

Florence, New Jersey 08518-2323
December 6, 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 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
Nick Haas	Larry Lutz
Anant Patel	Dennis Puccio
Lou Sovak	

Absent: Kevin Minton

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

RESOLUTIONS

A. Resolution ZB-2021-15: Approval granted to Sumon Saha for Bulk Variance for front yard and side yard setbacks and impervious coverage to construct an attached enclosed porch to the front of the residence and an attached 3-season room to the side of the residence on property located at 1080 Wallace Avenue, Florence Township; Block 99.01, lot 21.

It was the Motion of Mr. Cartier, seconded by Mr. Haas to approve Resolution ZB-2021-15.

Upon roll call, the Board voted as follows:

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

B. Resolution ZB-2021-16: Approval granted to Theodora Kakarides-Vannozzi for Bulk Variance for already constructed 10' X 12' shed, paver patio and hot tub that increased the already exceeded impervious coverage allowed on property located at 8 Fillipponi Court, Florence Township; Bulk 165.03, Lot 20.

It was the Motion of Mr. Cartier, seconded by Mr. Puccio to approve Resolution ZB-2021-16.

Upon roll call, the Board voted as follows:

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

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- C. Resolution ZB-2021-17: Approval granted to Olivia Ramirez for Bulk Variance for impervious lot coverage to install a 14' x 30' inground pool with 3' concrete walk around on property located at 64 Creekwood Drive, Florence Township; Block 166.10, Lot 7

It was the Motion of Mr. Cartier, seconded by Mr. Haas to approve Resolution ZB-2021-17.

Upon roll call, the Board voted as follows:

YEAS: Cartier, Haas, Puccio, Sovak, Patel

NOES: None

ABSTAIN: Buddenbaum, Lutz

ABSENT: None

CORRESPONDENCE

- A. 11/22/21: Letter from resident regarding NFI (Wainwright Tract) application and wetlands

Solicitor Frank stated we can include this in the land use application file.

MINUTES

It was the Motion of Mr. Haas, seconded by Mr. Cartier to adopt the minutes from the Regular Meeting of November 4, 2021. Motion unanimously approved by all members present; Mr. Buddenbaum and Mr. Lutz abstained.

APPLICATIONS

- A. Application ZB#2021-15: Application by Joe Gallina for Bulk Variance for impervious coverage and setbacks for already constructed shed and concrete patio on property located at 6 Pelle Court, Florence; Block 95, Lot 20.

The applicant, Giuseppe "Joe" Gallina and his architect, Ben Catarinicchia were sworn in by Solicitor Frank.

Mr. Catarinicchia stated he prepared Mr. Gallina's plans and is a licensed architect in the State of New Jersey. He stated he has testified before land use boards. Mr. Catarinicchia was accepted as an expert witness in his field.

Mr. Catarinicchia stated Mr. Gallina would like to construct a roof over his existing rear concrete patio that was there when he bought the house. When applying for the zoning permit for the roof, he found out the patio did not have the required rear setback, the existing shed that was placed where the old shed was does not have the required side yard and rear yard setbacks, and because of added concrete to the back yard, Mr. Gallina is also over the allowed amount of impervious coverage. He added that Mr. Gallina also has a pool in his backyard that is properly permitted. They have come before the Board tonight to get everything resolved.

Engineer Dougherty stated his review letter dated 11/23/21 indicates what Mr. Catarinicchia explained. There are existing improvements and the proposed roof has brought them before the Board. Page 1 of his letter explains the rear setback for the back concrete porch, which is an elevated patio that functions as a porch. Side and rear yard setbacks are needed for the existing shed, which is occupying the same spot of the previous shed, but does not meet the required setbacks.

Engineer Dougherty stated the applicant's lot meets the minimum required size of 10,000 sq ft in the RA Zone. Page 2 of his letter outlines the bulk requirements for the RA zone and the variances needed:

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- The required rear yard setback is 35 feet. The existing raised concrete “porch” encroaches the rear yard setback at 28.31 feet.
- The existing shed of 120 sq ft is required to have a 5-foot setback. The shed’s current setbacks are a 2.2 feet rear yard and a 4.4 feet side yard.
- The maximum allowed impervious coverage is 25% including accessory structures. The existing impervious coverage is 42%.

Engineer Dougherty stated that this is a corner lot and a fence is allowed in the secondary front yard and stated the existing fence appears to comply for a corner lot. He stated the setback for a fence is 1 foot from the right-of-way; however, the applicant’s fence is located in the right-of-way. He told the applicant that because of this, any improvements the township may make in this right-of-way, the fence would have to be removed and relocated at the homeowner’s expense. He added that the Board is not approving any variance for the fence. He added it does not obscure any view of the intersection and didn’t see an issue with regard to sight of the adjacent property.

Engineer Dougherty asked for testimony as to the character of the neighboring homes, grading and drainage, and use of the improvements to the home. Mr. Catarinicchia stated some of the surrounding homes have pools and decks and Mr. Gallina’s property is very similar to neighboring homes. He added there are currently no drainage issues and everything in the rear yard was installed for the water to drain away from the house into the grass and landscaping so there is no runoff into the street or neighboring yards. He stated the use of the improvements is for personal, recreational use, the fence is a 6’ vinyl fence, and the shingles for the proposed roof will match the house.

Engineer Dougherty concurred that this site is very similar to the characteristic of the neighborhood he viewed on Google Earth. He did see that some homes are at less than the 25% maximum impervious coverage and that on average, we are meeting the goal of impervious coverage; however, the Board should consider a definition change in the ordinance with the more and more applications we are seeing for impervious coverage. At this time, he does not see the need for mitigation for this application. He added the view of the back yard from Delaware Avenue is well screened because of the vinyl fence.

In answer to Chairman Patel’s questions, Mr. Catarinicchia stated the shed is on a concrete slab and the proposed roof will have gutters to allow the rain water to runoff onto the grass.

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

It was confirmed those attending online were not muted by us and no one was “raising their hand” to speak.

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

Solicitor Frank stated this is a C2 variance with benefits versus detriments analysis. The testimony is there will be minimal impact to the public good and the amenities are common to the neighborhood.

It was the Motion of Mr. Haas, seconded by Mr. Cartier to approve application ZB#2021-15.

Upon roll call, the Board voted as follows:

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

Before the next two applications were heard, Solicitor Frank explained that in our township ordinance, we have adopted a checklist of submission items that must be submitted for an application to be considered administratively complete. This is not a qualitative analysis; it is a quantitative analysis. Many boards have it in their rules that their engineer or board clerk are delegated to determine completeness. This board has not done that, this board makes that determination. What we are performing here tonight for this application and the next application is an administrative function. Per the MLUL, if an applicant submits all of the items on the checklist, then the applicant must get a determination of completeness within a certain amount of time. Once that is done, the 2nd clock starts to make a determination on the application. Tonight is not the occasion for a public hearing.

B. Application ZB#2021-14: Application by NFI Real Estate, LLC for Preliminary Major Site Plan with Use Variance to construct a warehouse in Mansfield Township with basins, parking and associated improvements to be located in Florence Township on property located at 1091 Florence Columbus Road, Florence Township. (Wainwright Tract); Block 167.01, Lots 2.01, 2.05, 3.01, 3.02 & 4.

Engineer Dougherty stated that his completeness review letter is dated 11/29/21 and that he has reviewed all the information submitted. The applicant is proposing to build a 1,000,000+ sq ft warehouse in Mansfield Township with a parking lot, access road and stormwater management to be located in Florence Township. There is no principal use to be located in Florence Township and that is what triggered this application to be heard before the Zoning Board as a Use Variance.

Engineer Dougherty is in agreement with the applicant that the submission of the following items is not applicable to this application:

- A detailed plan showing the layout of any intersection, including driveways, to a township road
- Proposed public water and/or sewer connections
- Expansion plans for the proposed use shall show feasible parking and loading expansion plans to accompany building expansion
- All easements acquired or required on the tract an across adjacent properties
- Copies of any legal documentation that support the granting of an easement by an adjoining property owner

Engineer Dougherty stated a required written description of the proposed use and operations of the building including the number of employees, the proposed number of shifts and the maximum employees on each shift was not provided. He explained this is building is being built to spec as there is no assigned tenant at this time.

John Gillespie of Parker McCay appeared representing the applicant. He stated this application was deemed complete in Mansfield Township with the above information not being submitted. He stated this Board has in the past waived this information, which he asks they do in this case as this information is not available at this time. He stated it is safe to say the operation of this warehouse will be 24/7 with 3 shifts, but they do not know how many employees there will be. Solicitor Frank asked if it is safe to say this will be similar to what is being proposed on the

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Lounsberry tract. Mr. Gillespie answered that it is and the reason they submitted a written description with that application is that the buildings are proposed to be in Florence Township. He stated the applicant will provide testimony to the Board during the substantive hearing.

Engineer Dougherty stated that with the written description not having been submitted, but that testimony will be provided, this item can be deferred to the actual testimony on this submission item to the night of the actual site plan at the hearing stage. He stated this application could be deemed complete tonight with that deferral.

Mr. Gillespie stated he is comfortable with that.

Solicitor Frank stated if the Board should wish to deem this application complete, the proper Motion would be to deem it complete with granting the deferral of the information being requested to be presented at the night of the public hearing.

It was the Motion of Mr. Puccio, seconded by Mr. Lutz to deem application ZB#2021-14 complete and granting the deferral.

Upon roll call, the Board voted as follows:

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

NOES: None

ABSTAIN: None

ABSENT: None

Upon Mr. Gillespie's request, Solicitor Frank stated the public hearing will be set for January 10, 2022 Zoning Board meeting.

C. Application ZB#2021-13: Application by NFI Real Estate, LLC for Preliminary Major Site Plan with Height Variance to construct two warehouses, a portion of one will be located in Mansfield Township, on property located at 2115 Burlington Columbus Road, Florence Township. (Lounsberry Tract); Block 168, Lots 5.01, 5.02, 6, 8 & 11.

Solicitor Frank stated he has a conflict with handling this application and introduced Conflict Solicitor Richard Roy who will handle this application. Solicitor Frank then joined the members in the audience.

Engineer Dougherty stated his review letter is dated 11/22/21 and explained page 1 & 2 of his letter indicate what information was submitted with the application. The 2nd part of his letter is a brief overview of the application. This application is for 2 warehouses, a total of 1.4 million square feet, with new access drives to be located on Florence-Columbus Road and Burlington-Columbus Road.

Engineer Dougherty is in agreement with the applicant that the submission of the following items is not applicable to this application:

- A detailed plan showing the layout of any intersection, including driveways, to a township road
- Supply one boring for each acre if soil maps indicate that the seasonal high-water table may exceed ordinance standard for a buildable lot
- All easements acquired or required on the tract an across adjacent properties
- Copies of any legal documentation that support the granting of an easement by an adjoining property owner

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Engineer Dougherty stated a required written description of the proposed use and operations of the building including the number of employees, the proposed number of shifts and the maximum employees on each shift was not submitted with the application; however, as of today, the applicant has submitted this information.

He stated if the Board is amendable to the items he considers as not applicable, it can be deemed complete.

Solicitor Roy stated this is not a substantive review and the applicant has complied with what was requested.

It was the Motion of Mr. Buddenbaum, seconded by Mr. Cartier to deem application ZB#2021-13 complete.

Upon roll call, the Board voted as follows:

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

NOES: None

ABSTAIN: None

ABSENT: None

OTHER BUSINESS

There was no other business discussed.

PUBLIC COMMENT

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.

It was confirmed those attending online were not muted by us.

Kristan Marter, 220 E. Front Street, Florence, asked if the application for the Wainwright farm has to receive a special use variance because part of that property is zoned AGR. Solicitor Frank stated that this public comment portion is for matters of general interest and this question should be asked during the public hearing of the application. Ms. Marter rephrased her question and asked if this were the case with any application, would they receive a special use variance. Solicitor Frank stated that if an applicant seeks a use in a particular manner and the Board grants that use, the applicant gets the approval for that use only.

Ms. Marter stated the State Assembly enacted a bill in February 2021 regarding water runoff that states municipalities have to have this put in place by February 2022 and asked if we have that plan available in our town. Solicitor Frank stated the Zoning Board of Adjustment has no role in the adoption of ordinances and no involvement in the Master Plan and suggested her question would be more appropriately addressed to the governing body and Planning Board.

Kate Tallon, 53 Oak Lane, New Egypt, President of the Crafts Creek Spring Hill Brook Watershed Association, stated she would like to give the Zoning Board a heads up regarding the issues with Crafts Creek and how the warehouse applications before the Board will affect the creek. Solicitor Frank stated that it would be best for Ms. Tallon to defer her comments to the public hearing. This portion of public comment is for items of general interest and not on application items when the applicant is not present and able to hear and answer any questions/comments.

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

CLOSED SESSION

It was the Motion of Mr. Haas, seconded by Mr. Lutz to enter into Closed Session at 8:28 p.m. The purpose of the Closed Session is to discuss certain personnel matters. The minutes of the Closed Session will become available when the matter is no longer sensitive. Motion unanimously approved by all members present.

It was Motioned and seconded to enter back into Open Session at 8:38 p.m. Motion unanimously approved by all members present.

ADJOURNMENT

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to adjourn the meeting at 8:38 p.m. Motion unanimously approved by all members present.

, Secretary

/kf