

Resolution No. 2024 - 10

RESOLUTION OF THE JOINT PLANNING AND ZONING BOARD OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, APPROVING APPLICATION FOR C VARIANCE RELIEF WITH PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL TO CHERENA CHENG FOR 7TH AVENUE AND DOUGLAS STREET, KNOWN AS BLOCK 143, LOT 1.

Application No.: PB-24-01
Approval
C Variance Relief
Preliminary and Final Major Subdivision Approval
Applicant: Cherena Cheng

June 19, 2024

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

WHEREAS, the Applicant Cherena Cheng (“the Applicant”) filed an application to the Board for C variance relief and approval of Preliminary and Final Major Subdivision for the property known as 7th Avenue and Douglas Street, Elk Township, New Jersey otherwise known as Block 143, Lot 1, on the Tax Map of the Township of Elk; and

WHEREAS, this matter was subject to a public hearing before the Board on June 19, 2024; and

WHEREAS, the Applicant has complied with all the jurisdictional requirements in order to prosecute her application; and

WHEREAS, the Applicant was represented by M. Brian Hall, Esq; and

WHEREAS, the application proposes the subdivision of the existing undeveloped lot into four (4) residential lots. The proposed new lots will be developed as single-family residential dwellings; and

WHEREAS, the property is located in the Moderate Density (MD) Zone which permits single-family residential use of property; and

WHEREAS, the MD Zone bulk requirements necessitate the following C variance relief for the property:

Description	Required	Existing	Proposed	Remarks
Average Front Yard Setback	62 ft.	N/A	45 ft.	Variance

;and

WHEREAS, Joseph Mancini, P.E, P.P., testified the Applicant seeks approval to subdivide a single undeveloped lot into four (4) residential lots. Each proposed lot will contain at most a two-story, single-family residential structure with four (4) bedrooms and driveway access. Douglas Street will be improved to a point north of 7th Avenue to permit access. 7th Avenue, which is currently unimproved, will be paved the length of the proposed lots and a hammerhead turn-around will be installed at the end to facilitate turning of larger vehicles, including fire trucks and school buses.

Mr. Mancini further testified to the bulk variance requested. Each of the proposed new lots complies with all zoning requirements with the exception of the average front setback where 62 feet is required and 45 feet is proposed. The positive criteria for granting the variance relief takes note the layout of the proposed lots locates the residential dwellings toward the front of each lot, allowing for shorter driveways. This design feature complies with the front yard setback while minimizing impervious coverage on each lot. The layout also allows for a more robust rear landscape buffer. Neighboring properties currently have an average front yard setback of 50 feet, rendering the requested relief consistent with the neighborhood.

Mr. Mancini further testified there are no negative criteria associated with the requested relief as the lots otherwise fully conform with all zoning requirements. The variance relief is consistent with the Master Plan. The benefits of granting the variance relief outweigh any detriment. Granting variance relief will not substantially impair the zoning ordinances or the Master Plan.

WHEREAS, the matter was opened to the public and no one testified with regard to the matter.

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

1. The Applicant provided unrefuted testimony the site will adequately accommodate the proposed development. The proposed use is permitted in the MD Zone and the proposed lots comply with the zoning ordinances and the Master Plan.
2. The Applicant demonstrated the C-2 variance for average front yard setback may be granted as the purposes of the Municipal Land Use Law would be advanced by such deviation from the zoning ordinance requirements and the benefits of such deviation would substantially outweigh any detriment; and

WHEREAS, the Board finds that the Applicant has met his burden in order to grant the C-2 variance relief.

NOW THEREFORE BE IT RESOLVED by the Joint Planning and Zoning Board, Township of Elk on this 10TH DAY OF JULY, 2024, that the Board hereby confirms by this resolution the action taken by the Board on June 19, 2023, granting the application to Cherena Cheng for C-2 variance relief with Major Preliminary and Final Subdivision approval, subject to the following conditions:

1. The Applicant shall comply with the recommendations of the Board Planner and Engineer as contained in the June 14, 2024, letter to the extent that it does not conflict with any of the other conditions contained herein.

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

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

4. The Applicant shall secure any and all other approvals, licenses and permits required by any other board, agency or entity having jurisdiction over the subject application or over the subject property.

5. The Applicant shall install a paved hammerhead turnaround space at the terminus of 7th Avenue to accommodate fire trucks and school buses.

6. The Applicant shall submit revised plans to include stormwater management plans and details on non-pervious coverage.

7. The Applicant shall record a deed restriction for the stormwater management and maintenance by the HOA.

BE IT FURTHER 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 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 submitted to the Board with regard to this application will be considered as conditions of approval of the application for development and is hereby incorporated in this resolution by reference.

As to the Major Preliminary Subdivision, Major Final Subdivision, and C

Variance:

Moved by: Mr. Wolf, seconded by Mr. Lucas, and so ordered by the following
roll call vote:

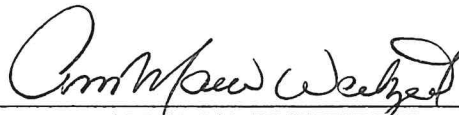
In favor of Approval: Goetsch, McKeever, Richardson, Wheeler,
Wolf, Peterson and Afflerbach

Opposed to Approval: None



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 June 19, 2024, and memorialized on July 10, 2024.



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