

**ZONING BOARD OF ADJUSTMENT
MEETING JANUARY 18 2016**

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

Members present were:

George LoBiondo
Elaine Greenberg
Robert Ortega
Joseph Stefano
Andrew Fabbri
William Guccio
Ryan Flaim
Alexis Cartagena

Members absent were: All members were present.

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

The Chairman entertained a motion to approve the minutes from the December 21, 2016 meeting.

Roll call:

Mr. Guccio: Yes
Mr. Fabbri: Yes
Ms. Greenberg: Yes
Ms. Cartagena: Abstain
Mr. Flaim: Yes
Mr. Ortega: Yes
Mr. LoBiondo: Yes, Abstain #2016-38

The Chairman entertained a motion to approve the resolutions from the December 21, 2016 meeting.

Roll call:

Mr. Guccio: Yes, Abstain #2016-36
Mr. Fabbri: Yes, Abstain #2016-37
Ms. Greenberg: Yes
Ms. Cartagena: Abstain
Mr. Flaim: Yes, Abstain #2016-38
Mr. Ortega: Yes
Mr. LoBiondo: Yes, Abstain #2016-38

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

Applicant- **Gongli Realty, LLC**- 3119 Chamings Court, Block 603, Lot 18, Zone I-1.

Chairman made a motion to dismiss the application.

Roll call:

Mr. Guccio: Yes
Mr. Fabbri: Yes
Ms. Greenberg: Yes
Ms. Cartagena: Yes
Mr. Flaim: Yes

Mr. Ortega: Yes
Mr. LoBiondo: Yes

Applicant- **Maryann & Edward Steinborn** -1135 E. Park Ave, Block 3105, Lot 9, Lot R-3.

The applicant testified on her own behalf. She was requesting to change the use of a single family dwelling with an in-law suite (accessory apartment) to a separate dwelling unit which will be classified as a two family dwelling.

She previously received an approval for an in-law suite attached to her home. Her in-laws resided in the home for about ten years before passing away. The unit was vacant for many years and she decided to rent it to an individual. She and her husband decided to sell their home. She then found out that the apartment was not permitted by ordinance. Prior to buying the house, it was a doctor's office. There is a long driveway and four parking spaces for the main house and the apartment. There are other duplexes, a triplex and group home in the neighborhood. The former in-law suite is a one-bedroom apartment with a kitchen. The main house has three bedrooms. Exhibit 1, photograph depicting onsite parking.

Mr. Finley explained that the applicant called immediately. He has heard of no complaints with regard to the rental. If approved, they must register the rental unit and received a Certificate of Occupancy. The zone permitted duplexes prior to the zone change in 2008.

Mr. Hawk noted that the property does not appear to be a duplex since the rental unit is located in the rear of the main house. Based on the photographs and the applicant's testimony, parking does not appear to be an issue.

Ivelisse Cuevas, member of the public, had concerns with her property's value being reduced.

Mr. DiDomenico explained that the board could not address her concern because they are not licensed real estate appraisers. Her home is also a per-existing duplex.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Ortega: Yes
Mr. Flaim: Yes
Mr. Gruccio: Yes
Mr. Fabbri: Yes
Ms. Greenberg: Yes
Ms. Cartagena: Yes
Mr. LoBiondo: Yes

Mr. Ortega made a motion to approve the application.

Roll call:

Mr. Flaim: Yes
Mr. Gruccio: Yes
Mr. Fabbri: Yes
Ms. Greenberg: Yes
Mr. Ortega: Yes
Ms. Cartagena: Yes
Mr. LoBiondo: Yes

Applicant- **Brittany Stites** -2298 Pennsylvania Avenue, Block 7704, Lot 27, Zone A-5.

The applicant testified on her own behalf. She was requesting to permit an oversized pole barn of 1600 square feet whereas 900 square feet is permitted and farm lot frontage.

She purchased the property approximately two years ago. She owns 1 horse, 1 pony and 2 miniature horses that are kept on the property. She brings in hay for feed besides the grazing area. Her property is approximately 10.5 acres and she plans on rotating the grazing areas. Exhibit 1, photographs of the site. She plans on leaving trees around the perimeter of the property.

Mr. Finley indicated that the property is 10 acres. In order to maintain the setbacks for a farm, the applicant must maintain 60' front yard, 60' rear, and 50' on both sides. There is a third variance for side yard setback of the existing pole barn of 43' whereas 50' is required.

David Rivera, applicant's builder, provided testimony. He will be constructing the addition to the pole barn if approved by the Board. The garage was demolished and a new pole barn was constructed. The new pole barn is 43' off the side yard.

Ms. Stites explained that she wishes to double the size of the pole barn to create four stalls. She currently has trees cleared and she intends to clear more and leave natural vegetation. There are no plans for a commercial boarding of horses. The applicant agreed to limit the total number of animals on the site to 8 horses or livestock combined. The applicant also agreed to maintain a minimum of 60' buffer of trees and 50' on side with the exception of 43' at the location of the stable.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Guccio: Yes

Mr. Fabbri: Yes

Ms. Greenberg: Yes

Mr. Ortega: Yes

Mr. Flaim: Yes

Ms. Cartagena: Yes

Mr. LoBiondo: Yes

Mr. Guccio made a motion to approve the application.

Roll call:

Mr. Fabbri: Yes

Ms. Greenberg: Yes

Mr. Ortega: Yes

Mr. Flaim: Yes

Mr. Guccio: Yes

Ms. Cartagena: Yes

Mr. LoBiondo: Yes

Applicant- **Ukrainian Mission & Bible Society** -1462 N. Brewster Road, Block 1909, Lot 22, Zones A-5.

The applicant was represented by Michael Fralinger, Esq. The applicant is requesting a "D" variance and major site plan approval to expand parking lot and make modifications to the existing parking lot to eliminate encroachments and "C" variances for impervious lot coverage, side yard buffer, and any other variances that may be required.

The Ukrainian Church is located on the corner of Vine Road and Brewster Road. Since the 1990s, the applicant has been expanding the parking lot with approvals. The applicant is seeking an approval for the current parking layout on the site. The applicant cannot meet the ordinance standards for the parking lot. They are seeking a variance for impervious lot coverage. The church has approximately 120 members. There are 50 parking spaces and the church membership needs this many parking spaces. There are some portions of the pavement in the parking lot to be removed. There is a minor encroachment onto a neighboring property and encroachments into the right-of-way which will be removed. They are asking for 52 parking spaces whereas 40 parking spaces are required. Impervious lot coverage will decrease to 64.5% from 66.2%. They are seeking a front buffer variance of 6.5 along Vine Road. There is a total of 11.2' to the edge of the pavement and 15' is required. The front buffer variance along Brewster Road is 11' but there is an additional 12.8' to the edge of the pavement whereas 15' is required. The side buffer variance on the west side of 5' whereas 25' is required as a result of a residential dwelling on that property. Exhibit 1, copy of tax map and aerial photograph. The applicant installed a drainage structure at the low point of the property. The structure has also helped with drainage issues on that corner. The applicant is seeking waiver from curbing around the site as it would hinder drainage. The applicant is seeking a waiver for driveway radius of 3' whereas 5' is required. A waiver for a 16 parking space row whereas 123 spaces id permitted. The applicant will comply with the requirement for street shade trees on Brewster Road and along Vine Road. There is also waiver request from a for concrete driveway whereas asphalt will be provided.

Chairperson made a motion to close the public hearing.

Roll call:

Mr. Fabbri: Yes

Ms. Greenberg: Yes

Mr. Ortega: Yes

Mr. Flaim: Yes

Mr. Gruccio: Yes

Ms. Cartagena: Yes

Mr. LoBiondo: Yes

Mr. Ortega made a motion to approve the application.

Roll call:

Ms. Greenberg: Yes

Mr. Ortega: Yes

Mr. Flaim: Yes

Mr. Gruccio: Yes

Mr. Fabbri: Yes

Ms. Cartagena: Yes

Mr. LoBiondo: Yes

Applicant- **Vladimir & Angela Zakota** -4060 N. Delsea Drive, Block 131, Lot 2, Zones B-3.

The applicant was represented by Michael Fralinger, Esq. The applicant is requesting a site plan approval for a previously approved use variance for the operation of a used car sales business together with two residential dwelling units.

In April 2016, the Zoning Board granted a use variance for two residential units and a used car lot. There is one building remaining on site which contains two residential units. A site plan was granted in 1988 for the prior use which was modular display and sales. The applicant will be cutting back pavement from North Delsea Drive and on the sides, but still requires variances due to the fact that the site complies with 1988 standards and not the current standards. There will be a total of 38 cars both on display and in

storage, four parking spaces for the two residential units, and seven parking spaces for customers and employees. The applicant is seeking a variance for front buffer of 10' whereas 25' is required. Buffer on the north side will be 20' whereas 25' is required. A portion of asphalt at that location is 9.5' and that is for a length of approximately 25'. The final plans will include a notation that no more than 38 vehicles would be for sale or on display or stored on site at any one time. The applicant is seeking a waiver for screening material along the residential use on adjacent lot 1 to the north of the site. The applicant will supplement the natural vegetation but a waiver is still required. The applicant is also seeking a waiver for gravel/stone surface on a rear vehicle storage area of ten vehicles spaces and four space parking area whereas 2 inches of FAB over 6" gravel or DGA is required. The applicant will plant grass in all areas not being used for parking. They are also requesting a waiver for 9' wide parking stalls whereas 9.5' is required.

Chairperson made a motion to close the public hearing.

Roll call:

Mr. Ortega: Yes
Mr. Flaim: Yes
Mr. Guccio: Yes
Mr. Fabbri: Yes
Ms. Greenberg: Yes
Mr. Stefano: Yes
Mr. LoBiondo: Yes

Mr. Ortega made a motion to approve the application.

Roll call:

Mr. Flaim: Yes
Mr. Guccio: Yes
Mr. Fabbri: Yes
Ms. Greenberg: Yes
Mr. Stefano: Yes
Mr. Ortega: Yes
Mr. LoBiondo: Yes

Chairperson made a motion to adjourn.

Roll call:

Mr. Flaim: Yes
Mr. Guccio: Yes
Mr. Fabbri: Yes
Ms. Greenberg: Yes
Mr. Stefano: Yes
Mr. Ortega: Yes
Mr. LoBiondo: Yes

Meeting adjourned at 9:32 PM

Yasmin Ricketts, Secretary
Zoning Board of Adjustment