

ZONING BOARD OF ADJUSTMENT MEETING
September 18, 2019

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

Members present were:

Joseph Stefano
Ryan Flaim
Victoria Lods
John Pierantozzi
Jeffrey Torchio
Susanna Philipusus
George LoBiondo

Members absent were: Ryan Feaster, Gena Pacitto, Dale Jones

Others Present were:

Frank DiDomenico, Solicitor
Yasmin Ricketts, Board Secretary
Patrick Finley, Zoning Officer
Ryan Headley, Principal Engineer/Planner

Mr. DiDomenico went over the revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the August 21, 2019 meeting.

Roll call:

Ryan Flaim: Abstain
Victoria Lods: Abstain
Jeffrey Torchio: Yes
John Pierantozzi: Yes
Joseph Stefano: Yes
Susanna Philipusus: Abstain
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the August 21, 2019 meeting

Roll call:

Ryan Flaim: Abstain
Victoria Lods: Abstain
Jeffrey Torchio: Yes
John Pierantozzi: Yes
Joseph Stefano: Yes
Susanna Philipusus: Abstain
George LoBiondo: Yes, Abstain #2019-40

Applicant- **HAROLD & GLORIA LEIBY**, 1214 Hope Street, Block 7140, Lot 36, Zone R-5, side yard setback for an addition to a single family dwelling.

Ms. Gloria Leiby testified on her own behalf. She resides in the single family home with her husband. Her husband is a retired disabled Veteran and cannot manage the stairs. They would like to add an addition to the first level. It will include a bathroom and a bedroom. There is a side yard setback of 23 feet whereas 35 feet is permitted.

Mr. Frank Spatola, Jr., contracted builder, the existing setback is approximately 23 feet. The addition may have a small overhang.

Chairman made a motion to close the public hearing.

Roll call:

Joseph Stefano: Yes

Ryan Flaim: Yes

John Pierantozzi: Yes

Victoria Lods: Yes

Susanna Philipusus: Yes

Jeffery Torchio: Yes

George LoBiondo: Yes

Ms. Philipusus made a motion to approve the application.

Roll call:

Joseph Stefano: Yes

Ryan Flaim: Yes

John Pierantozzi: Yes

Victoria Lods: Yes

Susanna Philipusus: Yes

Jeffery Torchio: Yes

George LoBiondo: Yes

Application granted.

Applicant- **VINCENT LOMBARDO**, 509 S. East Avenue, Block 4109, Lot 23, Zone N-C, certification of non-conforming use for multi-family residential units.

Mr. Vincent Lombardo, testified on his own behalf. He is seeking a certification for a pre-existing, non-confirming five-unit dwelling. There is parking for one car, and the remainder of parking is on the street. He submitted documentation regarding the five-unit dwelling.

Mr. Finley indicated that this property is in the NC (neighborhood commercial) zone.

The NC zone permits multi-family housing. The records from the tax office indicate that the property was converted into a five-family dwelling approximately 50 years ago. The property record card shows five units. The current front yard setback is 6.04 feet whereas 15 feet is required. The side yard setback should be 11 feet on each side but on the south side there is .28 feet.

Mr. Headley indicated that there is an additional variance for parking. The board has discretion to allow parking on the road.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

John Pierantozzi: Yes
Victoria Lods: Yes
Susanna Philipusus: Yes
Jeffery Torchio: Yes
Joseph Stefano: Yes
George LoBiondo: Yes

Ms. Philipusus made a motion to approve the application.

Roll call:

John Pierantozzi: Yes
Victoria Lods: Yes
Susanna Philipusus: Yes
Jeffery Torchio: Yes
Joseph Stefano: Yes
Ryan Flaim: Yes
George LoBiondo: Yes

Application granted.

Applicant- **CLARK GEORGE**, 593 W. Garden Road, Block 1201, Lot 8, Zone R-4, “B” interpretation variance, “C” bulk variance for fence height, and “D” use variance for the continued use of the property as an auto repair garage.

The applicant was represented by Michael Fralinger, Esq. The applicant is requesting for an interpretation in Section NJSA 40:55D-70b and a bulk variance for an 8 foot high fence. Property contains a single family dwelling and an auto repair shop. The applicant resides in the single family home. The auto body and repair shop has been at this location since 1965. In 1965, the zone was agricultural and it was a permitted use. After 1965, the zoning changed and the owner returned to the Zoning Board to request an expansion. It was then confirmed and approved by City Council. There were certain conditions to that approval for hours of operation, number of employees and that owner must reside in the residence. The 1967 site plan shows no details or boundaries. Mr. Vito Mangiarciara, purchased adjoining lot 7 and all construction was done on lot 8. After Mr. Mangiarciara passed away, the property then went into foreclosure. The two lots were purchased by two different owners. Mr. Samuel Cervini purchased lot 8 and operated a body shop and repair shop from the 1990’s until 2013. He discovered and encroachment onto lot 7 and obtained an easement for both lots. In 2007, there was enforcement for noise complaints. The applicant agreed to install an 8-foot fence along the east and south property lines as depicted on the variance plan dated August 12, 2019. The existing woods will remain and not be cleared. The applicant agrees to 36 tagged cars and cannot sit for more than 60 days. No parking in the front yard is allowed with the exception of the owner’s vehicles. There are no objections to periodic inspections made by Code Enforcement. There is a condition to allow only 3 employees and the applicant has a part time employee. They would like to add one more employee to that condition. Most towing is done during the day but occasionally there is one at night. They will continue to comply with the remainder of the conditions. The board has authority to approve the compliance plan and the 8’ fence. There will be no storage between the dwelling and the shop. The existing chain link fence that exists will be continued.

Mr. Clark George, testified on his own behalf. He works in the auto body and repair shop with two full time and one part time employees. Towing is done by outside contractors. If there is an emergency or a disabled vehicle, those vehicles may be towed in at any hour.

Ms. Monica Chasten, member of the public, indicated that her parent's property backs up into their property. She is in favor of the fence but she still has some concerns. There are concerns about ground contamination and wants to know who regulates it. There are concerns with noise and enforcement.

Mr. Headley explained that today's standards requires asphalt. Stone was allowed during the original application. DEP regulates ground contamination.

Chairman made a motion to close the public hearing.

Roll call:

Victoria Lods: Yes

Susanna Philipusus: Yes

Jeffery Torchio: Yes

Joseph Stefano: Yes

Ryan Flaim: Yes

John Pierantozzi: Yes

George LoBiondo: Yes

Ms. Philipusus made a motion to approve the application.

Roll call:

Susanna Philipusus: Yes

Jeffery Torchio: Yes

Joseph Stefano: Yes

Ryan Flaim: Yes

John Pierantozzi: Yes

Victoria Lods: Yes

George LoBiondo: Yes

Application granted.

ADJOURN:

John Pierantozzi: Yes

Victoria Lods: Yes

Susanna Philipusus: Yes

Jeffrey Torchio: Yes

Joseph Stefano: Yes

Ryan Flaim: Yes

George LoBiondo: Yes

Meeting adjourned at 8:29 PM

Yasmin Ricketts, Secretary

Zoning Board of Adjustment

