

HAMILTON TOWNSHIP ZONING BOARD OF ADJUSTMENT

RESOLUTION OF MEMORIALIZATION

RESOLUTION, DULY ADOPTED BY THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF HAMILTON AT A MEETING HELD ON SEPTEMBER 11, 2007, IN REGARD TO:

APPLICATION NO: 05-02-011A

OWNER/APPLICANTS: Crestwood Construction, LLC

LOCATION: Yardville Hamilton Square Road, Hamilton Township, New Jersey, Map 213; Section 2173; Lot 21

ZONE: RD

GRANTING APPLICATION FOR: Final Site Plan Approval for Phase Two of "Twin Ponds" mixed use development for the purpose of constructing Two, One-Story Commercial Buildings (7,000 s.f. building and a 10,000 s.f. building)

WHERE AS, the Applicant has applied for Final Site Plan Approval for Phase Two of the "Twin Ponds" mixed use development for the purpose of constructing Two Commercial Buildings.

WHERE AS, the property is zoned RD and is an existing lot located on Yardville Hamilton Square Road, Hamilton Township, New Jersey, Map 213; Section 2173; Lot 21; and

WHERE AS, the matter was heard before the Hamilton Township Zoning Board of Adjustment at a regularly scheduled hearing held on August 14, 2007 at which time John Kline testified on behalf of the Applicant; and

WHERE AS, Daniel J. Graziano, Jr., Esq. represented the Applicant; and

WHERE AS, the subject matter of the Application was within the jurisdiction of the Board and the Board acted with the time required by law; and

WHERE AS, the meeting was properly noticed in accordance with the Municipal Land Use Law and the Open Public Meetings Act; and

WHERE AS, The Application was deemed complete by the Division of Planning and Engineering of the Township of Hamilton; and

WHERE AS, the meeting was open to the public; and

WHERE AS, Robert Poppert, Principal Planner, and Richard Williams, Assistant Township Engineer, testified on behalf of the Township; and

WHERE AS, a previous resolution was granted by the Hamilton Township Zoning Board of Adjustment on June 14, 2005, granting Final Site Plan Approval for Phase One of the Development, and Preliminary Site Plan approval for Phase Two, and Three of the development;

NOW, THEREFORE, the Hamilton Township Zoning Board of Adjustment makes the following Findings of Fact and Conclusions of Law with respect to the above-entitled Application:

1. The property is zoned RD and is an existing lot located on Yardville Hamilton Square Road, Hamilton Township, New Jersey, Map 213; Section 2173; Lot 21.

2. The Zoning Board of Adjustment for the Township of Hamilton shall retain jurisdiction of this matter for purposes of Reviewing Final Site Plan Approval for Phase Three of the Development.
3. The Divisions of Engineering and Planning reviewed the application and find it complete.
4. The Applicant has submitted proof of service of notice and proof of publication.
5. The Zoning Board of Adjustment has jurisdiction to hear this matter.
6. Based on the foregoing, the Zoning Board does not see any detriment in granting Final Site Plan Approval for Phase Two with the conditions stated above and in the professional's reports.
7. The Board finds that the application is complete.
8. The Board finds that the application can be approved with the recommendations made by the Township Professionals and all terms and conditions of the Hamilton Township Zoning Board of Adjustment Resolution adopted on June 14, 2005; since the Development Application meets the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-70 (c)(1) is without substantial detriment to the public, and without substantial impairment for the intent and purpose of the master plan and Zoning Ordinance.


9. The Board further finds that Development Application is not detrimental to the neighborhood, and the benefits conferred by the application substantially outweigh any detriment to the neighborhood.
10. The application is granted subject to the following conditions:
 - a. Any and all local, county, and state approvals that are applicable must be obtained by the Applicants.
 - b. Compliance with all conditions set forth in the reports prepared by the Hamilton Township Division of Planning dated July 23, 2007, Hamilton Township Division of Engineering, as well as the testimony of the Township Professionals at the Board Hearing, as set forth in this resolution.
 - c. Compliance with all representation made by the Applicant at the Board Hearings of May 24, 2005 and August 14, 2007.
 - d. Compliance with all terms and conditions of the Hamilton Township Zoning Board of Adjustment Resolution adopted on June 14, 2005

RESOLUTION

BE IT RESOLVED, By The Zoning Board of Adjustment of the Township of Hamilton, County of Mercer, and State of New Jersey, that the foregoing Findings of Fact and Conclusions of Law are hereby adopted with respect to the above-entitled Application; and


BE IT FURTHER RESOLVED, that the Application be and hereby is approved in accordance with the testimony of the Applicant and subject to the conditions stated above and that the Applicant must comply with the ordinance, rules, and regulations of the Township Zoning Ordinance; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution and the Finding of Fact and Conclusion of Law be sent to the Applicant, the Township Clerk, the Township Building Inspector and any others who request a copy of the decision.

By: 
Cheryl Durelli, Secretary

CERTIFIED to be a true copy of a Resolution adopted by the Hamilton Township Zoning Board of Adjustment at a regular meeting held at the Municipal Building on the

11th day of September, 2007.

By: 
Cheryl Durelli, Secretary