter Road and Lakewood-Allenwood

Road Intersection. The subject Property is improved with a 1 ½ story dwelling with gravel driveway, shed, and storage container. The remainder of the lot is completely unimproved and wooded with Haystack Brook meandering through the rear yard. Access to the subject Property is provided from Porter Road via a gravel driveway. The existing dwelling is serviced by private well and septic systems.

2. The Applicant received minor subdivision approval from the Planning Board which was memorialized in a Resolution dated September 15, 2022, to subdivide the subject Property into two new lots. Proposed Lot 7.01 was to be the eastern lot and contain 2.51 acres, and retain all of the existing site improvements, including the single-family dwelling. Proposed Lot 7.02 was to be the western lot and contain 2.66 acres and be developed with a new single-family dwelling.

3. The Applicant is now requesting a 190-day extension of time of the minor subdivision approval.

4. Counsel for the Applicant, John J. Jackson III, Esq., stated that the Applicant had received minor subdivision approval which was memorialized in a Resolution dated September 15, 2023. He explained that the Applicant had 190 days to perfect the subdivision, however the Applicant had faced delays in obtaining outside agency approvals within that time frame. Mr. Jackson specifically stated that the Applicant had only received a Letter of Interpretation (LOI) regarding wetlands from NJDEP in August 2023. He explained that the Applicant was seeking a 190-day extension of time in order to perfect the subdivision by Deed which would include a conservation easement.

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

6. The Board has received, reviewed and considered various exhibits and reports with regard to this application. Those exhibits and reports are set forth on the attached Exhibit List, and all exhibits and reports as set forth on said Exhibit List have been incorporated herein in their entirety.

**WHEREAS**, the Howell Township Planning Board, having reviewed the proposed application and having considered the impact of the proposed application on the Township and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Township of Howell; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant's request for an extension of time pursuant to N.J.S.A. 40:55D-47 should be granted for an additional 190 days.

The Board finds the Applicant has diligently pursued all outside agency approvals and is now prepared to move forward. The Board, therefore, finds that a 190-day extension of time is appropriate. The Applicant therefore may be granted a 190-day extension of time.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Township of Howell on this 14<sup>th</sup> day of December, 2023 that the action of the Planning Board taken on November 2, 2023 granting application no. SD-3002 of Frederick J. Hare, for a 190-day extension of minor subdivision approval pursuant to N.J.S.A. 40:55D-47 is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. All terms of the previous approvals remain in full force.
2. The Applicant is granted a 190-day extension of time.

3. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
4. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Howell, County of Monmouth, State of New Jersey or any other jurisdiction.

**BE IT FURTHER RESOLVED** that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant's expense and to send a certified copy of this Resolution to the Applicant and to the Township clerk, engineer, attorney and tax assessor, and shall make same available to all other interested parties.

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Paul Boisvert, Chairman  
Howell Township Planning Board

ON MOTION OF:

SECONDED BY:

ROLL CALL:

YES:

NO:

ABSTAINED:

ABSENT:

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Howell Township Planning Board, Monmouth County, New Jersey at a public meeting held on December 14, 2023.

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Eileen Rubano, Secretary  
Howell Township Planning Board

## **NOTICE**

PLEASE TAKE NOTICE THAT ON NOVEMBER 2, 2023 THE PLANNING BOARD OF THE TOWNSHIP OF HOWELL GRANTED A 190-DAY EXTENSION OF MINOR SUBDIVISION APPROVAL TO FREDERICK J. HARE REGARDING BLOCK 39, LOT 7, AS DEPICTED ON THE TAX MAP OF THE TOWNSHIP OF HOWELL, AND MORE COMMONLY KNOWN AS 94 PORTER ROAD, HOWELL TOWNSHIP, MONMOUTH COUNTY, NEW JERSEY, APPLICATION NUMBER SD-3002. MAPS AND ACCOMPANYING DOCUMENTS ARE AVAILABLE FOR REVIEW IN THE OFFICE OF THE PLANNING BOARD, HOWELL TOWNSHIP MUNICIPAL BUILDING, 4567 ROUTE 9 NORTH, HOWELL, NEW JERSEY.

FREDERICK J. HARE