

RESOLUTION NO. 2024 – 12

RESOLUTION OF THE PLANNING/ZONING BOARD OF THE TOWNSHIP OF ELK, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, GRANTING BULK VARIANCE RELIEF TO WILLIAM DABNEY AND ELRENE DABNEY FOR 517 EMPIRE WAY EAST, IN GLASSBORO, NEW JERSEY, BLOCK 29.08, LOT 2

Application No.: ZB-24-02

Approval

C Variance

Applicants: William Dabney and Erlene Dabney

August 21, 2024

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

WHEREAS, the Applicants William Dabney and Erlene Dabney (“the Applicants”) filed an application to the Board for the property known as 517 Empire Way East, Glassboro, New Jersey otherwise known as Block 29.08, Lot 2 on the Tax Map of the Township of Elk Township; and

WHEREAS, the Applicants provided the required public notice of this application; and

WHEREAS, the application was subject to a public hearings on July 10, 2024; and

WHEREAS, the Applicants seek approval for the construction of a swimming pool with concrete surround and a deck; and

WHEREAS, the following bulk variance relief was requested:

| | <u>Required</u> | <u>Existing</u> | <u>Proposed</u> |
|---------------------------|-----------------|-----------------|-----------------|
| Minimum Rear Yard Setback | 40 feet | 31.1 feet | 26 feet |
| Minimum Side Yard Setback | 20 feet | 5.4 feet | 5.4 feet |

| | | | |
|--|---------|-------|---------|
| Maximum Impervious Coverage | 20% | 42.5% | 56.5% |
| Swimming Pools Minimum Rear Setback to Waterline | 25 feet | N/A | 10 feet |
| Swimming Pools Minimum Side Setback to Waterline | 25 feet | N/A | 10 feet |

WHEREAS, Applicant William Dabney testified in support of the application seeking variance relief to install a 11 foot by 31 foot swimming pool with a pervious paver surround and a deck located in the Rural Environmental (RE) Zone. The improvement will increase the enjoyment of the backyard space by family and guests, while making better use of the current available space. Aura HMA submitted a letter of approval for the Board’s consideration.

The Applicant further testified, as a condition of approval, the deck surface will include spacing of non-interlocking planks with open ground below. As a condition of approval, the pervious paver surround will be installed to NJDEP criteria. As a condition on approval, the Applicant will follow all recommendations contained in the June 13, 2024, review letter from Bach & Associates. As a condition of approval, the pool pump will be centrally located on the property on the equipment pad outlined on the submitted plans: and

WHEREAS, the application was subject to public comment. Chelsea Sharkey testified in opposition to the application. Ms. Sharkey, the next-door neighbor, expressed concerns about small lot sizes exacerbating the proposed 10-foot side setback. Ms. Sharkey further expressed concerns over noise from the use of the pool and pool pump.

Ms. Sharkey expressed concern regarding the height of the deck as a potential invasion of privacy.

Matt Sharkey, husband of Chelsea Sharkey, testified in opposition to the application. Mr. Sharkey expressed concerns about runoff and drainage issues currently on site which may be exacerbated by the proposed 10 foot setback; and

WHEREAS, the Board finds that the benefits in granting the proposed variances substantially outweigh any detriments in accordance with N.J.S.A. 40:55D-70(c) 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 located in the RE Zone. The Applicant provided unrefuted testimony that the project will provide better use and enjoyment of the property by the family and their guests.

2. The Board finds the benefits in granting the proposed variances substantially outweigh any detriments in accordance with N.J.S.A. 40:55D-70(c). The Board further 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 Board further finds that the granting of variance relief will further the purposes of zoning and the Municipal Land Use Law. The improvement will benefit the subject property by providing better use of the available space at the property. The improvements promote the general welfare and promote a desirable visual environment.

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 Planning/Zoning Board of the Township of Elk on this **21st day of August, 2024**, that the Board hereby grants the application of William Dabney and Elrene Dabney for variance relief pursuant to N.J.S.A. 40:55D-70(c) subject to the following conditions:

1. The Applicant 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 Applicant shall comply with all representations made by or on behalf of the Applicants during the public hearing.
3. The Applicant shall pay all taxes, fees and required escrows deposits which may be due and owing.
4. The Applicant 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.
5. The Applicant will install non-interlocking decking with sufficient spacing and open ground below.
6. The Applicant will install pervious pavers consistent with NJDEP criteria.
7. The Applicant will locate the pool pump in a central location on the property on the equipment pad shown on the submitted plans.

8. The Applicant will comply with all recommendations in the July 13, 2024, letter provided by Bach & Associates.

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

In favor of Approval: McKeever, Richardson, Wheeler, Wolf, Peterson, Afflerbach (Chair)

Opposed to Approval: Goetsch, Lucas, Nicholson

The following resolution was memorialized on August 21, 2024, by the following vote:

Moved by: Mr. Goetsch

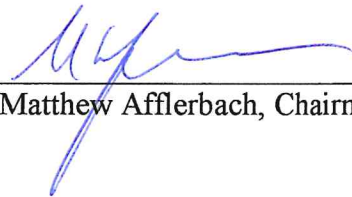
Seconded by: Mr. Wolf


In favor of approval of adoption of resolution: Goetsch, Lucas, McKeever, Wolf and Afflerbach (Chair)

Opposed to approval: None

Abstained: Swanson

I certify that the foregoing is a true copy of a Resolution approved by the Zoning Board of Adjustment of the Township of Elk on July 10, 2024, and memorialized on August 21, 2024.


Matthew Afflerbach, Chairman


ANN MARIE WEITZEL
SECRETARY OF THE PLANNING/ZONING BOARD OF THE
TOWNSHIP OF ELK

Dated: P-27-2024