

**LAND USE PLANNING BOARD OF THE
TOWNSHIP OF EASTAMPTON**

RESOLUTION # 10 - 2024

**ON THE APPLICATION OF WALTER AND KIM TAFE FOR A
VARIANCE FROM THE MINIMUM SIDE YARD SETBACK
REQUIRMENT OF THE RU-L ZONE PURSUANT TO N.J.S.A.
40:55D-70c(2) TO CONSTRUCT AN ADDITION TO THE
SINGLE FAMILY HOME ON BLOCK 1401.02, LOT 2 (19
DURHAM LANE)**

WHEREAS, Walter and Kim Tafe (“Applicants”), the owners of Block 1401.02, Lot 2 (“Property”), have applied to the Eastampton Township Land Use Planning Board (“Board”) requesting a variance from the minimum side yard setback requirement of the RU-L zone to construct an addition to their single family residence; and

WHEREAS, the Applicants appeared before the Board on February 21, 2024, represented by Alan F. Fox, Esquire, and Walter Tafe testified under oath; and

WHEREAS, the Board members reviewed the submissions presented on behalf of the Applicants consisting primarily of a permit plan prepared by Taylor, Wiseman Taylor; photographs provided by the Applicants, and architectural drawings titled “New Addition, Walt & Kim Tafe” prepared by Scarpa Architecture, LLC; and

WHEREAS, Board Planner, Mark Remsa, PP, LLA, AICP, ASLA, issued a report dated December 22, 2023, revised January 25, 2024 (“Planner Review Letter”), wherein he noted that the Property “is located along the

western side of Durham Lane in the southern portion of Eastampton Township” containing 0.919 acres, and having a “wooden deck, three sheds, a concrete pad ... and a ‘U-shaped’ driveway;” and

WHEREAS, Mr. Remsa described the proposed use as follows:

... The applicant seeks approval to construct a one-story addition to the northwestern corner of the existing dwelling. The addition, which measures approximately 24 feet long by 18 feet wide by 16 feet-9 inches high and have approximately 438 square feet, would contain a new master bedroom suite consisting of a bedroom, bathroom and walk-in closet. The addition would displace a gravel area, a single section of ornamental fence that extends perpendicularly from the dwelling, and an air conditioning condenser unit. It appears from the Permit Plan and the architectural drawings the existing wooden deck would have to be modified to accommodate the proposed addition; and

WHEREAS, Walter Tafe testified as follows:

1. He is a veteran of several military campaigns and has suffered serious injuries resulting in multiple surgeries.
2. They had moved to Eastampton Township with the intention of relocating but have embraced their neighborhood and neighbors and wish to remain in the community.
3. The addition will enable them to age in place and provide him with a safe environment through improvements to the house that will make it handicap accessible.
4. If the variance is granted as designed, the single family residence will remain within the character of the neighborhood and there will be no adverse impacts.
5. The three existing nonconformities, from the minimum lot area, minimum lot frontage and minimum lot width cannot be corrected, and the requested variance from the minimum side yard setback requirement of 50 feet to permit a minimum side yard setback of 39.21 feet is not extensive as a

significant side yard setback will remain; and

WHEREAS, Mr. Remsa advised that due to the shape of the Property and the location of the septic system, the addition can only be built in the proposed location and the architectural design will blend into the existing neighborhood; and

WHEREAS, a variance is not required from Eastampton Code § 540-11I(1) as the separation of 10.43 feet comports with the required five foot separation between an accessory structure and other buildings set forth in Code § 540-16D(6)(d); and

WHEREAS, Mr. Fox advised that the variance advanced the purposes of the Municipal Land Use Law by promoting a desirable visual environment through the proposed architectural design of the addition, and improving the public health and general welfare by adding an handicap accessible bedroom and bathroom to the housing stock, and that the variance could be granted without substantial detriment to the public good and it would not substantially impair the intent and purpose of the zone plan and zoning ordinance, as the expansion of the single family residence was consistent with the zone plan and zoning ordinance and the architectural design will result in the addition blending into the neighborhood; and

WHEREAS, the hearing was opened to the public, and Tony Giobbie spoke in favor of granting the variance as there are three homes in the neighborhood with similar additions and if granted, it will enhance the

neighborhood, and there being no further public comment, the hearing was closed.

NOW THEREFORE BE IT RESOLVED by the Land Use Planning Board of the Township of Eastampton as follows:

1. The above preamble clauses are adopted as the findings of fact and conclusions of law.

2. The Board incorporates herein the Planner Review Letter, as well as the submissions made on behalf of the Applicants.

3. A variance is granted pursuant to N.J.S.A. 40:55D-70c(2) from the requirements of Code § 540-16D(5)(b) to permit a minimum side yard setback of 39.21 feet as due to the shape of the Property and the location of the septic system the addition can only be built in the proposed location. The purposes of the Municipal Land Use Law will be advanced by this deviation from the zoning ordinance requirement through the promotion of a desirable visual environment resulting from the architectural design of the addition, and improving the public health and general welfare by adding a single family housing unit with handicap accessible features, and the benefits of the deviation substantially outweigh any detriment as there is no adverse impact on any adjoining property from the reduction in the required minimum side yard setback. The 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 as the addition to the existing single

family residence is consistent with the zone plan and zoning ordinance, and the design of the addition will result in its blending into the existing neighborhood.

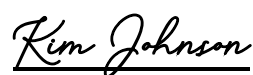
4. The Applicants shall satisfy all Township requirements pertaining to affordable housing, payment of escrows and are required to obtain all required approvals from any agency having jurisdiction regarding the application.

Members voting in favor of granting the approvals on February 21, 2024: Councilman Apgar, Chairperson Adams, Mr. Bayles, Mr. Buck, Vice-chairperson Chieco, Mr. De Gregory, Mr. Negraval, and Township Manager White.

Members voting in favor of adopting this resolution of memorialization on March 20, 2024: Councilman Apgar, Chairperson Adams, Mr. Bayles, Mr. Buck, Vice-chairperson Chieco, Mr. De Gregory, Mr. Negraval, and Township Manager White.

The foregoing is a true copy of a resolution adopted by the Land Use Planning Board of the Township of Eastampton at its meeting held on March 20, 2023 memorializing action taken at its meeting held on February 21, 2024.

LAND USE PLANNING BOARD OF
THE TOWNSHIP OF EASTAMPTON



KIM JOHNSON
LAND USE MINISTRATOR