

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2023-06

Application ZB#2022-10

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF
MITHIL POONDLA
AMENDED USE VARIANCE
BLOCK 14, LOT 1
IN THE NC
NEIGHBORHOOD COMMERCIAL ZONE DISTRICT
APPROVAL**

Decided: December 5, 2022
Resolution Memorialized: January 9, 2023

WHEREAS, by way of its Resolution 2020-05, the Florence Township Zoning Board of Adjustment granted use variance approval to allow conversion of an existing building with a first-floor bar and two boarding rooms on the second floor into four apartments including two one-bedroom units, one two-bedroom unit and one three-bedroom unit, at property located at 202 Foundry Street, and known on the official Tax Map of the Township of Florence as Block 14, Lot 1;

WHEREAS, the Board's approval of the use variance was conditioned upon the administrative review and approval by the Board's Planner of the proposed finishes of the building elevations, and applicant submitted a package of exterior finishes that was found acceptable by the Board Planner;

WHEREAS, the applicant subsequently conveyed the subject property to a new owner, Mithil Poondla, who implemented the Board's approval, but in so doing deviated from some of the agreed finishes;

WHEREAS, Mr. Poondla has now made application to the Board seeking approval of these changes from the previously approved finishes;

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

WHEREAS, upon a finding that the applicant had mailed and published proper notices, the Board opened a public hearing on the application at its December 5, 2022 regular meeting;

WHEREAS, the Board granted certain submission waivers and found the application sufficiently complete to be heard;

WHEREAS, the applicant's architecture expert, Benedetto Catarinicchia, AIA, appeared, was sworn, was accepted as an expert in the field of architecture, and offered his testimony in support of the application;

WHEREAS, Mr. Poondla, appeared *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 is located at located at 202 Foundry Street, in the Florence Township Neighborhood Commercial Zone District, and is known on the official Tax Map of the Township of Florence as Block 14, Lot 1;
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 amendment to the use variance pursuant to NJSA 40:55D-70(d)1 previously granted by the Board in its resolution 2020-05, to allow

conversion of an existing building with a first-floor bar and two boarding rooms on the second floor into four apartments including two one-bedroom units, one two-bedroom unit and one three-bedroom unit. The first floor is proposed to support one three-bedroom unit (of 1,147 sq. ft.) and one one-bedroom unit (of 570 sq. ft.). One one-bedroom unit (of 640 sq. ft.) and one two-bedroom unit (of 855 sq. ft.) are proposed for the second floor.

5. The amended approval seeks to substitute repointing and repainting of the first-floor brick for the approved stucco finish, a substitution of the approved exterior siding color for another color, and a change of some of the exterior siding from the approved vertical orientation to a horizontal arrangement.
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 series of photographs of the subject property showing the completed project and the exterior finishes for which relief is sought.
7. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated December 5, 2022 commenting upon the application, which is hereby incorporated into the record.
8. Mr. Poondla testified that the approved exterior siding color was not available from the manufacturer due to supply chain issues, therefore a slightly different color from the same manufacturer was chosen in order to be able to complete the project.
9. Mr. Catarinicchia testified that it was decided to repoint and repaint the first-floor brick because of similar unavailability of materials and because the look is actually preferable.
10. The siding orientation change appears to actually be the result of an inconsistency between the architectural plans submitted with the initial application to the Board and those submitted to the Construction Dept.

11. Mr. Catarinicchia testified that in his opinion all of the deviations were consistent with his original architectural intent for the project.
12. The Board finds that the building exterior finishes remain aesthetically acceptable and consistent with the improvement sought under the Board's initial use variance grant.
13. No public comment was offered on the application.

Conclusions of Law

The Board finds that the proposed amended use variance pursuant to NJSA 40:55D-70(d)1 seeking deviations from the Board's original approval does not materially alter the impact of the development on either the reasons for the Board's use variance grant or the negative criteria which were addressed in the Board's initial decision.

The applicant has complied with the procedural requirements concerning applications for such relief. Therefore, the proposed amended use variance, 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 Mithil Poondla, seeking amended use variance approval to allow deviations from previously approved exterior finishes, at property located at 202 Foundry Street, and known on the official Tax Map of the Township of Florence as Block 14, Lot 1, be, and hereby is,

APPROVED, subject to the following conditions:

1. All conditions of the Board's initial use variance approval under resolution 2020-05 not expressly waived or altered by this approval shall remain in full force and effect.
2. All taxes and escrow fees for professional review must be paid current and in full.
3. 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 AMENDED USE VARIANCE APPLICATION:

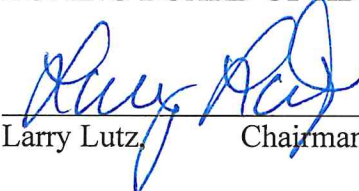
Moved by : Mr. Buddenbaum
Seconded by : Mr. Cartier
In Favor : Mr. Buddenbaum, Mr. Cartier, Mr. Patel, Mr. Puccio
Mr. Sovak, Mr. Studzinski, Chairman Lutz
Opposed : None
Recused : None
Absent : None

MOTION TO ADOPT RESOLUTION:

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

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 01/09/2023

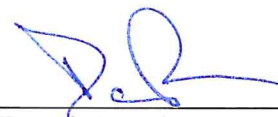


Larry Lutz, Chairman

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 January 9, 2023 and memorializes a decision taken by the Board on December 5, 2022.

Dated: 1/9/23



Dennis Puccio, Secretary