

Florence, New Jersey 08518-2323
July 24, 2012

A 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 Bott 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 newspapers and posted in the main hall of the Municipal Complex."

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

Brett Buddenbaum	Candida Taylor
William Bott	B. Michael Zekas
John Groze	Lou Sovak
Larry Lutz	Anant Patel

ABSENT: Keith Crowell

ALSO PRESENT: Solicitor David Frank
Engineer David Domen (substitute for Engineer LaRosa)
Planner Barbara Fegley

Chairman Zekas said the first application on the agenda is ZB#2012-20 for Brian Ostner. Applicant is requesting bulk variances to approve continued use of an already existing non-approved porch structure on the front and side of the principal structure and for approval to construct a 40' X 60' garage on property located at 2057 Columbus Road, Florence Township. Block 169.04, Lot 13.

Solicitor Frank said there was correspondence received dated July 9, 2012 requesting a continuance to the August 28, 2012 meeting of the Board.

Motion of Lutz, seconded by Buddenbaum to grant the applicant's request for continuance.

Upon roll call the Board voted as follows:

YEAS:	Buddenbaum, Bott, Groze, Lutz, Zekas, Sovak
NOES:	None
ABSENT:	Crowell
ABSTAIN:	Taylor

Chairman Zekas announced to the public that anyone there to speak for or against application ZB #2012-20, it will not be re-noticed, but the application has been continued to next month's meeting.

Chairman Zekas called application ZB #2012-09 for Enrique Ramirez. Applicant is requesting bulk variances for impervious surface coverage and side yard setback for an existing shed that was installed without prior approval on property located at 38 Fourth Avenue, Roebing. Block 137, Lot 17.

Guadalupe Ramirez was sworn in by Solicitor Frank. She said she has a 6' X 8' shed toward the end of the driveway and did not get a permit and variance. She said they did not realize it was needed. When they had a fence installed they were informed they needed a variance for the shed. Chairman Zekas confirmed that the applicant can't meet the setback requirement. There is not enough space in the yard. Ms. Ramirez said the shed is to store yard appliances and gardening supplies. Member Taylor asked how long the shed has been in place and are there any drainage issues. Ms. Ramirez said it has been there for a year and three months and she did not notice any drainage problems. She said others have sheds in the back yard. Member Buddenbaum asked if the other sheds are comparable in size. Ms. Ramirez said she has seen other sheds that are larger than hers and others around the same size. She confirmed that the roof is peaked. The water will run off the sides. She said there is about 3' of stone under the shed. She said when she moved in there was a problem with water in the basement because of compacted soil. The stone was put in at that time to help with the water issue. The shed was placed on that spot. Member Taylor would like the applicant to put gutters on the sides to drain to the back instead of into the neighbor's property. The applicant was agreeable to adding the gutters.

Engineer Domen said the applicant needs setback and impervious coverage variances. He said the impervious will go from 53.30 percent to 55.02 percent. The maximum coverage for this lot is 33 percent coverage. He said it is in character with the neighborhood. He said regarding run off from the shed, the water will go down the property line. The applicant said she is friendly with the neighbor and if there was a problem she would be made aware of it. Solicitor Frank said this is a typical condition in Roebing where there is typically impervious coverage overage. He said the improvements are what would be expected in the area. The applicant said she is trying to make an improvement. She said she sees her neighborhood going down and wants to improve it, but felt like she had to go through a lot to do it. She would like something done about properties that are in disrepair. Solicitor Frank said this board has a very limited scope. There are limits to what the Zoning Board can do. There are other parts of the municipal government that handle those complaints.

At this point Chairman Zekas opened the meeting to public comment on Application ZB #2012-09. Seeing no one wishing to be heard, it was on the motion of Lutz, seconded by Buddenbaum to close the meeting to the public. Motion unanimously approved by all those present.

Motion of Buddenbaum, seconded by Lutz to approve application ZB #2012-09.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Groze, Lutz, Taylor, Zekas
NOES: None
ABESENT: Crowell

Chairman Zekas called Application ZB #2012-12. Applicant is requesting bulk variances for impervious surface coverage and side yard setback to permit construction of a carport garage on property located at 40 West Fifth Street, Florence. Block 52, Lot 8.

Jim Pennacchi was sworn in by Solicitor Frank. He said he would like to put up a 12' X 24' garage. It will be no higher than 10 feet at the peak. He would like to put it 3 feet from his neighbor's yard and about 3 or 5 feet from the alley. He said there is a sewer line access where the garage could be placed without a variance. He provided a photo marked exhibit A-1. It shows the yard and where the garage will be placed. He said he will make sure there are downspouts draining into the alley and he plans to put a stone driveway to the garage. The garage would be a prefab model and will sit on stone. The garage will have a wooden floor and the purpose is to keep his truck out of the weather. Chairman Zekas noted that the neighbor's garage is in the same area in his yard as what Mr. Pennacchi is requesting. Mr. Pennacchi confirmed this. Exhibit B-1 was submitted from Engineer Domen. It is an aerial view of the location. Mr. Pennacchi submitted examples of the garage labeled A-2 and A-3. Mr. Pennacchi said it will be an "A" frame style with 8' walls. The center peak will be 10'. He said the driveway will be about 8' long and he is putting gutters for run off. The stone base will be wider than the structure.

Chairman Zekas opened the meeting to the public to comment on Application ZB #2012-12. Seeing no one wishing to be heard it was on the Motion of Taylor, seconded by Lutz to close the public hearing. Motion unanimously approved by all members present.

Engineer Domen said the applicant is requesting setback. One is to be 3' from the alley where 10' is required and a side yard setback of 3' where 5' is required. He is requesting an impervious coverage variance to cover 33.32% when 20% is permitted. He said there would be no impact to neighbors if the gutters are installed. Solicitor Frank said this is a common condition on an existing undersized lot. He said the sewer access does dictate the location of the shed. Surrounding properties have similar accessory buildings.

Motion of Budd, seconded by Lutz to approve Application ZB #2012-12. Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Groze, Lutz, Taylor, Zekas, Sovak
NOES: None
ABSENT: Crowell

Chairman Zekas called Application ZB #2012-11 for Mending Hearts Community Worship Ministries, Inc. Applicant is requesting a use variance and site plan waiver to

permit a church use at the currently vacant office space located at 60 Cathy Lane, Florence Township. Block 163.01, Lot 3.05.

Solicitor Frank swore in George Hulse and Robert and Dania Thompson. Mr. Hulse is representing the applicant. Solicitor Frank said for the record that the notices were received and were adequate. Mr. Hulse said Nancy Abbott sends her regards to everyone and she wanted it noted in the record.

Mr. Hulse explained the property in question is in a Special Manufacturing District and backs up to the Birch Hollow development. The application mirrors an application the Board had before it in 2005 when Trinity Deliverance Church obtained a use variance for the same location. He said everything that was asked for then is the same now. He said the traffic would be similar. Chairman Zekas asked that the professional's findings be addressed. Mr. Hulse said he did bring copies of the lease for the property. Mr. Hulse said there are no site improvements planned for the site and he was not aware of the other property on the site. That building is the only thing that is different from the 2005 application. It was not there at the time. Engineer Domen said he thinks the application is complete.

Motion was made by Taylor, seconded by Groze, too deem the application complete. All ayes – unanimous approval by all those present.

Mr. Hulse said he received the reports from the professionals and accepts them as factual. He also received the report from the Police Department and noted that there were no concerns. Mr. Hulse called Ms. Thompson to testify. She said the lease has the same terms and conditions as the lease that was in place for the former church. It was given to her by her realtor. It was entered as exhibit A-1. She said the church will occupy the same footprint as the former church and the parking will remain the same. She said the square footage is about 2,500. Services will be held Sundays at 10:30 a.m. Sunday school will begin at 9:30 a.m. so someone will be in the building on Sundays by 8:00 a.m. until approximately 2:00 p.m.. There will not be Saturday services but it is possible that there might be special events occasionally. During the week eventually one of the office spaces will be an office for the pastor. Members may frequent the building for counseling services. It will be open during regular work hours. Social functions would occur after 7:00 p.m. Right now there is no anticipated evening use. There will be 60 seats in the church. There will be a sign outside but it will be in compliance. She said the church would probably use all 20 of the parking spots eventually. There are 2 handicapped spots there now, but she does not know what the requirements are now.

She said the ministry formed in May and met in the home of a member. The vision is to meet the needs of the community. It is named Mending Hearts because there are a lot of broken people out there. Ms. Thompson said as a profession she is a marriage and family therapist and a professional counselor. The ministry wants to go beyond the walls and take love and kindness to the community and try to meet its needs. They hope to partner with organizations and do outreach on their own. There are currently 22 adult members. She said her husband is a mail handler and she is a therapist working toward her license.

She said there would only be church related activities at the church. She would not be offering professional services. Cathy Lane is primarily an industrial area with a few residential dwellings. Secretary Bott asked about the counseling services. Ms. Thompson said the counseling at the church would be for parishioners in need of assistance. She has an office outside of the church for her professional counseling. She confirmed that the testimony is almost identical to that offered in 2005. There is a kitchen area but there is no stove, just a sink. At some point there may be employees, but currently there will be volunteers. When there are employees there would only be 2 or 3.

It was on the Motion of Lutz, seconded by Taylor, to open the meeting to the public to comment on Application PB #2012-11. All ayes.

Doris Gibson, 50 Cathy Lane, asked about a building that was noted in the aerial photo. She did not recall there being another building. She was shown the aerial photo entered into evidence. The building she inquired about is not connected to the one in question. She asked about the sign and was told it will be on the front of the building and be the size of the one that was there.

Anthony Agiar, 17 Arbor Boulevard, Delran, was sworn in by Solicitor Frank. He said he is the co-owner of the property. He said the building Ms. Gibson asked about has been there for quite a while, even since before 2005. It was just not mentioned in the 2005 testimony.

Seeing no one else from the public wishing to be heard, it was on the motion of Lutz, seconded by Buddenbaum, to close the public hearing. All ayes.

Engineer Domen said the parking is acceptable as is the sign.

Planner Fegley said she noticed there were four mailboxes but there were only three suites. One of the mailboxes was labeled for the church. She wanted to know who the others were for. It was explained that there are two for the church and one for each of the other suites. Planner Fegley said the disability signs need to be updated. The owner agreed to update.

Solicitor Frank said the application in 2005 was granted and there is no difference between the two. He said there have been no problems. He inquired about the duration of the variance. Mr. Hulse said he hopes that if the lease is extended he would hope the variance would be extended. Solicitor Frank advised that the applicant would not need to come to the Board again if the lease was extended the variance would also be extended.

Motion of Buddenbaum, seconded by Lutz to approve Application ZB #2012-11. Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Groze Lutz, Taylor, Zekas, Sovak
 NOES: None
 ABSENT: Crowell

MINUTES

There was discussion regarding being absent versus being excused. Member Taylor's status will be revised to read excused.

Motion of Buddenbaum, seconded by Bott to approve the minutes of the regular meeting of June 19, 2012 with amendment. Motion unanimously approved by all those present.

RESOLUTIONS

Resolution ZB 2012-20

Granting the adjournment of the application of Brian Ostner for lot coverage, front and side yard setback and minimum distances between structures variances to legalize a front porch which was re-constructed without approvals on an expanded foot print and to permit construction of a 35' X 55' addition to the rear of the existing garage, at property located at 2057 Burlington-Columbus Road, Florence Township. Block 169.04, Lot 13.

Solicitor Frank said that there were actually two actions taken at the last meeting. The aspects of the garage were adjourned to the July 24, 2012 meeting and the porch variances were approved. This resolution is a way to consolidate everything that has been done.

Motion of Groze, seconded by Lutz to approve Resolution ZB 2012-20. Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Bott, Groze, Lutz, Zekas, Sovak
 NOES: None
 ABSENT: Crowell

Resolution ZB 2012-21

Granting the application of Dennis J. Zannini for a variance for impervious lot coverage to legalize prior construction of a 60 sq. ft. above ground spa (hot tub), placement of a 16' x 10' shed and installation of a 4' x 8' concrete trash pad on a property located at 125 Rosewood Drive, Florence Township. Block 166.10, Lot 20.

Motion of Groze, seconded by Lutz to approve Resolution ZB 2012-21. Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Bott, Groze, Lutz, Zekas, Sovak
 NOES: None
 ABSENT: Crowell

Resolution ZB 2012-22

Granting the adjournment of the application of Florence PV, LLC seeking a use variance and preliminary and final major site plan approvals to permit construction of a solar photovoltaic electricity generating facility at properties located on Bustleton Road, Florence Township. Block 160.01, Lot 5.01 and Block 170 Lot 1.01

Motion of Groze, seconded by Buddenbaum to approve Resolution ZB #2012-22. Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Groze, Lutz, Taylor, Zekas, Sovak
NOES: None
ABSENT: Crowell

Resolution ZB 2012-23

Granting the application of siblings Silvia and Ioan Secelean for approval to amend the previously granted use variance approval to allow a 10' X 18' porch attached to the 576 sq. ft. one bedroom apartment at property located at 1019 Potts Mill Road, Florence Township. Block 166, Lot 12.01.

Motion of Buddenbaum, seconded by Lutz to approve Resolution ZB #2012-23. Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Groze, Lutz, Zekas, Sovak
NOES: None
ABSENT: Crowell

CORRESPONDENCE

- A. Florence Township Ordinance No. 2012-19. "An Ordinance of the Township of Florence Adopting a Redevelopment Plan for Parcels within the Route 130 Redevelopment Area."
- B. Compliance review for 220 Foundry Street from Engineer LaRosa dated July 18, 2012.

Chairman Zekas said the first piece of correspondence was regarding the NFI warehouse site. He said the Township is keeping the Board informed.

Engineer Domen said B referred to the report of Engineer LaRosa. He explained that the plans are in conformance, everything is okay and the plans can now be signed.

Motion was made by Taylor, seconded by Lutz to receive and file Correspondence A and B. All ayes. Unanimous approval by all those present.

PUBLIC COMMENTS

There was no public in attendance to offer any comments.

Planner Fegley said regarding 220 Foundry Street, her concerns about a recycling area and landscape were addressed and she will provide a report for a subsequent meeting.

Member Sovak asked if there will be new plans from Florence PV, LLC, for next week's special meeting. It was confirmed that there were changes to the application and new plans were delivered to the Township offices. The meeting will be held at the Municipal Building. If there is not enough room for everyone the hearing would be rescheduled. Solicitor Frank said he hopes the revised plans provide more substantial buffers. He hopes this action will diffuse some of the concerns raised at past meetings. Chairman Zekas said at the next meeting the applicant will need to present his revised plans. The meeting will not be able to pick up at public comment where it left off.

There being no further business Motion was made by Buddenbaum, seconded by Taylor to adjourn the meeting at 9:03 p.m.

William E. Bott, Secretary

WEB/aek