Florence, New Jersey 08518-2323
November 7, 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
Anant Patel	Charles Wible
Dennis Puccio	Lou Sovak
Gina Sullivan	Kevin Minton

Absent: Daniel Studzinksi (excused)
Engineer Hugh Doughtery

Also Present: Solicitor David Frank
Planner Edward Fox
Engineer Chad Gaulrapp

MINUTES

It was the Motion of Mr. Wible, seconded by Mr. Patel to adopt the minutes from the regular meeting that was held on October 7, 2024. Motion unanimously approved by all members present. Mr. Minton abstained.

RESOLUTIONS

A. ZB-2024-18: Approval for Robert Martini 306 East Fifth St Block 70, Lot 5 for Bulk Variance for Impervious Coverage to add a driveway

It was the Motion of Mr. Patel, seconded by Mr. Wible to approve Resolution ZB-2024-18. Upon roll call, the Board voted as follows:
YEAS: Patel, Wible, Buddenbaum, Sovak, Sullivan, Fevola, Puccio
NOES: None

B. ZB-2024-19: Approval for Rene Nadeau 563 Monmouth Ave, Spring Lake Heights for Bulk Variance for setbacks to construct a single-family home located at 243 West Front St, Block 46, Lot 2

It was the Motion of Mr. Sovak seconded by Mr. Wible to approve Resolution ZB-2024-19.
Upon roll call, the Board voted as follows:
YEAS: Sovak, Wible, Buddenbaum, Patel, Sullivan, Wible, Puccio
NOES: None

C. .ZB-2024-20: Approval for Marc & Julie Beaver 404 Szypulski Lane Block 156.07, Lot 4 for Bulk Variance for impervious cover to add a hot tub

It was the Motion of Mr. Fevola seconded by Mr. Buddenbaum to approve Resolution ZB-2024-20.
Upon roll call, the Board voted as follows:
YEAS: Fevola, Buddenbaum, Patel, Sovak, Sullivan, Wible, Puccio
NOES: None

APPLICATIONS

A. ZB#2024-02; Application from Blue Stone Cathy Lane,61 Cathy Lane Block 163.01, Lots 3.01 & 3.07 for Use Variance for truck parking. *Continued from May 6, 2024, postponed from July 8, postponed to Sept 5, postponed to Oct 7,* ***postponed to November 7, 2024***

This applicant had requested an indefinite stay of the application. Solicitor Frank said he had conversations with the applicant's attorney as well as with the Township Administrator. There is progress on the redevelopment plan and it was submitted in draft form to the township solicitor. There will be a resolution introduced soon approving the agreement at the Governing Body level. The fault does not lie with the applicant. Prior to the adoption resolution, it gets referred to the Planning Board. The applicant's attorney would like to keep it on the table but he also doesn't want it to linger on the agenda while the redevelopment agreement is worked out.

A Motion was made by Mr. Fevola and seconded by Mr. Buddenbaum to postpone the application until the January 13, 2025 meeting. Motion unanimously approved by all members present.

B. ZB#2024-15: Application from Yolanda Stone 1370 Hornberger Ave, Block 123 Lot 31 for use variance to convert commercial to residential

Solicitor Frank swore in the Stone Family: Mrs. Yolanda Stone, Mr. Randall Stone and Mr. Glenn Stone. He also swore in Stacy Gordaychik who is the architect working on this project. She is a registered architect since 2019 in the state of NJ and has prepared the drawings for this project. She has also testified in other board meetings as an expert witness.

Mr. Glenn Stone said they are looking to re-zone the property from commercial to residential. It has not been used commercially for about 40 years. They have been unable to obtain insurance on the property because they won't insure a mixed-use property. There are 3 existing residential

units; Mrs. Stone lives in one of them as the lone tenant. The commercial space would need to be re-zoned as residential.

Planner Fox said that the application is for a use variance and this is a bifurcated application because if the Board were to approve the use variance, it would only be effective once a site plan was approved. This application requires a parking lot, which would show all the parking stalls and drainage and would have to be approved by the Board Engineer's office. Planner Fox gave some background on the Township Master Plan to the applicant which touches on the different zoning districts and the economic development of the town. This is important because an applicant has to prove to the board "special reasons" such as the proposed use will advance the purposes of the NJ Municipal Land Use Law and the Township's Master Plan and Zoning Ordinance. Multi-family dwellings are not a permitted use in the Neighborhood Commercial zone.

Mr. Glenn Stone stated that there are two 1-bedroom units on the second floor and a studio apartment and the commercial unit, which is the old laundromat, downstairs.

Planner Fox said that the parking requirements are 1.8 parking spaces per 1 bedroom apartment, which would mean that 7 parking spaces need to be provided by law. One parking space is required to be handicap accessible and 1 space needs to provide charging for electric vehicles.

Planner Fox asked Mr. Stone why this property and location is suited for four apartments. Mr. Stone said that the lawyer's office that is adjacent to the vacant laundromat was just changed to residential recently. Mrs. Gordaychik stated that her and her husband own the old law office and they converted it to residential because they couldn't find any suitable commercial tenants. They recently sold the property. The Stone family has not tried to rent out the commercial space. Mr. Glenn Stone and Mrs. Stone live in 2 units upstairs. The other apartments are vacant and are being used for storage. The property is currently uninsured and has been for a couple months.

Mr. Randy Stone said that the plan is beneficial to the neighborhood because it is a residential area. The other old buildings in the area are run down, and he wants to fix up this building for an updated appearance and to give his mom and his brother, Glenn, a nicer place to live without having the commercial use.

Mr. Sovak asked if the Stones would be able to obtain insurance if they were to find a commercial tenant. Mr. Stone confirmed that they are unable to obtain insurance even if they found a commercial tenant. Solicitor Frank asked if the Stones have documentation that they have been rejected from multiple insurance companies. He said that their insurance broker can't find any insurance for them unless they convert the commercial section to residential.

Planner Fox requested that Solicitor Frank explain to the Stones what a use variance is and how the approval process works. Solicitor Frank went on to explain that all municipalities in the state follow the NJ Municipal Land Use law. The statute has a strong preference for land use and planning by ordinance instead of by variance. Before a town can impose zoning, there needs to be a Master Plan in place which has mandatory components which includes a housing element. Our Master Plan was updated in 2022. One of the changes to the Master Plan was not to take the Neighborhood Commercial properties with residential above and commercial below and change them to all residential. When a resident wants to obtain a use variance there are very

rigid set of proofs that an applicant needs to present and those proofs are broken down into positive and negative criteria. The most important proof that needs to be presented is "what is it about this property that distinguishes it from all other properties in the zone such that it is suited for this use in this location?" or "what is it about this property that makes it infeasible to carry out the permitted use that is gives rise to a not permitted use?" There is also proof that the plan doesn't cause any negative effects on the neighborhood and that it doesn't impair the zoning ordinance. The Board then weighs the evidence before it decides to grant or deny the variance. When it comes to voting on a Use Variance by the board, it requires a super majority of 5 affirmative votes.

Solicitor Frank wants to see a floor plan of the second floor of the property. When asked, Mr. Stone said that there are 2 units on the second floor which are both occupied.

Solictor Frank advised the Stone family to seek guidance from a professional planner or a land use attorney for some help on their application. The option is for the Stones to request the application be adjourned to a future meeting with some evidence of correspondence from insurers and evidence of attempts to rent the commercial space. Another idea is to bring an expert in real estate to show why this property is not able to be rented out in the current market.

Planner Fox said another reason for the evidence is even if it is approved, other parties can file suit against it so it is advisable to gather as much evidence as possible.

Solicitor Frank said that the Stones should look into returning to the Board for the January 13, 2025 meeting to give them time to get everything together. If for some reason, more time is needed, the Board Secretary needs to be informed in writing.

A Motion was made by Mr. Fevola and seconded by Mr. Patel to adjourn the application to the January 13, 2025 meeting without further notice required. Motion unanimously approved by all members present.

C. ZB#2024-16: Application from Hatica & Ugur Evci 620 Seaman Dr, Block 156.09 Lot 12 for impervious coverage to install concrete surround for inground pool

Both Mr. and Mrs. Evci were sworn in by Solicitor Frank. Mr. Evci said that they are going to install an inground pool. There is an existing concrete patio in the backyard and with the driveway and walkways, the existing impervious cover is 21% without the pool. They would like to connect the existing patio to the pool surround and need a variance for that work.

At this time, Mr. Chad Gaulrapp was sworn in as Board Engineer in Hugh Dougherty's absence. He is a licensed engineer in the state of NJ and is also employed by Pennoni Associates

Engineer Gaulrapp said that the lot is conforming in size. Mrs. Evci confirmed that the pool will be located no less than 6' from an adjoining property line. Engineer Gaulrapp stated that the pool will raise the impervious coverage to 34.4%, which requires a variance. Mrs Evci said that the runoff from their property goes to the back of the property. The proposed material for the pool surround in concrete. Due to the cost and maintenance of pavers, they decided to stick with concrete for the patio. Engineer Gaulrapp said there is about 7 feet between the pool and the adjoining property and about 8 feet between the edge of the pool and the rear property line.

Mrs. Evci said that she would consider adding some landscaping and some pebbles in that area to help slow any run off. Mrs. Evci confirmed that there are several pools in neighborhood.

Engineer Gaulrapp suggested that part of runoff mitigation would be to make the gravel beds at least 8" deep and lined with some fabric. Mrs. Evci said she will talk to her landscaper and make sure that the landscaping complies with Engineer Gaulrapp's suggestion. Mr. Evci also agreed to speak to the pool company about adding any necessary drains.

A Motion was made by Ms. Sullivan, seconded by Mr. Patel to open application ZB#2024-16 to public comment. Motion unanimously approved by all members present

Seeing no one wishing to make a comment, A Motion was made by Mr. Buddenbaum, and seconded by Mr. Sovak to close public comment. Motion unanimously approved by all members present.

Solicitor Frank said that the applicant will make efforts to mitigate the runoff through increased gravel beds. This is a C2 variance to provide an amenity that is common in the community.

A Motion was made by Mr. Buddenbaum to approve Application ZB#2024-16 seconded by Ms. Sullivan.

Upon Roll Call the board voted as follows:
YEAS: Buddenbaum, Sullivan, Patel, Sovak, Wibe, Puccio, Fevola
NO: None
ABSTAIN: None

PUBLIC COMMENT

A Motion was made by Mr. Buddenbaum, seconded by Mr. Patel to open the meeting to public comment. Motion unanimously approved by all members present.

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

A Motion was made by Mr. Buddenbaum, seconded by Mr. Patel to close the meeting to public comment. Motion unanimously approved by all members present.

ADJOURNMENT

It was the Motion of Mr. Buddenbaum, seconded by Chairman Puccio to adjourn the meeting at 8:50PM. Motion unanimously approved by all members present.

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Gina Sullivan, Secretary

GS/amh