

ZONING BOARD OF ADJUSTMENT MEETING
December 18, 2019

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

Members present were:

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

Members absent were: 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 November 20, 2019 meeting.

Roll call:

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

The Chairman entertained a motion to approve the resolutions from the November 20, 2019 meeting

Roll call:

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

EVANGELICAL LUTHERAN CHURCH, 2384 E. Landis Avenue, Block 3202, Lot 73, installation of a digital sign.

The applicant was represented by Robert DeSanto, Esq. The applicant is seeking a use variance for the installation of a digital sign. The sign will be freestanding and measuring at 40 square feet.

Matthew Hellmand, President of the Church Council for the Evangelical Lutheran Church, testified on behalf of the church. The church currently has a freestanding sign with the church name and they are requesting to maintain it. The second sign will be a digital sign displaying church events and information.

The applicant submitted Exhibit A-1, copy of the plot plan. Exhibit A-2, depiction of the proposed sign. The sign will be electronically powered at 110 volts. The sign will display hours of operations and information and events. Both sides of the sign will have the same information. The sign will be 10' away from the road and it will meet the City's ordinance by changing a maximum of 8 times per day. They are not interested in displaying videos. There will be no blinking lights or images. The location of the sign was considered for safety and easy visual purposes. Exhibit A-3, photograph displaying existing sign and proposed sign. The existing sign is brick and it is part of the church's history. The monument sign was installed when the church was built and it is meaningful to the church.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Gena Pacitto: Yes

Ryan Feaster: Yes

John Pierantozzi: Yes

Susanna Philipusus: Yes

Jeffrey Torchio: Yes

Joseph Stefano: Yes

Ms. Philipusus made a motion to approve the request.

Roll call:

Gena Pacitto: Yes

Ryan Feaster: Yes

John Pierantozzi: Yes

Susanna Philipusus: Yes

Jeffrey Torchio: Yes

Ryan Flaim: Yes

Joseph Stefano: Yes

Application granted.

ELMER STREET, LLC, 141 W. Elmer Street , Block 3805, Lot 8, Zone R, certification of non-conforming use for a two family dwelling.

The applicant was represented by Steven Fabietti, Esq. The applicant is seeking a certification of non-conforming use for a two family dwelling.

Mr. Fabietti submitted Exhibit A, copy of property record card that states it is a two family dwelling since 1981. Exhibit B, contract of sale. The applicant purchased the property in 1985 and the survey indicated that it was a two family dwelling with 50' of frontage. The Landis Sewage Authority has been charging fees as a two family dwelling. Exhibit C, annual rental inspection certificates, indicates that the property has been inspected. The property has two separate entrances and two separate utilities.

Marilyn Mindel, owner of the property, testified on her own behalf. There is adequate parking on the property for both units. There is a driveway that accommodates both units. The garage in the rear is used for her storage. It does not have a garage door.

Chairman made a motion to close the public hearing.

Roll call:

Gena Pacitto: Yes

Ryan Feaster: Yes

John Pierantozzi: Yes

Susanna Philipusus: Yes

Jeffrey Torchio: Yes

Ryan Flaim: Yes

Joseph Stefano: Yes

Ms. Philipusus made a motion to approve the application.

Roll call:

Ryan Feaster: Yes

John Pierantozzi: Yes

Susanna Philipusus: Yes

Jeffrey Torchio: Yes

Ryan Flaim: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Application granted.

Applicant- **ALFRED & JOAN ROLANDO**, 1029 Hendee Road, Block 2304, Lot 6, Zone I-2, certification of non-conforming use for a two family dwelling.

The applicant was represented by Michael Gruccio, Esq. The property has been in the applicant's family since 1920. The applicant acquired the property in 1988. In 1964, conveyance was made to his parents. The city's tax records reveal that the structure was built in 1929. They cannot pinpoint when the structure was converted into a two family dwelling. The applicant specifically remembers it happening during World War II. His grandparents lived in the bottom level, and his aunt and uncle lived in the upper level. His uncle returned from the war and took residence upstairs.

There are separate utilities and separate entrances for each unit. The property has been registered as a two family dwelling since 1999. Records can be traced back to 1999 and the property has been assessed as a two family dwelling. The dwelling was erected in 1929.

Alfred Rolando, testified on his own behalf. He and his parents lived next door when he was ten years old in 1945 or 1946. He only remembers the property as a two family dwelling.

Mr. Finley indicated that the property was zoned industrial after the house was constructed. The dwelling is a pre-existing non-conforming use.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Feaster: Yes

John Pierantozzi: Yes

Susanna Philipusus: Yes

Ryan Flaim: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

George LoBiondo: Yes

Ms. Philipusus made a motion to approve the application.

Roll call:

John Pierantozzi: Yes

Susanna Philipusus: Yes

Ryan Flaim: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

Ryan Feaster: Yes

George LoBiondo: Yes

Application granted.

Applicant- **BAY ATLANTIC FEDERAL CREDIT UNION**, 1940 S. West Avenue, Block 6102, Lot 19.1, Zone I-3, approval to occupy 2,400 square feet as office administration space.

The applicant was represented by Michael Gruccio, Esq. Bay Atlantic Federal Credit Union has their principal office located along Elmer Road. They received a use variance in 2015 for the bank. The proposed site has three buildings occupied by use variances. A recommendation has been made to rezone this area to I-B to permit office uses. The applicant is seeking a waiver of site plan approval because the site is existing and developed. There is currently a shared easement that allows for parking. The proposed office will allow administrative functions for the credit union including loan processing. The retail banking portion will be conducted at the bank.

Gail Mareno, Chief Executive for Bay Atlantic Federal Credit Union, testified on behalf of the applicant. The bank would like to relocate three loan officers. Customers will be seen for services by appointment.

Chairman made a motion to close the public hearing.

Roll call:

John Pierantozzi: Yes

Susanna Philipusus: Yes

Ryan Flaim: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

Ryan Feaster: Yes

George LoBiondo: Yes

Ms. Philipusus made a motion to approve the application.

Roll call:

Susanna Philipusus: Yes

Ryan Flaim: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

Ryan Feaster: Yes

John Pierantozzi: Yes

George LoBiondo: Yes

Application granted.

Applicant- **LOUIS GERI**, 491 N. Lincoln Avenue, Block 3303, Lot 1, Zone A-5, installation of a ground mounted solar array.

The applicant testified on his own behalf. He would like to install a solar field for a single family home. There are 20 panels and they are 7.5 feet in height. The panels will not be visible from the road. He agrees to remove the panels when they are no longer in use. The panels do not generate noise or are a nuisance.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

Ryan Feaster: Yes

John Pierantozzi: Yes

Susanna Philipusus: Yes

George LoBiondo: Yes

Ms. Philipusus made a motion to approve the application.

Roll call:

Joseph Stefano: Yes

Gena Pacitto: Yes

Ryan Feaster: Yes

John Pierantozzi: Yes

Susanna Philipusus: Yes

Ryan Flaim: Yes

George LoBiondo: Yes

Application granted.

Applicant- **MARITZA ESTRADA & CARLOS RODRIGUEZ**, 123 N. East Avenue, Block 3119, Lot 27, Zone R, certification of non-conforming use for a two family dwelling.

Maritza Estrada testified on his own behalf. She and her husband purchased the property in 2001 as a two family dwelling. She presented the Contract of Sale as an exhibit. The property record card indicates that it was a two family dwelling in the 1964 and the property dates from back to 1900. 2 family dwelling and garage in 1958. The Landis Sewage Authority also lists the property as two family dwelling. The property is also registered as a rental with the city as a two family dwelling.

Mr. Finley indicated that duplexes are permitted in the zone. The property is landlocked with no road frontage.

Mr. Headley recommended that an easement be made permanent, and Mrs. Estrada supplied the board with a deed that included the easement.

Mr. Finley recommends that lots 27 and 30 are combined into one lot as a condition of approval.

Eric Macon, realtor and neighbor, gave comments pertaining to the application. He went to the Tax Assessor and they indicated that there may be an error and the lots were combined.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

Ryan Feaster: Yes

John Pierantozzi: Yes

Susanna Philipusus: Yes

George LoBiondo: Yes

Ms. Philipusus made a motion to approve the application.

Roll call:

Joseph Stefano: Yes

Gena Pacitto: Yes

Ryan Feaster: Yes

John Pierantozzi: Yes

Susanna Philipusus: Yes

Ryan Flaim: Yes

George LoBiondo: Yes

Application granted.

Applicant- **AMERICAN MUTUAL, LLC**- 418 S. Fourth Street, Block 3907, Lot 9, request for an extension of approval.

Mr. Finley indicated that they received an approval last year. The property was a vacant foreclosed property. The owner originally requested a triplex or quadruplex and that was denied. They were

approved for a duplex. That approval expires tomorrow, and the current owner would like an extension for six months starting December 19, 2019.

Ms. Philipus made a motion to approve the application.

Roll call:

Ryan Feaster: Yes

John Pierantozzi: Yes

Susanna Philipus: Yes

Ryan Flaim: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

George LoBiondo: Yes

Application granted.

ADJOURN:

Ryan Feaster: Yes

John Pierantozzi: Yes

Susanna Philipus: Yes

Ryan Flaim: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

Victoria Lods: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Meeting adjourned at 9:09 PM

Yasmin Ricketts, Secretary

Zoning Board of Adjustment