

FLORENCE TOWNSHIP ZONING BOARD

RESOLUTION NO. Z.B.-2022-15

Application ZB#2022-07

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
KIRAN RAYAPUDI
BLOCK 126.02, LOT 1.02
NC-NEIGHBORHOOD COMMERCIAL ZONING DISTRICT
AMENDED FINAL MAJOR SITE PLAN
FREESTANDING SIGN
BULK VARIANCES
APPROVAL**

Decided:	September 1 1, 2022
Resolution Memorialized:	October 3, 2022

WHEREAS, Kiran Rayapudi has made application to the Florence Township Zoning Board of Adjustment seeking amended final major site plan approval with a front yard setback variance to allow installation of a 42" x 60" freestanding site and commercial tenant identification monument sign at a property located at 1301 Hornberger Avenue and known on the Official Tax Maps of the Township of Florence as Lot 1.02 of Block 126.02;

WHEREAS, approval of the proposed development would also require bulk variance relief to allow the proposed sign to list each of the individual tenants;

WHEREAS, the applicant is the owner of the subject property;

WHEREAS, upon a finding that the applicant had provided proper mailed and published notices of hearing and that jurisdiction was proper in the Board, it opened a hearing on the application at its September 1, 2022 regular meeting;

WHEREAS, the applicant appeared *pro se*, was sworn, and offered his testimony in support of the application;

WHEREAS, the Board, based upon the recommendations of the Board Engineer, granted certain application checklist submission waivers and found the application sufficiently complete to be heard;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicant is the owner of the subject property, and therefore has standing to bring this matter before the Board.
2. The applicant has provided proper mailed and published notices of hearing, and jurisdiction is proper in the Board.
3. Application has been made for amended final major site plan approval with a front yard setback variance to allow installation of a 42" x 60" freestanding site and commercial tenant identification monument sign at a multi-tenant mixed use commercial and residential property located at 1301 Hornberger Avenue and known on the Official Tax Maps of the Township of Florence as Lot 1.02 of Block 126.02.
4. Approval of the proposed development would also require bulk variance relief to allow the proposed sign to list each of the individual tenants.
5. The applicant has submitted the following documents in support of its application:
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Variance Application Checklist of Submission Requirements;
 - c. Proof that no taxes were due on the subject properties at the time of the application;
 - d. A photo simulation and aerial phot exhibit showing the location and extent of the proposed sign;
 - e. Copies of Florence ZBA Resolution 2007-13 and 2007-24 which granted preliminary approval and final approval respectively for development of the existing commercial building at the subject property;

- f. A color rendering of the proposed sign faces prepared by the applicant's sign vendor;
 - g. Zoning Officer's Certification;
 - h. An executed Escrow Agreement;
 - i. Proper application and escrow fees as required by ordinance;
- 6. The Board's Planner, Barbara Fegley, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated July 29, 2022, which is hereby incorporated into the record.
- 7. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review email dated July 20, 2022 commenting upon the application which is hereby incorporated into the record.
- 8. The Board's computer technician generated a Google Earth Streetview image of the subject property as viewed along Hornberger Ave. from the south west which was introduced and accepted into evidence in the course of the public hearing as Exhibit B-1.
- 9. The required minimum setback for signage in the NC Zone District is 50 ft., and the sign is proposed to be setback less than the required distance, but not less than 5 ft. from the rear line of the existing sidewalk.
- 10. Freestanding signs for multi-tenant commercial sites are not permitted to list each of the individual commercial tenants, but the proposed sign will list seven individual tenants.
- 11. The proposed development is otherwise consistent with applicable bulk standards, and the Board Engineer testified that the proposed sign will not interfere with required sight triangle.
- 12. The sign will be externally lit from the top of the sign.
- 13. The applicant offered testimony that there are presently difficulties for tenants whose storefronts are at the rear of the building because their facade-mounted signs are insufficient to inform customers and passersby of the existence of these businesses and for way-finding.

14. The existing building itself is less than the required 50 setback from the Hornberger Ave right of way, and the existing masonry porch, steps and fence further project the existing improvements into the required front yard.
15. The Board accepts the testimony of the applicant and the Board's professionals as credible and probative
16. No public comment was offered on the application.

Conclusions of Law:

The Board finds that the proposed bulk variances can be approved pursuant to NJSA 40:55D-70(c)(1), because the nature and location of the existing lawful improvements creates and exceptional practical difficulty that makes unworkable rote compliance with ordinance standards concerning tenant identification and sign location. The Board does not perceive any substantial detriment to the public good or impairment to the zone plan which would flow from the proposed development in light of the purposes of the NC Zone District and the nature of the existing and proposed development at the subject property. Therefore, the Board finds it appropriate, pursuant to NJSA 40:55D-70 (c)(1), and subject to appropriate conditions, to grant the requested bulk variance.

In addition to the conclusions set forth above, the applicant has fulfilled the procedural requirements for the proposed development. Therefore, the requested bulk variances should be granted.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of Kiran Rayapudi seeking amended final major site plan approval with a front yard setback variance to allow installation of a 42" x 60" freestanding site and commercial tenant identification monument sign at a property located at 1301 Hornberger Avenue and known on the Official Tax Maps of the Township of Florence as Lot 1.02 of Block 126.02, be and hereby is, **GRANTED**, subject to the following conditions:

1. The Board has relied upon the testimony of the witness and factual findings discussed in the body of this Resolution, and such testimony and findings are incorporated as conditions of this approval as though set forth at length herein.

2. No glare shall be directed onto Hornberger Ave. or any adjoining properties as by the external lighting of the proposed sign.
3. All taxes and escrow fees for professional review must be paid in full.
4. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to: Florence Township Construction Office.
5. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
6. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
7. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not perfect this approval within one year of the date hereof (or such extended date as may be provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

**MOTION TO APPROVE AMENDED FIBAL MAJOR SITE PLAN
WTIH BULK VARIANCE:**

Moved by : Mr. Buddenbaum
Seconded by : Mr. Patel
In Favor : Mr. Buddenbaum, Mr. Cartier, Mr. Patel, Mr. Puccio,
Mr. Sovak, Mr. Studzinski, Chairman Lutz
Opposed : None
Abstained : None
Recused : None
Absent : Mr. Minton

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Puccio
Seconded by : Mr. Buddenbaum
In Favor : Mr. Puccio, Mr. Buddenbaum, Mr. Sovak, Mr. Studzinski,
Chairman Lutz
Opposed : None
Abstained : None
Absent : Cartier, Patel

FLORENCE TOWNSHIP ZONING BOARD


Dated: 10/03/2022


Larry Lutz, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on October 3, 2022, and memorializes a decision taken by the Board on September 1, 2022.

Dated: 10/3/22


Dennis Puccio, Secretary