



**CITY OF ABSECON
Municipal Complex
500 Mill Road
Absecon, New Jersey 08201**

**PLANNING & ZONING
Tina M. Lawler, Secretary**

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**SEPTEMBER 21, 2021
ZONING BOARD
MEETING MINUTES**

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

Flag Salute
Notification of Meeting

ROLL CALL

PRESENT: Baltera, Cottrell, Famularo, Koussoulis, Lawler, Reilly, Seher, Malia
ABSENT:

OLD BUSINESS:

Vote: Minutes of June 15, 2021 meeting
Motion to approve – Matt Lawler – second – Chris Cottrell
All were in favor.

NEW BUSINESS:

Appl. #6-2021 for John Rifici – 522 New Jersey Avenue – Block 200 – Lots 16 & 17 –
interpretation and/or variance(s) for construction of a 36 ft. x 90 ft. garage

Tom Darcy, attorney for applicant and Mr. Rifici both were sworn in.

Tom – explained why they were before the board tonight and that it's complicated so he asked Eddie to explain it to the board before he began.

Eddie Dennis, board engineer - went over some housekeeping items up front to make things easier. There are two items that were submitted as part of the application, but after discussion, they will be taken off the table. The items pertain to item number 4 and 5. There are two encroachments: one onto the property and another one off of the property. The details for them are in his reports as to what they are. We agreed that this board does not have authority or jurisdiction to fix the encroachments. That piece of the application is being removed from the discussion tonight. The second item was the application mentioned variance requests for bulk requirements of the R1 zone district. We are in the C1 zone and it does reference the standards in the R1 zone district, however,

they don't apply to this application. The applicant has a request for interpretation on whether the proposed accessory pole barn is a permitted accessory use in the C1 zone district. They will address that first. If that is made favorably, then there will be a bulk variance request pertaining to building length. If it doesn't get approved, they will move forward with a use variance combined with the bulk variance. In the C1 zone, there are two listed permitted accessory uses and they are: residential dwellings in combination with a retail use and bars integral to a restaurant, but neither of those fit this application. The definition of an accessory use is a use that is customarily incidental and subordinate to the main use conducted on the lot. That is where the interpretation comes in.

Tom – explained at this time, it's two lots now and they will do a deed consolidation. There is an existing single-family home now with two accessory buildings. It's between Bill Gasbarro's professional building and the NJ American Water Co. It is an oversized lot for the C1 zone. Most lots in the C1 zone are commercial, but this lot is unique. Most of the lots in the C1 zone are commercial uses, but there are a few single homes. The applicant wants to keep the home and the 710 sq. ft. garage and then erect a 36 ft. x 90 ft. accessory garage, which meet all the setback requirements. He then read from the COX zoning book where it related to accessory uses and some examples of court cases that were held up.

Lost the microphones at this time.

Tom – continued his testimony regarding the tests that can be given to allow this use as an accessory

Mike Reilly – asked why it was still two lots and if a storage facility is a permitted use

Greg Seher – asked if the new garage will be a work space too or just for the automobiles

Tom – it will be 14 ft. high and used just for parking the cars

Matt Lawler – is it going to be a paved or stone driveway?

Tom – the stone will be extended

Eddie – the crux of the interpretation is that the applicant doesn't live there

No one was present, so public portion wasn't needed

Jim Grimley, ZB attorney – explained the first vote that would be needed would be the interpretation

Pat Malia, board chairman – he read from the code book and the definition of accessory uses. His concern is that the garage would be three times the size of the house and he also plans on keeping one of the other garages.

Motion to approve the interpretation in favor of the applicant was made by:

Chris Cottrell – seconded by – Greg Seher

ROLL CALL: Baltera, no; Cottrell, yes; Famularo, no; Koussoulis, yes; Lawler, yes; Seher, yes;

Malia, no

The motion passes 4 to 3

The application moved forward with the bulk variance for building length.

Tom Darcy – explained that the proposed garage will be 90 ft. instead of the 50 ft. allowed. It would be a C2 variance. The property is 274 feet and explained the size and location. It will have the 15 ft. buffer in the rear too.

No one was present, so public portion wasn't needed.

Jim – motion is needed to grant approval to allow the 90 ft. building length.

Motion – Matt Lawler – second – Chris Cottrell

ROLL CALL: Baltera, yes; Cottrell, yes; Famularo, yes; Koussoulis, yes; Lawler, yes; Seher, yes; Malia, no

The motion passes 6 to 1

ADJOURNMENT

Motion to adjourn – Greg Seher – second – Matt Lawler
All were in favor.

Respectfully submitted,



Tina Lawler, Secretary

Approved: 11-16-2021