



CITY OF ABSECON
Municipal Complex
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PLANNING & ZONING
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MAY 17, 2022
ZONING BOARD
MEETING MINUTES

The meeting was called to order by Chairman, Pat Malia at 7:00 p.m.

Flag Salute

Notification of Meeting

ROLL CALL

PRESENT: Baltera, Famularo, Koussoulis, Lawler, Reilly, Malia

ABSENT: Cottrell, Seher

REGULAR MEETING

OLD BUSINESS:

Vote: Minutes of April 19, 2022 meeting

Motion to approve: Mike Famularo – second – Marina Koussoulis

All were in favor.

VOTE: D&R for Appl. #5-2022 for Emanuel Pollack and Andrew Breiner for 413 Absecon Blvd. - Block 224 – Lot 29 for Use Variance for warehousing and storage uses and a Site Plan Waiver request

Motion was made by Matt Lawler – second – Mike Famularo

ROLL CALL: Baltera, yes; Famularo, yes; Koussoulis, Lawler, yes; Reilly, yes; Malia, yes

Motion passed 6 to 0 in favor.

NEW BUSINESS:

Appl. #2 - 2022 for Patel Jigna (Royal Lodge) - 553 E. Absecon Blvd. – Block 225 – Lot 14 for variance to construct a 12 ft. x 20 ft. storage building

Appearing were: Mark Stein, attorney; Bob Bruce, Engineer and Jigna Patel, applicant all appeared.

Mark - the applicant would like to put a 16 ft. x 20 ft. shed up, but it needs a use variance because you can't expand a non-conforming use. The owner has one unit and lives in it and they have needed storage for years. It has gotten to the point now that they do. It would be mainly used for supplies.

Jigna Patel was sworn in and Bob Bruce as well.

Jigna – her family has been involved with this motel since 2017. She lives in the owner's unit with 5 adults and 2 kids with one closet and needs more space. It would be mostly paper goods, mattresses and extra furniture too. Right now, she only has the laundry room to put the sheets, towels, etc. She is sure that this building will be enough for them. The color would be white to match the motel.

Bob – explained a little about himself to the board and he was accepted as an expert witness. Under the special reasons, he sees no detriment to having this put up and it looks like a building that a residential home would put up. It will match the building and it's in a remote location and will blend in. It would have a concrete pad and access to the sidewalk. He referred to the site plan and showed the location that the new building would be placed. It's about 1.8 acre in size and then described the site. There is a freestanding sign out front that is surrounded by meadows and vegetation. He thinks there is about 30,000 sq. ft. of uplands on the site.

Pat – asked if there is a mapped area of the wetlands, but the answer was no.

Bob – we aren't doing anything that would affect the wetlands area. The side yard setback is based on the height of the motel and they are 24.54 ft. away, where 25 is needed.

Mark – the applicant will take care of the fence and trash enclosures that were mentioned in Eddie's report. He then went through Eddie's report and addressed his comments and agreed to comply with all of them. He asked the owner if they would address some of the asphalt in the future if needed; the bumper heads; the trash enclosure; the fencing issues, etc. Sidewalks will be 6 ft. wide and will be revised on the plan. They will comply with the NJDOT or the DEP if needed.

Eddie – in addition to the use variance, it seems that we have triggered two bulk variances: one for lot coverage – you are allowed up to 55% of basically the upland area and they testified they feel there is roughly 30,000 sq. ft. of it, so it would allow 16,500 sq. ft. lot coverage. They seem to exceed the lot coverage now, and with this building, they will be increasing it more. The maximum allowable is 55% of total upland area and the proposed lot coverage is approximately 58% of the upland area. The second bulk variance: it was testified to that the building height is approximately 25 ft., so a side yard setback is required for the proposed building, because the existing setback is a little bit less 25 ft., but if we are increasing the sidewalk, we may want to add this variance.

Other report items:

The applicant will address the sign that is out on Rt. 30 right of way with the NJDOT. He wants to make sure this building is going to be big enough, so they don't need to return to the board or even more than you need, because of the nature of expanding a non-conforming use, is you shouldn't be expanding it more than you need. Items 6, 7, 8 & 9 should be made conditions of approval. Whether or not this board sets any requirements regarding wetlands, they are required to follow any applicable wetlands regulations that apply to this site. There are no lines shown on the plan, but the construction official may or may not require some sort of documentation from DEP.

Pat – the plan doesn't show any wetlands, but it is being discussed. He explained that the DEP sets a number and gives a buffer zone for any buildings, but do we know that or not?

Eddie – we could grant our approvals and then if they run into that during the permitting process, they'd have to address it. Setbacks are based on the height of the building in this case.

Pat – confirmed where the sidewalk is being proposed.

Eddie – it's not just along the gate side of the accessory building, but also along the parking spaces, so the proposed set back then will be 22.57 where 25 ft. is required.

Mike – confirmed the height of the shed will be 10 ft.

Matt – asked if when you own a motel, can you have that as your permanent residence?

Mark – can't answer that, but it was approved originally. The benefit is that you have ownership there to keep control.

Matt – you said there are 26 units, did you think of making one of them a storage room?

Jigna – no I can't. If I take one away, I can't get enough money to pay the mortgage each month.

Matt – with the six ft. requirement of concrete, they are needing a larger variance. Did you look at any other locations for this? It could be moved back along to the side of the motel and they could have the 25 ft. setback.

Bob Bruce – this was determined to be the most feasible location for it and he went over other spots.

Pat opened the meeting to the public. No public comment.

Mark Stein – we would need 5 votes out of the 6 in favor. We could carry this until next month and hopefully the seventh member could listen to the tape and have that extra vote possibly.

A short break was taken so the applicant and their attorney could speak.

Mark Stein – we decided to proceed with the vote tonight.

Pat – his issues was calling it an accessory structure, since it's not listed as that use. The location is questionable and there may have been other locations where they could have put it on the site, where it wouldn't have needed bulk variances.

Mike – there could have been more sidewalk needed if it was moved to another location and that would add to the coverage amount and maybe needing a larger variance.

Jim – the conditions that were mentioned on the record, which you have accepted and acknowledged, will be added in the motion.

First motion is to grant use variance relief to expand an existing non-conforming use to permit the addition of a storage structure on this site.

Motion was made by Mike Reilly – second – Matt Lawler

ROLL CALL: Reilly, yes; Koussoulis, yes; Lawler, yes; Famularo, yes; Baltera, yes; Malia, yes

Second motion is to grant bulk variance relief to allow upland lot coverage of no more than 60%.

Motion was made by Mike Famularo – second – Marina Koussoulis

ROLL CALL: Reilly, yes; Koussoulis, yes; Lawler, yes; Famularo, yes; Baltera, yes; Malia, yes

Third motion is to grant bulk variance relief to allow a side yard setback of no less than 22 ft. where 25 ft. is required.

Motion was made by Matt Lawler – second – Mike Reilly

ROLL CALL: Reilly, yes; Koussoulis, yes; Lawler, yes; Famularo, yes; Baltera, yes; Malia, yes

ADJOURNMENT

Motion to adjourn – Matt Lawler – second – Marina Koussoulis

All were in favor.

Respectfully submitted,



Tina Lawler, Secretary

Approved: 6-21-2022