

FLORENCE TOWNSHIP ZONING BOARD

RESOLUTION NO. Z.B.-2021-14

Application ZB#2021-09

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
WILLIAM FITZPATRICK
BLOCK 62, LOT 13
RA LOW DENSITY RESIDENTIAL ZONING DISTRICT
IMPERVIOUS LOT COVERAGE VARIANCE
APPROVAL**

Decided: October 4, 2021
Resolution Memorialized: November 4, 2021

WHEREAS, William Fitzpatrick has made application to the Florence Township Zoning Board of Adjustment seeking an impervious lot coverage variance to allow construction of a round 18 ft. diameter above-ground pool, at a property located at 225 East Third Street and known on the Official Tax Maps of the Township of Florence as Lot 13 of Block 62;

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 October 4, 2021 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, found the variance 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 impervious lot coverage variance to allow construction of a round 18 ft. diameter above-ground pool, at a property located at 225 East Third Street and known on the Official Tax Maps of the Township of Florence as Lot 13 of Block 62.
4. 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 survey of the subject property prepared by Mitchell R Mastrangelo, PLS, and dated 11-05-2001, showing the property outbounds and existing improvements that has been annotated by the applicant to show location and size of the proposed pool;
 - e. Zoning Officer's Certification;
 - f. An executed Escrow Agreement;
 - g. Proper application and escrow fees as required by ordinance;
5. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated August 20, 2021 commenting upon the application which is hereby incorporated into the record.

6. The subject property is an existing undersized lot of 5,000 sq. ft. where an area of 10,000 sq. ft. is required.
7. Existing lot coverage is 27%, maximum permitted lot coverage is 25% (20% + 5% for pools and sheds), and proposed lot coverage will be 32%.
8. The proposed development is otherwise consistent with applicable bulk standards.
9. The applicant offered testimony that there are many nearby properties with similar amenities and intensities of development, that the proposed development will be consistent with the character of the neighborhood, and that there are no existing problems with runoff or drainage. The property presently drains towards the street at the front, not toward the adjoining properties, and this pattern will be continued after the proposed improvements are installed.
10. The Board Engineer concurred that he does not perceive there to be issues with grading or runoff that would result from the proposed development in light of the elevations of neighboring properties and existing drainage patterns.
11. The Board accepts the testimony of the applicant and the Board Engineer as credible and probative
12. No public comment was offered on the application.

Conclusions of Law:

The Board finds that the proposed bulk variance for impervious lot coverage can be approved pursuant to NJSA 40:55D-70(c)(1), because the subject property is an existing undersized lot and it would not be possible to provide amenities on this property that are consistent with the existing development of the neighborhood without relief from strict application of the applicable ordinance standards concerning impervious lot coverage. Because the proposed improvements are so typical of those found on similar nearby properties and this development will not create drainage issues, 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. 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 William Fitzpatrick seeking an impervious lot coverage variance to allow construction of a round 18 ft. diameter above-ground pool, at a property located at 225 East Third Street and known on the Official Tax Maps of the Township of Florence as Lot 13 of Block 62, 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 additional stormwater shall be directed onto adjoining properties as a result of the new development.
3. The pool shall be installed in strict compliance with the setback dimensions noted on the submitted annotated survey.
4. All taxes and escrow fees for professional review must be paid in full.
5. 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.
6. 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.
7. 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.
8. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

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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 BULK VARIANCE:

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

MOTION TO ADOPT RESOLUTION:

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

FLORENCE TOWNSHIP ZONING BOARD

Dated: 10-04-2021

Anant Patel
Anant Patel, 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 November 4, 2021 and memorializes a decision taken by the Board on October 4, 2021.

DAVID C. FRANK
ATTORNEY AT LAW

Dated: 10-04-21

Karen Federico
Larry Lutz, Secretary (Acting)
Karen Federico