

ZONING BOARD OF ADJUSTMENT MEETING
August 16, 2023

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

Members present were:

Joseph Stefano
Joseph Repice
Mark Grussenmeyer
Eric Hernandez
George LoBiondo

Members absent: Ryan Flaim, Victoria Lods, Skip Luisi, Darwin Cooper

Others Present were:

Nathan Van Embden, Zoning Board Solicitor
Alena Broshchan, Substitute Zoning Board Secretary
Rick Crudelle, 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 July 19, 2023 meeting.

Roll call:

Joseph Stefano: Yes
Mark Grussenmeyer: Abstain
Joseph Repice: Yes
Eric Hernandez: Yes
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the July 19, 2023 meeting

Roll call:

Joseph Stefano: Yes
Mark Grussenmeyer: Abstain
Joseph Repice: Yes
Eric Hernandez: Yes
George LoBiondo: Yes

PETRU GRATE, 1880 Maurice River Parkway, Block 1001, Lot 8, Zone W-5, construction of a single-family dwelling.

The applicant was represented by Michael Gruccio, Esq. More than 50% of the property is undevelopable because of fresh water wetlands. The survey shows that the northwesterly corner is 15 feet from the wetlands line. The applicant is requesting a C-1 variance, hardship variance because of the wetlands constraint. They are requesting a front yard setback of 35 feet whereas 50 feet required. The property is 172,269 square feet (3.95 acres) and located in the W-5 zone.

Chairman made a motion to close the public hearing.

Roll call:

Joseph Stefano: Yes
Mark Grussenmeyer: Yes
Joseph Repice: Yes

Eric Hernandez: Yes
George LoBiondo: Yes
Mr. Stefano made a motion to approve the application.
Roll call:
Joseph Stefano: Yes
Mark Grussenmeyer: Yes
Joseph Repice: Yes
Eric Hernandez: Yes
George LoBiondo: Yes

Application granted.

LHA PROPERTIES, LLC, 37 Columbia Avenue, Block 4206, Lot 25, Zone R-2, certification of non-conforming use for a two-unit family dwelling.

The applicant was represented by Robert De Santo, Esq. The applicant purchased on the property on May 21, 2023. They purchased the property as a two family dwelling. The tax records and the property record card reference a two family dwelling. The property record card also indicates that the owner is paying taxes for three dwellings. The utilities confirm that there are two separate accounts. Code Enforcement records indicated that the dwelling is registered as a two family dwelling dating back to 1999. CO's have been issued a various times for each of the units. The units are vacant and will remain vacant pending the board's decision.

John Maffa, owner, testified on his own behalf. He purchased the property as a duplex and intends on making them rental units. First floor unit, two bedrooms and one bathroom. Second floor unit, three bedrooms and one bathroom.

Chairman made a motion to close the public hearing.
Roll call:
Joseph Stefano: Yes
Mark Grussenmeyer: Yes
Joseph Repice: Yes
Eric Hernandez: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.
Roll call:
Joseph Stefano: Yes
Mark Grussenmeyer: Yes
Joseph Repice: Yes
Eric Hernandez: 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 construction of a storage building.

The applicant was represented by Steve Fabiotti, Esq. The applicant received an approval to an amendment of site plan approval. The applicant is now requesting a 12,000 square foot storage building with associated site improvements for inventory. The proposed building will be on the southeast corner of the property with an access drive. There are no variances associated with this application, but there are a few waivers. Planning Report, item 7a, driveway width-minimum, two-way (20 feet provided vs. 24 feet required). Item 12a, waiver for 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 12b, 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. Waiver for 12c, 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 12e, show the centerline elevations of the existing streets. Waiver for 12f, show basin cross-sections, when applicable, indicating all relevant elevations and topographic features. The limit of the cross-section shall be fifty (50) feet from where the one-foot freeboard elevation intersects the inner bank of the basin. Waiver for 12g, show storm sewer, existing and proposed, in plan and profile.

Chairman made a motion to close the public hearing.

Roll call:

Joseph Stefano: Yes

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application

Roll call:

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve Resolution #2023-60.

Roll call:

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Application granted.

CREEKVIEW DEVELOPMENT COMPANY, LLC, 1595 & 1611 E. Elmer Road, Block 5902, Lots 24 & 25, Zone R-5, use variance and a minor subdivision approval to convey a portion of one lot to another lot. Certification of non-conforming use for an existing two-unit family dwelling.

The applicant was represented by Michael Gruccio, Esq. Mr. Gruccio distributed two photos to the board. One photo depicted the proposed new home to be constructed on the Creekview property. The second image is the actual home that was constructed. The actual home as garage on the right side and the proposed had a garage on the left. The garage was built on the wrong side. Creekview is the owner of 1611 E. Elmer Road. The adjacent property to the west is Albert Denovellis Income Only, Block 5902, Lot 24. A 3,582.6 square foot portion of lot 24 will be conveyed to lot 25.

Proposed enlarged lot 25 will contain a net area of 41,989 square feet (0.963± acres), with frontage of 139.94 feet on Elmer Road and a net depth of 300.05 feet.

The proposed remainder of lot 24 will contain a net area of 44,425.4 square feet (1.020± acres), with frontage of 148.06 feet along Elmer Road and a net depth of 300.05 feet.

This lot adjustment eliminates the encroachment of the construction of the garage on the wrong side of the house. It will also create a satisfactory side yard setback.

There are variances for lot frontage, proposed lot 24 (148.06 feet provided vs. 150 feet required). Lot frontage, proposed lot 25 (139.94 feet provided vs. 150 feet required). Impervious lot coverage, proposed lot 25 (17%± provided vs. 15% maximum allowed). Side yard, proposed lot 24, easterly side (29.3 feet provided vs. 35 feet required). Side yard, proposed lot 25, westerly side (10 feet provided vs. 35 feet required). Waiver 8b, show all structures within 150 feet of the land to be subdivided. Structures are considered to include, but not be limited to, buildings, driveways, mailboxes, signs, utility poles, drainage and sewerage structures, valves, septic systems and wells. Waiver for 8c, note current use of application property and that of properties within 200 feet of the subject parcel. Include names of businesses, where appropriate.

The Denovellis property has a two family dwelling that was approved by the Planning Board in the year 1996. They were permitted as conditional uses at that time. The new owner did acquire a by right conditional use permit to construct the duplex. The duplex is non-conforming because of the zone change. This application is for the board to recognize that the duplex and lot when reduced in size, will be become a greater non-conformity.

Nicholas Govanni, Professional Architect, testified on behalf of the applicant. If the applicant removed the garage, it would be a significant piece of the second floor. There are a series of structural and utilities that would have to be reconstructed.

Mr. Gruccio explained that the house was built in accordance to the plan provided. There was a change of design, and Creekview did not change it.

Steven Nardelli, Professional Engineer, testified on behalf of the applicant. He explained that if the house was built according to plan, there would be a 20 foot setback.

Jason Brandt, Member of the Public, he explained that the construction office requires an as built survey prior to construction. He does not believe the applicant used the existing foundation.

Mr. Govanni explained that the existing foundation was too small for their building packages.

Michael Joffe, builder, testified on behalf of the applicant. They submitted a plot plan and it was approved. There was a mistake and the neighbor was contacted to work it out. Everyone was responsible for the mistake.

Chairman made a motion to close the public hearing.

Roll call:

Joseph Stefano: Yes

Mark Grussenmeyer: Yes

Joseph Repice: Yes

Eric Hernandez: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Joseph Stefano: Yes

Mark Grussenmeyer: Yes
Joseph Repice: Yes
Eric Hernandez: Yes
George LoBiondo: Yes

Application granted.

U-HAUL, 2290 S. Delsea Drive, Block 6101, Lot 19, Zones B-3/ R-5, amendment to Resolution #2022-28.

Mr. Headley explained that U-Haul has requested an amended resolution. The applicant is not requesting any changes to site improvements. They are requesting the DOT approval condition to be required at the time of CO issuance. At this time, DOT is delayed with their applications.

Chairman made a motion to close the public hearing.

Roll call:

Joseph Stefano: Yes
Mark Grussenmeyer: Yes
Joseph Repice: Yes
Eric Hernandez: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Joseph Stefano: Yes
Mark Grussenmeyer: Yes
Joseph Repice: Yes
Eric Hernandez: Yes
George LoBiondo: Yes

Application granted.

Meeting adjourned at 8:26 PM

Roll call:

Joseph Stefano: Yes
Mark Grussenmeyer: Yes
Joseph Repice: Yes
Eric Hernandez: Yes
George LoBiondo: Yes

Yasmin Ricketts, Secretary
Zoning Board of Adjustment