

Florence, New Jersey 08518-2323
July 6, 2015

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.

Acting 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:

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| William Bott | Larry Lutz |
| Lou Sovak | B. Michael Zekas |
| Joseph Cartier | Anthony Drangula |
| Anant Patel | |

ABSENT: Brett Buddenbaum, John Groze

Also Present: Solicitor David Frank
Engineer Anthony LaRosa

Excused: Planner Barbara Fegley

APPLICATIONS

A. Application ZB#2015-07 for Kelly Barcalow. Applicant is requesting bulk variances for two existing sheds attached by a single roof constructed without zoning approval on property located 77 Main Street, Roebling, 08554.
Block 133, Lot 20.

Solicitor Frank swore in Ms. Barcalow. Chairman Zekas asked her to provide an overview of why she was before the board. She received a letter that she was over the 33% impervious ground coverage. There were also setback issues. She took down a deteriorating shed and installed a larger one. When she realized it was required, she applied for the permit but it was denied so she applied for the variance.

Engineer LaRosa said it is a big shed the goes across the full width of the yard with a center section cut out with a roof connecting the two halves. It provides access to the rear alley.

Ms. Barcalow said there is a breezeway. It is two sheds connected by a roof. It extends the width of the back fence with about 2.5' on either side. Engineer LaRosa said because of the size it is considered an accessory structure. The impervious coverage is over what

is allowed. He said the applicant is at about 46%. There was setback relief being sought also.

Chairman Zekas asked if there were other sheds in her neighborhood. The applicant said she brought pictures to show some of the sheds in her area. She submitted them to Solicitor Frank. She said she walked in the alleys in her general area. She wanted to show that there were many sheds that sit right on the fence. She can walk behind her shed and her gate still opens. There are several large structures that are as high as hers and several that are as big.

Solicitor Frank asked if any of the pictures presented were of her shed. She said they were not. There was a picture of her shed on her phone. Solicitor Frank said that could not be accepted because it has to be something that can be put into the record. She said the township sent her a picture of her shed so it is here. Solicitor Frank explained that the only evidence that can be accepted is what the applicant presents at the hearing. The board does not necessarily have what the Zoning Officer has. The board is independent and is a quasi-judicial body that is separate from the Zoning Officer. The board hears appeals of the Zoning Officer's decisions. The board doesn't necessarily know everything he knows, they know what the applicant tells them and what members of the public might express. In terms of evidence, the applicant needs to provide it. Ms. Barcalow asked if the board could look at her cell phone. Solicitor Frank said they board could not do that. If someone wanted to appeal the decision of the board the evidence that was presented at the hearing would not be part of the record. Everything has to be kept by the Land Use Clerk and be part of the permanent record.

Solicitor Frank asked that Ms. Barcalow review the photos she provided to the board and explain what they provide. Ms. Barcalow agreed. She explained Exhibit A-1 demonstrated a shed that was against the back and side fences of a yard. Solicitor Frank asked the location. She was not sure of the exact location. A-2 showed the impervious ground coverage of a yard. There is a deck, concrete and a shed. She noted all the photos were taken in the alleys of Fifth, Sixth, Seventh and Eighth Avenues. A-3 demonstrated a shed that is directly on the alley and directly against the side fence. A-4 shows a shed that is very tall. A-5 is a picture showing a shed, lots of concrete and a deck, it demonstrates a lot of impervious ground coverage. She said A-6 is a garage, it is as large as her shed. It is a very large structure, and it is on a slab. Her shed is not on a slab. It is also right against the fence so it does not meet the setbacks. The final picture, A-7, showed a structure that is as close to the two fences as you can get. It is a shed in a back yard.

Chairman Zekas said to summarize A-2 and A-5 showed significant impervious coverage. He knows she does not have measurements but the applicant feels it shows more than what she is asking permission for. The applicant concurred. Chairman Zekas said the other pictures showed size of buildings, setbacks and they likely exceed the conditions of her shed. She agreed.

Member Bott asked how long the shed had been there. Ms. Barcalow said one year. Member Bott said he is asking because other people go through the proper procedure to build a structure. He wanted to know why the applicant did not do that. Ms. Barcalow said there was a shed when she bought the property and she took it down and installed the one she has now. She didn't think to apply for a permit. She received a letter that said she needed to get a permit even though it was already done. She did that immediately and it was denied for impervious coverage and setbacks. Financially she could not afford to apply for the variance at that time. She waited, and when she was able to afford it she applied.

Member Patel asked the size of the shed she removed. Ms. Barcalow said it was about 6'X8', not very large. Member Patel asked the size of the new shed. Engineer LaRosa said the structure totals about 170 sq. ft.

It was the Motion of Lutz, seconded by Bott to open the meeting to the public regarding Application ZB#2015-07. All ayes.

Seeing no one wishing to be heard, it was the Motion of Lutz, seconded by Bott to close the public hearing. All ayes.

Engineer LaRosa said it was an existing structure and he didn't see anything that would have a negative affect regarding drainage, but he asked the applicant about her drainage. She said there are no gutters and there weren't any gutters on the old shed. When it rains the water just falls onto the grass. She has not had any problems with puddles. The water drains to the alley. The property is graded to drain to the back.

Chairman Zekas said basically there is a variance for setbacks and impervious coverage. Engineer LaRosa said it was for a setback for rear yard to the alley, side yard to the alley and also the other side yard and the impervious coverage.

Solicitor Frank said if this were a 100 sq. ft. shed instead of a 170 sq. ft. shed it would be subject to different setbacks. Chairman Zekas said the oversized amount impacts her property, it does not extend any further into the alley. It is actually at a setback more than the other properties that were in the photos provided. Engineer LaRosa confirmed there is space from the structure to the property line.

Engineer LaRosa explained it is considered an accessory structure because of the size. If there was not a roof connecting the sheds it could be considered two garden sheds and he does not know if the ordinances address having two garden sheds. For the record because there is a roof connecting them it is considered one accessory structure. It looks good and it was done well.

It was the Motion of Bott, seconded by Patel to approve Application ZB#2015-07.

Upon roll call the Board voted as follows:

YEAS: Bott, Lutz, Patel, Sovak, Zekas, Cartier, Drangula

33.

NOES: None
ABSENT: Buddenbaum, Groze

B. Application ZB#2015-11 for Jeffrey and Ellen Brown. Applicant is requesting variances to permit construction of a garage in a front-yard setback area for property located at 1100 Grove Street, Florence.
Block 98.04, Lot 1.01

Jeffrey and Ellen Brown were sworn in by Solicitor Frank. Mr. Brown said he would like to build a 24'X25' garage. A variance is required because it would be in the front yard. Chairman Zekas asked for clarification of the proposed location. He didn't know where Pine Grove Lane was. He asked if it was actually a street. Mr. Brown said he believed it was a paper street. Mr. Zekas said he visited the property and he believed the proposed location was a small fenced garden. The applicant confirmed that was the location. Chairman Zekas asked if the garage was encroaching on the setback of a paper street.

Engineer LaRosa said it is about frontage. It was kind of like being on a corner lot. There isn't much of a back yard, there is a ditch that drops off. It is not a constructable area. Because the house fronts on Grove Street at the dead-end and along the side and also Pine Grove Lane, this is a front yard issue. Garages are not permitted in the front yard setback. Chairman Zekas said because of the lay of the property there really is no other location. It is a hardship.

Chairman Zekas asked the size of the garage. Mr. Brown said it is 24'X25'. The height is 19'. Chairman Zekas asked about the materials. Mr. Brown said it will be regular construction. Chairman Zekas asked about the access. Mr. Brown said it would be off the circular drive at the home. He said it will be a two car garage but he will only be putting one car in it. The exterior will be siding to match the house.

Member Drangula asked where the water will drain to. Mr. Brown said it would go to the ravine. Engineer LaRosa said the drainage needs to be directed away from the neighbors. He asked what direction the gutters would be directed. It should run across his property to the ravine. He does not believe it will be an issue but it needed to be addressed.

Member Drangula asked how far the garage would be from the riverbank. Mr. Brown said it is about 170' from the riverbank, it isn't close.

Member LaRosa asked about the apron that would be outside the door. He asked how big it would be. Mr. Brown said it would be about 200 sq. ft. Engineer LaRosa said right now the impervious coverage of the lot with the proposed garage is at less than 6%. With the apron it would still be under.

It was the Motion of Lutz, seconded by Cartier to open the meeting to the public regarding Application ZB#2015-11. All ayes.

34.

Seeing no one wishing to be heard, it was the Motion of Lutz, seconded by Sovak to close. All ayes.

Solicitor Frank said this is an exceptionally irregular-shaped lot that has clear physical limitations. This was one of those situations where the C-1 criteria would apply. There is definitely hardship involved. There were some conditions discussed. The drainage needs to be directed to the ravine and the siding of the garage needed to match the house as closely as possible. Chairman Zekas also asked that the apron be included in the impervious coverage. The applicant could choose to use a pervious coverage, but he would like it included for the record.

It was the Motion of Patel, seconded by Cartier to approve Application ZB#2015-11.

Upon roll call the Board voted as follows:

YEAS: Bott, Lutz, Patel, Sovak, Zekas, Cartier, Drangula

NOES: None

ABSENT: Buddenbaum, Groze

RESOLUTIONS

Resolution No. ZB-2015-12
Granting the Application of Effisolar Energy Corporation for
Minor Subdivision for Property Located at
1019 Cedar Lane, Florence Township
Block 163.03/164.01, Lots9/2.01

It was the Motion of Bott, seconded by Lutz to approve Resolution No. ZB-2015-12.

Upon roll call, the Board voted as follows:

YEAS: Lutz, Patel, Sovak, Zekas, Cartier

NOES: None

ABSENT: Buddenbaum, Groze

Resolution No. ZB-2015-13
Granting the Application of Effisolar Energy Corporation for
Amended Final Major Site Plan for Solar Power
Generating Facility on Property Located at
1019 Cedar Lane, Florence Township
Block 163.02/164.01 Lot 9/2.01

It was the Motion of Lutz, seconded by Bott to approve Resolution No. ZB-2015-13.

Upon roll call, the Board voted as follows:

35.

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

**Resolution No. ZB-2015-14
Granting the Application of Samuel and Ann Frankel for
Rear Yard Setback Variance to Permit Construction of a
12'X12' Deck on Property Located at
28 Third Avenue, Roebling
Block 138, Lot 49**

It was the Motion of Lutz, seconded by Drangula to approve Resolution No. 2015-14.

Upon roll call, the Board voted as follows:

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

Solicitor Frank said the agenda lists Resolution No. 2015-15 continuing the application of Kelly Barcalow. He said it would be appropriate to include that in the approval resolution. It makes it easier on the applicant.

MINUTES

It was the Motion of Lutz, seconded by Bott, to approve as submitted the May 4, 2015 minutes. All ayes.

It was the Motion of Lutz, seconded by Bott, to approve as submitted the June 4, 2015 minutes. All ayes.

CORRESPONDENCE

- A. Letter from Burlington County Planning Board dated June 17, 2015 regarding LB Solar, Florence-Columbus Road. Block 165.01, Lot 4.02.

Solicitor Frank explained that one of the conditions of this board's approval required an as-built survey. The letter surprised him because it seemed to be saying that contrary to the board's opinion, the fence is not actually in the county's right-of-way. With the board's permission he was going to have the engineer look into this and make sure the submitted drawing was part of an as-built survey and not just information submitted on a plan.

Member Bott said there is an extension on the fence at the site so that the alpacas can graze. Solicitor Frank said that is not consistent with the approval. The alpacas were approved as an accessory to the solar. Solicitor Frank said the discussion should stop at this point.

36.

It was the Motion of Lutz, seconded by Sovak to receive and file Correspondence A.

OTHER BUSINESS

PUBLIC COMMENTS

Motion of Drangula seconded by Lutz to adjourn the meeting at 8:24 p.m. Motion unanimously approved by all members present.

William Bott, Acting Secretary

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