

- Approved
- General Conditions/Additional Conditions
- Denied

RESOLUTION NO. 2021:17
BOROUGH OF STRATFORD JOINT LAND USE BOARD

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| <ul style="list-style-type: none"> <input type="checkbox"/> Appeal from Administrative Officer Decision <input type="checkbox"/> Interpretation <input type="checkbox"/> "C" Variance <input type="checkbox"/> "d(1)" Conditional Use Variance <input type="checkbox"/> Waiver of Site Plan Requirements <input checked="" type="checkbox"/> Minor Subdivision <input type="checkbox"/> Major Subdivision, Preliminary <input type="checkbox"/> Major Subdivision, Final <input type="checkbox"/> Minor Site Plan <input type="checkbox"/> Major Site Plan, Preliminary <input type="checkbox"/> Major Site Plan, Final | <p>Applicant: <u>David and Margery Peiffer</u>
 Owner: <u>David and Margery Peiffer (Lot 5) & Estate of Evelyn R. North (Lot 6)</u>
 Address: <u>211 Union Avenue (Lot 5)</u>
 <u>209 Union Avenue (Lot 6)</u>
 <u>Stratford, New Jersey</u>
 Block <u>42</u>, Lots <u>5 & 6</u>
 Action: <u>June 24, 2021</u>
 Memorialized: <u>July 22, 2021</u>
 Zone: <u>R-1</u></p> |
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WHEREAS, the Applicant has applied to the Borough of Stratford Joint Land Use Board (SJLUB) for the following primary approval(s): Minor subdivision resulting in the lot line adjustment between two (2) existing residential lots located on the northwesterly side of Union Avenue, northeast of Central Avenue. The Applicant proposes a lot line adjustment to convey a three (3') foot wide parcel of land from Lot 6 to Lot 5 to enlarge existing Lot 5.

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

WHEREAS, the application was considered by the SJLUB on June 24, 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:

June 15, 2021 review letter of Steven M. Bach, PE, RA, PP, CME, attached hereto and incorporated herein by reference as Exhibit “A”; 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 June 24, 2021, upon the motion of St. Maur, seconded by Kozeniewski, with the vote on the motion being as follows:

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

NAY:

ABSTAIN:

ABSENT:

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

AYE: McGovern, Hall, Kozeniewski, Morello, St. Maur,
Swallow, and Mancini

NAY:

ABSTAIN:

ABSENT:

The undersigned Secretary of the SJLUB hereby certifies that the above is a true copy of Resolution #2021:17 adopted by the SJLUB on July 22, 2021.

SHARON McCART
Stratford Joint Land Use Board Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The Applicant has applied for a minor subdivision resulting in the lot line adjustment between two (2) existing residential lots located on the northwesterly side of Union Avenue, northeast of Central Avenue. The Applicant proposes a lot line adjustment to convey a three (3') foot wide parcel of land from Lot 6 to Lot 5, to enlarge existing Lot 5. The Applicant seeks this approval at the properties located at 211 Union Avenue, Stratford, New Jersey (Lot 5) and 209 Union Avenue, Stratford, New Jersey (Lot 6), as depicted on the Borough of Stratford Tax Map (hereinafter referred to as the "P.I.Q").

2. At the hearing, the Applicants, David and Margery Peiffer, were sworn and testified and acquainted the SJLUB to the P.I.Q. and the nature of the application. The Applicant, Ms. Peiffer, described the two properties and the nature of the application. The properties are located in an R-1 Zone. Existing Lot 5 is an 8,750 sf parcel of land containing an existing two-story single family home, detached garage and associated site improvements. Existing Lot 6 is a 12,775 sf parcel of land containing an existing 2 ½ story dwelling and associated site improvements. The Applicant proposes a lot line adjustment to convey a three (3') foot wide parcel of land from Lot 6 to Lot 5, to enlarge existing Lot 5.

3. No construction is proposed at this time on either lot. The Applicant is seeking minor subdivision approval and is not requesting any new variances. It shall be noted that both lots contain existing non-conforming bulk standards.

4. Applicant, Margery Peiffer, further advised and provided documentation that Roger North and she are the co-executors of her mother's estate, the owner of 209 Union Avenue, Lot 6. She further confirmed that they are requesting a minor subdivision that will add 3' to Lot 5, making it 53' wide, and Lot 6 would become 70' wide. Mrs. Peiffer provided to the Board her and her family's history of living in Stratford. She advised that in 1993 or 1994 her mother built a home on an empty lot which is now 209 Union. For practical reasons, she and her siblings thought they should move the property line over to avoid any arguments about property line in the future.

5. Applicant, Mrs. Peiffer, testified that they have reviewed the Bach Associates' review letter dated June 15, 2021, attached as Exhibit "A" and incorporated by reference and agrees with its contents and conditions.

6. The Engineer for the Board, Anthony DiRosa, PE, of Bach Associates, PC, testified on the application and the June 15, 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. Mr. DiRosa stated that Lot 5 contains non-conforming bulk standards. He further stated that the subdivision brings the non-conforming bulk stands closer to conformity.

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

8. 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 minor subdivision and that the benefits would substantially outweigh any detriment.

9. The SJLUB further finds that minor subdivision can be granted without substantial detriment to the public good and that that it will not substantially impair the intent and purpose of the Borough of Stratford Zone Plan and Zoning Ordinance.

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 §16.16.040.

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 Developmental 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
- 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 been satisfied.

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"



June 15, 2021

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

Attn: Joint Land Use Board Members

Re: Minor Subdivision Review
David & Margery N. Peiffer
211 Union Avenue
Block 42, Lots 5 & 6
Review No. 1
Bach Project No. STRATLUB-2021-3

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 and associated documents.
- Plan entitled "Minor Subdivision Plan, #211 and 209 Union Avenue, Lots 5 & 6, Block 42 Borough of Stratford, Camden County, New Jersey", prepared by JTS Engineers and Land Surveyors, Inc., dated 4-14-21, no revision.

SITE INFORMATION:

Applicant & Owner: David & Margery N. Peiffer
211 Union Avenue
Stratford, NJ 08021
856-534-0070

PROJECT SUMMARY:

This application is for Minor Subdivision resulting in the lot line adjustment between two (2) existing residential lot located on the northwesterly side of Union Avenue, northeast of Central Avenue in the Borough's R-1 Zoning District. Existing Lot 5 is an 8,750 sf parcel of land containing an existing two-story single family home, detached garage and associated site improvements. Existing Lot 6 is a 12,775 sf parcel of land containing an existing a 2 1/2 story dwelling and associated site improvements. The applicant proposes a lot line adjustment to convey a three (3') foot wide parcel of land from Lot 6 to Lot 5 to enlarge existing Lot 5.

Minor Subdivision Review
David & Margery N. Peiffer
211 Union Avenue
Block 42, Lots 5 & 6
Review No. 1
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It shall be noted that no construction is proposed at this time for either lot. The applicant is seeking a Minor Subdivision approval with no new variances. The applicant is seeking Minor Subdivision approval and is not requesting any new variances. It shall be noted that both lots contain existing non-conforming bulk standards as listed below.

SUBMISSION REQUIREMENTS / COMPLETENESS:

Our office has determined that the application is complete and can be heard at the next scheduled Zoning Board meeting.

ZONING / BULK STANDARDS:

1. The lots are located within the R-1 Zoning District and are surrounded on all sides by similar residential properties in the R-1 Zoning District.
2. Lot 5 contains the following non-conforming bulk standards:
 - a. Lot Width – Per §17.48.030 a lot width of 70 feet is required where the applicant proposes a lot width of 53.00 feet. *It shall be noted that the existing lot width is 50.00 feet, as such the applicant is bringing the lot width closer to conformity.*
 - b. Front Yard Setback – Per §17.48.030 a front yard setback of 35 feet is required where the plan provided scales an existing front yard setback of approximately 27.5 feet.
 - c. Side Yard Setback – Per §17.48.030 a side yard setback of 10 feet is required where the existing side yard setback is 9.65 feet.
 - d. Aggregate Side Yard - Per §17.48.030 an aggregate side yard of 25 feet is required where the applicant proposes an aggregate side yard of 21.8 feet. *It shall be noted that the existing aggregate side yard setback is 18.80', as such the applicant is bringing the aggregate side yard setback closer to conformity.*
 - e. Accessory Structure Side Yard Setback - Per §17.48.030 an accessory structure over 101 sf shall have a side yard setback of 10 feet where the proposed side yard setback to the existing garage is 4.90 feet. *It shall be noted that the existing side yard setback to the existing garage is 1.9 feet, as such the applicant is bringing the accessory structure side yard setback closer to conformity.*

Minor Subdivision Review
David & Margery N. Peiffer
211 Union Avenue
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3. Lot 6 contains the following non-conforming bulk standards:
 - a. Front Yard Setback – Per §17.48.030 a front yard setback of 35 feet is required where the existing front yard setback to existing dwelling is 32.04 feet.

REVIEW COMMENTS:

1. A note shall be added to the plan stating when the survey field work was performed.
2. Legal descriptions for each lot created by the subdivision shall be provided for review.
3. The Plan shall list a point of beginning for each legal description submitted.
4. A permanent marker shall be installed at the intersection of the new lot line and the right of way line of Union Avenue.
5. The Applicant shall obtain all required approvals from all other local, state and federal agencies having jurisdiction over this project.

Any and all approvals shall be conditioned upon the applicant addressing the above comments and any and all concerns of the Joint Land Use Board contained in the approving resolution.

When revised plans are resubmitted, they are to be accompanied with a point-by-point response letter keyed to the comments contained in this letter. We reserve the right to make additional comments pending the receipt of revised plans.

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
David & Margery N. Peiffer, Applicant
Philip J. Schaeffer, PLS

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