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Florence, New Jersey 08518-2323
April 7, 2014

The Regular meeting of the Florence Township 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 Buddenbaum 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	William Bott
Keith Crowell	Larry Lutz
Lou Sovak	B. Michael Zekas
John Groze	Anant Patel
John Lauricella	

ABSENT: None

Also Present:

Solicitor David Frank
Engineer Anthony LaRosa
Planner Barbara Fegley

RESOLUTIONS

Resolution No. ZB-2014-05
Dismissing without Prejudice the Application of Salvatore Varallo
for a 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 & 9.01

Solicitor Frank said there was a letter received from the applicant dated March 7, 2014 confirming the desire to withdraw the application. The Board voted at the last meeting to dismiss the application.

It was the Motion of Buddenbaum, seconded by Lauricella to approve Resolution No. ZB-2014-05.

Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Bott, Crowell, Groze, Sovak, Zekas

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NOES: None
ABSTAIN: Sovak
ABSENT: None

**Resolution No. 2014-06
Continuing the Application of LB Solar, LLC for Amended
Final Major Site Plan, Use Variance and Bulk Variance for
Property Located at 1051-59 Florence-Columbus Road
Block 165.04, Lot 64**

It was the Motion of Bott, seconded by Crowell to approve Resolution ZB No. 2014-06.

Upon Roll call, the Board voted as follows:

YEAS: Bott, Sovak, Crowell, Lutz, Buddenbaum, Zekas
NOES: None
ABESENT: None

APPLICATIONS

- A. Application ZB#2014-03 for David and Renee Giallella. Applicant has requested bulk variances to permit installation of an above ground pool with associated decking on property located at 311 East Third Street, Florence. Block 73, Lot 9.

The applicants were sworn in by Solicitor Frank. Mr. Giallella said they would like to install a pool that is about 21' in diameter and an attached 6' X 10' deck. He also wants to install a deck on the house that is about 20' X 10'. A variance is needed because the impervious coverage would be at 27% where only 25% is allowed.

Chairman Zekas asked the applicant if he received the report prepared by Engineer LaRosa. In it Engineer LaRosa noted that the dimensions and setbacks of the side and rear yards were not included. The applicant said the survey was incorrect. The easement noted was actually divided between him and the property behind him. The applicant said the side setback is 6' and the side yard is 20'. Engineer LaRosa said that meets requirements. The only variance is bulk for the impervious coverage.

Chairman Zekas asked if pools were common in the applicant's area. He responded that there is one across the street and his neighbor has one. Chairman Zekas asked if the deck on the house would be even with the back door and made with pressure treated wood. The applicant confirmed this.

Member Bott asked if there were drainage problems. The applicant said there are no drainage issues. Chairman Zekas noted that the property sits pretty high.

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Chairman Zekas asked about the alley. Engineer LaRosa said the alley was vacated and the alley actually split the rear property line so there would be 10' on either side of the property line. There are water and sewer lines there. The inconsistency is that whoever prepared the survey put all 20' on the applicant's property and did not split it between the two properties. The pool will be 10' from the easement and that meets requirements. The impervious coverage is 27%.

It was the Motion of Bott, seconded by Lutz to open the meeting to the public regarding Application ZB#2014-03. All ayes.

Seeing no one wishing to be heard, it was the Motion of Lutz, seconded by Crowell to close the public portion.

It was the Motion of Buddenbaum, seconded by Groze to approve Application ZB#2014-03.

Upon roll call the Board voted as follows:

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

B. Application ZB#2014-02 for LB Solar, LLC. The Applicant has installed a fence around the solar array, erected a hut for five Alpacas and utilizes the fenced in solar array for Alpaca grazing on property located at 1051-59 Florence-Columbus Road, Florence Township, Block 165.04, Lot 64

Members Lauricella, Groze and Patel recused themselves from the application. There were six members remaining. Solicitor Frank said the problem is that there needs to be five affirmative votes for an application to pass.

At this point there was a five minute recess.

Solicitor Frank said during the break the professionals were addressing the issue of the applicant having only six board members. The applicant was justifiably hesitant to proceed because he needs to have the five votes to gain an approval. It was discovered that Mr. Patel may have been erroneously included in the 200' Certified List. He may not be disqualified. The applicant has requested that the application be adjourned for the month in order to provide an opportunity for the municipal officials to review the 200' certified list.

The applicant's attorney said he could not recommend to his client that they proceed this evening.

Chairman Zekas asked if in the event that Mr. Patel was on the list, would a planning board member be seated to hear the application. Solicitor Frank said his understanding of

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the statute is that a planning board member can only be seated to ensure a quorum, but he will research the issue.

It was the Motion of Bott, seconded by Lutz to continue Application ZB#2014-02 to the May 5, 2014 meeting. All ayes.

MINUTES

CORRESPONDENCE

OTHER BUSINESS

Motion of Crowell, seconded by Lutz to adjourn the meeting at 8:07 p.m. Motion unanimously approved by all members present.

Brett Buddenbaum, Secretary

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