

Florence, New Jersey 08518-2323  
August 28, 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:

William Bott	B. Michael Zekas
Keith Crowell	Lou Sovak
John Groze	Candida Taylor
Larry Lutz	

ABSENT: Brett Buddenbaum, Anant Patel

ALSO PRESENT: Solicitor David Frank  
Engineer Anthony LaRosa  
Planner Barbara Fegley

#### APPLICATIONS

Chairman Zekas said the first application on the agenda is ZB#2012-14 for Dominick Ciccone. The applicant is requesting bulk variance for impervious coverage to permit installation of an in-ground swimming pool and concrete surround on property located at 1306 Maple Avenue, Roebling. Block 143.05, Lot 6.

The applicant was not present at this time. Solicitor Frank suggested taking the next application and see if Mr. Ciccone arrives at a later time.

Chairman Zekas next called application ZB#2012-13 for the Diocese of Trenton. Applicant is requesting Preliminary and Final Major Site plan, Minor Subdivision and D (3) variance to permit construction of 34 senior rental houses and one single family lot on property located at 1300 Hornberger Avenue, Roebling. Block 143.01, Lot 1. David M. Roskos, Esq. is representing the applicant. He said in the process of preparing the application he found that a rezoning ordinance enacted last year was not clear. The zoning map breaks the property into different zone designations but the text in the ordinance omitted one of the lots and listed another lot that does not exist. He wanted to make sure the application is filed with the correct land use board. The application seeks to subdivide the property into 3 lots. There will be an existing lot on Maple Avenue consistent with all of the other lots on Maple Avenue in the RA zone. Another lot would

make up the school and the existing property used by the school. The middle lot would be for 34 age-restricted senior apartments. He said the problem was not with the apartments but with the school. It appears to have been rezoned to RC when it was always a permitted existing use with a school overlay zone. The zoning map that was adopted shows the school as being Q/S. He and the board professionals discussed the issue and determined there is no Q/S zone in town. There is a designation that identifies existing qualified institutional uses, such as the Fountain of Life Center, but there is no Q/S zone. Mr. Roskos said the applicant would like an interpretation. He feels it now qualifies as a Planning Board application. There are some bulk variances that they will need relief for. One is the school site. The acreage of the lot is too small. He thinks the application needs to obtain bulk variance relief from the Planning Board. The Zoning Board interprets the ordinance, and he is hoping to get an opinion tonight and appear before the correct board.

Solicitor Frank distributed a zoning map as exhibit A-1 that incorporates the changes made by Ordinance 2011-16 that rezoned the church property. It permits the senior housing and the school. He said the Board needs to decide if they will adhere to the text of the ordinance or the designations on the map. He said there are problems with the text. The map correctly reflects the actual zoning of the area.

At this time Member Taylor recused herself from the hearing because she is a parishioner of the church.

Solicitor Frank read the ordinance and he said it was clearly the intent to put the entire property in the RC zone. Mr. Roskos said the blow up of the zoning map that was distributed shows lines that are exactly what the applicant intends to do. He said the Maple Avenue lot is in the RA zone. He said the senior lot in the middle is conforming except for a few bulk variances. Then there is the school lot that has been a school for a very long time and will remain there with the same purpose. He said only surplus land is being used for the project. He believes there is no D variance relief required and he believes he should go to the Planning Board.

Chairman Zekas said it looks like the Q/S was only used to designate the existing building and not as a zone designation.

Planner Fegley said there are other buildings that are also designated as Q/S on the map. All agree that the ordinance and the zoning map need to be corrected. Solicitor Frank said the wording in the ordinance does not reflect what is shown on the map.

Mr. Roskos said the map makes much more sense. Member Bott feels the ordinance was drafted in error and the applicant really does not need the Zoning Board. He thinks it should be sent to the Planning Board and the ordinance needs to be amended to match the map. All members in agreement to adhere to what the map shows.

Chairman Zekas said the applicant has requested an interpretation of the zoning map and ordinance which appear to conflict. He asked for a motion stating that the zoning map

provides the appropriate guidance and that there are changes required to both documents, and the applicant should pursue the application with the Planning Board.

It was on the MOTION of Lutz, seconded by Crowell to refer the application to the Planning Board.

Upon roll call the Board voted as follows:

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

Mr. Roskos said that the applicant will re-notice when the Planning Board hearing is scheduled and there will be an opportunity at that time for anyone interested to see the plans and ask questions.

Chairman Zekas called application #ZB 2011-20 for Brian Ostner. The 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.

Member Taylor recused herself from the hearing because the applicant is her neighbor.

Brian Ostner was previously sworn in. He said he provided a soil survey and had a drywell engineered. He presented the documents provided by his engineer. He said that Mr. LaRosa and his engineer worked together and made a few small changes to the drywell design. Mr. LaRosa met with Mr. Ostner on-site and went over the plan. He said the changes will control the run off and the drainage will be better than what he has now.

Chairman Zekas said there were several comments in Engineer LaRosa's letter. Engineer LaRosa said someone from his office did go over the drainage and grading on the plan and there were some revisions that were discussed. He said if the Board does approve the plan he will obtain revised plans to reflect the changes. He said the porch was approved at the last meeting and the only issue was the run off and that has been corrected. Mr. Ostner needs to address the height of structure. Another issue is the amount of impervious coverage on the lot. He said there are two structures being removed but a large structure is being constructed. The zone allows 20 % impervious coverage and Mr. Ostner is proposing 22.4%. He said those are the two issues that need relief. Engineer LaRosa said drainage was an issue at the last meeting. Mr. Ostner's engineer is putting all of the rainfall into the ground. He said applicant's engineer created a better situation and there is no negative impact from the drainage.

Engineer LaRosa noticed there was a dog kennel encroaching on another property. Mr. Ostner said it has been moved onto his property. It was not a permanent structure. Mr. LaRosa said there was also some firewood that was not on his property. It is also not a

permanent structure but it was something that needed to be addressed. Mr. Ostner said the property belongs to the Dimon estate and he received permission to have the wood there. Mr. LaRosa said there will be a detail of the driveway extension submitted and the disposal of additional topsoil will need to meet requirements. Mr. Ostner said any additional top soil will be used for grading up to the building and will be kept on site. He said there will not be a large quantity and he believes it will all be used for back filling. Mr. LaRosa said there will be a detail of the garage on the revised plans. The applicant said he initially requested 25 feet for the height. He would like to keep it at that height to keep it consistent with his house. He would like to be able to put solar panels and the pitch would be what is required for solar. Mr. LaRosa said there were no design details provided for what the structure will look like. Mr. Ostner said it will be either a pole barn or a steel building with an A-line roof and two gable ends. He said he will submit plans once he has approval for the building. He thinks it will most likely be a pole barn for financial reasons. He plans to make the color the same as his house to make it aesthetically pleasing.

Planner Fegley asked that the back of the building be painted green. Mr. Ostner said he will do that to try and compromise with his neighbor.

Chairman Zekas asked if there were any buildings in the area that are similar to what he would like his building to look like. Mr. Ostner said he would like it to be a butler building style, like the one on Mr. Dimon's property. He said the building needs to have a 16' ceiling to accommodate the 14' door. He said there would be one man door that would be about three feet wide, two 10' doors and a 14' door to be able to accommodate the motor home. Mr. Bott asked about the placement of the doors. The 14' door will be between the 10' doors on the front with the man door on the side.

Member Bott wanted confirmation that there will be no commercial vehicles in the garage. Mr. Ostner said he will not use the building for commercial. Mr. Bott also asked about testimony from a previous meeting that Mr. Ostner makes bullets. Mr. Ostner explained that he makes projectiles. He melts lead and makes what is comparable to a sinker. The only way it would hurt someone is if he threw it at them. He said it is not a bullet until he goes to a range and uses a gun. He said he does not fire guns at his house.

Engineer LaRosa said all of the calculations for the drywell are correct. He said an easement or some type of restriction must be included so the drywells run with the land. He said the gutters, traps and cleanouts are required. The drywell is located near the Cypress tree at the southwestern corner of the property. The grading slope will need to be managed through the engineering and there will need to be inspections done by the Township. He said while he was on the site he noticed that there were some gaps in the tree line buffer that need to be filled. Mr. Ostner agreed to everything.

Mr. Ostner said he met all of the requirements and made some concessions to come to a happy middle ground. He felt that there were some neighbors that didn't want him to have the building and no one else seemed to be willing to offer some compromise.

Motion was made by Bott seconded by Lutz to open the meeting to the public for comments on ZB# 2011-20. All ayes.

Nick Sarris, 2044 Old York Road, Florence, said that the Board asked Mr. Ostner to adjust the height of the building. Chairman Zekas said there were a few issues related to that. The applicant moved the location of the building and he can have it at 25'. Mr. Sarris said he does not believe what the Board asked of the applicant was done. He asked where the plans were and did not think the Board was prepared to make a decision. Chairman Zekas explained that there was a large package of information provided when the application was introduced and detailed plans will need to be provided to the construction office before any work can begin. Mr. Sarris said his concern is the height of the building. Solicitor Frank explained that the applicant is asking for a higher pitch. The resident said it was not a compromise because the applicant was not willing to accept a 20' restriction. He said he would prefer to not see a building at all, but is afraid he will see this one towering over his own yard. Mr. Sarris confirmed that the applicant will not be able to use the garage for commercial vehicles. Mr. Sarris asked why there was a driveway to the garage. Member Bott said that personal vehicles are able to be housed in the garage.

Mark Waladkewics, 2046 Old York Road, Florence, said he was noticed because of the proximity of his property to Mr. Ostner's. He said Mr. Ostner asked him if he would have a problem with the building. Mr. Waladkewics said he wanted to go on record as not having any objections to the building. He said Mr. Ostner's house used to be owned by two elderly people who could not keep up the property and there was a lot of debris around the yard. Mr. Ostner has methodically improved the property and neatened it up.

Errol Verduchi, 2042 Old York Road, said everyone has a right to a building but he doesn't understand why there needs to be a 14' door. He said an 8' or 10' foot door would be big enough for cars or trucks or storing stuff. He would like it stipulated that there will be no commercial use of the garage. He asked about where the water will be drained. He was shown on the view where the water will drain. He is afraid the water will be coming to his house. He does not think the drywell will work. Engineer LaRosa reviewed the drainage plan and drywell plans with the residents. Solicitor Frank explained that if there were not requests for the lot coverage and height variances Mr. Ostner could build a 30' X 60' building that was 20' tall. He would just have to get a building permit and he would not have to do any of the extra improvements required with this application. Member Crowell explained that the Board retains professionals to review applications and they have made a determination that the drainage system will work. Mr. Verduchi is still concerned that the water is going to drain to his property.

Mr. Ostner said that Mr. Sarris' concern was seeing the building, but he didn't tell the Board that he has 90' White Pine trees behind his property and Mr. Ostner also has the large Cypress trees. He does not feel seeing the building should be a concern. He said Mr. Verduchi's property is uphill from his own so he does not think there will drainage from his property to Mr. Verduchi's.

Seeing no one else wishing to be heard, it was on the motion of Bott, seconded by Lutz to close the public hearing on ZB#2011-20. All ayes.

Solicitor Frank said the applicant will need a variance for impervious coverage. Twenty percent is permitted and the applicant is asking for 22.4%. The applicant is also requesting a height variance for the height of the building. Twenty feet is permitted and he is asking for 25'. It appears that the sole condition of the porch approval was that there be a grading and drainage plan that has been provided. This was to assure that no additional run off would be directed to the street. There were no potential approval conditions, but the engineer's report noted some issues that needed to be addressed. Mr. Ostner agreed to comply with everything noted in the engineer's report as condition. Solicitor Frank said all drainage will need to be directed to the drywell. He said the notice of the existence of the drywell would be sufficient and it does not need to be deeded with the property. The color scheme on visible sides will coordinate with the house and the back side facing the Sarris property will be painted green to blend with the trees. There will be no commercial use. The gaps in the Cypress trees will be filled. Mr. Ostner will need to post escrow for the inspection of the drywell and grading and he will be subject to the usual conditions that come with this type of variance. Member Crowell asked if the commercial condition goes with the property. Solicitor Frank said it does, so if someone wanted to use the site commercially they would need to come before the Board.

Motion of Bott, seconded by Groze to approve both variances for application ZB#2012-20.

Upon roll call the Board voted as follows:

YEAS: Bott, Crowell, Groze, Lutz, Zekas, Sovak

NOES: None

ABSENT: Buddenbaum, Patel

ABSTAIN: Taylor

Chairman Zekas called application ZB# 2012-14 for Dominick Ciccone, who was now present at the meeting.

Mr. Ciccone was sworn in by Solicitor Frank. He explained that he would like to install a built in pool but the impervious coverage would be 0.6 over the allowable limit. A survey was submitted showing the pool. There were setback distances listed. It was determined that the setbacks meet what is required. Engineer LaRosa said the issue is the impervious coverage. He said it will be 31.5 % instead of the maximum of 25 %. Mr. LaRosa would also like to see a grading plan showing where the water will drain. Besides that, it is a typical application. It will need to meet fencing requirements. Chairman Zekas asked about the border being shown around the pool. The applicant told him it is poured concrete but it is included in the impervious coverage. Engineer LaRosa said that pavers are not included in impervious coverage. The engineer said that the applicant would still be over the coverage without the pavers being included. Member Taylor asked about the fence. Mr. Ciccone said right now the back part of the yard and

three quarters of the side is stockade fence. On the other side it is a railing with aluminum with columns and slats. He said it should meet the requirements. On the other side the stockade will be continued. The stockade fence is 6' high and the aluminum is 4'. Member Crowell asked if there are any drainage issues on his property. He said there is a slope that hits his neighbor's property but they are working together to solve the issue. Engineer LaRosa said the pool company will provide a grading plan. There are other pools in the area, some are above ground and some are in-ground.

Motion by Crowell, seconded by Lutz to open the meeting to the public regarding application ZB#2012-14.

Seeing no one wishing to be heard, it was on the motion of Crowell, seconded by Lutz to close the public portion of application ZB#2012-14. All ayes.

Solicitor Frank said this lot does conform to the minimum size required in the zone. This application requires a C-2 variance. There is an amenity being proposed that is common to the zone and it should be allowed. There will be submission of a lot grading plan showing that there will be no negative affects to neighboring properties as a result of the application. It will also remediate an existing problem. The perimeter fence will be inspected by the Board Engineer.

Motion was made by Lutz and seconded by Taylor to approve application ZB#2012-14.

Upon roll call the Board voted as follows:

AYES: Bott, Crowell, Groze, Lutz, Taylor, Zekas, Sovak

NOES: None

ABSENT: Buddenbaum, Patel

#### PUBLIC COMMENT

It was on the motion of Lutz, seconded by Crowell to open the meeting to the public at this time. All ayes.

Thomas Layou, Construction Code Official for the Township, asked if people having inspections done need to post bonds or escrows to cover the inspections done by Board professionals. Solicitor Frank said that application ZB#2011-20 would need to post escrow. Application ZB#2012-14 probably would not, but he is not sure. The professionals said they will research the answer.

Motion was made by Lutz, seconded by Crowell to close the public comments portion of the meeting. All ayes.

#### MINUTES

It was on the MOTION of Groze, seconded by Lutz to approve the minutes of the June 26, 2012 special meeting. Motion unanimously approved.

RESOLUTIONS

**Resolution ZB 2012-25**

**Continuing the application of Brian Ostner for bulk variance 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.**

Motion of Lutz, seconded by Groze to approve Resolution ZB #2012-25.

Upon roll call the Board voted as follows:

YEAS: Bott, Groze, Lutz, Zekas, Sovak

NOES: None

ABESENT: Buddenbaum, Patel

**Resolution ZB 2012-26**

**Granting the application of Enrique Ramirez for 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, Roebbling. Block 137, Lot 17.**

Motion of Groze, seconded by Lutz to approve Resolution ZB 2012-26.

Upon roll call the Board voted as follows:

YEAS: Bott, Groze, Lutz, Sovak, Taylor, Zekas

NOES: None

ABSENT: Buddenbaum, Patel

**Resolution ZB 2012-27**

**Granting the application of James Pennacchi for bulk variance 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.**

Motion of Groze, seconded by Taylor to approve Resolution ZB 2012-27.

Upon roll call the Board voted as follows:

YEAS: Bott, Groze, Lutz, Sovak, Taylor, Zekas

NOES: None

ABSENT: Buddenbaum, Patel

**Resolution ZB 2012-28**

**Granting the application of Mending Hearts Community Worship Ministries, Inc. for 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.**

Motion of Groze, seconded by Taylor to approve Resolution ZB 2012-28.

Upon roll call the Board voted as follows:

AYES: Bott, Groze, Lutz, Sovak, Taylor, Zekas  
NOES: None  
ABSENT: Buddenbaum, Patel

Solicitor Frank said the next three resolutions involve the second, third and fourth adjournments of the Florence PV, LLC.

**Resolution ZB 2012-29**

**Continuing the application of Florence PV, LLC for Use Variance and Preliminary and Final Major Site plan approval to permit construction of a solar photovoltaic electricity generating facility on property located at Bustleton Road, Florence Township. Block 160.01 Lot 5 and Block 170, Lot 1.01.**

Motion of Lutz, seconded by Crowell to approve Resolution ZB 2012-29.

Upon roll call the Board voted as follows:

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

**Resolution ZB 2012-30**

**Continuing the application of Florence PV, LLC for Use Variance and Preliminary and Final Major Site plan approval to permit construction of a solar photovoltaic electricity generating facility on property located at Bustleton Road, Florence Township. Block 160.01 Lot 5 and Block 170, Lot 1.01.**

Motion of Crowell, seconded by Taylor to approve Resolution ZB 2012-30.

Upon roll call the Board voted as follows:

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

**Resolution ZB 2012-31**

**Continuing the application of Florence PV, LLC for Use Variance and Preliminary and Final Major Site plan approval to permit construction of a solar photovoltaic electricity generating facility on property located at Bustleton Road, Florence Township. Block 160.01 Lot 5 and Block 170, Lot 1.01.**

Motion of Taylor, seconded by Groze to approve Resolution ZB 2012-31.

Upon roll call the Board voted as follows:

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

Solicitor Frank said there is nothing on the schedule for the next regular meeting of the Zoning Board. He suggested that the meeting be cancelled and if anything should come in before then it will be put on the agenda for the special meeting of September 24, 2012.

Member Bott wanted to know what the problem was with the ordinance the Diocese of Trenton discussed this evening. Solicitor Frank said the only professional who was involved in that ordinance adoption who did his part right was Engineer Dan Guzzi. The Township Council sent the ordinance to the Planning Board for review to see if it is consistent with the Township Master Plan. It is assumed that it is correct. Member Taylor asked if similar situations exist. Solicitor Frank said there is no way to know until something comes up. This was a problem with the zoning map that needs to be revisited.

There being no further business, it was on the motion of Lutz, seconded by Crowell to adjourn the meeting at 9:28 pm.

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William E. Bott, Secretary

WEB/aek