

ZONING BOARD OF ADJUSTMENT MEETING
November 19, 2025

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

Members present were:

Terry Andrus
Albert Fisher
Andrew Groetsch
Joseph Repice
Joseph Stefano
George LoBiondo

Members absent: Ryan Flaim, Cedric Holmes, Rudolph Luisi, Eric Hernandez

Others Present were:

Amanda Moscillo, Alternate Zoning Board Solicitor
Alena Broshchan, Substitute Zoning Board Secretary
Ryan Headley, Zoning Board Engineer/Planner
Pat Finley, Zoning Officer

Ms. Moscillo went over revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the October 15, 2025, meeting.

Roll call:

Terry Andrus: Yes
Albert Fisher: Yes
Andrew Groetsch: Yes
Joseph Repice: Yes
Joseph Stefano: Abstain
George LoBiondo

The Chairman entertained a motion to approve the resolutions from the October 15, 2025, meeting.

Roll call:

Terry Andrus: Yes
Albert Fisher: Yes
Andrew Groetsch: Yes
Joseph Repice: Yes
Joseph Stefano: Abstain
George LoBiondo

MIRIAM CORNELIO PADILLA DE ABREU, 309 S. Seventh Street, Block 4103, Lot 24, Zone R, certification of non-conforming use for a two-unit family dwelling.

The applicant, Ms. Miriam Cornelio Padilla de Abreu, was sworn in with the assistance of a translator, Nidia Rivera. She stated that she was seeking certification of a pre-existing duplex for the property she purchased in 2022. She explained that one unit is currently occupied and the second unit is vacant due to not passing a prior inspection. Documentation was submitted indicating that the property has historically been used as a duplex.

Mr. Finley, Zoning Officer, confirmed that he reviewed the documents provided. Most of the records were recent and not relevant to determining longstanding use. However, a 2017 Sewerage Authority record showed two units, and a 2010 electrical permit and CO referenced a duplex. The most significant documentation was the property record card, which indicates the property as a “two-family conversion,” indicating that the duplex use dates back to at least the late 1980s or early 1990s. He requested that the applicant provide a sealed copy of the survey. A floor plan was also submitted for review and confirmed that each unit contains two floors. Unit 1 has a conventional kitchen, dining room, living room, one bedroom and bathroom on the first floor, and three bedrooms and a bathroom on the second floor, for a total of four bedrooms and two bathrooms. Unit 2 had several issues related to code compliance, and it has not been inspected in a long time. The first-floor room labeled as a bedroom should be considered a dining room because the kitchen is not an eat-in kitchen. On the second floor, the bedroom is a walk-in closet. Unit 2 contains two bedrooms, one bathroom, and a large closet. Both bedrooms have hallway access to the bathroom, satisfying code requirements. Mr. Finley stated that the floor plan must be revised to reflect two bedrooms, not four, and to correctly identify the first-floor dining room and the non-bedroom closet area. The applicant was advised that, if approved, she must submit the sealed survey and a revised floor plan to the zoning office. Spanish-speaking staff are available to assist, and an inspection may also be scheduled.

Chairman made a motion to close the public hearing.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the use variance.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Application granted.

LARK PROPERTIES, LP, 765-785 E. Oak Road, Block 2903, Lot 15, Zone R-2/I-2, use variance to construct an 80,000 square foot warehouse building on a split-zoned lot.

The applicant was represented by Robert Baranowski, Esq. He was also accompanied Ethan Byler, representative of the applicant, and Tiffany Morrissey, professional planner.

Mr. Finley announced that he needed to recuse himself due to a conflict.

Mr. Baranowski explained that this is a bifurcated use variance application, with any approval subject to future site plan review. The property is split-zoned: the rear portion lies within the zone I-2, and the frontage along Oak Road is situated within the R-2 zone. The applicant proposes a conforming 80,000-square-foot warehouse on the I-2 portion of the property. A use variance is required because the proposed driveway access to Oak Road crosses the R-2 portion. Without access through the R-2 frontage, the I-2 portion of the property would be landlocked.

Ms. Morrissey testified on behalf of the applicant. Exhibit A-1, zoning map taken from the City's GIS system was distributed. She explained that the property fronts on East Oak Road, with the rear of the site abutting a railroad right-of-way and Hendee Road. Because the railroad right-of-way sits between the property and Hendee Road, the site has no access from the rear. The only point of access is from East Oak Road. There are three lots involved in the application. Lot 16 contains an existing flag-lot stem that already extends to Oak Road and the rear portion of the lot contains the buildable area. Lots 14 and 15 are included to accommodate the proposed stormwater basin and the driveway, subject to site plan approval. The frontage area (Lots 14 and 15 and the stem of Lot 16) lies in the R-2 zone, while the rear portion of the site is located in the I-2 zone. The R-2 zoning extends back approximately 325 feet, with the remaining $\pm 1,000$ feet is situated in the industrial zone. She explained that while most D-1 use variance applications rely heavily on demonstrating advancement of the purposes of zoning and special reasons, this application presents a clear hardship because, without access through the R-2 frontage, the I-2 portion of the property would be landlocked and unusable. The driveway connecting to Oak Road is essential for the industrial use to function. Because that driveway crosses the R-2 district to serve an industrial facility, a use variance is required. This is a unique situation, and the zone has existed on this property for over 25 years. The location proposed for the driveway and stormwater basin are within the R-2 zone. Ms. Morrissey stated that the proposed layout advances several purposes of zoning under the Municipal Land Use Law. It provides sufficient space in an appropriate location for a permitted industrial use, and it promotes the efficient use of land by enabling lawful access to an area specifically designated for industrial development. Regarding the negative criteria, she testified that granting the variance would not cause substantial impairment of the zoning ordinance or master plan, nor would it create a substantial detriment to the public good. The proposed access is consistent with existing development patterns and avoids conflict with established residential driveways. A future site plan will address lighting, landscaping, buffering, and other design elements to ensure compatibility. She noted that while any development will create some change, the access is the only practical way to serve the industrial portion of the site, and any potential impacts can be mitigated through conditions of site plan approval. In her opinion, the benefits of permitting the access substantially outweigh any detriments.

Mr. Headley confirmed that he agreed with Ms. Morrissey's analysis. He stated that without access through the residential portion, the industrial land could not be accessed.

Kristen Charleston, a member of the public residing at 800 E. Oak Road, expressed concern regarding the applicant's proposal to install a basin across from her home. She noted that the area currently contains mature oak trees that her elderly mother enjoys, and she would prefer to see two new homes constructed so the neighborhood remains residential in character. Ms. Charleston added that the proposed warehouse would increase traffic in the area and create safety concerns.

Rosalino Hernandez, a member of the public residing at 816 E. Oak Road, expressed concerns about the traffic in the area, and he had similar concerns as Ms. Charleston.

Mr. Headley stated that he agreed with the public comments. He explained that most of the surrounding area is residential and that conforming lots could be created. Lots 14 and 15 are entirely within the R-2 zone and are currently being used only for the basin. He noted that Lot 16 is the flag lot and that the basin could be placed in that location instead. Mr. Headley further stated that the applicant created this issue due to the size of the proposed industrial building; if the building were smaller, the basin could be accommodated on the same lot. He also noted that the driveway is situated on its own lot. He understood the justification for lot 16 for access, but they are creating that condition for lots 14 and 15 (residential lots).

Ms. Morrissey responded that stormwater regulations have become significantly more stringent in recent years and now require detailed maintenance plans, financial guarantees, and municipal reporting. She acknowledged that many older basins are problematic but stated that modern standards are intended to prevent the issues seen in past developments. She added that commercial property owners are generally more reliable in maintaining

required stormwater facilities than homeowners' associations. The applicant will agree to maintain a 50-foot buffer, so the basin does not go all the way out to the road and ensure appropriate screening and vegetation.

Suzanna Philiposus, member of the public residing at 1599 Strathmore Avenue, stated that placing two residential homes on Lots 14 and 15 would create a hardship for the homes already in the area. She noted that the properties sit between the newspaper facility and Worldwide Glass, and the proposed driveway location, where the flag portion of Lot 15 extends to Oak Road, is extremely narrow. She felt that the driveway would need to be widened.

Mr. Headley disagreed with her comments and with the idea that the lots are not suitable for residential use. He explained that the zoning situation is similar to Lot 12, where homes exist on both sides of another flag-lot driveway. He further explained that Lots 14 and 15, located in the R-2 zone, are larger than required to construct homes. A home could be positioned to maintain a 150-foot wooded buffer between residential development and the industrial property. He added that in recent years, similar infill residential lots have been purchased and developed. In his opinion, the applicant created the need to include these lots in the industrial project and had not demonstrated valid justification for doing so. Mr. Headley explained that Lot 16 has 60 feet of frontage on Oak Road. A typical driveway is 24 to 30 feet wide, depending on use, and then flares are added. This frontage could potentially work depending on the intended use. It would accommodate tractor-trailer access for a warehouse, he stated the width might be tight, since preferred radii for industrial flare designs range from 25 to 35 feet, and most industrial access frontages average around 100 feet. Without engineered plans or information about the largest vehicle expected, he would not provide a definitive opinion. Oak Road is a County road, and the design engineer would normally determine the required radii based on vehicle type.

Mr. Baronowski stated that restricting the project to the current driveway alignment would limit the ability to design proper access to Oak Road. He argued that using Lots 14 and 15 for accessory industrial improvements, such as buffering and stormwater management, would benefit the surrounding residential neighborhood by providing enhanced screening. He noted that their planner had testified that the accessory use of these lots was particularly suited to the proposed industrial development. Denying access to Oak Road, he argued, would create undue hardship and impair the reasonable use of Lot 16. He stated that including Lots 14 and 15 for accessory use will allow the development of lot 16. All the issues will be fully addressed during site plan review.

Chairman made a motion to close the public hearing.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the use variance.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: No

Application granted.

GENESIS X. MORCELO, 478 W. Forest Grove Road, Block 703, Lot 27, Zone A-5, use variance to construct a new single-family dwelling while occupying the existing single-family home during construction.

Genesis X. Morcelo testified on his own behalf. He testified that the proposal is to allow a temporary continued use of the existing single-family dwelling while constructing a new single-family dwelling on the same lot. The property is currently used as his residence. In addition to the dwelling, there is a garage at the rear of the property. The applicant acknowledged that contracting equipment, including a skid steer and a scissor lift was stored on-site.

Mr. Finley explained that the contractor's yard is a separate use. He noted that the storage of contracting equipment may constitute a commercial use. He explained the intensity of activity, such as employees coming to the site, deliveries, and the quantity of equipment. It determines whether a small contractor's yard use exists, which would require separate approval.

Mr. Morcelo stated that the business is very small, consisting only of himself and one employee, and that the employee does not report to the property. No office functions or deliveries occur on-site. Most equipment is kept inside the garage; however, one piece of equipment is too tall for the garage door and must be stored outdoors. - The applicant confirmed that the existing dwelling will be demolished once the new dwelling is complete and occupied.

Mr. Headley discussed an appropriate timeframe and explained that removal of the existing dwelling shall occur within 24 months of the issuance of construction permits, or within six months of the issuance of a Certificate of Occupancy for the new dwelling, whichever occurs sooner.

A motion was made to grant the variance application permitting the applicant to construct a new single-family dwelling while temporarily maintaining the existing dwelling. The existing home must be removed within 24 months of the issuance of construction permits or within six months of the issuance of the Certificate of Occupancy for the new dwelling, whichever occurs sooner. The Board also acknowledged the limited small-contractor use currently occurring on the property and stated that any expansion of that use, including additional equipment, vehicles, or employees, will require the applicant to return to the Board for site plan approval and any necessary variances. A front-yard C variance will be required for the garage due to the corner-lot configuration.

Chairman made a motion to close the public hearing.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the use variance.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Application approved.

BOULEVARD BUSINESS CENTER, 1200 S. West Boulevard, Block 4812, Lot 12, extension request for Resolution #2023-75.

Robert Baranowski, Esq. provided a brief overview, noting that the request concerns an extension of the final site plan approval for a 12,000-square-foot industrial building originally approved by resolution on December 20, 2023. He explained that the property is located within the industrial park, where six buildings have been developed since 2001, and this project would be the seventh. Mr. Baranowski stated that, under Section 52 of the Municipal Land Use Law, final site plan approval carries vested rights for two years, with Section 52(a) permitting the Board to grant one-year extensions up to three times. This is the applicant's first extension request. He cited market conditions, fluctuating construction costs, supply chain issues, and tariffs as factors delaying the commencement of construction. While there has been interest in the site, no commitments have materialized. The applicant requested a one-year extension.

Mr. Stefano made a motion to approve the request.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Extension approved.

BDGS-MILL AND FOREST GROVE RD, 1761 W. Forest Grove Road, Block 604, Lot 2.01, extension request for Resolution #2020-18.

Mr. Robert Baranowski, Esq. explained that the project involves an approved 140,000-square-foot industrial building consisting of 125,000 square feet on the first level and a 15,000-square-foot mezzanine level. The original approval was granted on April 15, 2020, and the running of the approval was tolled through December 4, 2023, due to COVID-19. Subsequent extensions were granted through December 4, 2024, and December 4, 2025. The attorney noted that a previously required D(6) height variance is no longer needed due to an ordinance amendment; however, the Board retains jurisdiction over the extension. The applicant requested the third one-year extension permitted under Section 52(a) of the Municipal Land Use Law, citing market conditions and fluctuating construction material costs as the primary reasons for the delay. While there has been interest in the site, no commitments have been finalized.

Mr. Stefano made a motion to approve the request.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Extension approved.

WALNUT 554 HOLDINGS, LLC, W. Walnut Road, Block 4801, Lots 40 & 41, extension request for Resolution #2022-56.

The Board reviewed the one-year extension request submitted by Walnut 554 Holdings, LLC prepared by Mr. Michael Guccio, Esq.

Mr. Stefano made a motion to approve the request.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Extension approved.

LEADERS OF TOMORROW, 28 S. West Avenue, Block 3602, Lot 19, extension request for Resolution #2024-46.

The Board reviewed the one-year extension request for Leaders of Tomorrow. Although no representative was present, the applicant's counsel submitted a letter outlining actions taken to date and the basis for the extension request.

Mr. Finley noted that the property is currently the subject of an ongoing enforcement action due to a change of use without prior approval.

Mr. Headley stated that the applicant submitted an application for site plan approval and it is under review.

Mr. Finley advised that the resolution should specify that the violation must be abated as soon as possible and that there shall be no occupation or use of the building until full compliance is achieved, which includes obtaining a planning release authorizing permits for the change of use and securing a Certificate of Occupancy from the Construction Official.

Mr. Stefano made a motion to approve the request.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Extension approved.

Meeting adjourned at 8:46 PM

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes
George LoBiondo: Yes

Yasmin Perez, Secretary
Zoning Board of Adjustment