

**ZONING BOARD OF ADJUSTMENT
MEETING DECEMBER 19, 2012**

The caucus meeting began at 7:00 P.M. and the special meeting began at 7:30 P.M.

Members present were:

Edwin Bergamo
Elaine Greenberg
Edward Avena
Alan Angelo
Leroy Goldblatt
George LoBiondo
Jeffrey Francesoni
Robert Ortega

Members absent were: John Cheli

Others Present were: Solicitor Frank DiDomenico, Secretary Yasmin Ricketts, Zoning Officer Patrick Finley, Senior Planner Stephen Hawk, and Principal Engineer David Maillet.

The Chairman entertained a motion to approve the minutes from the November 28, 2012 meeting.

Roll call:

Mr. LoBiondo: Yes
Mr. Avena: Yes
Ms. Greenberg: Yes
Mr. Francesconi: Yes
Mr. Goldblatt: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

The Chairman entertained a motion to approve the resolutions from the November 28, 2012 and December 6, 2012 meetings. Resolutions 2012-41, 2012-42, 2012-43, 2012-44.

Roll call:

Mr. LoBiondo: Yes and Abstain 2012-44
Mr. Avena: Yes
Ms. Greenberg: Yes and Abstain 2012-44
Mr. Francesconi: Yes
Mr. Goldblatt: Yes
Mr. Angelo: Yes and Abstain 2012-41
Mr. Ortega: Yes for 2012-44
Mr. Bergamo: Yes and Abstain 2012-44

The Chairman entertained a motion to approve the minutes from the Special meeting on December 6, 2012 meeting.

Roll call:

Mr. LoBiondo: Abstain
Mr. Avena: Yes
Ms. Greenberg: Yes

Mr. Francesconi: Yes
Mr. Goldblatt: Yes
Mr. Angelo: Yes
Mr. Ortega: Yes
Mr. Bergamo: Abstain

Mr. DiDomenico went over revisions to the agenda for the night.

Applicant- **Evarito Calderon**, 770 W. Earl Drive, Block 4801, Lots 17, Zones R-3.
The applicant testified on his own behalf. He was requesting a 24 x 30 addition to the house. They purchased the home in 2009 and both children share a bedroom. They want to add a bedroom for one of their children.

Mr. Finley explained that it was an existing duplex and the proposal was permitted but the zone changed.

Mr. Finley wanted to know what the setback would be from addition to the property line.

Mr. Calderon stated that it would be 32'. The pool and the fence would be eliminated.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes
Mr. Avena: Yes
Ms. Greenberg: Yes
Mr. Francesconi: Yes
Mr. Goldblatt: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Mr. LoBiondo made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes
Mr. Avena: Yes
Ms. Greenberg: Yes
Mr. Francesconi: Yes
Mr. Goldblatt: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Parkwood Branch Terraces SPE, LLC**, 1616 Pennsylvania Avenue, Block 7201, Lot 48, Zone MHP. The applicant was represented by Lori Greenberg, Esq. They were requesting the replacement of two mobile homes.

Patricia Lamlugh, Property Manager, testified on behalf of the applicant. The property is a manufactured lot community. The mobile home in lot 30 was built in 1975. It was removed because it had mold and it was unsafe. They want to replace it with a 14' x 60' modern mobile home. It is smaller in size than the older model because the standard size changed. The old

section required a 25' setback and they were asking for a 21' side yard setback. The neighboring home built an addition. They did not know when the addition was built.

Mr. Hawk wanted to know if the dimension was correct because the sketch has 14' x 66'.

Ms. Lamplugh explained that the extra 6" was for the porch and they did not consider that as part of the home.

Mr. Hawk explained that the porch was part of the home, and they could receive a less than what they needed by asking for the 60' instead of 66'.

Ms. Greenberg, Esq. handed out Exhibit #1 Parkwood to the board. The packet contained information on the new design of the mobile homes.

Mr. Finley explained that the additions would need construction permits, and they all had to meet the standards.

Ms. Lamplugh explained that additions needed management's approval prior to obtaining a permit.

Mr. Bergamo wanted to know if the proposed lot 30 unit is smaller than what existed there prior.

Ms. Lamplugh explained that it was smaller.

Mr. Finley explained that each park fell in a different ordinance. They were approved as they were. It is confusing that a smaller unit would trigger a variance. The construction code requires special provisions with distance between structures. The licensing office position for permitting is the mobile home park is required to apply for the permit. When management signs off on the permit, they are responsible to verify the work.

Mr. Bergmao explained that it is a liability for the owners because it could create a fire hazard.

Ms. Greenberg, Esq. explained that the new home had fire safety features.

Ms. Lamplugh explained that lot 39 had a mobile home that was built in 1976, and it was 24' x 70'. It has rotting floor, had mold, and it was deemed unsafe. The replacement will be 24' x 56' with the porch.

Mrs. Greenberg wanted to know where the vehicles parked.

Ms. Lamplugh explained that the vehicles have to be off the street between 12AM-7AM for fire safety. Lot 39 parks to the left of their home and during the day, they park in front of the home.

Mr. Hawk explained that he did not agree with it being called a non-conforming use. It was a non-conforming structure, and there was a difference between the two. The mobile home park was a permitted use, but some of the structures were non-conforming. The legitimacy of those structures was the question. Item F outlines the relief that is needed.

Applicant- **D & D Kuzmicz**, 4363 Stanley Terrace, Block 135, Lot 11, Zone W-5. The applicant was represented by Michael Fralinger, Esq. The property is zoned W-5 and it has a large setback requirement. The application submitted had an old plan enclosed. The Willow Grove plan was

approved by the Planning Board in 1953, and it was subject to Ordinance #13. That ordinance required 25' side yard setbacks at that time. There are now 68 lots out there, and over the years some lots have been consolidated. Out of those 68 lots, 62 lots are constructed upon with single family dwellings. The size of the property being 83' x 150' is a predominant size in that area. Out of the 68 lots out there, 48 lots have a similar size. The footprint works and the 28' side yard setback requested is greater than 90% of the setbacks existing now. The C-1 hardship variance was explained and the positive and negative criteria.

Mr. Ortega wanted to know what the set back was.

Mr. DiDomenico explained that it was two 28' side yard setbacks.

Gilbert Thompson had objections to the application. He had concerns with flooding, septic specifications, and the type of home that would be built.

Mr. Avena wanted to know how many empty lots existed.

Mr. Fralinger explained there are six empty lots including the two that are requested.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. Ortega: Yes

Mr. Avena: Yes

Ms. Greenberg: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. Goldblatt made a motion to approve the application.

Roll call:

Mr. Ortega: Yes

Mr. Avena: Yes

Ms. Greenberg: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Robert Kuzmicz**, 4363 Stanley Terrace, Block 135, Lot 12, Zone W-5. The applicant was represented by Michael Fralinger, Esq. The board listened to the same application for lot 11. Mr. Fralinger requested that the entire argument with the testimony of the objector be used for this this application.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. Ortega: Yes

Mr. Avena: Yes

Ms. Greenberg: Yes

Mr. Francesconi: Yes
Mr. Goldblatt: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Mr. Goldblatt made a motion to approve the application.

Roll call:

Mr. Ortega: Yes
Mr. Avena: Yes
Ms. Greenberg: Yes
Mr. Francesconi: Yes
Mr. Goldblatt: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Application was **granted**.

Applicant- **John and Mary Lilliston**, 833 N. Delsea Drive, Block 2201, Lots 107 & 108, Zones WB-3/R-2. The applicant was represented by Richard Milstead, Esq. The property is owned by Lilliston Ford. The application contains a use variance and a site plan approval to install a ground mounted solar panel array for the use of the business.

Mr. DiDomenico wanted to know how many panels were being installed and their height.

Ed Andricola, Energy Solar Power, explained that there were 224 panels. The heights of the panels were 64" x 39".

Mr. Milstead explained that the area is small compared to the entire property. There is no noise produced.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes
Mr. Avena: Yes
Ms. Greenberg: Yes
Mr. Francesconi: Yes
Mr. Goldblatt: Yes
Mr. Ortega: Yes
Mr. Bergamo: Yes

Mr. Goldblatt made a motion to approve the use variance.

Roll call:

Mr. LoBiondo: Yes
Mr. Avena: Yes
Ms. Greenberg: Yes
Mr. Francesconi: Yes
Mr. Goldblatt: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Jerome Irick, Engineer, testified on behalf of the applicant. He went over the Planner's Report. Paragraph 3, they will remove 5500 square feet of impervious surface. Paragraph 8, impervious coverage 71.4% vs. 50% required. Paragraph 9, storm water management, the existing lot line is close to the basin. There is no negative impact to the adjoining property because the own it. There will also be a 6' chain link fence surrounding the array. They need a waiver for item 14. They have no objections to the engineer's report.

Mr. Hawk explained that the chairman was correct about the solar panels not being of impervious coverage.

Mr. LoBiondo wanted to know about items 14 b and c, regarding wetlands.

Mr. Hawk explained that 14 b and c should not be waived.

Mr. Milstead explained that they would be dealing with DEP.

Mrs. Greenberg wanted to know about the masonry building.

Mr. Irick explained that it was used for storage.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Ms. Greenberg: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Ortega: Yes

Mr. Bergamo: Yes

Mr. LoBiondo made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Ms. Greenberg: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Ortega: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Eugene's Enterprise, Inc.**, 1628 S. Delsea Drive, Block 5603, Lot 6, Zone B-3. The applicant was represented by Richard Tonetta, Esq. Mr. and Mrs. Melquire are the owners of the property. They are elderly and could not attend the meeting. The improvements are on lot 6. The total establishment is on lots 5 and 6. The improvements include a bar, dance floor, and an attached two story residence. The residence is in the rear of the business establishment. They are looking to build a bedroom on the bottom floor. They have a difficult time with the steps. The addition will be 12' x 14' on the first floor. It will not be seen from the street and it would not be a detriment to the neighborhood.

Mr. Bergamo wanted to know if they were requesting a waiver from site plan requirements.

Mr. Hawk stated that waiving the site plan requirements would be fine.

Mr. Ortega wanted to know if the lots were being combined.

Mr. Tonetta explained that they had no objections to creating an all-inclusive deed if the business was ever sold.

Mr. Hawk wanted to make sure that the use was a bar and one single family dwelling unit.

Mr. Tonetta explained that Mr. Hawk was correct.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Ms. Greenberg: Yes

Mr. Francesconi: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. LoBiondo made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Ms. Greenberg: Yes

Mr. Francesconi: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Chairman made a motion to adjourn.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Ms. Greenberg: Yes

Mr. Francesconi: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Meeting adjourned at 9:21 PM

Yasmin Ricketts, Secretary
Zoning Board of Adjustment

