

**FLORENCE TOWNSHIP ZONING BOARD**

**RESOLUTION NO. Z.B.-2024-05**

*Application ZB#2023-12*

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF  
TODD & DEBBIE KLIMENT  
BLOCK 146.05 LOT 22  
RA LOW DENSITY RESIDENTIAL ZONING DISTRICT  
BULK VARIANCE  
APPROVAL**

**Decided:  
Resolution Memorialized:**

**December 4, 2023  
January 8, 2024**

**WHEREAS**, Todd and Debbie Kliment have made application to the Florence Township Zoning Board of Adjustment seeking an impervious lot coverage variance to allow construction of water slide and deck associated with an existing residential accessory swimming pool at a property located at 469 Station Road and known on the Official Tax Maps of the Township of Florence as Lot 22 of Block 146.05;

**WHEREAS**, the applicants are the owners of the subject property;

**WHEREAS**, upon a finding that the applicants 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 November 2, 2023 regular meeting;

**WHEREAS**, Mr. Kliment 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 applicants are the owners of the subject property, and therefore have standing to bring this matter before the Board.
2. The applicants have provided proper mailed and published notices of hearing, and jurisdiction is proper in the Board.
3. Application has been made seeking an impervious lot coverage variance to allow construction of water slide and deck associated with an existing residential accessory swimming pool at a property located at 469 Station Road and known on the Official Tax Maps of the Township of Florence as Lot 22 of Block 146.05.
4. The proposed impervious lot coverage is 37 percent, and allowed lot coverage is 25 percent.
5. The proposed development will conform to all other applicable bulk requirements including height, area and setbacks.
6. The applicants have 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 dated 06/22/2000 prepared by Tim J. Maser, PLS showing existing improvements and which has been annotated by the applicant to shown the proposed development;
  - e. Zoning Officer's Certification;
  - f. An executed Escrow Agreement;
  - g. Proper application and escrow fees as required by ordinance;

7. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated November 7, 2023 commenting upon the application which is hereby incorporated into the record.
8. 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. Moreover, the neighboring properties are higher in elevation than the subject property.
9. 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 topography, existing drainage patterns and drainage improvements, as well as proposed grading.
10. The Board notes that there is a paper street (Bennett St.) at a front corner of the property which creates the perception that the property is larger than its actual deeded area and which provides additional area for the infiltration of stormwater.
11. The Board accepts the testimony of the applicants 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)(2), because with regard to this particular property the benefits to the community of providing amenities on this property that are consistent with the existing development of the neighborhood outweigh any detriment to the public good or impairment of the zone plan that may flow from this deviation from applicable ordinance standards. 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, especially in light of the absence of any current issues with drainage and infiltration of stormwater. Therefore, the Board finds it appropriate, pursuant to NJSA 40:55D-70 (c)(2), and subject to appropriate conditions, to grant the requested impervious lot coverage variance.



In addition to the conclusions set forth above, the applicant has fulfilled the procedural requirements for the proposed development. Therefore, the requested bulk variance 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 Todd and Debbie Kliment seeking an impervious lot coverage variance to allow construction of water slide and deck associated with an existing residential accessory swimming pool at a property located at 469 Station Road and known on the Official Tax Maps of the Township of Florence as Lot 22 of Block 146.05, be and hereby is, **GRANTED**, subject to the following conditions:

1. The Board has relied upon the testimony of the witnesses 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. 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 BULK VARIANCE:**


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

**MOTION TO ADOPT RESOLUTION:**

Moved by	:	Mr. Studzinski
Seconded by	:	Mr. Buddenbaum
In Favor	:	Mr. Studzinski, Mr. Buddenbaum, Mr. Puccio, Mr. Sovak, Ms. Sullivan
Opposed	:	None
Abstained	:	Mr. Fevola, Mr. Wible
Absent	:	Mr. Minton, Mr. Patel

**FLORENCE TOWNSHIP ZONING BOARD**

Dated: 01/08/2024

, 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 January 8, 2024, and memorializes a decision taken by the Board on December 4, 2023.

Dated: 1/8/24

, Secretary