

Florence, New Jersey 08518-2323
June 6, 2024

The 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 Puccio called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Sullivan 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	James Fevola
Kevin Minton	Anant Patel
Dennis Puccio	Lou Sovak
Gina Sullivan	Charles Wible

Absent: Planner Edward Fox (Excused)
Daniel Studzinski

Also Present: Solicitor David Frank
Engineer Hugh Dougherty

MINUTES

It was the Motion of Vice Chair Buddenbaum, seconded by Mr. Patel to adopt the minutes from the regular meeting that was held on May 6, 2024. Motion unanimously approved by all members present.

CORRESPONDENCE

There was no correspondence

APPLICATIONS

*Pursuant to P.L. 2021, c.371 and Daniel's Law information has been redacted

A. ZB#2024-03: Application from [REDACTED] for bulk variance for front yard fence

[REDACTED] was sworn in by Solicitor Frank. [REDACTED] existing fence is 3 feet tall and goes along the front of his house. He would like to apply for a variance to replace the fence in the front as well as change the side fencing to 6-foot-tall fencing that will go up against the neighbor’s existing fence. Currently there is a gap between both fences. [REDACTED] property is a corner lot.

Engineer Dougherty said this lot is non-confirming since this lot is 5,000sf and is also a corner lot which means is has two front yards—a primary front yard and a secondary front yard. There are no fences permitted in the front yard according to the code, however on a secondary street

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frontage yard, it is permitted. There is also a restriction on 6-foot-tall fences in the secondary front yard. The existing wood fencing that is 3 feet tall will be replaced by a 6-foot-tall vinyl fence. [REDACTED] confirmed that his new fence will align with the neighbor's existing 6-foot fence. The neighbor installed the fence about a year ago according to [REDACTED], which is the neighbor's backyard.

Engineer Dougherty added that this variance is only for the fence being installed in the front yard, because of the property being a corner lot and this being a fence located in the primary front yard. Sometimes there is a concern about a fence located on a corner lot because of the sight lines being blocked. In this case, that is not an issue because the fence is not located near the intersection. Engineer Dougherty doesn't see any problems with a 6 foot fence in the front of the property.

[REDACTED] confirmed that his proposed fence is similar to other fences in the immediate area. The proposed fence is white vinyl. There are no drainage issues on the property. If [REDACTED] wasn't able to put the fence up to the front of his property, then it significantly reduces the size of the backyard, because of the location being on a corner.

A Motion by Mr. Patel, seconded by Ms. Sullivan to open the application to public comment. Motion unanimously approved by all members present. Seeing no one in the audience wishing to comment, and no one on Zoom, it was the Motion of Vice Chair Buddenbaum, seconded by Mr. Fevola to close public comment on this application.

Engineer Dougherty confirmed with [REDACTED] that the fence will be at least one foot way from the sidewalk.

A Motion made by Mr. Patel, seconded by Vice Chair Buddenbaum to approve application ZB#2024-03. Motion unanimously approved by all members present.

B. ZB#2024-04: Application from Matthew Schreck, 1339 Maple Ave, Block 143.06, Lot 8 for bulk variance for impervious coverage to add an above ground pool

Mr. Schreck was sworn in by Solicitor Frank. Mr. Schreck stated that he would like to install an above ground pool in the backyard. He needs a variance for the impervious coverage which will be 29% if approved, where 25% is allowed.

Engineer Dougherty asked Mr. Schreck to confirm that his survey, which is 20 years old, is still accurate. He said nothing has changed compared to the old survey. Mr. Schreck also confirmed that all the measurements of the new pool are accurate that are drawn on the old survey. The pool will be installed 10 feet from the property line, where the requirement is 6 feet. The variance will be required for the impervious coverage since it will be over the allowed 25%. Most of the homes in the neighborhood already have pools as well. Mr. Schreck said there are no issues with drainage on his property, the water drains out of the side and on to Maple Avenue.

Mr. Schreck confirmed that there will be a ladder to the pool, and no deck. Mr. Schreck has a brochure of the types of ladders available which is marked as Exhibit A1. The ladder will have a self closing gate that is 58" high. The yard is fenced in as well.

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A Motion by Mr. Sovak, seconded by Mr. Wible was made to open public comment on ZB#2024-04. Seeing no one in the audience who wished to comment and no one on Zoom, a Motion was made by Vice Chair Buddenbaum, seconded by Ms. Sullivan to close public comment.

Solicitor Frank said that this application is more of a benefits and detriments analysis. This is an amenity that is typical of the neighborhood that wouldn't normally be allowed without some relief from the impervious coverage limitation. There is no existing drainage or run-off issue which is the main concern about impervious coverage. This is also a small increase in impervious coverage above the permitted level.

A Motion made by Vice Chair Buddenbaum, seconded by Mr. Patel to approve application ZB#2024-04. Motion unanimously approved by all members present.

C. ZB# 2024-05: Application from Gayla & Eric Kasprzyk, 1341 Maple Ave, Block 143.06, Lot 7 for bulk variance for impervious coverage to add an above ground pool

Mrs. Kasprzyk was sworn in by Solicitor Frank. She stated that her application is the same situation as the one before. She is looking to install a permanent above ground pool now that her children are getting older. The pool is 54" high and 27' diameter.

Engineer Dougherty asked Mrs. Kasprzyk about the pool that is on the aerial photo that he shows in his review letter. Mrs. Kasprzyk said they used to have a temporary pool that they would put up every summer and take down at the end of the season. That pool got to be too small, so that is why they would like to install a larger permanent one.

Engineer Dougherty said this lot is conforming lot, which is 10,000sf. The lot is on the corner which means there are some additional restrictions regarding two front yards...etc. The survey that was submitted is nine years old, an Engineer Dougherty asked Mrs. Kasprzyk if there have been any changes to the property in the last nine years. She said everything is the same, but they have added a fence. The pool setback would be 6' which is permitted so there is no variance required for any setbacks.

The Zoning Officer calculated 35% impervious coverage where 25% is permitted in this zone. Engineer Dougherty asked how the water flows off the property seeing as it's a corner lot. Mrs. Kasprzyk, said the water drains to the side street which is Chianti Street. Engineer Dougherty said since the water is flowing to the street and not onto other properties, he is ok with not requiring any stormwater mitigation.

Mrs. Kasprzyk said they also plan on purchasing a ladder with a locking gate. The whole property is fenced in with a 6ft vinyl fence with a locking latch on the gate.

At most, with the pool, there will be a 6% increase in the impervious coverage.

A Motion by Mr. Patel, seconded by Mr. Wible was made to open application ZB#2024-05 to public comment. Motion unanimously approved by all members present. Seeing no one in the audience wishing to comment, and no one on Zoom, a Motion was made by Ms. Sullivan, seconded by Mr. Fevola to close public comment on this application.

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Solicitor Frank said that this application is almost identical to the one before it. The only thing is making sure there is compliance with the required setbacks.

A Motion was made by Mr. Wible, seconded by Ms. Sullivan to approve application ZB#2024-05. Motion unanimously approved by all members present.

RESOLUTIONS

A. ZB-2024-10 Denial of application for CCP Outdoor Media, Premier Outdoor Media 307 Fellowship Rd, Mt. Laurel, NJ 08054 to install a billboard on 2033 Route 130 South. Block 159 Lot 3

Solicitor Frank said this resolution is not up for adoption this evening. He is asking the board to review this resolution and to make any comments on it. He would mostly like to hear from the members who denied the application. The members who denied the application will not be getting a vote on this resolution when it comes time. The resolution ended up being pretty complicated to write.

There are also updates on litigation. There will not be any discussion of attorney client aspects of the litigation, only the status of the lawsuit so it is appropriate for an open public meeting.

There are two appeals – NFI Wainwright denial and the NFI Lounsberry denial. In each case, there was an appeal filed. The status of the appeal in the Wainwright case is that NFI, through their counsel Mr. Gillespie, have filed their brief in support of their appeal. There was joint appendix filed as well which is a compilation of all of the documents with exclusions to items that are not relevant. Solicitor Frank also reviewed the document and made some suggestions. Both Solicitor Frank and Mr. Gillespie are working together on the joint appendix in the Lounsberry case as well. Solicitor Frank said he will be asking for a 30-day extension on his brief for the Wainwright case which he is entitled to. After the 30-day extension, they have 2 weeks in which to file a reply brief.

Mr. Gillespie has not filed his brief or joint appendix for the Lounsberry case. That is due around June 14 or 15 and he will probably file a 30 day extension.

Mr. Sovak referred to a previous update when Solicitor Frank had mentioned that these two cases would be heard at the same time and he asked what is the status with that. Solicitor Frank said that the trial court judge explained to the appellate division that these are related cases. The rules are particular about what it takes to be a related case, and this doesn't meet those criteria. But the judge told the appellate division that she thought it would aid consistency of the decision to be heard together. The cases are assigned to the same panel, The Lounsberry case was moved from the appellate division panel and was given to the same appellate panel as the Wainwright case. It is Solicitor Frank's expectation that they will be heard back-to-back, meaning they will be heard on the same day, one after the other by the same panel. The appellate division is organized into panels of three judges.

PUBLIC COMMENT

There was no one from the public attending in person and the Zoom moderator confirmed that no one was being muted by us.

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ADJOURNMENT

It was the Motion of Chairman Puccio, seconded by Vice Chair Buddenbaum to adjourn the meeting at 8:17PM. Motion unanimously approved by all members present.

GS/amh

Gina Sullivan, Secretary