

Florence, New Jersey 08518-2323
June 3, 2021

The Regular meeting of the Florence Township Board of Adjustment was held in-person and virtually via Zoom on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Because Chairman Patel was attending virtually, he asked Vice Chairman Buddenbaum to chair the meeting. Vice Chair Buddenbaum 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	Joseph Cartier
Larry Lutz	Margo Mattis
Anant Patel	Dennis Puccio
Lou Sovak	Nick Haas
Kevin Minton	

Absent: None

Also Present: Solicitor David Frank
Engineer Hugh Dougherty

Planner Barbara Fegley was excused.

RESOLUTIONS

A. Resolution ZB-2021-07: Dismissing Without Prejudice the application of Harpreet Bhatia for Use Variance to allow a liquor store in an RA Zone and a Bulk Variance for side yard setback on property located at 2097 Route 130; Block 109, Lots 6.01, 6.02, 10, 11 & 12

It was the Motion of Mr. Lutz, seconded by Mr. Patel to approve Resolution ZB-2021-07.

Upon roll call, the Board voted as follows:

YEAS: Lutz, Patel, Cartier, Mattis, Sovak, Haas, Buddenbaum,
NOES: None
ABSTAIN: Puccio
ABSENT: None

B. Resolution ZB-2021-08: Approving the application of John Birch for Bulk Variance for impervious coverage to construct a 16' x 10' addition to rear of house and widen asphalt driveway on property located at 425 E. Ninth Street, Florence; Block 80, Lot 11.

It was the Motion of Mr. Lutz, seconded by Mr. Sovak to approve Resolution ZB-2021-08.

Upon roll call, the Board voted as follows:

YEAS: Lutz, Sovak, Cartier, Mattis, Puccio, Buddenbaum, Patel
NOES: None
ABSTAIN: None
ABSENT: None

21.

MINUTES

It was the Motion of Mr. Lutz, seconded by Mr. Patel to adopt the minutes from the Regular Meeting of May 3, 2021. Motion unanimously approved by all members present.

APPLICATIONS

A. Application ZB#2021-05: Application submitted by Robert & Kristine Risko for Bulk Variance for impervious coverage to construct a 16.5' x 35.5' inground pool with a 4' wide concrete walk around and a 14' x 32' deck on property located at 18 Creekwood Drive, Florence Township, Block 166.06, Lot 1.

Solicitor Frank mentioned correspondence was received from Keith Loughlin, attorney for Mr. & Mrs. Risko, requesting a one-month adjournment and agreeing to the extension of time in hearing this application.

It was the Motion of Mr. Lutz, seconded by Vice Chair Buddenbaum to grant a one-month adjournment. Motion unanimously approved by all members present.

Application ZB#2021-05 will be placed on the July 8, 2021 meeting agenda. The meeting will start at 7:30 PM. Time and date certain and no further public notice is required.

B. Application ZB#2021-04: Application submitted by Bill & Lisa Weldon for Bulk Variance for impervious coverage and setbacks to construct a 14' x 30' in-ground pool and 10' x 15' shed on property located at 903 Schisler Drive, Florence, Block 155.50, Lot 34.

Mr. Cartier recused himself from this application and left the meeting.

Bill and Lisa Weldon were sworn in by Solicitor Frank.

Mr. Weldon stated they are proposing to install a 14' x 30' inground pool with a 3' concrete walk around. They would also like to construct a 15' x 10' shed in the future. Vice Chair questioned the multiple lines shown on the survey around the pool and asked if the concrete walk around was to have anything around it. Mr. Weldon said they are proposing hard scraping pavers.

Engineer Dougherty stated 2 plans were submitted for this application; one by Harris Surveying Inc. which is a Topographic Survey & Pool Grading Plan and the other by a landscape architect, which is a rendering. On the Survey & Grading Plan, there is a 3' coping around the pool and then another line outside of that around the pool which is showing the grading around the pool. It is showing the pool water, the coping and the grading line. The architectural rendering shows what they are proposing in more detail.

Engineer Dougherty explained his review letter dated May 19, 2021. He stated the application is complete with what was submitted. He stated one of the unique things about this property is that it has 2 street frontages and we don't often run into this. We often see homes that are on corner lots. This has a street frontage in front of the house and in rear of the property. There is no provision in the ordinance for a home with 2 front yards other than on a corner lot.

He stated the necessary variances would include:

- Front yard setback because pools are not permitted in a front yard. Their 2nd front yard is created in their rear yard because of Broad Street.

22.

- Setback from the easement – survey shows an easement of 10’, but in addition to that, the pool is required to be 10’ from that easement and it is proposed to be 3’ from that easement.
- Side yard setback for the shed should be 5’; they are proposing 3’.
- The Harris Survey initially showed the 10’ easement was restricted to “planting”; however, the applicant has provided the deed to the property where it states the 10’ easement is restricted to “planting”. The Harris Survey has been revised to state “planting”. Nonetheless, to allow improvements in that easement would potentially be a variance as well because improvements in an easement are foreclosed. The township ordinance allows fences in an easement provided the homeowner understands that if anybody ever needed access to that easement, the fence would be removed at the homeowner’s expense; but nothing else is specified in that ordinance. The Board could extend that language to improvements within the easement in its resolution.
- Impervious coverage – 25% is allowed, 27.7% is existing and 34.9% is proposed according to the Harris Survey; however, there is no account on that survey for the landscaping pavers and how much more that would add to the impervious. He stated the proposed pavers are considered impervious.

Mr. Weldon stated it would be an additional 1,300 sq. ft. for the pavers. Engineer Dougherty then calculated the proposed impervious and stated an appropriate approximation would be 52.2%. To justify the additional impervious coverage being requested, Engineer Dougherty asked Mr. Weldon to comment on the character of the neighborhood. Mr. Weldon stated the homes and fencing in his neighborhood are consistent with their property and there are approximately 7 or 8 other houses in the neighborhood that have pools and sheds.

Engineer Dougherty asked Mr. Weldon to explain what materials he will be using for the shed and if they currently have any drainage issues. Mr. Weldon stated they will be building the shed in the future and is not sure what materials will be used; however, it will be consistent with the coloring of the house and will be no more than 12’ high. He stated they currently have no drainage issues and that all the back yards along Broad Street are pitched so that water runs to Broad Street. Their front yard is pitched towards Schisler Drive. Engineer Dougherty concurred that all water most likely runs to both streets. He also stated because of the gentle slope of the back yard to Broad Street, the proposed improvements will not likely cause neighbors any issues with drainage and does not feel a dry well is warranted because of that drainage to Broad Street into the public water system.

Ms. Weldon stated her parents bought this lot and had the house built in 1970 and had the rear yard fence installed. At that time, Broad Street ended and Ninth Street and did not continue past the rear of the house. There was a dirt road that led to Hickory Farms. Broad Street was not extended behind their property until the 1980’s when Florence Meadows was developed.

Engineer Dougherty stated the proposed improvements to the rear yard are for recreation and will not be visible to Broad Street because of the 6’ privacy fence. Ms. Weldon added that the fence was originally chain link, changed to a vinyl 6’ privacy fence 18 years ago, and is now a cedar 6’ privacy fence.

Engineer Dougherty stated the lot is an undersized lot and this could be looked at as a hardship for the impervious coverage, additional variances are needed because a pool is not permitted in a front yard nor within 10’ of an easement, improvements being placed within the easement would need the caveat that they would have to be removed if access is needed, and the shed is

23.

a permitted accessory structure because it is under 250 sq. ft., but the required side and rear yard setback is 5'. There are no utilities located within the easement. It is part of the Broad Street easement.

Solicitor Frank asked if the rear fence was within the Broad Street right-of-way, at the property line or within the 10' planning easement. Engineer Dougherty stated the fence appears to be within the Broad Street right-of-way. He stated the fences of the Schisler Drive residences that back up to Broad Street all align; however, they are all within the Broad Street right-of-way.

Solicitor Frank stated as long as the shed is going on their lot and not within the Broad Street right-of-way, that would be okay. He stated this Board is unable to grant permission for the applicant to place the shed in the Broad Street right-of-way.

Mr. Puccio asked what was located between the applicant's fence and Broad Street. Mr. Weldon stated there is grass; they do not have trees in that area as some of the other properties do. He stated there is 11" between the curb line and their fence. There is no sidewalk; however, sidewalk is along the opposite side of Broad Street.

Engineer Dougherty stated the Broad Street right-of-way is 25'; the 11' from the curb line to the fence and then 14' from the fence into the property. A satellite image of the property from Google Earth was able to be brought up on the video screen for all attending in person and via Zoom to view.

Solicitor Frank stated it is not within the Board's authority to grant them permission to place the shed within the Broad Street right-of-way; however, the Board could grant them a zero-foot rear setback off their property line and a 3' side yard setback. The shed would then be within the 10' planning easement with the caveat that the shed would have to be removed at their expense should there ever be a need for the township to access that planning easement.

Engineer Dougherty stated there would also need to be a variance for a zero-foot setback for the coping of the pool, as that is on the easement line as well, and the pool's edge is only 3' from the easement, and not the required 10'.

Mr. Weldon agreed and requested to amend his application to include those variances.

It was the Motion of Mr. Lutz, seconded by Mr. Puccio to open the meeting for public comment. Motion unanimously approved by all members present.

It was confirmed that the public attending the meeting virtually had the ability to unmute themselves to speak if they wished to do so. There were no members of the public attending in person.

Hearing no one wishing to speak, it was the Motion of Mr. Patel, seconded by Mr. Lutz to close public comment. Motion unanimously approved by all members present.

Engineer Dougherty stated in reviewing the impervious coverage, he just noticed the shed's square footage had not been included and that the corrected proposed impervious coverage is 54.2%. He also added that the pavers around the 3' concrete walk around would also be within the easement and would have to be removed if needed.

In summary, Solicitor Frank stated the applicant is seeking variances for a 3' setback from the easement for the pool; a 3' side yard setback plus a zero-foot setback from the rear property line

24.

for the shed with the agreement that it, and any other improvements within the easement, would need to be removed at the property owner's expense if access to the easement is needed; and impervious coverage of 54.2%.

It was the Motion of Mr. Haas, seconded by Ms. Mattis to approve application ZB#2021-04 with the conditions discussed.

Upon roll call, the Board voted as follows:

YEAS: Haas, Mattis, Lutz, Puccio, Sovak, Buddenbaum, Patel

NOES: None

ABSTAIN: Cartier

ABSENT: None

CORRESPONDENCE

There was no correspondence.

OTHER BUSINESS

There was no other business discussed.

PUBLIC COMMENT

Information regarding how to virtually attend this meeting has been provided in a published notice as well as listed on the township website.

It was the Motion of Mr. Lutz, seconded by Mr. Puccio to open the meeting for public comment. Motion unanimously approved by all members present.

It was confirmed that the public attending the meeting virtually had the ability to unmute themselves to speak if they wished to do so. There were no members of the public attending in person.

Hearing no one else wishing to speak, it was the Motion of Mr. Lutz, seconded by Mr. Haas to close public comment. Motion unanimously approved by all members present.

ADJOURNMENT

It was the Motion of Mr. Patel, seconded by Mr. Haas to adjourn the meeting at 8:32 p.m. Motion unanimously approved by all members present.

Larry Lutz, Secretary

/kf