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Florence, New Jersey 08518-2323
February 10, 2014

The Reorganization/Regular meeting of the Florence Township Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Solicitor David Frank called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Solicitor Frank 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."

Solicitor Frank explained that the meeting was supposed to be held February 3, 2014 but there was a snow emergency and the meeting was rescheduled for this evening. Notice was posted at the Municipal Building. It was also published in the newspaper.

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

Brett Buddenbaum	William Bott
John Groze	Larry Lutz
Lou Sovak	B. Michael Zekas
Anant Patel	John Lauricella

ABSENT: Keith Crowell

Also Present:

Solicitor David Frank
Engineer Anthony LaRosa
Planner Barbara Fegley

Solicitor Frank administered the oath of office to Mr. Patel, Mr. Lauricella, Mr. Buddenbaum and Mr. Sovak.

Solicitor Frank called for nominations for Chairman of the Board for the year of 2014.

Motion of Bott, seconded by Buddenbaum to nominate B. Michael Zekas as Chairman. There being no further nominations motion was made by Groze, seconded by Bott to close nominations. Motion unanimously approved by all members present. Member Zekas accepted the nomination, thanked the Board and was seated as Chairman.

Chairman Zekas stated that the next order of business was nomination of Vice Chairman. It was the motion of Buddenbaum, seconded by Bott to nominate Larry Lutz. Hearing no further nominations, motion was made by Groze, seconded by Bott to close nominations. Motion unanimously approved by all members present. Member Lutz accepted the nomination and thanked the Board.

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Chairman Zekas called for nomination for Board Secretary. Motion of Bott, seconded by Lutz to nominate Brett Buddenbaum. Hearing no further nominations, motion was made by Groze, seconded by Lutz to close the nominations. Motion unanimously approved by all members present. Member Buddenbaum accepted the nomination and thanked the Board.

Chairman Zekas called for nominations for Board Clerk. Motion of Groze, seconded by Bott to nominate Nancy Erlston as Board Clerk. Hearing no further nominations, motion was made by Lutz and seconded by Buddenbaum to close the nominations. Motion unanimously approved by all members present.

Chairman Zekas stated that the Board would now move on to the appointment of the Board Staff. He called for nominations for Board Solicitor, Board Engineer and Board Planner. Motion of Bott, seconded by Groze for David Frank as Board Solicitor, Anthony LaRosa as Board Engineer and Barbara Fegley as Board Planner. Hearing no further nominations, motion was made by Groze, seconded by Lutz to close nominations. The Board voted unanimously to appoint the above professionals for 2014.

RESOLUTIONS

Resolution ZB-2014-01
Authorizing the appointment of Zoning Board of Adjustment Solicitor, Engineer and Planner

Motion of Groze, seconded by Buddenbaum to approve Resolution ZB-2014-01.

Upon roll call the Board voted as follows:

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

ZB-2014-02
Establishing the Annual Schedule of regular meetings and other policies relating to the New Jersey Open Public Meetings Act.

Motion of Groze, seconded by Lutz to approve Resolution ZB-2014-02.

Upon roll call the Board voted as follows:

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

3.

ZB-2014-03

Adopting rules and regulations for submission and review of applications before the Florence Township Zoning Board of Adjustment.

Motion of Lutz, seconded by Buddenbaum to approve ZB-2014-03.

Upon roll call the Board voted as follows:

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

APPLICATIONS

- A. Application ZB#2014-01 for Salvatore Varallo. Applicant is requesting use variance to permit construction of a 40' X 30' pole barn to store equipment utilized in his land excavating business on property located at 2094 Old York Road, Florence Township. Block 169.01, Lots 1.02 and 9.01.

Member Lutz recused himself from hearing the application.

Solicitor Frank swore in the applicant. Mr. Varallo explained that he has an excavating business. He had partners but split from them and has been using storage units to store some of his equipment. Then the opportunity to purchase a property to erect a pole barn came up. He plans to store equipment there, such as trucks, snow plows and a salt box. He submitted two photos, A-1 and A-2 as exhibits. They show the trucks with the plows and salt box attached.

He said the pole barn will have a door big enough to drive the vehicles in with the plows attached. It is going to be for storage. He has been having problems with people vandalizing the trucks where he keeps them now.

The property also has a house that has tenants who will remain. The rent will help pay the mortgage on the property.

The building will be steel and will not have electric or plumbing installed. The exterior will be light gray with a charcoal roof. There will be 3' strip of plexiglass to let light in. He said there will be no employees; he is not planning to run a business out of the building.

The barn will be placed on the left side of the driveway, about 200' back from the house so as not to disturb a tree that is in the yard. The pole barn has lot coverage of 1200 sq. ft. He plans to use an existing driveway and extend it to the location of the pole barn.

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Right now the house has a cesspool. The current owner will be installing a new septic system. It will only service the house, not the new pole barn. The new septic will be installed where the cesspool is now at the rear of the property, near the chickenwire fence. He said he will be grading water away from the building to the back of the property.

The house on the property “needs work.” He hopes to fix it up; it needs a facelift. There is a drainage issue around the house and he plans to fix the grading and use the top soil to improve the drainage. He presented into evidence exhibit A-3, grading research.

He said there won’t really be any people there. It will be for storage and the items he plans to store there are not used on a daily basis. This time of year he might go there twice a month. During the warmer months he might go to the pole barn three or four times a week. There is no need for additional parking because he is not running a business from the site. He will just be picking up equipment. He plans to create a vision screen with a topsoil berm and landscaping.

Chairman Zekas said he was a little confused but thinks the applicant is really requesting to construct a building that does not have anything to do with running a business from the property. Solicitor Frank said it is not a residential accessory use. He is storing equipment for his excavating business. The area is agricultural/residential.

Chairman Zekas asked what the inventory would be at the site. The applicant said he planned to keep equipment for his excavating business. Usually the bigger items are on site when doing a job and they are just taken from job to job. Smaller stuff would be kept at this site. He said the worst scenario would be if he was in between jobs and there might be a need to store some of his equipment.

He said finding the property was a good opportunity. It is a good price and will make things easier for him. The purchase of the property depends on the outcome of this hearing.

He likes the site also because it is easy to give directions to if one of his workers needs to pick up something for him, and it is closer to the area where his jobs usually are. Chairman Zekas asked why the proximity was important if it was for storage for things that were not used a lot. The applicant said there are things he is going to store that he will need from time to time.

Engineer LaRosa asked about the stone being used for the driveway. The applicant said it is three quarter clean. Engineer LaRosa questioned if the stone would be considered pervious. Construction Code Official Thomas Layou confirmed it is pervious.

The applicant said everything being stored will be kept inside. He said the money he is saving for not having to pay storage is what will pay for the building. The size might be bigger than what is really necessary but he would rather have the extra space than find out there is not enough. The driveway is 100’ long with two entrances. One is for the

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residence and the other will be for the pole barn. Right now it is a circular driveway. He is extending the gravel from the current driveway to the pole barn.

Mr. Bott referenced Planner Fegley's report regarding some wetlands issues. The applicant said he will not be near the wetlands. Planner Fegley inquired about a buffer for the wetlands. She thinks DEP approval may be required. She provided an aerial photo of the site from 2012 with an overlay of the NJDEP Wetlands Map.

Chairman Zekas asked for some testimony regarding positive criteria. The applicant said the use is consistent with the area. He said there will be no disturbance to the community or the property. There won't be additional people and it promotes the welfare of the town.

Member Bott asked about the hours and how the applicant will be able to see anything when it starts getting dark earlier. The applicant said it will be mostly daylight hours but he can use headlights.

Chairman Zekas asked if pole barns were common in the area. Mr. Varallo said there are some in the area. Chairman Zekas said in reviewing the area he noticed mostly detached garages that were relatively modest in size. The applicant feels that pole barns are agricultural in nature and can be used to store farming equipment. Chairman Zekas noted that the equipment being stored is not agricultural in nature.

Member Bott said he is a member of the Environmental Committee. Usually if someone disturbs wetlands they have to put them somewhere else. The applicant said he is not going to disturb them. The applicant agreed to contact DEP to determine exactly where the wetlands are and see if he needed any other approvals.

Chairman Zekas said the applicant is currently renting a 10' X 30' storage unit. The proposed pole barn is 30' X 40'. He wanted to know if this was the minimum size to make the project worthwhile. The applicant does not want anything smaller because the current storage is tight and he needs the space.

Engineer LaRosa said he believes the two non-conforming lots were never consolidated. The tax office bills it as one. He wondered if as a housecleaning matter it should be consolidated. As far as zoning there are bulk issues existing pertaining to the house. He reviewed them. He also wanted it confirmed that the new septic system will service only the house on the property and it is not part of this application. He requested a sketch plan of the driveway. Exhibit A-4, a survey showing the improvements, was provided by the applicant at this time. Engineer LaRosa inquired about parking. The applicant felt this was not necessary because there are no employees. Engineer LaRosa feels there should be some ADA compliance because it is a commercial use. He inquired about the grading and asked if the arrows on the survey indicated the flow of drainage. He was told they do.

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Engineer LaRosa discussed the possibility of a soil conservation and sediment control permit. He also noted that the property fronts on a county road and said permits may be required from the county.

Planner Fegley said the zone is agricultural. An excavating business would require a use variance. She noted there were two uses, a residential and a commercial. A variance would be required to have two primary uses. The garage would not be an accessory use; there would be two primary uses on the property. She noted that local ordinances have the intent to limit the size of buildings in this area. Accessory buildings must be under 600 sq. ft. if the property is under 3 acres. Even though this building would be a primary use the ordinance shows the intent. She reviewed the existing non-conforming conditions. She noted the need for screens or buffers for the commercial use.

The applicant was asked about hours of operation and lighting. He said the hours are daytime, six days a week. There will be no lighting installed because he won't be there at night. He was asked about waste materials and said there would not be any because he won't be working there, just storing equipment.

There was discussion regarding how loud the trucks are. The applicant said the noise would not be a problem. The trucks are not that loud and it would be during the day. There won't be any electric in the building.

Mr. Bott asked how often the applicant would be coming to the site. The applicant said it would only be a few times a month in the winter and a little more frequently in the spring and summer months.

Chairman Zekas inquired about the location of the driveway in relation to the proposed location of the new septic system. He asked if the proposed building would be accessible.

Member Bott said he has seen the new septic tanks and he believes there will be a large mound and he thinks it will be in the way. He noted the tanks are wide also. He mentioned one he has seen and said the DEP is very strict about septic tanks. The one he saw was a mound with two large pipes protruding from it. Engineer LaRosa said he does not believe the septic will interfere. The applicant said he is willing to locate the barn further back if need be. Member Bott was concerned that if the barn was put further back it would interfere with wetlands. Chairman Zekas concurred with the concerns.

The applicant said he did not realize how much would be involved with trying to build the pole barn. He appreciated the Board letting him know that he might need to get approvals from other entities. He does not know if the process would be worth the trouble.

Solicitor Frank summarized that the applicant needs two use variances. There needs to be a use variance for the commercial use of the barn and a second variance to have two principle uses on the property. He read some excerpts from the land use manual so the

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Board members would know what they needed to consider with the application. He discussed positive and negative criteria and the public good. He said the Board also needs to consider the Master Plan and local ordinances.

The applicant decided that he wanted to withdraw the application because there was too much involved for him to proceed. His counsel requested the Board adjourn the application to the next meeting in case the applicant wants to reconsider.

It was the Motion of Buddenbaum, seconded by Bott to grant the applicant's request for a continuance to the March 3, 2014 meeting. All ayes.

MINUTES

Motion of Groze, seconded by Patel to approve the Minutes from the regular meeting of December 20, 2014. Motion unanimously approved by all members present.

CORRESPONDENCE

- A. Registration Form for Land Use Law and Planning Program Basic and Experienced Course offered by the Alaimo Group and held on Saturday, February 15, 2014 at Deerwood Country Club, Westampton, NJ.

Solicitor Frank encouraged the members to consider attending the course; it is very informative. He is teaching a section.

Motion of Groze, seconded by Bott to receive and file Correspondence A. Motion unanimously approved by all members present.

OTHER BUSINESS

Motion of Groze, seconded by Buddenbaum to adjourn the meeting at 9:18 p.m. Motion unanimously approved by all members present.

Brett Buddenbaum, Secretary

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