

Township of Randolph
Randolph, NJ 07869
September 28, 2023

A regular meeting of the Randolph Township Board of Adjustment was called to order at 7:32PM by Kimberly Coward. Adequate notice of the meeting was given to the official newspaper and an agenda was posted on the Township bulletin board.

ROLL CALL:

Present: Comrs. Asbaty, Bell, Norman, O'Neill, Stracco, Alt. Tatch, Darren Carney, Assistant Manager/Planning and Zoning Administrator, Richard Schneider, Board of Adjustment Attorney

Absent: Alt. Fiscella, Vice Chairman Dunn, Chairman Sesko

A motion was made by Comr. O'Neill and a second by Comr. Bell to elect Comr. Stracco as a temporary chairman. Comr. Stracco was elected by a unanimous roll call vote.

ACTION ON MINUTES OF:

July 27, 2023

Comr. O'Neill made a motion and seconded by Comr. Bell.

The following roll call was taken:

AYES: Comrs. Bell, Norman, O'Neill, Stracco, Alt. Tatch

NAYS:

ABSTAIN:

Motion carried.

July 27, 2023 Executive Session

Comr. O'Neill made a motion and seconded by Comr. Bell.

The following roll call was taken:

AYES: Comrs. Bell, Norman, O'Neill, Stracco, Alt. Tatch

NAYS:

ABSTAIN:

Motion carried.

August 10, 2023

Comr. O'Neill made a motion and seconded by Comr. Bell.

The following roll call was taken:

AYES: Comrs. Bell, Norman, O'Neill, Stracco, Alt. Tatch

NAYS:

ABSTAIN:

Motion carried.

August 10, 2023 Executive Session

Comr. O'Neill made a motion with the spelling change and seconded by Comr. Bell.

The following roll call was taken:

AYES: Comrs. Bell, Norman, O'Neill, Stracco, Alt. Tatch

NAYS:

ABSTAIN:

Motion carried.

PUBLIC COMMENTS: None heard.

MEMBERS COMMENTS: None heard.

RESOLUTION:

DATE CREATED: August 21, 2023

REVISED:

**TOWNSHIP OF RANDOLPH
BOARD OF ADJUSTMENT**

**RESOLUTION MEMORIALIZING THE GRANTING OF VARIANCE
RELIEF TO THE APPLICANT, JASON LAWLOR, RELATING TO
PROPERTY LOCATED AT 193 DOVER CHESTER ROAD, AND**

**DESIGNATED AS BLOCK 81, LOT 48 ON THE OFFICIAL TAX
MAPS OF THE TOWNSHIP OF RANDOLPH**

NAME OF APPLICANT: Jason Lawlor

LOCATION OF PROPERTY: *193 Dover Chester Road*
Block 81, Lot 48
Randolph, NJ

APPLICATION NO: 23-06

ZONE: R-1

WHEREAS, Jason Lawlor (“Applicant”) has applied to the Township of Randolph Board of Adjustment (“Board”) for permission to replace an existing concrete porch with a new covered porch, relating to property located at 193 Dover Chester Road and designated as Block 81, Lot 48 on the official tax maps of the Township of Randolph; and

WHEREAS, the Board conducted a public hearing in accordance with the jurisdictional requirements of the Randolph Township Land Development Ordinance and the New Jersey Municipal Land Use Law on August 10, 2023; and

WHEREAS, the Board hereby makes the following findings of fact and conclusions of law:

1. The Applicant is the owner of the subject property and has the right to request the relief sought herein.
2. The subject property is located in the Township's R-1 Zone District. The property is somewhat irregularly shaped as hereinafter detailed and contains .46 acres. It is presently improved by a two-story frame dwelling, with a deck to the rear with access via a paved drive from Dover Chester Road. For purposes of the within application, the existing improvement that brings the matter before the Board is an old concrete porch located in the front of the dwelling. As is reflected on Exhibits A-1, A-2 and A-3, the concrete porch is in somewhat of a deteriorating condition and is sought to be replaced in conjunction with this application.
3. As originally proposed, the Applicant sought approval to install a new covered porch measuring 24 feet by 10 feet, as reflected on a markup of the survey submitted in conjunction with the application. During

the course of the public hearing, the Applicant amended its application to seek approval of a 24 foot by 8 foot covered porch, such that the porch would extend only 8 feet and not 10 feet from the existing dwelling. The porch would have a pitched roof.

4. The Applicant presented testimony as to the reasons why a new porch is required. As reflected in Exhibits A-1, A-2 and A-3, the present porch is in somewhat of a deteriorating condition. The new porch would serve a number of objectives. It would make the existing front door more accessible, provide protection from harsh weather conditions and would improve stormwater management. Specifically, albeit not with expert testimony, the Applicant testified that stormwater currently enters the front of the house and that the new porch addition will allow water to dissipate or flow away from the existing residence.
5. The existing residence maintains a nonconforming front yard setback. The existing residence maintains a 30.28 setback to the front yard property line, whereas 50 feet is required in the R-1 Zone. As originally proposed, the 10 foot by 24 foot porch would maintain a 20.8 setback, but as amended, that setback would be increased to 22.8. The existing nonconforming setback, which admittedly will be somewhat exacerbated by the porch addition, should be viewed in the context of a significant distinction between the front yard property line and the actual curb line. The Applicant testified that the approximate distance to the curb is approximately 55 feet, essentially creating a larger perceived front yard setback than may be reflected by the nonconforming proposed 22.8 foot setback to the front yard property line. The difference was apparently occasioned by a right-of-way dedication along Dover Chester Road, recognizing that the setbacks are measured to the front yard property line, and not the curb line. The Board further recognizes that, as reflected on the survey, the front yard property line is not in a "straight line" along the front yard property line.
6. The Board adjudicates the request for variance relief pursuant to N.J.S.A. 40:55D-70c(1) and c(2). Pursuant to N.J.S.A. 40:55D-70c(1), the Board recognizes both the unique shape and existing lawful structures existing on the property and is able to conclude that the strict application of the 50 foot front yard would result in peculiar and exceptional practical difficulties and undue hardship upon the Applicant, and therefore concludes that it is appropriate to grant relief to relieve such difficulties or hardship. In addition, pursuant to N.J.S.A. 40:55D-70c(2), the Board is able to find that the benefits of the deviation outweigh any detriment. Specifically, the Board recognizes the benefits to the replacement of an existing deteriorating front porch with a new, more aesthetically pleasing front porch, providing for a more appropriate and efficient means of access, as well as providing protection against potential weather conditions and apparently an improvement relative to a stormwater management.

As such, the Board is able to conclude that the purposes of zoning pursuant to N.J.S.A. 40:55D-70d(2)(a) are advanced in that the application will promote the public health, safety, morals and general welfare; that it will promote the establishment of appropriate population densities and contribute to the well-being of persons, neighborhoods and the community pursuant to N.J.S.A. 40:55D-2(e); will provide sufficient space in an appropriate location for continued residential use, pursuant to N.J.S.A. 40:55D-2(g); and will promote a desirable visual environment pursuant to N.J.S.A. 40:55D-2(i). The Board is able to conclude that the variance relief may be granted without any substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Township of Randolph. Based on all of the foregoing, the Board finds that the variance relief sought may be granted pursuant to N.J.S.A. 40:55D-7c.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Randolph that the variance application of Jason Lawlor is hereby approved subject to the following conditions:

1. The approved porch shall be amended to a size of 24 feet by 8 feet, and shall be authorized to be extended only 8 feet from the current residence.
2. This approval is subject the approval of any other federal, state or local governmental agency with jurisdiction.
3. This approval is subject to the Applicant paying all taxes, fees and escrows required by the Township of Randolph. The Applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days of notification or this approval shall be deemed withdrawn.
4. The variance herein granted is subject to the time limitations on variance relief as set forth in Section 15-4.12 as hereinafter may be amended or any subsequent amendments thereto as may apply to this application.

The foregoing Resolution is memorialized on September 14, 2023, pursuant to N.J.S.A. 40:55D-10(g)(2), memorializing an approval granted to the Applicant at meeting of the Board held on August 10, 2023.

APPROVED:

Comrs. Bell, O'Neill, Stracco, Alt. Tatch

NEW BUSINESS:

#23-08 Ten East Realty
B 44 L 1,2, 56, 971-989 Route 10

Site Plan Extension/Subdivision Extension

Steven Schepis, Esq. appeared to represent the applicant requested one year extension. He handed out a letter to the Board members. He marked and dated September 28, 2023 Exhibit A-1 letter from September 21, 2023 to NJDOT. The subdivision cannot be perfected until the permit from the NJDOT is received. The applicant is still waiting for the approval from the NJDOT permit.

Mr. Schneider asked if there are any other items outstanding. He asked if the scarce resource has been lifted.

Mr. Schepis noted that the permit from the NJDOT that are being approved and then it will be reviewed by the township engineer.

Mr. Schepis noted that judge has lifted the scarce resource on this project.

Mr. Schneider explained what the extension of time means. The extension just protects the approval from any zoning changes.

Mr. Carney noted that there is a dedication of the land on Canfield Avenue for the subdivision.

Mr. Schneider clarified that the extension will be until October 22, 2024 for the site plan and the subdivision.

Chairman Stracco opened the meeting to the public. None heard.

CASE REVIEW:

The Board discussed the application.

Comr. Asbaty made motion and Alt. Tatch seconded the motion.

ROLL CALL:

AYES: Comrs. Bell, Norman, O'Neill, Stracco, Asbaty, Alt. Tatch

NAYES:

ABSTAIN:

Motion carries.

RESOLUTION:

There was motion and a second to go into Executive Session. All in favor.

Mr. Schneider read the resolution into the record for the Executive Session at 7:52pm.

The Board returned to regular session at 8:32pm.

ADJOURN: A motion and a second to adjourn.

Attest:

Kimberly Coward
BOA Secretary

TIME: 8:34 PM