

**OXFORD TOWNSHIP  
LAND USE BOARD  
MEETING APRIL 23, 2024  
www.oxfordtwpnj-org**

**FLAG SALUTE**

**CALL TO ORDER:** Mr. Ischinger called the meeting to order at 7:02pm

**ADEQUATE NOTICE** was given as follows: Notice was sent to the Express Times and The Star Ledger. Notice was posted on website and the municipal bulletin board in the Township Administration building in Oxford Township, New Jersey and notice was filled with the Township Clerk.

**ROLL CALL:**

Members Present: Mayor Norton, Mr. Ort, Ms. Koufodontes, Mr. Niece, Mr. Ott, Ms. Taranto, Mr. Ischinger, Mr. McGuire, Mr. Deneault, Mr. O’Neil

Members Absent: Ms. Hoffman, Mr. Weiss

Professionals: Richard Schneider Attorney, Michael Finelli Engineer, Tim Obrien Planner

**MINUTES:** March 26, 2024 Land Use Board

Eligible to Vote: Mayor Norton, Mr. Ort, Ms. Koufodontes, Mr. Ott, Ms. Taranto, Mr. Ischinger, Ms. Hoffman, Mr. McGuire, Mr. Weiss,

A motion to approve meeting minutes was made by Mr. Ort, seconded by Mr. Ott

Ayes 9, Nays 0, Abstain 1, Absent 2  
Motion carried.

**RESOLUTION:**

Resolution 2024-07 for Mr. & Mrs. Woodward is memorialization from action taken at last month’s meeting for their new home. Mike Finelli stated that

**OXFORD TOWNSHIP LAND USE BOARD**

**RESOLUTION 2024-07**

**DECIDED: March 26, 2024**

**MEMORIALIZED: April 23, 2024**

**MEMORIALIZING RESOLUTION OF THE  
TOWNSHIP OF OXFORD LAND USE BOARD  
GRANTING VARIANCE APPROVAL TO THE  
APPLICANTS SUSAN AND DONALD WOODWARD  
RELATING TO PROPERTY LOCATED AT 200-F  
JONESTOWN ROAD AND DESIGNATED AS LOT  
10, BLOCK 2 ON THE OFFICIAL TAX MAPS OF  
THE TOWNSHIP OF OXFORD**

**WHEREAS**, Susan and Donald Woodward (“Applicants”) have applied to the Oxford Township Land Use Board (“Board”) for permission to replace an existing nonconforming single-family residential mobile home on property located at 200-F Jonestown Road and designated as Lot 10, Block 2 on the Official Tax Maps of the Township of Oxford; and

**WHEREAS**, the Board conducted a public hearing on March 26, 2024, in accordance with the jurisdictional requirements of the New Jersey Municipal Land Use Law and the Oxford Township Land Development Ordinance; and

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

1. The Applicants were represented by Robert J. Greenbaum, Esq. Testifying in support of the application was one of the Applicants, Susan Woodward, as well as Alison Kopsco, P.P., whose qualifications were accepted as an expert witness in the field of professional planning.
2. The Board is in receipt of the following review reports:
  - A. Review report from Timothy M. O’Brien of Van Cleef, Land Use Planner, dated March 22, 2024.

- B. Review report from Michael S. Finelli, Land Use Board Engineer, dated March 22, 2024.

Those respective review reports detail the documentary submissions made on behalf of the Applicants.

- 3. The subject property is located in the Township's R-120 Residential Zone. The subject property contains 23,235 square feet, which is nonconforming to the zone district's required minimum lot area of 120,000 square feet. Similarly the property is deficient as to required lot width. In the R-120 Zone, the required lot width is 250 feet, and based on the survey, the lot width is less than the required 250 feet. The property is accessed by a private driveway located approximately 712 feet northwest of Jonestown Road.
- 4. The subject property is presently improved by a mobile home constituting a one-story frame dwelling in a "L" shape comprising approximately 1,080 square feet. The property is presently deficient as to the required front yard setback. The mobile home maintains a 28.6 foot front yard setback, whereas 50 feet is required in this zone district. The property is additionally improved by various accessory structures, as reflected on a survey submitted in conjunction with the application. The physical dimensions of the accessory structures are detailed on Exhibit A-2 marked into evidence at the public hearing. Based on the testimony of Ms. Woodward, the Board is satisfied that, in accordance with Paragraphs 9 and 10 of the Land Use Board Engineer's review report, the aggregate ground area of the accessory structures do not exceed 25% of the required rear yard area and do not

exceed 15 feet in height, eliminating any need for variance relief respectively from Sections 340-27A and 27C.

5. By way of history, the Applicants have resided at the subject property for approximately 34 years. The mobile home currently located at the subject property predates their ownership and has been added onto throughout the many years, resulting in its current unique shape and design. The mobile home clearly is in need of modernization as acknowledged by the Applicants. From a planning perspective, the Board is satisfied that the existing mobile home represents a preexisting nonconforming use. While the need for replacement may be subject to an interpretative issue as to whether in fact a use variance is required, the Applicants have sought a use variance pursuant to N.J.S.A. 40:55D-70d(1) insofar as mobile home residential dwellings are not permitted in the zone district.
6. As detailed to the application, as well as Exhibit A-2, the Applicants propose a replacement mobile home in accordance with those details set forth therein. With respect to size, the new replacement mobile home will only be slightly larger than that of the existing dwelling, increasing the size only from 1,080 square feet to 1,174 square feet, albeit in a different configuration, which more closely resembles that of a single-family dwelling. Access to the property will remain as is. Exhibit A-2 details some additional changes to the property occasioned by the replacement mobile home, including details relative to the installation of certain new lines from the existing septic; the fact that there will be no change to the existing well, which serves the subject property; proposed upgrades to the electric system; and discontinuance of an above-ground oil tank with a new propane tank.

Ms. Woodward did note that the new ranch style dwelling will maintain the same number of bedrooms, being three, as is the current mobile home, which should therefore not create any potential issues with the use of the existing septic system. Based on the specifications and details associated with the new mobile home, Ms. Woodward stressed to the Board her commitment to a more sustainable dwelling based on her proposed design and further noted, relative to sustainability concerns, her commitment to attempt to maintain the replacement mobile home in its current location so as to avoid any further unnecessary land disturbance.

7. Ms. Kopsco, in her capacity as a professional planner, addressed the statutory criteria required for the granting of the required use variance. In summary, the Applicants are required to establish that the proposed use serves the general welfare because the site is particularly suitable for the proposed use. In this case, the Board, of course, recognizes the somewhat unique situation wherein there is an existing nonconforming residential use in the form of a mobile home. The residential use is permitted but not in the form of a mobile home, hence the requirement for a use variance. The Board further recognizes the de minimis expansion of the nonconforming use representing only an increase in square footage from 1,080 square feet to 1,174 square feet. The Board further recognizes in this case the sustainability objectives that are being achieved by this application, and further recognizes the more appropriate configuration and design of the modernized mobile home, as compared to that which currently exists. The Board also notes the generally remote location of the subject property as it relates to any potential concerns with impacts as to, in essence, continuance of this

nonconforming use in the neighborhood. The Board finds that the proposed use is particularly suitable for the subject property, and that it specifically advances the purposes of zoning pursuant to N.J.S.A. 40:55D-2. Based on the collective testimony of Ms. Woodward and Ms. Kopsco, the Board is able to conclude that this application will promote the public health, safety, morals and general welfare; will provide sufficient space in an appropriate location for continued residential use; will promote a desirable visual environment through creative development techniques and good civic design and arrangement; and will encourage coordination of private land development with a view of lessening the cost of development and the more efficient use of land. Based on all of the foregoing, the Board is able to conclude that Subsections (a), (g), (i) and (m) of N.J.S.A. 40:55D-2 are hereby advanced. The Board is further able to conclude that there will be no substantial detriment to either the zone plan or zoning ordinance of the Township of Oxford or the public good. The Board recognizes the existence of the nonconforming use, which has proven to not create any substantial detriment in terms of the development of the neighborhood for the many years that the mobile home has existed at the subject property, and there is no recognized detriment that exists or should exist by virtue of the continued use of this residential use in the form of a mobile home. The Board, as noted above, has determined that, in accordance with the Land Use Board Engineer's review report of March 22, 2024, variance relief for the preexisting conditions relating to lot area and lot width are not implicated by virtue of this application and represent preexisting nonconforming conditions for which, to the extent required, variance relief may be granted.

Similarly, with respect to the existing nonconforming conditions for side yard and rear yard setbacks for accessory structures, as set forth in Paragraphs 7 and 8 of the Land Use Board Engineer's review report, those nonconforming conditions are not in any way exacerbated by the continued use of the accessory structure in their present location. The Board has further concluded, in accordance with Paragraphs 6, 9 and 10 of the Land Use Board Engineer's review report, that no variance relief is required respectively from Sections 340-19, 340-27A and 340-227C. The Board did address Paragraph 5 of the Land Use Board Engineer's review report as it specifically relates to the need for a variance from the requirements of Section 340-19, which require a 50 foot front yard setback, whereas the existing setback is 28.6 feet, and the proposed new mobile home will maintain the same location at the same setback. A significant discussion ensued as to the ability of the Applicant to attempt to conform to the required 50 foot front yard setback. The Board finds that, based on the location of existing structures and related improvements, relocating the proposed dwelling to a conforming front yard setback is not practical, nor does it represent the better zoning alternative. Specific reference is made to the Applicants' attempt to minimize land disturbance that would be occasioned by a relocation of the dwelling to the rear, further supporting the Applicants' appropriate objective of advancing the objectives of sustainability associated with the replacement mobile home. Based on all the foregoing, the Board is able to conclude that the statutory criteria relating to both the granting of the use variance and all additional variance relief, as noted above, is satisfied in this case.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Township of Oxford that the variance application of Susan and Donald Woodward, is hereby approved, subject to the following conditions:

1. The Applicants will be bound by all stipulations and representations made during the course of the public hearing.
2. The mobile home shall maintain a 28.6 foot front yard setback to the front yard property line.
3. To the extent not addressed at the public hearing, the Applicant shall comply with any outstanding comments of the reactive review reports from the Land Use Board Engineer and Land Use Board Planner dated March 22, 2024
4. This approval is subject to the Applicant obtaining approvals from any other governmental agency with jurisdiction over the application and relief sought by the Applicant, including and not limited to Warren County Planning Board approval, if applicable.
5. All fees, taxes, assessments, escrows and other monies due to the Township of Oxford shall be paid in full.

IN FAVOR OF THE BOARD ACTION TAKEN ON MARCH 26, 2024 APPROVING THIS APPLICATION.

OPPOSED:

ABSTAINED:



The undersigned hereby certifies that the within is a true copy of the Resolution memorializing the action taken by the Land Use Board at its meeting held on March 26, 2024, which was adopted by the Board at its meeting on April 23, 2023.

A motion to approve the resolution 2024-07 was made by Mr. Ischinger, seconded by Mr. Ott

Ayes 6, Nays 0, Abstain 4, Absent 2  
Motion carried.

Richard Schneider stated that 3 ordinances have been introduced by the Township committee and have been sent to the land use board for review.

Ordinance 2024-09 and Ordinance 11 have 35 days to get back to the Committee  
Ordinance 2024-10 – has 45 days to get back to the Committee

Ordinance 2024-10 needs to be sent back to the Township Committee to review and investigate further.

Mr. Niece motion to table Ordinance 2024-10 and send back to Township Committee to further review, Seconded by Mr. Mcguire

Ayes 10, Nays 0, Abstain 0, Absent 2  
Motion carried.

Ordinance 2024-09 this ordinance is the update our fencing to comply with the states fence regulations for cannabis we need to change it to 8ft fence. Also change on the ordinance borough to township.

Mr. Ischinger motion to approve Ordinance 2024-09 and send back to Township Committee Seconded by Mr. Ort

Ayes 10, Nays 0, Abstain 0, Absent 2  
Motion carried.

Ordinance 2024-11 will make some language questions

Mr. Ort motion to approve Ordinance 2024-11 and send back to Township Committee to update and resubmit Seconded by Mr. Ott

Ayes 10, Nays 0, Abstain 0, Absent 2  
Motion carried.

**PUBLIC COMMENT:** No Public comments

**EXECUTIVE SESSION:**

**EXECUTIVE SESSION**

**WHEREAS**, Section 8 of the Open Public Meeting Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist. The public shall be excluded from the discussion of any action upon the hereinafter-specific subject matter.

The general nature of the subject matter to be discussed a Lawsuit

Mr. Ischinger moved to enter Executive Session at 7:38 PM. Seconded by Mrs. Taranto. Ayes: 10, Nays: 0, Abstain: 2, Absent: 0. Motion passed.

Mr. Ott moved to return to Public Session at 8:14 PM. Seconded by Mr. Ort Ayes: 10, Nays: 0, Abstain: 2, Absent: 0. Motion passed.

No action was taken during the Executive Session.

**VOUCHERS:**

A motion was made by Mr. Niece and seconded by Mr. Ischinger to pay the Vouchers for the Land Use Board.

Ayes 10, Nays 0, Abstain 0, Absent 2  
Motion carried.

**ADJOURNMENT:** A motion was made by Mayor Norton and seconded by Mr. Ischinger with no further business before the board and no public comment offered the meeting was adjourned at 8:15pm.

Respectfully Submitted,

Lee L. Geller, Secretary