

- Approved
- General Conditions/Additional Conditions
- Denied

RESOLUTION NO. 2021:15
BOROUGH OF STRATFORD JOINT LAND USE BOARD

- | | |
|---|---|
| <input type="checkbox"/> Appeal from Administrative Officer Decision
<input type="checkbox"/> Interpretation
<input checked="" type="checkbox"/> "C" Variances
<input type="checkbox"/> "d(1)" Conditional Use Variance
<input type="checkbox"/> Waiver of Site Plan Requirements
<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Major Subdivision, Preliminary
<input type="checkbox"/> Subdivision, Final
<input type="checkbox"/> Minor Site Plan
<input type="checkbox"/> Major Site Plan, Preliminary
<input type="checkbox"/> Major Site Plan, Final | Applicant: <u>Joel Lyons, Jr.</u>
Owner: <u>22 West Vassar Avenue, LLC</u>
Address: <u>22 West Vassar Avenue,</u>
<u>Stratford, New Jersey</u>
Block <u>22</u> , Lot <u>6</u>
Action: <u>April 22, 2021</u>
Memorialized: <u>June 24, 2021</u>
Zone: <u>R-1</u>
Project: <u>Proposed Pole Barn Garage Major</u> |
|---|---|

WHEREAS, the Applicant has applied to the Borough of Stratford Joint Land Use Board (SJLUB) for the following primary approval(s): Variances pursuant to N.J.S.A. 40:55D-70(c) to permit a 2,400 s.f. garage on the side of West Vassar Avenue between Warwick Road and Atlantic Avenue with a southeasterly side yard setback of 5' for the proposed garage where 10' is required and a height of 25' to the top of the roof of the garage and 31' to the top of the cupola atop the garage, where 12' feet is permitted.

WHEREAS, the Applicant has applied for the following ancillary approval(s): None.

WHEREAS, the application was considered by the SJLUB on April 22, 2021; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing () was required and the SJLUB has considered that public comments

- were not made by the public
- were made in favor of all or some aspect of the application
- were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable Borough Ordinances have been met; and

WHEREAS, the SJLUB has considered the application and the evidence and arguments submitted by the Applicant in support thereof; and

WHEREAS, the SJLUB has considered the recommendations and comments of its professional staff and the following written reports:

- March 24, 2021 review letter of Steven M. Bach, PE, RA, PP, CME, attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the SJLUB has made the following findings of fact and conclusions (see attached);

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) and waiver(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted are made subject to the following General Conditions applicable to this type of application (see attached); and

BE IT FURTHER RESOLVED that the approval(s) hereby granted

- are made subject to the following Additional Conditions
- are not made subject to the following Additional Conditions.

WHEREAS the foregoing action was taken by the SJLUB on April 22, 2021, upon the motion of McGovern, seconded by St. Maur, with the vote on the motion being as follows:

AYE: McGovern, Mayor Keenan, Hall, Kozeniewski, Lomanno, Morello, St. Maur, and Mancini

NAY:

ABSTAIN:

ABSENT:

The foregoing action was memorialized by the SJLUB on June 24, 2021 upon the motion of Mayor Keenan, seconded by Lomanno, with the vote on the motion being as follows:

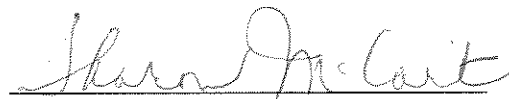
AYE: McGovern, Mayor Keenan, Hall, Kozeniewski, Lomanno, Morello,
St. Maur, and Mancini

NAY:

ABSTAIN:

ABSENT:

The undersigned Secretary of the SJLUB hereby certifies that the above is a true copy of Resolution #2021:15 adopted by the SJLUB on June 24, 2021.



SHARON McCART
Stratford Joint Land Use Board Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The Applicant has applied for variances pursuant to N.J.S.A. 40:55D-70c to permit a 2,400 s.f. garage on the southeasterly side of West Vassar Avenue between Warwick Road and Atlantic Avenue on Block 22, Lot 6, as depicted on the Borough of Stratford Tax Map and more commonly known as 22 West Vassar Avenue, Stratford, New Jersey (hereinafter referred to as the "P.I.Q").

2. The P.I.Q. is surrounded to the north by the Samuel S. Yellen School in the 'G' Government zoning district, to the west by Our Lady of Guadalupe Parish in the R-1 Residential zoning district, and to the south and east by the Stratford Swim Club also in the R-1 Residential zoning district.

3. The application is for a 2,400 sf garage on the southeasterly side of West Vassar Avenue between Warwick Road and Atlantic Avenue in the Borough's R-1 Residential Zone.

4. A bulk variance is required pursuant to §17.48.030, an accessory structure in excess of 100 square feet shall have a side yard setback of 10' feet. The Applicant is proposing a southeasterly side yard setback of 5' for the proposed garage where 10' is required.

5. A bulk variance is required pursuant to §17.48.030, maximum permitted height of the proposed garage is 12' feet. The Applicant is proposing a height of 25' to the top of the roof of the garage and 31' to the top of the cupola atop the garage.

6. The Applicant is also requesting waivers from any submission requirements not provided.

7. In support of the application, the Applicant marked three (3) exhibits as follows:

- A-1 – Sketch of property;
- A-2 – Sketch of pole barn garage; and
- A-3 – Photograph of pole barn garage

8. At the hearing, the Applicant, Joel Lyons, Jr., Joel Lyons, Sr. and Anthony DiRosa, Board Engineer, were all sworn and testified and acquainted the SJLUB to the P.I.Q. and the nature of the application.

9. Applicant, Mr. Lyons, Jr., advised that the property is an R-1 residential property, single family detached home which was “grandfathered” in to be a duplex. The property is 1.36 acres. Applicant is seeking a variance to construct a 40’x 60’ pole barn. Applicant indicated that it would not be a detriment to the zoning code since the property is categorized as an R-1 with no residential neighbors adjacent to the property. Applicant is requesting a 5’ set back on one side of the structure. This would maximize the remainder of the property. The barn would be built on the southeast section of the property, which is behind the house on the school side of the property. Applicant further confirmed that the primary use would continue to be residential.

10. Applicant, Mr. Lyons, Jr., confirmed that he received a copy of the Bach Associates’ review letter dated March 24, 2021, and was in agreement with its contents and recommendations as conditions of approval. He further confirmed that pursuant to the review letter, any proposed down spouts will be directed away from the adjacent lot of Block 22, Lot 2, so as not to adversely affect the drainage on that lot. He also confirmed that any improvements made on the property would not adversely affect the conditions on Applicant’s property or the adjacent properties including but not limited to drainage. Applicant also agreed that no one would live in the garage, there would be no bedrooms, no kitchen, and no bathrooms in the garage.

11. Applicant, Mr. Lyons, Jr., further agreed as a condition of approval to provide construction details on construction of garage and provide those to the Board’s Engineer in a manner acceptable to the Board’s Engineer. Applicant further agreed to provide to the Board’s Engineer a post construction survey as a condition of approval, in a manner acceptable to the Board Engineer.

12. Applicant, Mr. Lyons, Jr., advised that the primary purpose of the garage is to house two vehicles and tools.

13. Applicant, Mr. Lyons, Jr., was asked by Board Member Mancini why the garage needed to be so high. Applicant, Mr. Lyons, Jr., advised it was needed to match

the house and property. With the high roof, it looks like a barn and matches. There were no further questions from the Board members.

14. The Engineer for the Board, Anthony DiRosa, PE, of Bach Associates, PC, testified on the application and the March 24, 2021 review letter signed by Steven M. Bach, PE, RA, PP, CME. Mr. DiRosa confirmed the contents of that review letter, attached as Exhibit "A" and incorporated herein by reference, and noted that all conditions from the review letter had been agreed to by the Applicant to his satisfaction and that with that agreement, there was no objection to the application.

15. The meeting was then opened to the public and no comments were made.

16. Based upon all of the forgoing testimony, the application and other documents and the SJLUB's familiarity with the P.I.Q., the SJLUB finds that in regard to the P.I.Q., the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-2, would be advanced by the requested variances and that the benefits of the variances would substantially outweigh any detriment. Specifically, the ETZBA finds that the requested variances would advance the purposes of N.J.S.A. 40:55D-2g (provision of sufficient space in appropriate locations for a variety of residential uses).

17. The SJLUB further finds that the variances can be granted without substantial detriment to the public good and that the variances will not substantially impair the intent and purpose of the Borough of Stratford Zone Plan and Zoning Ordinance. Specifically, the SJLUB grants the Applicant variances to permit the 2,400 s.f. garage on the southeasterly side of West Vassar Avenue between Warwick Road and Atlantic Avenue with a side yard setback of 5' for the proposed garage where 10' is required and a height of 25' to the top of the roof of the garage and 31' to the top of the cupola atop the garage, where 12' feet is permitted.

GENERAL CONDITIONS OF APPROVAL

1. Any variance granted permitting the erection or alteration of any structure(s) or a specified use shall expire unless such construction, alteration or use shall have been actually commenced on each and every structure permitted by said variance within one (1) year from the date of the SJLUB's action and is diligently pursued to completion; except, however, the running of this period shall be tolled from the date of filing an appeal from the SJLUB's decision to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding (Code §16.08.070A(6)). This Condition shall not apply if preliminary approval has been granted, extended and is still in effect pursuant to N.J.S.A. 40:55D-49 or if final approval has been granted, extended and is still in effect pursuant to N.J.S.A. 40:55D-52.

2. A brief notice of this decision shall be published in the official newspaper of the Borough, at the Applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code §16.16.090). A proof of publication shall be filed with the Administrative Officer of the SJLUB within thirty (30) days of the date the decision is memorialized.

3. The Applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or appeal in accordance with Code §15.04.020.

4. These General Conditions of Approval shall be binding upon the Applicant, the owner and any successors and/or assigns of either.

5. The Additional Conditions of Approval, if any, shall be binding upon the Applicant, the owner and any successors and/or assigns of either.

6. The approval(s) granted is/are conditioned upon the Applicant obtaining the following governmental approval(s):

- Camden County Planning Board
- Pinelands Commission

7. Prior to the commencement of any construction, the Applicant shall obtain the following governmental approval(s) and/or permit(s):

- Camden Department of Community Development approval of deed restrictions on four (4) affordable units/beds/medical beds;
- Stratford Municipal Utilities Authority;
- Camden County Planning Board;
- New Jersey Department of Transportation;
- Camden County Soil Conservation District;
- New Jersey American Water
- Fire Sub Code Official and Construction Code Official
- New Jersey Department of Environmental Protection; and
- Any other agencies as may be required

8. The Applicant shall be responsible for and shall satisfy, in accordance with the Borough of Stratford Land Use Ordinance, the following fees and charges:

- Mandatory Development Fees;
- Floor area Ratio Fees in the amount of \$(**to be calculated**)

9. Any improvement(s) to be constructed as a result of the SJLUB approving this application shall be constructed and operated in full compliance with the Code of the Borough of Stratford, the Revised Statutes of the State of New Jersey and any other applicable county, state, and/or Federal law.

10. Unless specifically waived in whole or in part and noted in the Additional Conditions of this approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the Applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the

form(s) which comply with the provisions of N.J.S.A. 40:55D-53, *et seq.*, and the Code of the Borough of Stratford. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after the final acceptance of the improvements.

11. If the above application involves the granting of a final subdivision or final site plan approval, the Chairperson and Secretary of the SJLUB shall not sign the Final Subdivision Plat or Final Site Plan nor shall any zoning permit issue until the Applicant has posted the required performance guarantee and the Applicant has demonstrated that all conditions of the final approval have

12. Applicants seeking site plan or preliminary and/or final subdivision approval shall:

- A. Submit five (5) copies of a complete survey of the property (except for streets) to be dedicated, which survey shall be performed and certified by a licensed surveyor.
- B. Submit a topographic survey showing contour intervals of two (2) feet at a scale no larger than one (1) inch equaling one hundred (100) feet.
- C. Submit five (5) copies of complete (as-built) plan of any improvements, except for streets, on the dedicated property.
- D. Submit a deed of conveyance, approved as to form, content and description by the Borough Attorney. The said deed shall contain provision for the signature of the Mayor and the attestation by the Borough Clerk. Where streets are offered for acceptance, a legal description by metes and bounds describing the centerline shall be included.
- E. Obtain title insurance naming the Borough of Stratford as the insured party in an amount equal to the fair market value of the dedicated property; this requirement shall not pertain to streets. In the case of drainage easements not shown on or generated after the final plan is filed in the County Clerk's office and property having a fair market value on one thousand dollars (\$1,000.00) or less, a title search indicating marketable title shall be sufficient, provided that said search is certified by a title insurance company authorized to do business in the State of New Jersey.

13. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date of approval has been granted the Applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:26B-2, *et seq.*) or records a deed with the County Clerk which clearly describe the approved minor subdivision and files a copy of the deed with the Borough's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the SJLUB.

14. If a final approval has been granted, the Applicant shall submit to the SJLUB Engineer for his review a minimum of eight (8) complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

15. As part of this first application for final approval, the Applicant shall provide a construction schedule as required by the Borough of Stratford Ordinances which must be satisfactory to the SJLUB Engineering Consultant.

16. The Applicant shall comply with Title 39 of the New Jersey Statutes.

17. The Applicant shall construct all drainage basins or alternate drainage facilities upon the P.I.Q., including inflow and outflow structures, prior to the commencement of any construction upon the P.I.Q.

EXHIBIT "A"



March 24, 2021

Borough of Stratford Joint Land Use Board
307 Union Avenue
Stratford, NJ 08084

Attn: Joint Land Use Board Members

Re: Bulk Variance Request
Joel Lyons, Jr.
22 West Vassar Avenue
Block 22, Lot 56
Review No. 1
Bach Project No. STRATLUB-2021-2

Dear Joint Land Use Board Members:

We have received the following items submitted for the referenced project:

- Borough of Stratford Joint Land Use Board Application form.
- Borough of Stratford Joint Land Use Board Variance Application form.
- Affidavit of Ownership form
- Agreement to pay fees form
- Sketch of property
- Sketch of pole barn garage
- Photograph of pole barn garage

SITE INFORMATION:

Applicant & Owner: Joel Lyons, Jr.
10 Avonbrook Drive
Turnersville, NJ 08042
856-264-4008

Bulk Variance Request
Joel Lyons, Jr.
22 West Vassar Avenue
Block 22, Lot 56
Review No. 1
Bach Project No. STRATLUB-2021-2
March 24, 2021
Page 2 of 3

PROJECT SUMMARY:

This application is for a 2,400 garage on the southeasterly side of West Vassar Avenue between Warwick Road and Atlantic Avenue in the Borough's R-1 Residential Zone.

The property is surrounded to the north by the Samuel S. Yellen School in the 'G' Government zoning district, to the west by Our Lady of Guadalupe Parish in the R-1 Residential zoning district, and to the south and east by the Stratford Swim Club also in the R-1 Residential zoning district.

The applicant is requesting waivers from any submission requirements not provided and is requesting variances as listed below.

REVIEW COMMENTS:

1. Per §17.48.030, an accessory structure in excess of 100 square feet shall have a side yard setback of ten (10') feet. The applicant is proposing a side yard setback of five (5') for the proposed garage where ten (10') feet is required. **A variance is required.**
2. It shall be noted that per §17.48.030 the maximum permitted height of the proposed garage is twelve (12') feet. The applicant is proposing a height of 25 feet to the top of the roof of the garage and 31 feet to the top of the cupola atop the garage. **A variance is required.**
3. The applicant must provide testimony to justify the requested variances.

For a C(1) variance, the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property, or the structures lawfully existing upon the property.

For a C(2) variance the applicant must show that the proposed variance advances the purposes of municipal land use law and that the benefits of the deviation would substantially outweigh any detriments. The applicant should address whether the proposed variance will substantially impair the intent of the Master Plan or zoning plan and whether there are any potential impacts to the public good.

4. It shall be noted that any proposed downspouts for the garage shall be directed away from adjacent Lot 22 so as not to adversely affect the drainage on that lot.

Bulk Variance Request
Joel Lyons, Jr.
22 West Vassar Avenue
Block 22, Lot 56
Review No. 1
Bach Project No. STRATLUB-2021-2
March 24, 2021
Page 3 of 3

If there are any questions or if any additional information is required please contact this office.

Very truly yours,
BACH ASSOCIATES, PC



Steven M. Bach, PE, RA, PP, CME
President

Cc: Matthew B. Wieliczko, Esq., PB Solicitor
Sharon McCart, JLUB Secretary
Joel Lyons, Applicant

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