

**EASTAMPTON TOWNSHIP  
LAND USE PLANNING BOARD APPLICATION**

**Date: September** \_\_\_\_\_ **2022**

**BLOCK:**1401\_\_ **LOT:**\_\_6

Application for: Use Variance

Amendment to  
Approved Plan \_\_\_\_\_

Appeal from  
Zoning Official \_\_\_\_\_

Conditional Use \_\_\_\_\_

General  
Development Plan \_\_\_\_\_

Interpretation of  
Ordinance or Map \_\_\_\_\_

Site Plan Approval \_\_\_\_\_

Subdivision  
**Variance X-**  Use Variance

Other

**For Office Use**

Date Received: 11/3/22  
Application No: 2022-06  
Meeting Date: 12/8/22  
Date Filed: 10/12/22 11/3/22



**THE FOLLOWING MUST BE COMPLETED FOR APPLICATIONS FOR VARIANCE,  
OR THE APPLICATION WILL NOT BE ACCEPTED.**

TYPE OF VARIANCE SOUGHT: Use Variance

TYPE OF RELIEF SOUGHT: Application for a Use Variance pursuant to N.J.S.A. 40:55D-70

(d) to permit the second floor of the property located a 2 Morris Lane to be converted into a separate living area for the purpose of creating a multi-generational housing unit.

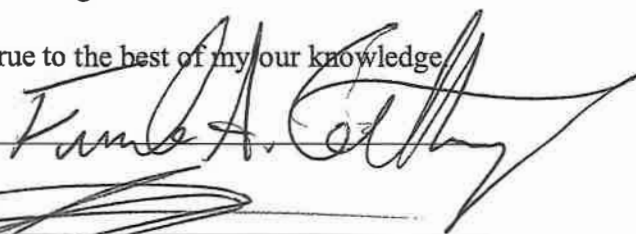
See also attached Supplemental Information

SECTION OF THE TOWNSHIP CODE THE RELIEF IS SOUGHT:

§ 540-18. R-M Residential Medium Density District.

**Certification**

I/We hereby certify that all of the following statements and the information contained in the application submitted herewith are true to the best of my/our knowledge.

Applicant/Owners: Frank Getting: 

Applicant/Owner: Jenny Getting: 

Applicant John Brodie: 

Applicant/Representative  
Alan P. Fox, Esquire  
Capehart & Scatchard, P.A.  
8000 Midlantic Drive, Suite 300 S,  
Mt. Laurel, New Jersey 08054  
Phone: 856-914-2056; fax: 856-235-2786  
Email: Afox@capehart.com

**PLANNING APPLICATION GENERAL INFORMATION**

A. **Applicant Name:** John Brodie and Jenny Getting (husband and wife) and Frank Getting (Jenny Getting's father) (collectively the "Applicant")

B. **Address of Property.** 2 Morris Lane, Eastampton, NJ

C. **Existing Use of Property:** Single Family Dwelling

D. **Proposed Use of Property:** renovation to add an "in-law suite" for continue use as a multi-generational single family dwelling

E. **The Applicant is a:**

\*Corporation \_\_\_\_\_ \*Partnership \_\_\_\_\_ \*LLC \_\_\_\_\_ **Individual** xxx  
Other (please specify)

\*If the applicant is a corporation, LLC or partnership please attach a list of the names and addresses of persons having a 10% or more interest in the property.

**F. The Applicant is the:**

Owner xx Contract Purchaser \_\_\_\_\_ Tenant \_\_\_\_\_

Other (please specify)

**G. Name of Owner (if different than Applicant) N/A**

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address:

**H. Attorney:**

Alan P. Fox, Esquire  
Capehart & Scatchard, P.A.  
8000 Midlantic Drive, Suite 300 S,  
Mt. Laurel, New Jersey 08054  
Phone: 856-914-2056; fax: 856-235-2786  
Email: Afox@capehart.com

- **Engineer or Surveyor- Mark Shourds, PP. PE**

Address: **Mark Shourds, PP. PE**

Address: **SHOURDS CONSULTING, PC**  
3 Cedar Street,  
Matawan, NJ 07747

Telephone Number" (609) 304-6000  
Email Address: [mark@shourdsconsulting.com](mailto:mark@shourdsconsulting.com)

**J. Professional Planner:**

**Mark Shourds, PP, PE**

Address: **SHOURDS CONSULTING, PC**  
3 Cedar Street, Matawan, NJ 07747  
Telephone Number (609) 304-6000  
Email Address: [mark@shourdsconsulting.com](mailto:mark@shourdsconsulting.com)

**K. Has there been any prior appeal or approval involving the premises? No**

If yes, state the date, Resolution number, character of appeal and disposition:

L. List plans and other materials accompanying this application:

- Survey of Premises, dated 3/14/2022 prepared by Albert N. Floyd, LS
- Architectural drawing (Floor Plan- (1) sheet A-1) dated 9/19/2022 prepared by Alfredo R. Trevino, AIA.

***SEE ATTACHED ADDENDUM WITH SUPPLMENTAL INFORMATION FOR APPLICATION***

## **ESCROW AGREEMENT**

**THIS AGREEMENT** entered into this 27th day of September 2022 by and between John Brodie, Jenny Getting (husband and wife) and Frank Getting having a mailing address at 100 Park Street, Bordentown, New Jersey 08505 (collectively hereinafter referred to as the "Applicant") and the Township of Eastampton, with its principal offices located within the Manor House at 12 Manor House Court, Eastampton, NJ 08060 (hereinafter referred to as the "Township").

### **WITNESSETH**

**WHEREAS**, the Applicant has filed an application for a Use Variance including architectural plans and a survey and other documents seeking review approval of its proposal with respect to Block 1401, lot 6 and commonly known as 2 Morris Lane, Eastampton, New Jersey; and

**WHEREAS**, the Township, pursuant to the Municipal Land Use Act, has a certain amount of days to review said plans to determine whether said plans are complete and whether the application should be approved or denied; and

**WHEREAS**, the Municipal Land Use Act authorizes the Township to charge reasonable fees to provide for the cost of professional review of plans, applications and documents and to require that an estimate of said fees be deposited in escrow; and

**WHEREAS**, the Township Code establishes the amount of the initial escrow deposit and the way said funds are to be deposited and expended.

**NOW THEREFORE**, in consideration of mutual covenants, agreements and considerations contained herein, the Township and Applicant hereby agree as follows:

**1. Escrow Deposit.** The applicant shall deposit in cash the sum of \$1,000.00 in accordance with § 460-58 of the Eastampton Township Code, as it may from time to time be supplemented and amended, an amount equal to the fee(s) which the Board anticipates may be paid to Professionals engaged to review the Development Application, plans and other documents submitted with respect to an application for development, and agrees to pay an initial deposit and such other additional deposits as may be required to offset these review costs by the Board.

Professional review includes, but is not limited to, engineer, planner, attorney, traffic consultant, administrative officer and any other consultants appointed by the Board in question. The amount of interest, if any, on monies so deposited shall be distributed between the applicant and the municipality as required by N.J.S.A. 40:55D-53.1 with the municipality receiving the highest percentage permitted by law.

In the event that an application is denied, certified incomplete, or withdrawn by the applicant, and the application is subsequently resubmitted or a second application is submitted by the same applicant for the same use and on the same site as the original application within sixty (60) days

of the denial, incomplete certification or withdrawal, then a new escrow amount must be submitted with such application in accordance with the above schedules.

Should an application be refilled after the application has been denied without prejudice, no new application fee need be submitted. Upon receipt of a formal, written request, the Board may recommend to the Township Council that the unencumbered balance of the original escrow be refunded to the applicant or credited toward the escrow amount required for any subsequent application or resubmitted application.

**2. Increase or Decrease.** Sums not utilized in the review of process or other costs of administration shall be returned to the applicant. If additional sums should be deemed necessary, the applicant shall be notified of the required additional amount and shall add said sum to the escrow within fourteen (14) days of the date of said notices hereinafter stipulated.

Prior to the Board taking action on an application, the professionals responsible for reviewing the application shall inform the Township within ten (10) days of a request of the estimated amount of potential remaining plan review charges. The applicant, if necessary, shall deposit said additional funds within the aforementioned fourteen (14) day period.

**3. Effect of Insufficient Funds.** The Board shall not be required to process the application or take further action on the application until all required additional deposits are made by the applicant. The failure to deposit the initial or additional funds shall be grounds for denial of the application. In the event the Board approves an application, the obligation to pay for professional plan review fees by depositing the funds in escrow shall be a condition of the approval granted by the Board.

If the escrow funds are depleted after the application, the applicant shall pay additional funds upon demand within the aforementioned fourteen (14) day period. In the event that additional deposits requested by the Board remain unpaid for a period of sixty (60) days, this development application shall be deemed to be withdrawn and shall be dismissed without prejudice by the Board.

**4. Municipal Liability.** The parties agree that the Township assumes no liability for the administration of the escrow fund and the applicant hereby releases the Township from any and all claims with respect to the administration of the fund. The Township liability is expressly limited to accounting for the disbursement of the funds.

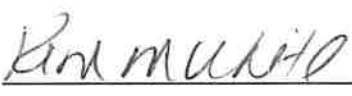
**5. Owner/Applicant Liability.** In the event the owner is not the applicant, the owner, by execution of this Agreement, consents to all the provisions contained herein and agrees to be liable for the payment of any fee or fund upon demand of the Township in accordance with the terms and conditions of this Agreement.

**6. Entire Agreement.** The parties agree that this Agreement constitutes the entire Agreement.

**7. Municipal Regulations.** The parties agree that all municipal regulations set forth in the Township are incorporated by reference hereto. In the event that any regulation of the Municipality is in conflict with the terms and conditions of this Agreement, the particulars of the regulations shall control.

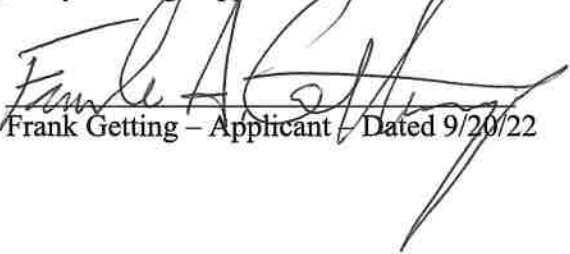
**IN WITNESS WHEREOF**, the Township has caused this Agreement to be signed on its behalf and its seal to be fixed the day and year first above written and the applicant has executed this Agreement the day and year first above written in the appropriate manner.

  
\_\_\_\_\_  
John Brodie -Applicant/Date 9/20/22

  
\_\_\_\_\_  
Municipal Clerk/Date

11/3/22

  
\_\_\_\_\_  
Jenny Getting Applicant - Dated 9/20/22

  
\_\_\_\_\_  
Frank Getting - Applicant - Dated 9/20/22

**EASTAMPTON TOWNSHIP LAND USE PLANNING BOARD  
RESIDENTIAL APPLICATION SUPPLEMENTAL INFORMATION PACKAGE**

**Submitted by Attorneys for Applicant**

**Alan P. Fox Esq  
Capehart & Scatchard, P.A.  
8000 Midlantic Drive, Suite 300S  
Mt. Laurel, NJ 08054  
Direct Phone: 856-914-2056  
Email: Afox@Capehart.com**

Date: September ,2022

**Block: 1401 Lot: 6**

**Property Address:** 2 Morris Lane, Eastampton, NJ

**Size of Lot:** approximately 100 ft x 200 ft. (approximately 20,000 sq. ft.) 0.54 acres

**Existing dwelling:** 4 bedrooms, 3.5 baths, 4,200 sq. ft.

**Property Zoning District:** R-M Residential Medium Density District (section 540-18 of the Township code)

Homeowners Association Approval (if applicable): N/A

**SEPTIC/PUBLIC SEWER** (please circle one) **WELL/PUBLIC WATER** (please circle one)

**Property Owner(s):** Jenny Getting and Frank Getting (Daughter and Father).

**Applicant:** John Brodie and Jenny Getting (husband and wife) and Frank Getting (Jenny Getting's father) (collectively the "Applicant")

**Applicant's Telephone Number:** John Brodie – 609-319-6790

**Applicant's Email Address:** [johnbrodie@gmail.com](mailto:johnbrodie@gmail.com)

**Contractors Name:** Abe Ruether – Redemption Fine Remodeling & Carpentry, LLC

Address: 37 Hillcrest Ave., Morrisville, PA 19067

Telephone Number: 609-969-1828

Email Address: [abe@redemptionfr.com](mailto:abe@redemptionfr.com)



## **PROJECT DESCRIPTION**

The Applicant seeks a Use Variance pursuant to N.J.S.A. 40:55D-70d (1) for their recently purchased (February 2022) of a single family dwelling located at 2 Morris Lane which has 4 bedrooms, 3.5 baths and 4,200 sq. ft. of living space. The Applicant proposes to renovate the home to add a multi-generation “in-law-suite” on the second floor of the residential dwelling (where only single family dwellings are permitted) to function as an independent unit of multi-generational housing for the Applicant’s elderly father (Frank Getting). The proposed “in-law-suite” will include: an existing bedroom, closet, bathroom and living area; the renovation will add a kitchenette (with a sink, refrigerator, microwave and toaster oven) and washer/dryer storage area. See attached architectural drawing for more detail.

Mr. Getting is 70 years old and is divorced/single. He currently resides with the Applicant at their current residence in Bordentown, N.J. His medical conditions makes it difficult and unsafe to live alone. The Applicant desire for Frank Getting to reside with his family and not live in an assisted living arrangement where the likelihood for contracting COVID is higher. His current medical condition makes him a high risk for contracting COVID which could have severe consequences. The proposed renovation will give Mr. Getting independent living and make his living conditions safer. The house footprint will remain unchanged. The only outside proposed renovation will be to relocate an existing attractive storage shed (20 ft. x 12 ft.) to the side of the house. No bulk variances are required.

This application for a use variance can be granted since the proposed renovation will promote the purposes of the Municipal Land Use Law as an appropriate use of the Property to facilitate the needs of families to provide multi-generational housing to care for an aging parent and thereby benefiting the public health, safety, morals and general welfare. In addition, the granting of the variance will promote the appropriate population densities thereby contributing to the well-being of the neighborhood, community and the preservation of the environment.

The proposed use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purposes of the zoning plan and zoning ordinance since the use of the Property will remain residential, the house's appearance will be unchanged (other than the addition of a storage shed), there will be no impact on traffic, no increase demand on public services and the Property will remain consistent with the characteristics of the surrounding neighborhood.

The Township zoning officer rejected a zoning permit for the proposed renovation because to the proposed kitchen could make the dwelling appear to be a two-family dwelling. The Applicant agrees, stipulates and consents to including following conditions as part of granting the application for a use variance, which shall be recorded in the Burlington County Clerk's office in the form of a deed restriction, which will further guarantee that there is no substantial detriment or substantial impairment to the zoning plan and zoning ordinance by eliminating the possibility that the Property could be converted into a multifamily unit occupied by unrelated persons:

- (1) The Applicant's property shall remain a single-family dwelling;
- (2) The renovated multi-generational in-law suite will be used and occupied only by either a parent or parents of the owner of the Property or by a single "relative" defined to include an owner's sibling, aunt, uncle, nephew, grandparent, grandchild, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister.
- (3) The Applicant's Property shall not be deemed as a two-family dwelling and shall not be rented, or leased to any person(s), nor used as a bed and breakfast;
- (4) The conditions mentioned above shall run with land and be binding on any successors, assigns, beneficiary, executor and future owner of the Property

Applicant/Owners: Frank Getting:



Applicant/Owner: Jenny Getting:



Applicant John Brodie:



Date: September 27, 2022

Telephone Number: John Brodie: 609-319-6790

Email Address: [Johnbrodie@gmail.com](mailto:Johnbrodie@gmail.com)

Attorney for Applicant:

Alan P. Fox, Esquire (email: [Afox@capehart.com](mailto:Afox@capehart.com); phone 856-914-2056)

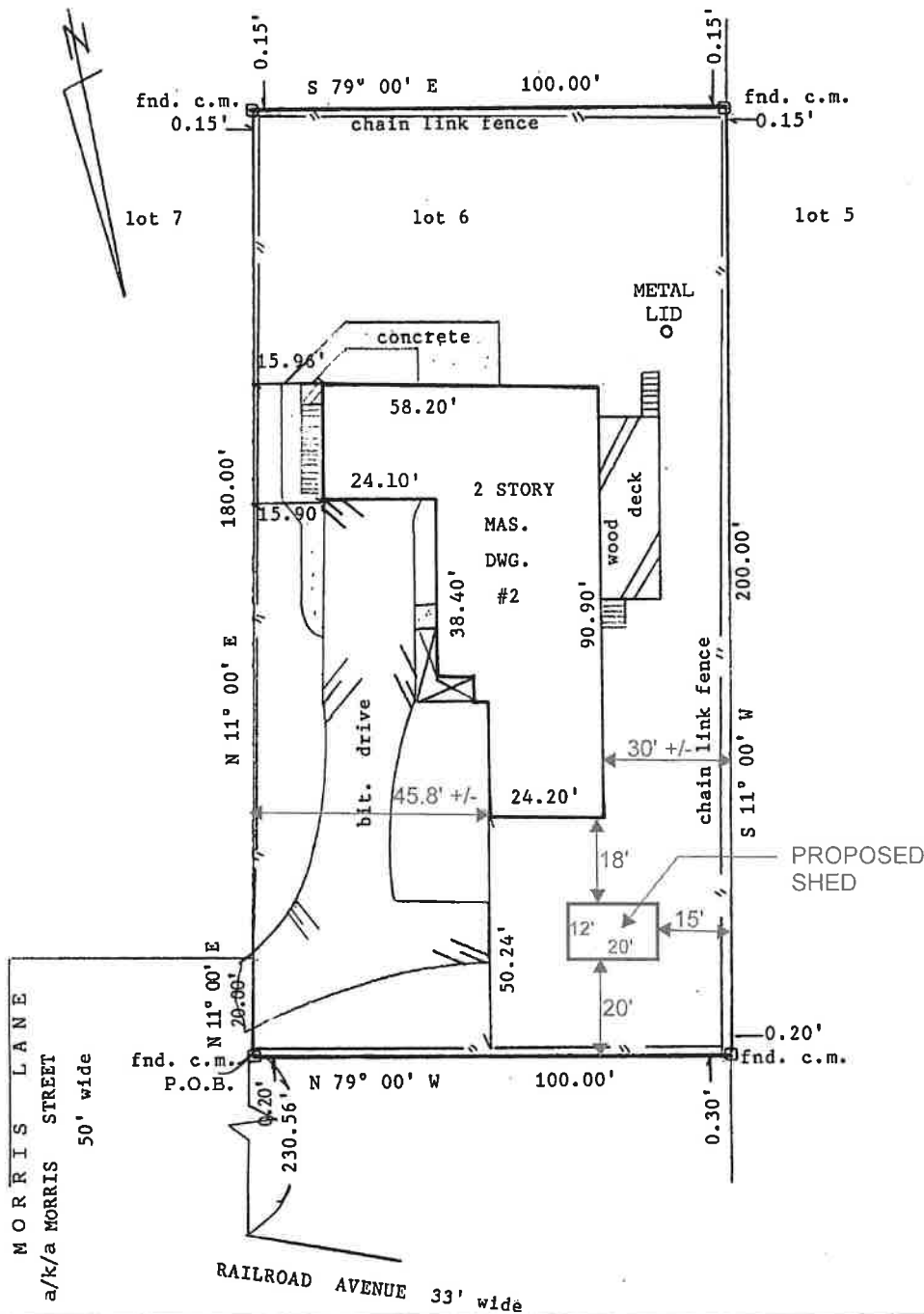
Capehart & Scatchard – 8000 Midlantic Drive, Suite 300S, Mt. Laurel, NJ 08054

2451A

NOTE: UNDER AND SUBJECT TO ALL CONDITIONS, RESTRICTIONS AND EASEMENTS OF RECORD. WHERE APPLICABLE MERIDIAN-DEED BASE TAX MAP BASE PLAN BASE FORMER SURVEY BASE

- = REBAR/IRON PIPE SET
- = CONCRETE MONUMENT SET

DESCRIPTION: BEING KNOWN AS LOT 6, BLOCK 1401 ON THE OFFICIAL TAX MAP.  
 AREA=20000.0±S.F.



<p>TO THE OWNER: JOHN BRODIE</p>	<p>SURVEY OF PREMISES NO. 2 MORRIS LANE</p>										
<p>TO THE OWNER OF TITLE relying hereon, in consideration of the fee paid for making this survey in accordance with the description furnished I hereby certify to its accuracy (except such easements, if any, that may be located below the surface of the lands not visible) as an inductment for the insurer of title to insure the title to the lands and premises shown hereon.</p>	<p>SITUATE TOWNSHIP OF EASTAMPTON BURLINGTON COUNTY, NEW JERSEY</p> <p>ALBERT N. FLOYD &amp; SON LAND SURVEYORS ALBERT N. FLOYD - N.J. LIC. NO. 21759 ALBERT N. FLOYD, JR. - N.J. LIC. NO. 36725 P.O. BOX 903, ELMER, NEW JERSEY 08318</p>										
<p>New Jersey Lic. No 21759</p> <p><i>Albert N. Floyd</i> ALBERT N. FLOYD L.S.</p>	<table border="1"> <tr> <td>DATE:</td> <td>SCALE:</td> <td>DRAWN:</td> <td>CHECKED:</td> <td>NUMBER:</td> </tr> <tr> <td>3/14/22</td> <td>1"=30'</td> <td>S.M.F.</td> <td>A.N.F.</td> <td>22022</td> </tr> </table>	DATE:	SCALE:	DRAWN:	CHECKED:	NUMBER:	3/14/22	1"=30'	S.M.F.	A.N.F.	22022
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