

**FLORENCE TOWNSHIP PLANNING BOARD**

**RESOLUTION NO. P.B.-2019-15**

*Application PB#2019-10*

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF  
DAVID BOUDWIN  
FOR BLOCK 171.02, LOTS 16 and 17  
AGR- AGRICULTURAL ZONING DISTRICT  
MINOR SUBDIVISION  
(LOT LINE ADJUSTMENT)  
w/ BULK VARIANCE  
EXTENSION of APPROVAL**

**Decided: August 27, 2019**  
**Resolution Memorialized: September 24, 2019**

**WHEREAS**, by way of its Resolution 2018-12 dated May 22, 2018 the Florence Township Planning Board granted approval to David Boudwin for minor subdivision approval (a lot line adjustment) to reconfigure Lots 16 and 17 of Block 171.02 located at 32 and 34 Fountain Boulevard in order to alleviate an encroachment of the existing dwelling on Lot 16 onto Lot 17;

**WHEREAS**, by statute (NJSA 40:55D-47), such minor subdivisions must be perfected by filing of subdivision deeds or a subdivision plat signed by Planning Board Chair and Secretary in the Office of the County Clerk, the municipal engineer and the tax assessor within 190 days of the approval, and through misunderstanding and misadventure, Mr. Boudwin (who had prosecuted the application pro se) did not file the proper deeds within the prescribed time;

**WHEREAS**, the relevant statute also authorizes the Planning Board to grant extensions of time for filing of subdivision deeds and plats, and Mr. Boudwin has requested such an extension from the Board;

**WHEREAS**, the requested minor subdivision approval would result in proposed Lot 16 being .57 acres and proposed Lot 17 being .67 acres;

**WHEREAS**, the applicant is the owner of Lot 17, the owners of Lot 17, Joseph and Joyce Zahorsky consented to the making of the application, and the applicant therefore has standing to bring this matter before the Board;

**WHEREAS**, upon a finding by the Board that the applicant had mailed and published proper notices of hearing, and that jurisdiction was therefore proper in the Board, the Board opened a public hearing on the application, and Mr. Boudwin appeared *pro se*, was sworn, and offered his testimony in support of the extension request;

**WHEREAS**, there have been no changes in the applicable development regulations since the Board grant of approval under its Resolution 2018-12;

**WHEREAS**, no public comment was offered on the application.

**NOW, THEREFORE, BE IT RESOLVED** by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of David Boudwin seeking an extension of time for perfection of the minor subdivision (lot line adjustment) approval to reconfigure Lots 16 and 17 of Block 171.02 located at 32 and 34 Fountain Boulevard in order to alleviate an encroachment of the existing dwelling on Lot 16 onto Lot 17, be and hereby is, **GRANTED**, subject to the following conditions:

1. All conditions of the approval granted under resolution 2018-12 shall remain in full force and effect except as expressly modified herein;
2. The extension of time for perfection of the minor subdivision approval hereby granted shall run for 190 days from the date hereof.
3. All taxes and escrow fees for professional review must be paid current and in full.
4. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of

this development, including but not limited to: Burlington County Planning Board. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board.

5. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
6. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
7. Perfection of this approval shall be by filing of appropriate deeds. The applicant shall submit the legal descriptions to the Board Engineer, and the deeds to the Board Solicitor for their review and approval.
8. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not perfect this approval within 190 days of the date hereof (or such extended date as may be provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

**MOTION TO APPROVE:**

Moved by : Mr. Pagano  
 Seconded by : Mr. Montgomery,  
 In Favor : Mr. Pagano, Mr. Montgomery, Councilman Lovenduski,  
 Mr. McCue, Mr. Morris, Mayor Wilkie, Vice Chair Garganio

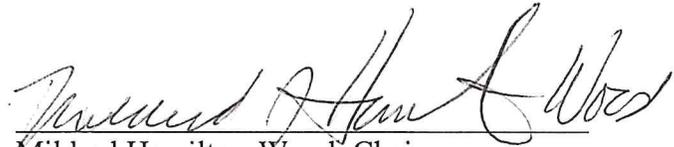
Opposed : None  
 Abstained : None  
 Recused : None  
 Absent : Chair Hamilton-Wood

**MOTION TO ADOPT RESOLUTION:**

Moved by : Vice Chair Garganio  
 Seconded by : Councilman Lovenduski  
 In Favor : Vice Chair Garganio, Councilman Lovenduski, Mr. McCue,  
 Mr. Montgomery, Mr. Pagano, Mayor Wilkie

Opposed : None  
 Abstained : None  
 Absent : Mr. Morris

**FLORENCE TOWNSHIP PLANNING BOARD**

Dated: 9/24/19   
 Mildred Hamilton-Wood, Chair

**CERTIFICATION**

**BE IT REMEMBERED** that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on September 24, 2019 and memorializes a decision taken by the Board on August 27, 2019.

Dated: 9/24/19   
 Wayne Morris, Secretary (Acting)  
 Ray Montgomery