

**MINUTES OF REGULAR ZONING BOARD OF ADJUSTMENT
MEETING HELD ON TUESDAY, JULY 13, 2021**

Vice Chairman Zapf called to order the regular meeting of the Board and announced the meeting was duly advertised in compliance with the Open Public Meetings Act by notice sent to the Daily Record, Suburban Trends and posted on the bulletin board and website at Borough hall. All stood for the Pledge of Allegiance.

PRESENT: DUBOWSKY, ERICKSON, KUBISKY, ZALEWSKI AND ZAPF

ALSO PRESENT: BOORADY, ENGINEER AND ALEXANDER, COUNSEL

ABSENT: BYRNE AND WOLFSON

Vice Chairman Zapf stated the first order of business is the approval of the June 8th, 2021 minutes. I went through the minutes and there were a couple of silly little grammatical things that didn't have anything meaningful. Did anybody from the Board see anything that needs to be changed? I'll make the motion that we approve the minutes as presented.

Mrs. Kubisky seconds.

Roll call:

Yes: Zapf, Kubisky, Dubowsky, Erickson and Zalewski

No: None

Abstain: None

Ms. Ward stated they're approved.

Vice Chairman Zapf stated the second order of business is Interpretation #2021-02 by George and Laura Stoddart on property known as Block 36.1, Lot 26 on the municipal tax map also known as 62 Main Street. This is a consideration of a Resolution of memorialization. Does anybody have any issues to raise or questions? I did not either.

**LINCOLN PARK BOARD OF ADJUSTMENT
RESOLUTION**

Application #2021-02

WHEREAS, Laura Stoddart and George Stoddart ("Applicant") have filed an application before the Lincoln Park Zoning Board of Adjustment ("Board") with regard to property owned by the Applicant known as 62 Main Street, Lincoln Park, New Jersey, also identified as Block 36, Lot 26 on the official tax maps ("Property"); and

WHEREAS, notice was published in the official newspaper of the Board and all persons located within 200 feet of the Property and required utilities have been notified according to law, and a virtual public hearing (via Zoom) was held before the Board on June 8, 2021; and

WHEREAS, based on the hearing and a review of all the testimony and documents submitted in conjunction with the application, the Board makes the following findings of facts:

1. The Property is located in the R-15 Zone. The Applicant has filed an application pursuant to N.J.S.A. 40:55D-68 seeking certification of the following non-conforming uses and

structures:

- (i) Two-family dwelling on lot area of 15,000 square feet in the R-15 zone (where a lot area of 22,500 square feet is required);
- (ii) Minimum apartment floor area of 650 square feet required (636 square feet existing and proposed for the basement apartment);
- (iii) Front yard setback from Maturan Avenue (40 feet required; 4.7 feet existing for a two-family dwelling; one foot existing for the barn);
- (iv) Impervious coverage (maximum of 25% permitted for a single-family dwelling and a maximum of 30% permitted for a two-family dwelling; 52.5% existing and proposed);
- (v) Lot width (130 feet required; 98.71 feet existing and proposed);
- (vi) Accessory structure (garage): 12 feet height maximum, 19 feet existing;
- (vii) Accessory structure (barn): 10 feet height maximum; 20 feet existing;

2. The Applicant submitted to the Board for its review the following material:

- 1. Standard Development Application Form (Section 17-82.1-A), signed by the Applicant on February 15, 2021, and witnessed by their Attorney;
- 2. Checklist for General Information (Section 17 Attached 1:1);
- 3. Checklist for Board of Adjustment Variance Application (Section Attachment 1:4);
- 4. Official Search for Municipal Liens, certified by the Borough Tax Collector; valid through May 1, 2021;
- 5. List of Property Owners within 200 feet, certified by the Borough Assessor on February 25, 2021, updated May 18, 2021; and,
- 6. A letter from the Applicant's attorney to the Lincoln Park Zoning Board of Adjustment, dated February 15, 2021, including all the enclosures cited therein (Certification from George Stoddard and Certification from the Applicant's attorney).

3. Steven C. Schepis Esq. represented the Applicant at the hearing. The Applicant testified at the hearing and confirmed the information set forth in the certification submitted to the Board. The information included copies of the zoning ordinances from 1941, 1951 and 1956. Under the present zoning code, the R-15 zone permits both single family and two-family

dwellings. However, the dwelling was constructed before the adoption of the first zoning ordinance by the Borough in 1941. George Stoddart testified that he lived at the Property in 1942 and that his family resided there until 1981. According to the Applicant, the Property has always been used and occupied as a two-family dwelling. In the certifications, the Applicant even provided the names of the persons who have occupied the units since 1941. Each unit has a separate entrance as well as separate utilities, kitchens and living areas. There is also no interior access between the two units. The Applicant also confirmed that the accessory structures (garage and barn) have always been at the Property during this time as well. The Applicant reviewed and identified photographs of the Property displaying the separate units. The photographs also demonstrated that while the driveway extension to Maturan Avenue may have been paved recently, the driveway has been in existence and used during this time as well.

5. Cathy Keator, 15 Maturan Avenue, testified during the public portion of the hearing and expressed concern about the safety of the driveway. The Applicant testified they are unaware of any safety issues.

6. The Board concluded after reviewing the testimony, exhibits submitted and documents included with the application, that the Applicant has satisfied the burden of proof pursuant to N.J.S.A. 40:55D-68 for issuance of a certificate of nonconformity.

NOW, THEREFORE, BE IT RESOLVED, that based upon the testimony and facts as found above, the Lincoln Zoning Board of Adjustment does hereby certify that the following uses and structures predated the current zoning ordinance in accordance with N.J.S.A. 40:55D-68:

- (i) Two-family dwelling on lot area of 15,000 square feet in the R-15 zone (where a lot area of 22,500 square feet is required);
- (ii) Minimum apartment floor area of 650 square feet required (636 square feet existing and proposed for the basement apartment);
- (iii) Front yard setback from Maturan Avenue (40 feet required, 4.7 feet existing for a two-family dwelling; one foot existing for the barn);
- (iv) Impervious coverage (maximum of 25% permitted for a single-family dwelling and a maximum of 30% permitted for a two-family dwelling; 52.5% existing and proposed);
- (v) Lot width (130 feet required; 98.71 feet existing; and proposed);

- (vi) Accessory structure (garage): 12 feet height maximum; 19 feet existing;
- (vii) Accessor structure (barn): 10 feet height maximum; 20 feet existing.

2. All other rules and regulations of any governmental agency having jurisdiction over the Property shall be complied with, including but not limited to the payment of all taxes, water and sewer charges and application fees and/or charges.

Vice Chairman Zapf made the motion to pass it.

Mr. Dubowsky seconds.

Roll call:

Yes: Zapf, Dubowsky, Erickson, Kubisky and Zalewski

No: None

Abstain: None

Ms. Ward stated it is adopted.

Vice Chairman Zapf stated the last order of business is a time extension by Michael and Mary Di Girolamo with reference to Variance Application #2019-02 and Grading Permit Application #G19-02, on property known as Block 36, Lot 24.01 on the municipal tax map also known as 74 Mountain Heights Avenue. Everyone has a letter in their packet and they are looking for a one year time extension. October 8th, 2022 would be the new date.

Ms. Ward stated this one will expire and they are looking for a time extension.

Vice Chairman Zapf asked does anybody have any concerns about that.

Ms. Ward stated they had a problem with their builder because he was behind.

Vice Chairman Zapf stated lots of things were going on and I completely understand. I'll make the motion that we grant the time extension.

Mr. Dubowsky seconds.

Roll call:

Yes: Zapf, Dubowsky, Erickson, Kubisky and Zalewski

No: None

Abstain: None

Ms. Ward stated the resolution will be on for next month and that will be August 10th.

Mr. Alexander asked Joan do you need a formal resolution for that.

Ms. Ward stated you did one the last time and I have it in the file. Do you want a copy of it or do you want me to change the dates? What is your pleasure?

Mr. Alexander stated just send it to me.

Ms. Ward stated okay and you can doctor it up. Mary, you'll be approved for another year with the time extension.

Mrs. Di Girolamo thanked the Board.

Vice Chairman Zapf asked any other business.

Ms. Ward stated I don't have anything else. We have a couple of new cases that were just submitted so Tom will be reviewing them for completeness. We may not have a meeting in August so perhaps we can do the Di Girolamo resolution in September if that is the only thing on the agenda. The resolution will expire in October. What do you think?

Vice Chairman Zapf stated well let's see what comes up.

Ms. Ward stated okay that's fine.

Vice Chairman Zapf stated if nothing comes up, we can move it until September.

Ms. Ward stated okay. I will contact Mary if we change the adoption date. I just wanted to get it on an agenda in case we didn't have a meeting.

Mr. Boorady asked did she apply for her permits yet.

Ms. Ward stated no because Joe Fede didn't apply for them. He was supposed to get them information for the bank and now he is working on that so they should be taking out the permits shortly.

Mr. Boorady stated so they are moving along.

Vice Chairman Zapf made the motion to adjourn.

Mr. Dubowsky seconds.

Ms. Ward stated that was a short meeting.

Meeting adjourned 7:15 P.M.

Respectfully submitted:

Joan Ward, Secretary

Thomas Zapf, Vice Chairman

