

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2017-08

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF CARY & JENISE SILINSKY
IMPERVIOUS LOT COVER
VARIANCE
BLOCK 50 LOT 12
IN THE RA LOW DENSITY RESIDENTIAL
ZONING DISTRICT
APPROVAL**

Decided: March 6, 2017
Resolution Memorialized: April 3, 2017

WHEREAS, Cary and Jenise Silinsky made application to the Florence Township Zoning Board of Adjustment for an impervious lot coverage variance to permit construction of a 15 ft. x 30 ft. kidney-shaped in-ground pool with a 3 ft. wide apron that will tie into an adjoining existing patio area, at a property located at 35 West Fourth Street, and known on the official Tax Map of the Township of Florence as Block 50, Lot 12;

WHEREAS, the applicants are the owners of the subject property;

WHEREAS, upon a finding that proper mailed and published notice was given by the applicant, so that jurisdiction was proper in the Board, the Board opened the public hearing on the application at its March 6, 2017 regular meeting;

WHEREAS, Mr. and Mrs. Silinsky appeared before the Board *pro se*, were sworn, and offered their 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 applicants are the owners of the subject property located at 35 West Fourth Street, and known on the official Tax Map of the Township of Florence as Block 50, Lot 12, and therefore have standing to bring this application before the Board.
2. Application has been made an impervious lot coverage variance to permit construction of a 15 ft. x 30 ft. kidney-shaped in-ground pool with a 3 ft. wide apron that will tie into an adjoining existing patio area.
3. The subject property is an existing conforming lot of 10,000 sq. ft. lot. Existing lot coverage is approximaely 21 %, permitted lot coverage is 25% (with 5% swimming pool bonus) and proposed lot coverage is 33%.
4. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
5. 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 Township of Florence Zoning Officer's Certification that variance relief is required;
 - e. A plan entitled "Pool Grading Plan, Prepared for Silinsky, 35 West Fourth Street Lot 12, Block 50", which shows the property outbounds, and the locations of existing and proposed improvements, including the location and extent of the proposed pool and surround;
 - f. A series of perspective renderings of the proposed pool introduced and accepted into evidence in the course of the public hearing as Exhibits "A-1" through "A-7".

6. The Board's Engineer, Andrew Banff, PE, CME, of the Maser Consulting, submitted a review letter commenting upon the application dated March 2, 2017, which is hereby incorporated into the record.
7. Based upon the testimony of the applicant, which the Board accepts as credible, numerous other properties in the area have similar improvements, and there are no existing problems with runoff on the subject or adjoining properties. The Board Engineer concurred that the proposed grading will maintain existing flow patterns and does not appear to present any significant issues.
8. No public comment was offered concerning the application.

Conclusions of Law:

The Board finds that the proposed impervious coverage variance can be granted pursuant to NJSA 40:55D-70(c)(2), because the pool is an amenity which is common within the neighborhood of the subject property, and the benefit to the overall community of adding this amenity to this property as well substantially outweighs any detriments which could flow from the proposed deviation from strict application of the ordinance standard. In light of the conditions of approval to be set forth below, any detriment to the public good or zone plan which could result from the proposed is minimal. Therefore, the Board finds it appropriate, subject to appropriate conditions, to grant the requested variance.

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 Cary and Jenise Silinsky seeking an impervious lot coverage variance to permit construction of a 15 ft. x 30 ft. kidney-shaped in-ground pool with a 3 ft. wide apron that will tie into an adjoining existing patio area, at a property located at 35 West Fourth Street, and known on the official Tax Map of the Township of Florence as Block 50, Lot 12, be, and hereby is, **APPROVED**, subject to the following conditions:

1. No additional stormwater shall be directed toward adjoining properties as a result of the proposed development; and to assure this, a detailed grading plan in accord with Township ordinance requirements shall be submitted prior to issuance of any construction permits;

2. 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 the Uniform Construction Code;
3. All taxes and escrow fees for professional review must be paid current and in full.
4. 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 implement this approval within one year of the date hereof, this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE APPLICATION:

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

MOTION TO ADOPT RESOLUTION:

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

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 4-3-17

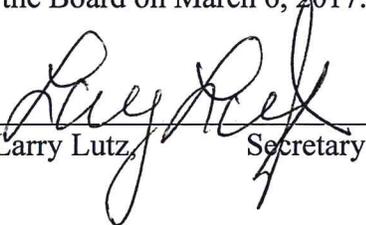


Anant Patel, Vice Chairman

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 April 3, 2017 and memorializes a decision taken by the Board on March 6, 2017.

Dated: 4/03/2017



Larry Lutz, Secretary