

**ZONING BOARD OF ADJUSTMENT  
CITY OF LAMBERTVILLE  
REGULAR MEETING MINUTES**

Thursday, May 27, 2021

The meeting was called to order by Board Attorney, Stewart Palilonis, at 7:30 p.m. with a statement of compliance with the Open Public Meetings Act.

**ROLL CALL**

Mrs. Lawton called the roll as follows:

Present: Fred Eisinger, Christine Peluso, Deb Vari, Bill Pisarra, Elizabeth Rice, William Neeley and Pat Pittore.

Absent: Jane Wesby & Reggie Ross.

Also Present: Board Attorney Stewart Palilonis. Donna Miller was also in attendance for Emily Goldman, who could not be present.

**APPROVAL OF MINUTES – January 28, 2021**

Christine Peluso made a motion to approve the meeting minutes, as submitted. Fred Eisinger seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members able to vote.

MOTION CARRIED.

**COMPLETENESS**

74 South Main Street  
Block 1049 Lot 9  
Use Variance

The DRC recommended that the application be deemed complete and able to proceed with a public hearing.

Deb Vari made a motion to deem the application complete. Christine Peluso seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members able to vote.  
MOTION CARRIED.

**PUBLIC HEARING**

74 South Main Street  
Block 1049 Lot 9  
Use Variance

Mr. Palilonis stated that the applicant has provided documentation regarding the public notice and that the Board has jurisdiction to proceed.

Heather Atkinson, the property owner of 74 South Main Street, was sworn in to testify. Her attorney, Jennifer Hetrick was also in attendance.

Ms. Atkinson is selling the property and requested a letter from the Lambertville Zoning Officer stating that the existing building is an approved use. Mr. D'Amore, the Zoning Officer, advised Ms. Atkinson that there is no documentation in the City records that granted approval for the use

of a two-family unit in the R-2 Zone. As such, Ms. Atkinson was advised that in order to have the use on record, she would need to obtain approval from the Zoning Board of Adjustment.

The property was purchased by Ms. Atkinson in 2005. One unit was occupied by the owner until 2019 and the other unit was rented. Currently, both units are being rented. At the time of purchase, Ms. Atkinson stated testified that she was her understanding that the property was a legal two-family dwelling.

Each unit is a two-bedroom unit. There is a garage on the property that permits two parking spaces for one of the units. There is also on-street parking available.

Ms. Atkinson submitted documentation from the Tax Assessor that the property has been assessed as a two-family dwelling since 1991. There is also documentation indicating that the utilities have also recorded this property as a two-family.

There is a requirement to provide four off-street parking spaces because there are a total of two bedrooms in each unit.

The applicant was given the choice to carry the application due to the fact that there are only seven members able to vote. This would also allow her to provide additional testimony at the next meeting.

Ms. Atkinson stated that she has tried to obtain residents in the community to testify on her behalf and that has proven difficult. She stated that she would prefer to move forward and have the Board take action.

At this time, the meeting was opened for public comment.

Paul Bernstein, South Main Street – stated that he objects to any approval for the use variance. The applicant has not provided the required documents for evidence. Existing garages were rented out to others then the tenants of the units.

Cat Walker, South Main Street – main concern is the parking within the community. Garage is not provided for the tenants.

Fred Eisinger made a motion that the property has status of a Legal Pre-Existing Non-Conforming Use. Christine Peluso seconded the motion. A roll call vote was taken by all members present. The motion failed with Fred Eisinger, Christine Peluso and Deb Vari were in favor of the motion. Elizabeth Rice, William Neeley and Pat Pittore were not in favor of the motion. Bill Pizarra was abstained from voting.

Ms. Atkinson asked for the Use Variance approval be carried to the June meeting. No further notice is required by the applicant.

Fred Eisinger made a motion to carry the Use Variance. Elizabeth Rice seconded the motion. A unanimous roll call vote in favor of the motion was taken by all members present. MOTION CARRIED.

#### **GENERAL BUSINESS**

None

**PUBLIC COMMENT**

None.

**PAYMENT OF BILLS**

Deb Vari made a motion to pay bills, so long as funding was available. Elizabeth Rice seconded the motion. A unanimous voice vote in favor of the motion was taken by all members present.

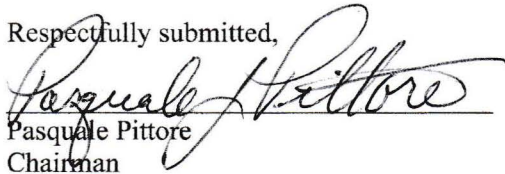
MOTION CARRIED.

**ADJOURNMENT**

Fred Eisinger made a motion to adjourn the meeting at 9:09 pm. Bill Pisarra seconded the motion. A unanimous voice vote of ayes was taken in favor of the motion by all members present.

MOTION CARRIED.

Respectfully submitted,



Pasquale Pittore  
Chairman



Crystal Lawton  
Administrative Officer