

MINUTES
February 13, 2013

PRE-MEETING CONFERENCE

A pre-meeting conference of the Planning Board was called to order by Chairman Mr. David Manders at 6:45 PM in the Fourth Floor Conference Room of City Hall. Present were:

Maria Perez
Stephen Plevins
Michael Pantalione
John Casadia
David Manders

Also present were:

Frank DiDomenico, Planning Board Solicitor
Yasmin Ricketts, Planning Board Secretary
Kathleen Hicks, Supervising Planner
Stephen Hawk, Senior Planner
Brian Myers, City Engineer

PRE-MEETING

Public notice pursuant to the Open Public Meetings Act was given on December 17, 2012 by posting written notice on the Official Bulletin Board in City Hall, and mailing written notices to the Daily Journal, the Press, the City Clerk and the Board members.

LARRY'S II DEVELOPMENT, LLC- Northeastly corner of Main Road and Kay Terrace, Block 2501, Lot 2, Project#12-1303, "c" variance approvals for front buffer amount, impervious coverage and fence setback to install a 915 square foot paver patio area adjacent to an existing restaurant building.

Mr. Hawk explained that the application for the "c" variance is associated with a patio that is being proposed. The survey displays Main Road is to the left and Kay Terrace to the bottom. It is a survey of a limited area. The patio is adjacent to the southerly side of the building. There is a 15' buffer from the right of way line requirement for an improved surface. At one time the buffer standard was 10' and it increased to 15' a few years ago. They are proposing an outdoor seating area and the applicant will explain what they will be providing. They will shift seats from interior to exterior and provide an outdoor dining area. There is a buffer variance and the staff is concerned with having something that close to the roadway. Buffer standards are in place to make sure development is set back a distance from the road. They did provide two colored renderings of the finished product. There is 5' from the post of the patio to the right of way. There will be providing landscaping and shade trees that are currently missing. The other variance is for the fence and stone pillars. The plan shows a stone pillar base 1' high and 3' fence on top of it. A fence in a business zone has to be 10' back and the proposed fence is 5' back. The location and adjacency of the road is another variance. There is also a technical variance for impervious coverage. It is a very small percentage going from 73.4% to 74%.

LUCCA REALTY, LLC- Southerly side if Industrial Way opposite of DeMarco Drive, Block 1003, Lots 11 & 12, Project#13-1311, major site plan approval to construct a 2,686 square foot addition to an existing freezer and cold storage building to be utilized as an interconnection to an existing 76,500 square foot building on an adjacent lot that will be converted to freezer and cold storage.

Mr. Hawk explained that this application involves two sites. Lucca's Cold Storage on Industrial Way and the former ice arena on Industrial Way. Lucca is a fairly large building now and expanded a couple of times throughout the years. The Planning Board granted a variance for the building to be 10' away from the property line. Lucca's is interested in a building addition that will go from their existing building over the property line and connect into the former ice arena building.

Ms. Hicks explained that they would be leasing the building. The construction official initially would not allow the interconnection, but they went to the Construction Board of Appeals for approval.

Mr. Hawk explained that there is an agreement that they would take down the interconnection if it does not work out for them. It ends up being a rectangle that is 30' x 96.2'. It is essentially for foot and forklift traffic between buildings. Mr. Lucca has run out of space and the other building will provide a lot of relief.

Mr. DiDomenico stated that he would include a condition stating that the addition would have to be removed if the lease terminates.

Mr. Hawk explained that the applicant wants a waiver for providing full outbound topographic survey. The improvements are very small on a very large site, so the staff does not have any problems with that.

Pictures of the site were displayed for the board.

Ms. Hicks explained that the board received a letter from Denise Dendrinon on Sherman Avenue. It is zoned R-5 and they would like it changed to commercial.

Mr. Manders explained that the Zoning Committee needs to meet and make a recommendation at the next board meeting.

Ms. Hicks explained that there is an error on the existing zone map. The map missed a line in drafting, so they are not appropriately zoned.

Mr. Manders named Michael Pantalone as chairman of the zoning committee, and he would also like to be a member. No one else volunteered to be on the committee.

REGULAR MEETING

The regular meeting of the Planning Board was called to order by Chairman David Manders, at 7:30 PM in City Council Chambers in City Hall.

Present were:

Maria Perez
Stephen Plevins
Michael Pantalone
John Casadia
David Manders

Also present were:

Frank DiDomenico, Planning Board Solicitor
Yasmin Ricketts, Planning Board Secretary
Kathleen M. Hicks, Supervising Planner
Stephen Hawk, Senior Planner

Brian Myers, City Engineer

FLAG SALUTE

Public notice pursuant to the Open Public Meetings Act was given on December 17, 2012 by posting written notice on the Official Bulletin Board in City Hall, and mailing written notices to the Daily Journal, City Clerk, and the Board members.

MINUTES – Approval of minutes from the January 9, 2013 board meeting.

The Chairman Mr. Manders made a motion to approve the minutes. Roll call:

Michael Pantalone: Yes
John Casadia: Yes
Maria Perez: Yes
Stephen Plevins: Yes
David Manders: Yes

RESOLUTIONS – Approval of resolutions from the January 9, 2013 board meeting.

The Chairman Mr. Manders entertained a motion to approve the resolutions. Roll call:

#6024-

John Casadia: Yes
Maria Perez: Yes
Stephen Plevins: Yes
Michael Pantalone: Yes
David Manders: Yes

#6025-

Maria Perez: Yes
Stephen Plevins: Yes
Michael Pantalone: Yes
John Casadia: Yes
David Manders: Yes

#6026-

Stephen Plevins: Yes
Michael Pantalone: Yes
John Casadia: Yes
Maria Perez: Yes
David Manders: Yes

#6027-

Michael Pantalone: Yes
John Casadia: Yes
Maria Perez: Yes
Stephen Plevins: Yes

David Manders: Yes

#6028-

John Casadia: Yes
Maria Perez: Yes
Stephen Plevins: Yes
Michael Pantalone: Yes
David Manders: Yes

#6029-

Maria Perez: Yes
Stephen Plevins: Yes
Michael Pantalone: Yes
John Casadia: Yes
David Manders: Yes

Mr. Plevins nominated Mr. Pantalone as Vice-Chairman. Ms. Perez so moved, Mr. Casadia seconded.
Roll Call:

Maria Perez: Yes
Stephen Plevins: Yes
Michael Pantalone: Yes
John Casadia: Yes
David Manders: Yes

The Board's professional staff, Kathleen M. Hicks-Supervising Planner, Stephen Hawk-Senior Planner, and Brian Myers- City Engineer were sworn in.

OPEN PUBLIC HEARING

Stephen Plevins: Yes
Michael Pantalone: Yes
John Casadia: Yes
Maria Perez: Yes
David Manders: Yes

PUBLIC HEARING

LUCCA REALTY, LLC- Southerly side if Industrial Way opposite of DeMarco Drive, Block 1003, Lots 11 & 12, Project#13-1311, major site plan approval to construct a 2,686 square foot addition to an existing freezer and cold storage building to be utilized as an interconnection to an existing 76,500 square foot building on an adjacent lot that will be converted to freezer and cold storage.

The applicant was represented by Michael Fralinger, Esq. They are seeking variance relief with regard to an interconnection between two existing buildings. They are Lucca Freezer Cold Storage and the Vineland Ice Rink on Industrial Way. Lucca Freezer Cold Storage is tight on space, and the ice arena is a nice place to expand. They are proposing a temporary trial connection between both buildings. It will be a closed and covered connection for foot and forklift traffic. They are offering a repack operation and they need more space. They are planning to move half of the repack operation to the neighboring building along with dry storage. The expansion will be on the easterly side of the building, and it will allow outdoor storage to be moved indoors. Everything will be accomplished by a lease purchase agreement. They applied for permits first, and they were denied because of code. The applicant went to the Construct Board of appeals and received an approval. They are seeking side yard and buffer setback variances. The property is located in the I-B zone and there is a 35' setback requirement and the buffer requirement is 5'. The connection between both buildings will cross the property line. They will need 0' side yard setback on both properties, as well a 0' buffer on both properties. The Construction Board of Appeals as well as the Construction Official would like an easement to be recorded. They also want an access road between both properties and a paved roadway. The only vehicles driving on that road would be emergency vehicles. Tractor trailers will be traveling on the other side of the site.

Mr. DiDomenico informed Mr. Fralinger that the interconnection would have to be removed when the lease ended.

Mr. Fralinger explained that applicant agrees with that condition. The Construction Official would not issue a CO to anyone else that occupies the building after. Lucca Realty will be responsible for removing the connection.

Mr. Hawk wanted to know about the length of the lease.

Mr. Fralinger explained that they were not sure of the length in time yet.

Ms. Hicks wanted to know about the interconnecting driveway when the lease ends.

Mr. Fralinger explained that it would have to stay based on the easement. It will be for emergency vehicle access only.

Mr. Hawk mentioned that the Construction Official was satisfied with the handicap parking.

The Chairman entertained to close the public hearing. Ms. Perez so moved, Mr. Plevins seconded.
Roll Call:

Stephen Plevins: Yes
John Casadia: Yes
Maria Perez: Yes
David Manders: Abstain
Michael Pantalone: Yes

The Chairman entertained to approve the application. Ms. Perez so moved, Mr. Plevins seconded.
Roll Call:

John Casadia: Yes
Maria Perez: Yes
David Manders: Abstain
Stephen Plevins: Yes
Michael Pantalone: Yes

LARRY'S II DEVELOPMENT, LLC- Northeastly corner of Main Road and Kay Terrace, Block 2501, Lot 2, Project#12-1303, "c" variance approvals for front buffer amount, impervious coverage and fence setback to install a 915 square foot paver patio area adjacent to an existing restaurant building.

The applicant was represented by Michael Fralinger, Esq. They are requesting a waiver of site plan, as well as a "c" variance relief for patio section to existing restaurant. They need to compete with the market and would like to add outdoor seating. They are proposing an outdoor area, landscaping, and decorative fencing. The property is located in the B-3 zone and there is a 15' buffer requirement for improvements. There is also a fence setback requirement of 10' from the right of way. They are proposing 995 square feet, taking buffer down to 5' from the right of way. The right of way is Kay Terrace and it is a dead end street. There are fourteen houses on Kay Terrace so there is not a lot of traffic. Mr. Fralinger gave the board two digitally enhanced photos of the proposed patio area (Exhibits Larry's 1 and Larry's 2). The photos show decorative type fencing with stone columns and 4' fencing in between. There will be a variety of shrubs along the fencing area. The patio will be seasonal and there will be no increase in seating at the restaurant. They will be relocating table and chairs from inside the restaurant to the outdoor patio. Larry's has 202 seats and 168 parking spots on site. Their goal is to fill all 202 seats in the restaurant. They are estimating to relocate 25-35 seats to the outdoor patio area. The photograph shows that the sidewalk is 2' in the right of way line with a very nice landscaped area. They will be planting two shade trees and placing some landscaping in that area. They can also plant some trees in the landscaped beds. Mr. Fralinger explained if there was a substantial detriment to the public good, substantial impairment of the intent and purpose of the zoning plan, and further purpose of zoning.

Mr. Pantalone wanted to know about the Newfield Bank driveway.

Mr. Fralinger explained that the driveway is a little father back, during lunch there will no traffic lights, and the bank closes at 4:00PM.

Mr. Manders wanted to know about access to the patio.

Mr. Fralinger explained that there will be a man gate but customers will have to go into the restaurant to be seated.

Mr. Hawk explained that Kay Terrace is a dead end road, but there is significant land that can be developed and extended. It could be a neighborhood that someday will connect to adjacent lands.

Mr. Pantalone wanted to know what the requirement was for trees.

Mr. Hawk explained that based on two provided, there will be five along Kay Terrace. The ordinance will require a total of six on Kay Terrace. They will be short one tree. They mentioned two or three to be added on Main Road and there is a requirement of seven. There is one existing so there will be three or four along Main Road.

Ms. Hicks explained that she has an issue with the application. She met with Mr. Middleton and he was going to conform to the buffer requirement. The board has allowed him to expand and it is an intensively developed site. The patio is very attractive but there is an issue with diminishing the required buffer from 15' to 5'. There is no basis to do it and she is comfortable with 10' because historically that was the standard for the city.

Mr. Fralinger explained that they thought about 10' but it does not work due to the shape of the location.

Ryan and Robert Middleton, Owners, testified on their own behalf.

Mr. Casaida wanted to know if there have been any incidences in the past with cars going onto the property.

Ryan Middleton stated that there have been no incidences.

The Chairman entertained to close the public hearing. Mr. Pantalone so moved, Ms. Perez seconded.
Roll Call:

Michael Pantalone: Yes
John Casadia: Yes
Maria Perez: Yes
Stephen Plevins: Yes
David Manders: Yes

The Chairman entertained to approve the application. Mr. Pantalone so moved, Ms. Perez seconded.
Roll Call:

John Casadia: Yes
Maria Perez: Yes
Stephen Plevins: Yes
Michael Pantalone: Yes
David Manders: Yes

Mr. Manders explained that a request was made from Mrs. Dendrinis for a zone change to 542 W. Sherman Avenue, Block 6104, Lot 20, and it will be referred to the Zoning Committee.

ADJOURNMENT

The Chairman entertained a motion to adjourn. Mr. Pantalone so moved, Ms. Perez seconded.
Roll call:

John Casadia: Yes
Maria Perez: Yes
Stephen Plevins: Yes
Michael Pantalone: Yes
David Manders: Yes

TIME: 8:34 PM

Respectfully submitted,

Yasmin Ricketts
Planning Board Secretary