

FLORENCE TOWNSHIP PLANNING BOARD

RESOLUTION NO. Z.B.-2019-09

Application PB#2019-07

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
PATRICIA PRENDERGAST
FOR BLOCK 165.01, LOT 2.12
R- LOW DENSITY RESIDENTIAL ZONING DISTRICT
USE VARIANCE
APPROVAL**

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

WHEREAS, Patricia Prendergast has made application to the Florence Township Zoning Board of Adjustment for use variance approval pursuant to N.J.S.A. 40:55D-70(d)1 to allow construction of 36 ft. x 50 ft. agricultural building, with an additional 16 ft. x 50 ft. lean to roof, and an overall height of 18 ft., at a 6.07 acre property located at 1004 Potts Mill Road that is known as Lot 2.12 of Block 165.01 on the Official Tax Maps of the Township of Florence;

WHEREAS, agriculture is not a permitted use in the R- Low Density Residential Zone District, although agricultural use of the subject property has been ongoing as accessory to the single family dwelling on the property now occupied by the applicants;

WHEREAS, the applicant intends to use the proposed agricultural building to house fainting goats which she breeds and raises for sale and her horses;

WHEREAS, the applicant and her husband, James Prendergast, are the owners of the subject property;

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 July 1, 2019 regular meeting;

WHEREAS, the Prendergasts, appeared, were sworn, and offered their testimony 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 and variance applications sufficiently complete to be heard;

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 an 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. The subject property is located at 1004 Potts Mill Road in Florence Township's R- Low Density Residential Zone District and is known as Lot 2.12 of Block 165.01 on the Official Tax Maps of the Township of Florence;
4. Agriculture is not a permitted use the R- Low Density Residential Zone District.
5. Application has been made for use variance approval pursuant to N.J.S.A. 40:55D-70(d)1 to allow construction of 36 ft. x 50 ft. agricultural building, with an additional 16 ft. x 50 ft. lean to roof, and an overall height of 18 ft.
6. The size of the proposed structure, and its association with a use not permitted in the Zone, require the Board to consider it to be a principal structure. Since it is a principal structure, for a use not permitted in the Zone, a use variance is required in order to allow its construction.
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. Proof that no taxes were due on the subject properties at the time of the application;
 - d. Plan of Survey prepared by Rick Tkacs, PLS, dated 08/28/2014 that has been annotated by the applicant to show the proposed development;
 - e. Architectural drawings of the proposed building prepared by Pioneer Pole Buildings dated 04/09/19 comprised of 5 pages;
 - f. An executed Escrow Agreement;
 - g. Proper application and escrow fees as required by ordinance;
8. The Board's Planner, Barbara Fegley, AICP, PP, of Environmental Resolutions, Inc., Engineers, Planners, Surveyors, Scientists, submitted a review letter commenting upon the application dated June 26, 2018 which is hereby incorporated into the record.
 9. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated June 26, 2019 commenting upon the application which is hereby incorporated into the record.
 10. The applicant testified that she proposes to demolish a number of existing old sheds and livestock tents upon construction of the proposed building, That it will match the house in color and angled orientation, that the new building will not need a formal driveway, that electricity and a water supply will be brought to the new building to support her livestock, that the septic system and well serving her dwelling are not in the area of the property where the new building is proposed, that minimal grading is proposed because the property slopes gently to the top of the stream bank at the rear of the property, and the stream and wetlands areas near her property are well delineated by the steep drop from the level of her home and the proposed building to the stream.
 11. The Board accepts as credible and probative the testimony of the applicant and husband that the proposed development will be consistent with the general pattern and intensity of development of other properties in the surrounding

neighborhood where there are other pole buildings of similar size to the proposed building.

12. The Board's Planner opined that the site is particularly well suited to agricultural use given its relatively large size, and the significant setbacks of the proposed building from the street and any neighboring houses.
13. The Board's Engineer concurred with the applicant's testimony that there would be minimal impact from the added impervious area of the proposed building given the large size of the subject property & its topography.
14. No public comment was offered on the application.

Conclusions of Law:

The Board finds that the applicant has demonstrated special reasons that show that the subject property is peculiarly suited to agricultural use in conjunction with their residential use, and that allowing such a use would not be substantially detrimental to the public good and would not substantially impair the zone plan and zoning ordinance. Moreover, there will be a significant aesthetic benefit from replacement of the existing sheds and livestock tents with the proposed new building. Therefore, a use variance may be granted to allow construction of the proposed agricultural building.

In addition to the conclusions set forth above, the applicant has fulfilled the procedural requirements for the proposed development. Therefore, the requested use variance should be granted.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Planning Board in the County of Burlington and State of New Jersey that the application of Patricia Prendergast seeking use variance approval pursuant to N.J.S.A. 40:55D-70(d)1 to allow construction of 36 ft. x 50 ft. agricultural building, with an additional 16 ft. x 50 ft. lean to roof, and an overall height of 18 ft. at a 6.07 acre property located at 1004 Potts Mill Road that is known as Lot 2.12 of Block 165.01 on the Official Tax Maps of the Township of Florence, be and hereby is, **GRANTED**, subject to the following conditions:

1. The Board has relied upon the testimony of the witnesses and factual findings discussed in the body of this Resolution, and such testimony and findings are incorporated as conditions of this approval as though set forth at length herein.
2. The exterior colors of the proposed new building shall be consistent with the existing dwelling.
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: Florence Township Construction Department. Copies of all applications, permits and certifications related to such approvals shall be filed with this Board.
5. 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.
6. 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 one year 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:

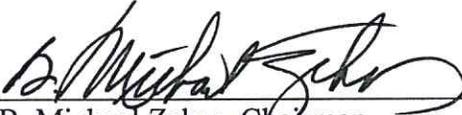
Moved by : Mr. Lutz
Seconded by : Ms. Mattis
In Favor : Mr. Lutz, Ms. Mattis, Mr. Buddenbaum, Mr. Cartier,
Mr. Sovak, Mr. Puccio, Chairman Zekas
Opposed : None
Abstained : None
Recused : Mr. Drangula
Absent : Mr. Patel

MOTION TO ADOPT RESOLUTION:

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

FLORENCE TOWNSHIP PLANNING BOARD

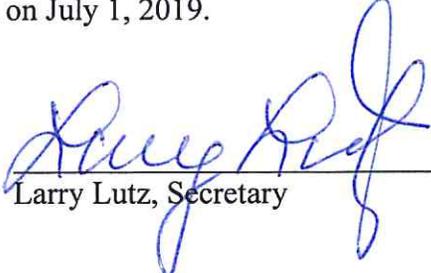
Dated: 5 August 2019


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