

**ZONING BOARD OF ADJUSTMENT
MEETING JULY 17, 2013**

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

Members present were:

Edwin Bergamo
Elaine Greenberg
George LoBiondo
Alan Angelo
Jeffrey Francesoni
Robert Ortega
Allan Bernardini
William Guccio

Members absent were: Ryan Flaim

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

The Chairman entertained a motion to approve the minutes from the June 19, 2013 meeting.

Roll call:

Mr. LoBiondo: Yes
Mr. Guccio: Abstain
Mrs. Greenberg: Abstain
Mr. Francesconi: Yes
Mr. Bernardini: Abstain
Mr. Angelo: Yes
Mr. Bergamo: Yes

The Chairman entertained a motion to approve the resolutions from the June 19, 2013 meeting.

Roll call:

Mr. LoBiondo: Yes
Mr. Guccio: Abstain
Mrs. Greenberg: Abstain
Mr. Francesconi: Yes
Mr. Bernardini: Abstain
Mr. Angelo: Yes
Mr. Bergamo: Yes

Applicant- **TL Ice, LLC**-3600 E. Landis Avenue, Block 4401, Lot 5, Zone R-4.

The applicant was represented by Charles Gabage, Esq. The property is at the Shop Rite Shopping Center located at East Landis Avenue and Lincoln Avenue. The applicant leases unit #5 and operates a Rita's Water Ice. They are proposing to place an inflatable "Rita's Water Ice" sign that will be 20' in height, 5' at the base, and 10' at the top. They are seeking a "C" variance for that inflatable sign. There is difficulty locating the Rita's Water Ice from the street, so it will improve visibility for motorist. In the case of Valenti vs. Absecon, an Appellate Division case, hold that signs in visibility is a safety reason for granting a "C" variance. Exhibits TL Ice1-27, are photographs depicting the surrounding areas.

Lou Cicchitti, one of the owners of TL Ice, LLC testified on his own behalf. The inflatable sign was put up because someone from City Hall told him that it was permissible. He had to remove the inflatable sign because someone filed a complaint. He proposes to place the inflatable sign at the Landis Avenue entrance and on the Lincoln Avenue frontage. It will be held down by stakes and inflated by a fan. It can easily be installed and removed on a daily basis. The store is opened from March until October and proposed to use the inflatable sign May 1st through September 30th. The shopping Center currently does not have any room to identify Rita's Water Ice at that location. The inflatable sign will be up between 11:00Am to 2:00PM and will be taken down 7:00PM to 8:00PM.

Mr. Hawk indicated that the ordinance permits one freestanding sign per street frontage. The inflatable sign would be considered a second sign for both Landis and Lincoln Avenues which would result in a variance. A height variance would also be required 150 square feet vs. 125 square feet permitted.

Mr. Finley explained that the inflatable sign is considered an attention getting device which is not permitted pursuant to the City's Land Use Ordinance.

Mrs. Greenberg wanted to know if the applicant would consider planning the inflatable sign on just one street frontage on Lincoln Avenue.

Mr. Cicchitti stated that it would not be a problem.

Tara Namchuk, testified in opposition of the applicant. She lives on East Avenue behind Howie's Dugout. She believes the balloon is a safety issue because people slam into their breaks. If this application is approved, she will also be applying for an inflatable balloon.

Mr. Finley indicated that Ms. Namchuk erected numerous signs without approvals from the city. Most of the signs on her property are illegal.

Mr. Bergamo indicated that he understood the desire for the inflatable sign with the difficult location of the store.

The board stipulated that the inflatable sign should only be placed on the Lincoln Avenue frontage from March 1st though September 30th. In the event that Rita's Water ice is provided a sign on the freestanding sign, the inflatable sign will not be permitted.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Guccio: Yes
Mrs. Greenberg: Yes
Mr. Francesconi: Yes
Mr. Bernardini: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Mr. Angelo made a motion to approve the application.
Roll call:

Mr. LoBiondo: Yes
Mr. Guccio: Yes
Mrs. Greenberg: Yes
Mr. Francesconi: Yes
Mr. Bernardini: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Fernanda Kaspar**-2135 E. Landis Avenue, Block 4401, Lot 5, Zone R-4.
Joseph Kaspar testified on behalf of his mother Fernanda Kaspar and himself. They received an approval in May of 2012 for a use variance for 4 residential units. The resolution stated that the existing bungalow should be demolished within one year from May 17, 2012. Rather than demolishing the bungalow, they decided to move it to a property in Commercial Township. They have hired a moving company and the bungalow was currently lifted and on wheels for transport. They are waiting for the permits to clear and the bungalow will be removed by September 30, 2013.

Frances Reuss testified in opposition of the request. He indicated that this applicant has prolonged this application for two years. They also have just started the work for the bungalow removal.

Mr. Bergamo indicated that he felt that this would be the end and it would be resolved.

Mr. Angelo stated that there were no consequences and it could continue.

Mr. Finley explained that they are under enforcement and as long as they are before the board, nothing could be done. If the request was denied, a summons would be issued the following day.

Mr. Kaspar explained that they did not just start the work for the removal. It has been in the works since March. They had to obtain permits and follow procedure before removing it.

The board indicated that the bungalow should be removed by August 31, 2013 and this would be their final extension.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Gruccio: Yes
Mr. Ortega: Yes
Mr. Francesconi: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Mr. LoBiondo made a motion to approve the request.

Roll call:

Mr. LoBiondo: Yes
Mr. Gruccio: Yes
Mr. Ortega: Yes
Mr. Francesconi: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Application was **granted**.

Chairman made a motion to adjourn.

Roll call:

Mr. LoBiondo: Yes
Mr. Gruccio: Yes
Mr. Ortega: Yes
Mr. Francesconi: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Meeting adjourned at 9:01 PM

Yasmin Ricketts, Secretary
Zoning Board of Adjustment