

ZONING BOARD OF ADJUSTMENT MEETING
April 27, 2023

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

Members present were:

Ryan Flaim
Raquel Soto
Eric Hernandez
Joseph Repice
Joseph Stefano
George LoBiondo

Members absent: Rudolph Luisi, Darwin Cooper, Mark Grussenmeyer, Victoria Lods

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
Elizabeth Jambor, Planner Trainee

Mr. Van Embden went over revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the March 15, 2022 meeting.

Roll call:

Raquel Soto: Abstain
Joseph Stefano: Yes
Joseph Repice: Abstain
Eric Hernandez: Yes
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the March 15, 2022 meeting

Roll call:

Raquel Soto: Abstain
Joseph Stefano: Yes
Joseph Repice: Abstain
Eric Hernandez: Yes
George LoBiondo: Yes

ROSE AYALA, 1026 E. Sherman Avenue, Block 6801, Lot 65.2, Zone R-5, construction of an oversized pole barn.

Rose Ayala testified on her own behalf. She proposed to construct a 2,400 square foot pole barn. The pole barn will be for her personal belongings. She is currently storing her belongs in three storage units.

Mr. LoBiondo and Mr. Stefano both stated that they were not comfortable with a structure that large in size. The pole barn can be converted into a business under new ownership of the property.

Ms. Ayala agreed to amend her request to a 2,000 square foot pole barn. The pole barn will be 12 foot high. She intends on laying down a stone pathway for access.

Mr. Finley stated that the applicant submit a plan with better driveway details. Those details can be submitted when she applies for permits.

Chairman made a motion to close the public hearing.

Roll call:

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Application granted.

ERIC THOMAS, 1508 N. Orchard Road, Block 1501, Lot 9.4, Zone R-4, construction of an oversized pole barn.

Eric Thomas testified on his own behalf. He would like to construct a 1,440 square foot pole barn for personal use. He is storing boxing equipment, wrestling equipment, lawn equipment and tires. The tires are for his trucking company. His children will also store some belongings in the proposed pole barn. He purchased the pole barn and he was unaware that he needed a variance. The height will be 12 feet and no higher than 15 feet. The pole barn will be accessed by foot.

Mr. LoBiondo stated that the tire storage for Mr. Thomas's business is a commercial use.

Mr. Thomas agreed to store the tires at another location.

Chairman made a motion to close the public hearing.

Roll call:

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Ms. Soto made a motion to grant the application.

Roll call:

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Application granted.

CASSANDRA QUILES, 31 E. Forest Grove Road, Block 910, Lot 1, Zone R-4, certification of non-conforming use for a two-unit family dwelling.

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

The applicant purchased the property has a duplex, and then was told that it did not have an approval that permitted it. This has caused a hardship, because she has lost five months of lost rent. She will not be able to afford the mortgage.

Cassandra Quiles testified on her own behalf. The upstairs is a studio apartment. The apartment was converted approximately 50 years ago. The previous owner stated that she converted the house into a duplex. When she purchased the duplex, a tenant occupied the unit. The property has a septic system with a well. There are two electric meters, probably was installed more than 20 years. There is a floor plan and a survey included in the application. She purchased in November 2020.

Mr. Finley believes the duplex existed for more than 20 years, because an approval from the Zoning Office was required for the installation back then.

Chairman made a motion to close the public hearing.

Roll call:

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application

Roll call:

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Application granted.

BRIAN K. CREITZ, SR., 1001 W. Landis Avenue, Block 3504, Lot 1, Zone B-4, temporary use permit for the sale of fireworks.

Brian Creitz testified on his own behalf. He proposed retail sales of fireworks under a fire tent. Hours of operation will be from 11:00AM-7PM. At the close of each business day, products will be removed. This will be a temporary use. The proposed dates are June 28, 2023 until July 6, 2023. The owner of the site has agreed to allow the tent on the property.

Mr. Finley stated that the applicant will also need approval from the Fire Marshall.

Mr. Headley stated that the location was not appropriate from a safety and traffic perspective.

Tanisha Gomez, member of the public, suggested another location on the site away from the driveway.

Chairman made a motion to close the public hearing.

Roll call:

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Ms. Stefano made a motion to deny the application.

Roll call:

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Application denied.

GIRLS & BOYS CLUB OF CUMBERLAND COUNTY, 560 Crystal Avenue, Block 2328, Lot 2, Zone I-2, addition of a multipurpose room to an existing childcare facility.

The applicant was represented by Victor Druziako, Esq. The applicant occupied this location in the year 2017. They are proposing a multi-purpose room expansion to an existing childcare facility.

John Pedersen, Architect, testified on behalf of the applicant. This building is the old credit union with a full basement. The club received a grant to build the addition. They are proposing to connect the buildings and addition to the west. The proposed addition can be smaller depending on funding. It will be one story with pitched roof. The peak will be 24.4 feet high.

Chris Vulgar, CEO, testified on behalf of the applicant. The club provides s after school program, and they received a grant. They are currently helping 30 children, and they are anticipating adding an additional 30 children.

Mr. Finley stated that the club received a use variance 20 years ago.

Mr. Headley stated that the staff did not have any objections to the waiver of site plan approval.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ryan Flaim: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Application granted.

ANNA CRISTINA VASQUEZ, 213 & 215 N East Boulevard & 508 E Plum Street, Block 3011, Lots 23, 24 & 25, Zones NC/R, use variance approval for used car sales along with waiver of site plan.

The app was represented by Victor Druziako, Esq. The applicant is under contract to purchase the property. They are seeking to operate a used car business and internet vehicle sales. The property has a commercial structure and used for the Laury Plumbing business.

Daniel J. Paterson, Surveyor, testified on behalf of the applicant. The applicant is seeking a site plan waiver, so he conducted a detailed survey showing the lot improvements on lot 24. The property has an existing commercial use. The existing building has two large overhead doors. There will be an area with stone for the cars.

Mr. Headley explained that the surface should be concrete or asphalt for the parking of vehicles. Granting this variance without site plan approval requires reasoning. There was no testimony given by a Planner or Engineer. This use will not meet the criteria for the zone or area. Used car lots are not permitted in the Redevelopment Area. The owner has entered into a redevelopment agreement that requires a site plan approval for this lot.

Mr. Finley agreed with Mr. Headley. This NC zone is a redevelopment area, and the proposed use is too intense. It is not a good fit for the area.

Mr. Druziako stated that the property is vacant and it is an eyesore to the area. The proposed use will make that corner look better.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to deny the application.

Roll call:

Ryan Flaim: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Application denied.

Meeting adjourned at 8:42 PM

Roll call:

Ryan Flaim: Yes

Raquel Soto: Yes

Joseph Stefano: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Yasmin Ricketts, Secretary
Zoning Board of Adjustment