

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2019-08

Application No. 2019-08

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF JOHN LAROCCO
IMPERVIOUS LOT COVER
VARIANCE
BLOCK 171.02 LOT 24
IN THE AGR AGRICULTURAL
ZONING DISTRICT
APPROVAL**

**Decided: July 1, 2019
Resolution Memorialized: August 5, 2019**

WHEREAS, John Larocco has made application to the Florence Township Zoning Board of Adjustment for an impervious lot coverage variance to permit construction of a 15 ft. x 34 ft. in ground pool, 3 ft. wide surrounding concrete apron and an additional concrete patio area to the southeast of the pool, at a property located at 48 Fountain Avenue, and known on the official Tax Map of the Township of Florence as Block 171.02, Lot 24;

WHEREAS, the applicant is the owner 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 July 1, 2019 regular meeting;

WHEREAS, Mr. Larocco appeared before the Board *pro se*, was sworn, 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 located at 48 Fountain Avenue, in Florence Township's AGR Agricultural Zone District and is known on the official Tax Map of the Township of Florence as Block 171.02, Lot 24.5,
3. Application has been made for an impervious lot coverage variance permit construction of a 15 ft. x 34 ft. in ground pool, 3 ft. wide surrounding concrete apron, and an additional concrete patio area to the southeast of the pool.
4. The subject property is an existing undersized lot of 20,000 sq. ft. (3 acres required). Permitted impervious lot coverage is 25% (with 5% swimming pool bonus), existing lot coverage is 25%, and proposed lot coverage is 29%.
5. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
6. 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 survey plan dated 06/10/2019 prepared by William J. Robbins, PLS, which shows the property outbounds, the locations of existing improvements and the site's topography, and which the applicant has annotated to show the location and extent of the proposed improvements;
 - f. Response letter dated June 27, 2019 prepared by the applicant, with an accompanying drawing showing the subject property and proposed

improvements which was introduced and accepted into evidence in the course of the public hearing as “Exhibit A-1”.

7. The Board’s Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted review letter dated June 27, 2019 commenting upon the application which is hereby incorporated into the record.
8. 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 existing soils are sandy and well drained. The applicant testified that an above ground pool had been in the location now proposed for the in-ground for many years without any issues. The Board Engineer concurred that the proposed grading will maintain existing flow patterns, that the soils appear well drained, and that the proposed development does not appear to present any significant drainage or runoff issues.
9. No public comment was offered concerning the application.

Conclusions of Law:

The Board finds that the proposed impervious lot coverage variance can be granted pursuant to NJSA 40:55D-70(c)(2), because the pool and supporting patio areas are amenities which are common within the neighborhood of the subject property, and the benefit to the overall community of adding these amenities to this property as well substantially outweighs any detriments which could flow from the proposed deviation from strict application of the ordinance standards. In light of the existing direction of run off from this site, the well-drained soils, and 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 John Larocco seeking an impervious lot coverage variance to permit construction of a 15 ft. x 34 ft. in ground pool, 3 ft. wide surrounding concrete apron and an additional concrete patio area to the southeast of the pool, at a property located at 48 Fountain Avenue, and known on the official Tax Map of the Township of Florence as Block 171.02, Lot 24, 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;
2. Compliance with Township ordinance requirements concerning submission of a grading plan at the time of application for a construction permit;
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 the Uniform Construction Code;
4. All taxes and escrow fees for professional review must be paid current and in full.
5. 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 : Mr. Buddenbaum
Seconded by : Mr. Cartier
In Favor : Mr. Buddenbaum, Mr. Cartier, Mr. Lutz, Mr. Drangula,
Mr. Sovak, Ms. Mattis, Chairman Zekas
Opposed : None
Recused : None
Absent : Mr. Patel

MOTION TO ADOPT RESOLUTION:

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

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 5 August 2019 
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 August 5, 2019 and memorializes a decision taken by the Board on July 1, 2019.

Dated: 8/05/2019 
Larry Lutz, Secretary