

Florence, New Jersey 08518-2323
April 24, 2012

The regular meeting of the Florence Township Zoning Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Zekas called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Bott 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 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	Larry Lutz
William Bott	Candida Taylor
Keith Crowell	B. Michael Zekas
John Groze	Anant Patel

ABSENT: Lou Sovak

ALSO PRESENT: Solicitor David Frank
Engineer Anthony LaRosa
Planner Barbara Fegley

APPLICATIONS

Chairman Zekas called for application ZB#2012-20 for Brian Ostner. Applicant is requesting bulk variances to approve continued use of an already existing non-approved porch structure on the front and side of the principal structure and for approval to construct a 40' x 40' addition to an existing garage on property located at 2057 Columbus Road, Florence Township. Block 169.04, Lot 13.

Chairman Zekas stated that a letter had been received from the applicant's attorney requesting that the application be continued until the June meeting. Solicitor Frank stated that the applicant's attorney Patrick McAndrew in his letter dated April 16th has also consented to the necessary extension of time for Board action and stated that additional public notice will be provided.

Motion of Groze, seconded by Buddenbaum to continue the application until the June meeting. Motion unanimously approved by all members present.

Chairman Zekas called for Application ZB#2012-02 for Bernadette Carlan and Bryan Carlan. Applicant is requesting bulk variances to permit installation of an 18' round above-ground swimming pool on property located at 205 East Ninth Street, Florence. Block 67.02, Lot 12.

Bernadette Carlani and Bryan Anthony Carlani were sworn in by Solicitor Frank.

Chairman Zekas stated that the review letter from Engineer LaRosa indicated that the application was complete and asked the applicant's for an overview of the application. Mr. Carlani stated that he would like to put an 18' round aboveground pool in his back yard. A variance for coverage is required. Chairman Zekas stated that the survey indicated that there previously was a pool at this location. Mr. Carlani answered that there was a temporary pool, one that you blow up and then take down for the winter.

Mr. Carlani submitted photographs of his property and neighboring properties. Solicitor Frank marked the photos as A1 through A6. Mr. Carlani stated that A5 shows a neighbors house at 9th and Walnut. Mr. Carlani stated the Exhibit A1, A2 and A3 show different views of his back yard. Exhibits A4 and A6 show neighboring properties with existing swimming pools.

Chairman Zekas stated that the testimony and the exhibits indicate that pools are common in the area. Mr. Carlani said that the properties in the area all have similar sized lots.

Member Crowell asked how far the pools shown in the photos were from the subject property. Mr. Carlani answered that the pools were all within one or two houses from his.

Responding to questions from various Board members, Mr. Carlani stated that he did not know of any existing drainage problems with his property or with any neighboring properties. The grading of the properties on the street are similar, no house sits higher than others.

Mr. Carlani stated that a deck is included with the pool and the calculation of the lot coverage includes the deck as well as the pool.

Motion of Buddenbaum, seconded by Groze to open the public hearing. Seeing no one motion was made by Groze, seconded by Crowell to close the public hearing.

Engineer LaRosa referring to his April 19, 2012 review letter stated that the existing lot area based upon the survey is approximately 7,616 sq. ft. He stated that the RA zone calls for a minimum lot size of 10,000 sq. ft. This property is an existing non-conforming lot, obviously undersized. The proposed deck was included in the calculation of the impervious coverage. The percentage of impervious area that is allowed by ordinance goes from 20% to 25% when you install a pool. The proposed impervious coverage is 27%, 2% over the permitted coverage.

Solicitor Frank stated that the undersized lot is an existing condition that creates the non-conformity. This would typically meet the standard for hardship under the statute.

29.

Motion of Bott, seconded by Crowell to grant the application subject to the typical conditions, including no redirection of storm water onto adjoining parcels, compliance with escrow agreement and taxes, etc.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Crowell, Groze, Lutz, Taylor, Zekas
NOES: None
ABSENT: Sovak

Secretary Bott read the time limit for appeal statement to the applicant.

Chairman Zekas called for Application ZB#2012-03 for Stephanie and Michael Boyd. Applicant is requesting bulk variance to permit installation of an above ground swimming pool on property located at 307 West Fourth Street, Florence. Block 38, Lot 10.

Michael Boyd was sworn in by Solicitor Frank.

Mr. Boyd stated that there are pools in his neighborhood but not on either side of his property. He stated that he has no drainage problems with his property and he has never noticed any drainage problems or ponding in any of the neighboring properties.

Solicitor Frank stated that the survey that was submitted indicates that the deck has been removed. Mr. Boyd said that yes it had been removed. Chairman Zekas asked if there were any plans to have a deck with the pool. Mr. Boyd said that he didn't have any plans for a deck and there is not one included with the pool. The Board advised Mr. Boyd that if he should want to add a deck in the future he would have to submit a new Land Use application and come back to the Board again.

Member Taylor said that the survey says "brick walk" but it is unclear as to where the brick walk is located. Mr. Boyd stated that this is stamped concrete that goes out to the back alley. Mr. Bott stated that on the survey it looks like the pool will be on the concrete. Mr. Boyd stated that the pool would not be on the concrete.

Engineer LaRosa showed the Board an annotated copy of the survey which he had color coded to show the impervious coverage on the lot. This survey was submitted a Exhibit B1. Solicitor Frank asked Mr. Boyd if Engineer LaRosa's testimony was a true representation of the current conditions in his yard. Mr. Boyd stated the Engineer LaRosa had visited the property and Exhibit B1 did give a true representation of current conditions.

Motion of Taylor, seconded by Bott to open the public hearing. Motion unanimously approved by all members present. Seeing no one wishing to comment, motion was made by Crowell, seconded by Buddenbaum to close the public hearing. Motion unanimously approved by all members present.

Engineer LaRosa said that this application is also in the RA zone, which requires a minimum lot size of 10,000 sq. ft. The lot area of approximately 5,000 sq. ft. is an undersized existing lot. Based upon the site walk and calculations the existing impervious is 41% where the proposed with the addition of the deck is in a range of 47% where 25% is permitted. If the lot was a conforming lot of 10,000 sq. ft. the coverage would be in the area of 25. All the setback requirements are met.

Solicitor Frank stated that this is the same issue that we saw in the last application with the pre-existing non-conforming undersized lot.

Motion of Crowell, seconded by Buddenbaum to approve Application ZB#2012-03.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Bott, Crowell, Groze, Lutz, Taylor, Zekas
NOES: None
ABSENT: Sovak

Secretary Bott read the time limit for appeal statement to the applicant.

Chairman Zekas called for Application ZB#2012-05 for Florence PV, LLC (Kenneth Bob). Applicant is requesting Use Variance, Preliminary and Final Major Site Plan approval to permit construction of a solar farm on property located on Bustleton Road, Florence Township. Block 160.01, Lot 5 and Block 170, Lot 1.01.

Patrick McAndrew, attorney for the applicant, stated that they are before the Board for completeness only. He stated that he had 3 witnesses in attendance to answer any questions the Board might have. He introduced Jennifer Schwenker, engineer for the applicant, Kenneth Bob, Senior V.P. and Michael Greenberg, In House Counsel. The witnesses were sworn in by Solicitor Frank.

Attorney McAndrew asked Ms. Schwenker to address the completeness items called out in the Board's Professional's reports. Ms. Schwenker stated that she had the opportunity to review the reports. There were 3 items on page 2 of Engineer LaRosa's review letter dated April 24, 2012 regarding the requirement for architectural plans for any structure or sign to be erected or modified.

Item 1a stated that the plan depicts a 120' x 200' area for a sub-station but no details were provided for the sub-station. Ms. Schwenker said that there are no buildings in the substation it will be a series of transformers and switch gear equipment. It would be cabinets on a pad. She stated that they will put additional details on the site plan.

Item 1b is with regard to the steel storage building. This is a prefab building and the specs and additional information will be provided.

31.

Item 1c regarding whether or not any signs are proposed, typically around solar farms only warning and danger signs are posted. Sign details will be added to the plans.

Engineer La Rosa said that based on the testimony provided by the applicant's engineer the application should be deemed complete.

Attorney Frank asked for clarification on the requested waiver. Ms. Schwenker agreed that they are requesting a waiver for providing architectural, but they will provide additional specifications showing dimensions of the building. Attorney McAndrew said that they would be providing the manufacturers brochure showing elevations and material. It will not be an architect's plan.

Motion of Taylor, seconded by Crowell to grant the waiver and deem the application complete. Motion unanimously approved by all member present.

MINUTES

Motion of Zekas, seconded by Groze to approve the Minutes from the March 27, 2012 as submitted. Motion unanimously approved by all member present.

RESOLUTIONS

Resolution ZB-2012-11

Continuing the application of Brian Ostner for bulk variances to approve continued use of an already existing non-approved porch structure on the front and side of the principal structure and for approval to construct an addition to the existing garage on property located at 2057 Burlington-Columbus Road, Florence Township. Block 169.04, Lot 13.

Motion of Groze, seconded by Buddenbaum to approve Resolution ZB-2012-11. Upon roll call the Board voted as follows:

YEAS:	Buddenbaum, Bott, Groze, Lutz, Zekas
NOES:	None
ABSTAINED:	Taylor
ABSENT:	Sovak

OTHER BUSINESS

Planner Fegley said that she wanted to give the Board an update on the application for 220 Foundry Street. The Board recently granted a Use variance for this application. Planner Fegley gave the Board a packet containing information regarding the location of the dumpster, proposed landscape plan and the original and revised elevations. Attorney Frank said that the Board delegated to its planner the ability to address these issues administratively. The handout that the Board received is the report of Planner Fegley as to her progress with regard to that administrative delegation. The Board is not being

32.

asked to hear or decide anything as the applicant is not here and this is not a noticed hearing. This is merely a report of the planner on her activities pursuant to the Board's delegation of authority.

Planner Fegley gave an update to the Board of the progress so far and stated that she was still working with the applicant to come up with a plan that is acceptable to both the township and the applicant.

PUBLIC COMMENTS

There was no public in attendance to offer any comments.

There being no further business motion was made by Bott, seconded by Crowell to adjourn the meeting at 8:16 p.m.

William E. Bott, Secretary

WEB/ne