

Florence, New Jersey 08518-2323
April 4, 2016

The 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	William Bott
Joseph Cartier	Larry Lutz
Lou Sovak	B. Michael Zekas
Anthony Drangula	Margo Mattis

Absent:

Anant Patel

Also Present:

Solicitor David Frank
Engineer Anthony LaRosa (arrived 7:35pm)

Excused:

Planner Barbara Fegley

RESOLUTIONS

- A. Resolution ZB-2016-06 continuing the application of Matthew Everett for a Use Variance to allow legalization and continuation of a non-conforming commercial use (roadside mechanic business), as well as the construction of an approximately 30'X50'X16' pole barn to house both personal vehicles and equipment associated with the mechanic business on property located at 2030 Bustleton Road, Florence Township. Block 170, Lot 3.04 until July 7, 2017.

It was the Motion of Cartier, seconded by Buddenbaum to approve Resolution ZB-2016-06.

Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Cartier, Lutz, Sovak, Zekas
NOES: None
ABSENT: Patel
ABSTAIN: Bott

43.

- B. Resolution ZB-2016-07 granting the application of 150 Alden Property-Florence, LLC for a Use Variance and bulk variances to permit conversion of existing pizza restaurant with second floor apartment to 4 residential units on property located at 150 Alden Avenue, Roebbling. Block 118, Lot 7.

It was the Motion of Lutz, seconded by Buddenbaum to approve Resolution ZB-2016-07.

Upon roll call, the Board voted as follows:

YEAS: Bott, Buddenbaum, Lutz, Sovak, Zekas

NOES: None

ABSENT: Patel

ABSTAIN: Cartier

APPLICATIONS

- A. Application ZB#2016-02 for Suzanne M. Hutchinson. Applicant is requesting a bulk variance to legalize a deck built without prior approvals on property located at 212 Woodlawn Avenue, Florence. Block 156.03, Lot 16.

Member Mattis recused herself because of a conflict and left the meeting at this time.

Ms. Hutchinson was sworn in by Solicitor Frank. She provided photos that were entered into evidence. She said they show her deck and other property's impervious lot coverage in the area. They were labeled A-1 through A-9. Solicitor Frank said for the record, the applicant was here for an 8'X12' deck that was constructed without permits over an existing patio. Ms. Hutchinson concurred.

Ms. Hutchinson said A-1 showed the deck and the slab of cement underneath, that was there when she bought the house in 1989. The deck does not exceed the impervious coverage of the patio. Photo A-2 shows the steps under the deck that were when she bought the house. Photo A-3 shows the deck itself. She said it isn't a large deck and she wouldn't be having large parties on it. The reason she built the deck was because she likes to grill year round and this provides cover to do that. It easier to just step out the back door rather than walk down the steps in bad weather to grill. Photo A-4 shows 206 Woodlawn Avenue. It shows a deck much bigger than what she built. A-5 shows the same property from a different angle. A-6 was a photo of 214 Woodlawn Avenue. There used to be a front yard. She remembered when the slab was put in. The person who lived there was living on the slab in the front yard. He had a huge canopy and a color television on the slab. There was also a couch. The gentleman had a stroke and it had affected his mind. At that time Mayor Craig Wilkie was on Council and she brought it up to him and it was taken care of. The photo was meant to show the large amount of impervious coverage.

Ms. Hutchinson said photo A-7 was of 214 Woodlawn Avenue. It showed that there was no back yard and there was a lot of impervious coverage. Photo A-8 was a photo of the

same property from a different angle. A-9 showed 218 Woodlawn Avenue and the large garage that was built.

She said when she built the deck she did not think it would be a big issue. Chairman Zekas said her testimony was that she built the deck for her convenience and pleasure and the deck covered and existing concrete patio with steps that was already there. The photos show that in the area where she lives decks are common as are other similar sized structures. She concurred.

Member Buddenbaum asked if there was a roof on the deck. Ms. Hutchinson said there used to be a wooden cover when she bought it. The wood rotted so she had an awning installed. The awning was removed and a small portion of the deck is covered by a roof. Member Buddenbaum asked about the pitch. She explained that the high part of the pitch abuts the neighbor's addition. Member Buddenbaum asked if it drained onto her property. She said it does. She said the drainage hasn't changed and said there have never been and drainage issues.

Chairman Zekas said it was basically a deck over an existing concrete pad. He asked Engineer LaRosa if he had any comments. Engineer LaRosa said this is seen many times and it is an existing undersized lot. The issue here is the addition of the deck. He understands it was installed over existing impervious. Her impervious coverage is over the allowed 33%. Her deck did not change her impervious, but she did install the deck and that is regulated. That was why she was required to appear this evening. His concerns were addressed during her testimony. He does not think there is any negative effect on the neighbors or on her property.

Chairman Zekas said if the approval was granted she would need to obtain the required building permits. He asked if there were questions from any of the board members. Member Drangula asked if she was aware that she needed a permit to build the deck. She said she was not. Member Drangula asked if she knew for certain that none of the other people got the required permits. She said she did not know if the permits were pulled. Some of the structures she believes were grandfathered in. She didn't know if permits were obtained, she was trying to demonstrate that decks were common in her neighborhood and many properties were over the allowed amount of impervious coverage.

Member Bott didn't understand how the deck would add to the impervious coverage when it was built over the existing patio. Solicitor Frank explained that although the deck does not add to the impervious surface that was on the site. It was a new structure, that had it been built there on its own, would have gone over the allowed impervious coverage. The Zoning Officer thought it was a bit of a gray area so he thought it best to have the board make a determination.

It was the Motion of Lutz, seconded by Buddenbaum to open the meeting to the public regarding Application ZB#2016-02. Seeing no one wishing to be heard, it was the Motion of Lutz, seconded by Sovak to close the public hearing. All ayes.

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Solicitor Frank said there is an existing undersized lot with existing impervious coverage. The Zoning Officer decided it should be at the discretion of the board. Chairman Zekas said he felt the applicant had given adequate testimony to show that the coverage on her property is not excessive compared to other properties in the area. Decks are common.

It was the Motion of Bott, seconded by Lutz to approve Application ZB#2016-02.

Upon roll call, the Board voted as followed:

YEAS: Bott, Buddenbaum, Cartier, Lutz, Sovak, Zekas, Drangula

NOES: None

ABSENT: Patel

MINUTES

It was the Motion of Buddenbaum, seconded by Lutz to approve the Minutes of the Regular Meeting of January 11, 2016 as submitted. All ayes.

CORRESPONDENCE

- A. Letter from Burlington County Planning Board dated March 23, 2015 regarding Effisolar Energy Corp., Block 163.02, Lot 9 and Block 164.01, Lot 2.01 located on Cedar Lane.

It was the Motion of Cartier, Seconded by Buddenbaum to receive and file Correspondence A. All ayes.

Member Bott said he would like to apologize for his actions at the last meeting. He was having personal issues and let it affect his interactions with people. Chairman Zekas thanked him.

OTHER BUSINESS

Motion of Lutz, seconded by Drangula to adjourn the meeting at 8:10 p.m. Motion unanimously approved by all members present.

Larry Lutz, Secretary

/ak