

RESOLUTION

**TOWNSHIP OF HOWELL PLANNING BOARD
RESOLUTION OF MEMORIALIZATION
MONMOUTH COUNTY, NEW JERSEY
WAIVER OF SUBMISSION REQUIREMENTS**

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

MATTER OF: BESADAR, LLC

APPLICATION NO.: SD-3013

WHEREAS, an application for preliminary and final major subdivision approval has been made to the Howell Township Planning Board (hereinafter referred to as the “Board”) by Besadar, LLC (hereinafter referred to as the “Applicant”), on lands known and designated as Block 76, Lots 33 & 34 as depicted on the Tax Map of the Township of Howell (hereinafter “Township”), and more commonly known as 57 Church Road in the ARE-2 (Agricultural Rural Estate 2) Zone; and

WHEREAS, the Applicant has requested submission waivers from the Checklist requirements; and

WHEREAS, the Applicant appeared at the Board’s meeting on November 2, 2023 with regard to this application; and

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

WHEREAS, an 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 Properties are comprised of two (2) lots and contain a total of 16.7 acres with 533 feet of frontage along the southern side of Church Road within the ARE-2 Zone. The subject Property is currently improved with a two-story dwelling with a U-shaped driveway from Church Road, pool, second story deck, concrete patio and walks, a dirt drive with stone driveway from Church Road that ends towards the center of the tract, 4 foot high wire fences, and six (6) barns.

2. The Applicant is proposing to clear +/-2.12 acres of wooded area, remove all existing improvements except for the dwelling and driveway, and subdivide the existing tract into seven (7) total lots and construct a new public road with a cul-de-sac. Proposed Lots 1, 2, and 6 will be nearly identical lots, 1.00 acre in size with 230 feet of frontage along the proposed road. Proposed Lots 3, 4, and 5 will have a triangular shape and be located around the cul-de-sac containing 1.12, 1.10, and 1.12 acres in size with 125, 52, and 125 feet of frontage along the proposed road, respectively. Proposed Lot 7 will satisfy the ARE-2 Open Lands subdivision requirement and will contain 9.19 acres and retain the existing dwelling and open space for farming. Proposed Lots 1 through 6 will all be improved with new two-story, 40 feet by 50 feet dwellings with associated asphalt driveway, concrete walk, well, and 25 foot by 50 foot septic system in the front yard. Stormwater management will be addressed by two (2) hydraulically connected above-ground basins with one located on Lot 1, Lot 6 and Lot 7. Additional improvements include fencing around the basins, street signage, landscaping, and lighting.

3. Counsel for the Applicant, John Lowenberg, Esq., represented that the Applicant was seeking several submission waivers from the checklist items identified in the Board Engineer's Report dated October 12, 2023.

4. The Applicant has requested submission waiver relief from the following requirements:

- a. ***Checklist Item #4*** – Previous Planning and/or Zoning Board approvals.
- b. ***Checklist Item #5*** – Utilities Department filing and review fee.
- c. ***Checklist Item #16*** – Traffic Report
- d. ***Checklist Item #17*** – Proposed written descriptions including metes and bounds for all easements.
- e. ***Checklist Item #20*** – Architectural Plans
- f. ***Checklist Item #32*** – Name, address, phone number and email of the Owner.
- g. ***Checklist Item #33*** – Phone number and email of the Applicant.
- h. ***Checklist Item #45*** – Name, address, phone number and email of the Owner.
- i. ***Checklist Item #46*** – Email of the Applicant
- j. ***Checklist Item #52*** – Use designation of all lots within 200 feet.
- k. ***Checklist Item #57*** – Location of wetlands, floodplains, etc.
- l. ***Checklist Item #58*** – Location of flood hazard area.
- m. ***Checklist Item #60*** – 2,000 foot downstream drainage analysis
- n. ***Checklist Item #65*** – Location of existing and proposed wells and septic systems.
- o. ***Checklist Item #66*** – Location of other existing and proposed utility lines including connection points (gas and electric)
- p. ***Checklist Item #67*** – Width of all existing streets (Church Road)
- q. ***Checklist Item #70*** – Use of existing and proposed buildings by floor area.
- r. ***Checklist Item #83*** – Traffic Signal Plan & Public Entrance Plan.
- s. ***Checklist Item #86*** – Maintenance and Protection of Traffic.

5. The Board Engineer testified that her Report dated October 12, 2023 listed several checklist submission items. The Board Engineer recommended that the Applicant submit Checklist Item #60. She also stated that the Applicant would have to submit Checklist Items #32 and #33 in the future as part of perfecting the subdivision. She explained that for the purpose of deeming the Application complete, she recommended granting the submission waivers for the remaining above-referenced checklist items. Mr. Lowenberg agreed to submit Checklist Item #60.

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 submission waiver requests may be granted.

The Board finds that the Applicant is seeking preliminary and final major subdivision approval. The Board finds that the Applicant has submitted a substantial amount of information and that it has sufficient information to begin the hearing process. The Board also finds that the Applicant had agreed to submit Checklist Item #60 prior to the public hearing and to submit Checklist Items #32 and #33 at a later time. Submission waiver relief is therefore appropriate.

The Board reserves the right to request additional information at the time of the hearing.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Howell on this 14th day of December 2023 that the action of the Planning Board taken on November 2, 2023, granting Application No. SD-3013 of Besadar, LLC submission waiver relief is hereby memorialized as follows:

1. The following submission waiver relief is granted:
 - a. **Checklist Item #4** – Previous Planning and/or Zoning Board approvals.
 - b. **Checklist Item #5** – Utilities Department filing and review fee.
 - c. **Checklist Item #16** – Traffic Report
 - d. **Checklist Item #17** – Proposed written descriptions including metes and bounds for all easements.
 - e. **Checklist Item #20** – Architectural Plans
 - f. **Checklist Item #32** – Name, address, phone number and email of the Owner.
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 - o. **Checklist Item #67** – Width of all existing streets (Church Road)
 - p. **Checklist Item #70** – Use of existing and proposed buildings by floor area.
 - q. **Checklist Item #83** – Traffic Signal Plan & Public Entrance Plan.
 - r. **Checklist Item #86** – Maintenance and Protection of Traffic.
2. The Applicant shall provide the following checklist items:
 - a. **Checklist Item #60** – 2,000 foot downstream drainage analysis

3. The Applicant shall provide a certificate that taxes are paid to date of approval.
4. Payment of all fees, costs, escrows due and to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
5. 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 send a certified copy of this Resolution to the Applicants and to the Township Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.

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.

Eileen Rubano, Secretary
Howell Township Planning Board