

Florence, New Jersey 08518-2323
 October 7, 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 7:30 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
Anthony Drangula	Larry Lutz
Anant Patel	Lou Sovak
B. Michael Zekas	Margo Mattis
Dennis Puccio	

Absent: None

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

RESOLUTIONS

There were no resolutions.

APPLICATIONS

A. Application ZB#2019-10: Application of Joseph & Jane Crouchman for Bulk Variance for secondary front yard setback and impervious coverage to construct a ramp structure and deck on the property located at 350 Delaware Avenue, Florence Township. Block 146.04, Lot 1.

Jane Crouchman, applicant, and Kurt Zitzler, Jr. of 1009 W. Fifth Street, contractor, were sworn in by Solicitor Frank.

Ms. Crouchman stated her husband is on dialysis, is waiting for a kidney transplant and has become very immobile. She stated he is unable to lift his leg more than 6" and is unable to walk up or down steps so at this time cannot leave the house on his own. She has to literally drag him up and down the few steps that lead into their home. They would like to build a deck with a ramp so her husband can leave the house. He would also like to be able to sit outside on the deck. She stated he does not have any issues with walking, he just cannot do steps.

Chairman Zekas confirmed with Ms. Crouchman that they are requesting a variance for a front yard setback, as her property sits on the corner of Delaware Avenue and Maple Avenue, so in fact has two front yards, as well as for impervious lot coverage. He also confirmed that they plan to build the ramp and deck on the Maple Avenue side of the house. Ms. Crouchman stated that is correct.

Engineer Dougherty stated he did prepare a letter dated September 24, 2019. He stated that as far as completeness goes, the applicant submitted everything required and he has no objection to the Board deeming this application complete. One variance that is being requested is for the 8'9" front yard setback instead of the required 25'. He noted that the application indicated that the proposed setback would be 16'; however, the architectural plan indicates that the setback will be 8'9". He stated there

are some existing non-conformities, including the lot size, the lot width, and the lot coverage. The application indicates that the existing lot coverage is 26.5%, where 25% is allowed. With the proposed deck and ramp, the impervious lot coverage would increase to 27.5%. The side yard setback is also an existing non-conforming as it is less than the required 15'. He stated he applicant is not changing any of the existing non-conforming, the only thing they are changing is the impervious coverage from an allowed 25% to 27.5% and the front yard setback from the required 25' to 8'9". These are the 2 variances that don't exist today, but will exist if the deck and ramp are approved.

Engineer Dougherty asked Ms. Crouchman and Mr. Zitzler for some description of the neighborhood, the character of the homes and if there are other decks in their neighborhood. Mr. Zitzler stated Ms. Crouchman's home is one of the oldest in the neighborhood. He stated the deck will not be visible from Delaware Avenue or Maple Avenue as it will be behind an existing 6' privacy fence.

Mr. Zitzler answered Engineer Dougherty's questions by stating:

- the deck and railings will be pressure treated wood with an 1/8" gap in between the floor boards of the deck;
- there will be no grade change to the yard;
- Mr. Crouchman will use the deck sit outside while the dog is in the yard and the ramp so he can leave the house; especially to be able to go to his doctor's appointments.
- there is gate in the fence at the front of the yard so Mr. Crouchman will be able to walk down the ramp and through the gate.

Engineer Dougherty stated that the ramp ends in a grass area; however, it may be a good idea to request extra impervious lot coverage to have a service walk run from the ramp to the street if the need should ever arise for Mr. Crouchman to need a wheelchair. Mr. Zitzler stated that the ramp will be ADA compliant and they would put paver stones if needed. Solicitor Frank stated that it is pretty straight forward for the Board to be able to amend this application to include the walkway. Engineer Dougherty stated that it would only be another 1% impervious lot coverage for the walkway, which would increase the percentage being requested to 28.5%. It would be better to request this now and have it approved so the applicant does not have to come back to the Board to put in the walkway.

Engineer Dougherty confirmed with Mr. Zitzler that the front yard setback will be 8'9" and not the 16' as stated on the application. Mr. Zitzler stated that is correct.

Chairman Zekas asked Engineer Dougherty if he believes that additional 1% for impervious lot coverage gives the applicant sufficient coverage for the walkway. Engineer Dougherty stated yes.

Mr. Sovak confirmed that the ramp will meet the ADA requirements if the need for a wheelchair arises. Mr. Zitzler stated that it will and that is reason for its actual size, plus Ms. Crouchman didn't want the ramp too steep with possibility of it being slippery during the winter time. Engineer Dougherty stated that the plans submitted were done by an architect, so it will meet all the correct criteria. Mr. Sovak also asked if there would be any lighting on the deck. Mr. Zitzler stated there is no plan for lighting at the current time; however, there is existing electrical outside. He also noted that they will be removing a window and putting a door in its place for access to the deck. The existing window is the same width as the door that will be put in.

Solicitor Frank mentioned that this is an interesting application for us as it gives us the opportunity to discuss a feature of a federal law that actually has an impact on our local zoning regulation. The American with Disabilities Act has interpreted in courts to require that when looking at applications with variances, boards make reasonable accommodation for people with disabilities. Generally, we don't look at the personal hardship of applicants; we look at the difficulties posed by the properties or the zoning and we try to balance the benefits against the detriments. With this application, we not

only have an undersized lot, we have things cannot be put on the lot because it's too small in terms of impervious cover. This lot is also narrower than required, plus it's a corner lot. All of these features and the existing dwelling location on the lot would tend to confirm that these are the kind of exceptional practical difficulties or hardships from lawfully existing development that could guide the board into finding positive criteria for a variance. But we also have this other layer of the ADA and of our obligation to make reasonable accommodations to what has been represented and testified to us.

Mr. Zitzler asked if in the future, is there a way that the process can be quicker and/or easier for this type of application; one that impacts a person's health. Solicitor Frank explained the way the current ordinances and process works; however, this is something that can be brought up with the Planning Board as they are currently in the process of writing a new Master Plan.

Chairman Zekas opened the meeting up for public comment. Seeing no public present, it was the Motion of Mr. Lutz, seconded by Mr. Buddenbaum to close public comment. Motion unanimously approved by all members present.

It was the Motion of Mr. Buddenbaum, seconded by Mr. Lutz to deem application ZB#2019-10 complete and approve the application for front yard setback and impervious lot coverage, including the increase to the impervious coverage requested by 1% as discussed.

Upon roll call, the Board voted as follows:

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

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried

Solicitor Frank stated that he had prepared a draft resolution which is before each board member. He proposed that he make the following additions or changes:

- Mr. Zitzler's information and testimony;
- that there are no existing grading issues and there will be no changes to the grading;
- that a paver connection from the ramp to the sidewalk in the front of the building may be added for wheelchair access;
- the impervious lot coverage amended to 28.5% in the course of the hearing to provide for that future walkway;
- that the lot width is also less than required.

Solicitor Frank requested the Board adopt the following resolution tonight with the changes/additions he mentioned and he will provide a corrected original to Clerk Federico tomorrow.

Resolution ZB-2019-13: Granting approval to Joseph and Jane Crouchman for Front Yard and Impervious Lot Coverage Variances to construct a 10' X 28' wooden deck and ramp on property located at 350 Delaware Avenue, Florence Township. Block 146.04, Lot 1.

It was the Motion of Mr. Lutz, seconded by Mr. Buddenbaum to approve Resolution ZB-2019-13 with the corrections/additions noted by Solicitor Frank.

Upon roll call, the Board voted as follows:

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

NOES: None

ABSTAIN: None

ABSENT: None

Motion carried

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MINUTES

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to approve the minutes of the Special Meeting of August 27, 2019. Motion unanimously approved by all members present.

CORRESPONDENCE

There was no correspondence.

OTHER BUSINESS

There was no other business.

PUBLIC COMMENT

There was no public present wishing to be heard.

ADJOURNMENT

Motion of Mr. Patel, seconded by Mr. Lutz to adjourn the meeting at 8:02 p.m. Motion unanimously approved by all those present.

Larry Lutz, Secretary

/kf