

**FLORENCE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

**RESOLUTION NO. Z.B.-2020-13**

*Application No. 2020-07*

**RESOLUTION OF MEMORIALIZATION  
APPLICATION OF LISA MCCARTHY  
IMPERVIOUS LOT COVER  
VARIANCE  
BLOCK 146.09 LOT 3.02  
IN THE RA LOW DENSITY RESIDENTIAL  
ZONING DISTRICT  
APPROVAL**

**Decided: September 3, 2020**  
**Resolution Memorialized: November 5, 2020**

**WHEREAS**, Lisa McCarthy made application to the Florence Township Zoning Board of Adjustment for an impervious lot coverage variance to permit construction of a new single-family dwelling, at a 7500 sq. ft. property located at 1135 Emerick Avenue, and known on the official Tax Map of the Township of Florence as Block 146.09 Lot 3.02;

**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 September 3, 2020 regular meeting;

**WHEREAS**, Ms. McCarthy appeared before the Board *pro se*, was sworn, and offered her 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 1135 Emerick Avenue, is known on the official Tax Map of the Township of Florence as Block 146.09 Lot 3.02, and lies in Florence Township's RA Low Density Residential Zone District.
3. Application has been made for an impervious coverage variance to permit construction of a new single-family dwelling.
4. The subject property is an existing undersized lot of 7500sq. ft. where a minimum lot size of 10,000 sq. ft. is required. Permitted impervious lot coverage is 25% (with 5% swimming pool bonus), existing coverage is 0% and proposed lot coverage with the proposed improvements is 32.8%.
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 Boundary and Topographic Survey dated 06-06-2017 prepared by William P. Schemel, PLS;
  - f. A Variance Plan prepared by Brian P. Murphy of FWH Associates, PA, dated August 12, 2020;
  - g. A Stormwater Management Report prepared by Brian P. Murphy of FWH Associates, PA, dated August 12, 2020.

7. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated August 26, 2020 commenting upon the application which is hereby incorporated into the record.
8. The proposed development will meet all bulk requirements except for impervious coverage.
9. The applicant proposes to construct an infiltration trench to mitigate effects of the proposed greater than typically allowed impervious lot coverage. Mr. Dougherty testified that it will infiltrate approximately twenty percent of the total stormwater from the post-development property under the relevant standards. In order to properly function, this infiltration trench must be maintained by keeping free of debris such as leaves, trash and silt.
10. 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 new runoff issues.
11. The subject property was created as a separate lot for development by way of minor subdivision approved by the Florence Township Planning Board in its Resolution PB-2007-31. That Resolution sets forth certain conditions of the minor subdivision which are applicable to the subject property, and which must continue to be complied with following the approval set forth in this Resolution of the Zoning Board of Adjustment.
12. 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)(1), because the proposed single-family dwelling is similar in size and amenities to others within the neighborhood of the subject property, and which would be prohibited to this existing undersized property without the requested variance relief. In light of the lack of run off existing issues from this site, the extent of mitigation of stormwater runoff from the proposed infiltration trench, 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 Lisa McCarthy seeking an impervious lot coverage variance to permit construction of a new single-family dwelling, at an 7500 sq. ft. property located at 1135 Emerick Avenue, and known on the official Tax Map of the Township of Florence as Block 146.09 Lot 3.02, 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. The proposed infiltration trench shall be regularly maintained to remove leaves, trash and silt to assure that it continues to function as designed;
3. Continued compliance with relevant conditions of Florence Township Planning Board in its Resolution PB-2007-31;
4. Compliance with Township ordinance requirements concerning submission of a grading plan at the time of application for a construction permit;
5. 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;
6. All taxes and escrow fees for professional review must be paid current and in full.
7. 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. Haas  
Seconded by : Mr. Puccio  
In Favor : Mr. Haas, Mr. Puccio, Mr. Buddenbaum, Mr. Cartier,  
Mr. Lutz, Mr. Sovak, Chairman Patel  
Opposed : None  
Recused : None  
Absent : Ms. Mattis

**MOTION TO ADOPT RESOLUTION:**

Moved by : Mr. Lutz  
Seconded by : Vice Chair Buddenbaum  
In Favor : Mr. Lutz, Vice Chair Buddenbaum, Mr. Haas, Mr. Cartier,  
Mr. Puccio, Chair Patel  
Opposed : None  
Abstained : None  
Absent : Ms. Mattis, Mr. Sovak

**FLORENCE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

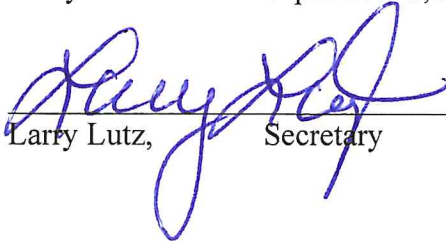
Dated: 11/05/2020

  
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Anant Patel, 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 November 5, 2020 and memorializes a decision taken by the Board on September 3, 2020.

Dated: 11/05/2020

  
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Larry Lutz, Secretary