

Florence, New Jersey 08518-2323
September 23, 2014

The regular meeting of the Florence Township Planning Board was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairperson Hamilton-Wood called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Chairperson Hamilton-Wood then 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 and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Chairperson Hamilton-Wood	Tim Lutz
James Molimock	Wayne Morris
Mayor Craig Wilkie	Councilman Ted Lovenduski
William Federico	

ALSO PRESENT: Solicitor David Frank
 Engineer Chad Gaulrapp

ABSENT: Ray Montgomery, Thomas McCue

RESOLUTIONS
None at this time.

MINUTES

It was Motion of Lutz, seconded by Lovenduski to approve as submitted the minutes of the Regular Meeting of August 26, 2014. All ayes.

CORRESPONDENCE

- A. Letter from the Burlington County Planning Board dated September 12, 2014 regarding G & B Business Associates, 7-Eleven with fueling station Block 160.01, Lot 1.02

It was the Motion of Lutz, seconded by Morris to receive and file correspondence A. All ayes.

APPLICATIONS

A. Application PB #2014-03 for Brant R. Burkhardt, Sr. and Pearl Louise Burkhardt. Applicant is requesting Minor Subdivision with bulk variance for property located at 715 and 725 Fifth Street, Roebing. Block 113, Lots 2.01 and 2.02

Chairperson Hamilton-Wood called Uri H. Taenzer, Esq. representing the applicant. He said the applicant owns both of the properties in question and would like to adjust the lot line. He visited the property because he was curious about the reason the applicant wanted to move the line. The driveway line is right by the property line. The area is rural and not congested. The line is very close to their residence. If someone were to purchase the property next to them they would lose their side yard. It would make sense to move the line over to the next property that they will hopefully sell and not have to worry about the yard infringing on their property and privacy. It is an inconsequential application.

At this time he called Mr. Burkhardt to testify. Mr. Burkhardt was sworn in by Solicitor Frank. Mr. Taenzer asked him how long he has lived at 725 Fifth Street? He said thirty seven years. Mr. Taenzer asked for the history of the house next door, 715 Fifth Street. Mr. Burkhardt said that house was built by his wife's grandfather in the 1950's. It has been owned by various family members but in recent years it was owned by his mother-in-law. She went into a nursing home and he and his wife needed to provide money for her for the nursing home. They bought the house from her. The funds went directly to the nursing home. Now he and his wife own both properties. It wasn't as an investment it was done to provide funds. They purchased it in November of 2011 and paid full price. Mr. Taenzer asked about the occupancy of the house. Mr. Burkhardt said for a while his wife's sister lived there, but she fell ill and moved in with her son. It is now vacant and he is doing repairs with the idea of putting it on the market.

Mr. Taenzer asked about the lot line. Mr. Burkhardt said right now the line is within 7' of his driveway. He would like to move it 22' toward the other house. That would guarantee a little more privacy if the house is sold. A couple of years ago he installed a tree line in anticipation of someday having to sell the house. The trees are now a decent size. He would like to move the line to the other side of the tree line. It would put it near a border of bushes his wife's grandfather put in. The idea is just for a little more privacy. Even when the line is moved the 22' it is still a very rural looking lot. There are several trees and it retains a nice sized lot.

Chairperson Hamilton-Wood said her concern is the impervious coverage issue. The property is already above what is allowed and the line adjustment would increase that. She inquired about the drainage because there seemed to be a lot of concrete on lot 2.01. Mr. Burkhardt said the drainage is good in general with the soil that is there. He's never had any water in his basement on lot 2.02. On lot 2.01 the sidewalk is a little indented and sometimes water does accumulate there but in other parts the drainage is good and there is no pooling in other parts of the yard. The area where the line is being moved is dry and it is sandy.

Mr. Taenzer asked about plans for further development on the lot. Mr. Burkhardt said the only plan is to sell the house on lot 2.01. It was not purchased as an investment.

Chairperson Hamilton-Wood asked if there were any concerns from the professionals. Engineer Gaulrapp was sworn in by Solicitor Frank at this time.

Engineer Gaulrapp said the application seemed like a reasonable request. For one of the bulk requirements an existing non-conforming lot becomes less conforming. Also, the property line as it stands today in respect to the dwelling on lot 2.02 is well in excess of the minimum side yard requirement. This would maintain a vegetative buffer that was developed by the applicant. He said he has no real issue with the request he just wanted to state that the request is only for the buffer; there does not seem to be any deficiency with the lot itself as far as setbacks from any property lines.

Chairperson Hamilton-Wood asked Solicitor Frank if he had any concerns about making a lot more non-conforming than it already was. Solicitor Frank said the only non-conforming condition that is being increased is the impervious coverage. The concern of the impervious surface coverage is the drainage. The applicant testified that there are no drainage issues. He also testified that the lots are in keeping with others in the area.

He said there are conditions that could be imposed regarding future development on the lot. Mr. Taenzer said he feels the application is simple and the potential for building is inconsequential. Chairperson Hamilton-Wood explained that the issue was that new buyers would come to the Board asking for permission to put in a pool or a deck. They would ask why they can't do it. The board would inform them they are already over the impervious coverage. From past experience this was something that happens often. There is an entire development that had many problems because all of the lots were already over the impervious coverage. The Board does not want to create that situation every time they agree to a minor subdivision. She said she was familiar with the area and the lots vary in size. There are some very large lots and some very small ones.

Solicitor Frank said the problem already exists and anyone living there would have to go to the Zoning Board no matter what the outcome is. Chairperson Hamilton-Wood said if there was a drainage problem from additional coverage it would only affect the applicant because it would drain to his property.

Mayor Wilkie said he shared her concern. The coverage is now at 27% and it would go to 32%. The standard is 20% lot coverage. He suggested placing a deed restriction on lot 2.01 without having to move the line and increasing the impervious surface. Mr. Taenzer asked how something like that would be done. Mayor Wilkie said he is not a legal expert but possibly if the Burkhardt's sold the lot they could stipulate that nothing could be built a certain number of feet from the property line. He was offering some other alternatives.

Engineer Gaulrapp said there are a couple of other alternatives. By making lot 2.02 larger in theory they have more ability to increase coverage. There is an opportunity to consider the lot line adjustment but also to restrict the increase in impervious coverage

even though it is well below the threshold to offset the overage on the other lot. If the lots were looked at as one it would not be very far over the threshold. By moving a lot line it is making one lot less conforming but it is not changing the run of features of the lots. Chairperson Hamilton-Wood said the issue is that it is fine as long as the same owner owns both. When it is sold there could be a problem.

Engineer Gaulrapp said there were two opportunities. One is to put a restriction on the amount of additional impervious coverage allowed on lot 2.02. Or possibly some of the impervious coverage on lot 2.01 could be removed. Mr. Taenzer said anyone who wanted to add coverage would have to come to the Board. This was confirmed for him. Solicitor Frank suggested instead of making someone appear before the Board a requirement could be made that there would need to be an infiltration system plan submitted. Mr. Taenzer did not believe it was necessary to take any of these actions because his client did not plan to construct anything.

Solicitor Frank explained it would be done in the form of a deed notice, not a deed restriction. The notice would refer any potential buyer to the resolution that required an infiltration system before any coverage could be added. Chairperson Hamilton-Wood said that addressed much of her concerns. Mayor Wilkie concurred.

Member Molimock said the lot is at 18% coverage so right now lot 2.02 is allowed 2% more coverage without having to go through any Boards. He asked if the 2% of coverage would be allowed after the deed notice. He thinks the 2% should be allowed. Chairperson Hamilton-Wood said the Board is allowing them to take a non-conforming lot and add to it by 5%. The cost to them is to give up that 2% now. There was discussion regarding the applicant not getting the full 20% of coverage. Member Federico asked if the potential buyer of the other lot would be made aware of the overage with the deed restriction. Solicitor Frank it would be the due diligence of the buyer to find out information on the property.

Mr. Burkhardt said there are many full grown trees on the property. Anyone wanting to put in a pool would have to think twice. There would be many trees that would need to be removed. Even if the immediate area for a pool was cleared there would be leaves and twigs and branches falling into the pool. There is always something falling from one of the trees. Because of their size it would be expensive to have them removed.

Vice Chair Lutz inquired about a water filtration system such as a barrel system. He agreed with everything to a point but he does not want to penalize one lot for another if there is another method to make a lot conform. Chairperson Hamilton-Wood doesn't think the drainage is required.

She said the board has come across the issue where a plan was approved with the understanding that everyone was in agreement at the time and a few years later the applicant returns and says it wasn't what they meant, they wanted something else. She doesn't think there is a huge issue here but she wanted to make sure the Board is considering difficulties that have come up in the past.

Solicitor Frank said there was testimony that the site works as it presently is. Chairperson Hamilton-Wood said it would work in its new form as well. Solicitor Frank concurred. He said the board was looking at the property as a whole and in that way it is pretty close to conforming. If a future owner wanted to do something on the lot, they would need to let the Board Engineer know what the drainage mitigation would be. The Board is trying to keep the status quo. No matter what is done on the lot that's over coverage limits, it would have to be approved by the Zoning Board.

Solicitor Frank said there would be a deed notice referring to the resolution concerning the need for stormwater management subject to the approval of the Township Engineer. Lot 2.02 is able to use the remaining 2%.

It was the Motion of Lutz, seconded by Molimock to open the meeting to the public regarding Application PB#2014-03. Seeing no one wishing to be heard, it was the Motion of Lutz, seconded by Lovenduski to close the public portion.

It was the Motion of Lutz, seconded by Federico to approve the application with the deed notice and other normal conditions.

Upon roll call, the Board voted as follows:

YEAS: Federico, Hamilton-Wood, Lutz, Molimock, Morris, Lovenduski, Wilkie

NOES: None

ABSENT: Montgomery, McCue

OTHER BUSINESS

Ordinance No. 2014-21 and ordinance of the Township of Florence amending Chapter 91 of the Code of the Township of Florence, Part 2, Article II, Section 91-3 to include a definition for public improvement and amending Article XIII, Section 91-66 entitled Performance and Maintenance Guarantees; Surveyor's Certification" to minimize maintenance bonds for certain Public Improvement Projects.

Mayor Wilkie said this ordinance is to help local businesses grow and make improvements. The businesses could do work and not have to come up with maintenance bonds. The improvements would be on their property. Smaller businesses sometimes have a hard time getting a bond. This would encourage the small business owner to make improvements. It is not detrimental to the Township.

Member Federico asked if other towns in the area are doing the same thing. Mayor Wilkie said other towns practice it but don't have anything in writing. Solicitor Frank said an example of why there are performance guarantees would be a subdivision that goes belly up that isn't completed. What has happened over the past few years is that the scope of things that are required to be bonded has essentially become the entire development. This ordinance addresses that sometimes people are trying to develop their own properties for their own purposes. This gives the Township Engineer some discretion. Chairperson Hamilton-Wood asked for an example of what could be

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included. Solicitor Frank said Rocco's expansion is an example. The Township would not need a maintenance bond.

Vice Chair Lutz does not agree with the ordinance. He noted the work happening at the Roebling Market. Solicitor Frank said the buffers would require the bond.

Engineer Gaulrapp said it would apply to something like a building's parking lot. It is for small things. Mayor Wilkie said another example is the Duffy project. The public will not have access to certain areas.

Solicitor Frank said under the Board's land use authority it is consistent with the Master Plan. It also encourages economic development. Solicitor Frank gave an overview of the specifics of the ordinance.

Vice Chair Lutz said he was abstaining from voting because he owns land in the Township so it could potentially impact him.

It was the Motion of Federico, seconded by Molimock to recommend to the governing body that the ordinance is consistent with the Township Master Plan. All ayes, motion carried.

PUBLIC COMMENTS

It was the Motion of Lutz, seconded by Federico, to open the meeting to the public. Seeing no one wishing to be heard, it was the Motion of Lovenduski, seconded by Federico to close public comments. All ayes.

Motion of Lutz, seconded by Lovenduski to adjourn at 8:18 p.m.

Wayne Morris, Secretary

WM/ak