

**Resolution # 2024 - 09**

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING BULK VARIANCE RELIEF TO FILIPPO CAMMARATA FOR 149 RAILROAD AVENUE IN MONROEVILLE, NEW JERSEY, BLOCK 35, LOT 4.01**

Application No.: ZB-24-01

Approval

C Variance

Applicant: Filippo Cammarata

May 15, 2024

**BE IT RESOLVED**, by the Combined Planning and Zoning Board of Adjustment of the Township of Elk, County of Gloucester, State of New Jersey (“the Board”) that:

**WHEREAS**, the Applicant Filippo Cammarata (“the Applicant”) has filed an application to the Board for the property known as 179 Railroad Avenue, Monroeville, New Jersey otherwise known as Block 35, Lot 4.01 on the Tax Map of the Township of Elk; and

**WHEREAS**, the Applicant has provided the required public notice of this application; and

**WHEREAS**, the application was subject to a public hearing on April 17, 2024; and

**WHEREAS**, Filippo Cammarata testified in support of the application that seeks variance relief for an accessory structure side setback for a 584 SF shed installed as an accessory structure to a single family home. The property in the RE Rural Environmental Residential Zone requires a minimum accessory structure side setback of 20 ft. where 18.92 ft. is proposed. The application meets all other zoning ordinance requirements.

Ms. Cammarata further testified the shed was installed withing the setback due to an error in determining the property line, resulting in a 1.08 ft. intrusion into the required setback. The property is unique in that a wetlands buffer renders roughly 75% of the property ineligible for development. Moving the shed to comply with the setback would result in the removal of a tree and would compromise the location of an existing well-head. This presents a hardship for the Applicant to comply with the zoning requirements as it relates to the minimum accessory structure side setback.

Mr. Cammarata further testified the shed is a minimum of 300 ft. away from the closest structure on the neighboring property. The shed will not interfere with the any light, air or open space. The 1.8 ft. relief requested for the setback is de minimus in nature. The relief requested presents no substantial detriment to the public good; and

**WHEREAS**, the application was subject to public comment and no members of the public testified; and

**WHEREAS**, the Board finds that a hardship exists pursuant to N.J.S.A. 40:55D-70(c) with regard to the current conditions on the lot and find that the granting of the variance will not be a detriment to the public good or substantially impair the intent of the zone plan and zoning ordinances; and

**WHEREAS**, after considering all the evidence and testimony presented on behalf of the application, the Board made the following findings of fact:

1. The subject property is residential lot in the property in the RE Rural Environmental Residential Zone. The Applicant requests variance relief for a 584 SF

shed installed as an accessory structure to a single family home. A minimum accessory structure side setback of 20 ft. is required where 18.92 ft. is proposed.

2. The Board finds by reason of the extraordinary and exceptional situation uniquely affecting this piece of property and the structures lawfully existing thereon, the strict application of the minimum lot size ordinance results in peculiar and exceptional practical difficulties to the Applicant. The Board finds that the variance can be granted without a substantial detriment to the public good and will not be detrimental to the zone plan or zoning ordinance.

3. The matter was open to the public and no members of the public testified; and

**WHEREAS**, the Board finds the Applicants have met their burden in order to grant the C Variance relief requested.

**NOW THEREFORE BE IT RESOLVED** that the Board specifically adopts the preamble of this Resolution as its findings of fact, and conclusions of law, and has relied upon these findings in the decision rendered by the Board; and

**BE IT THEREFORE FURTHER RESOLVED** by the Combined Planning and Zoning Board of Adjustment of the Township of Elk on this **15<sup>th</sup> day of May 2024**, that the Board hereby grants the application of Filippo Cammarata for variance relief pursuant to N.J.S.A. 40:55D-70(c) subject to the following conditions:

1. The Applicants shall comply with the recommendations of the Township Planner and/or Township Code Enforcement Officer contained in reports submitted to

the Board to the extent that the reports do not conflict with any other conditions contained herein, and shall submit revised plans, if necessary, in accordance with reports.

2. The Applicants shall comply with all representations made by or on behalf of the Applicants during the public hearing.

3. The Applicants shall pay all taxes, fees and required escrows deposits which may be due and owing.

4. The Applicants shall secure any and all other approvals, licenses and permits required by any of the Board, Agency, or entity having jurisdiction over the subject application or over the subject property.

**BE IT FURTHER RESOLVED** that all representations, commitments and agreements made by the Applicant or its representatives at the hearing in this matter or contained in any document, plat, sketch or submission delivered to the Board at any time prior to this approval, including notes contained in the original or revised submissions will be considered as conditions of approval of this application for the development and are hereby incorporated into this resolution by reference.

As to the C Variance

Moved by: Mr. Swanson, seconded by Mr. Richardson, and so ordered by the following roll call vote:

In favor of Approval Mr. Swanson, Mr. Goetsch, Mr. McKeever, Mr. Richardson, Mrs. Wheeler, Mr. Wolf and Mr. Afflerbach.

Opposed to Approval: None

The following resolution was memorialized on May 15, 2024, by the following  
vote:

Moved by: Ed Wolf

Seconded by: Al Richardson

In favor of approval of adoption of resolution:

Marques Goetsch, Ed McKeever, Al Richardson,

Grace Wheeler, Ed Wolf, and Matt Afflerbach

Opposed to approval: None

Abstained: None

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MATT AFFLERBACH, CHAIR

I certify that the foregoing is a true copy of a Resolution approved by the Zoning Board of Adjustment of the Township of Old Bridge on April 17, 2024, and memorialized on May 15, 2024.

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ANN MARIE WEITZEL  
SECRETARY OF THE COMBINED PLANNING AND ZONING BOARD OF  
ADJUSTMENT OF THE TOWNSHIP OF ELK