

**FLORENCE TOWNSHIP PLANNING BOARD**

**RESOLUTION NO. P.B.-2019-13**

*Application PB#2019-09*

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF  
GARY and JOYCE CAPRITTI  
FOR BLOCK 160.01, LOTS 16, 12.01 and 12.02  
AGR- AGRICULTURAL ZONING DISTRICT  
MINOR SUBDIVISION  
(LOT LINE ADJUSTMENT)  
w/ BULK VARIANCE  
APPROVAL**

**Decided: May 28, 2019**  
**Resolution Memorialized: June 25, 2019**

**WHEREAS**, Gary and Joyce Capritti have made application to the Florence Township Planning Board for minor subdivision (lot line adjustment) approval to reconfigure Lots 16, 12.01 and 12.02 of Block 160.01, located at 1016 and 1014 Cedar Lane, to consolidate Lots 16 and 12.01 (to be known as Lot 16) and to convey 1000 sq. ft. from Lot 12.02 to be attached to the newly consolidated Lot 16;

**WHEREAS**, the existing lots were created under previous standards, so there are numerous pre-existing nonconforming conditions pertaining to the three existing lots such as lot area, lot depth, lot width and setbacks when gauged against current requirements of the AGR Zone District,

**WHEREAS**, the Capritti's have used the 1000 sq. ft. area of current Lot 12.02 (with the permission of the Lot 12.02 owners) that is proposed to be subdivided and conveyed as their own for many years ;

**WHEREAS**, the requested minor subdivision approval would result in proposed Lot 16 being 2.058 acres and proposed Lot 12.02 being 1.193 acres, and would place all of the improvements associated with the Capritti's use of their current Lots 12.01 and 16, and the area of Lot 12.02 that they have long used, onto their newly consolidated Lot 16;

**WHEREAS**, the s the owner of Lot 12.02, Chandan Kumar Roy, has consented to the making of this application, and the applicants therefore have standing to bring this matter before the Board;

**WHEREAS**, the applicants are represented by Jonas Singer, Esquire;

**WHEREAS**, upon a finding that the applicants had provided proper mailed and published notices of hearing and that jurisdiction was proper in the Board, it opened a hearing on the application at its May 28, 2019 regular meeting;

**WHEREAS**, Mr. Capritti appeared, was sworn, and offered his testimony in support of the application;

**WHEREAS**, the Board granted certain submission waivers based upon the recommendations of the Board Engineer and found the minor subdivision application sufficiently complete to be heard;

**WHEREAS**, the Florence Township Planning Board has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicants are the owners of Lot 12.01 and Lot 16, the owner of Lot 12.02 has consented to the making of this application, and the applicants therefore have standing to bring this matter before the Board.
2. The applicants have provided proper mailed and published notices of hearing, and jurisdiction is proper in the Board.
3. Application has been made for minor subdivision (lot line adjustment) approval to reconfigure Lots 16, 12.01 and 12.02 of Block 160.01, located at 1016 and

1014 Cedar Lane, to consolidate Lots 16 and 12.01 (to be known as Lot 16) and to convey 1000 sq. ft. from Lot 12.02 to be attached to the newly consolidated Lot 16.

4. The requested minor subdivision approval would result in proposed Lot 16 being 2.058 acres and proposed Lot 12.02 being 1.193 acres, and would place all of the improvements associated with the Capritti's use of their current Lots 12.01 and 16, and the area of Lot 12.02 that they have long used, onto their newly consolidated Lot 16;
5. The existing lots were created under previous standards so there are numerous pre-existing nonconforming conditions pertaining to both lots such as lot area, lot depth, lot width and setbacks when gauged against current requirements of the AGR Zone District.
6. Many (but not all) of the existing non-conformities would be reduced or eliminated by the combination of the proposed consolidation of existing Lots 12.01 and 16, and the addition to proposed consolidated Lot 16 of 1000 sq. ft. from existing Lot 12.02.
7. All three of the existing Lots are smaller than the minimum 3.0 acres required in the AGR Zone District. The area of the two proposed Lots after subdivision and consolidation would each still be less than the minimum, so lot area variances are necessary for approval of the proposed subdivision.
8. The applicant has submitted the following documents in support of its application:
  - a. A completed Township of Florence Land Development Application;
  - b. A completed Township of Florence Minor Subdivision Application Checklist of Submission Requirements;
  - c. A completed Township of Florence Variance Application Checklist of Submission Requirements;
  - d. Proof that no taxes were due on the subject properties at the time of the application;
  - e. "Plan of Survey/Re-Division" prepared by Tim J. Maser, PLS, dated 04/04/19;

- f. An "Owner Authorization" document dated May 6, 2019 and signed by Chandar Kumar Roy as owner of Lot 12.02 of Block 160.01 known as 1014 Cedar Lan;
  - g. An executed Escrow Agreement;
  - h. Proper application and escrow fees as required by ordinance;
9. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated May 16, 2019 commenting upon the application which is hereby incorporated into the record.
  10. The Board's Planner, Barbara Fegley, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated May 23, 2019, which is hereby incorporated into the record.
  11. Mr. Capritti testified that the in ground pool shown on Lot 12.02 on the submitted Plan has been removed.
  12. The Board discussed that Florence Township Ordinances oblige the Board to require installation of curbing sidewalks in association with all subdivision and site plan applications, but that a waiver of these requirements is appropriate in this instance because the area in front of the subject properties is shortly to be the subject of extensive sewer and water improvements by the Township. Any curbing or sidewalks installed by the applicant would merely be destroyed by the proposed excavations.
  13. Mr. Capritti agreed to a condition of approval that in the event that the Township needs additional right of way in order to install sidewalks, he would grant such additional right of way from his consolidated Lot 16.
  14. No new or additional development is proposed in conjunction with the requested lot line adjustment.
  15. No public comment was offered on the application.

Conclusions of Law:

The Board finds that the proposed minor subdivision (lot line adjustment) and associated bulk variances for lot area can be granted pursuant to NJSA 40:55D-70(c)(2), because the proposed new lot configurations and resulting pattern of development provide a better zoning alternative than strict adherence to applicable standards, and the benefits to the general welfare of the proposed deviation substantially outweigh any detriment to the public good or impairment of the zone plan which would result from this deviation from the ordinance standard. Therefore, the Board finds it appropriate, pursuant to NJSA 40:55D-70(c)(2), and subject to appropriate conditions, to grant the requested variances.

The Board finds that the proposed minor subdivision should be approved, subject to appropriate conditions as set forth below, because, but for the variances discussed above, the development is in conformity with Township ordinance standards (or is lawfully pre-existing non-conforming with regard to such standards) and the application has addressed the procedural requirements for such development.

**NOW, THEREFORE, BE IT RESOLVED** by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of Gary and Joyce Capritti seeking minor subdivision (lot line adjustment) approval to reconfigure Lots 16, 12.01 and 12.02 of Block 160.01, located at 1016 and 1014 Cedar Lane, to consolidate Lots 16 and 12.01 (to be known as Lot 16) and to convey 1000 sq. ft. from Lot 12.02 to be attached to the newly consolidated Lot 16, be and hereby is, **GRANTED**, subject to the following conditions:

1. If the Township is in need of additional right of way in order to construct sidewalks along the newly consolidated lot 16 frontage, the owner of that Lot shall grant and convey such additional right of way to the Township without any cost to the Township other than the actual costs of such conveyance.
2. All taxes and escrow fees for professional review must be paid current and in full.
3. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of

this development, including but not limited to: Burlington County Planning Board. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board.

4. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it, then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.
5. The applicant shall pursue with good faith and due diligence any and all additional approvals as may be required and shall provide the Board with copies of all reports and approvals for same, including copies of any and all applications filed.
6. Perfection of this approval shall be by filing of appropriate deeds. The applicant shall submit the legal descriptions to the Board Engineer, and the deeds to the Board Solicitor for their review and approval.
7. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not perfect this approval within 190 days of the date hereof (or such extended date as may be provided by statute or Board action), this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

**MOTION TO APPROVE:**

Moved by : Vice Chair Garganio  
 Seconded by : Councilman Lovenduski  
 In Favor : Vice Chair Garganio, Councilman Lovenduski, Mr. Mattson.  
 Mr. McCue, Mr. Morris, Chair Hamilton-Wood  
 Opposed : None  
 Abstained : None  
 Recused : None  
 Absent : Mayor Wilkie, Mr. Pagano, Mr. Montgomery,

**MOTION TO ADOPT RESOLUTION:**

Moved by : Mr. Garganio  
 Seconded by : Mr. Morris  
 In Favor : Mr. Garganio, Mr. Morris, Mr. McCue, Mr. Mattson,  
 Councilman Lovenduski, Chair Hamilton-Wood  
 Opposed : None  
 Abstained : Mr. Montgomery, Mayor Wilkie  
 Absent : None

**FLORENCE TOWNSHIP PLANNING BOARD**

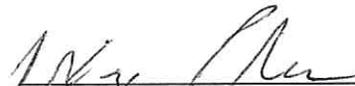
Dated: 6/25/19

  
 Mildred Hamilton-Wood, Chair

**CERTIFICATION**

**BE IT REMEMBERED** that the within written Resolution was duly adopted at a regular meeting of the Florence Township Planning Board held on June 25, 2019 and memorializes a decision taken by the Board on May 28, 2019.

Dated: 6/25/19

  
 Wayne Morris, Secretary