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Florence, New Jersey 08518-2323
February 1, 2016

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 Lutz 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
Joseph Cartier	Larry Lutz
Anant Patel	Lou Sovak
B. Michael Zekas	Anthony Drangula
Margo Mattis	

Absent: None

Also Present:

Solicitor David Frank
Engineer James Biegen (for Engineer Anthony LaRosa)
Planner Barbara Fegley

APPLICATIONS

- A. Application ZB#2015-16 for 150 Alden Property-Florence LLC. Applicant is requesting use and bulk variances to permit conversion of existing pizza restaurant with one residential unit on second floor to five (5) residential units on property located at 150 Alden Avenue, Roebling. Block 118, Lot 7.

Rosalind Westlake, attorney for the applicant, came forward. She said they were here this evening for use variances and bulk variances. The applicant proposes to take the property at 150 Alden Avenue and convert it into five living units. The property is presently vacant. It used to be a pizza shop with a bar and one residence above. With her this evening was the owner of the property, Anthony Martin, who is a contractor/developer. The most detail about the plan would come from the engineer, Laurence Murphy, who was also present. He will describe the existing conditions and the proposed set up. Also with her was Michael Pessolano, a professional planner, who will testify to the benefits and detriments and positive and negative criteria for the use variance. All of the witnesses and Engineer Biegen were sworn in by Solicitor Frank.

Ms. Westlake called for Mr. Martin. She asked Mr. Martin to provide his background information to the board. Mr. Martin said he an investor of residential properties. He has been a contractor for twenty two years. He has a staff of about fifteen people on a daily basis. His interest is to renovate the property. Ms. Westlake asked if he owned a number of investment properties in the central New Jersey area. He confirmed that he does. She asked if he owned and managed all of the buildings. He concurred. At this time he had three properties in that area. She asked if it was his intention to own and manage this building. He said that was what he hoped to do. She asked what made him choose this site. Mr. Martin said he looks for properties that are in need of substantial repair, such as this one. It's been vacant for quite some time. He wants to create a very clean, safe and modest apartment building. He wants to renovate the property, not just the exterior but the interior as well. There would be new windows, doors, roofing and siding. The interior would be gutted completely. He would install all new plumbing, electrical, heating, air conditioning, flooring, kitchens and bathrooms. He does this because it keeps the tenants happy and they stay for a very long time.

Ms. Westlake asked if he found value in this property because there is ample street parking and it is centrally located to many major roads. Mr. Martin said when he does his research one of the key points is having ample parking. Prior to purchasing the property he went there ten to fifteen times to do a survey of the parking that is associated with the property. He felt it was ample. His engineer verified this. It is centrally located and there is transportation available for residents. There are busses, the light rail line, Route 130, and other major roadways in the vicinity.

Member Bott asked what time of the day the parking survey was performed. Mr. Martin said he was there at all different times of the day and night and all different days of the week. Member Bott asked if he thought there was enough parking at the site. Mr. Martin said he was certain there was. Member Bott said he has driven by there and he isn't so sure. Ms. Westlake clarified that the survey was done before the property was purchased and was an informal survey done by Mr. Martin. Mr. Martin concurred. Ms. Westlake asked if since that time an engineer had done a more formal survey. Mr. Martin said yes, his engineer has done a formal survey. Ms. Westlake told the board it would be presented in later testimony.

Ms. Westlake called Mr. Murphy. She asked Mr. Murphy to present his credentials to the board. He said he is with GreenSite Engineering and Consulting. He is a principal. He has been practicing civil engineering for over nineteen years. He graduated Rutgers University with a Bachelor of Science degree. He is a licensed professional engineer in the state of New Jersey and he has testified over one hundred times. Ms. Westlake asked if he had ever appeared before this board. He said he had not. Solicitor Frank asked for some information regarding his background in traffic engineering. Mr. Murphy said he has had much experience in traffic over his nineteen years. Traffic goes in concert with site development. It triggers the question where will the cars go, how many parking spots are on a site or off a site. It goes hand in hand. He has overseen or performed twenty to thirty parking studies and overseen or coordinated twenty or so traffic reports. Ms. Westlake asked if had testified to parking issues in the past. Mr. Murphy said he had, he

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estimated about twenty to thirty percent of his hearings had included parking testimony. The board accepted Mr. Murphy as an expert witness.

Mr. Murphy showed a survey that represents the building and the property. The top of the page is north, which is Alden Avenue. The lot is 40'X100'. About 75% of the lot is the building and 25% is pavement. The lot is 100% impervious. It's Lot 7, Block 118. It is in the Neighborhood Commercial Zone. Alden Avenue is a one way street running east to west. The north side of the property is Alden Avenue and beyond that are the railroad tracks. Surrounding the property are substantially residential multi-family properties. Based on his review of the site and the neighborhood it is generally multi-family residential buildings with some single family residences. There is a substantial amount of religious institutions. The majority of the parking in the neighborhood is on-street parking. There is very limited off-street parking due to the sizes of the buildings and lots. That is the case for this lot too. On the plus side, public transportation is readily available. The Riverline Light Rail is within walking distance and operates seven days a week with a frequent schedule. The 409 and 418 Buses also stop in the area.

The building itself was Sandor's Pizza. There was an apartment on the second floor. It is a two story building, slab on grade. There is no basement. It is constructed out of masonry, wood and steel frame construction for a portion of it, which spans the entire width of the building. That is unusual for this type of building. The building as a whole is about 4800sq. ft. The first floor is 2960sq. ft. The second floor is 1835. It sits on the western property line. The adjacent property is also a zero lot line building. It also sits on the eastern property line for 25% of the lot. On the eastern side of the property there is a small walkway area to go to the back of the site and access the building. There is no landscaping on-site.

He said he calculated the parking requirements for the restaurant and it came out to be 47 spaces. Inside the building there were 90 seats. The application proposes to renovate the entire building, starting with the exterior. Any damaged stucco would be fixed. All the windows and doors would be replaced. The siding would be replaced and/or painted. Five apartments would be created in the space. The average size of the apartments would be a little under 850sq. ft. The exterior footprint is not being changed at all.

Solicitor Frank asked about the number of apartments. Mr. Murphy said there was one there now. The application calls for five apartments. From a site perspective what is proposed is to reduce the amount of pavement on the east side of the building and create some landscape area and provide some buffer from the eastern neighbor. The trash area would be created on the eastern property line. It would be large enough to accommodate the trash from all five units. Along the western side there would be a walkway that would be tight to the building. It would provide access to the entrances to the units in the back. It would also provide access to the trash enclosure. There would be LED lighting as required by building code at all entrances and LED wall mounted lighting along the building façade. It would be downward-facing to illuminate but not cause glare to the adjacent properties.

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Ms. Westlake asked about the trash area. Mr. Murphy said it is 3' wide and 25' long. There are going to be five trash bins, one for each apartment. There is going to be one recycling bin for all of the five units. DEP regulations would only require 15' of space but the application proposes 25'. It would be weekly pick up. He thinks it will be adequate for this building. The application also proposes a landscape area between the Alden Avenue sidewalk and the trash area. It is not desirable to see the trash cans from the street.

Member Buddenbaum asked what size the recycling container would be. Mr. Murphy said 64 gallons. Members expressed concern that the single container would not be enough. Mr. Murphy said there could be two 64 gallon buckets. Planner Fegley said she believes the properties would generate much more recycling. Solicitor Frank noted that Burlington County has single stream recycling. It may have had a significant impact on participation. Member Buddenbaum said his family of three fills the toter every two weeks. He asked who would place them curbside for pick up. Mr. Murphy said the residents would each be responsible for their own trash. Mr. Buddenbaum asked about the shared recycle containers. Mr. Hunter said the owner could address that during lease negotiations.

Mr. Hunter said his numbers were from the 2012 recycling and trash generation. That is the latest data he had available and it may have gone up. There is space for more containers.

Mr. Hunter said regarding the site, it is undersized. 20,000sq. ft. is required, the lot is only 4,008 sq. ft. The lot frontage is supposed to be 125' and it is actually 40'. There are several existing non-conformities associated with the site. The applicant is not planning on changing anything associated with the size of the building or the size of the lot. It will remain the same.

He referred to the elevations of the floor plans. It was marked Exhibit A-1. The front elevation shows three windows and one door. There is stucco on the first façade and siding on the second façade which is consistent with the building. He wanted to leave it fairly generic until the applicant met with the Historic Preservation Commission. The commission provided input and the applicant agreed to comply with all of their suggestions and conditions. They issued an approval for this project.

The interior of the building would be gutted down to the studs. There will be new HVAC, new plumbing and new electrical. The owner does this to reduce the amount of maintenance long term. It results in better tenants. The first downstairs unit is at the front of the building. It is a three bedroom one bath unit. To reach the other units, there is a path between the trash area and the building. The access to the other two downstairs units is there. They are both three bedroom one bath. Solicitor Frank asked about the access to the other units. He asked if the tenants would have to walk past the trash to get to the entrances. Mr. Hunter said that was the case. Solicitor Frank asked if there was any screening proposed. Mr. Hunter said there was not.

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Mr. Hunter said access to the second floor apartments is also through the alley. The stairs are in the back alcove. There is a landing at the top of the stairs and one apartment is to the right and one is to the left. They are both three bedrooms with one and a half baths. All of the units have their own washer and dryer. That is a nice feature.

The previous use needed 47 spaces. For this proposed use 10 spaces are required. Having public transportation so readily available reduces the amount of parking that would be required. A Parking Study was prepared with nine formal samples over the course of three months and he personally took another five or six informal. He wanted to be able to validate that there would be enough parking and he would be able to justify the parking on the street. The average number of cars on Alden Avenue was 37. The study was submitted as exhibit A-2. The counts were performed on various days at various times. The study did not include the five informal observations that were taken, but they were consistent with the findings of the study. The greatest parking demand was when mass was in session. That seemed to be greater than the demand for parking overnight. That is when the greatest demand is typically experienced in a residential area. Sixty percent was parked on the left side of Alden Avenue and about 40 percent on the right. There seemed to always be ample parking as you passed the church. Pretty much for every point of the study there were 26 parking spaces past the church.

Board member Buddenbaum noted that the spots he was referring to are not applicable because they are private property. Mr. Bott asked if Mr. Hunter was saying the overflow from the applicant could park in the church parking lot. Mr. Hunter said he was not, he was saying on Alden Avenue beyond the church parking lot and there is available parking on Alden Avenue. Mr. Bott asked if the applicant's tenants would park there and walk to their apartments. Mr. Hunter said he was saying there was a distinction for the traffic study.

Member Bott said he has been up and down the street many times and parking can be a problem. He speculated if someone had a party there would be no parking. Mr. Hunter said that was not considered in the study. The study counted the number of spaces available on a given time.

Member Drangula asked if the RSIS took neighborhood commercial areas into consideration. He noted that Szuc's was located on Alden Avenue. Mr. Hunter said they do provide provisions for accounting for that and it actually decreases the generation. Those are estimates given by samples taken from across the United States. They can be used as references but you should always go to the site and analyze what parking is demanded by the uses. The best way to do that is to take physical counts at various times to find the peak. That is what he did and what he saw was the number of cars parked ranged from 25 to 50 and the number of available spaces ranged from 15 to 28 from the hill to the beginning of Alden Avenue. Beyond the hill there was more area that was rarely used. All of the counts were taken at night or in the morning because that is when residents would be there. The primary use is residential in the area. ITE indicates that the parking demands peak for residential from about at 8pm to about 5am. The market and the bar would have different peak parking demands. He also looked at other streets

in the area to determine why Alden Avenue had available parking. It is one of the only streets in the area that has development only on one side and parking on both sides. He outlined the parking conditions on other streets in the area. He was aware there were parking problems in town. He did not see those parking problems on Alden Avenue. He specifically went back after the snowstorm to see if there would be a problem.

Mr. Drangula said there really isn't parking down the hill because there is a large apron that is private property. Mr. Hunter said there is parking on the right side and one or two on the left. He doesn't anticipate anyone parking down the hill for the applicant's property. He believes there will be ample parking from the hill back.

Member Bott said the hardship application he had in front of him said there would be limited parking for a restaurant, and now Mr. Hunter is saying there would be ample parking for the application. He asked for clarification. Mr. Hunter said the parking requirement for the restaurant would be 47 spaces. The application calls for much less. Member Patel said people probably walked there when it was a restaurant. Mr. Hunter said there would not be ample parking for a restaurant use.

Chairman Zekas asked how the number of available spaces was determined on the data sheet provided. Mr. Hunter said he walked the site and estimated the approximate distance and used the standard 18' size of a car and estimated the number of spots. The area isn't striped. If it was, the parking would probably be more efficient. Chairman Zekas said he drove down Alden Avenue about 6:30 this evening and there were 40 cars between Hornberger Avenue and the entrance to the church parking lot. That seems consistent with the numbers that were presented by the applicant. But he didn't believe that he saw 10 spots available on Alden Avenue. Mr. Hunter said he drove by today and there were 14 spots available.

Member Drangula said there was a fire hydrant right in front of the building. So parking is lost there. Mr. Hunter said that was taken into account. He said there are two hydrants on Alden Avenue and that was factored into the parking estimates. Member Drangula asked about handicapped parking. He wanted to know what would happen if one of the residents were handicapped. Mr. Hunter said it would be the same as it is for anyone else living on Alden Avenue. There wouldn't be any parking delineation. Member Bott said the applicant is redeveloping the building so it is different than someone who lives on the street. He said a handicapped person can't get up the stairs or into the building. Mr. Hunter said if a handicapped person were to move into the building the applicant would be willing to mark out a handicapped spot on the street. It would be subject to a handicapped person occupying the building. Member Bott said the way the building is designed, a handicapped person would not be able to get to the second floor. Mr. Hunter said a handicapped person would be able to live in any of the three downstairs apartments. Every unit on every floor is handicapped adaptable. If a handicapped person were to rent, building modifications would be made.

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Member Bott asked if the applicant had the review letter from the fire official. The applicant said he did not. Mr. Hunter reviewed it and said he agreed to the Knox Box and to follow building code requirements.

At this time there was a brief recess for the applicant to review reports that weren't provided to them beforehand.

Ms. Westlake thanked the board for the opportunity to review the reports. She said the applicant would comply with the fire official's requirements. Regarding the Environmental Commission's comments, Mr. Murphy would speak to them.

Mr. Murphy said the first bullet point, that there were too many living units, is an opinion. The second point, that the bedrooms don't meet required square footage, he disagrees. Each bedroom would have windows large enough for emergency exits. It will be reviewed by the building department, which would ensure the correct window size. The letter stated the potential of 32 residents would have a negative impact on the township's Water & Sewer systems. Mr. Murphy said the impact would be much more if a restaurant opened at the site. The letter also sited parking issues in the area. Mr. Murphy said parking was discussed and there is ample parking for this project. The bar at the corner is closed so there would be some impact from it, he would anticipate a majority of the patrons are nearby and walking.

Ms. Westlake said it was brought to their attention that the excel spreadsheet had errors. The dates that indicated 2016 were actually in 2015.

Mr. Murphy said there would be a mailbox at the front left corner of the building for all units.

Member Drangula asked about the square footage of the units. He noted some of them were 100 sq. ft. undersized, making it a 10'X10' room. He asked for clarification on the sizes of some of the bedrooms. Member Patel asked for the dimensions of the bedrooms in unit five on the second floor. Mr. Murphy said bedroom two is 8'X11'. The master bedroom, which is bedroom three, is 10'X12', or 120 sq. ft. Member Buddenbaum asked if he was including the closet in the calculations. Mr. Murphy said he had been. The next bedroom is 8-1/2'X8' excluding the closet. The next is 8'X9'. The board members commented that the bedrooms seemed very small. Mr. Murphy reviewed the sizes of the bedrooms in the other units.

Member Patel asked about the living room in unit five. Mr. Murphy said it is 9'X8'. Member Sovak asked what the minimum room dimension was. Mr. Murphy said he believed it was 7' or 7-1/2' by code. Member Patel asked if there was a minimum for the size of an apartment. Mr. Hunter said there was and it was much less than the size of these units. The project has to meet all building codes standards. The apartments are 850 sq. ft. on average. Member Cartier asked if any of the units could be ADA compliant. Mr. Murphy explained that the architect was instructed to make the units ADA adaptable.

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Ms. Westlake asked Mr. Martin if in his capacity as a contractor had he done these conversions in the past. Mr. Martin said recently he had a client who had an eight unit apartment building that experienced a fire. He renovated four units and rebuilt four units. The lower level units were made adaptable. The kitchen and bathroom were designed for adaptability. If a handicapped person were in that unit it could be converted to be ADA compliant. Some of the changes would be grab bars, lowering countertops, creating zero percent thresholds. He is very familiar with ADA compliance. He does work for the ARC of Mercer and Community Options. Ms. Westlake asked if he relayed to the architect to make the dimension of the apartments adaptable. Mr. Martin said he did, he thinks it is extremely important to have them handicapped adaptable. The lower units are wheelchair friendly. That was one of his major concerns.

Ms. Westlake asked Mr. Murphy if he had reviewed all of the reports including the report from the engineer and the report from the planner. He confirmed he had. Ms. Westlake asked him to respond to the comments. Mr. Murphy referred to the report of the engineer. Regarding the trip generation, if the existing use were open and active it would be about 264 total trips per day. For the proposed use the trip generation would be an average of 36. That is a significant reduction in traffic. The ITE estimates the average trip per apartment is 7.2 per day. That is typically in the morning and evening.

The site is 100% impervious. There will be no building improvements and no additions. The application will shrink impervious and create a landscape area. He confirmed that the siding and stucco, windows and doors would be repaired, replaced or repainted. He said there would be lighting at each door and lighting along the eastern building façade. It would be darks skies compliant. They would be on from dusk until dawn.

Water and sewer capacity was formulated based on RSIS. The water demand for the proposed use is 1,050 gallons based on RSIS. It is a significant reduction from the restaurant use, which was 2,010. Sewer is anticipated at 1,500 gallons a day which would be about a third of what a restaurant would generate. The Historic Commission asked for certain things the applicant was agreeable to including color and placing a plaque somewhere on the building indicating the history of Sandor's. They also requested pizza boxes that are still left in the building and the sign.

He now referred to the planner's report. He said he spoke to the DCA and their determination was that a de minimis exception is not required based on their interpretation of the rules. They indicated if there is on-site or off-site parking no matter where they are it can be used to satisfy the requirement. Ms. Westlake said for purposes of the record, she is the person that had the discussion with DCA and she also spoke to Solicitor Frank about the issue. She indicated the planner would be able to better address the issue.

Mr. Murphy said the architectural elevation showed two front doors on the front façade. One of those should be a window. That was corrected in Exhibit A-1. He said he was agreeable to providing a landscape plan. Ms. Westlake said as far as Affordable

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Housing, since the applicant is only adding four units a COAH obligation is not required. She said the applicant would be agreeable to offer one unit as affordable housing.

She said that concluded her engineering testimony. Solicitor Frank asked if there was any on-site parking presently at all. Mr. Murphy said there is no parking that meets RSIS requirements. There is an 8' wide paved area that is too narrow to put a car in and open the doors properly. It is along the east side of the building. He indicated it on the survey. He said there could be one space in the back, but it would be difficult to maneuver a vehicle and it would be unsafe to back out. That is why the applicant opted to not use any of that space for parking. They chose to add some green space to give a softer feel.

Engineer Biegen asked if there would be any kind of use restriction for outdoor storage of grills or bicycles. Mr. Murphy said it is a common area so more than likely there would be restrictions in the lease agreements. Engineer Biegen asked if there could be some kind of storage for bicycles and such for the units that are on the second floor. Mr. Murphy said there is room for a storage area. He said there could be bicycle racks and they would be placed on the eastern property line as south as possible.

Member Bott said there is no storage in the building. Mr. Murphy said there is no designated storage spots for bicycles.

Planner Fegley said in the parking study it was estimated that a parking space is 18' long. RSIS requires 23'. She said this would reduce the spot counts that were used. Mr. Murphy said if there were delineated parking spots it would but if there is a space large enough to parallel park someone would park there. Planner Fegley said when there isn't delineated parking sometimes people take up more space than they should. That also makes the number of available spaces smaller.

Member Bott said for a point of reference, when the bar was open people did park that far down on Alden Avenue and walk to the bar. The parking lot across the street has reserved spots for residents. When the study was done the bar wasn't open. If it had been the counts in the study would have been different. Member Drangula said the bars in the area are not pedestrian. Just about all of the patrons drive there. Member Bott said the study is flawed. Member Drangula said there is talk that bar is going to be opening again.

Ms. Westlake called the applicant's planner, Michael Pessolano. He said he is the principal and founder of MJP Land Use Planning, LLC. He is a licensed professional planner, first licensed in the State of New Jersey in 1984. Prior to that he received his Master of Urban Planning degree. He served as the Municipal Planner of Cape Cod, Massachusetts for about 14 years and consulted for about 6 years after that. All of his 30 years of experience has been at the municipal level. He has served in the capacity of board planner for a half dozen municipalities. He has directed development review activities for numerous municipalities. Most recently he has been appearing before boards such as this one as an expert witness. He has appeared hundreds of times in the State of New Jersey. He was accepted as an expert witness.

Mr. Pessolano entered Exhibit A-3 into the record. The first page is an aerial view of Alden Avenue and the surrounding area. He noted that parking is available on the right and left sides of Alden Avenue. It is a one way street with very low traffic volume. He visited the site and spent some time walking around the neighborhood the previous Friday afternoon. He had an opportunity to evaluate for himself what is happening there. He was impressed with the extent of residential uses on the street. The area is zoned Neighborhood Commercial. He expected to see more commercial. He didn't see any and it is really a residential street. That is an important starting point for this analysis because when talking about the fit of a use that is not permitted context is a large part. Strangely the existing use is permitted. Long ago it was envisioned that there would be many store fronts with upstairs apartments. It never manifested for whatever reason. There is a permitted use that is discordant use with the neighborhood. That is very rare to encounter. This case is proposing to harmonize a particular property to the surrounding area. There would be no change in the foot print and the plan proposes to use the existing building. That is a plus. It would be a breath of fresh air for a property that really needs it. This is a reasonable proposal and a resource to the area. There is a need for rental housing in every community in the state. This is a use that is inherently needed.

Another significant element to the application is that it is an easy walk to the light rail station. Also there is a bus stop at the corner of Norman and Hornberger Avenues. It is an outstanding public benefit for this application because every extra person utilizing these modes of transportation is supporting the public investment that everyone makes into keeping the option going and reducing congestion on the roads and reducing pollution in the air.

Page two Exhibit A-3 is some photos he took. Image 2 is a view of the subject property, showing the existing sign that would be removed. He did not see any other signs in the area when he visited. Image 3 shows the access to the courtyard area. He noted the standard practice of storing trash and recycling receptacles in the alley. Image 4 is of the buildings to the left and Image 5 shows buildings to the right of the property. Page 3 image 6 is of the bar at the corner of the street. It is more visible than the subject property. Image 7 shows the typical alley way between buildings. Image 8 is a view of a stretch of available on-street parking. Image 9 shows the actual train. He was impressed with the frequency of the train.

Member Bott asked if there was a fire escape for the second floor included in the plan. Mr. Murphy said it was his understanding that there is not one required under the building code. Member Bott asked what would happen if there were a fire. Solicitor Frank said the applicant is able to rely on the building codes.

Mr. Pessolano said the relief being sought is for a non-permitted use, which is a multi-family apartment building and evaluation of the parking conditions. Regarding the positive criteria, he believes very strongly that the public welfare is advanced because the site is so particularly suited. It is a unique situation where it is pulling back development intensity from a much higher level of utilization. The market has spoken and the

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commercial use is not happening today and it has not happened for a number of years. This is a much less intensive use. Residential uses tended to focus on things like site cover and parking. The applicant is not changing the building. The site is particularly suited for the proposed use in terms of context. The site is nestled in an area of multi-unit buildings. He noted there were several four unit buildings on Alden Avenue. The higher density is toward Hornberger Avenue. It is much lighter near the subject property. That end of Alden Avenue is less burdened with the parking conditions. There were very open areas for parking in the area of the subject property. This is a predominantly residential area and the applicant is proposing a totally residential use to fit in with what is there.

He noted the closed bar is the only other commercial site on the street. It being vacant is telling a similar story that the area is pulling back from the commercial condition despite the zoning. It is not likely that this area will be commercial. He reviewed the township's Master Plan and saw that the focus is on bringing more ratables to the community.

It is a reasonable proposal to reoccupy this structure and provide needed housing for people who would contribute to the community. The proposed apartments are uniquely suited for this area due to the proximity to mass transit resources. It blends in seamlessly with the fabric of the surrounding community.

Removing the storefront will provide a cohesiveness to the area. A historic building will stand the test of time over the long haul. It is important to note that because this building is in an historic district, this application is proposing to totally renovate it for the long haul and for further utilization of the property going into the future. Repurposing the building, particularly where it is going to support the transit infrastructure in the community is a smart move.

The negative criteria is to evaluate whether this application poses a substantial detriment to the surrounding neighborhood or a substantial impairment to the zoning ordinance. He does not think the conversion would result in harm to the surrounding neighborhood. It is bolstering the long term viability of the surrounding neighborhood. The proposed use is more compatible with the existing character than any of the permitted commercial uses would be. The site would be used the same as many of the surrounding properties with no unusual impacts expected.

Parking, solid waste and site aesthetics would all be improved from this application. The reduced use intensity will render less pressure on the parking resources in the area. There is really no substantial detriment of the zone plan or zoning ordinances. It is a residential area. It is apparent that the commercial uses did not manifest in this area. The site is particularly unsuited for its zoned use. He believes this area will at some point be rezoned to recognize what is there. The proposed relief is not inconsistent with the area. The application is not proposing something that the governing body insists on not having.

He said Mr. Murphy did a careful and thoughtful analysis of the parking in the immediate neighborhood. The conclusion was that there were more than enough spaces. Regarding parking supply and demand, the demand now is for 47 parking spaces for this site. That

is far in excess of any other property in the vicinity. This application proposes to cut that to 10 spaces. That's not a deficiency. There are spots available. There are things like parties that will take parking away temporarily but for the big picture analysis enough parking is being provided on the basis of Mr. Murphy's findings.

He believes there should be a hardship variance because the site does not have the ability to accommodate 10 parking spaces that would be required. There is no way to provide conforming parking resources on the site. It is a classic C-1 hardship, there is no available land to add to the site either. The C-2 test is satisfied due to the avoidance of the demolition that would be required to achieve the conforming parking. There is parking on both sides of Alden Avenue. On-street parking is available and there is walkable access to multiple transit venues. The benefits of the application as a whole outweigh the detriments. He does not believe there is any negative impact. This change is a benefit especially given the availability of on-street parking resources and the proximity of the site to mass transit resources.

Member Bott asked if Mr. Pessolano thought there were too many units proposed for the building. Mr. Pessolano said he is also a realtor. Said for this market it is appropriate and a better fit for the market in the area. Member Bott asked Planner Fegley if there were too many apartments. Planner Fegley said before she addressed that she would like to ask some questions of the witness.

Planner Fegley said the NC District does allow for all uses that are permitted in the RA District. RA, which is Residential Low Density, allows for single family detached dwellings. Mr. Pessolano said technically that's true. Planner Fegley said she wasn't sure what the basis was for some of his testimony. She noted he said there were several four unit structures and some with one unit, three units and two units, and said the application was consistent with the existing density. This proposes five units, and he didn't point out any five unit buildings on the street. Mr. Pessolano said he did not but he doesn't feel it has to hit on that number to be consistent with the area. Planner Fegley said it really comes down to the parking. She said he made assumptions about why the bar on the corner was closed and about why this was not a viable commercial business. She asked what the basis was. Mr. Pessolano said it was marketed and didn't sell. She asked him if he used Census data to determine that Florence had a need for apartments. He said he knew it from his training and experience and it is near a metropolitan area.

Planner Fegley said referring back to Member Bott's question, the building is large. There are a lot of bedrooms. If the number of bedrooms were reduced the parking requirement would also be reduced.

Mr. Pessolano said this property is attractive to the applicant because of this project. He has no interest or incentive to put the investment into the property at a lesser utilization.

Board President Zekas said Ms. Westlake said when her planner was called she was going to revisit the conversation with the DCA regarding parking. He asked if she was going to proceed. Ms. Westlake said this morning she spoke to Solicitor Frank as to

whether or not this qualified as de minimis exception from the RSIS. He suggested she reach out to DCA for a determination. The person she spoke to told her the restrictions cannot require more than 10 spaces and it cannot be required to be on-site. This not a de minimis situation. There is available off-site parking. She believed her testimony reflected there are more than 10 spaces available. Solicitor Frank said he doesn't know if the board has the authority to grant the relief being sought. The RSIS are state regulations. The problem becomes the board can't require that parking in every development situation be on-site, the RSIS contemplates a very wide variety of development types. He interpreted that the parking even if off-site has to be dedicated to the unit. It needs to be genuinely available and somehow connected to the site. He said it could go either way. Ms. Westlake said she disagreed. The DCA told her the entire section of parking in the ISRS was written to be interpreted extremely broadly in part because parking cannot be put into a box. There are too many different scenarios. She said the parking can be provided and it does not have to be tied to the specific units.

Solicitor Frank said he was persuaded by her argument and he believes the board does have the authority to grant the relief sought. He thinks it should be at the standard of 23' spaces so that will reduce the projected number of spaces on the street.

Engineer Biegen said there would less spaces based on the 23' size. Some of the inefficiencies were accounted for in the traffic studies so it is not a large difference.

Solicitor Frank said also the board needed to think about the density of the project also. The use variance is really not about the use. Residential is permitted in the zone, it is about the intensity of that residential use. Parking is a component of the suitability of the site, the proximity of transit is also a component of that. But what the board is really looking is not commercial versus residential, its commercial or low intensity residential or high intensity residential. It is not entirely out of keeping with other building nearby. He suggested the board weigh these issues to come to a conclusion. Another piece is the affordable component. If this were a 100% affordable housing proposal it would be an inherently beneficial use.

He suggested the applicant discuss with township officials making it an entirely affordable unit.

At this time there was a brief recess.

Ms. Westlake thanked the board for the opportunity to consult with her client. She said the applicant appreciated the chance to speak to the township and explore the opportunity. She requested an adjournment of the application to the March 7, 2016 meeting. The applicant granted and extension of time for decision.

It was the Motion of Lutz, seconded by Patel to grant the applicant's request to continue the application to the March 7 meeting. All ayes.

RESOLUTIONS

24.

- A. Resolution ZB-2016-04 continuing the application of Matthew Everett for a Use Variance to allow legalization and continuation of a non-conforming commercial use, as well as the construction of an approximately 30'X50'X16' pole barn on property located at 2030 Bustleton Road, Florence Township. Block 170, Lot 3.04 until the March 7, 2016 meeting.

It was the Motion of Lutz, seconded by Buddenbaum to pass Resolution ZB-2016-04.

Upon roll call the Board voted as follows:

YEAS: Bott, Buddenbaum, Cartier, Lutz, Patel, Sovak, Zekas

NOES: None

ABSENT: None

CORRESPONDENCE

- A. Township Ordinances 2016-01 and 2016-02. Ordinances of the Township of Florence adopting a Redevelopment Plan for parcels within the Route 130 Redevelopment Area.

It was the motion of Bott, seconded by Lutz to receive and file Correspondence A. All ayes.

OTHER BUSINESS

Motion of Lutz, seconded by Patel to adjourn the meeting at 10:56 p.m. Motion unanimously approved by all members present.

Larry Lutz, Secretary

/ak