

Florence, New Jersey 08518-2323  
February 3, 2020

A regular meeting of the Florence Township Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Zekas called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Lutz then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Joseph Cartier
Larry Lutz	Anant Patel
Lou Sovak	B. Michael Zekas
Margo Mattis	Dennis Puccio

Absent: none (it was noted that Shawn Mount had resigned as Alternate #2)

Also Present: Solicitor David Frank  
Engineer Hugh Dougherty  
Planner Barbara Fegley

## RESOLUTIONS

There were no resolutions.

## APPLICATIONS

- A. Application ZB#2019-11: Application submitted by Village Holdings, LLC for Use variance application to convert current 3 residential units and 1 commercial unit to 4 residential units on property located at 214-216 Broad Street, Florence, NJ 08518. Block 57, lot 17.

Jonas Singer, of Wells and Singer, stated he was here on behalf of the applicant, Village Holdings, LLC. Daniel Pensiero, property owner and James Miller, project planner were sworn in by Solicitor Frank. Mr. Miller has frequently appeared before this Board and other Boards as a professional planner and was accepted as an expert witness.

Mr. Pensiero explained that the building at 214-216 Broad Street is currently a mixed-use building with 3 1-bedroom residential units and 1 commercial unit. The commercial unit used to be Dr. Brobst's office. Village Holdings has owned it since May 2018. There is currently 1 residential unit on the first floor next to the commercial unit, with 2 residential units on the 2<sup>nd</sup> floor. The building is free standing and the residential units are currently occupied; the commercial unit is not. They have tried to aggressively market the commercial unit by using a Facebook marketplace, a realtor, a "For Rent" sign outside since June 2018, Craigs list, etc. with no results. They have only had a handful of inquiries, with most of them being if it is a residential space. He handed out Exhibit A-1; a handout regarding the marketing. Exhibit A-2 is the listing with Cathy Hutchison, realtor. Mr. Pensiero stated the water and sewer is combined; however, all other utilities are separate.

Mr. Singer and Mr. Pensiero both advised the commercial space floor plan was submitted with the application. The floor layout is currently set up for residential. There is a full kitchen, full bath, a living room, dining room, bedroom and walk-in closet. The only changes that would be made if allowed to convert it to residential would be to take a door off between the dining room and living

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room. The square footage of this unit is 660 sq. ft. The minimum required is 850 sq. ft. It is also a request as part of their application to allow the below minimum square footage.

There is only on-street available and their current tenants have advised them there is no issue finding a parking spot on Broad Street or East Third Street. With an additional unit, there will only be one additional car, maybe two.

Engineer Dougherty stated his completeness/review letter is dated 1/8/2020. He stated the application was deemed incomplete due to the applicant not providing a statement describing the number of bedrooms in the 3 residential units. Since that time, the applicant did submit, on 1/13/2020, a brief description and an amended argument for variance. That did describe the same as what was testified to tonight. The number of bedrooms is needed to determine the number of parking spaces needed. The application can now be deemed complete based on this testimony.

Engineer Dougherty stated that regarding his comments on page 2 of his letter, the applicant has testified to the commercial section and will defer the use portions to Planner Fegley. What this really comes down to is the amount of parking. The residential standards require 1.8 spaces per bedroom so they would need to provide 8 parking spaces for the entire building. If the applicant is successful, the Board would be granting a waiver, possibly a variance, for zero parking spaces being provided when 8 are required. The only other thing he was concerned with is ADA accessibility to the building and the coordination with the water and sewer department. He understands there is only one lateral.

Mr. Zekas asked what the parking requirements would be for the current commercial unit. Planner Fegley stated it is 1 space for every 250 sq. ft., which would be close to 3 spaces. Residential usually requires less spaces.

Planner Fegley stated her letter is dated 1/21/2020. She stated Mr. Miller will address her comments regarding the use with his testimony. She stated there are existing nonconforming conditions which are listed in her letter. The following are Mr. Pensiero's answers to Planner Fegley's and the Board members' questions:

- The height of the building is about 30 feet.
- The tenants are responsible for taking their trash out to the alleyway where there are cans lined up against the fence for them to put their trash bags into.
- They have sprayed the weeds and have not seen any egregious cracks in the sidewalk, but they can meet on-site to determine the curb and sidewalk are in good condition.
- They had heard the building was originally all residential at one time, and that the current commercial space had been switched to commercial before Dr. Brobst owned the building. They do not know when it was switched or if a use variance was every obtained. The township has no record of it.
- The door on the side where there is concrete and a porch is just a door there and as far as they know, it is just an egress and was part of the original residential unit. They are planning on turning it into a nice side-yard patio for somebody.
- There is currently no ADA access to the commercial unit due to the fact there is no ramp installed. It is not planned to make that unit ADA, but it could be made so, if needed.

Mr. Puccio asked Engineer Dougherty if that would have been required of the commercial unit to be ADA accessible. Engineer Dougherty stated that generally for office space, if you have accommodations for someone to help someone with disabilities to get into the building either by a ramp or some type of accommodation. Even if the accommodation was to have the appointment elsewhere. It is ADA accessible if there is some type of accommodation offered.

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James Miller, professional planner, stated he has reviewed the reports by the Board Professionals, the appropriate sections of the Florence Township Land Use ordinances, the site and the Municipal Land use Law (MLUL). The current zone is Neighborhood Commercial (NC). There is an alley to the north and immediately on the other side of the alley is a single-family residential use. To the east of the structure is a single-family neighborhood zoned RA. To the south is a duplex residential structure and to the west (across Broad Street) is a series of row homes and a commercial unit utilized as a dance studio. Mr. Miller presented Exhibit A-3, a photo of the building. He took the photograph to show the suitability of the use because the building does have a residential character. He pointed out in the photograph that the section of sidewalk on the northerly side of the building has recently been replaced and the curb is in good repair. Mr. Miller stated the zone permits typical neighborhood commercial service uses. The zone also allows apartments in conjunction with a commercial use. A one-bedroom residential unit does have to have a minimum of 850 sq. ft. and this unit will be 660 sq. ft. They will need a D-1 Variance to allow the use, relief from the requirement of 850 sq. ft. for the unit, as well as de minimis parking exception.

Mr. Miller stated this property is particularly suited for the use in question basically because of the location and character of the structure. The character is not adapted to the commercial uses that are permitted in the district. It has been very difficult for the owner to rent the space for commercial use because the space really isn't suited to accommodate the kinds of uses in today's marketplace. It is difficult to rent small commercial spaces such as this. He stated the current floor plan is already suited to a residential use. While the size is smaller than the ordinance requires, 660 sq. ft. is still more than ample for a 1-bedroom apartment.

Mr. Miller stated that there really are no negative criteria for this application. The change in use will have very little impact on the surrounding area and zoning district. There will be no exterior changes and no physical changes to the district. The use is fully consistent with the character of the building.

Mr. Sovak stated the 3 existing residential units require 6 parking spaces and asked if there is an existing variance for this use at this location or do we now consider all the units regarding parking; 8 spaces in total as opposed to just the 2 spaces for the new residential unit? Solicitor Frank stated that we are just dealing with the new residential unit and the 2 parking spaces. We do not need new variances for preexisting nonconforming conditions; we just need to recognize they are there.

It was the Motion of Mr. Lutz, seconded by Vice Chair Patel to open the meeting for public comment. Motion unanimously approved by all members present.

Seeing no wishing to be heard, it was the Motion of Mr. Lutz, seconded by Mr. Cartier to close public comment. Motion unanimously approved by all members present.

Chairman Zekas stated we are looking at a D-1 Use Variance, with a variance for the less-than-required square footage for a 1-bedroom residential unit and a de minimis exception for the parking. He asked Mr. Pensiero when the medical office closed. Mr. Pensiero stated Dr. Brobst passed away the winter of 2017, so it has been closed since the summer or fall of 2017. He also added that all 4 units are identical in size.

Solicitor Frank stated a motion for this application would include accepting the recommendation of the Board Engineer that the application be found complete administratively and our usual conditions that have to do with escrows and taxes. Another condition would be for the Board Engineer to meet on-site to confirm the condition of the sidewalks and the curb. No height variance is needed as it is a preexisting nonconforming condition.

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It was the Motion of Mr. Lutz, seconded by Mr. Cartier to deem complete and approve Application ZB#2019-11 with conditions noted by Solicitor Frank.

Upon roll call the Board voted as follows:

YEAS: Lutz, Cartier, Buddenbaum, Mattis, Patel, Sovak, Zekas

NOES: None

ABSTAIN: None

Motion carried

B. Application ZB#2019-12: Application submitted by Steve Kowalczyk for Use Variance to convert former commercial residential use to 4 residential units on property located at 202 Foundry Street, Florence, NJ 08518, Block 14, Lot 1.

Steve Kowalczyk, applicant and owner, and Benedetto Catarinicchia, architect for the project, were sworn in by Solicitor Frank.

Mr. Kowalczyk sees an opportunity at 202 Foundry Street to convert a vacant building into a 4 residential until building. He would like to invest in Florence.

Engineer Dougherty stated that the applicant has provided enough information with his application to be deemed complete and move right ahead to the public hearing.

Solicitor Frank confirmed that Mr. Catarinicchia is a registered architect in the State of New Jersey. Mr. Catarinicchia stated that is correct and mentioned he has testified before this Board, as well as other boards, before. The Board accepted Mr. Catarinicchia as an expert in the field of architecture.

Mr. Catarinicchia. stated his client purchased the building is disrepair; everything had been stripped out of the inside. The building originally, from what they had been told, had a bar on the first floor and was a rooming house on the 2<sup>nd</sup> floor. They would like to convert it into 4 apartments; 2 of those apartments do fall below the minimum standard size for apartments. The building is about 1200 sq. ft., so they are unable to divide the building into apartments of matched size.

Regarding positive and negative criteria, Mr. Catarinicchia stated the property is situated in an area that is predominately residential use. They feel that the impact will be a positive in nature because they are taking a vacant abandoned building and converting it to residential units; something Florence Township needs. The elimination of the retail portion/bar area does add a positive to the community. It is on a side street. If it were to return to the use of a bar, there could up to 90 occupants in the building per code. With that many patrons, it would tremendously impact the parking in the area. It is a positive to convert it to all residential, which will not impact the parking. The height of the building is approximately 25'; a pre-existing non-conforming condition. That height will not be changed in the renovation.

Mr. Catarinicchia presented Exhibit A-1, building elevation. He stated they would like to keep the character of the building, clean up the brick, cover the bottom with a stucco base and replace the top exterior with vinyl siding. He said it will match the surrounding residential neighborhood buildings. Mr. Buddenbaum asked if they were covering the entire brick portion with stucco. Mr. Catarinicchia stated just the base, the bottom 3 feet. They first thought to match the stucco to the vinyl; however, after some discussion, it was decided that if the stucco is a light color, it may show the dirt. They will look for a color similar to the brick which will be better. There will be a transition from the stucco to the brick to the vinyl.

Mr. Catarinicchia pointed out that by taking the commercial portion out of this site, they are eliminating the possibility of any truck deliveries. They will have a small dumpster for trash that will be contained to the side of the building (there are two fronts because of the corner lot), that will be

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emptied by a dumpster company. The dumpster will be enclosed by a privacy trash enclosure. His client will also hire an exterminator service to regularly check for rodents. He stated because of the amount of work his client will be doing to this building, all sidewalks surrounding the building will be replaced once the work is complete.

Mr. Catarinicchia continued by stating they tried to give the building a mix of apartments; there will be 1 3-bedroom and 1 1-bedroom on the 1<sup>st</sup> floor, with 2 1-bedrooms and 1 1-bedroom on the second floor. The zone surrounding this building is RA, so they feel this is an acceptable application for this site.

Chairman Zekas stated there is the same issue as the previous application with parking. There is only on-street parking with availability on Foundry Street and W. Second Street. Mr. Catarinicchia stated ADA was mentioned with the last application and he stated they will make one of the units an ADA adaptable unit. Chairman Zekas asked if access to the 2<sup>nd</sup> floor was only from the interior of the building. Mr. Catarinicchia stated that is correct. When one walks through the door, there are stairs to go up to the 2<sup>nd</sup> floor or you can walk towards the two 1<sup>st</sup> floor apartments. All windows will be replaced, and a new roof will be put on the building. There is only one sewer lateral to the building, but all other utilities are currently disconnected, so all other utilities will be new: gas, electric, etc.

Engineer Dougherty stated on the Google Earth's image and on his site visit, it looks like there is a depressed curb behind the building and asked what that was too, plus there looks to be a boat in that area. Mr. Kowalczyk stated that does not belong to his property but belongs to the adjacent property. Discussion took place that there may be room for up to 8 cars along the curbing on both fronts of the building.

Mr. Catarinicchia stated that one of the neighbors had expressed concern about the lighting in the area. He stated that Mr. Kowalczyk will be installing motion activated lighting on the sides of the building that face houses for safety to the tenants and adjacent homeowners. Mr. Buddenbaum asked if will be downward facing lighting and what the foot candle will be. Solicitor Frank stated they will have to check that because it could have a neighborhood impact. Engineer Dougherty stated it could be a condition of approval to do a light study and would require the cut sheet of the light that's proposed and a foot candle study on the ground. Once installed, there will be a light check at night performed by Engineer Dougherty.

Discussion took place as to the size of the 1-bedroom apartments. One of the 1-bedroom apartments will be 570 sq. ft. where 850 sq. ft. minimum is required. Mr. Catarinicchia explained they have it divided in such a way to have a tenant mix. They will be meeting all state code requirements on bedrooms. It is a small 1-bedroom but more than adequate space for a single person looking for an apartment. He presented Exhibit A-2, floor plan.

Discussion took place regarding fire exits. Solicitor Frank stated that the 2<sup>nd</sup> story fire egress is a construction code issue and not our jurisdiction, if an outside fire escape is added, it will go outside the building footprint and will have to come back before this Board. Mr. Catarinicchia stated it is not a required to have a fire escape for a 2-story building and is normally dictated by the number of occupants on the 2<sup>nd</sup> floor. The main staircase will be fire separated from everything else and all windows will be egress windows. It is his professional opinion that they will not have to construct anything outside the building.

Engineer Dougherty stated the applicant has addressed his questions regarding parking and ADA.

Planner Fegley asked about the fence they will be putting in. Mr. Catarinicchia stated they are replacing a 6' wooden stockade fence with a 6' privacy vinyl fence. It was confirmed that the

ordinance does allow a 6' fence in the area, just not in the front yard. Planner Fegley stated the photos submitted with the application, there looks to be something that has been patched or changed in the brick and she would like confirmation that it will all look uniform when done. Mr. Catarinicchia stated his client would like it all to look uniform at the end and the brick can be refaced for that to happen. Planner Fegley asked why they are taking out so many windows. Mr. Catarinicchia stated they moved the windows around in the rooms to have them all lined up on the elevations. The current windows are haphazardly placed because the upstairs was a boarding house, so rooms were all over and the bottom floor was a bar, so there are small windows which are not suitable for apartments.

It was the Motion of Mr. Lutz, seconded by Mr. Buddenbaum to open the meeting for public comment. Motion unanimously approved by all members present.

Keith Crowell of 74 Creekwood Drive was sworn in by Solicitor Frank. Mr. Crowell stated he had previously met with Mr. Kowalczyk regarding some of his concerns. He stated they have come to an agreement on his concerns and mentioned his concerns were addressed during this meeting in the testimony. His first concern was perimeter lighting and he had asked Mr. Kowalczyk to consider LED lighting all around the property, which he said he would do. Mr. Crowell would prefer the lighting to be on a timer rather than motion sensor. He stated he owns the property next door, 732 W. Second Street and also owns 2 other properties on that street. There have been problems with crime in the past. There needs to be light, so he is not concerned about light spillage on his property; the more light, the better. He stated his 2<sup>nd</sup> concern was regarding the current fence that separates his and Mr. Kowalczyk's properties. He stated Mr. Kowalczyk agreed to replace the current 6' wooden stockade fence with a 6' white vinyl fence. Mr. Crowell's 3<sup>rd</sup> concern is that Mr. Kowalczyk have a pest management program to keep rodents away from the trash collection area. He stated Mr. Kowalczyk had agreed to that and has addressed all his concerns through the testimony tonight. He welcomed Mr. Kowalczyk and his project to the neighborhood.

Yemisi Cokel of 737 W. Second Street was sworn in by Solicitor Frank. Ms. Cokel stated she is directly opposite the building and appreciates that someone is doing something with the vacant building. She stated they need lighting in the area because of crime in the past.

Seeing no one else wishing to be heard, it was the Motion of Mr. Lutz, seconded by Mr. Cartier to close public comment. Motion unanimously approved by all members present.

Solicitor Frank pointed out a couple issues that were raised by Mr. Crowell's testimony. He stated that it is not within the Board's preview to require a pest management program. That is more of a general police powers, health matter. It is beyond the authority as a Board with zoning issues to attempt to address that in a resolution.

There was some confusion as to fencing to be installed and removed. Mr. Kowalczyk stated the existing 6' wooden stockade fence in the rear yard that separates the properties will be replaced with a 6' vinyl fence. He stated there is a small fence along W. Second Street, on what is consider one of the front yards, that will be removed and not replaced. In the side yard, there will only be a fence surrounding the dumpster; a trash enclosure.

Solicitor Frank stated the Board has before them a request for a Use Variance to allow conversion of a building that had a commercial use with a rooming house to 4 residential units (1 3-bedroom, 1 2-bedroom and 2 1-bedrooms), de minimis parking exception, allowing a replacement 6' tall vinyl fence to the rear of the building to separate properties, downward directed lighting surrounding the building with applicant to submit cut sheets and an analysis of light levels along with a post-construction visit from the Board Engineer to verify, plus the usual conditions pertaining to taxes and escrow fees.

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Discussion took place regarding the fence to be placed around the dumpster. Mr. Kowalczyk stated it will be a white vinyl trash enclosure that will only be the size of the dumpster. It will be a small dumpster, one that can be wheeled out by the dumpster company, emptied into their truck and then wheeled back into the enclosure. Details of the dumpster enclosure is to be approved as an administrative approval by Planner Fegley. Mr. Kowalczyk will work with the township to conform with the recycling ordinance.

Chairman Zekas suggested the applicant have their outside renderings approved administratively as well. Mr. Catarinicchia stated they can prepare colored renderings of the elevations to be approved by the Board Planner. It was mentioned that any modifications to the current outside footprint for fire egress would need to administrative review and approval. It was also noted that 2 of the units are below the minimum required square footage.

It was the Motion of Mr. Lutz, seconded by Mr. Buddenbaum to deem complete and approve Application ZB#2019-12 with the conditions as addressed above.

Upon roll call the Board voted as follows:

YEAS: Lutz, Buddenbaum, Cartier, Mattis, Patel, Sovak, Zekas

NOES: None

ABSTAIN: None

Motion carried

C. Application ZB#2020-01: Application of Edward Leigh for Use Variance to construct an addition on an accessory building considered customarily incidental to a residential use on property located at 1082 Florence Columbus Road, Florence Township. Block 168, Lot 1.01

Edward Leigh was sworn in by Solicitor Frank. Mr. Leigh stated he recently purchased a new RV and the height of it is too high to fit in his current accessory building. He would like to be able to keep it out of the weather and out of sight, so he is proposing to build an addition onto the existing structure. He was denied a zoning permit because his home with garage's square foot is smaller than his accessory building. The addition to his accessory building will be large enough to hold his RV; 20' wide x 63' long x 15' high.

Chairman confirmed that his accessory building has doors on the opposite side of where the addition will go. Mr. Leigh stated that is correct. He said the addition will be fully enclosed with a door just wide and tall enough for him to back the RV into.

Solicitor Frank stated that our ordinance speaks to residential accessory buildings being permitted, but with very low square footages discussed in every one of our zones about what's a permitted residential accessory building. The idea is that accessory things are supposed be ordinarily and customarily associated with and clearly incidental and subordinate to the principal use. We have an evolving issue where many people are building residential accessory structures that are as large, or larger, than their dwellings. Our ordinance does not accommodate that. Our zoning officer's obligation with the ordinance, when there is something that requires the discretion that is vested in this body, is to add it up and if it doesn't add up, to not approve the zoning permit and refer the applicant to us. We need to work with the Planning Board and the Master Plan and ultimately the governing body on ordinances and try to somehow accommodate the building of very large accessory buildings on residential lots. This comes to us because the only box that the zoning officer can put this in is that he thinks it needs a Use Variance because he is not sure whether it meets the criteria of being customarily and ordinarily associated and clearly incidental to and subordinate to the principal use. We have dealt with similar applications in recent years. If the Board finds that in fact, based upon the testimony of the applicant about the nature of his property and the nature of the use and what he intends to use if for, that this really is accessory to the residential use, we may not be talking about a D-1 Use Variance for a use

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not permitted in the zone, now we are talking about a variance for a structure not permitted in the zone, which is merely a Bulk Variance. The Zoning Officer does not have the authority at law to make that assessment. This Board does.

Engineer Dougherty stated his letter, dated 1/27/20, did mention that the applicant did submit the required information for the Use Variance so the application can be deemed complete and move right ahead. The applicant did explain the use of the addition. He had a couple of questions regarding the grading and access to the garage. There is a driveway that accesses the existing garage. He asked Mr. Leigh how he proposes access for the RV into the addition. Mr. Leigh stated he will go up the existing driveway past the overhead doors and will back it into the addition. He stated there is gravel there and that there will be no grading changes. Engineer Dougherty stated there is a large structure to the south and asked what that is used for. Mr. Leigh stated that is the farm's barn on the property adjacent to his. Engineer Dougherty stated that barn is much larger than any of Mr. Leigh's structures and one really can't see his garage from the road, so the addition to it will not be noticeable. Engineer Dougherty passed around a Google Earth image of Mr. Leigh's property. He stated that even though Mr. Leigh's accessory building plus the addition is larger than the house, the adjacent barn structure is very large.

Planner Fegley stated that in Mr. Leigh's application, he had a supplement stating the pros and cons and that one of the cons noted would be that the addition would take up more percentage of impervious coverage, but it is still not close to the maximum allowed. She stated that when she did her calculations, she believes it will be very close to the max. Mr. Leigh stated that he believes he is at 21% when 25% is allowed. Planner Fegley stated she didn't know if he took into consideration the driveway area. Mr. Leigh stated there's an asphalt driveway that's about 30 feet off the road that connects to the other driveway that they hardly use, so that could be taken up if need be. Planner Fegley asked what the purpose of that is. Mr. Leigh stated he did not know.

Mr. Leigh provided the following answers to professionals and members questions:

- The existing garage is 13' high.
- His wife's memorabilia is stored in the upstairs area of the garage; old cars, motorcycles and dirt cars are on the first floor.
- The look of the addition will match the existing garage; he plans to redo the entire garage.
- He will put landscaping around the building.
- He will also put a jeep and a boat in the addition with the RV, that is the reason for the 63' length.
- There will be no commercial use on the property. None of his commercial vehicles or equipment will be stored there.
- The other boats seen in the Google Earth image are not on his property but are in the process of being cleaned up.
- The RV is 13.6 feet high, including the air conditioning unit.
- There will only be one garage door on the addition plus a man door.

Chairman Zekas asked if there is any issue with the impervious surface cover. Planner Fegley stated it is close. The zone is AGR where 20% is permitted and it appears it will be at 24%; however, AGR does not permit an additional 5%. Chairman Zekas stated he does not believe Mr. Leigh will need to remove the asphalt driveway portion. Mr. Leigh stated there are currently no drainage issues on his property.

Solicitor Frank swore in Robert Schoen. Mr. Schoen stated the house that Mr. Leigh resides in was built in 1987. Mr. Schoen's father gave him 2 acres to build a house on. He then purchased the adjacent 84-acre farm. The house became too big for them, so they sold the house to Mr. Leigh. There are no drainage problems at all; the ground is very sandy. The cross driveway in front was put in



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because you could not drive to the back due to the septic system plus it allowed you to not have to back out onto Florence-Columbus Road where people are traveling at a high rate of speed. It was put in as a safety measure.

Solicitor Frank stated that sounds like the foundation for an impervious cover variance. 20% is allowed in the zone and Mr. Leigh is requesting 24%. Chairman Zekas stated this is the appropriate time for Mr. Leigh to request to amend his application to include an impervious surface cover variance for up to 25%. Mr. Leigh stated he would like to amend his application to include an impervious surface cover up to 25%.

Solicitor Frank stated that the Board can find, that based of the testimony before them, the nature of the use is in fact residential accessory, but that the structure requires a variance because it is an accessory structure that is larger than permitted in the zone, and that is a Bulk Variance. The standard for the Board to grant Bulk Variances is significantly lower than a Use Variance. The impervious service cover would be a 2<sup>nd</sup> Bulk Variance.

The Board members unanimously agreed that this is a Bulk Variance.

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to open the meeting for public comment. Motion unanimously approved by all members present.

Seeing no one wishing to be heard, it was the Motion of Mr. Lutz, seconded by Mr. Buddenbaum to close public comment. Motion unanimously approved by all members present.

Solicitor Frank stated we are talking about a finding that the proposed addition is to a structure that is an accessory structure to the principal permitted use in the zone, which is a residential use and that the addition is also a part of that residential accessory use, that it is an existing over-size structure and the addition is to add to that. It is a Bulk Variance to add that additional area to the structure. Accompanying that is Impervious Lot Cover Variance because it seems that in the zone we allow 20% impervious cover, it's our Planner's best estimate from her office that there is presently a 23% impervious cover and by constructing this addition will reach up to 24% impervious lot cover. The applicant discussed several things which he intends to do: residing the existing structure, adding landscaping, no commercial use, no drainage issues, the cross driveway in front was constructed to avoid having to back out onto Florence-Columbus Road as a safety measure, and the usual conditions having to deal with taxes and escrows. Planner Fegley stated as a result of the addition, the applicant will be able to clean up some of the outside storage and put it inside.

It was the Motion of Mr. Buddenbaum, seconded by Mr. Lutz to approve Application ZB#2020-01 with the conditions as previously stated by Solicitor Frank.

Upon roll call the Board voted as follows:

YEAS: Buddenbaum, Lutz, Cartier, Mattis, Patel, Sovak, Zekas

NOES: None

ABSTAIN: None

Motion carried

## **MINUTES**

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to approve the minutes of the January 13, 2020 Reorganization Meeting. Motion unanimously approved by all members present.

## **CORRESPONDENCE**

A. Engineer Dougherty's compliance review letter regarding Foxdale Properties.

B. Copy of Mayor Wilkie's PILOT power point presentation

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Engineer Dougherty mentioned that Item A is his letter to Foxdale regarding submitting a plan, which is as a condition of approval. He stated they have not quite perfected it yet, so his letter is letting them know what he is looking for on that plan. He stated they are moving forward to perfect those plans and seem to be pushing hard now and following up on revisions.

It was the Motion of Mr. Lutz, seconded by Mr. Cartier to receive and file items A and B. Motion unanimously approved by all members present.

#### **OTHER BUSINESS**

There was no other business.

#### **PUBLIC COMMENT**

It was the Motion by Mr. Lutz, seconded by Mr. Cartier to open the meeting for public comment.

Seeing no one wishing to be heard, it was the Motion by Vice Chair Patel, seconded by Mr. Lutz to close public comment. Motion unanimously approved by all members present.

#### **ADJOURNMENT**

It was the Motion of Vice Chair Patel, seconded by Mr. Lutz to adjourn the meeting at 10:01 p.m. Motion unanimously approved by all those present.

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Larry Lutz, Secretary

/kf