

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2025-13

Application ZB#2024-08

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
THE REGINALD LEWIS GROUP, LLC
USE and DENSITY VARIANCES
PRELIMINARY and FINAL MAJOR SUBDIVISION
BLOCK 38, LOT 3
RA LOW DENSITY RESIDENTIAL ZONE DISTRICT
APPROVAL**

Decided:

June 5, 2025

Resolution Memorialized:

October 6, 2025

WHEREAS, the Reginald Lewis Group, LLC made application for use and density variances, and preliminary and final major subdivision approval (with bulk variances) to create two new lots (upon which a semi-detached duplex residential building will be constructed) and a remainder parcel (for the existing single-family dwelling) at property located at 316 West Third Street, and known on the official Tax Map of the Township of Florence as Block 38, Lot 3;

WHEREAS, the application which is the subject of this Resolution was submitted under cover of a letter of the applicant's counsel dated March 26, 2025, is an amendment of the application first submitted by the applicant in 2024 which sought to construct two new stand-alone single-family dwellings on the proposed new lots, and this initial application was the subject of a hearing before the Board, which did not reach a decision on that initial application;

WHEREAS, the applicant is the owner of the subject property;

WHEREAS, the applicant is represented by Jonas Singer, Esquire of the firm of Wells & Singer;

WHEREAS, upon a finding that the applicant had mailed and published proper notices, the Board opened a public hearing on the application at its June 5, 2025 regular meeting;

WHEREAS, the Board granted certain waivers of submission checklist items as specified and recommended in the review letter of the Board Engineer, and found the application sufficiently complete to be heard;

WHEREAS, the applicant's principal, Mr. William Holly, appeared, was sworn, and offered his testimony in support of the application;

WHEREAS, the applicant's professional engineer, Laurence G. Murphy, PE, licensed architect, Benedetto Catarinicchia, AIA, and professional planner, James Miller, PP, AICP, each appeared, were sworn, were accepted as experts in their respective fields, and offered their testimony in support of the application;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the property, and the applicant therefore has standing to bring this application before the Board.
2. The subject property is located at 316 West Third Street, and is known on the official Tax Map of the Township of Florence as Block 38, Lot 3.
3. The subject property lies in Florence Township's RA Low Density Residential Zone District
4. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
5. Application has been made for a use variance pursuant to NJSA 40:55D-70(d)1 to allow a duplex ("zero lot line" or "semi-detached") residential building with two

dwelling units (each on their own lot), a density variance pursuant to NJSA 40:55D-70(d)5, and preliminary and final major subdivision approval (with bulk variances) to allow the creation of two new lots and a remainder parcel.

6. Because the application involves a density variance, the subdivision is classified under local ordinances as a “major” subdivision.
7. Because the application involves use variance relief under NJS 40:55D-70(d)1, as well as a density variance, the Board will consider the proposed deviations from bulk standards that would ordinarily be cognizable under NJSA 40:55D-70(c) as independent variances to be “subsumed” into the greater relief required under NJSA 40:55D-70(d)1 in accord with the holdings in the Puleio and Price cases.
8. The applicant has submitted the following documents in support of its application:
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Variance Applications Checklist of Submission Requirements;
 - c. A completed Township of Florence Minor Subdivision Application Checklist of Submission Requirements;
 - d. A completed Township of Florence Minor Site Plan Application Checklist of Submission Requirements;
 - e. A Township of Florence Tax Collector’s Certification that no taxes were due on the subject property at the time of the application;
 - f. A statement of justification for the requested relief submitted with the Land Development Application form.
 - g. A series of plans comprised of six sheets entitled “Major Subdivision Plan, Applicant Reginald Lewis Group, LLC” prepared by Laurence G. Murphy, PE dated 0531/2024 and last revised 02/25/2025;
 - h. A survey plan of the subject property prepared by Blue Marsh Associates, Inc., Joseph J. Wright, PLS, dated 02/23/2024, which shows the property outbounds and the locations of improvements;
 - i. Architectural plans comprised of three sheets showing two stand-alone single-family dwellings prepared by Benedetto Catarinicchia, AIA and

dated 2024-0208 that was submitted with application materials provided to the under the letter of counsel dated March 25, 2025;

- j. A series of revised architectural plan and elevation drawings comprised of three sheets showing the proposed duplex structure prepared by Benedetto Catarinicchia, AIA, that bear the same 2024-0208 date as the initial submissions that were submitted to the Board by electronic mail on May 2, 2025;
 - k. A color rendering of the proposed duplex building façade also prepared by Benedetto Catarinicchia, AIA, dated 2025-0605, which was introduced and accepted into evidence in the course of the public hearing as Exhibit A-1;
 - l. A copy of the relevant page of the Township Tax Maps showing the area of the subject property that was annotated by the applicant's planner to highlight nearby duplex buildings which was introduced and accepted into evidence in the course of the public hearing as Exhibit A-2.
9. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated April 16, 2025 commenting upon the revised application, which is hereby incorporated into the record.
10. In the course of the public hearing, the Board's audio-visual technician projected onto the screen in the meeting room two Google Earth images of the subject and surrounding properties which were entered into the hearing record as Exhibits B-1 and B-2.
11. Existing Lot 3 has an area of 15,000 sq. ft. The application proposes to create two new lots, each being 47.5 ft. x 100 ft. with an area of 4,750 sq. ft., and a 55 ft. x 100 ft. remainder parcel (upon which will be the existing single-family dwelling) with an area of 5,500 sq. ft. In the RA Zone, the required minimum lot size is 10,000 sq. ft., and the required minimum lot width is 100 ft.
12. The maximum permitted impervious lot coverage is 25% (with the additional 5% allowed for patios, decks and sheds), and as initially proposed the new lots would have impervious coverages of 27.7% while the remainder parcel would have 29.5% impervious lot coverage. In the course of the public hearing the Board

recognized that small patios and/or garden sheds would be an amenity typically desired by residents, and the application was amended to anticipate that up to 10ft. x 15ft. sheds would eventually be developed in the rear yard of each new dwelling. This would increase the impervious surface on these lots to 32.5%. An existing frame garage and several concrete pads will be demolished. The existing total impervious lot coverage is 3,450 sq. ft. and the total proposed impervious lot coverage on all three lots after demolition and all anticipated development will be 4,577 sq. ft.

13. A front yard setback of 25 ft. is required, but the proposed new units will have front yard setbacks of only 20 ft.
14. The new units will conform to the required 15 ft. side yard setback (except for the interior zero lot line between the duplex units) and the required rear yard setback of 35 ft. The existing dwelling has only a 12.6 ft. side yard setback to the adjoining existing lot to the east.
15. Because all of the proposed lots will be smaller than required, they also do not meet the ordinance standard for a minimum constraint free circle.
16. The maximum permitted density is 4 units/acre and the proposed average density is 8.7 units/acre.
17. Duplex (zero lot line) units are not permitted in the RA Zone District.
18. Driveways are proposed for the two new units, and one exists for the existing dwelling. There is sufficient off-street parking to comply with RSIS standards.
19. Drywells and/or rain gardens will be provided to mitigate the impervious cover in excess of the permitted maximum, and the size of these mitigation measures will be increased to address the additional impervious cover of the anticipated up to 150 sq. ft. patios and/or sheds in the rear yards of the proposed new dwellings.
20. The Applicant's professional planner, James Miller, testified with the support of Exhibits A- 2, B-1 and B-2 that this segment of West Third Street has a variety of dwellings including eight semi-detached (twins) dwellings and eight single-family detached dwellings. The subject property is presently the largest and widest lot in the neighborhood. On the north side of West Third are five single family detached dwellings and two semi-detached dwellings. Five of the seven lots on the north

side of the street are nonconforming for lot width and lot area. To the east are four semi-detached dwellings on lots with widths ranging from 18' to 35', and one single family detached home on a 50' wide lot. To the west of the subject property are two semi-detached dwellings and two single-family detached dwellings. Three of these lots are 50' wide, one is 49.75' wide. To the south, the lots along the rear lot line of the subject property include six single family detached homes on 50' wide lots, and two homes on 100' parcels consisting of two adjoining 50' lots. Generally, the homes in the area are a mix of twins and single-family detached dwellings. The surrounding neighborhood also contains some institutional uses such as parks, schools and churches. Mr. Miller's conclusion is that the proposed semi-detached use, lot sizes and density are consistent with the existing pattern of development neighborhood of the subject property, even though the existing proposed development is not consistent with the standards of the RA Zone District.

21. Mr. Miller further testified that the proposed development would provide improved grading and drainage over the existing conditions, that the proposed semi-detached dwellings will provide greater separation of the new development from the existing dwelling to the west, and would minimize the loss of on-street parking (one space), while providing adequate off-street parking for the existing and proposed new dwellings on the remainder parcel and new lots. The proposed front yard setback is consistent with or greater than the setbacks of nearby dwellings.
22. The Applicant's architect, Benedetto Catarinichia, testified that the proposed 3-bedroom 20ft. x 45ft. (1600 sq. ft.) semi-detached dwellings would be consistent with the scale and character of the dwellings in the neighborhood of the subject property. He further testified that the exterior finishes would be consistent with the neighborhood as well.
23. Mr. Miller offered his expert opinion that the proposed use would advance purposes of zoning as set forth in NJSA 40:55D-2, specifically purposes (a), (g), (e) and (m), and that the subject property is particularly suited to the proposed development because of the consistency of the proposed development with the existing pattern of development. Mr. Miller further opined that the proposed

semi-detached use can be reconciled with its omission from the RA Zone by the fact that the development of the surrounding neighborhood predates adoption of the RA Zone standards.

24. The Board finds the testimony of the Applicant's witnesses credible and probative.

25. Public comment was offered on the application by Tony Lee of 135 7th Avenue, Roebling, who testified in favor of the proposed development.

Conclusions of Law

The Board finds that special reasons exist for the proposed use variance pursuant to NJSA 40:55D-70(d)1 because the subject property is particularly suited for the proposed semi-detached dwelling development. The subject property is particularly suited to the proposed development as a whole because it is consistent with the existing pattern of development in the vicinity of the subject property. The Board further finds that the deviations from the permitted density and the bulk standards that arise from the proposed development should not be analyzed as independent variances in this instance because they are subsumed within the NJSA 40:55D-70(d)1 use variance and should be reviewed simultaneously under applicable case law. The Board finds that the requested deviations from the applicable bulk and density standards are appropriate for the intended use in light of the overall site design and the consistency of the use with the surrounding pattern of development. Allowing the proposed use to be developed in accord with the proposed density and bulk standards will advance the purposes of zoning and the Township's Master Plan.

The applicant has also shown that the proposed use variance and major subdivision (with the subsumed density and bulk variances) can be granted without substantial impairment of the zone plan and without substantial detriment to the public good. The neighborhood of the subject property is a discrete pocket of longstanding development that generally predates the current RA Zone standards into which the proposed development fits without generally disrupting or impairing the purposes or standards of the RA Zone as a whole. There will be no substantial detriment to the public good as a result of the proposed development because it will provide improved grading and drainage over the existing conditions, the proposed semi-detached dwellings will provide adequate separation of the new

development from the existing dwelling to the west, and the proposed design would minimize the loss of on-street parking (one space) while providing adequate off-street parking for the existing and proposed new dwellings on the remainder parcel and new lots.

The applicant has complied with the procedural requirements for the making of its use variance and subdivision applications. For these reasons, the proposed development should be approved, subject to appropriate conditions as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of the Reginald Lewis Group, LLC seeking use and density variances, and preliminary and final major subdivision approval (with bulk variances) to create two new lots (upon which a semi-detached duplex residential building will be constructed) and a remainder parcel (for the existing single-family dwelling) at property located at 316 West Third Street, and known on the official Tax Map of the Township of Florence as Block 38, Lot 3, be, and hereby is, **APPROVED**, subject to the following conditions:

1. The Board has relied upon the testimony of the witnesses and factual findings discussed in the body of this Resolution, and such testimony and findings are incorporated as conditions of this approval as though set forth at length herein.
2. The subdivision shall be perfected by the filing of a plat.
3. Provision of items 3, 4, and 5 of the Minor Subdivision Application Checklist discussion at page 3 of the Board Engineer's April 16, 2025 completeness review letter.
4. The plan detail and design comments set forth on page 3 of the Board Engineer's April 16, 2025 completeness review letter.
5. The rain garden and other stormwater management and mitigation measures shall be re-sized to address runoff from the increased impervious lot coverage resulting from the up to 10 ft. x 15ft. patios and/or sheds that are anticipated to be constructed in the rear yards of the proposed new dwellings.
6. Replacement trees shall be provided in accord with the Township's tree replacement ordinance.

7. Damaged and/or deteriorated curb and sidewalks shall be repaired or replaced at the direction of the municipal engineer.
8. The applicant shall provide basements for each of the new dwellings as agreed in the course of the hearing.
9. An estimate of probable costs for improvements shall be prepared in order to provide for appropriate inspection escrows.
10. The applicant shall post appropriate security to assure installation and maintenance for all improvements subject to thereto by statute.
11. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: Florence Township Water & Sewer Department, Florence Township Office of Construction Code Enforcement, and Burlington County Soil Conservation District. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required.
12. Any additional development on the subject property or any modification to any development pursuant to, or inconsistent with, this approval shall require approval of this Board.
13. If another governmental agency grants a waiver or variance of a regulation, materially deviating from this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
14. Compliance by the applicant with Township ordinances, and State laws and regulations, pertaining to non-residential developers' affordable housing obligations, if they are applicable to the subject development.
15. Any permits, deeds, easements, vacations, dedications, revised drawings or other documents related to this proposed development shall be approved by the Board attorney and Board engineer and filed with the appropriate authority.
16. All taxes and escrow fees for professional review must be paid current and in full.

17. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

MOTION TO APPROVE USE VARIANCE and MAJOR SUBDIVISION APPLICATIONS, SUBJECT TO CONDITIONS:


Moved by : Vice Chair Buddenbaum
Seconded by : Mr. Wible
In Favor : Vice Chair Buddenbaum, Mr. Wible, Mr. Jayaram, Mr. Patel,
Mr. Sovak, Ms. Sullivan, Chairman Puccio
Opposed : None
Recused : None
Absent : Mr. Studzinski, Mr. Fevola

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Wible
Seconded by : Mr. Buddenbaum
In Favor : Wible, Buddenbaum, Sovak, Sullivan, Puccio, Jayaram
Opposed : None
Abstained : None
Absent : Patel

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 10/06/2025


Dennis Puccio, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on June 5, 29025 and memorializes a decision taken by the Board on October 6, 2025.

Dated: 10/6/25


Gina Sullivan, Secretary