PLANNING BOARD MINUTES
September 9, 2026

The pre-meeting of the Planning Board was called to order by Chairman Mr. David Manders at 6:00 PM in the Second Floor Caucus Room of City Hall.

Members Present:
John Casadia
David Catalana
Jeffrey DiMatteo
Douglas Menz
Thomas Tobolski
Sandy Velez
Scott Reale
Robert Odorizzi
Elizabeth Arthur
David Manders

Also present were:
Michael Malinsky, Planning Board Solicitor
Yasmin Perez, Planning Board Secretary
Ryan Headley, Planning Board Planner/Engineer
Elizabeth Jambor, Assistant Planner

PRE-MEETING

Pulse Title Agency Monument Sign – located on the southerly side of E. Landis Avenue between Vassar Place and Evelyn Avenue, Block 4209, Lot 2, Tax Map Sheet #42, Project No. PBA-26-00012. Minor site plan approval to construct a twenty-four (24) square foot monument sign at an existing office use (Pulse Title Agency).

Mr. Headley explained that this was a minor Site Plan approval to construct a 24-square-foot monument sign at an existing office use. It was noted that the property currently has an existing sign and the applicant is proposing a second identification sign, whereas only one sign is permitted. The proposed sign is also shown with a 3-foot setback from the property line, rather than the typically required 10-foot setback. He explained that, due to the approximately 100-foot-wide property and the location of the proposed sign, it was not anticipated to interfere with sight lines from Vassar Place or Evelyn Avenue.

Christian Ruiz Minor Subdivision – located on the southeasterly corner of the intersection of W. Laurel Street and N. Third Street, Block 2212, Lot 1, Tax Map Sheet #22, Project No. PBA-26-00022. The applicant requests minor subdivision approval to create one (1) new lot with one (1) remainder lot.

Mr. Headley explained that the property contains an existing residence and an accessory garage and is located on a corner lot. The proposed subdivision would create a new lot containing approximately 6,300 square feet. It was noted that the proposed lot area is substantially less than the required lot area, and that the proposed lot frontage is 63 feet, compared with the required 75 feet. The lot width was also identified as deficient. He expressed concerns regarding the size and configuration of the proposed lot and its compatibility with the character of the surrounding neighborhood. The existing garage was also discussed in relation to the proposed subdivision, including its location and configuration. It was noted that the structure does not appear to have a traditional garage door and contains a regular door and window. The Board discussed whether removal or modification of the garage could result in a different subdivision configuration and potentially reduce the number of variances required.

Land Use Liability and Legal Training

The pre-meeting was turned over to Mr. Malinsky for training concerning land use liability, risk management principles, and legal principles pertaining to governmental operations.

FLAG SALUTE

This meeting is being held in accordance with the New Jersey Open Public Meetings Act. Notice of this meeting was given on December 16, 2025, and has been posted on the Official Bulletin Board in City Hall, posted on the City's website and published in the Vineland Daily Journal.

MINUTES

Approval of minutes from August 12, 2026, board meeting.
The Chairman made a motion to approve the minutes.

John Casadia: Yes
David Catalana: Yes
Douglas Menz: Yes
Thomas Tobolski: Yes
Scott Reale: Yes
Robert Odorizzi: Yes
Elizabeth Arthur: Yes
David Manders: Yes

RESOLUTIONS

Approval of resolutions from August 12, 2026, board meeting.
The Chairman made a motion to approve the resolution.

Resolution #6763

John Casadia: Yes
David Catalana: Yes
Douglas Menz: Yes
Thomas Tobolski: Yes
Scott Reale: Yes
Robert Odorizzi: Yes
Elizabeth Arthur: Abstain
David Manders: Yes

Resolution #6764

John Casadia: Yes
David Catalana: Yes
Douglas Menz: Yes
Thomas Tobolski: Yes
Scott Reale: Yes
Robert Odorizzi: Yes
Elizabeth Arthur: Yes
David Manders: Abstain

Resolution #6765

John Casadia: Yes
David Catalana: Yes
Douglas Menz: Yes
Thomas Tobolski: Yes
Scott Reale: Yes
Robert Odorizzi: Yes
Elizabeth Arthur: Yes
David Manders: Yes

Resolution #6766

John Casadia: Yes
David Catalana: Yes
Douglas Menz: Yes
Thomas Tobolski: Yes
Scott Reale: Yes
Robert Odorizzi: Yes
Elizabeth Arthur: Yes
David Manders: Yes

Resolution #6767

Douglas Menz: Yes
Thomas Tobolski: Yes
Scott Reale: Yes
Robert Odorizzi: Yes
Elizabeth Arthur: Yes
David Catalana: Yes

PUBLIC HEARING

Pulse Title Agency Monument Sign – located on the southerly side of E. Landis Avenue between Vassar Place and Evelyn Avenue, Block 4209, Lot 2, Tax Map Sheet #42, Project No. PBA-26-00012. Minor site plan approval to construct a twenty-four (24) square foot monument sign at an existing office use (Pulse Title Agency).

The applicant was represented by Mr. Michael Gruccio, Esq. The property is owned by 117 East Landis LLC, with Mr. Edward Frost was also identified as the sole principal and person responsible for management of the property ownership company. Mr. Gruccio explained that the proposed sign was not permitted as a matter of right. There is already an existing sign on the premises identifying a law firm located in one of the two commercial buildings on the property. The second commercial building contains an upstairs single-family dwelling unit. Mr. Gruccio explained that there is no sign associated with the residential use and that the proposed sign would identify the professional or business use associated with the second commercial building.

Mr. Gruccio further explained that the two signs are oriented toward the same street frontage, resulting in the need for a variance because two signs are proposed where one sign is permitted. He identified the second variance as relating to the proposed sign's location and setback. He explained that, when the square footage of the two proposed signs is considered in the aggregate, the signs would total 48 square feet, whereas the applicable ordinance permits 24 square feet of signage oriented toward one street in the residential professional zone. He therefore identified the aggregate sign area as an additional variance consideration. He also addressed the requested setback variance. The proposed sign identifying Pulse Title Agency in the second commercial building would be located in line with the existing sign at the corner of Evelyn Avenue and East Landis Avenue, which identifies the law firm located in the other commercial building. Mr. Gruccio explained that the applicant is requesting two signs because the property contains two commercial buildings occupied by two separate organizations. He noted that both buildings were previously approved by the Planning Board.

Mr. Gruccio further explained that the property has three street frontages, including approximately 247 feet of frontage along East Landis Avenue, 194 feet along Evelyn Avenue, and frontage along Vassar Place. He stated that, technically, the property could be entitled to three signs, consisting of a 24-square-foot sign oriented toward Evelyn Avenue, a 24-square-foot sign oriented toward East Landis Avenue, and a 24-square-foot sign oriented toward Vassar Place. He acknowledged that signs along Evelyn Avenue and Vassar Place may not provide significant utility to the property and therefore requested approval of a second monument sign along East Landis Avenue rather than three separate signs.

With regard to the requested setback, Mr. Gruccio stated that the right-of-way of East Landis Avenue in the vicinity of the property is approximately 100 feet wide. He explained that the proposed monument sign is located 3 feet from the property line, whereas the ordinance standard requires a 10-foot setback from the front property line. He requested variance relief for the setback as identified in Section 4B of the staff report. Mr. Gruccio stated that the roadway has sufficient right-of-way to accommodate the proposed sign and that the location would not interfere with sight lines or create a traffic obstruction. He further explained that the purpose of the signage is to provide identification for the businesses and professional offices located on the property and to allow patrons, clients, and customers to locate the businesses safely and efficiently.

Mr. Manders asked whether the proposed sign's location relative to the property line was identical to that of the existing sign. Mr. Gruccio confirmed that, with respect to the setback from East Landis Avenue, the proposed sign would be located in the same manner as the existing sign.

Mr. Frost was then sworn in for purposes of the application because he had not been present at the prior meeting. He confirmed under oath that the statements made by his attorney on the record were accurate.

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

Roll Call:
John Casadia: Yes
David Catalana: Yes
Jeffrey DiMatteo: Yes
Douglas Menz: Yes
Thomas Tobolski: Yes
Sandy Velez: Yes
Robert Odorizzi: Yes
Elizabeth Arthur: Yes
David Manders: Yes

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

Roll Call:
John Casadia: Yes
David Catalana: Yes
Jeffrey DiMatteo: Yes
Douglas Menz: Yes
Thomas Tobolski: Yes
Sandy Velez: Yes
Robert Odorizzi: Yes
Elizabeth Arthur: Yes
David Manders: Yes

Christian Ruiz Minor Subdivision – located on the southeasterly corner of the intersection of W. Laurel Street and N. Third Street, Block 2212, Lot 1, Tax Map Sheet #22, Project No. PBA-26-00022. The applicant requests minor subdivision approval to create one (1) new lot with one (1) remainder lot.

The applicant was represented by Mr. Michael Gruccio, Esq. He acknowledged that the application had received concerns from City professional staff and stated that he intended to focus his presentation on demonstrating that the proposed subdivision is sustainable and compatible with the surrounding area. He explained that the property is located in the R-2 Zone at the southeast corner of West Laurel Street and North 3rd Street and currently contains 12,490 square feet. The proposal would create a new 63-foot by 100-foot lot, totaling 6,300 square feet. The existing property has 187.94 feet of frontage along West Laurel Street and 100 feet of frontage along North 3rd Street. If the subdivision is approved, the remainder parcel would measure approximately 124.9 feet by 100 feet.

Mr. Gruccio introduced several exhibits. Exhibit A1 was identified as the subdivision map submitted with the application, while Exhibit A2 consisted of a portion of the City tax map identifying the subject property. Exhibit A3 consisted of five 8.5-inch by 11-inch color photographs depicting various angles and improvements on the site. Exhibit A4 consisted of two 8.5-inch by 11-inch photographs depicting the interior and exterior of the garage. Exhibit A5 consisted of one 8.5-inch by 11-inch sheet containing two photographs depicting the prototype home proposed for construction on the subdivided parcel. Exhibit A6 was identified as the first-floor plan of the prototype home, and Exhibit A7 was identified as the second-floor plan.

Mr. Gruccio then addressed the surrounding neighborhood and lot configurations. Referring to Exhibit A2, he stated that the tax map demonstrated the presence of numerous lots in the vicinity that are equal to or smaller than the proposed 6,300-square-foot lot. He identified several lots with frontage dimensions of 50 feet or less, while the proposed lot would have 63 feet of frontage. In Block 2207, he identified lots with 50-foot, 45-foot, 65-foot, and 60-foot frontages. He noted that the proposed 63-foot frontage is only 2 feet less than the 65-foot lot referenced.

Mr. Gruccio continued that, within Block 2212, where the subject property is located, there are three lots with 50 feet of frontage and 100 feet of depth. He stated that the proposed 63-foot-wide lot would therefore be larger in frontage than those three lots within the same block. In Block 2214, he identified five lots with 50 feet of frontage and two lots with 25 feet of frontage, which he believed to be condominium lots. In Block 2221, he identified one lot with 45 feet of frontage and 10 lots with 50 feet of frontage. In Block 2222, he identified six lots with 50 feet of frontage and one lot with 55 feet of frontage. Finally, in Block 2227, he identified 16 lots with 50 feet of frontage and six lots with frontage varying between 43.5 feet and 32 feet. Mr. Gruccio stated that these examples provided grounds for disagreement with the contention that the proposed lot would be incompatible with the neighborhood's existing lot pattern.

Mr. Gruccio next addressed the existing garage. He explained that the prior owner, KC Rental, had removed two overhead garage doors and installed a man door on the building elevation facing South Laurel Street. He referred the Board to the photographs included as Exhibit A3, including photographs depicting the existing condition of the garage and the surrounding property. Mr. Gruccio noted that Mr. Ruiz purchased the property less than one year ago, in September 2025, from the prior real estate ownership entity and had no prior ownership or membership interest in that entity. He stated that Mr. Ruiz is not engaged in retail or rental activity and therefore has no need to use the garage for the inventory storage purposes associated with the prior owner's rental business. Instead, Mr. Ruiz intends to restore the accessory structure to an actual garage and use it for its intended accessory garage purpose.

Mr. Gruccio further explained that the photographs identified as A4 depict the interior wall of the garage facing West Laurel Street and equipment remaining from the prior configuration. He stated that the prior owner discontinued use of the two overhead garage doors and installed a man door, but that Mr. Ruiz intends to restore the two overhead garage doors and remove the man door. He reiterated that the applicant

intends to use the structure as an accessory garage. He also directed the Board's attention to photographs A3, Nos. 2, 3, 4, and 5, which depict substantial open areas on the property. He stated that development is concentrated toward the westerly portion of the property, leaving a large area on the easterly side potentially available for the proposed subdivision. Exhibit A1 also depicts substantial grassed areas on the property.

Mr. Gruccio then addressed whether a single-family dwelling could comfortably be constructed on the proposed 63-foot by 100-foot, 6,300-square-foot lot without requiring bulk variance relief for setbacks. He explained that the required side-yard setback in the applicable zone is 10 feet on each side. Accordingly, a 63-foot-wide lot would provide a building envelope of approximately 43 feet in width, calculated by subtracting 10 feet from each side of the 63-foot width. He further explained that the required front-yard setback is 30 feet and the rear-yard setback is 20 feet. On a 100-foot-deep lot, these setbacks would leave a building envelope of 50 feet in depth. Based on those dimensions, Mr. Gruccio calculated a building envelope of approximately 2,150 square feet without requiring bulk variance relief for setbacks.

Mr. Gruccio then addressed impervious coverage. He stated that the ordinance permits a maximum impervious lot coverage of 40%. Applying 40% to the proposed 6,300-square-foot lot results in a maximum impervious coverage of 2,520 square feet. He began comparing the permitted impervious coverage with the approximately 2,150-square-foot building envelope available on the proposed lot.

Mr. Gruccio continued his presentation by explaining that, after accounting for the proposed building envelope, approximately 370 square feet, would remain available to accommodate a driveway. He stated that a driveway approximately 10 feet wide by 30 to 35 feet long could be accommodated within that area. He further presented Exhibit A5, depicting the proposed prototype home, and stated that the home would be compatible with the surrounding neighborhood and had been constructed on other smaller properties within the City. Exhibits A6 and A7 depicted the first- and second-floor plans of the proposed home. Mr. Gruccio stated that the home would provide a kitchen, living room, dinette, and three bedrooms, while accommodating the required two parking spaces for a single-family use under the Residential Site Improvement Standards. He stated that the proposed subdivision would serve the public good, would provide an attractive home, and would be consistent with the general development pattern of the neighborhood.

Mr. Gruccio further argued that the proposed lot size was not substantially disproportionate to other lots within the surrounding area and that there would be minimal detriment resulting from the requested variance relief. He stated that each application must be evaluated on its own merits and that, in his opinion, the benefits of the proposed deviation substantially outweighed any potential detriment to the City. He requested that the Board approve the proposed subdivision and associated variance relief.

Mr. Headley commented on the requested variances. He acknowledged that there are a number of smaller lots in the general area but explained that many of those lots were created when the smaller dimensions were the prevailing standard or existed before current zoning standards were established. He also noted that some of the smaller lots referenced by the applicant, including certain lots in Block 2227, are not independently developed; some are used in conjunction with adjoining lots, while others remain undeveloped. The Board Engineer acknowledged that there are existing homes on lots measuring approximately 50 feet by 100 feet but explained that the existence of those lots does not necessarily establish that creation of another undersized lot would advance the purposes of zoning. He explained that, under the C-2 flexible variance standard, the applicant must demonstrate that the requested variance advances the purposes of zoning. He stated that, although some purposes of zoning had been addressed during the applicant's presentation, he did not believe sufficient justification had been established to demonstrate that creating another nonconforming lot would advance those purposes. He also addressed the argument that the proposed subdivision would constitute a betterment to the surrounding community, stating that he viewed the proposal more as maintaining the existing condition rather than improving the neighborhood. He noted that the R-2 Zone is intended to provide a relatively dense residential development pattern and that the current dimensional standards were established accordingly. He further noted that many homes in this portion of the older section of the City have undersized or no driveways, and that existing properties may not have been designed to accommodate the number of vehicles typically associated with a modern three-bedroom home. He stated that he remained unconvinced that the requested variance relief outweighed the potential detriment to the neighborhood.

The Board discussed the dimensional requirements for the proposed and existing lots. The proposed new lot was confirmed to be 63 feet by 100 feet, or 6,300 square feet. Mr. Headley stated that a conforming lot would require approximately 75 feet by 150 feet, or 11,250 square feet. It was further explained that because the existing property is a corner lot, it currently has two frontages and does not have a conventional rear-yard depth requirement in the same manner as the proposed interior lot. Subdivision of the property would create a new lot that is no longer a corner lot and would therefore result in an additional depth variance consideration.

Mr. Catalana then questioned the applicant regarding the existing garage and its intended use. Mr. Ruiz was sworn in and confirmed that he intended to restore the garage by removing the existing plywood/man

door configuration and installing two garage doors. It was clarified that the garage would remain associated with and be used by the existing house, rather than the proposed new dwelling. Mr. Ruiz confirmed that he currently resides in the existing house.

Mr. Odorizzi asked whether reducing or partially removing the existing garage could provide sufficient additional frontage for the proposed lot to meet the 75-foot frontage requirement. The discussion indicated that removal of approximately 12 feet of the garage, together with approximately 6 feet associated with the setback, could potentially provide approximately 18 feet of additional area. However, Mr. Headley explained that reducing the garage substantially could effectively eliminate its usefulness as a garage.

Mr. Catalana questioned Mr. Ruiz regarding the intended use of the garage. Through the interpreter, Ms. Velez, Mr. Ruiz stated that the garage would be used for his personal vehicles and vehicle maintenance and not for construction activities. He confirmed that he maintains his construction-related equipment at another location that he rents. He explained that the other location is a small parcel used for items such as ladders and equipment and is not a residence with a garage or shed.

The Board also questioned Mr. Ruiz regarding his intent when he purchased the property. Mr. Ruiz explained that his intention when purchasing the property was to live in the existing house and eventually construct a house on the other portion of the property.

Mr. Headley explained that relocating the proposed lot line could create a balancing issue because the existing property would potentially become deficient in another area. He stated that the existing corner lot currently contains approximately 12,000 square feet and change, while the applicable standard was discussed as 11,250 square feet and later clarified during the discussion. He explained that modifying the lot line could eliminate the frontage variance for the proposed new lot while creating an area variance for the existing home. Consequently, variance relief would be required in one configuration or another.

The Board continued to discuss whether modifying the garage would result in a more desirable subdivision. It was explained that providing the proposed lot with 75 feet of frontage could require sacrificing the existing garage and potentially creating an area variance for the remainder lot. The Board discussed the approximately 24-foot-wide garage and whether it could be divided between the two properties, with approximately 12 feet contributing to the frontage of the proposed new lot while the remaining portion could potentially provide parking for the existing residence.

Mr. Headley explained that the existing property has approximately 187.94 feet of total frontage. To provide the required 110 feet associated with the existing corner lot and 75 feet for the proposed new lot would require approximately 185 feet, leaving approximately 3 feet of frontage to allocate. The Board then discussed the resulting lot areas. During the discussion, the corner-lot area requirement was clarified as approximately 12,100 square feet, and it was noted that the proposed configuration could leave the existing remainder approximately 800 square feet short of the applicable area requirement, while the proposed new lot would remain substantially deficient in total area due to its 100-foot depth.

Mr. Odorizzi stated a preference for the configuration that would provide the new lot with 75 feet of frontage, even if the existing corner lot remained approximately 800 square feet deficient in area. The Board discussed whether the applicant would be willing to consider such a modification and whether the Board could impose that configuration as part of its approval. It was recognized that the applicant would need to agree to the revised configuration and that the application would need to identify the specific variances being requested.

Mr. Catalana then expressed their views concerning whether to approve the application as originally proposed or require removal of the garage. He stated that, although he would generally be concerned about creating multiple new lots with 63-foot frontages, he was comfortable with the proposed 63-foot-wide lot in this particular circumstance because of the existing development pattern in the area. Other members expressed a preference for removal of the garage in order to create a wider, more conforming lot. The Board discussed the fact that the surrounding neighborhood contains numerous small lots and that the proposed development would be consistent with some of the existing character of the area.

The Board continued its discussion regarding the garage and the potential for a future shed or accessory structure on the proposed lot. It was noted that an accessory structure would still be subject to applicable setback requirements, including the approximately 6-foot setback referenced during the discussion. Board members also discussed the concern that, once the property is sold, the current owner's intended use of the garage would no longer necessarily control how the property is used.

After further discussion, based upon the discussion, the majority of the Board appeared inclined to proceed with the application as originally proposed, rather than requiring removal of the garage. The Board then returned to the outstanding professional comments. Mr. Gruccio was asked whether he had objections to the remaining comments, which primarily concerned perfected plan items and depicting existing structures within 150 feet. Mr. Gruccio indicated that he was requesting a partial waiver for the applicable items,

identified during the discussion as Items 9A and 8, and stated that the remaining matters could be addressed through corrections to the plans and notes.

Before the vote, Ms. Velez inquired regarding the location of the proposed driveway for the new home. It was clarified that the driveway would be located along the side of the proposed home, separate from the existing garage and driveway serving the existing residence. Mr. Headley indicated that the plan did not specifically show the distance between the proposed driveway and the property line, but stated that the City standard requires a minimum five-foot separation from a property line.

The Chair then entertained a motion to approve the application of Christian Ruiz for minor subdivision and variance approval of Lot 1 of Block 2212, also known as 577 North 3rd Street. The motion included approval of the variances set forth in Section 6 of the Board Engineer's report, the comments and conditions contained in the professional reports, and the conditions placed on the record by the Board. In particular, the motion required that the existing garage be utilized solely as a garage, with no commercial or residential use associated with the garage, together with the other conditions stated on the record.

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

Roll Call:
John Casadia: Yes
David Catalana: Yes
Jeffrey DiMatteo: Yes
Douglas Menz: Yes
Thomas Tobolski: Yes
Sandy Velez: Yes
Robert Odorizzi: Yes
Elizabeth Arthur: Yes
David Manders: Yes

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

Roll Call:
John Casadia: Yes
David Catalana: Yes
Jeffrey DiMatteo: No
Douglas Menz: No
Thomas Tobolski: Yes
Sandy Velez: Yes
Robert Odorizzi: No
Elizabeth Arthur: Yes
David Manders: Yes

The member of the public, Andrea Land, asked the board about obtaining plans. Mr. Malinsky advised that an Open Public Records Act (OPRA) request could be submitted through the City's website to obtain records that are available. Mr. Headley explained that the property in question was still the subject of a development plan, that there were some preliminary sketches, but that there were no active development applications currently before the Board for the corner property. He further explained that the roads and construction activity observed at the property did not constitute an active development application before the Board and would be subject to the appropriate permitting requirements. It was also noted that a prior development application involving the property and other properties in the area had expired. She also asked whether a traffic study would be required for proposed development in the area of Spring Road, Landis Avenue and Chestnut Avenue. Mr. Headley explained that, typically, the applicant is responsible for preparing a traffic study when one is required, and the study is then submitted as part of the development review process. Questions concerning enforcement matters were also raised, and Mr. Malinsky explained that the Planning Board does not have enforcement authority over such matters and that appropriate code enforcement or other governmental agencies would have jurisdiction. Matters relating to environmental requirements and DEP enforcement were likewise identified as falling within the jurisdiction of the appropriate outside agency.

She then expressed concerns regarding the Board's recent approval of the DataOne/Bloom project, including the size of the proposed facility and the number of Bloom power units. She referenced the approximately 374 units discussed during the hearing and questioned why the project could not have been limited initially to approximately 120 units to allow the impacts to be evaluated before additional units were authorized. She stated that residents had requested that the Board proceed more slowly and expressed the view that residents' concerns had not been adequately considered.

In response, Board members explained that comments had been made by individual members regarding their respective votes and that the Board did not vote until the matter had been fully considered. It was further explained that the DataOne application was a by-right site plan and did not require any variances. Mr. Malinsky explained that, under the Municipal Land Use Law and applicable case law, where an application complies with the City's zoning ordinance and does not require variances, the Board's authority to deny the application is limited. He stated that a denial of a compliant, by-right application could be considered arbitrary, capricious and unreasonable.

He explained that the City's ordinances define the applicable public utility use and that the Board is required to apply those definitions as adopted by the City. It was stated that a zoning determination regarding the use had previously been made by the Zoning Officer in 2024 and had not been challenged within the applicable period. He also referenced the prior applications, resolutions, publications and the absence of challenges to those determinations. Accordingly, he explained that it was required to apply the ordinances and definitions in effect at the time of the application and did not have authority to substitute its own definition or otherwise deviate from the applicable regulations.

Mr. Malinsky reiterated that the DataOne application did not require variances and that, as a result, the Board was constrained in its consideration of the application. He explained that issues such as air quality, noise, stormwater and other environmental matters are subject to the requirements and jurisdiction of the appropriate outside agencies, including the New Jersey Department of Environmental Protection (DEP). It was stated that the applicant was required to obtain the necessary outside agency approvals and that the Board's review was limited to matters within the authority granted to it under the City's ordinances and the Municipal Land Use Law. He also explained that waivers are not variances and that an application could not be denied solely because waivers had been requested or granted.

Mr. Menz also noted that the concerns raised during the DataOne hearing had been heard and that changes had been made to the project during the review process. Ms. Land continued to express concerns regarding the project, including stormwater drainage. Mr. Malinsky reiterated that the project was required to comply with the City's stormwater management regulations and applicable DEP requirements and that the Board was required to evaluate the application based upon the ordinances in effect.

ADJOURNMENT

The Chairman entertained a motion to adjourn.

Roll Call:
- John Casadia: Yes
- David Catalana: Yes
- Jeffrey DiMatteo: Yes
- Douglas Menz: Yes
- Thomas Tobolski: Yes
- Sandy Velez: Yes
- Robert Odorizzi: Yes
- Elizabeth Arthur: Yes
- David Manders: Yes

TIME: 8:01 PM

Respectfully submitted,

Yasmin Perez
Planning Board Secretary