

**Township of Gloucester
Zoning Board of Adjustment
Thursday, December 16, 2013
7:30 P.M.**

Agenda

SPECIAL MEETING

Salute to the Flag

General Rules

Meeting will start at 7:30P.M.

No applications will be heard after 10:00P.M.

All persons testifying before the board must be sworn in.

The Board Chairperson reserves the right to hear applications in any order.

MINUTES FOR ADOPTION

Zoning Board Minutes -

RESOLUTIONS FOR MEMORIALIZATION

APPLICATIONS FOR REVIEW

#132045D

Tony & Barbara Carbone

Zoned: R3

Use "D" Variance

Block: 8901 Lot: 42

Location: 14 Roberts Lane, Somerdale

In Law Suite built in 1983 (Bathroom/Bedroom/Small Stove//Private Entrance)

Meeting Adjourned

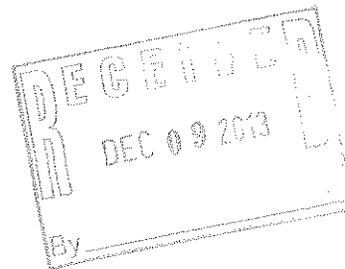


Churchill Consulting Engineers
344 North Route 73, Suite A, Berlin, NJ 08009
Phone 856-767-6901 Ext. 50 Fax 856-767-0272
E-mail jmellett@churchillengineers.com

December 9, 2013

Mr. Kenneth D. Lechner, P.P., A.I.C.P.
Department of Community Planning and Development
Gloucester Township
Chews Landing Road at Hider Lane
P.O. Box 8
Blackwood, NJ 08012

Re: Tony & Barbara Carbone
Use Variance
14 Roberts Lane
Block 8901, Lot 42
Gloucester Township, Camden County, NJ
Application No. 132045D
Our File No. GX13011-ME



Dear Mr. Lechner:

We have received the following information for the referenced project:

- A. Copy of a Township of Gloucester Land Development Application form;
- B. "Exhibit A" - Description of Application for Zoning Board Meeting, prepared by Long, Marnero & Associates, LLP, dated November 26, 2013.
- C. "Exhibit B" - A copy of a Map of Survey (not sealed). Original Survey was prepared by Robertson & Johnson, dated January 29, 1990;
- D. A copy of tax map sheet 179.01.

We offer the following comments in regard to the application:

I. Project Description

1. The project site is located along Roberts Lane, which is a cul-de-sac.
2. The site is known as Block 8901, Lot 42 as per the tax map of the Township of Gloucester.

3. The referenced tract consists of approximately 0.48 acres based on tax map data.
4. The lot is located in the R-3 Residential district.
5. The site is currently occupied by a single family dwelling.
6. The applicant is requesting to utilize an addition, which was constructed in 1983, as an "in-law" addition.
7. Based on the applicant's application, the addition included a bathroom, bedroom, its own entrance and a kitchen.
8. The property is located within a large subdivision.

II. Land Use / Zoning

1. The project site is located in the R-3 Residential district.
2. The R-3 Residential District is intended for single-family detached uses at a density of three (3) units per acre.
3. An "in-law" addition with kitchen facilities is not a permitted use within either the R-3 district. Therefore, a Use Variance is required.
4. The applicant must demonstrate special reasons in accordance with Municipal Land Use Law Section 40:55D-70 in order for the Board to consider the Use Variance.
5. The applicant must demonstrate that such relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and the Gloucester Township Zoning Ordinance.
6. Our office defers review of conformance with the area yard and bulk requirements of the Ordinance to your office.

III. Miscellaneous

1. The applicant should address if adequate parking is situated on site or immediately adjacent to the property.

Mr. Kenneth D. Lechner, P.P., A.I.C.P.

December 9, 2013

Page 3 of 3

Any Zoning Board approval shall be contingent upon approval from all other governmental agencies having jurisdiction including but not limited to Camden County Planning Board, Camden County Conservation District, Gloucester Township Municipal Utilities Authority, Aqua New Jersey, Inc. /New Jersey American Water, etc.

Please contact me if you have any questions or require additional information.

Very truly yours,
Churchill Consulting Engineers



James J. Mellett, P.E.
Senior Engineer

JJM:jm

cc: Gloucester Township Zoning Board Chairman and Members (via email)
Mr. Anthony Costa, Esq., Zoning Board Solicitor (via email & mail)
Ms. Alisa Ortiz, Gloucester Township Zoning Officer
Mr. Tony & Ms. Barbara Carbone, Applicant (via mail)
Mr. Douglas Long, Esq. (via email)

TOWNSHIP OF GLOUCESTER
Inter-office Correspondence



TO: Zoning Board of Adjustment
FROM: Kenneth D. Lechner, PP, AICP, Director / Planner
 Department of Community Development & Planning
RE: **APPLICATION #132045D** Escrow #8246
Tony & Barbara Carbone
14 Roberts Lane
BLOCK 8901, LOT 42
DATE: December 4, 2013

The above application is to permit an "in-law suite," or accessory apartment used to house family members of the property owner with no exchange of rent" within the R-3 – Residential District. The project is located on the east side of Roberts Lane south of Wyngate Road.

Applicant/Owner: Tony & Barbara Carbone, 14 Roberts Lane, Gloucester Township, NJ 08083 (telephone #856-627-3351).
Attorney: Doug Long, Esq., Long, Marmo & Associates, 44 Euclid Street, Woodbury, NJ 08096 (telephone #856-848-6440).

I. INFORMATION SUBMITTED

1. Land Development Application Form with exhibits dated 11/27/13.
 - a. Exhibit A – Description of Application for Zoning Board Meeting.
 - b. Exhibit B – Copy of property survey (reduced), as prepared by Robertson & Johnson comprising one (1) sheet dated 01/29/90.

II. ZONING INFORMATION

- I. Zone: R-3 ~Residential District (\$405.F).

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>Complies</u>
Minimum lot size	9,375 sf	±14,856 sf ¹	yes
Minimum lot frontage	75 ft.	98.41 ft.	yes
Minimum lot depth	125 ft.	136.07 ft.	yes
Maximum building coverage	20%	±18.00% ¹	yes
Maximum lot coverage	40%	±23.47% ¹	yes
PRINCIPAL BUILDING MINIMUM YARD DEPTHS AND HEIGHT LIMITATIONS			
Front yard	30 ft.	32.03 ft.	yes
Side yard	10 ft.	10.00 ft. / 14.29 ft.	yes / yes
Rear yard	30 ft.	±52 ft. ¹	yes
Minimum Useable Yard Area	25%	≥ 25%	yes
Maximum Height	35 ft.	≤ 35 ft.	yes

¹ = Scaled data.
 * = Variance required.

Variance Expiration: The applicant is advised that variances will expire unless construction commences within two (2) years of the date of the granting of the variance.

III. VARIANCE COMMENTS

The application as submitted requires the following variance:

§405.B, R3 – Residential District, Permitted Uses

1. An in-law as an accessory apartment, where a second housekeeping unit is not listed as a permitted use in the R-3 Residential District.

POSITIVE CRITERIA ("D1")

The Applicant must address and the Zoning Board of Adjustment consider the following in satisfying the positive criteria for the requested "D1" variance:

2. The Board has the power to grant a variance for a use in a district restricted against such use (basis N.J.S.A. 40:55-70d(1)).
 - a. A use variance must meet the statutory "special reasons" standards; the zoning purpose most amplifying the meaning of special reasons is, the promotion of the general welfare (basis *Medici v. BPR Co.*, 107 N.J. 1 (1987)).
 - i) The Applicant must identify and provide an analysis of those special reasons of zoning that are applicable to the application.
 - ii) The Applicant must provide testimony addressing the "enhanced quality of proof and clear specific findings" that the variance sought is not inconsistent with the Master Plan and zoning ordinance.
 - iii) Furthermore, "such proofs and findings must satisfactorily reconcile the grant of the use variance with the ordinance's continued omission of the proposed use from those permitted in the zone."

NEGATIVE CRITERIA

The Board should not grant a variance unless it is clearly demonstrated that said variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance (basis 40:55D-70).

IV. RECOMMENDATIONS

We have no further comments regarding this application at this time; however, we reserve the right to provide additional comments during the public hearing to advance the planning process.

cc: Tony & Barbara Carbone
Doug Long, Esq.
Anthony Costa, Esq.
James Mellett, PE, Churchill Consulting Engineers

TOWNSHIP OF GLOUCESTER

Chews-Landing Clementon Road at Hider Lane

P.O. Box 8 Blackwood, NJ 08012

(856) 374-3511 Planning (856) 374-3512 Zoning (856) 232-6229

For Office Use Only

Submission Date¹: _____ Application No.: #132045D

Taxes Paid Yes/No _____ (Initial)

Planning Board Zoning Board of Adjustment

Fees 260⁰⁰ Project # 8246

¹ Upon receipt of all fees, documents, plans, etc.

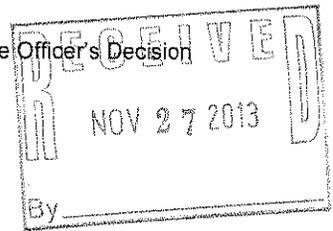
Escr. 1200⁰⁰ Escr.# 8246

LAND DEVELOPMENT APPLICATION

1. Applicant Name: <u>Tony & Barbara Carbone</u> Address: <u>14 Roberts lane</u> City: <u>Gloucester Township</u> State, Zip: <u>NJ, 08083</u> Phone: <u>(856) 627-3351</u> Fax: () - Email: _____	2. Owner(s) (List all Owners) Name(s): <u>Same</u> Address: _____ City: _____ State, Zip: _____ Phone: () - Fax: () -
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3. Type of Application. Check as many as apply:

<input type="checkbox"/> Informal Review ² <input type="checkbox"/> Minor Subdivision <input type="checkbox"/> Preliminary Major Subdivision ² <input type="checkbox"/> Final Major Subdivision <input type="checkbox"/> Minor Site Plan <input type="checkbox"/> Preliminary Major Site Plan ² <input type="checkbox"/> Final Major Site Plan <input type="checkbox"/> Conditional Use Approval ² <input type="checkbox"/> General Development Plan ²	<input type="checkbox"/> Planned Development ² <input type="checkbox"/> Interpretation ² <input type="checkbox"/> Appeal of Administrative Officer's Decision <input type="checkbox"/> Bulk "C" Variance ² <input checked="" type="checkbox"/> Use "D" Variance ² <input type="checkbox"/> Site Plan Waiver <input type="checkbox"/> Rezoning Request <input type="checkbox"/> Redevelopment Agreement <input type="checkbox"/> _____
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² Legal advertisement and notice is required to all property owners within 200 feet.

4. Zoning Districts (Circle all Zones that apply)

ER	R4	GCR	CR	BP	G-RD	LP-1
R1	RA	BWD	NC	IN	M-RD	NVBP
R2	APT	OR	HC	PR	BW-RD	SCR-HC Overlay
<u>R3</u>	SCR	OF	GI	FP	L-RD	NVSCR Overlay
						IR

5. The following applicants are required to be represented by a New Jersey Attorney: Corporation, Partnership, Limited Liability Corporation and Limited Liability Partnership

Name of Attorney: <u>Doug Long, Esq.</u> Address: <u>44 Euclid Street</u> City: <u>Woodbury</u>	Firm: <u>Long, Marmaro & Associates</u> State, Zip: <u>New Jersey, 08096</u> Phone: <u>(856) 848-6440</u> Fax: <u>(856) 848-5002</u> Email: <u>dlong@longmarmaro.com</u>
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6. Name of Persons Preparing Plans and Reports:

Name: _____	Name: _____
Address: _____	Address: _____
Profession: _____	Profession: _____
City: _____	City: _____
State, Zip: _____	State, Zip: _____
Phone: (____) ____ - ____ Fax: (____) ____ - ____	Phone: (____) ____ - ____ Fax: (____) ____ - ____
Email: _____	Email: _____

7. Location of Property:

Street Address: 14 Roberts lane Block(s): 8901
 Tract Area: _____ Lot(s): 42

8. Land Use:

Existing Land Use: Residential
 Proposed Land Use (Describe Application): See Exhibit A attached hereto.

9. Property:

Number of Existing Lots: <u>1</u>	Proposed Form of Ownership:
Number of Proposed Lots: <u>1</u>	<input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Cooperative
	<input type="checkbox"/> Condominium <input type="checkbox"/> Rental
Are there <i>existing</i> deed restrictions?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, attach copies)
Are there <i>proposed</i> deed restrictions?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes

10. Utilities: (Check those that apply.)

Public Water Public Sewer Private Well Private Septic System

11. List of Application Submission Materials: See Exhibit B for survey dated 1/29/90

List all additional materials on an additional sheet.

12. List Previous or Pending Applications for this Parcel:

List all applications on a separate sheet.

13. Zoning

All Applications	Proposed	Fence Application	Proposed
Front setback 1	N/A	Setback from E.O.P.*1	_____
Front setback 2	_____	Setback from E.O.P.*2	_____
Rear setback	_____	Fence type	_____
Side setback 1	_____	Fence height	_____
Side setback 2	_____	*E.O.P. = Edge Of Pavement.	_____
Lot frontage	_____	Pool Requirements	
Lot depth	_____	Setback from R.O.W.1	_____
Lot area	_____	Setback from R.O.W.2	_____
Building height	_____	Setback from property line 1	_____
		Setback from property line 2	_____
		Distance from dwelling	_____
		Distance = measured from edge of water.	
		R.O.W. = Right-of-way.	
		Setback = Measured from edge of pool apron.	
Garage Application		Shed Requirements	
Garage Area	_____	Shed area	_____
Garage height	_____	Shed height	_____
Number of garages	_____	Setback from R.O.W.1	_____
(Include attached garage if applicable)		Setback from R.O.W.2	_____
Number of stories	_____	Setback from property line 1	_____
		Setback from property line 2	_____

14. Parking and Loading Requirements:

Number of parking spaces required: _____ Number of parking spaces provided: _____

Number of loading spaces required: _____ Number of loading spaces provided: _____

15. Relief Requested:

Check here if zoning variances are required.

Check here if exceptions to the application or municipal requirements are requested (N.J.S.A. 40:55D-51).

Check here if exceptions to the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21-3.1) are requested.

Check here if waivers from the Residential Site Improvement Standards (RSIS, N.J.A.C. 5:21-3.2) are requested. [Such waivers require application to, and approval of the N.J. Site Improvement Advisory Board].

NOTE: If any of above are required, attach hereto separate exhibit(s) for each category of relief sought, stating the factual basis, legal theory, and whether they have been previously granted.

16. Signature of Applicant



 Signature of Applicant

 Date

 Date

17. Consent of Owner(s):

I, the undersigned, being the owner(s) of the lot or tract described in this application, hereby consent to the making of this application and the approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency. (If owned by a corporation, attach a resolution authorizing application and officer signature).

Jillian DePoder, Notary
November 26 2013
 Date

Anthony L. Carbone Jr.
 Signature
Tony Carbone
 Print Name

Sworn and Subscribed to before me this

26 day of Nov

Signature

2013 (Year).

Anthony Carbone personally came before me

Barbara Carbone
 Print Name

18. Disclosure Statement (Pursuant to N.J.S.A. 40:55D-48.1 and 48.2):

Complete each of the following sections:

- | | | |
|--|--|------------------------------|
| A. Is this application to subdivide a parcel of land into six or more lots? | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes |
| B. Is this application for a variance to construct a multiple dwelling of 25 or more family units? | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes |
| C. Is this application for approval on a site or sites for commercial purposes? | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes |
| D. Is the applicant a corporation? | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes |
| E. Is the applicant a limited liability corporation? | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes |
| F. Is the applicant a partnership? | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes |

IF YES TO ANY OF THE ABOVE:

- List the names and addresses of all stockholders or individual partners owning at least 10 percent of it's stock of any class or at least 10 percent of the interest in partnership, as the case may be. (Use additional sheets as necessary).
- Does a corporation or partnership own 10 percent or more of the stock in this corporation or partnership?

IF YES:

List the names and addresses of the stockholders of that corporation holding 10 percent or more of the stock or 10 percent or greater interest in that partnership, as the case may be. This requirement is to be followed by every corporate stockholder or partnership, until the names and addresses of the non-corporate stockholder and individual partners with 10 percent or more ownership have been listed. (Use additional sheets as necessary).

Signature of Applicant
Tony Carbone
 Print Name

Date

19. Survey waiver certification:

As of the date of this application, I hereby certify that the survey submitted with this application, under the date of 1/29/90, shows and discloses the premises in its entirety, described as Block 8901 Lot 42; and I further certify that no buildings, fences or other facilities have been constructed, installed or otherwise located on the premises after the date of the survey with the exception of the structures shown.

State of New Jersey,
 County of Camden:
Anthony L. Carbone Jr. of full age, being duly sworn to law, on oath and says that all of the above statement herein is true.

Sworn and subscribed to
 On this 26 day of November
2013 before the following authority.

Anthony L. Carbone Jr.
 Name of property owner or applicant

Anthony Carbone Jr. personally came before me
Jillian DePoder
 Notary public

EXHIBIT “A”



Long Marmero & Associates, LLP

Douglas M. Long Δ
Albert K. Marmero Δ
Kathleen M. Bonczyk Δ*
Jesse M. DeBrosse Δ†

A New Jersey Limited Liability Partnership
ATTORNEYS AT LAW

Δ Member NJ Bar
† Member PA Bar
* Member FL Bar

44 Euclid Street
Woodbury, NJ 08096

Tel: (856) 848-6440
Fax: (856) 848-5002
www.longmarmero.com

November 26, 2013

EXHIBIT A
DESCRIPTION OF APPLICATION FOR ZONING BOARD MEETING

Anthony and Barbara Carbone
14 Roberts Lane, Gloucester Township
NJ, 08083; Block 8901, Lot 42
R-3 Zone

The Applicants are requesting from the Gloucester Township Board of Adjustment a variance under N.J.S.A. 40:55D-70(d) to use the addition constructed on their house as an “in-law suite,” or an accessory apartment used to house family members of the property owners with no exchange of rent.

Section 202 of the Gloucester Township Ordinance defines an accessory apartment as “a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters, and a private entrance, which is created ... by an addition to an existing residence or accessory building.” The Applicants acquired this property in 1982, and after receiving permits, constructed an addition in the back of the house in 1983. The addition contains a bathroom, bedroom, its own entrance, and a small stove. Relying on the permits, the Applicant allowed his parents to reside in the addition from 1983 until 2008 when his father passed away, and then his daughter moved into the addition. It is unknown whether the Ordinance in effect at the time of construction prohibited this use.

Current Ordinance Section 405 lists the permitted uses and accessory uses in the R-3 Zone, but an accessory apartment is not listed. Section 405(C)(12) does permit “accessory uses customarily incidental to a principal use.” Arguably, the housing of relatives is still a single-family use under Ordinance Section 405(B)(1). Ordinance Section 202 defines a family as “[o]ne or more persons occupying a dwelling unit as a single household, who are living together as a stable and permanent living unit, being a traditional family or the functional equivalent thereof; a single housekeeping unit.” The Applicants would not create a multi-family use or enter into a landlord-tenant relationship.

The Applicants can show special reasons why the variance can be granted without substantial detriment to the public good, and why it will not substantially impair the intent and the purpose of the zoning ordinance. The use serves the public good by allowing the Applicants and future owners to care for family members while allowing them privacy and autonomy. In addition, the Applicants would suffer undue hardship if this request is denied because they have relied on the construction permits in good faith for 30 years, including entering into a contract for the sale of their home.

Further, the use will not damage the character of the neighborhood, as it has continued for a substantial time with no complaints until the house was put up for sale. Neighbors may be concerned that future owners would rent the unit to unrelated persons, but the Applicants are only asking for a variance to allow the accessory apartment to be used to house family members of the property owners with no exchange of rent.

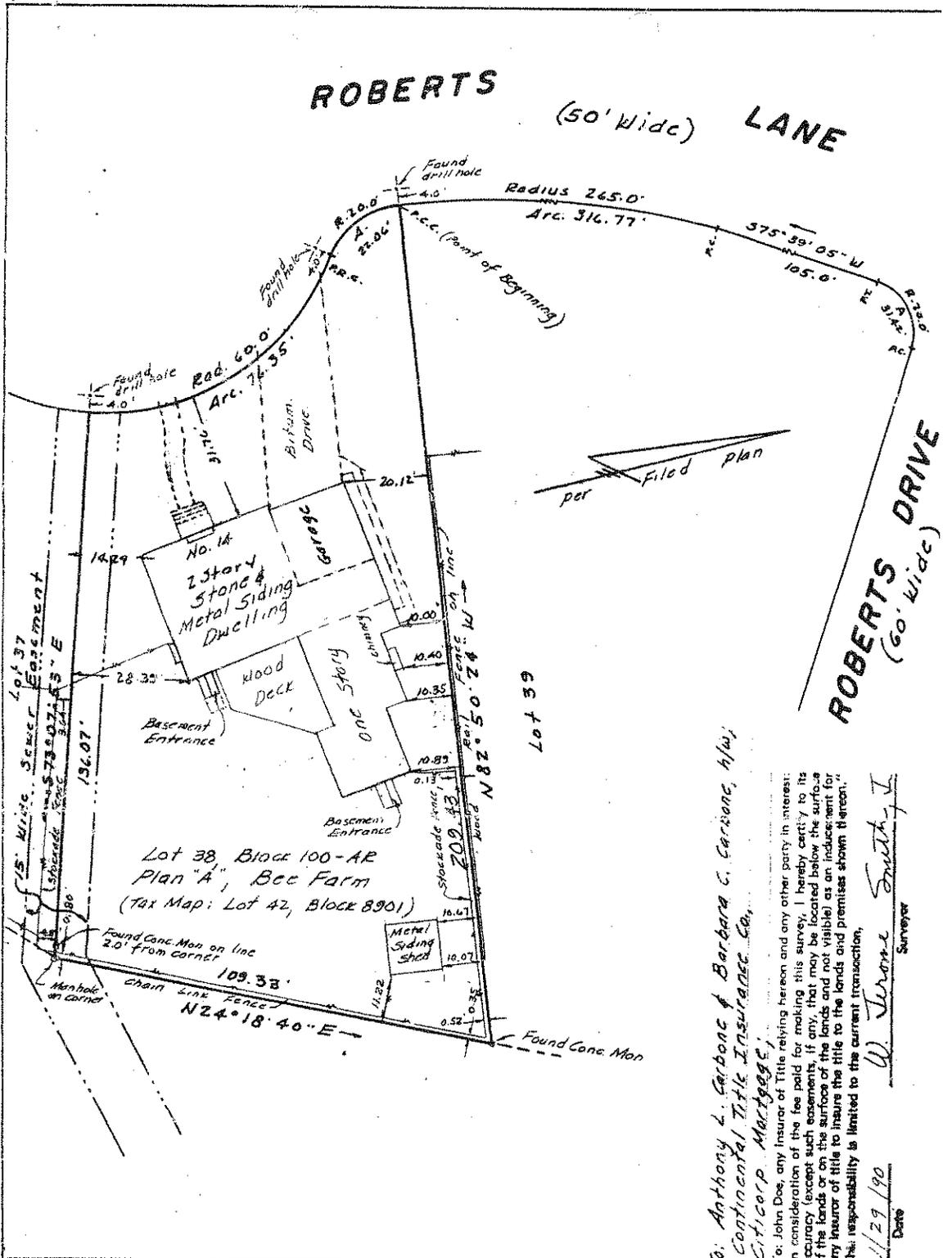
Finally, the proposed use will not substantially impair the intent and the purpose of the zoning ordinance. As discussed above, the housing of older relatives is still arguably a single-family use under the Ordinance, which defines a family as “[o]ne or more persons occupying a dwelling unit as a single household, who are living together as a stable and permanent living unit, being a traditional family or the functional equivalent thereof; a single housekeeping unit.” The Applicants would not create a multi-family use or enter into a landlord-tenant relationship and so would not undermine the zoning scheme.

Should the Board grant this relief, the Applicants agree to record a copy of the resolution to ensure that all future owners are on notice of and aware of the specific limitations on the use.

Respectfully submitted,
LONG MARMERO & ASSOCIATES, LLP

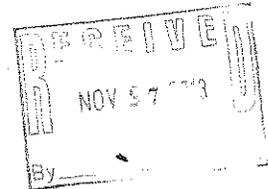
Douglas M. Long
Attorney for Anthony and Barbara Carbone

EXHIBIT “B”



MAP
 SHOWING SURVEY OF PROPERTY
 SITUATE IN
GLOUCESTER TWP, CAMDEN CO., N.J.
 SCALE: 1" = 30' JAN. 29, 1990
ROBERTSON & JOHNSON
 PROFESSIONAL ENGINEERS & LAND SURVEYORS
 221 CLEMENTS BR. RD., BARRINGTON, N.J.

W. Jerome Smith, Jr. Date 1/29/90
W. JEROME SMITH, JR., P.E. & L.S., N.J.L.C. No. 14816



To: Anthony L. Carbone & Barbara C. Carbone, M/W;
 Continental Title Insurance Co.,
 Citicorp Mortgage;

"I, John Doe, any insurer of title relying hereon and any other party in interest:
 In consideration of the fee paid for making this survey, I hereby certify to its
 accuracy (except such easements, if any, that may be located below the surface
 of the lands or on the surface of the lands and not visible) as an inducement for
 any insurer of title to insure the title to the lands and premises shown thereon.
 This responsibility is limited to the current transaction."

W. Jerome Smith, Jr.
 Surveyor
 1/29/90
 Date

38/100-AR
 (79008-63)

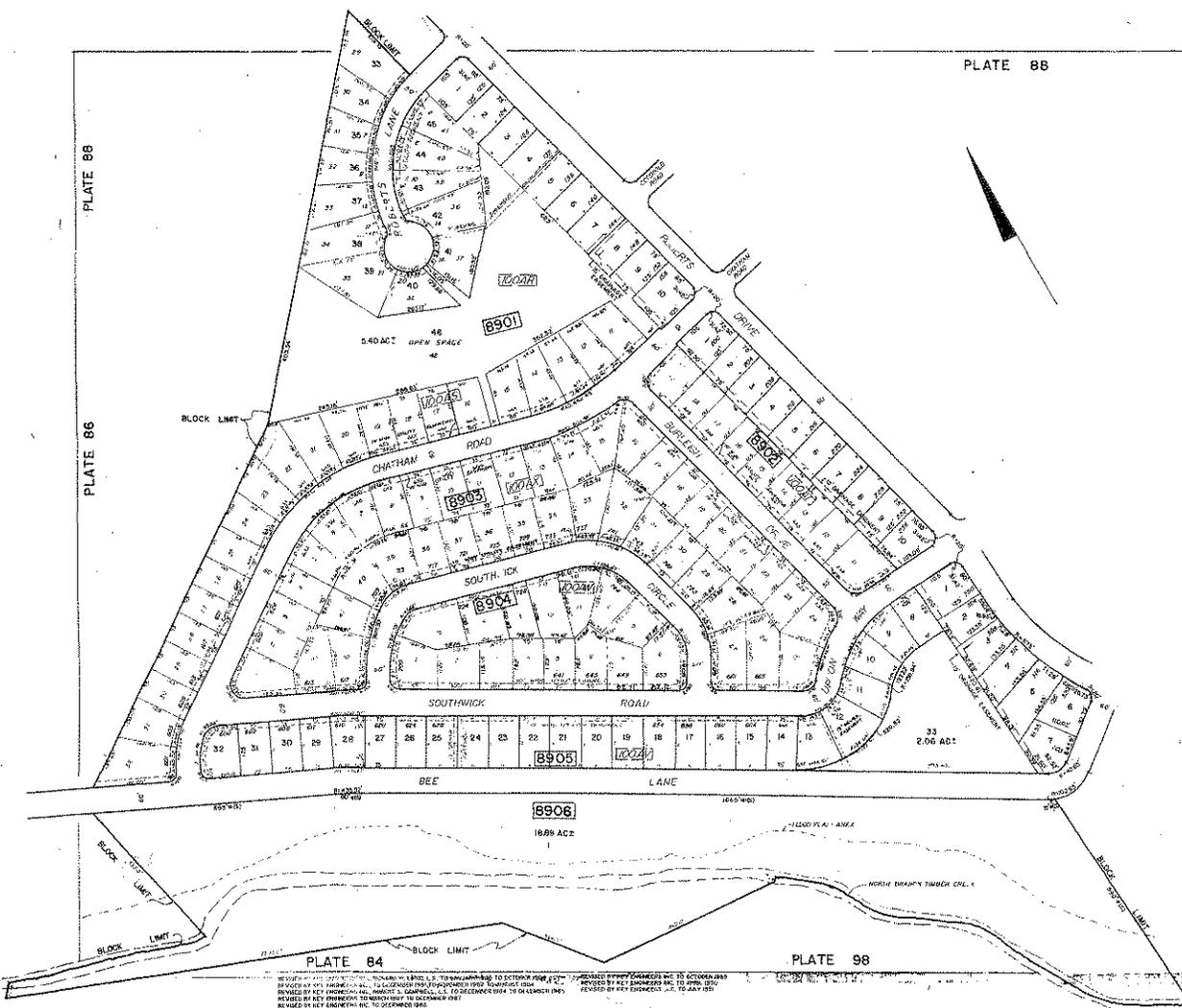
PLATE 88

PLATE 88

PLATE 86

PLATE 92

PLATE 96



APPROVED FOR THE TOWNSHIP OF GLOUCESTER, NEW JERSEY, BY THE BOARD OF TAXATION, ON OCTOBER 10, 1990.
 PREPARED BY THE ENGINEERING ASSOCIATE OF THE TOWNSHIP OF GLOUCESTER, NEW JERSEY, ON OCTOBER 10, 1990.
 J. P. [Signature]
 CIVIL ENGINEER, P.E.
 1000 [Address]

TAX MAP
TOWNSHIP OF GLOUCESTER
 CAMDEN SOCIETY
 SCALE: 1" = 100'

ENGINEERING ASSOCIATE
 1000 [Address]
 CAMDEN, NEW JERSEY 08102

REVISIONS:
 REVISED BY KEY ENGINEERING INC. TO CORRECT ERRORS TO OCTOBER 1990.
 REVISED BY KEY ENGINEERING INC. TO CORRECT ERRORS TO OCTOBER 1990.
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