

**ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING DECEMBER 6, 2012**

The caucus meeting began at 7:00 P.M. and the special meeting began at 7:30 P.M.

Members present were:

Elaine Greenberg
John Cheli
Edward Avena
Alan Angelo
Leroy Goldblatt
Jeffrey Francesoni
Robert Ortega

Members absent were: Edwin Bergamo and George LoBiondo

Others Present were: Solicitor Frank DiDomenico, Secretary Yasmin Ricketts, Zoning Officer Patrick Finley, Senior Planner Stephen Hawk, and Principal Engineer David Maillet.

Applicant- **Magic Sports Complex of New Jersey, LLC**, S. Lincoln Avenue, Block 7503, Lots 1, 2, 33, 34, 35, 45, 48, 49, 50, Zones I-B/R-6. The applicant was represented by Michael Fralinger, Esq. There are several lots contained in Vineland and Millville located on South Lincoln Avenue near Sheridan Avenue, Route 55, and Main Road. The property was formerly used for as a sand mining operation, and it has been left vacant. It is approximately 287 acres and 285 acres are contained within the City of Vineland. 276 acres are contained within the I-B zone. The portion of the property that is not contained in the I-B zone is the portion that is situated on the corner of Lincoln Avenue and Sheridan Avenue. That portion is approximately 7.5 acres in size and is zoned R-6. There is a portion in the City of Millville approximately 2.5 acres in size. The proposed use is a multi-sport recreational complex with focus on tournaments. There will be a combination of many athletic fields that will be placed there. There is also an arena structure for a number of sports. The variance plan includes a 500 room suite hotel with an indoor and outdoor water park feature. There will be bunk house and dormitory structures that will be known as Magic Village. Magic Village will house the young athletes. There will be 50 bunk houses and 2 dormitories with full service recreational and dining hall. They are proposing to redevelop the Sheridan Avenue corner with an 8,000 square foot footprint, 16,000 square foot total structure. That structure will be a medical office, daycare center, and a fitness center for employees and park patrons. It will be opened to the public if they are not at full capacity. 275 or 277 acres of this site is in the I-B zone and it is a permitted use. The corner of Sheridan Avenue and Lincoln Avenue is not a permitted use in a R-6 zone. They will be making that area better with what they are proposing. A height variance is needed in the I-B zone. They are proposing a five story hotel with the water park feature. The hotel will be approximately 77' high and they requested a variance with a height limitation of 80'. The water park facility needs a variance of 90' high. The Magic Dome facility will need a height variance of 160' high with an indication that the structure will be 157' in height. They have had the ability to communicate with community members, the public, and the City of Vineland. They have been able to revise the structure to

decrease the height variance. Currently planned it is 160' high and has 10,500 seats. They have been able to reduce the size to a 5,000 seat arena and change the structure from a dome to a conventional size building. They can reduce the height down to 57-58' in height and will be asking for 65'. This application is a permitted use and they are requesting height variances for a majority of the project. The variance for the corner of Sheridan Avenue is a D-1 not permitted use variance.

Bruce Farrell, Director of Development for Sora Northeast. He handles the design construction for the company, and he is the master developer for the Magic Sports complex. The facility is a regional multi-sport youth sports complex. The benefit will reach from the New England area to Washington. The property is located on 300 acres, and they are hoping that it will create up to 1200 temporary construction jobs in the area. There will be significant economic impact directly and indirectly. The access from this site will come off of Lincoln Avenue. When a person drives into the site, they will drive right up to the Magic Arena. The Magic Arena is an indoor facility with the registration office. Guests will start to arrive on Friday afternoon and will arrive all day. They will be registered and put into a queue in the parking area. Approximately twenty at a time will be taken to the Magic Village. The Magic Village is a secured area with separate male and female facilities. There is a recreational center in the middle. It is a security hub for the students for accountability and security. It is also eating facility, medical facilities, and gift shops. On mid-day Saturday they start opening ceremonies. On Sunday through Wednesday the games start at 8am and the last game ends at 8pm. On Wednesday the elimination tournament begins. They will have closing ceremonies with the final game on Thursday night. People will start to leave throughout the week. That is a typical week in the summer, and it is very similar with each sport played. The other facilities will have potential for basketball, cheerleading, boxing, indoor lacrosse, or any indoor sport throughout the year. The arena will also hold the corporate offices on the second floor. There will be two restaurants opened to the public, food court will service the events, and a medical facility for sports related injuries. There will be a broadcast facility and they will have cameras present at each game. They will be broadcasted throughout the entire site and possibly through the internet. At the southern end near Route 55, they are proposing a 500 room resort hotel. The lobby will have 2-3 restaurants. One will be a pub style restaurant overlooking the water parks. There will also be a large conference center inside of the hotel. Directly adjacent there will be approximately 70,000 square feet of indoor water park in a glass dome. There will be seven acres of outdoor water park. The density of the attraction will be amazing. There are more rides per square footage. The hotel and the water park will create a regional destination. The facility on the corner of Lincoln Avenue and Sheridan Avenue originally was a direct amenity to the sports complex. After they got into the design, they thought it would be better to offer it to the patrons and the public. The first floor is a medical facility and daycare facility. The upper level will be a moderate 8,000 square foot fitness center. It is situated where it is because security is a concern with all the children. They do not want to mix the general public into the facility. There is another 25,000 square foot structure that will have an internal train cart system. There will be a fence surrounding the facility, and it will also separate the male village from the female village. There will be security check points and surveillance system throughout the site.

Mr. Angelo wanted to know if there would be any type of motor sports.

Mr. Farrell stated that there would be no motor sports.

Mr. DiDomenico wanted know the age groups of the children.

Mr. Farrell explained that the children will be 6-18 years old.

Mrs. Greenberg wanted to know if they were proposing two medical facilities and if they were specifically for athletes.

Mr. Farrell explained that the second facility is really a first aid center, and it is primarily for athletes.

Mr. Hawk wanted to know if there would be any short 2-3 day tournaments.

Mr. Farrell explained that they would have shorter tournaments during the off season, and there is the potential to have weekend tournaments year round.

Mr. Avena wanted to know if there was a liquor license.

Mr. Fralinger explained that he would encourage them to apply for one because they are entitled to it.

David Scheidegg, Professional Engineer, design engineer for the site. He displayed an aerial photo of the site. Currently there are 287 acres. The primary lot is currently owned by South Jersey Industries. The site has been mined since before 1931. A lot of the area is void of vegetation. Several open bodies of water have been created throughout the site. They have incorporated them into the site plan design. Some of the bodies of water are considered wetlands. The wetlands will need to receive approval from NJDEP. They have made application to NJDEP, and they have been on the site. The mined area is 180 acres, 78 acres are wooded, and 4 acres are a contractor's yard. There is 1600' of frontage on Route 55, 353' frontage on Sheridan Avenue, 537' of frontage on Lincoln Avenue at Sheridan Avenue, and another 36' frontage at the old Conrail right of way. The southern portion of the site is active agriculture. There are houses along Sheridan Avenue. Along Lincoln Avenue there is the RT Castellini site. Next to that there is agricultural area with a farm market. There is an existing recreational facility with a ball field. There is lot 45 owned by City and it contains an electrical substation. There are talks about an additional electrical substation on this property and municipal well for the water system. The City has agreed to sell or give Magic Sports a 100' right of way immediately adjacent to their southern most boarders. At the southern most boarder there is an existing storage facility, behind that there is an antenna complex, and other miscellaneous commercial uses down to Route 55.

They have prepared a booklet of photos marked as Magic Sports #1. Mr. Scheidegg took the photos last week to show the actual conditions of the site. The natural grade of the ground before it was mined ran one direction and that is why there is a lot of water standing in the corner. The elevation where the access will be is somewhere around 90'. The lower portion of the site is around 50'. There is a 40' grade change that is unheard of in South Jersey in a short span there. Since it was a mined facility, and it was not reclaimed there are a lot of piles and hills. They will have to push a lot of dirt around to get any flat areas.

Mrs. Greenberg wanted to know what the picture was on page number #14.

Mr. Scheidegg explained that it was a portion of the property that is a piece of Conrail right of way and a piece of their property. It is the very limited area between the ball field and the existing electrical substation.

The variance plan was displayed to the board. The 100' wide easement is adjacent to the storage facility. The depth of lot 45 is about 980' off of Lincoln Avenue. Coming in the main access road, there is a severe drop off. They plan to incorporate the area into that slope. The building will only look two stories tall, but when you drive around it will pick up that extra 20'. Additionally there is more grade change. They located the hotel and water parks in the proposed locations, to take advantage of the grades in that area. It is far as possible from the existing residential dwellings. There is a serpentine road that goes around the site, but only half of that road is open to the public. There are security buildings that the roads lead to.

Mr. Cheli wanted to know how many acres of woods would be taken down.

Mr. Scheidegg explained that they would try to maintain trees as a buffer.

Mr. Fralinger explained Vineland's tree ordinance.

Mr. Hawk explained that there are 78 acres of trees based on the testimony provided earlier. That works out to one quarter of the overall site.

Mr. Scheidegg explained that near Sheridan Avenue, they are looking to remove all of those structures out there. They would then construct the 16,000 square foot building, associated parking, and then the storm water management. It will be a nice transition for the residential area and more intense sports related complex. The initial plans submitted show a recreational area in the rear. The plans displayed at the meeting have an area that will be more private for the athletes when they are not playing games. The area is about 29 acres in size and will be reserved for a future use or could end up being a buffer area. The indoor water park feature is part of the hotel. It is about 50,000 square feet of floor area and another 20,000 square feet mezzanine style for a total of 70,000 square feet of water park. The indoor water park can be accessed from the hotel, and it is the theme of the hotel. Water parks require height for their water slides to work properly. A 35' tall water slide is geared towards the kids. They are looking to appeal a wide area with a wow factor. They will have a zip line over the waterpark at 73' high. They will need a

cover over that. The indoor waterpark will be entirely closed during cold season. In the summer season, the walls will mechanically open and combine it with the outdoor waterpark. It will be very heavily landscaped with cabanas, restrooms, and concession stands. A video of water park features was shown and narrated by Mr. Scheidegg.

Mrs. Greenberg wanted to know how patrons would get to the park.

Mr. Scheidegg explained that the athletes would have transportation to the park. There will be walkable areas as well. The outdoor waterpark is seven acres in size. There will be rides for everyone with more adventurous rides that are higher. A video was shown of the water park to the board. For the inside waterpark they are in excess of 35' because of the water slides and hotel. For the outside they are asking for 90'.

Mr. Hawk explained that the water park was just described in detail. There will be a board resolution that will just state that a waterpark is proposed. He wanted to know if the applicant wanted the water park to be named specifically detailed in the resolution within the "Splashtacular" features shown on the video.

Mr. Fralinger explained that they are using the H2O designer for the park and they utilize Splashtacular.

Mr. Hawk indicated that Lot 45 is owned by the City of Vineland not the City of Vineland Electric Utility. He indicated that the proposed easement must be negotiated with and approved by City Council.

Mr. Hawk questioned if any fill will be imported into the site.

Mr. Scheidegg explained that there are large amounts of earth to move and their intent is to minimize trucking soil in and out.

Mr. Hawk wanted to know if thousands of loads of fill will be brought to the site.

Mr. Scheidegg explained that it would not be cost effective, and they would try to use what they have.

David Horner, Licensed Planner, testified on behalf of the applicant. They did a calculation to provide guidance to the project team. They looked at the ordinance and industry standard parking calculation. Uses will be sharing patrons at different times, different days, and even peak seasons. During the busiest season, they estimate about 4,900 spaces will be needed. That is based on the Magic Arena having 10,500 seats. They always like to have 10% extra. The height has no impact on the parking. They want more than 4,200 parking spaces because they do not want to design just enough.

Mr. Fralinger explained that with the shared parking analysis, they could make the parking work on a fully scheduled day.

Mr. Horner explained that he looked at the main access and at Route 55. The proximity is a benefit to reduce the impact on the local roads. He looked at Sheridan Avenue and Lincoln Avenue. He also looked at Sherman Avenue and Hance Bridge Road. They do not feel that they would have congestion issues, but will be working with the city, county, and NJDOT. The main focus is to mitigate for traffic on the site. There are periods where traffic will be heavy during peak times. The busiest time will be in the summer.

Randal Scheule, Consulting Planner for the project, testified on behalf of the applicant. He reviewed the site, the city's master plan, the city's zoning ordinance, and the variance plan for the meeting. The applicant is seeking a "D" variance from a height perspective, and a D-6 under the statute. With regard to the Lincoln and Sheridan parcel approximately 7.5 acres in size, they are seeking the non-permitted use variance for the structures associated with that intersection. They are requesting a height variance for the Magic Arena 65' and the hotel 78'. Granting a height variance depends on the location and the specific purpose. It may maintain consistency with the character in an urban setting. It may also be used as a tool to maintain air and open space around the buildings. It could also be used to limit the intensity of use. Special reasons to demonstrate municipal land use law under the purpose of zoning. Four can be identified from that perspective for height variance. It provides for adequate light air and open space. It constitutes less than 40% of the lot coverage. The amount of area covered by the structures that the height is being requested, are a minor aspect of the overall site of 16 acres. It is only 7% of the site. The project provides sufficient open space and appropriate location for a variety of uses that are permitted in that zone. The structures are very distant from the adjoining residences. There will be more landscaping added to even further mitigate visibility from the structures. The residential portion is Magic Village. It was placed at the northerly end and it represents a good transition. The closest thing to the residences that are next to the site will be a residential use. The concept design is that the water will be recycled at the water park. There will be a storm water management plan on site. There may be other green energy technologies in place. That promotes the utilization of renewable resources. He does not see a detriment to the public good because of the locations of the structures. A prepared exhibit was displayed showing Lincoln Avenue to the left. The dome Location will be replaced by the arena in the same footprint. They are looking at the distance from the nearest residence from Reick Terrace is an excess of 1500'. The area across from there is entirely wooded. There is an elevation change of approximately 10' between Lincoln Avenue and the property line. Looking up hill from Lincoln Avenue, the area is being dropped down. The applicant's proposal is consistent with the master plan's goals and objectives that encourage improvements by providing appropriate redevelopment, and provides economic opportunity for city's residents.

Mr. Hawk agrees with the testimony about the R-6 zone and the enhanced visual environment for the corner. He wanted to know if they analyzed the height from a higher perspective like Hance Bridge Road.

Mr. Scheule explained that he did look at Hance Bridge Road and that the applicant will be installing additional landscaping along the property.

Mr. Cheli wanted to know about the noise factor along the residential area.

Mr. Fralinger explained that the water park and activities were down near Route 55, and the dormitories would be near the residential section.

Mrs. Sandra Forsisky, City of Vineland, Director of Economic Development, explained that this property was very important to the economic development. They were in negotiations to purchase this property. Due to the topography of the site, it was cost prohibitive. The end result, the site was suitable for a single user. Magic Sports dealt directly with South Jersey Industries and did not ask for any funding. It will create construction, and it will create permanent jobs. The improvements will make the location better and she is for the project being granted.

Maria Perez spoke in favor of the project. She believes it is good for the economy and great for the children.

Paul Riggins, President of Riggins Oil Company, explained that the site is currently unsafe and he supports the project.

Reginal Johnston, President of Oakridge Homeowner's Association, expressed concerns with traffic in the area.

Pearl Giordano, spoke in favor of the application. She believes it will build character in the young people. She is also tired of the area being economically depressed.

Joseph Melchiorre, coaches little league and supports the project. It will also bring jobs to the area.

Charles Siciliano spoke in favor of the project. He supports it because it will bring jobs to the area.

Vic Rone, owns property directly next to it. He is concerned with noise and the traffic.

Craig Platania lives on Joyce Lane and he is concerned with traffic.

Gloria Castellini lives across the street, and she is concerned with traffic and development coming out of the corner.

David Dallesandro lives near the site and he is also concerned about the traffic.

Tommy Serra spoke in favor of the development and he is in favor of the application.

Daniel White spoke in favor of the application and thinks it is an excellent project.

John White is a resident and supports the project because of the economic aspect.

Steve Lewis supports the project and thinks they should make plans to have access to Route 55.

John Dionis, Representative of PREIT, which owns of Cumberland Mall, supports the application. It is a positive project and looks forward to having them near the shopping mall.

Mr. Fralinger explained that they would rectify the issues discussed in the site plan process.

Vice Chairperson entertained a motion to close the public hearing.

Roll call:

Mr. Francesconi: Yes

Mr. Avena: Yes

Mr. Ortega: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mrs. Greenberg: Yes

Mr. Avena made a motion to approve the application.

Roll call:

Mr. Francesconi: Yes

Mr. Avena: Yes

Mr. Ortega: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mrs. Greenberg: No

Application was **granted**.

Vice Chairperson made a motion to adjourn.

Roll call:

Mr. Francesconi: Yes

Mr. Avena: Yes

Mr. Ortega: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mrs. Greenberg: Yes

Special meeting adjourned at 11:30 PM

Yasmin Ricketts, Secretary
Zoning Board of Adjustment

