

RESOLUTION # 2015-08

Township of Pittsgrove Planning Board

Applicant's Name: Timothy Gonzalez

Application No.:

Property: Block 802, Lot 5

Application For: Lot width variance

Public Hearing: September 8, 2015

Findings of Fact:

1. Applicant's wife, Faith Gonzalez, appeared before the Board *Pro Se*, and testified regarding the application as did Applicant's Engineer, Jerome H. Irick, PE, PP.

2. Applicant and his wife are contract purchasers of the subject property located on Alvine Road, and designated as block 802, lot 5, in the Township's Rural Residential (RR) Zone.

3. The property is presently owned by Barry W. Fox, who also owns and resides upon neighboring lot 5.01. Mr. Fox likewise appeared and testified in favor of the application.

4. The property in question has 240 feet of frontage where 300 feet lot width at the street is now required in RR Zone. The property has adequate size (4.82 acres) and depth (862.52 feet) for the Zone. It is presently wooded and unimproved.

5. Applicant proposes to construct a single-family dwelling on the property. Applicant's proposed construction complies with all required setbacks and building height.

6. The property is surrounded by residential uses on lots that are of a similar, and occasionally a smaller size.

7. Applicant requests a variance with respect to the existing lot width.

8. The Board noted that lot 5 was in compliance with lot width requirements at the time it was created by subdivision in 1992. Neighboring lots 4 and 5.01 each already contain less than the minimum 300 feet of frontage, and therefore Applicant is unable to obtain the required additional 60 feet of frontage from either contiguous neighbor.

9. The Board received and considered the following:

- A. A site plan dated June 29, 2015 (3 pages), prepared by Jerome H. Irick, PE, PP with incorporated property owners list.
- B. Survey of premises dated June 22, 2015, prepared by Reale Associates, LLC.
- C. An application for Development dated July 8, 2015, with Consent of Owner.
- D. Completed Checklist A and Checklist I.
- E. A copy of a Deed dated April 28, 2000.
- F. Tax Collector's Certification dated July 9, 2015.

10. The Board received and considered the July 27, 2015 Report of Board Engineer Stephen J. Nardelli, PE, PP, CME & CPWM, who was present and participated in the public hearing.

11. The Board also received and considered the August 6, 2015 Report of Board Solicitor Matthew W. Ritter, Esq., who was present and participated in the public hearing.

12. The Board unanimously voted that the application was deemed complete after granting waivers for:

- A. Checklist A, #10 – N.J.D.E.P Letter of Interpretation.
- B. Checklist I, #9 – Location of wetlands/transition area.

13. Applicant's Engineer next gave testimony concerning the site plan. Engineer Irick testified that the property was conforming until the most recent ordinance amendment increased the required lot frontage.

14. The variance plan and survey notes the encroachment of a shed and driveway onto lot 5 from neighboring lot 5.01. Mr. Fox, the owner of both lots, and Applicant agreed to remove the encroachment as a condition of approval.

15. Applicant's Engineer agreed to redesign the proposed driveway in order to comply with Township Ordinance §60-42(J)(5). The Engineer will submit a sketch of the redesigned driveway to the Board Engineer for review.

16. The Board also noted the design waiver that was previously granted for the lot depth to width ratio requirement that was contained in the September 14, 1992 minor subdivision approval resolution.

17. No one from the public testified regarding the application.

18. The Planning Board has carefully considered this matter and finds that good cause exists for the granting of the lot width variance due to the lot size and surrounding conditions. The Board further finds that such variance relief can be granted without substantial detriment to the public good and that the granting of such variance will not substantially impair the intent and purpose of the zone plan, nor that of the zoning ordinance of the Township of Pittsgrove.

NOW THEREFORE BE IT RESOLVED that the Board does grant the aforementioned variance subject to the following conditions:

- A. Applicant shall minimize clearing, pursuant to Township Ordinance, at such time as the property is developed.

- B. Applicant shall comply with Township fire safety requirements regarding the driveway design, including the requirements of Township Ordinance §60-42(J)(5). Applicant's Engineer shall submit a sketch of the redesigned driveway to the Board Engineer for review and approval prior to the issuance of any building permits.
- C. Applicant will rectify any financial responsibility to the Township.
- D. The Applicant shall obtain approvals and permits as may be required by any other agency having jurisdiction.
- E. The encroachment from lot 5.01 shall be removed, prior to conveyance of the lot by Mr. Fox to Applicant.
- F. That compliance be had with all other requirements of the Pittsgrove Township Development Ordinance.

BE IT FURTHER RESOLVED that a Certified copy of this Resolution be furnished to applicant and Notice of this action be advertised as required by Law.

Pittsgrove Township Planning Board



THOMAS HAYES, Chairman

ATTEST:



JESSICA BAKER, Secretary

Memorialized: September 22, 2015