

**ZONING BOARD OF ADJUSTMENT VIRTUAL MEETING
May 20, 2020**

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

Members present were:

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

Members absent were: Ryan Flaim

Others Present were:

Frank DiDomenico, Solicitor
Yasmin Ricketts, Board Secretary
Patrick Finley, Zoning Officer
Ryan Headley, Principal Engineer
David J. Maillet, City Engineer

Mr. DiDomenico went over the revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the April 15, 2020 meeting.

Roll call:

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

The Chairman entertained a motion to approve the resolutions from the April 15, 2020 meeting

Roll call:

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

ROBERT & GINA ZIKOWSKI, 3690 Canterbury Lane, Block 72.01 Lot 40.05 Zone A-5, extension request.

The applicant requested a one-year extension of a bulk variance for a side yard setback of 16 feet whereas 40 feet is required for the addition of an attached garage for a period of one-year from December 19, 2019 or until December 19, 2020.

Mr. Stefano made a motion to approve the request.

Roll call:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Application granted.

TWIN REALTY, LLC, 17 W Landis Avenue, Block 3602 Lot 1 Zone B-3, banquet hall in an existing building.

The applicant was represented by Alfred Verderose, Esq. The application was originally heard on April 15, 2020, and re-noticed for an amended number of seats. The applicant would like to change the amount of seats again, and return to the June 17, 2020 Zoning Board meeting. They will give new notice with the requested changes.

EGHRE INVESTMENTS, LLC, 721 South Seventh Street, Block 4903 Lot 21 Zone R-3, certification of non-conforming use for a two unit family dwelling.

The applicant was represented by Steven Fabietti, Esquire. The applicant is seeking certification for a pre-existing, non-conforming two-family dwelling. The applicant purchased the property and applied for permits to do work on the property. He was notified that the property was a non-conforming duplex. The property record card indicates that the property was a duplex as of 1958, and it was taxed as a duplex since then. There are two Landis Sewerage Authority sewer connections at this property. The applicant agrees to comply with the Water Utility requirements.

Patrick Finley, Zoning Officer, agrees with the representations made by Mr. Fabietti.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Mr. Torchio made a motion to approve the request.

Roll call:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes
Jeffrey Torchio: Yes
George LoBiondo: Yes

YYW HOLDINGS, LLC, 920-922 East Cherry Street, Block 4220 Lot 11 Zone R, certification of non-conforming use for a two unit family dwelling.

The applicant was represented by Laura M. D'Allesandra, Esquire. The applicant purchased this property in 2019 as a duplex and is now selling the property. They were unable to obtain a CCO due to the non-conformity. The property record card indicates that the property was a duplex at least as of 1958. The tax records confirm this property being a duplex.

Patrick Finley, Zoning Officer, indicated that the property appears to have been originally built as two residential units. The applicant has established the criteria for a pre-existing, non-conforming duplex. It looks like it was originally constructed as two, two bedroom units. The floor plan currently shows three bedrooms. The smaller bedrooms are 10'X8.4' which may not or barely meet the Housing Code Standards for a bedroom. Historically the smaller bedrooms were used as nursery.

Abba Scholar, employed by the Property Management Group, testified on behalf of the applicant. He does not know if the smaller bedrooms have windows and he understands that the number of bedrooms are subject to Housing Code.

Mr. Finley, Zoning Officer, indicated that there is a breezeway addition attaching the garage. There are no records of permits. This illegal addition included a third apartment attached to the garage. He recommends that the third apartment be demolished.

Abba Scholar, explained that the third apartment was used as an apartment but is not currently habitable. He agreed to remove all plumbing in the third apartment and convert it to storage only.

Chairman made a motion to close the public hearing.

Roll call:

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

Mr. Stefano made a motion to approve the request.

Roll call:

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

Application granted.

230 N. BREWSTER ROAD TRUST, 230 N. Brewster Road, Block 3202 Lot 57 Zone R-4, lot frontage for the addition of a farm use to an existing single-family dwelling.

The applicant was represented by Steven Fabietti, Esquire. The applicant seeks a bulk variance for lot frontage of 176.06 feet whereas 250 feet is required for a farm use. The applicant proposes to have 2 horses for personal use on the farm. They also would like to construct a 30'X40' barn and fenced pasture.

Stephen Hawk, PP, testified on behalf of the applicant. The property is located within the R-4 zone. The R-4 zone has two standards, one for a single-family home and the second for farm use. The farm use requires 100,000 square feet and this lot has over 6 acres. The R-4 zone also requires a minimum lot depth of 330 feet and here the applicant has 660 feet. This lot exceeds most of the standards for a farm with the exception of frontage. The frontage is 176.07 feet whereas 250 feet is required. There will be a 30'X40' barn located at the rear of the property. The pasture will be fenced in. This application satisfies the requirements for a (C)(2) variance. The benefits outweigh the detriments. He sees no substantial impairment of the City's Zoning Ordinance or Zoning Plan since a farm is a permitted use. This farm is smaller than what is permitted.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Mr. Torchio made a motion to approve the request.

Roll call:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Application granted.

JAMES STERLING, 1096 Utopia Lane, Block 4505 Lot 49 Zone A-6, construction of a retaining wall and installation of a swimming pool on a corner lot with two front yards.

The applicant was represented by Michael J. Gruccio, Esquire. The applicant's property is a corner lot located on the corner of Utopia Lane and Genoa Avenue. The property has two front yards and two side yards. The single-family home faces Utopia Lane. The west side of the property is Genoa Avenue which will be the location of the proposed pool. The Ordinance requires at least a 4-foot fence around the pool, so the fence must be located in the front yard along Genoa Avenue. They are proposing a 5'9" tall fence. Exhibit A1, a current survey of the property. The property curb line on Genoa Avenue is 8 feet lower than the pool, so they need the retaining wall. The applicant received a violation for the tree removal and was referred to the Zoning Board. They will replace the trees that were removed, and plant 20 arborvitae

which are currently 5' to 6' tall. Exhibit A4, photograph showing the tree that was removed. The applicant must return to the board if any other improvements are made.

Patrick Finley, Zoning Officer, noted that the applicant has been cooperative. He believes the trees were removed by mistake.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the request.

Roll call:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Application granted.

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, 2560 Industrial Way, Block 1003 Lot 9 Zone I-2, preliminary/final site plan approval for the installation of a wireless telecommunications pole.

The applicant was represented by Kevin R. Jones, Esquire. The applicant is seeking a use variance for a 140-foot-tall monopole cell tower. The applicant is seeking minor site plan for the 140-foot-tall monopole together with an equipment compound. This site will be monitored 24 hours a day 7 days a week. Is located within the I-2 Industrial Zone.

Petros Tsoukalas, Professional Engineer, testified on behalf of the applicant. The proposed monopole will be located at 2560 Industrial Way, and it is occupied by a construction company. There will not be vehicle access but there will be a 4-foot access walk. The monopole will be 140' tall in total. It will be 6' from the west property line. There are no residential neighbors that will be affected by the tower. The applicant agrees to comply with all of the Planning Report except for the requested variances and waivers. The applicant also agrees with all requirements of the City Engineer's Report.

Andrew Petersohn, Professional Engineer, testified on behalf of the applicant. He performed the electromagnetic exposure analysis. The site will comply with all federal standards. The 140-foot monopole is the required height to connect with the next tower site.

James Kyle, Professional Planner, testified on behalf of the applicant. He has inspected the site and has reviewed the City's Land Use Ordinance and Master Plan. The applicant is seeking a D-1 variance for the monopole. The proposed cell tower does promote the public welfare. The site is ideally suitable for this monopole. It will be located in an Industrial Zone so no residential uses are affected. The monopole

promotes the public interest since emergency responders and state police will utilize the services provided. He believes all the bulk variances are minimal and do not result in substantial impact or detriment.

Mr. Headley stated that he sees no negative impact since the site is within the City's Industrial Park. The Industrial Park is a good location, and there is no impact on the industrial use.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the request.

Roll call:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Application granted.

VILLAGE SUPER MARKET, 3490 E. Landis Avenue, Block 3304 Lot 33 Zone I-2, preliminary/final site plan approval for the installation of a wireless telecommunications pole.

The applicant was represented by Damien O. Del Duca, Esquire. The applicant received prior approval for a use variance and preliminary major site plan approval. The applicant is seeking amended preliminary site plan approval and final major site plan approval. The originally proposed supermarket was 100,000 square, and now being reduced to 85,115 square feet. The loading area is also being relocated. The applicant will agree with all of the requirements of the reports of Planning and Engineering Reports.

Jay Sims, Professional Engineer, testified on behalf of the applicant. Exhibit A-2, a colored site plan. The building has been reduced in size from 100,00 square feet to 85,115 square feet. The truck loading docks have been relocated from the west side of the building to the north side of the building for a better truck traffic flow. The building has also been moved 42 feet closer to Landis Avenue. It will reduce the impervious coverage and reduces the number of parking spaces. There are no other changes being proposed. The applicant is seeking a waiver for parking space row length without a tree island break. The applicant is seeking a waiver for screening around the perimeter of the stormwater management basin. The entire basin will be fenced, and located behind the building.

Frank Sauro, Vice President of the applicant, testified on behalf of the applicant. He explained that they were able to reduce the size of the building and still have same amenities.

Michael Brown, Professional Engineer, testified on behalf of the applicant. He prepared the traffic study for the site, and did an analysis of the two intersections closest to the site. The traffic plan is safe and the traffic circulation is efficient. Cumberland County has approved the traffic light at the entrance.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the request.

Roll call:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Application granted.

ADJOURN:

Ryan Feaster: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Meeting adjourned at 11:00 PM

Yasmin Ricketts, Secretary

Zoning Board of Adjustment