

MINUTES
December 9, 2015

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
Gary Stanker
Sandy Velez
John Casadia
Ryan Headley
Michael Pantalone
David Manders

Also present were:

Frank DiDomenico, Planning Board Solicitor
Yasmin Ricketts, Planning Board Secretary
Kathleen Hicks, Planning Supervisor
Stephen Hawk, Principal Planner
Brain Myers, City Engineer

Public notice pursuant to the Open Public Meetings Act was given on December 13, 2014 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.

Vineland Public Charter School- Located on the northerly side of Pennsylvania Avenue between Lincoln Avenue and Hance Bridge Road, Block 7201 Lot 53, Project #15-00072. Minor subdivision approval to create one new lot with one remainder lot.

Mr. Hawk explained that this is a minor subdivision on Pennsylvania Avenue. The application does not involve any variances and is complaint with the ordinance. The lot is 100,000 square feet and it includes the single family dwelling. The remaining land will be farm area. The existing single family dwelling should be connected to city sewer or have a septic system. In item 8a, the existing non-conforming front yard setback for the dwelling should be 60'. There is no frontage on Brandywine Drive but plenty of frontage on Pennsylvania Avenue. The applicant will be going to NJDEP to find out if the area has wetlands.

Eda Carletto/J. Cresci Realty Subdivision- Located on the southerly side of Landis Avenue between Panther Road and municipal boundary, Block 4601 Lot 14, Project #15-00074. Minor subdivision approval to create one new lot, entirely within Buena Vista Township, Atlantic County, from a parcel that is within two municipalities. The remainder lot will be within both Buena Vista Township and the City of Vineland.

Mr. Hawk explained that this minor subdivision will be in two municipalities. Half will be in Vineland and half will be in Buena Vista Township. There are no variances or changes being made to the Vineland section.

RPJ Properties, LLC- Located on the easterly side of Seventh Street between Walnut Road and Magnolia Road, Block 5802 Lot 24, Project #15-00071. Minor subdivision approval to create one new lot with one remainder lot.

Mr. Hawk explained that this is a minor subdivision on South Seventh Street. The proposal is to split the lot in half and have two equal lots with equal frontages. The lots in the area are smaller so these lots are in character with surrounding area. The two lots are approximately 24,000 square feet. The dwellings on the subdivision plan should be removed.

Preliminary investigation as to whether an area can be designated an area in need of redevelopment, Block 7503 Lots 1, 2, 3, 33, 35, 48, 49 and 50, roughly bound by Lincoln Avenue, Sheridan Avenue, Hance Bridge Road and Route 55.

Ms. Hicks explained that the board approved the study area map for the analysis. Four of the eight lots would be eligible for investigation. The four corner lots do not meet the criteria. She will go into detail at the public hearing.

Landis Avenue Properties, LLC/Vineland Crossing Properties, LLC- Block 3503 Lot 4 and 5, Project #14-1401. Proposed amended site plan approval on remand from Superior Court of New Jersey so as to permit cross access easements.

Mr. DiDomenico explained that this application was heard in August of 2014 for the approval of the Bottino's site plan. The application came in as Vineland Crossing and proposed four phases. Phase one is the Shop Rite, phase two is the Inspira Urgent Care, phase three is a restaurant, and phase four retail building. The adjacent property owner ACP wanted an inner connection to be required. The ACP lot was not part of the application and it required a notice. The board did not have the authority to make that decision. Judge Morgan sent it back to the board for action. They are to listen to the testimony and make a decision.

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
Gary Stanker
Sandy Velez
John Casadia
Ryan Headley
Michael Pantalone
David Manders

FLAG SALUTE

Public notice pursuant to the Open Public Meetings Act was given on December 13, 2014 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 November 12, 2015 special board meeting.

The Chairman made a motion to approve the minutes.

Roll call:

Maria Perez: Abstain
Stephen Plevins: Yes
Gary Stanker: Abstain
Sandy Velez: Yes

John Casadia: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
David Manders: Yes

RESOLUTIONS- Approval of resolutions from the November 12, 2015 board meeting.
The Chairman made a motion to approve the minutes.

Roll Call:

#6132

Maria Perez: Abstain
Stephen Plevins: Yes
Gary Stanker: Abstain
Sandy Velez: Yes
John Casadia: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
David Manders: Yes

#6133

Maria Perez: Abstain
Stephen Plevins: Yes
Gary Stanker: Abstain
Sandy Velez: Yes
John Casadia: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
David Manders: Yes

#6134

Maria Perez: Abstain
Stephen Plevins: Yes
Gary Stanker: Abstain
Sandy Velez: Yes
John Casadia: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
David Manders: Yes

#6135

Maria Perez: Abstain
Stephen Plevins: Yes
Gary Stanker: Abstain
Sandy Velez: Yes
John Casadia: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
David Manders: Yes

DEVELOPMENT PLANS

Vineland Public Charter School- Located on the northerly side of Pennsylvania Avenue between Lincoln Avenue and Hance Bridge Road, Block 7201 Lot 53, Project #15-00072. Minor subdivision approval to create one new lot with one remainder lot.

The applicant was represented by Clint Allan, Esq. Mr. Gary Stanker recused himself from the application. The applicant is seeking a minor subdivision and there are no variances associated with the request. Currently there a site plan being proposed. A portion of the lot will be 2.39 acres containing the single family dwelling. The remainder 26.99 acres will be a newly created lot.

Mr. Joseph Raday, Professional Engineer, testified on behalf of the applicant. An aerial photograph was displayed depicting the lot to be subdivided. The area is bounded by a proposed public school to the north, Lincoln Avenue is to the west, Pennsylvania Avenue is to the south, and Nathan Lane to the east. The applicant has no objection to the Planning and Engineering comments stated in their reports. The existing septic system is located to the west of the dwelling on the site.

The Chairman entertained a motion to approve the application. Mr. Pantalone so moved, Ms. Perez seconded.

Stephen Plevins: Yes
Sandy Velez: Yes
John Casadia: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Yes
David Manders: Yes

Eda Carletto/J. Cresci Realty Subdivision- Located on the southerly side of Landis Avenue between Panther Road and municipal boundary, Block 4601 Lot 14, Project #15-00074. Minor subdivision approval to create one new lot, entirely within Buena Vista Township, Atlantic County, from a parcel that is within two municipalities. The remainder lot will be within both Buena Vista Township and the City of Vineland.

The applicant was represented by Michael Gruccio, Esq. The application is a by-right application with no variances. Ms. Carletto owns an approximate 9.8 acre parcel containing her home and out buildings. Approximately 8.08 acres is being used for farming and the farmer has offered to purchase the land. The lot is located in both Vineland and Buena Vista Township. All the lot line changes will occur on the Buena Vista Township portion. The applicant will be appearing before the Buena Vista Township Board on December 17, 2015. The Cumberland County Planning Board granted approval on December 2, 2015. The Atlantic County Planning Board is scheduled for December 16, 2015.

The Chairman entertained a motion to approve the application. Mr. Pantalone so moved, Ms. Perez seconded.

Gary Stanker: Yes
Sandy Velez: Yes
John Casadia: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Yes
Stephen Plevins: Yes
David Manders: Yes

PUBLIC HEARING

Preliminary investigation as to whether an area can be designated an area in need of redevelopment, Block 7503 Lots 1, 2, 3, 33, 35, 48, 49 and 50, roughly bound by Lincoln Avenue, Sheridan Avenue, Hance Bridge Road and Route 55.

Ms. Kathleen Hicks, Supervising Planner, City of Vineland, indicated that the Planning Board received a referral from City Council to investigate the area in question to determine whether or not the lots should be considered areas in need of redevelopment. Ms. Hicks prepared a report dated December 2015. Lots 1, 2, 3, and 48 did not meet any of the criteria set forth in NJSA 40A:12A-5. Four lots 33, 35, 49, and 50 meet at least one of the criteria set forth in the statute. Lots 35, 49, and 50 meet the criteria, lack of unimproved land that has remained for a period of ten years or lacks a means of access or topography because of the soil. Lots 33, 35, 49, and 50 also meet the criteria of subsection E of the statute, lack of proper utilization due to diverse ownership or other conditions. Lots 49, 50, and a portion of 33 and 35 are located in the Urban Enterprise Zone and satisfies criteria G of the statute. All four lots, 33, 35, 49, and 50 meet criteria H as all are located within the Suburban Planning Area. All the lots recommended as being need of redevelopment are recommended as a Condemnation Redevelopment Area.

Sandra Forosisky, City of Vineland Economic Development Director, gave testimony. A use variance was granted by the Zoning Board for Magic Sports. Magic Sports did not have the funds to proceed with the project. She is now working with an investor to acquire land for a sports complex with athletic fields and four hotels. The city has been entertaining baseball leagues and is committed to 34 weeks for the year. The plan is for a sports complex for tournaments.

Tom Pontano, member of the public, indicated that he is a farmer and farms on Sheridan Road and Hance Bridge Road. He would like buffers and does not want problems with his farming.

The Chairman entertained a motion to close the public hearing. Mr. Pantalione so moved, Ms. Perez seconded.

Sandy Velez: Yes
John Casadia: Yes
Ryan Headley: Yes
Michael Pantalione: Yes
Maria Perez: Yes
Stephen Plevins: Yes
Gary Stanker: Yes
David Manders: Yes

The Chairman entertained a motion to approve the application. Mr. Pantalione so moved, Ms. Perez seconded.

John Casadia: Yes
Ryan Headley: Yes
Michael Pantalione: Yes
Maria Perez: Yes
Stephen Plevins: Yes
Gary Stanker: Yes
Sandy Velez: Yes
David Manders: Yes

RPJ Properties, LLC- Located on the easterly side of Seventh Street between Walnut Road and Magnolia Road, Block 5802 Lot 24, Project #15-00071. Minor subdivision approval to create one new lot with one remainder lot.

The applicant was represented by Michael Fralinger, Esq. The lot will be cut in half and both sides will be identical in size. The lot is situated in the R-5 zone and it was previously the R-3 zone until 2008. The lot is the last vacant lot in the neighborhood. The proposed lots are similar or larger to the surrounding lots in the area. There are seven lots in the area having frontage between 75' and 85' and also being smaller sized than the proposed lots. Exhibit A-1, four pages depicting photographs and two pages of the tax map. The applicant meets the criteria for a (c)(2) variance. The proposed lots will fit into the neighborhood. There is no detriment to the public good. They need two variances for lot size and lot frontage. They will remove the dwelling from the plans. They were there to show future development. The applicant agrees with the Planning and Engineering reports.

The Chairman entertained a motion to close the public hearing. Mr. Pantalone so moved, Ms. Perez seconded.

Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Yes
Stephen Plevins: Yes
Gary Stanker: Yes
Sandy Velez: Yes
John Casadia: Yes
David Manders: Yes

The Chairman entertained a motion to approve the application. Mr. Pantalone so moved, Ms. Perez seconded.

Michael Pantalone: Yes
Maria Perez: Yes
Stephen Plevins: Yes
Gary Stanker: Yes
Sandy Velez: Yes
John Casadia: Yes
Ryan Headley: Yes
David Manders: Yes

Landis Avenue Properties, LLC/Vineland Crossing Properties, LLC- Block 3503 Lot 4 and 5, Project #14-1401. Proposed amended site plan approval on remand from Superior Court of New Jersey so as to permit cross access easements.

Mr. Manders and Mr. Headley recused from this application. The court remand is for whether or not the cross-access easement should be granted across lots 4 and 5 adjacent to lot 7. The approvals granted by way of Resolution 6097 remain in full force and effect as per the Court's Order. As a result of two members being absent and two members having conflicts, only six members of the Planning Board were available to hear this matter. Both counsel for the applicant and counsel for ACP agreed to proceed with six members.

Mr. Damien DeDuca, Esq. represented Landis Avenue Properties, LLC and Vineland Crossing Properties, LLC. ACP argued before the Court that the cross access easement was mandatory and the

Judge disagreed. The Judge ordered the Planning Board to grant or not grant the cross access easement. The City's ordinance does not require a cross easement. Community Design Standards of the ordinance states that cross easements "should be" not "shall be" granted. He read from the City's ordinance 425-86(1)(a). In subsection G(2), the purpose stated in the ordinance is to facilitate interconnection. Exhibits were submitted into evidence. Exhibit A-1 through A-4, copies of the site plans. Exhibit A-5, copy of the court order dated July 30, 2015. Exhibit A-6, Resolution #6004, 2012 Shop Rite approval. Exhibit A-7, Resolution #6097, for phases 1 through 4. Exhibit A-8, Resolution #6115, amendment to the prior approval granting the Orchard Road driveway. Exhibit A-9, two sets of plans, subdivision and site plan for proposed Lidl grocery store on ACP lot. To impose the condition of a cross easement it would be burdensome on the property owner. ACP denied the City of Vineland an access easement for the Walmart on West Landis Avenue. Exhibit A-2 was originally in 4 phases but that has changed to 3 phases. The only variance that the applicant needed was for signage. ACP did not appear at the August 13, 2014 public hearing before the Planning Board to impose the cross easement. The City's ordinance does not require inter-connection but only that the site plan accommodate an inter-connection. It was done and show that they are not always needed in all circumstances. The applicant did offer ACP a shared right-in right-out onto Landis Avenue but ACP declined. The applicant tried to work with ACP for nine months regarding the cross easement and an agreement was not reached. The applicant reached an agreement with Vineland Construction Company for an easement on the west side of the property in December of 2014. That easement joins both properties for the Orchard Road driveway. Granting ACP an easement would also give them access to the Vineland Construction property. The Judge indicated that good points were made but it should be argued before the Planning Board. ACP is asking for a free easement across property paid for the by applicant and giving them access to Orchard Road also owned by Vineland Construction Company. Exhibit A-9 shows Lidl, German owned grocery chain, seeking to subdivide a portion of lot 7 for a 36,000 square foot grocery store. It is proposed to sit back 400' from Landis Avenue and if the cross easement is granted, it would not be continuous. ACP is not offering access to this proposed site. There will be a negative impact on the traffic light proposed at the Orchard Road driveway. The ACP lot is 15 acres and not developed so the impact is unknown. The easement would have to be recorded. There are a lot of issues such as cost, maintenance, and the location of the easement. Bottino's entered into a lease with Wakefern in 2012 for the Shop Rite supermarket. The lease requires Wakefern to approve and make any changes to the parking lot. There is also a question as to who pays for the interconnection. The applicant is paying approximately \$500,000.00 for the Orchard Road traffic light and driveway. Since ACP did not request this in the beginning, it makes it very difficult to plan it out.

Henry Haley, Professional Engineer, testified on behalf of Landis Avenue Properties, LLC/Vineland Crossing Properties, LLC. All the plans were prepared under his supervision. He went over the approved site plan.

Jim Bottino, President of Bottino's Holdings, testified on behalf of Landis Avenue Properties, LLC/Vineland Crossing Properties, LLC. His family owns four Shop Rite supermarkets. ACP did not request a cross easement when the application was made. ACP contacted them in 2014 shortly before the application for the Inspira Urgent Care Center. There were negotiations with ACP but no agreement was made.

Robert Baranowski, Esq. testified on behalf of ACP. He believes that the cross easement makes sense. As per the Court's order, the Planning Board has the authority to grant the cross easement. The cross easement will benefit the ACP lot and there is stub out already in place. The Bottino's are declining a cross easement because of competition issues. The City of Vineland code states that "shopping centers should be connected" to limit trips onto Landis Avenue. If the pad site changes, the applicant would have to return for an amended site plan. The cross easement would occur when the ACP site is built out. As for the cost, ACP would have to share the cost and maintenance. ACP would be offering mutual access to

the traffic light in front of Walmart that would also benefit the applicant. ACP is not looking for a free cross easement as indicated by the applicant's attorney. The parking lot will not change so the lease with Wakefern is irrelevant. The cross easement makes sense from a planning perspective.

Andre Fernanda, Professional Traffic Engineer, testified on behalf of ACP. The requirement for a cross easement is appropriate. There is currently a stub on either side of the plan which follows ordinance. The cross easement makes sense because it would reduce volume on the road. It is consistent with the City's Master Plan to connect the lots. The sites align and there is a stub out in place so the cross easement is not an issue. The applicant currently has a cross easement with Vineland Construction Company therefore there is no detriment for similar cross access on the eastern side of the applicant's property. There is substantial traffic volume on the applicant's property which will be reduced with the cross easement. Another benefit is that the cross easement will also serve as emergency vehicle access.

Robert Baranowski, Esq. stated that the cross easement would benefit both parties and the community. The Planning Board can determine whether or not it is appropriate. The two owners can work out the terms if it is approved by the board.

Michael Pantalone questioned how the Planning Board could impose a cross easement without knowing what was being built on the ACP lot.

Gary Stanker stated that it was difficult to make a decision without plans for the ACP property.

Sandy Velez stated that she had concerns with the cross easement.

Damien DelDuca, Esq. indicated that ACP did not offer testimony as to the impact on the Orchard Road traffic light. Mr. Fernanda does not know what traffic would be generated as to the ACP site because the use is not definite. There is no concern with emergency access because there are numerous access points already in place. Bottino's would get nothing in return for the cross access easement.

The Chairman entertained a motion to close the public hearing. Ms. Velez so moved, Ms. Perez seconded.

Maria Perez: Yes
Stephen Plevins: Yes
Gary Stanker: Yes
Sandy Velez: Yes
John Casadia: Yes
Ryan Headley: Yes
Michael Pantalone: Yes
David Manders: Yes

The Chairman entertained to deny the application. Ms. Velez so moved, Ms. Perez seconded.

Stephen Plevins: Yes
Gary Stanker: Yes
Sandy Velez: Yes
John Casadia: No
Ryan Headley: Yes
Michael Pantalone: Yes
Maria Perez: Yes
David Manders: Yes

ADJOURNMENT

The Chairman entertained a motion to adjourn.

Roll call:

Stephen Plevins
Gary Stanker
Sandy Velez
John Casadia
Ryan Headley
Michael Pantalone
Maria Perez
David Manders

TIME: 10:59 PM

Respectfully submitted,

Yasmin Ricketts
Planning Board Secretary