

**ZONING BOARD OF ADJUSTMENT MEETING**  
**February 17, 2021**

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

**Members present were:**

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

**Members absent were:** John Pierantozzi

**Others Present were:**

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

**Pre-Meeting**

**Amendment to Zoning Board Rules- Surveys**

The board had a discussion on requiring surveys for zoning permits. Mr. Headley listed surrounding cities that currently require surveys. Mr. Finley explained that cities going up north also require surveys. Surveys will help the board memorialize approvals with exact measurements.

Mr. DiDomenico indicated that an applicant can get an affidavit that nothing has changed on the property if a survey is over eighteen (18) months old.

Mr. Finley explained that zoning legality has to be verified when a property changes hands.

**Public Hearing**

Mr. DiDomenico went over revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the January 20, 2021 meeting.

Roll call:

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

The Chairman entertained a motion to approve the resolutions from the January 20, 2021 meeting

Roll call:

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

**DIGNA D CANO-MEJIA**, 502 Clarendon Avenue, Block 2309, Lot 20, Zone R-2. Reconstruction of a portion of a single family dwelling destroyed by fire with a variance for side yard setback.

The Chairman entertained a motion to dismiss

Mr. Feaster made a motion to dismiss the application.

Roll call:

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

Application granted.

**R & M AUTO BODY SHOP**, 114 W. Oak Road, Block 1604, Lot 14, Zone R-3, Use variance and minor subdivision to create one lot with one remainder lot with an existing single family dwelling on one lot and commercial building on the other lot.

The applicant was represented by John Kosylo, Esq. The applicant is seeking a minor subdivision with a use variance. They want to divide the lot resulting in a residential lot with a single-family home and the auto body shop on the second lot. The applicant agrees with all the comments in the Planning report.

Mr. Headley explained that there is a bulk variance for side buffer for remainder lot 14 on the east side. This buffer is 0 feet whereas a minimum of 25 feet is required. This is because of the stone driveway which on both lots. The side buffer will be reduced to 10 feet if 10 feet of pavement is removed as recommended. The Planning Staff is recommending removal of 10 feet of the improved surfaces that traverse the lot lines. This includes the concrete sidewalk and the stone drive. All vehicles for the body shop must be on an improved surface which is defined as asphalt or concrete in the City's Land Use Ordinance. He recommends a maximum of twenty (20) cars on the body shop lot to be parked outside on an improved surface.

Carlos Rodriguez, applicant, testified on his own behalf. He has a contract purchaser for the body shop and agrees with all of the requirements.

Michael D. Caputo, Contract Purchaser, testified on his own behalf. He has a concern with limiting the number of vehicles parked outside. He would like a minimum of thirty (30) vehicles outside. The hours of operation are from 8:00am until 9:00pm, Monday through Friday and Saturday 8:00am-5:00pm. The maximum number of employees will be 5 to 8. His employees could be onsite at the same time. Some automobiles may be towed to the site.

Mr. Headley explained that the applicant cannot park vehicles on the grass in the rear of the property. The applicant can expand the area with asphalt, but they would have to return for a site plan.

Mr. Finley indicated that all the vehicles on the site have to be registered and tagged. The vehicles have to have an identified owner.

Mr. Finley and Mr. Headley both indicated that the site could accommodate a maximum of twenty five (25) cars. Employees could park on the stone surface.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Feaster: Yes

Ryan Feaster: Yes

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the request.

Roll call:

Ryan Feaster: Yes

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Application granted.

**DIANE VASALLO-LEONE**, 709 S. East Avenue, Block 5001, Lot 24, Zone R-3, certification of non-conforming use for a two unit family dwelling.

Ms. Elizabeth Hernandez, owner, testified on her own behalf with and interpreter, Sophia Heredia Torres. She would like to maintain her dwelling as a duplex.

Mr. Headley explained that the property record card states this property was a two-family conversion since approximately 1979.

Mr. Finley explained that that the duplex may have existed as early as 1958. This property has been in her family for many years. There is a consistent progression of the use. The R3 zone previously permitted a duplex but the ordinance changed. There are existing non-conformities for lot size of 13,450 square feet whereas a minimum of 22,500 square feet is required. Frontage of 50 feet whereas a minimum of 150 feet is required. Front yard setback of 27.3 feet whereas a minimum of 30 feet is required. Side

yard setback on the north of 9.7 feet whereas a minimum of 20 feet is required. Side yard setback on the south of 12 feet whereas a minimum of 20 feet is required.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Feaster: Yes

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Mr. Feaster made a motion to approve the request.

Roll call:

Ryan Feaster: Yes

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Application granted.

**ISMAEL CUPEREZ**, 1112 E. Landis Avenue, Block 3114, Lot 22, Zone R-P, certification of non-conforming use for a two unit family dwelling.

Ismael Cuperez testified on his own behalf. The applicant purchased the property in the year 2007 as a two family dwelling. He now has a contract purchaser.

Phillip Black, contract purchaser, testified on behalf of the applicant. He submitted a packet of exhibits including a survey, photographs, and the property record card from the City. The property record card indicates that it is a "single family and one family" as of 1971. The new tax card shows a two-family dwelling. The property has been registered as a duplex since at least 1999. There are two gas meters, two electric meters and the City has issued two sets of trash cans.

Mr. Finley explained that the zone does allow two family dwellings but the duplex is undersized for the lot. The survey submitted is dated Jan 5, 2021. There are existing bulk variances based on the survey. Lot size of 14,484 square feet whereas a minimum of 22,500 square feet is required. Frontage along Landis Avenue of 71 feet whereas a minimum of 150 feet is required for a corner lot. Front yard setback from Victory Avenue of 19.7 feet whereas a minimum of 30 feet is required. Side yard setback on the west side of 8.56 feet whereas a minimum of 20 feet is required. The existing detached garage in the rear is conforming.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Feaster: Yes

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

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

Mr. Stefano made a motion to approve the request.

Roll call:

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

Application granted.

#### **Amendment to Zoning Board Rules- Surveys (continuation from pre-meeting discussion)**

Mr. LoBiondo made a motion to approve the amendments.

Roll call:

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

Amendment granted.

#### **ADJOURN:**

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

Meeting adjourned at 9:05 PM

Yasmin Ricketts, Secretary  
**Zoning Board of Adjustment**