

Florence, New Jersey 08518-2323
April 27, 2010

The Regular meeting of the Florence Township Zoning Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Zekas called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Montgomery then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspaper and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum (LATE)	Ray Montgomery
Keith Crowell	Candida Taylor
John Fratinardo	B. Michael Zekas
John Groze	Robert Adams

ABSENT: Rebekah Borucki

ALSO PRESENT: Solicitor David Frank
Engineer Dante Guzzi

Chairman Zekas stated that Planner Robert Perry was excused from this meeting. He also stated that Alternate Member Adams would be a voting member this evening.

NEW BUSINESS

Application ZB#2010-06 for Nicholas Delre. Applicant is requesting bulk variances to permit construction of a +/- 200 sq. ft. sunroom addition on the rear of the structure located at 65 River Bank Drive, Roebling, NJ. Block 98.06, Lot 25.

Nicholas Delre was sworn in by Solicitor Frank.

Mr. Delre stated that his request was for a setback variance. The proposed sunroom would be constructed over an existing concrete patio so there would be no change in the impervious lot coverage. He stated that River Bank Drive consisted of townhomes with narrow width properties. He said that townhome properties do not meet setback requirements as stated for Florence Township single family homes. He said variances have been granted in the past for similar projects (specifically sunrooms on concrete patios).

Mr. Delre stated that the dimension of the sunroom is proposed at 13'6" x 13'6". Mr. Delre stated that he had photographs of similar sunroom construction in the River Bank Drive development.

Member Buddenbaum arrived at 7:34 p.m. Solicitor Frank suggested that Member Adams vote on this application since the public hearing had already started.

Mr. Delre stated that exhibit A1 and A2 show two views of 89 River Bank Drive. This is an end unit like Mr. Delre's and has a sunroom of similar construction to the one proposed in this application.

Mr. Delre said the exhibits A3 and A4 show a comparable sunroom on 49 River Bank Drive, which is also an end unit. Exhibits A5 and A6 show a sunroom that is similar in style at 41 River Bank Drive, which is not an end unit. Exhibits A7 and A8 show Mr. Delre's back yard showing the existing concrete patio. The proposed sunroom will not cover the entire patio; about 3 feet of the concrete will extend outside of the sunroom area.

Mr. Delre said that his sunroom would look almost exactly like the sunroom shown in Exhibits A1 and A2. Secretary Montgomery asked Mr. Delre to describe what the differences would be. Mr. Delre said that there won't be a knee wall all the way around and his sunroom would have sliding doors instead of windows and there will be sky lights. This sunroom will be custom built by Mr. Delre's brother who is a builder by trade. Chairman Zekas asked if the sunroom would have gutters. Mr. Delre indicated that it would.

Member Taylor referred to Engineer Guzzi's review letter regarding stormwater runoff. Mr. Delre stated that the property would not be regraded and stormwater would not be shed onto the neighboring properties.

Chairman Zekas called for a motion to open the hearing to public comment. Motion of Fratinardo, seconded by Montgomery to open the public hearing. Motion unanimously approved by all members present. Seeing no one wishing to offer comment, motion was made by Fratinardo, seconded by Buddenbaum to close the public hearing.

Engineer Guzzi stated that this property was in the RC High Density Residential District. As the Board may recall the district bulk standards are really intended for multi-family buildings or for new development with townhouses or condominiums. The actual bulk requirements don't really fit the individual homes. The new variance that is created by the proposal is the rear yard setback. 52' setback is required where 32' is existing. The request is for 18'. There is no impact to the impervious coverage as the sunroom is proposed over an existing concrete pad.

Motion of Taylor, seconded Montgomery to approve Application ZB#2010-06 with the condition that the gutters are positioned in such a way that they do not shed stormwater on neighboring properties.

Upon roll call the Board voted as follows:

49.

YEAS: Adams, Crowell, Fratinardo, Groze, Montgomery, Taylor, Zekas
NOES: None
ABSENT: Borucki

Secretary Montgomery read the time statement for appeal notice to the applicant.

Chairman Zekas called for Application ZB#2010-07 for Chris and Kim Snively. Applicant is requesting a bulk variance to permit installation of a stamped patio on property located at 1315 Maple Avenue, Roebling, NJ. Block 143.01, Lot 8.

Chris Snively and Kim Snively were sworn in by Solicitor Frank.

Mr. Snively stated that the variance was required for a patio that they would like to install which was approximately 674 sq. ft. This will increase the total impervious coverage on the property to 29.3%, which is 4.3% over the permitted impervious coverage of 25%. Chairman Zekas asked if there was a pool included with the patio. Mrs. Snively stated that last summer they received a building permit to have the pool and a paver walkway installed. This year they decided to add the concrete patio and this put the impervious coverage over the permitted amount.

Engineer Guzzi stated that he thought that the pool was included in the application also, but it really doesn't impact anything. The impervious coverage variance that the applicants are seeking remains the same.

Member Taylor asked about the fencing around the pool. Mrs. Snively stated that there is a 6' privacy fence around the yard.

Member Crowell asked if there was any existing problem with run off or if any of the neighbors had been complaining. Mrs. Snively stated that there were no drainage problems.

Member Buddenbaum asked where the water runs on the site. Mr. Snively stated that the water drains towards the right of the property and into a swale, which carries it to the rear of the property.

Chairman Zekas asked about neighboring properties. Mrs. Snively stated that her neighbors at 1317 Maple Avenue received a lot coverage variance and had a pool and concrete patio installed.

Chairman Zekas opened the meeting to public comment. Seeing no one wishing to comment motion was made by Fratinardo, seconded by Montgomery to close the public portion of the hearing. Motion unanimously approved by all members present.

Engineer Guzzi stated that the application was for an impervious coverage variance to increase the total impervious coverage to 29.3% where 25% is permitted and the applicants have agreed not to regrade the property in a manner that would send any

50.

additional stormwater in any neighboring properties or otherwise compromise the existing flow of stormwater through the property.

Chairman Zekas asked a question about the water flow that was shown on the plan. Engineer Guzzi stated that the flow indicates that the water is heading toward the left rear corner of the property. Chairman Zekas said that this was really helpful information and asked if there was something the Board could do to request that this be included in future applications. Engineer Guzzi stated that unfortunately a lot of people aren't sure which direction the flow will take.

Solicitor Frank asked Engineer Guzzi that if in his opinion there would be any negative impact on neighbors relating to the patio. Engineer Guzzi stated that there are swales down the sides of the property so as long as the stormwater reaches the swales there would be no impact to neighboring properties.

Solicitor Frank stated that as in many of the applications that the Board looks at this is an amenity that has become typical in the zone and based on the testimony that has been given by the applicant and by the Board's engineer it would be appropriate for the Board to grant the variance.

Motion of Fratinardo, seconded by Groze to approve Application ZB#2010-07.

On the Question:

Member Montgomery stated that he would like a condition added to the approval regarding the stormwater runoff. Vice Chairman Fratinardo amended his motion.

Upon roll call the Board voted as follows:

YEAS: Zekas, Taylor, Montgomery, Groze, Fratinardo, Crowell, Buddenbaum
NOES: None
ABSENT: Borucki

The Secretary read the time limit for appeal statement to the applicant.

RESOLUTIONS

Resolution ZB-2010-09

Granting the application of Nicholas Careyote for site plan waiver to permit construction of a 40' x 80' pole barn to support an existing landscaping business on property located at 1032 Potts Mill Road, Florence Township. Block 165.01, Lot 12.01.

Motion of Fratinardo, seconded by Groze to approve Resolution ZB-2010-09.

Upon roll call the Board voted as follows:

51.

YEAS: Buddenbaum, Groze, Zekas, Crowell, Montgomery, Taylor
NOES: None
ABSENT: Borucki

Resolution ZB-2010-10

Granting the application of Bryan Harrison for a bulk variance for rear yard setback to permit construction of an addition to the rear of the residence located at 2103 Route 130, Florence Township. Block 110, Lots 5 & 7.

Motion of Taylor, seconded by Fratinardo to approve Resolution ZB-2010-10.

Upon roll call the Board voted as follows:

YEAS: Fratinardo, Montgomery, Buddenbaum, Groze, Taylor, Zekas
NOES: None
ABSENT: Borucki

Resolution ZB-2010-11

Granting application of William Carty for bulk variances for side yard setback, rear yard setback and lot coverage to permit expansion of the kitchen and an addition of a deck to the rear of the home located at 22 Fourth Avenue, Roebling, NJ. Block 137, Lot 25.

Motion of Fratinardo, seconded by Taylor to approve Resolution ZB-2010-11.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Taylor, Fratinardo, Groze, Montgomery Zekas
NOES: None
ABSENT: Borucki

MINUTES

Member Taylor stated that in the Minutes Vice Chairman Fratinardo was listed as Member Fratinardo. Board Clerk Erlston stated that she would make the corrections as noted. Motion of Montgomery, seconded by Fratinardo to approve with the corrections as noted. Motion unanimously approved by all members present.

Chairman Zekas opened the meeting to public comment.

Kevin Martin stated that he had received a notice from his neighbor that he should appear here at the meeting, but stated that he must have missed the hearing. He stated the he lived at 38 River Bank Drive. The Board explained that the application was for Mr. Delre and Mr. Martin had arrived after the hearing had already started.

Vice Chairman Fratinardo stated that the applicant Mr. Delre wanted a variance to allow him to build a sunroom on the back of his house and the Board had approved the request for variance.

Solicitor Frank explained to Mr. Martin that he was noticed because his property was located within 200' of the applicant's property. The Municipal Land Use Law, which is the state statute that governs how zoning works says that whenever somebody is asking to do something that isn't explicitly permitted by the local zoning ordinances they have to notify everybody within 200'. The idea is that if something in the notice would give concern then the adjoining homeowners could come to the meeting and voice any concerns. Neighboring property owners are not required to attend the meeting.

Motion of Crowell, second by Buddenbaum to close the public portion of the meeting. Motion unanimously approved by all members present.

OTHER BUSINESS

Member Crowell stated that he had recently attended the zoning training seminar and in one session there was discussion about making recommendations to the Planning Board to amend the zoning ordinance where circumstances warrant it. He stated that the Zoning Board should recommend to the Planning Board to amend the ordinance in regards to collocation at existing cell towers. This way the applicant wouldn't have come back before the Board. Chairman Zekas stated that he was also at the training and the discussion was about having an administrative review as opposed to a hearing.

Member Crowell stated that the ordinance encourages collocation of antennas so unless there is some extraordinary circumstance then the approval is almost a given. Member Taylor asked how you would determine if there was an extraordinary circumstance if the applicant's did not come before the Board? Member Crowell stated that it was his understanding based on the discussion that they had at the training that the ordinance doesn't provide the Board any latitude.

Secretary Montgomery stated that his concern with this is that the public would not get the opportunity to express their concerns over the proposal.

Solicitor Frank stated that cell towers are not permitted in any zone in Florence Township. Everyone who wants to construct a cell tower is required to bring an application before the Board. With some of these existing cell towers this Board has said that once the tower is there the applicant need not come in for a Use variance, they only need to come in for minor site plan review. This gives the Board the chance to look at the proposal with a fairly abbreviated hearing.

Vice Chairman Fratinardo said that in some of the collocation applications there have been changes to the impervious coverage. This way there is a review by the Board's engineer so they Board can tell if there will be any impact.

Solicitor Frank said that on the most recent application for the Hornberger Avenue site, this was a site where the previous application did not say that the applicant only had to come in for site plan but required a Use variance for collocation. This Board, in the resolution, said that any other application for collocation only needed to come back for site plan approval. Solicitor Frank stated that he feels that this should not be done as an administrative review but it is important for the Board to review the application for site plan.

Member Crowell asked how this could be cleaned up to be more efficient. Solicitor Frank stated that the Board could suggest that the Planning Board incorporate in its next re-examination report some sort of cell tower ordinance that creates a hierarchy of locations.

Member Adams asked if the Time of Decision Law would affect this Board. Solicitor Frank stated that he did not know if the governor had signed this bill yet. He stated that if this is signed into law then his recommendation as a Planning and Zoning Board solicitor would be to dramatically reduce the things that are permitted in your community so that nothing is permitted as of right.

Member Crowell said that in regards to the cell tower issue if the Board chose to proceed how would they go about it. Solicitor Frank stated that he prepares an annual report each year and he will add this to the annual report and work on this for the next meeting.

Chairman Zekas asked for status of the party supply business that opened up at the Brandow Chevrolet site. Engineer Guzzi stated that the applicant did succeed in getting the alley vacated but the improvement of the site has been a very slow progression. Solicitor Frank said that the state of the economy may have had a negative impact on the improvements to this site, but they would be required to fulfill the conditions of the approval before they could get the certificate of occupancy.

Member Taylor asked for an update on the Sassman property. She stated that she doesn't see any progress. Construction Code Official Thomas Layou stated that the applicant is working on the inside of the building re-locating the elevator shaft.

Motion of Fratinardo, seconded by Adams to adjourn at 8:28 p.m.

Ray Montgomery, Secretary

RM/ne