

Florence, New Jersey 08518-2323  
August 2, 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. Chairman Patel 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

There were no resolutions.

#### MINUTES

It was the Motion of Vice Chair Buddenbaum, seconded by Mr. Lutz to adopt the minutes from the Regular Meeting of July 8, 2021. Motion unanimously approved by all members present.

#### APPLICATIONS

A. Application ZB#2021-06: Application submitted by Eduardo Hurtado for Bulk Variances for undersized lot, principal impervious coverage and to build a single-family home on a vacant property located on E. Second Street, Florence Township; Block 90, Lot 9.

Eduardo and Lisa Hurtado were sworn in by Solicitor Frank.

Mr. Hurtado stated he and his wife are looking to build a new home on East Second Street. The lot is undersize, but the size is common with the neighborhood.

Engineer Dougherty stated his review letter is dated July 19, 2021. He stated this application is for several variances on an existing lot: this is an undersized lot of 6,500 sq ft where 10,000 sq ft is required; lot width is 65' where 100' is required; the lot exists but it is unimproved; the bulk variance for the principal structure and driveway is proposed at 24% where only 20% is allowed. The ordinance reads the actual coverage on a lot can be 25%, 20% for the principal structure and driveway plus an additional 5% for decks, sheds, pools; however, they are proposing 24% for the principal structure and driveway.

Engineer Dougherty asked for testimony on the items listed in his letter. Mr. and Mrs. Hurtado stated:

- They do not currently own the lot, but are under contract to buy this property contingent upon receiving Board approval.
- The setbacks for the proposed house on this property are very similar to the nearby houses in the neighborhood. There is newer construction directly across the street.
- The house will be similar to houses in the neighborhood. It will be a stick frame with vinyl siding and roof shingles.
- The driveway currently on the property belongs to the house directly behind this lot on East Third Street and will be removed from this property. The house on East Third Street also has a driveway off of East Third Street.
- They have spoken to the Water & Sewer Department and there are no connections currently at this property but they were told it is easy enough to hook up to what is located in the street.

Engineer Dougherty stated the size of the house is an appropriate scale to the size of the lot and similar to other houses in the neighborhood. He mentioned the engineer shows the grading of the lot and the runoff directed to the foundation of the property. He asked Mr. & Mrs. Hurtado to have their engineer revise the plans to have the runoff not directed toward the foundation. He also asked that they have their plans revised to show the public water and sewer connections. Mr. and Mrs. Hurtado agreed.

Engineer Dougherty stated that they will need to check with the Tax Office to get a house number for their street address. He understands it is listed as 0 E. Second Street, but it cannot stay 0 (zero). Outside agency approvals are also required from the township's Water & Sewer Department, Construction Office and Tax Office for the address.

Engineer Dougherty stated he believes this application could be considered a C1 Variance for hardship since the existing lot is undersized.

Vice Chair Buddenbaum asked if Mr. & Mrs. Hurtado knew anything about the house nearby that is overgrown. Mrs. Hurtado stated she spoke with the daughter of the man who lived there. The daughter stated her father passed away and they are currently trying to get the property cleaned up.

Chairman Patel asked if a deck, shed or pool was wanted on this property, would they have to come back before the Board? Engineer Dougherty stated they would only have 1% impervious coverage left allowed. Solicitor Frank stated they would not be able to amend their application at this moment and he would like to read into the ordinance to see if 5% is allowed on top of the 24%. This would have to have an interpretation from the Zoning Officer.

Mr. Puccio asked if there will be any drainage issues with the retaining wall on the property. Engineer Dougherty stated their engineer showed some of the drainage flow on the plans and has met the grading. He mentioned again his concern of the grading being pushed up against the foundation and would prefer a swale to keep water runoff away from the foundation.

Mr. Haas stated there is a septic system shown on the plan and to remove it from the plan since they will be hooking up to public water and sewer.

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

Anthony King, Sr. and Hannah King of 761 E. Second Street stated they live to the left of the property. Mr. King asked if there will be any drainage problems to his property once the driveway is removed from the applicant's property. Engineer Dougherty stated the applicant's engineer shows side yard swales that will drain water to the street. The driveway that is currently there is no longer used by the resident on E. Third Street, so it will be removed and will become a grass side yard. Mrs. King expressed her concern about the noise of construction. Solicitor Frank stated that the township has ordinances for loud noises and the hours that construction to be done.

There were no other members of the public attending in person and it was confirmed those attending online were not muted by us and no one was "raising their hand" to speak.

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

Solicitor Frank stated that if the Board wished to entertain a motion to approve this application it would be as a C-1 due to a hardship of an undersized already existing lot and that the applicant is required to comply with items 5, 6 & 7 in Engineer Dougherty's review letter; revise the grading plan to not channel runoff along the foundation, revise the plan to show proposed water and sewer connections and to verify street address with township Tax Assessor and Tax Office.

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to approve application ZB#2021-06 as a C-1 Variance with the conditions stated by Solicitor Frank.

Upon roll call, the Board voted as follows:

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

B. Application ZB#2021-07: Application submitted by Kristin Hunt for Bulk Variance for impervious lot coverage to install an inground pool with 3' concrete walk around on property located at 400 Szypulski Lane, Florence Township; Block 156.07, Lot 6.

Kristin and David Hunt were sworn in by Solicitor Frank.

Mrs. Hunt stated they would like to install an inground pool in their back yard. They are currently at 21% impervious coverage and putting in their proposed pool will bring their impervious to 27.3%. They are looking for approval to exceed the allowed impervious coverage.

Engineer Dougherty stated his review letter is dated July 14, 2021 and also attached the bulk requirements. Mr. & Mrs. Hunt's property is the required 10,000 sq. ft.; however, it is a corner lot which gives you 2 front yards, 1 side yard and 1 rear yard. The proposed pool will be in the rear yard and has the proper setbacks. The only variance that is being sought is for impervious coverage; with the proposed improvements, they will be at 27.3%. Engineer Dougherty confirmed the height of the existing fence. Mr. Hunt stated it is 6' high. Engineer Dougherty stated that the existing fence does comply with the ordinance. Fences are allowed in the secondary front yard and must be 1' away from the sidewalk, which it is.

Mr. and Mrs. Hunt stated the following:

31.

- About ½ of the homes in their neighborhood have pools. The neighborhood is made up of residential homes and they have heard no negative comments about them putting in a pool.
- The pool is for recreational purposes only.
- It will be a fiberglass pool with PVC piping with a 3' concrete surround.
- There are no proposed modifications to the fence. It is a privacy fence and no one passing by will be able to see into the yard.
- They currently have no drainage issues on their property. Behind their house is an open field with a playground. Engineer Dougherty stated there is a side yard swale so any additional runoff would run that way.

Engineer Dougherty stated they have satisfied all of his comments.

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

There were no members of the public attending in person and it was confirmed those attending online were not muted by us and no one was “raising their hand” to speak.

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

Solicitor Frank stated that if the Board wished to entertain a motion to approve this application it would be as a C2 Variance; benefits vs. detriments analysis. These improvements are quite common in their neighborhood and the Board has weighed the community benefits for the public good.

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to approve application ZB#2021-07 as a C-2 Variance.

Upon roll call, the Board voted as follows:

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

NOES: None

ABSTAIN: None

ABSENT: Mattis

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

There were no members of the public attending in person and it was confirmed those attending online were not muted by us and no one was “raising their hand” to speak.

32.

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

ADJOURNMENT

It was the Motion of Vice Chair Buddenbaum, seconded by Mr. Lutz to adjourn the meeting at 8:08 p.m. Motion unanimously approved by all members present.

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Larry Lutz, Secretary

/kf