

ZONING BOARD OF ADJUSTMENT MEETING
February 15, 2023

The public hearing began at 7:00 P.M.

Members present were:

Darwin Cooper
Rudolph Luisi
Victoria Lods
Eric Hernandez
Raquel Soto
Joseph Stefano
Joseph Repice
George LoBiondo

Members absent: Mark Grussenmeyer, Ryan Flaim

Others Present were:

Nathan Van Embden, Zoning Board Solicitor
Yasmin Ricketts, Zoning Board Secretary
Rick Crudele, Assistant Zoning Officer
Ryan Headley, Zoning Board Engineer/Planner

Mr. Van Embden went over revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the January 18, 2022 meeting.

Roll call:

Darwin Cooper: Yes
Rudolph Luisi: Yes
Raquel Soto: Abstain
Joseph Stefano: Yes
Joseph Repice: Yes
Eric Hernandez: Abstain
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the January 18, 2022 meeting

Roll call:

Darwin Cooper: Yes
Rudolph Luisi: Yes
Raquel Soto: Abstain
Joseph Stefano: Yes
Joseph Repice: Yes
Eric Hernandez: Abstain
George LoBiondo: Yes

DAVID CONCORDIA, 1180 E. Oak Road, Block 1801, Lot 99, Zone R-5, lot frontage to utilize a portion of the property as a farm.

The applicant was represented by Richard King, Esq.

Stephen Hawk, PP, testified on behalf of the applicant. The property is narrow and deep along Oak Road. It is 2400 feet deep. The property has a single-family dwelling with a couple of out buildings. There is a clear area behind that and a wooded area. It has some history of a dairy farm, and there is some evidence

of horses. The area is bigger than what is required for a farm. The lot meets the criteria for a farm except for frontage, 155 feet whereas 250 feet required. The property widens up to 185 feet almost immediately after. It meets the C-1 criteria due to narrowness, shallowness, odd shaped with a chunk taken out by the railroad right of way. C-2, benefits substantially outweigh the detriments. The detriments are almost not recognizable because they are minimal. Zoning Purpose C, light air and open space is preserved by having this farm area. The goats on the property are going to keep down the grass. It is a permitted use.

Mr. Crudele indicated that currently in the R-5 zone, there is a variance for the side yard setback for the fenced in area.

Mr. King indicated that the fence will be a wire mesh fence consistent with the fence that exists on the east side. The east side fence will not be moved. The proposed portion on the west side will be 4 feet high, 5 feet off the property line. The farm will have 7 goats, 12 chickens and no roosters.

The west side buffer will be 5 feet whereas 40 feet permitted. The side buffer on the east side will be 0 feet whereas 40 feet is required. Lot frontage is 155.54 feet whereas 250 feet is required.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Ms. Lods made a motion to approve the application.

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

DIGNA D. CANO-MEJIA, 502 Clarendon Avenue, Block 2309, Lot 20, Zone R-2, certification of non-conforming use for a mother in-law suite addition.

The applicant testified on her own behalf. The applicant purchased the house for her family in the year 2019. She applied for permits for the mother in-law suite that currently exist, and she was notified that it was not in compliance. All the structures existed when she acquired the property. There is a permit from the year 1989 for a roof. She would like to keep the footprint as is and use the mother in-law suite. They have to clean, paint and remove some old stuff from the property.

Mr. Crudele indicated that the Zoning Officer would prefer this variance to be called out as a single-family dwelling with an in-law suite. The variances for the addition will be front yard setback 19.62 feet whereas 30 feet required. On the northerly side, there is 6.2 feet whereas 10 feet required. Rear yard setback is 5 feet whereas 20 feet is required. The shed will be moved 6 feet from the property lines. The floor plan indicates the main living area has two bedrooms and one bathroom. The in-law suite has one

bedroom and one bathroom. A deed restriction will be required for a single-family dwelling with an in-law suite.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to grant the application.

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

JORVIC REALTY, LLC, 3349 and 3379 Dante Avenue, Block 6405, Lots 9 and 10, Zone R-4, use variance and minor subdivision approval to create two (2) new lots and convey a portion of one (1) lot to another lot.

The applicant was represented by Eric Goldstein, Esq. Mr. Goldstein indicated that one of the newly formed lots will have two principal uses on one property. There is a single family home and a contractor's yard. The lots meet or exceed the ordinance.

Dwayne Sauders, Principal for Jorvic Realty, testified on his own behalf. This was his father's property and he is trying to correct the lot lines so it is manageable.

Mr. Goldstein indicated that the applicant agrees to all the comments in the Planning and Engineering Reports. Special reason for the granting of this variance is site suitability. The yard has existed since the 1960s, and the site was cleaned up. There was the removal of some structures. The benefits outweigh any negatives. The new lot lines will more conforming. They would like to put an easement from Dante Avenue to the middle center of the property.

Mr. Headley indicated that there will be a removal of a dirt driveway and small shed. The easement will go along the drive isle giving access to lot 10.

The proposed lot configurations are as follows: Proposed new lot 9.01 will contain a net area of 22,000 square feet (0.505± acres), with frontage of 110 feet on Dante Avenue and a net depth of 200 feet. Proposed new lot 9.02 will contain a net area of 22,000 square feet (0.505± acres), with frontage of 110 feet on Dante Avenue and a net depth of 200 feet. The proposed remainder of former lot 9 (proposed lot 9.03) will contain a net area of 56,025 square feet (1.286± acres), with frontage of 220 feet along Dante Avenue and a net depth of 265 feet. A 397,572± square foot portion of existing lot 9 will be conveyed to proposed lot 10. Proposed enlarged lot 10 will contain a net area of 440,710 square feet (10.117± acres), with frontage of 130 feet on Dante Avenue and a net depth of 850 feet.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

FRANK & KATHLEEN PETTISANI, 1500 S. Lincoln Avenue, Block 5223, Lot 19, Zone R-5, use variance and minor subdivision approval to create one (1) new lot.

The applicant was represented by Michael Gruccio, Esq. This relates to a development of a dental office dating back to 1990s. The Zoning Board permitted an expansion approval in 1994. Exhibit A-1, aerial of property. There is an emergency mental health care facility to the north. There is a dental office to the south. This is a vacant grassed with woods to the rear of the site. There is no intention to develop the ground. The applicant is in receipt of the Planning and Engineering Report. Use variances were previously granted to allow the expansion of the site. The zone was zoned R-4 and the frontage standard was 110 feet. Current R-5 standards require a frontage of 150 feet. The applicant is requesting variances in the Planning Report, item 7(a-c),

In the Planning Report, items 7a-c, the proposed lots have the following variances from the single-family minimum lot dimension standards for the R-5 Zone. Lot frontage, proposed lot 19.02 (120 feet provided vs. 150 feet required). Lot width, proposed lot 19.02 (120 feet provided vs 150 feet required Impervious coverage, remainder lot 19.01 (40.43% provided vs 15% required). The applicant will comply with the remainder of the report.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Ms. Lods made a motion to approve the application.

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Joseph Repice: Yes
George LoBiondo: Yes

Application granted.

TIBURCIO HERNANDEZ MIGUEL, 1529 N. Delsea Drive, Block 1601, Lot 100, Zones B-3/R-3, construction of an accessory metal garage building on a lot with an existing single family home.

The applicant was represented by Victor Druziako, Esq.

Patricia Cuadra. Interpreter for the applicant translating English to Spanish and Spanish to English.

Tiburcio Hernandez, applicant.

Mr. Druziako explained that the applicant is requesting a use variance for a 1500 square foot garage. The B-3 zone does not allow single-family dwellings, so the garage triggers the use variance. The garage is a pre-manufactured building and will be set back about 50 feet from the rear of the house. The rear of the property is heavily wooded. The garage will be for the storage of this two classic cars and will solely be used for his personal use.

Patricia Cuadra translated Mr. Hernandez. The garage is for his personal use and it is not for commercial or business purposes. He previously operated a business and it is now closed. Mr. Hernandez understands that he cannot operate a business from the garage. He is looking at a location Millville to operate his business.

Mr. Headley indicated that the sketch provided looked like a site plan for a commercial operation. Patricia Cuadra translated Mr. Hernandez. He explained that he did not understand what he had to do, so he had an architect draw up the plan.

Louis Viscusi, owner of European Auto, member of the public, testified that he did not think the applicant was being truthful. The applicant removed over a half an acre of trees in the rear of his property. He invested a lot of money on his own site, and he is concerned with illegal dumping of oils by his neighbor.

The board set a condition that all hazardous materials, tires, and auto parts be stored inside the garage.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes
Victoria Lods: Yes
Rudolph Luisi: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Joseph Repice: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Darwin Cooper: Yes
Victoria Lods: Yes
Rudolph Luisi: Yes

Raquel Soto: Yes
Joseph Stefano: Yes
Joseph Repice: Yes
George LoBiondo: Yes

Application granted.

187 WWR, LLC, 187 W. Wheat Road, Block 1604, Lot 2, Zone R-3, preliminary/final major site plan approval for a warehousing and distribution raw glass products facility.

The applicant was represented by Michael Gruccio, Esq. The applicant is in receipt of the Planning and Engineering Reports. All comments in the Engineering Report are acceptable. In the Planning Report, item 6a, waiver for driveway width-minimum, two-way, easternmost driveway (11± feet provided vs. 24 feet required). The applicant agrees with staff and will comply. The applicant will also comply with a perfected plan item in item 15.

Anthony De Rosa, Professional Engineer, testified on behalf of the applicant. There are three entrances along Wheat Road. The western entrance will be a one way. The center entrance will be a two way. The eastern entrance will not be in use and they will put up signage. There are variances in item 7 that are requested. Impervious lot coverage (34.4% provided vs. 30% maximum permitted). Rear buffer (<1 foot provided vs. 5 feet required). The applicant is not proposing new surfaces, buildings or structures. There will be internal circulation signage and line striping. There will be bollards added to the rear for safety. There are removable loading dock that will help with the operation. They are proposing a trash enclosure to the rear of the building. Signage for the site is not proposed. The applicant is not proposing lighting that will spill into the road or surrounding lots. In the Planning Report, waivers for item 9 a-b), Street shade trees (0 trees provided vs. 18 trees required at 1 per 50 feet of frontage). The majority of the frontage along the site is wooded. The Board may consider these trees when evaluating the waiver noted above. Parking area shade trees (0 trees provided vs. 1 tree required at 1 per 12 parking spaces). Waivers for Item 14 (a-b), show all structures within 150 feet of the land to be developed. Structures are considered to include, but not be limited to, buildings, driveways, mailboxes, signs, utility poles, drainage and sewerage structures, and valves. Note current use of application property and that of properties within 200 feet of the subject parcel. Include names of businesses where appropriate. Waiver for 14l, show finished floor, top of block, garage floor, basement floor/crawl space and exterior corner elevations for all buildings and structures. Basement floor/crawl space elevation shall be not less than 2 feet higher than the seasonal high groundwater level. Waiver for 14m, show contour lines based on United States Coast and Geodetic data or bench marks approved by the City Engineer. Waiver for 14n, show proposed grading at maximum one-foot intervals, for a sufficient distance to define runoff paths. Waiver for 14q, show the centerline elevations of the existing streets. Waiver for 14r, provide hydrologic soil groups (HSG) and soil boring log information, including, but not limited to, soil profile, permeability rate, existing ground elevation, and elevation of seasonal high groundwater, on drainage/grading sheets. Waiver for 14s, provide a list of any design waivers or exceptions requested from City development regulations.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes
Victoria Lods: Yes
Rudolph Luisi: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Joseph Repice: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

NORTH CYPRESS RENTALS, LLC, 1010 E. Landis Avenue, Block 3118, Lot 19, Zone R-P, use variance approval to establish a mixed-use property that includes professional offices and retail establishments along with a waiver of site plan improvements.

The applicant was represented by Michael Gruccio, Esq. The applicant is the contract purchaser. The site is across the street from the B-3 zone. The building contains three usable units and proposing professional office and retail establishments.

Mr. Odorizzi testified on behalf of the applicant, the proposed accessory building will be 3,000 square feet to accommodate storage for the business use. It requires a normal size garage door, the height of the ceiling will be 10 feet or less, and it will have an A-frame roof.

Kevin Bernhardt, owns the funeral home next door, indicated that the building is historic. He is concerned with parking and trash.

Mr. Odorizzi testified that they will have dumpster, and they will work with the tenants about disposal and keep trash off property. It will be located to the rear of the property. The first floor unit will be retail, second floor will be office space non-profit business, and third floor will be for a jewelry designer.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Ms. Lods made a motion to approve the application.

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

Meeting adjourned at 9:36 PM

Roll call:

Darwin Cooper: Yes

Victoria Lods: Yes

Rudolph Luisi: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Yasmin Ricketts, Secretary

Zoning Board of Adjustment