

**FLORENCE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

**RESOLUTION NO. Z.B.-2017-13**

*Application ZB#2017-05*

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF  
MIRAJ PROPERTIES, LLC  
USE VARIANCE  
BLOCK 48, LOT 7  
IN THE NC  
NEIGHBORHOOD COMMERCIAL ZONE DISTRICT  
APPROVAL**

**Decided: May 1, 2017**  
**Resolution Memorialized: June 1, 2017**

**WHEREAS**, Miraj Properties, LLC, has made application to the Florence Township Zoning Board of Adjustment seeking use variance approval to allow an existing building with 4-one-bedroom residential apartment units on the first and second floors, and one ground floor storefront, to be converted into a four unit residential apartment building (with 2 two-bedroom units on the first floor, 1 two-bedroom unit on the second floor, 1 two bedroom unit on the third floor, and no commercial space on the first floor), at property located at 18/20 West Front Street, and known on the official Tax Map of the Township of Florence as Block 48, Lot 7;

**WHEREAS**, by way of its Resolution 2017-09 the Board denied an application by this applicant concerning the subject property that sought elimination of the existing ground level storefront , and 4 expanded and reconfigured apartment units on three floors with a total of 9 bedrooms;

**WHEREAS**, the applicant is the owner of the subject property and therefore has standing to bring this application before the Board;

**WHEREAS**, the applicant mailed and published notice of a hearing to be held at the Board's regular meeting on May1, 2017;

**WHEREAS**, the applicant is represented by Devon Graf, Esquire, who also offered testimony on the application;

**WHEREAS**, the applicant's traffic expert, A. Andrew Feranda, PE, PTOE, CME, appeared, was sworn, was accepted as an expert in the field of traffic engineering, and offered his testimony in support of the application;

**WHEREAS**, the Florence Township Zoning Board of Adjustment 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 application before the Board.
2. The subject property is located at located at 18/20 West Front Street, in the Florence Township Neighborhood Commercial Zone District, and is known on the official Tax Map of the Township of Florence as Block 48, Lot 7;
3. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
4. Application has been made for a use variance pursuant to NJSA 40:55D-70(d)1 from requirements of local ordinances, to permit conversion of an existing two-and one half story building with a first-floor storefront, and four residential apartments with a total of 4 bedrooms on the first two floors of the building, to a 4 apartment unit building with a total of 8 bedrooms on three floors, and no storefront.
5. Single-family residences and upstairs flats above commercial uses are permitted in the NC Zone District, but multi-family dwelling units are not, so a use variance is necessary to permit the proposed use.

6. A *de minimus* exception from the Residential Site Improvement Standards, NJAC 5:21-1 et seq., (“RSIS”), has been requested because the applicant intends to rely entirely upon on-street parking to serve the apartments instead of the eight on-site parking stalls that would otherwise be required under the RSIS standards for the four 2 bedroom apartment units. 7.2 spaces are required for the existing one bedroom apartment configuration of the building.
7. 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 Variance Application Checklist of Submission Requirements;
  - c. A Township of Florence Tax Collector’s Certification that no taxes were due on the subject property at the time of the application;
  - d. A statement of justification for the requested relief submitted with the Land Development Application form.
  - e. A survey plan of the subject property prepared by Harold J. Bozarth, Jr., PLS, dated 11-11-2016, revised 1-2-2017, which shows the property outbounds and the locations of improvements;
  - f. Two photos of the rear of the building and the alley, introduced in the course of the Board’s May 1, 2017 hearing as Exhibit A-1;
  - g. A copy of the relevant Flood Map, introduced in the course of the Board’s May 1, 2017 hearing as Exhibit A-2;
  - h. A topographic of the subject property introduced in the course of the Board’s May 1, 2017 hearing as Exhibit A-3;
  - i. A revised statement of justification for the requested use variance introduced in the course of the Board’s May 1, 2017 hearing as Exhibit A-4;
  - j. Conceptual Architectural Plans comprised of a single sheet entitled “Existing and Propose [sic] Floor Plan”, Project “Raymond Hussein 20 West Front Street, Florence Town [sic], NJ” prepared by Frank E. Pannone, PE and Register [sic] Architect, dated 2-22-17, showing existing and proposed floor plans;

- k. Architectural Plans comprised of two sheets, A-1 and A-2, entitled "150 Alden Property Florence, LLC, 150 Alden Ave., Florence, NJ 08554" prepared by Alfredo Trevino, AIA, dated 02-16-2016, and showing plan and elevation views of the amended 4 apartment development marked into evidence in the course of the March public hearing as Exhibit A-4;
  - l. A "Parking Assessment" prepared by A. Andrew Feranda, PE, PTOE, CME, of Shropshire Associates, dated April 10, 2017;
  - m. A series of 7 photographs of the interior and exterior of the subject and property;
  - n. A letter dated July 18, 2016 from Township Administrator and Zoning Officer Richard Brook opining that the pre-existing non-conforming 4 apartment unit use, along with the permitted storefront can remain in use;
  - o. A Zoning Officer's Certification denying approval to expand the existing non-conforming residential uses;
  - p. A copy of the Certificate of Formation of Miraj Properties, LLC;
8. The Board's Engineer, Andrew Banff, PE, CME, of Maser Consulting, submitted a review letter commenting upon the application dated April 25, 2017, which is hereby incorporated into the record.
  9. The Board's Planner, Barbara Fegley, PP, AICP of Environmental Resolutions, Inc., submitted a review letter dated April 25, 2017 commenting upon the application which is hereby incorporated into the record.
  10. The Township Fire Code Official, Brian Richardson submitted a review letter dated April 27, 2017 commenting upon the application which is hereby incorporated into the record.
  11. The Florence Township Environmental Commission submitted a review letter dated February 3, 2017 that expressed the Commission's concerns with parking, and any addition of impervious surface if off-street parking were provided.
  12. The apartment use is existing and the principal impact of the proposed increase in the number of bedrooms will be an increased demand for parking. Under the applicable Residential Site Improvement Standards ("RSIS"), the proposed use would require a total of 8 off-street parking spaces, and the current use requires 7

spaces. The subject property is incapable of supporting the necessary parking spaces. Construction of off-street spaces at the rear of the subject property is infeasible because the rear yard area is too small, access would be via a dubiously improved alley running along the rear of and such spaces would trigger other variances and exceptions from the bulk and design standards of Township ordinances. Such spaces, to the extent a few could be built, would be hard to get to, hard to get into and have too many other negative externalities to be acceptable.

13. The parking study and related testimony from Mr. Ferranda amply supports use of on-street parking for this proposed development and shows that the one additional on-street parking space necessitated by the increased bedroom count under the current proposal can be accommodated. The study and testimony thoroughly review the current availability and utilization of parking in the vicinity of the subject property, and the impacts of re-occupation of each of the nearby commercial and residential buildings, including a neighboring bar that is not presently operating. In addition, the study reviews the availability of public transit and other factors, such as the urban nature of the neighborhood, permitted under the RSIS as justification for a *de minimus* waiver for parking from RSIS standards.
14. The applicant proposes to completely gut the existing building interior, to install entirely new building mechanical systems and interior finishes, and to bring the building up to current Fire Code standards, including, if required, a third floor fire escape. In the course of the public hearing, the applicant's representatives further agreed to install an NFPA 13 class building sprinkler system in accord with the request in the Fire Code Official's review letter. These improvements will provide a significant life-safety benefit to inhabitants of the subject building, but also to inhabitants of other nearby buildings. The applicant also proposes to install all new windows and doors, and to repaint and repair the other exterior building finishes.
15. Public comment was offered on the application by: Mary Bauer of 517 Wilbur Henry Drive, Donna Eckmon of 32 W. Front St., and Brian Richardson, Twp. Fire Code Official.

### Conclusions of Law

The Board finds that the proposed application seeks expansion of a pre-existing non-conforming use that must be reviewed pursuant to NJSA 40:55D-70(d)2. Special reasons exist for the proposed variance because of the significant safety improvements that will result from the proposed renovation of the property. These safety improvements will not only benefit the subject property: inhabitants of other nearby properties will also be significantly safer because of the improvements to this building. In addition, special reasons are found in the improvement of local housing stock and in the neighborhood through the proposed development.

The applicant has also proven that the proposed use variance can be granted without substantial impairment of the zone plan and without substantial detriment to the public good. Because the apartment use is existing, it is difficult to find much impairment of the zone plan in the continuation of an apartment use. Any impairment of the zone plan is therefore not substantial. The principal impact of proposed development on the public good is a minimal intensification of the parking demand over that of the existing permitted storefront and non-conforming apartment use. It must also be considered that the existing storefront could have some (albeit likely offsetting-in-time) parking demand that is now proposed to be eliminated. The site cannot support parking needs of existing or proposed development, and as a result must continue to rely upon on-street parking, as it does now. The applicant has amply proven that the neighborhood can support the on-street parking needs of the applicant's use- even after the proposed improvements, as well as the needs of neighboring properties and uses.

For these reasons, the proposed use variance and *de minimus* waiver of RSIS parking standards should be approved, subject to appropriate conditions as set forth below.

**NOW, THEREFORE, BE IT RESOLVED** by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of the Miraj Properties, LLC, seeking use variance approval to allow an existing building with 4-one-bedroom residential apartment units on the first and second floors, and one ground floor storefront, to be converted into a four unit residential apartment building (with 2 two-bedroom units on the first floor, 1 two-bedroom unit on the second floor, 1 two bedroom unit on the third floor, and no commercial space on the first floor),, at property located at 18/20 West Front Street, and known on the official Tax Map of the Township of Florence as Block 48, Lot 7, be, and hereby is, **APPROVED**, subject to the following conditions:

1. The applicant shall comply with the plan detail and design recommendations set forth in the April 27, 2017 review letter of the Township Fire Official including but not limited to installation an NFPA 13 class building sprinkler system.
2. The existing shed in the rear yard shall be removed.
3. The applicant shall provide, subject to administrative review of the Board Planner and Engineer, a trash and recycling enclosure with a concrete base in the rear yard that shall have an area of impervious surface no greater than that of the shed that is to be removed. The enclosure shall be designed, or management measures provided, that assure that recycling can be collected by automated trucks traversing the rear alley without any necessity for the truck operator to move the recycling containers manually. Landscaping, subject to review by the Board Planner, shall be provided to screen the enclosure.
4. The applicant shall provide, for all units that do not have direct access to the rear yard, access from the interior common area of the building to the rear yard to allow all tenants to deposit trash and recyclables in the enclosure in the rear yard.
5. The applicant shall repair the existing sidewalk at the front of the building in accord with item #15 of the Board Engineer's review letter.
6. The applicant shall provide a letter from the Township Department of Water & Sewer confirming that adequate capacity and connections exist for the building.
7. There shall be no signage other than the building and apartment addresses.
8. There shall be no increase in the bedroom count or allocation, or the number of dwelling units, without further approval of the Board.

- 9. All taxes and escrow fees for professional review must be paid current and in full.
- 10. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

**MOTION TO APPROVE APPLICATION:**

Moved by : Drangula  
 Seconded by : Patel  
 In Favor : Drangula, Sovak, Lutz, Patel, Zekas, Mattis  
 Opposed : Buddenbaum  
 Recused : None  
 Absent : Cartier

**MOTION TO ADOPT RESOLUTION:**

Moved by : Drangula  
 Seconded by : Lutz  
 In Favor : Drangula, Lutz, Patel, Sovak, Zekas, Mattis  
 Opposed : None  
 Abstained : None  
 Absent : Buddenbaum

**FLORENCE TOWNSHIP  
 ZONING BOARD OF ADJUSTMENT**

Dated: June 17

  
 B. Michael Zekas, Chairman

**CERTIFICATION**

**BE IT REMEMBERED** that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on May 1, 2017 and memorializes a decision taken by the Board on March 6, 2017.

Dated: 6/01/2017

  
 Larry Lutz, Secretary