

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. P.B.-2020-05

Application PB#2020-02

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
SZUCS MEAT MARKET LLC
FOR BLOCK 117, LOTS 4, 5 and 6
NC NEIGHBORHOOD COMMERCIAL ZONING DISTRICT
MINOR SUBDIVISION
(LOT LINE ADJUSTMENT)
w/ BULK VARIANCES
APPROVAL**

Decided: February 25, 2020
Resolution Memorialized: April 28, 2020

WHEREAS, Szucs Meat Market, LLC has made application to the Florence Township Planning Board for minor subdivision (lot line adjustment) approval to reconfigure Lot 6 of Block 117 located at 250 Alden Avenue, in order to convey a 9 ft. wide x 200 ft. long strip of existing Lot 6 totaling 1800 sq. ft. in area, and running parallel to common property line between Lot 6, and Lots 4 and 5 of Block 117, to be attached to those Lots which are located at 270 Alden Avenue;

WHEREAS, the applicant's neighborhood grocery store and associated accessory structures are located on existing Lots 4 and 5 (presently totaling 14,000 sq. ft. in area);

WHEREAS, existing Lot 6 is the location of a parking lot for the St. Nicholas Byzantine Catholic Church and is presently 10,243 sq. ft. in area;

WHEREAS, no new lots are proposed to be created and no further development is presently proposed;

WHEREAS, the requested minor subdivision approval would result in proposed consolidated Lots 4, 5 and the parcel to be conveyed (upon which will be the existing store and accessory improvements) being 15,800 sq. ft. in area and proposed Lot 6.01 (upon which the Church parking lot will remain) being 8,443 sq. ft. in area;

WHEREAS, the applicant is the owner of Lots 4 and 5, the Church (which is the owner of Lot 6) has consented to the making of this application, and the applicant therefore has standing to bring this matter before the Board;

WHEREAS, the applicant was represented by Thomas J. Burns, III, 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 February 25, 2020 regular meeting;

WHEREAS, the applicant's engineer, Dante Guzzi, PE, appeared, was sworn and accepted as an expert in the field of site and civil engineering by the Board, and offered his testimony in support of the application;

WHEREAS, Mr. Burns 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's Planner and 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 Lots 4 and 5, the St. Nicholas Byzantine Catholic Church is the owner of Lot 6 and has consented to the making of this application, and the applicant 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 minor subdivision (lot line adjustment) approval to reconfigure Lot 6 of Block 117 located at 250 Alden Avenue, in order to convey a 9 ft. wide x 200 ft. long strip of existing Lot 6 totaling 1800 sq. ft. in area, and running parallel to common property line between Lot 6, and Lots 4 and 5 of Block 117, to be attached to those Lots which are located at 270 Alden Avenue.
4. The requested minor subdivision approval would result in proposed consolidated Lots 4, 5 and the parcel to be conveyed (upon which will be the existing store and accessory improvements) being 15,800 sq. ft. in area and proposed Lot 6.01 (upon which the Church parking lot will remain) being 8,443 sq. ft. in area.
5. The subject properties lie in Florence Township's NC Neighborhood Commercial Zone District which requires a minimum lot area of 20,000 sq. ft., so neither existing parcel is conforming and neither will be conforming as to area after the proposed minor subdivision. Lot area variances are necessary for approval of the proposed minor subdivision.
6. The current uses on each respective parcel (which are permitted as of right in the NC Zone) will not be changed by the proposed development.
7. The side yard setback from the existing store to the property line with existing Lot 6 (proposed Lot 6.01) is proposed to increase from the current 2.7 ft. to 11.7 ft. which more closely approaches the required 20 ft. setback. The accessory building coverage percentage will also be ameliorated for the store parcel from the current 31.8 % to 28.1 %, which still does not conform to the permitted maximum of 5%, but it is a slight improvement. Though improved, since these conditions still do not meet ordinance standards, bulk variances from those standards are necessary for approval of the proposed minor subdivision.
8. Lot frontage, lot width, and lot area for existing Lot 6 (proposed Lot 6.01) will be reduced, which will make the new Lot 6.01 even more non-conforming than existing Lot 6 with regard to these standards, triggering new bulk variances pertaining to these standards.
9. The additional existing non-conformities with regard to current bulk standards noted in the review letters of the Board's Planner and Engineer will be unchanged by the proposed development.

10. 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 Scott D. Brown, PE, PLS, of Dante Guzzi Engineering Associates, dated 09/25/19;
 - f. An executed Escrow Agreement;
 - g. Proper application and escrow fees as required by ordinance;
11. The Board's Engineer, James F. Biegen, P.E., C.M.E. of Maser Consulting, PA, , submitted a review letter dated February 13, 2020 commenting upon the application which is hereby incorporated into the record.
12. The Board's Planner, Barbara Fegley, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated February 13, 2020, which is hereby incorporated into the record.
13. Lot 6 is used as a parking lot in conjunction with other adjoining lands owned by the Church, and this use will not be hindered by the proposed dimensional reductions of this Lot.
14. Transferring ownership of the 1800 sq. ft. parcel to be conveyed from the Church to Szucs will reflect current uses and encroachments, since Szucs already maintains the landscaping on the parcel, and part of Szucs sidewalk encroaches onto the parcel.
15. The applicant's representatives agreed in the course of the public hearing to consolidate Lots 4, 5 and the 1800 sq. ft. parcel to be conveyed into a single Lot and to comply with certain review comments of the Board's professional's as specified below.

16. 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, lot frontage, lot width, side yard setback and accessory building 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 configurations are significantly non-conforming as to current bulks standards, and the proposed lot line adjustment would ameliorate some of those non-conformities with regard to the more intensively used and developed store parcel. The impact on the Church Lot is minimal, since its utility for its current use is not impaired by the proposed development, and any change in use would, likely incorporate other adjoin lands of the Church. 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 Szucs Meat Market, LLC seeking minor subdivision (lot line adjustment) approval to reconfigure Lot 6 of Block 117 located at 250 Alden Avenue, in order to convey a 9 ft. wide x 200 ft. long strip of existing Lot 6 totaling 1800 sq. ft. in area, and running parallel to common property line between Lot 6, and Lots 4 and 5 of Block 117, to be attached to those Lots which are located at 270 Alden Avenue, be and hereby is, **GRANTED**, subject to the following conditions:

1. Lots 4, 5 and the 1800 sq. ft. parcel to be conveyed from existing Lot 6 shall be consolidated into a single Lot.
2. Compliance with Technical Review comments numbered 1, 2 and 4 of the Board Engineer's review letter of February 13, 2020.
3. Compliance with General Comment number 8 on page 4 of the Board Planner's letter of February 13, 2020.
4. The existing "Church Parking" signs on the 1800 sq. parcel to be conveyed may remain, subject to private agreement among the landowners.
5. Survey monuments shall be set prior to filing of the subdivision deeds.
6. All taxes and escrow fees for professional review must be paid current and in full.
7. 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.
8. 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.
9. 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.

10. 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.
11. 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 : Vice Chair Montgomery
In Favor : Mr. Pagano, Vice Chair Montgomery, Councilman
Garganio, Mr. Morris, Ms. Wiese, Mayor Wilkie,
Chair Hamilton-Wood
Opposed : None
Abstained : None
Recused : None
Absent : Mr. Mattson

MOTION TO ADOPT RESOLUTION:

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

FLORENCE TOWNSHIP PLANNING BOARD

Dated: 5/7/2020


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 April 28, 2020 and memorializes a decision taken by the Board on February 25, 2020.

Dated: 4/28/20


Wayne Morris, Secretary