

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2019-16

Application PB#2019-12

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
ROBERT GALINAT
FOR BLOCK 146.03, LOTS 3 and 6.02
RA- LOW DENSITY RESIDENTIAL ZONING DISTRICT
MINOR SUBDIVISION
(LOT LINE ADJUSTMENT)
w/ BULK VARIANCES
APPROVAL**

Decided: October 22, 2019
Resolution Memorialized: November 26, 2019

WHEREAS, Robert Galinat has made application to the Florence Township Planning Board for minor subdivision (lot line adjustment) approval to reconfigure Lots 3 and 6.02 located at 301 Bennett Street, in order to convey 9,474.34 sq. ft. from Lot 3 to be attached to the newly configured Lot 6.02;

WHEREAS, the applicant's dwelling and accessory structures are located on existing Lot 3 (presently 26,214.04 sq. ft. in area), and existing Lot 6.02 (presently 7,500 sq. ft. in area) is vacant and landlocked;

WHEREAS, no new lots are proposed to be created, and the proposed reconfigured Lots 3 and 6.02 will be known after their proposed reconfiguration as Lots 3.01 and 3.02, respectively;

WHEREAS, the requested minor subdivision approval would result in proposed Lot 3.01 (upon which will be the existing dwelling and accessory improvements) being 16,739.69 sq. ft. in area and proposed Lot 3.02 (upon which it is proposed that a new dwelling may be constructed) being 16, 974.34 sq. ft. in area;

WHEREAS, Mr. Galinat is the owner of the subject properties and therefore has standing to bring this matter before the Board;

WHEREAS, the applicant was represented by Jonas Singer, Esquire;

WHEREAS, upon a finding that the applicant 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 October 22, 2019 regular meeting;

WHEREAS, the applicant's engineer, Robert R. Stout, PE, of Stout & Caldwell, appeared, was sworn and accepted as an expert in the fields of surveying, and site and civil engineering by the Board, and offered his testimony in support of the application;

WHEREAS, Mr. Singer offered the arguments and representations of counsel 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 applicant is the owner of the subject property, and therefore has standing to bring this matter before the Board.
2. The applicant has 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 3 and 6.02 located at 301 Bennett Street, in order to convey 9,474.34 sq. ft. from Lot 3 to be attached to the newly configured Lot 6.02.
4. The requested minor subdivision approval would result in proposed Lot 3.01 being 16,739.69 sq. ft. in area and proposed Lot 3.02 being 16, 974.34 sq. ft. in area.

5. The subject properties lie in Florence Township's RA Low Density Residential Zone District which requires a minimum lot area of 10,000 sq. ft., so existing Lot 6.02 is undersized, and both Lots 3.01 and 3.02 will be conforming as to area after the proposed minor subdivision.
6. Existing Lot 6.02 is also non-conforming as to lot width, with a current width of only 75 ft., and it will become substantially closer to conformity with a lot width of 96 ft. after subdivision (and re-designation as Lot 3.02) where a lot width of 100 ft. is required. Nevertheless, a lot width variance is necessary for approval of the proposed minor subdivision. Lot width shall be measured at the setback line, not the street.
7. The setback of the existing dwelling on Lot 3 (to become Lot 3.01) is only 24.7 ft. where a setback of 25 ft. is required. This existing non-conformity will not be affected by the proposed minor subdivision.
8. The existing dwelling and improvements on Proposed new Lot 3.01 will result in that Lot having 38% impervious coverage when there is now 19% on existing Lot 3, and a maximum of 25% (including sheds, pools patios and the like) is allowed. Therefore an impervious coverage variance is necessary for approval of the proposed minor subdivisions.
9. 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. "Minor Subdivision Plan" prepared by Robert R. Stout, PE, PLS, dated 08/19/19;
 - f. An executed Escrow Agreement;
 - g. Proper application and escrow fees as required by ordinance;

- h. An aerial photo of the subject and surrounding properties upon which the existing and proposed lot lines have been superimposed by Mr. Stout, introduced and accepted into evidence in the course of the public hearing and Exhibit "A-1".
10. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated October 16, 2019 commenting upon the application which is hereby incorporated into the record.
 11. The Board's Planner, Barbara Fegley, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated October 16, 2019, which is hereby incorporated into the record.
 12. The applicant requested, but the Board did not grant, a waiver of the requirement to provide sidewalks along the several frontages of the subject properties. It was agreed between the applicant and Board in the course of the public hearing that sidewalks along the Yurcisin and Bennett Street frontages of both Lots would be constructed prior to issuance of a Certificate of Occupancy for any new dwelling to be constructed on Lot 3.02. It was also agreed that a copy of this Resolution shall be recorded with the subdivision deeds in order to put all subsequent owners on notice of this approval condition.
 13. Mr. Dougherty and Mr. Stout agreed that even if proposed Lot 3.02 were developed with the maximum permitted 25% impervious coverage, the amount of such coverage would still be less than the ¼ acre of new impervious coverage that would trigger an obligation to provide stormwater management measures.
 14. Public comment was offered on the application by Lou Sovak of 320 Delaware Avenue who was concerned that any new dwelling on Lot 3.02 conform to relevant bulk standards and who stated that while the area that will be Lot 3.02 does now drain toward the rear and away from Bennett Street, there are not presently any drainage issues as a result.

Conclusions of Law:

The Board finds that the proposed minor subdivision (lot line adjustment) and associated bulk variances for lot width and impervious coverage 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. Specifically, the existing lot configuration has one unbuildable, landlocked undersized parcel and another that is several time greater than the required minimum and prevailing pattern of development in the neighborhood. This subdivision would result in two lots of adequate size and shape to support dwellings and accessory improvements. 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 Robert Galinat seeking minor subdivision (lot line adjustment) approval to reconfigure Lots 3 and 6.02 located at 301 Bennett Street, in order to convey 9,474.34 sq. ft. from Lot 3 to be attached to the newly configured Lot 6.02, be and hereby is, **GRANTED**, subject to the following conditions:

1. Sidewalks shall be constructed along the Yurcisin and Bennett Street frontages of both Lots prior to issuance of a Certificate of Occupancy for any new dwelling to be constructed on Lot 3.02. A copy of this Resolution shall be recorded with the subdivision deeds in order to put all subsequent owners on notice of this approval condition.

2. The zoning table on the plans shall be revised to reflect the lot width of proposed Lot 3.02 in light of applicable standards that require it to be measured at the setback line (not at the street frontage) and to reflect that proposed Lot 3.01 is a corner lot.
3. All taxes and escrow fees for professional review must be paid current and in full.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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 : Mr. Pagano
Seconded by : Mr. Morris
In Favor : Mr. Pagano, Mr. Morris, Mayor Wilkie, Mr. Montgomery,
Opposed : None
Abstained : None
Recused : None
Absent : Mr. Mattson, Mr. McCue, Vice Chair Garganio,
Chair Hamilton-Wood

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Montgomery
Seconded by : Mr. Morris
In Favor : Mr. Montgomery, Mr. Morris, Mr. Pagano, Mayor Wilkie

Opposed : None
Abstained : Mr. Mattson, Mr. McCue, Mr. Garganio, Chair Hamilton-Wood
Absent : None

FLORENCE TOWNSHIP PLANNING BOARD

Dated: 11/26/19 Mildred Hamilton-Wood
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 November 26, 2019 and memorializes a decision taken by the Board on October 22, 2019.

Dated: 11/26/19 Wayne Morris
Wayne Morris, Secretary