

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2020-15

Application No. 2020-08

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF JOHN GREGORY BODROG
ACCESSORY BUILDING
HEIGHT and SETBACK
VARIANCES
BLOCK 95 LOT 8
IN THE RA LOW DENSITY RESIDENTIAL
ZONING DISTRICT
APPROVAL**

Decided: November 5, 2020
Resolution Memorialized: December 7, 2020

WHEREAS, John Gregory Bodrog made application to the Florence Township Zoning Board of Adjustment for an impervious lot coverage variance to permit construction of a 14 ft. x 31 ft. oval above ground pool and surrounding 3 ft. wide deck, at an 10,000 sq. ft. property located at 882 East Third Street, and known on the official Tax Map of the Township of Florence as Block 95, Lot 8;

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 November 5, 2020 regular meeting;

WHEREAS, Mr. Bodrog 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 located at 882 East Third Street, is known on the official Tax Map of the Township of Florence as Block 95, Lot 8, and lies in Florence Township's RA Low Density Residential Zone District.
3. Application has been made for an impervious lot coverage variance permit construction of a 14 ft. x 31 ft. oval above ground pool and surrounding 3 ft. wide deck.
4. The subject property is an existing conforming lot of 10,000 sq. ft. Permitted impervious lot coverage is 25% (20% plus 5% swimming pool bonus), existing impervious lot coverage is 25.1 and proposed lot coverage with the pool and surrounding deck 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. Lot coverage calculations prepared by R.C. Burdick, PE, PP;
 - f. A plan dated 8/18/2020 entitled "Pool Plot Plan" prepared by R.C. Burdick, PE, PP, which shows the property outbounds, the locations of existing improvements, and the location, extent and other details of the proposed improvements;

7. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated October 22, 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 two infiltration trenches to mitigate effects of the proposed greater than typically allowed impervious lot coverage. Mr. Dougherty testified that it will infiltrate a significant amount of the runoff from the proposed development, and in order to properly function, the infiltration trenches 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, and as confirmed by Engineer Dougherty, numerous other properties in the area have similar swimming pool improvements, and there are no existing problems with runoff on the subject or adjoining properties.
11. The Board Engineer concurred that the proposed grading will maintain existing flow patterns and does not appear to present any significant new runoff issues.
12. 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 issues.
13. 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 areas are amenities which are very 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 lack of run off issues from this site 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 Jason Van Lieu seeking an impervious lot coverage variance to permit construction of a 12 ft. x 21 ft. oval above ground pool and surrounding deck, at an 11,000 sq. ft. property located at 4 Lilac Lane, and known on the official Tax Map of the Township of Florence as Block 166.09, Lot 7, 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. Cartier
Seconded by : Mr. Haas
In Favor : Mr. Cartier, Mr. Haas, Mr. Buddenbaum, Mr. Puccio,
Mr. Lutz, Chairman Patel
Opposed : None
Recused : None
Absent : Ms. Mattis, Mr. Sovak

MOTION TO ADOPT RESOLUTION:

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

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 12-7-2020

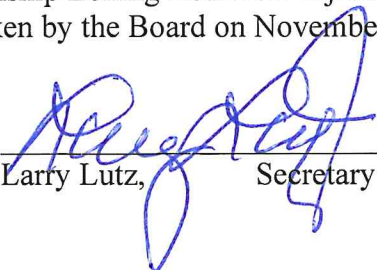


Anant Patel, Chairman

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 December 7, 2020 and memorializes a decision taken by the Board on November 5, 2020.

Dated: 12-07-2020



Larry Lutz, Secretary