

ZONING BOARD OF ADJUSTMENT MEETING
June 21, 2023

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

Members present were:

Joseph Repice
Victoria Lods
Mark Grussenmeyer
Joseph Stefano
George LoBiondo

Members absent: Rudolph Luisi, Ryan Flaim, Raquel Soto, Darwin Cooper, Eric Hernandez

Others Present were:

Nathan Van Embden, Zoning Board Solicitor
Yasmin Ricketts, Zoning Board Secretary
Patrick Finley, Zoning Officer
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 May 17, 2023 meeting.

Roll call:

Victoria Lods: Yes
Joseph Stefano: Yes
Mark Grussenmeyer: Yes
Joseph Repice: Yes
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the May 17, 2023 meeting

Roll call:

Victoria Lods: Yes
Joseph Stefano: Yes
Mark Grussenmeyer: Yes
Joseph Repice: Yes
George LoBiondo: Yes

MARK MC CLEARY, 416 Ithaca Street, Block 1701, Lot 12, Zone R-2, construction of an oversized garage.

The applicant was represented by John Penberthy, Esq.

An ordinance was approved by City Council, giving Mr. Mc Cleary the adjacent lot. The lot runs through wetlands and it is undevelopable. The deeds will be submitted to the City's Solicitor for review. Mr. Mc Cleary would like to erect a steel garage on that lot for storage and a small workshop for his personal use. He is proposing 1700 square feet whereas 1000 square feet permitted. The height will be a maximum of 15 feet. The garage will be pushed back 5 feet because the permitted setback is 35'.

Mr. Headley indicated that the applicant will not receive a clearance for permits until there is proof of a recorded consolidation deed.

Chairman made a motion to close the public hearing.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Ms. Lods made a motion to approve the application.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

GINA MITCHELL, 1527 Blackburn Court, Block 5901, Lot 18, Zone R-5, side yard setback for an addition to kitchen.

The applicant testified on her own behalf. She is requesting addition to her existing kitchen.

Mr. Finley explained that the lot was in R-3 zone and became an R-5 zone requiring 35-foot side yards. She is proposing to enlarge her kitchen as seen on the plot plan. It is approximately a 12 foot side yard on that side whereas 35 feet required. The front yard setback will be 41.75 feet whereas 60 feet required. This zone requires bigger lots now with bigger requirements. The applicant could not build this house today with these requirements.

Ms. Mitchell explained that the kitchen will go hallway into the driveway. There is a wood fence on the addition side between neighbors. The adjacent lot 6 is approximately 11 feet whereas 35 feet required away with the addition.

Chairman made a motion to close the public hearing.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Ms. Lods made a motion to approve the application.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

CREEKVIEW DEVELOPMENT, 3142 Daldon Lane, Block 6901, Lot 100, Zone W-5, construction for a single-family dwelling.

The applicant was represented by Michael Gruccio, Esq. The contract purchaser would like to build a single-family dwelling. A subdivision of lots fronting on Daldon Lane was approved in the W-5 zone. The tax map shows that Daldon Lane shows 22 small lots. There are a number of single-family homes already erected in this area. The proposed house is not out of character with the neighborhood. This non-conforming lot, overall area of parcel 100,000 square feet. They are requesting a side yard setback of 35.41 feet whereas 40 feet required.

Chairman made a motion to close the public hearing.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

ANGEL & MARIA PEREZ, 629 E. Cherry Street, Block 4115, Lot 9, Zone R, certification of non-conforming use for a two-unit family dwelling.

The applicant was represented by Victor Druziako, Esq. The applicants Angel and Evelyn Perez are present to testify. The current zone allows for a two family dwelling, but the lot is undersized under the current standards. The current required is 15,000 square feet whereas 8,000 square feet proposed. The side setback requirement for the main building is 10 feet and 6 feet for an accessory structure. The applicant is proposing 1.93 feet to 2.1 feet on the west side of the property. The east side is conforming. The old survey from 1974 is consistent with the current one that was provided. It shows that the property had a two family dwelling at that time. The applicant provided photographs of meters installed prior to 1974, two furnaces, two chimneys and a property record card.

Mr. Finley indicated that the presentation stipulates the facts that the two family dwelling existed since at least 1974.

Mr. Druziako explained that the two family dwelling contains two bedrooms on one side. The other side has one bedroom, and there is a TV room that is undersized so it is not used as a bedroom.

Chairman made a motion to close the public hearing.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

PHOTO QUICK CORPORATION, 702 E Plum Street, Block 3013, Lot 20, Zone R-2, certification of non-conforming use for a two-unit family dwelling.

The applicant was represented by Stephen Barse, Esq. Supporting documents were submitted with the application. The applicant acquired property in 2003 as a two family dwelling. The property record card recognizes that it is a two family dwelling.

Mr. Finley explained that the old property record card shows the two family dwelling conversion in 1979. He personally knows that was a two family dwelling for the past 40 years.

Susan Morello testified on her own behalf. There are two units, one in the front and one in the rear. Unit one, two story with two bedrooms. Unit two, located in the rear and has one bedroom.

Mr. Van Embden stated that a survey was submitted.

Chairman made a motion to close the public hearing.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Ms. Lods made a motion to approve the application.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

BRANDON SMITH, 993 W. Park Avenue, Block 2704, Lot 40, Zone R-2, certification of non-conforming use for a three-unit family dwelling.

The applicant was represented by Michael Guccio, Esq. The applicant included exhibits with the application. One is a survey, a floor plan, records from the tax office, Landis Sewerage Authority documents and Licenses and Inspections documents. The Landis Sewerage Authority documents indicate that that are three units since the year 1998. Licenses and Inspections has registrations for three units since the year 1999. The tax records support that this is a three unit dwelling. They indicate family dwellings dating back to the year 1970 to 1979. Three unit dwellings were permitted until June 24, 2008.

Unit 1, porch, one bedroom, kitchen. Unit 2, one bedroom, kitchen, living, bathroom. Unit 3, one bedroom, kitchen, living, bathroom. The property is currently consistent with the old tax records. There are non-conformities for this property. Front yard setback 37.80 feet, easterly setback 9.83, westerly setback 34.84 feet and rear yard setback 45 feet. There is an accessory structure on the southeast corner, 1.9' from rear, 2.31 feet easterly property line. The survey reveals that there is 21% impervious coverage consisting of the stone driveway and stone parking area

Chairman made a motion to close the public hearing.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Ms. Lods made a motion to approve the application.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

REUVEN HANDLE, 310 W. Grape Street, Block 3807, Lot 23, Zone R, certification of non-conforming use for a two-unit family dwelling.

Awilda Heredia, owner, testified on behalf of the contract purchaser. She purchased the property in the year 2001. Supporting documents were submitted with the application. Apartments A and B have separate electrical meters. The property records card indicates a two family dwelling.

Mr. Finley explained that the old property record cards shows a two family flat with notations going back to the year 1935. The property record card is sufficient to certify the two family dwelling. The survey dated 4/18/2023 has the existing variances.

Ms. Heredia indicated that each unit has two bedrooms and both have access to basements.

Chairman made a motion to close the public hearing.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Ms. Lods made a motion to approve the application.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

SJ GLASS AND DOOR, 3278 S West Boulevard, Block 7004, Lot 10.1, Zone I-B, amended major site plan approval for the expansion of Phase II.

The applicant was represented by Peter Chacanas, Esq. Lots 9 and 10 were formerly combined. The board approved this project in two phases. Phase one, the applicant has constructed 7,000 square foot building. Phase two, 30,000 square foot expansion of that building. The applicant is now seeking to amend phase two, 53,193 square foot addition. Planning Report, dated May 31, 2023, item 7a, variance for service areas, loading docks or similar appurtenances shall be located within side yards or rear yards. Item 8a, waiver for parking space row length without a tree island break, westerly side (18 space row provided vs. 12 space row maximum permitted). Item 14a, waiver for omitted plan details, be drawn to standard engineering scale, not less than 1"=50' and not more than 1"=10'. Sheet size shall be 24"x36" or 11"x17". In the event that the overall site does not fit onto a standard sheet size, an additional site plan sheet shall be provided which shows the entire site development at a reasonable standard scale. Waiver for item 14f, indicate the on-site accessways and sight triangles, existing and proposed, with referenced dimensions. Waiver for item 14h, show existing and proposed utility lines and the location of poles. Waiver for 14i, show existing and proposed on-site lighting type and location. Provide a site lighting plan showing the location, height above grade, type of illumination, type of fixture, the source lumens, and the luminous area for each source of light proposed. Waiver for item 14j, provide existing and proposed outdoor trash areas, screened as required, with location dimensioned. Waiver item 14k, show the centerline elevations of the existing streets. Waiver for item 14m, provide a landscaping plan showing any proposed landscape areas, including buffer areas; the number, location, size, species, and location of proposed plantings; planting details; and proposed means of irrigation.

Chairman made a motion to close the public hearing.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Application granted.

Meeting adjourned at 8:15 PM

Roll call:

Victoria Lods: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

George LoBiondo: Yes

Yasmin Ricketts, Secretary
Zoning Board of Adjustment