

Florence, New Jersey 08518-2323  
 April 23, 2013

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. Vice Chairman Bott called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Taylor 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	Larry Lutz
William Bott	Candida Taylor
John Groze	Lou Sovak
Anant Patel	

ABSENT: Keith Crowell, B. Michael Zekas

ALSO PRESENT: Solicitor David Frank, Engineer Anthony LaRosa  
 (The Planner was excused)

Solicitor Frank explained that there was a public notice published for Application ZB#2013-02 for Christopher Pukenas pertaining to 198 Alden Avenue, Roebling, Block 118 Lot 1.01. During the review of the application the Engineer noticed that not only is a bulk variance required but there is also a need for a use variance. The application cannot be heard because the notices need to be republished with the new information included.

#### APPLICATIONS

**Application ZB#2013-06 for Marc and Julie Beaver. Applicant is requesting bulk variance for rear yard setback to permit construction of a deck on property located at 40 Szyplski Lane, Florence. Block 156.07, Lot 4.**

Marc and Julie Beaver were sworn in by Solicitor Frank. Mr. Beaver explained that his house is new construction and there are just three wooden steps going to the back yard. He is worried about his young child getting hurt or falling. He would like to build a deck that is 14' X 27'. This will leave about 26' to the property line. The deck will be vinyl and match the existing fence. The deck will be gated to serve as additional play space for his child.

Engineer LaRosa said he visited the site. The applicant needs a minimum rear yard setback. The requirement is 35'. The deck will make it 22.8' to the deck stairs. He said the applicant will need to be sure there are no drainage issues after the deck is built.

Member Bott asked about drainage. The applicant said the drainage has already been directed to the side of the house and down to the curb. Member Buddenbaum asked if any of the other houses in the development had decks. The applicant explained that there are no decks but one house has a patio. He did not want a patio because they felt it was too dangerous for his child.

The meeting was opened to the public for comment on Application ZB#2013-01. Seeing no one wishing to be heard, it was the Motion of Buddenbaum, seconded by Taylor to close the public comments. All ayes.

Solicitor Frank explained that there are two different paths for this type of a bulk variance. It can be approached as a hardship created or the perspective that it the opportunity to create something that is better zoning than what is allowed. This is not really a hardship, but the better zoning would apply to this application. He asked the applicant what is behind the property. The applicant said it is a park. That was why he chose that lot. Solicitor Frank said with it backing to open space it is harder to make the case of there being a detriment to the public. Member Sovak asked about other properties in the development and if this decision will be used to decide other applications from the neighbors. Solicitor Frank said every decision stands on its own and each case is taken individually.

Motion of Groze, seconded by Buddenbaum to approve Application ZB#2013-01.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Groze, Lutz, Taylor, Sovak, Patel

NOES: None

ABSENT: Crowell, Zekas

**Application ZB#2013-03 for Davide N. Trezza. Applicant is requesting bulk variance to permit construction of a garage on property located at 270 Wilbur Henry Drive, Florence. Block 67.01, Lots 3 and 5.02.**

David and Krisztina Trezza were sworn in by Solicitor Frank. Engineer LaRosa explained the applicant is proposing a 16' X 30', 480 sq. ft. detached garage. The property lies in the low density RA residential district. A garage or carport is a permitted accessory use in this district. He noted the property is an existing undersized lot. The lot coverage also exceeds the maximum. The proposed garage will add to this. He asked how high the garage will be. The applicant said he would like to go up 16'. The existing shed will be removed. Engineer LaRosa there will be no variance required for the height of the garage. The applicant will also remove the sidewalk by the shed. The applicant provided Exhibit A-1, a description of the building and A-2, an architectural rendering of the building. Engineer LaRosa suggested moving the garage back to get it out of the 25' setback, then the variance for the setback won't be needed. Solicitor Frank agreed. He said there will still be an impervious coverage overage, but moving the shed will get rid of a whole variance. There was discussion of the visual impact. Mrs. Trezza explained

that there is a tree in the yard that she would like to keep. Member Bott asked if the tree would interfere with the garage. She thinks the garage might be too tall to be that close to the tree. Engineer LaRosa agreed that it could encroach on the roots and he noted it is a nice, sizeable tree. There was discussion regarding how far the shed could be moved back. Engineer LaRosa feels 3' would be sufficient to move it back. Engineer LaRosa said the garage, as proposed, would fit under the canopy of the tree. Member Taylor would like to keep the tree rather than move the garage to remove a variance from the application. The applicant said her three children play in the yard and enjoy the shade.

Member Taylor again said she would like to save the tree. She does not mind putting the garage where it is proposed. She asked if the garage is prefabricated to see if the size could be adjusted. The applicant said he would not like to have to make it smaller because he needs to fit his full sized truck and his children's bikes and other things. Member Bott agreed that he wants to save the tree.

Solicitor Frank asked about the side yard setback. He suggested moving the garage to the side yard setback standard. He thinks that would also help the tree. Member Bott said he would like to just leave the garage where it is proposed.

Engineer LaRosa said building codes will need to be followed; drainage needs to be away from the neighbor's property and lighting needs to be in accordance with Township regulations. He said the home is on two existing lots. He recommended a lot consolidation. The applicant was not aware of the situation. Solicitor Frank said it could be a condition of the approval that the lots be consolidated. The applicant said they have been paying one tax bill. The professionals speculate it could be a tax map mistake.

Solicitor Frank said there are two variances in play. There is an impervious coverage variance and the front yard setback variance. The Board has articulated its concern for the tree and wanting to allow the applicant to construct a useful building but to respect and protect the tree. That is a rationale for the setback variance. The applicant is proposing to remove the existing shed and to remove the existing sidewalk leading to the shed. He said this is close to eliminating almost as much impervious coverage as is being added to the existing undersized lot.

Motion of Taylor, seconded by Groze to open the meeting to public comment on Application ZB#2013-03.

Seeing no one wishing to be heard it was the Motion of Taylor, seconded by Groze to close the public comments.

It was the Motion of Taylor, seconded by Lutz to approve Application ZB#2013-03 with the condition that the shed and sidewalk be removed, drainage is directed to the front and the tree remains.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Groze, Lutz, Taylor, Patel, Sovak

NOES: None  
ABESENT: Crowell, Zekas

MINUTES

It was the Motion of Groze, seconded by Taylor to approve the January 22, 2013 and February 26, 2013 meeting minutes with the correction noted by Member Taylor in the January 22 minutes. All ayes.

CORRESPONDENCE

PUBLIC COMMENTS

It was the Motion of Taylor, seconded by Buddenbaum to open the meeting to the public.

Seeing no one wishing to be heard, it was the Motion of Taylor, seconded by Patel to close the public comments. All ayes.

There being no further business, it was on the motion of Groze, seconded by Taylor to adjourn the meeting at 8:21 pm.

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Candida Taylor, Secretary

CT/aek