

Florence, New Jersey 08518-2323  
July 7, 2014

The Regular meeting of the Florence Township 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 Buddenbaum 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	William Bott
John Groze	Larry Lutz
Lou Sovak	Keith Crowell
B. Michael Zekas	Anant Patel
John Lauricella	

ABSENT: None

Also Present:

Solicitor David Frank  
Engineer Anthony LaRosa

Excused:

Planner Barbara Fegley

## RESOLUTIONS

**Resolution No. ZB-2014-10**  
**Granting the Application of LB Solar, LLC for**  
**Amended Final Major Site Plan, Use Variance and Bulk Variance for**  
**Property Located at 10-51-59 Florence Columbus Road**  
**Block 165.04, Lot 64**

Solicitor Frank said this was distributed by e-mail to the board, the professionals and the applicant's attorney. There were some small editing changes but none were substantive.

It was the Motion of Bott, seconded by Crowell to approve Resolution No. ZB-2014-10.

Upon roll call, the Board voted as follows:

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

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ABSTAIN: Groze, Patel, Lauricella  
ABSENT: None

**Resolution No. 2014-11**  
**Continuing the Application of Sean Sklodowski for a**  
**Bulk Variance to permit Construction of a Garage on Property Located at**  
**306 East Front Street**  
**Block 165.04, Lot 64**

Chairman Zekas said this was pretty straight forward. The application was scheduled for the last meeting and had to continue to this meeting.

It was the Motion of Lutz, seconded by Buddenbaum to approve Resolution ZB No. 2014-11.

Upon Roll call, the Board voted as follows:

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

**APPLICATIONS**

- A. Application ZB#2014-04 for Sean Sklodowski. Applicant is requesting a bulk variance to permit the construction of a garage on property located at 306 East Front Street, Florence. Block 74, Lot 1

Chairman Zekas called for Mr. Sklodowski. He was sworn in by Solicitor Frank. Mr. Sklodowski said he would like to construct a garage to create more storage. His wife recently had a baby and he also likes to tinker. The plan was for a two car detached garage with a loft. It would be 2' off the edge of the alley and the height would be about 25'. He wanted the extra height to be able to get a lift into the garage to work on his truck. Chairman Zekas asked if detached garages of a similar size were common in the area. Mr. Sklodowski said they are. His might be a little taller than those in the area. Member Bott noted it is close to the alley. The applicant said it is a paper alley.

Engineer LaRosa said there were still utilities located there. The regulation was 10' off. He is requesting relief because he is going 2' off. The applicant confirmed he knew the location of the utilities. Member Buddenbaum asked if there was anything on the alley that was as close as was being proposed. Mr. Sklodowski said St. Clare's Church was closer to the alley than the proposed garage. Chairman Zekas said the utilities run down the center of the alley so in essence there would be 12' from the closest utility line. The applicant indicated he spoke to Water & Sewer employees and they said even if he was right on the line there would be room for them to maneuver if work had to be done.

Chairman Zekas asked the dimensions of the proposed structure. Mr. Sklodowski said the garage is 26' wide and 32' long. The height is 25'. Member Bott asked about the purpose of the loft. Mr. Sklodowski said it would be used for storage. Member Bott asked if the lift was strictly for personal use. Mr. Sklodowski said it was. Member Crowell asked if it was a professional hydraulic lift. Mr. Sklodowski said it is a hydraulic lift. It is a two post lift. He said he needed 14' clearance for the lift; that was why the garage was so tall.

Chairman Zekas said the request was for the 2' off the alley, and two front yard setbacks. Engineer LaRosa said the drive in would be on Walnut Street and it would be considered a second front yard. The applicant is looking for 20' where the ordinance requires 25'. Chairman Zekas noted there was a shed currently on the property. The applicant is unsure if he will keep the shed or not. He said his impervious coverage would still be within the ordinance requirements. Engineer LaRosa confirmed there was no relief required for impervious coverage.

The applicant said the engineer noted there was a clean out. He wanted to be clear it was not a township clean out, it was a clear out to his line. The pad of the garage would miss it. The applicant said he was not sure if he was going to go 2' off the alley, he might go further from it. Engineer LaRosa said the board would need to know exactly where the garage would be located to make its decision. There is a reason the ordinance stated 10' off the alley, it is so the utilities are accessible. Mr. Sklodowski said he spoke to the back hoe operator at the Water & Sewer Department and the operator said there would still be room to access the utilities.

Mr. Sklodowski said he would like to place the garage 2' off the alley so there is an area for his trash. He also intends to at some point get a variance to install a deck with a ramp to allow his wheelchair-bound brother access to his home.

Solicitor Frank asked what the prevailing distance from the alley was in the area. The applicant noted the church one block over was on the alley. There are other garages on that block that are on the alley. Member Buddenbaum said it is the same scenario on his block. The fences are within 1' to 2' of the alley at every property. It is wide enough for a trash truck. He estimated it was about 15' across. The applicant said he doesn't want to go under 2' because there is a fence on the other side and he hoped to store his boat.

Member Crowell asked how far the garage would be from the fence. The applicant said the property behind him was his brother's home. The distance would be 12' because the fence is the center of the alley. Solicitor Frank asked if the fence was right over the utilities. The applicant said one pipe is on his side of the fence and the other pipe is on his brother's side of the fence. He said the fence is in line with all of the other fences. If work needed to be done the fence would have to come out.

Member Crowell said the major issue is whether there is access to the utilities in the paper alley. He said he is not an expert and suggested getting an opinion from the Water & Sewer Department. Mr. Bott said the applicant testified that he would provide access

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to the utilities if there was a need. Chairman Zekas said he considered Member Crowell's suggestion but does not think it is practical. He doesn't know if anyone would be able to specifically indicate the space needed to work on the utilities.

Chairman Zekas asked if the applicant was willing to get 3' off the alley. The applicant said he would prefer to stay with the 2' feet because he would like to build a deck with a ramp in the future and being 3' feet would make less space for the deck.

There was discussion regarding the age of the pipes. The applicant said he saw the pipes when he connected his water service. He said he is not a professional, but they looked okay. They weren't terra cotta.

It was the Motion of Bott, seconded by Lutz to open the meeting to the public regarding Application ZB#2014-04. All ayes.

Mark Hollern, 324 East Front Street, inquired as to the type of construction. Mr. Sklodowski said it was going to be a stick build structure. Mr. Hollern was concerned that the structure would look industrial. Mr. Sklodowski said it is going to be sided and blend in with the house. He said the gutters would be directed down the driveway. Member Buddenbaum asked if there was a rendering available. Mr. Sklodowski said he left it at home. Chairman Zekas asked if there were other garages in the area that looked like what he wants to do. Mr. Sklodowski noted a location where there is a garage similar to the one he was proposing.

It was the Motion of Groze, seconded by Lutz to close the public hearing of Application ZB#2014-04. All ayes.

Engineer LaRosa said the impervious coverage area is below the percent that would trigger a variance. It is in the RA district and it is a full sized lot for that zone. There is an existing wooden shed located in the side yard. Regarding the alleyway, many of the surveys seen from this area include the alleyway as part of the property. Technically, unless it is in the deed this would not be the case. The requirement for the alley is 10' off and the applicant is asking for 2' off. There are utilities and there needs to be access to those. The existing concrete driveway apron and associated driveway that is there will match up with the building itself. It will remain a stone driveway. It is a corner property so by code there are two frontages. The proposed structure would be 20' where code would require 25'. That triggers another variance for frontage. The third is related to height. Twenty feet is the maximum allowable and the applicant is requesting 25'. The down spouts will drain to Walnut Street. The applicant can't impact his neighbors with drainage. All grading should be done to not negatively affect the surrounding area.

Solicitor Frank said it is very important that the applicant not grade the alley. If the board were to move positively there would probably be a condition that the applicant adhere to his testimony regarding the appearance of the garage.

Member Buddenbaum asked if the applicant's brother bought the section of the alley when he built his house. Mr. Sklodowski said there was a lot that was subdivided before the he bought it. His brother owns to the fence. Solicitor Frank said in some of the older deeds the property owner owns to the center line of the alley. Even though it is to the center line, there are still easements in place.

It was the Motion of Groze, seconded by Lutz to approve Application ZB#2014-04.

Upon roll call the Board voted as follows:

AYES: Buddenbaum, Bott, Crowell, Groze, Lutz, Sovak, Zekas, Patel

NOES: None

ABSENT: None

B. Application ZB#2014-05 for Anthony Garruto. Applicant is requesting a bulk variance to permit construction of a detached garage (pole barn) on property located 314 West Fifth Street, Florence. Block 40, Lot 4.

Mr. Garruto was sworn in by Solicitor Frank. The applicant said he needed to get a variance because of impervious coverage. He would like to construct a pole barn. The difference between a pole barn and a garage is that you don't need a foundation for a pole barn. With a garage the foundation is poured and sill plates are affixed all the way around and then the garage is constructed. He wanted to do a garage because he has friends who would help him build it. The proposed garage is 15' by 30' and the height will be 15'. The peak of his house is a little higher than 15'. He spoke to the Assistant Administrator and was told that as long as the garage was not higher than the house he would be okay.

Engineer LaRosa said the submitted plans showed 11' walls with a 2' peak. The applicant said it will be under the size of the house.

Mr. Garruto said he wanted to build the garage because he has a 1930 Model A Coupe. Right now it is on the dirt and in the elements and he would like to get it inside so he can work on it. The garage is big because all of his tools are in storage right now and it is a big expense to keep paying the fees every month.

He noted there were some questions regarding other buildings on the property and he would like to address them. He said there is a large 18' by 8' container and a small shed at the rear of the property. He doesn't have a problem with getting rid of the metal shed but the container contains all of his lawn care equipment. If he had to get rid of something he would prefer it be the shed. Member Bott asked if the garage might be big enough to fit everything. The applicant said the garage is 15' wide. He hopes to be able to be able to put two cars in the garage.

Chairman Zekas asked what the container was. Mr. Garruto said it used to be the back of a truck. Chairman Zekas asked if the location of the proposed garage is where the

structure with the car is now. Exhibits A-1 through A-7 were entered into evidence. They were photos of the property in question.

Engineer LaRosa asked how far the container was off the property line. Mr. Garruto said the fence is right on the property line, there is not much space. Solicitor Frank asked how long the container has been there. Mr. Garruto said it has been there for 14 years. Member Buddenbaum asked if it was on the ground or placed on something. Mr. Garruto said he was going to propose to the board that if possible he would get 6' X 6's and 8' X 8' s to get it up off the ground.

Solicitor Frank asked Mr. Garruto to explain each exhibit. A-1 was a photo of the front where the fence and car port are right now. A-2 is part of the aluminum shed and the other part of the property. A-3 is the back of the carport. A-4 shows the container and A-7 is the aluminum shed. A-5 and A-6 show how long the container is. He said the container is on the back of the property.

Chairman Zekas said basically it will be a stick built garage in the same position as the existing car port. The only variance required is for lot coverage. Engineer LaRosa said the container is a sizeable structure which is closer to the side yard line than it should be. That could trigger a variance and there might also be a need for relief for rear yard for height. Chairman Zekas asked if the board needed to be concerned with the container.

Solicitor Frank said the structure was not advertised to hear and decide a variance for that issue. It is a completely different structure. Member Bott asked it would be okay to move it to make it conforming. Solicitor Frank said then there would not be a variance issue. Chairman Zekas said the applicant could get a variance, but it was not advertised. Chairman Zekas said he could re-notice and come back or move the container.

Solicitor Frank said he will need to go to the Construction Office for any permits that may be required for the container. He is not guaranteeing the container meets construction codes. This board has no jurisdiction over code requirements. If he moves it, he will not have to come before the board. The applicant said when the footings are built he will move it. Solicitor Frank said he would need to go to the Construction Official sooner than that.

Chairman Zekas said the board is considering the stick built garage and the location as proposed and the only required variance is for coverage.

It was the Motion of Groze, seconded by Lutz to open the meeting to the public regarding Application ZB#2014-05. All ayes.

Rich Brown, 333 West Fifth Street, said he lives across the street from Mr. Garruto and the garage will probably be the first thing he sees when he opens his front door. He is in support of the application. It is an older neighborhood and it is nice to see people putting money into their property and improving the neighborhood. Mr. Garruto keeps his yard

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nice. He does not doubt that the garage will be well maintained. The container is not noticeable and it doesn't bother him.

Dwayne Moore, 350 West Fifth Street, said he is Mr. Garruto's next door neighbor. Mr. Garruto maintains his property. Everyone in the neighborhood works together and helps each other. He thinks it will increase the value of properties in the area.

Seeing no one else wishing to be heard, it was the Motion of Crowell, seconded by Lutz to close the public hearing. All ayes.

Engineer LaRosa said this is in the RA Zone. It is an undersized lot. The existing impervious coverage is at 27%. That included the container. The proposed lot coverage will be 30% where 25% is the maximum allowed. The rear setback is okay. There is an alley at this property but there is no issue because it is not a corner lot and the garage is in the confines of the existing house. He cautioned the applicant that if he does move the container he needs to be 10' off the rear alley.

Engineer LaRosa noted that any grading that is done must drain properly and not negatively affect the neighbors. The applicant said the garage itself will be elevated and will pitch toward the street. All the drainage will go to the street. Engineer LaRosa confirmed that the driveway will remain stone. The applicant confirmed that it will, but he wants to make the driveway wider. He was advised he would need to talk to the Construction Official regarding widening the driveway.

Solicitor Frank explained this is a hardship because it is an undersized lot. The conditions would include removal of the existing carport, the driveway must remain stone, the container must be moved to a conforming location, any required permits for the container need to be obtained, the small metal shed must be removed and the grading must not impact neighbors. The usual conditions would also apply.

Solicitor Frank told the applicant he would need to have a foundation survey done to be sure the locations are correct. The garage would need to be staked out. The applicant agreed to have a surveyor stake out the garage. Once the garage is built a survey must be provided to show it is where it is supposed to be.

It was the Motion of Groze, seconded by Buddenbaum to approve Application ZB#2014-05.

Upon roll call the Board voted as follows:

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

NOES: None

ABSENT: None

#### MINUTES

It was the Motion of Bott, seconded by Buddenbaum to approve the minutes of the regular meeting of May 5, 2014 as submitted. All ayes.

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## CORRESPONDENCE

### A. Revised 2014 Meeting Schedule of Boards/Commissions

All members agreed to the changes in meeting dates.

## OTHER BUSINESS

Member Bott asked if the board could set a time limit for how late an application can run? The last application was very long, he would like to be able to continue an application if it get to be too late in the evening. Solicitor Frank said the chairman has pretty broad authority to do something like that. The rules that are adopted every year include something about not starting an application after a certain time. He does not know what they say about stopping at a certain time. It could be the chair's prerogative to stop a meeting, but it is always better to have a rule in place. Member Bott said he was very tired at the last meeting and it went on and on. He doesn't know if his decision would have been different if he wasn't so tired. Chairman Zekas said in retrospect the meeting probably should have been stopped but it was difficult because the application was already short on board members and to continue it would be difficult. Solicitor Frank said if any board member is ever that fatigued they need to speak up. Chairman Zekas said the interpretation at the last meeting went far too long. He didn't think the board was prepared for the testimony. Solicitor Frank expected there to be a writing from the applicant's attorney that would explain what the applicant was asking for on the interpretation.

Motion of Bott, seconded by Buddenbaum to adjourn the meeting at 9:05 p.m. Motion unanimously approved by all members present.

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Brett Buddenbaum, Secretary

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