

Florence, New Jersey 08518-2323
August 5, 2019

A 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 7:33 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
Anthony Drangula	Larry Lutz
B. Michael Zekas	Margo Mattis
Dennis Puccio	

Absent: Anant Patel, Lou Sovak

Also Present: Solicitor David Frank
Engineer Hugh Dougherty
Planner Barbara Fegley

Chairman Zekas stated due to the amount of resolutions to be approved, he would like to hear the applications first.

APPLICATIONS

A. Application ZB#2019-04: Application submitted by 216 E. Front Street Florence LLC, c/o James McCafferty, for Use Variance to convert an existing mixed use of 2 apartments and 1 commercial unit to 3 apartments and 1 smaller commercial unit. Applicant is also seeking to install parking for 4 vehicles in the rear yard on property located at 216 E. Front Street, Florence. Block 61, Lot 3.

Chairman Zekas stated we had already received an email from the applicant's attorney requesting adjournment to the September 5th meeting; however, we received another email from the applicant today.

Solicitor Frank stated that we received an email from the applicant today requesting to withdraw his application. It is his recommendation to the Board, in light of the applicant's request, that there is a motion to dismiss the application without prejudice, so that if the applicant or someone else wishing to do so can bring a similar application to the Board in the future since the Board hasn't heard it on the merits.

It was the Motion of Mr. Lutz, seconded by Mr. Drangula to dismiss application ZB#2019-04 without prejudice. Motion unanimously approved by all members present.

Upon roll call, the Board voted as follows:

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

Motion carried

- B. Application ZB#2019-09: Application submitted by Silvia Secelean for Use Variance to expand a prior-approved second principal structure on the property in order to add more usable floor/living space to the dwelling on property located at 1019 Potts Mill Road, Florence Township, Block 166, Lot 12.01.

Silvia Secelean and her brother, Ioan Secelean were sworn in by Solicitor Frank. Ms. Secelean stated that she had previously come before this Board in 2011 to obtain a use variance to convert a garage into a living space. She stated that she and her brother are the owners of the property. She stated that she lives in the converted garage and her brother and his wife live in the house. She currently has a porch on the converted garage and would like to enlarge and enclose the porch to provide more living space and storage for herself. A condition of her previous resolution is that she must come before this Board if she wishes to make any modifications, so that is why she is here tonight. The converted garage does not have a useable attic or basement. This modification will be enough for her personal needs. The porch is currently 10' long and will be enlarged to 14' and will be as wide as the converted garage at 24'. Ms. Secelean stated she does not believe this will be a detriment to any surrounding neighbors as it will not be seen from the street. The property has fences, trees and bushes, so it will not be visible to the neighbors. The property is very long.

Chairman Zekas asked Ms. Secelean to walk the Board through her floor plan that she submitted. He stated it is clear that she is looking to put an addition on the back of the converted garage but it is not clear on what will the space be used for. Ms. Secelean stated there will be a couple of storage rooms and another room that can will used like a family room or her office. She will retain her existing bedroom, the structure will be the same, the utilities will be the same, and the number of people living there, just her, will remain the same. The only thing that will change is this small addition, which will be at the rear of the converted garage, which now looks like a small house.

Chairman Zekas asked Engineer Dougherty to discuss his review letter as there is a completeness issues with regard to the survey and size of the property.

Engineer Dougherty stated he prepared a letter dated July 29, 2019. A Variance Checklist was submitted and one of the requirements is to submit a survey by a licensed NJ surveyor showing the boundaries and all existing structures. The plans that were submitted were just a photo copy of a plan set. The applicant has brought in that plan set this evening and provided 3 copies to the Board. He confirmed that it is a complete plan set by Anthony Aurelio Brun who is the architect for this project. An architect is permitted to sign and seal plans for a property that is less than 5 acres, which this is, so these plans are a complete set signed and sealed.

Engineer Dougherty stated the survey is over 10 years old and asked Ms. Secelean if there have been any changes to the property, other than the conversion of the garage, as far as grading, lot line changes, etc. Ms. Secelean stated there have been no changes. Engineer Dougherty stated he would be okay with the Board waiving the requirement for a current survey because nothing has changed. He stated Clerk Federico had provided a copy of the tax map and that it is consistent with what this plan shows. The tax map shows +/- 1.9 acres, the applicant refers to it as roughly 2 acres, but the calculation shown by the architect and also the survey, appears to show the lot of about 1.7 acres. It doesn't really matter because they are well below the impervious. He believes it is closer to 1.7 acres and the tax map is a plus or minus anyway. Ms. Secelean stated it is her mistake because it was her understanding it was around 2.3 acres when they bought the house. Engineer Dougherty stated he has no objections with the Board deeming the application complete with granting a waiver of a current survey.

Engineer Dougherty continued with page 2 of his letter stating the applicant is seeking a use variance as the applicant testified that it had been previously been granted as a use variance. He had a question

with regard to the bulk and area requirements. He stated there are two standards, a standard width for public sewer & water and one without public sewer & water. One of the earlier resolutions said that this property would have public sewer & water and wanted to clarify that the property does have public sewer & water. Ms. Secelean stated that they do have public sewer & water. She stated that when they initially bought the property, it had well water, but they received a letter from the township stating they could connect into the public sewer & water. Engineer Dougherty stated that based on that testimony, the existing width of the lot is 100 feet and 125 feet is required. It is an existing non-conforming and didn't know if that should be mentioned in the resolution. Solicitor Frank stated that he will note in his record that it exists but he takes the position that when you have an existing condition such as this, it doesn't require a new variance; merely that it would be acknowledged that it's a fact of the property.

Engineer Dougherty stated the applicant has provided testimony on the use and on the positive and negative criteria, but he will defer that to Planner Fegley. He stated that he and Planner Fegley also mention in their letters that as a condition of this approval, that the previous approvals will remain in place, such as that there would be no separate utilities or meters for electric, water, sewer, gas, etc. The reason behind this is, that this cannot then be converted to two dwelling units. It's one meter, it's serviced by the same family members, they just happen to be in two different units. He believes that condition should remain in effect.

Engineer Dougherty stated there were no grades provided so he asked the applicant to provide testimony with regard to drainage patterns and confirm that adding this addition is not going to change drainage. There is plenty of room in the back of the property and he confirmed that the water drains toward the back of the property. Ms. Secelean stated that is correct and there will be no change to the grade and the way the water drains. Engineer Dougherty stated there is additional impervious coverage of 336 sq. ft., but this doesn't mandate going to a stormwater, which has to be done when going to ¼ acre impervious coverage. He would say the impervious coverage is de minimis and therefore no additional stormwater is necessary and based on the testimony, the drainage would not be a concern. He had noted that any impact from 336 sq. ft. would be diminished as it goes towards the rear of the property.

Engineer Dougherty wanted confirmation as to what the "moveable storage unit" is that is marked on the plan because looking at the site from Google Earth, as well as driving by the site, there appears to be another garage in the back and it looks like a permanent structure to him; it's 244 sq. ft. Ms. Secelean stated that it sits on a platform of gravel and could be removed easily if needed to. Engineer Dougherty asked if it was more like a shed. Ms. Secelean stated that is correct. It is a shed that her brother uses to store the lawn mower and yard tools. Engineer Dougherty stated that he has a different impression as to what a moveable storage unit would be, but a shed has a different connotation to him, and he's fine with the clarification of the shed.

Chairman Zekas stated there is a mention of an attic on the converted garage and asked what the height of the proposed addition will be. Ms. Secelean stated her living room has a high ceiling; however, the other rooms do not and have an attic that is only a crawl space size that houses the air conditioner and heating unit only. It is not usable for storage. Chairman Zekas asked if the height of the addition would be higher than the existing building. Ms. Secelean stated that it would be the same height and will be consistent with what is already there. The additional room will have a higher ceiling like the living room. The roof on the existing porch is lower than the house, but the addition will be consistent. Chairman Zekas stated that on the print that was submitted, it shows an access to an attic so he was just wondering what type of attic she would have. Engineer Dougherty stated that inside, when she is

in the bedroom the ceiling is a normal height, but in the new addition it will be a higher ceiling. Ms. Secelean stated that part of the addition will be a normal ceiling but the rest will be higher.

Engineer Dougherty held up the 3-page plan set supplied tonight by Ms. Secelean and pointed out the existing building with the roofline and that with the addition, will have the same roofline. The family room (additional room) is a taller ceiling, but will have some room above, but not usable space, so it is taller but not vaulted. A laundry area will be moved into the addition on the side as well. There is an access to the attic, but you can't store anything up there; it is for the a/c unit only. The gist of what was provided in the application packet is the floor plan and the plot plan. What was just discussed is the 2nd sheet which was not provided with the initial application submission.

Solicitor Frank stated to be formal about things, Engineer Dougherty has recommended the Board to waive submission of a current survey which will then deem the application complete.

It was the Motion of Mr. Lutz, seconded by Ms. Mattis to waive the submission of a current survey. Motion unanimously approved by all members present.

Planner Fegley stated that the new plan shows that they will remove the attic furnace and rework the duct system and asked where the new heater will be located. Ms. Secelean stated that it will be in the new storage room with the water heater. Planner Fegley confirmed that the attic area where the heater is being removed will not be used for storage. Ms. Secelean stated that it will not as there is not enough room to store anything there. Planner Fegley asked exactly where her new storage area will be located in the new addition since the addition will have a family room, laundry area, heater and water heater. Ms. Secelean stated it will be in part of the new storage closets and where the washer and dryer is being moved from. Planner Fegley asked that with the architect's plan if she thinks that will provide her with enough storage. Ms. Secelean stated she will have enough storage space.

Planner Fegley also asked if Ms. Secelean was sure that the porch she is adding on will be adequate in size. Ms. Secelean stated it will be a small one just to protect from the rain and snow. Planner Fegley stated she was asking because she had to come back before the Board in 2012 for constructing a porch bigger than what was approved. Ms. Secelean stated that the builder built it larger than originally planned because he offered to build it larger for additional money and she didn't know she wasn't allowed to build larger. She knew she had the approval for the porch, but didn't realize that she could not make it larger without approval. Someone came for an inspection and saw that it was larger than approved, so she had to come back before the Board to get approval for the larger size. Solicitor Frank stated that if she thinks she will want anything larger, that now is the time to request that. Planner Fegley stated that what Ms. Secelean is requesting is in line with the addition, so it makes sense, but wanted to ask so she can avoid that problem again. Planner Fegley stated that this lot is very deep, +/- 900 feet, and the converted garage is right behind the house, so it is not going to be seen; plus, it is a pretty small structure to begin with and not that huge of an addition.

Mr. Drangula confirmed that there is one electric and one gas meter for both residences. Ms. Secelean stated that is correct. Mr. Drangula asked if the water meters were separate. Ms. Secelean stated there is only one water meter. Mr. Drangula confirmed that all the conditions in the 2011 resolution are still, and will remain, in effect. Ms. Secelean stated that is correct.

Ms. Mattis asked where Ms. Secelean planned to put bookcases in the addition. Ms. Secelean stated that the storage rooms will be on the sides of the family room and she may have bookcases along the walls, but is not sure.

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Chairman Zekas stated it appears that the water heater and furnace closet will only be accessible from the outside and folding doors will be in front of the washer and dryer closet and accessed from inside. It was stated that is correct.

Mr. Buddenbaum confirmed that the new front porch will be about 6 ½' deep. Ms. Secelean stated that is correct and will be 24' wide.

Solicitor Frank stated that he and Planner Fegley were discussing whether this was a D1 use variance, which is what we had before, or if this is a D2 use variance. The significance of that is that a D2 use variance is an expansion of a non-conforming use. The cases go both ways as to whether this is a D1 or D2. He believes it's a D2 because the applicant is really just expanding a use that has already been approved and is already there. He didn't believe the Board is stuck with the strict application of the D1 use variance criteria with regard to this because we're dealing with something much more akin to our usual bulk variance kind of application. The peculiar suitability still needs to be discussed because it is a D variance. The most important thing is that the actual intensity of the use is not increasing, although the area dedicated to it is somewhat expanding. As long as there is not an additional bedroom created, you still have the same intensity of use that you had previously. This is a strong argument in addition to the negative criteria issues that were addressed with it not being visible and it will remain in line with the larger residence. If the Board is satisfied with that, he believes this is our legal framework to think of this as a D2 use variance.

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.

Seeing no one wishing to be heard, it was the Motion of Mr. Lutz, seconded by Mr. Buddenbaum to close the meeting for public comment. Motion unanimously approved by all members present.

Chairman Zekas stated that a D2 use variance sounds reasonable. The applicant has covered the positive and negative criteria and there does not appear to be any negative aspects based of the fact that it's at the rear of the property, it is not visible from the sides with the buffering and the fence and the use doesn't change at all.

Solicitor Frank stated that potential conditions could be that this continues to be only one bedroom, that all conditions of the prior use variance approvals remain in full force and effect and our usual conditions with our resolutions.

Mr. Buddenbaum asked that with the water heater being relocated, how Ms. Secelean will use the space where it is currently. Ms. Secelean stated that it currently is on the porch and will remain in the same place, but will now be enclosed in a closet with the furnace. The addition will be built on top of the existing porch.

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to approve Application ZB#2019-09 as a D2 use variance with all conditions mentioned by Solicitor Frank.

Upon roll call, the Board voted as follows:

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

Motion carried

RESOLUTIONS

- A. Resolution ZB-2019-04: Granting adjournments and approvals to Foxdale Properties, LLC for Preliminary & Final Major Site Plan with Bulk & Height Variances to construct a warehouse on property located on Railroad Avenue, Florence Township. Block 147.01, Lot 3.01 & 3.03

Solicitor Frank stated that due to the in-depth information involved with this resolution, he was not able to have it prepared in time for the Board to have enough time to review it for tonight’s meeting. He is formally requesting of the Board to have a Special Meeting at 7:00 p.m. on August 27th, immediately prior to the Planning Board meeting, for the purpose of adopting this resolution, and possibly Ms. Secelean’s resolution as well. The Board agreed to the Special Meeting.

- B. Resolution ZB-2019-07: Granting approval to Diamond Pools for Bulk Variance for impervious coverage to construct inground pool with associated decking and other recreation features as well as a shed and spa on property located at 230 Leffler Circle, Florence. Block 165.04, Lot 45

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to approve Resolution ZB-2019-07.

Upon roll call, the Board voted as follows:

YEAS: Lutz, Cartier, Drangula, Mattis, Puccio, Zekas
NOES: None
ABSTAIN: Buddenbaum
ABSENT: Patel, Sovak Motion carried

- C. Resolution ZB-2019-08: Granting approval to John Larocco for Bulk Variance for impervious surface coverage to construct an inground pool on property located at 48 Fountain Blvd, Florence Township. Block 171.02, Lot 24

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to approve Resolution ZB-2019-08.

Upon roll call, the Board voted as follows:

YEAS: Lutz, Cartier, Buddenbaum, Drangula, Mattis, Puccio, Zekas
NOES: None
ABSTAIN: None
ABSENT: Patel, Sovak Motion carried

- D. Resolution ZB-2019-09: Granting approval to Patricia Prendergast for Use Variance to construct a pole barn for agriculture use in a R-Residential zone on property located at 1004 Potts Mill Road, Florence Township. Block 165.01, Lot 2.12

It was the Motion of Mr. Cartier, seconded by Mr. Lutz to approve Resolution ZB-2019-09.

Upon roll call, the Board voted as follows:

YEAS: Cartier, Lutz, Buddenbaum, Mattis, Puccio, Zekas
NOES: None
ABSTAIN: Drangula
ABSENT: Patel, Sovak Motion carried

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E. Resolution ZB-2019-10: Dismissing Without Prejudice – Route 130 Truck Plaza

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to approve Resolution ZB-2019-10.

Upon roll call, the Board voted as follows:

YEAS: Lutz, Cartier, Buddenbaum, Mattis, Puccio, Zekas

NOES: None

ABSTAIN: Drangula

ABSENT: Patel, Sovak

Motion carried

MINUTES

It was the Motion of Mr. Buddenbaum, seconded by Mr. Lutz to approve the minutes of the Regular Meeting of July 1, 2019. Motion unanimously approved by all members present.

CORRESPONDENCE

A. Notice regarding Carson Companies application to Burlington Township's Planning Board

Solicitor Frank stated this is just as a 'for your information' and because our municipality is within the 200' boundary, the applicant is obliged notice to our Township Clerk, and also chose to notice the land use boards. Mr. Drangula asked if this is something we should be concerned about because of additional traffic. Solicitor Frank stated that the Zoning Board and Planning Board do not have jurisdiction because it is not within our municipal boundary; however, the governing body may. He also mentioned that he had seen previous correspondence from the county that this has already been addressed as they are not permitting any right turns out of the applicant's site so as not to allow the truck traffic to travel through Florence Township.

It was the Motion of Mr. Buddenbaum, seconded by Mr. Lutz to receive and file Correspondence A. Motion unanimously approved by all members present.

OTHER BUSINESS

A. 2020 Meeting Schedule for Approval

It was the Motion of Mr. Cartier, seconded by Mr. Lutz to approve the 2020 Meeting Schedule. Motion unanimously approved by all members present.

PUBLIC COMMENT

There was no public present wishing to be heard.

ADJOURNMENT

Motion of Mr. Lutz, seconded by Mr. Cartier to adjourn the meeting at 8:32 p.m. Motion unanimously approved by all those present.

Larry Lutz, Secretary

/kf