

**ZONING BOARD OF ADJUSTMENT
MEETING NOVEMBER 20, 2013**

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

Members present were:

Edwin Bergamo
Elaine Greenberg
George LoBiondo
Allan Bernardini
Alan Angelo
Robert Ortega
Ryan Flaim

Members absent were: William Guccio, Jeffrey Francesconi

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

The Chairman entertained a motion to approve the minutes from the October 16, 2013 meeting.

Roll call:

Mr. LoBiondo: Yes
Mr. Flaim: Abstain
Mrs. Greenberg: Yes
Mr. Ortega: Yes
Mr. Bernardini: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Chairman Mr. Bergamo asked for a moment of silence for former Zoning Board member John Zagari.

The Chairman entertained a motion to approve the resolutions from the October 16, 2013 meeting.

Roll call:

Mr. LoBiondo: Yes
Mr. Flaim: Abstain
Mrs. Greenberg: Yes
Mr. Ortega: Yes
Mr. Bernardini: Yes, Abstain #2013-23, #2013-24
Mr. Angelo: Yes
Mr. Bergamo: Yes

Applicant- **Jane Lingo**-2478 Sunset Avenue, Block 2007, Lot 4, Zone W-5.

The applicant testified on her own behalf. She would like to install a detached carport for her disabled husband. It will be open on both sides, constructed with wood, and a metal roof. The applicant needs 20' whereas 50' is required.

Chairman made a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Flaim: Yes

Mrs. Greenberg: Yes

Mr. Ortega: Yes

Mr. Bernardini: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. Angelo made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Flaim: Yes

Mrs. Greenberg: Yes

Mr. Ortega: Yes

Mr. Bernardini: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **William G. Crane**-769 W. Weymouth, Block 401, Lot 19, Zone A-5.

The applicant testified on his own behalf and wants to add an addition to an existing single family dwelling. The addition will be located on the east side of the house consisting of a family room, bathroom, bedroom, and garage. There is a 30' front yard setback whereas 50' is required.

Mr. Hawk wanted to know if the dwelling would remain as a single family dwelling. It is setup with two separate driveways.

Mr. Crane testified that it would remain as a single family dwelling. The new driveway will be the main driveway to the house.

Mr. LoBiondo wanted to make sure that there would not be any commercial use on the property.

Mr. Crane confirmed that it would be residential.

Chairman made a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Flaim: Yes

Mrs. Greenberg: Yes

Mr. Ortega: Yes

Mr. Bernardini: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. Bernardini made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Flaim: Yes

Mrs. Greenberg: Yes
Mr. Ortega: Yes
Mr. Bernardini: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes
Application was **granted**.

Applicant- **Howard W. DeRias & Terah Naumchik**, 3569/3571 E. Landis Avenue, Block 4116, Lots 17 & 18, Zone NC. The applicant was represented by Robert Casella, Esq. The applicant was requesting to convert a portion of the ice cream shop and restaurant into a real estate office. The residential use will remain and there will be no structural changes. There is adequate parking that presently exists and the signage will be reduced. There is a conforming freestanding sign in the property that will remain. The applicant is the tenant of both the structures on the property. There are two driveways entrances. There is one on the east and one on the west for the business. The use is not a disallowed use and is compatible with the uses on Landis Avenue. The applicant will comply with the current site plan dated November 26, 1996.

Mr. Ortega wanted to know if they would be removing the equipment from the site.

Mr. Casella indicated that the tables in the front would be removed and anything not of a personal nature.

Ms. Naumchik indicated that she would like to keep the playground equipment for her kids. She may keep one picnic table for clients. The vending machines will be removed but would like a soda machine if permitted.

Mrs. Greenberg explained that she did not see a need for rides and picnic tables for professional offices.

Ms. Naumchik explained that the rides would be removed.

Mrs. Greenberg explained everything should be placed in the backyard.

Mr. Hawk agreed that the front yard should be kept unobstructed.

Ms. Naumchik would like to have a garden in the front. She also keeping the freestanding sign and changing the face.

Mr. Hawk indicated that the freestanding sign must be 10' from the right of way.

The applicant agreed to maintain the 10' from the right of way.

Chairman made a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes
Mr. Flaim: Yes
Mrs. Greenberg: Yes
Mr. Ortega: Yes
Mr. Bernardini: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Mr. LoBiondo made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Flaim: Yes

Mrs. Greenberg: Yes

Mr. Ortega: Yes

Mr. Bernardini: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Delsea Realty Associates, LLC**-298/352 S. Delsea Drive, Block 3503, Lots 21 & 22, Zones B-3/R-3. The applicant was represented by Mitchell Kizner, Esq. The applicant was requesting a final major site plan approval in conjunction with a “d” variance to construct a two level 20,720 square foot medical office building (Phase 1) and to demolish an existing medical office building and construct 60 parking spaces (Phase 2). Their patient base has grown and they want to expand. They received an approval in 2009 to construct a surgical center on lot 22. Between 2004, 2009, and 2009 they received approvals for other requests. The residential zone of the property will never be used as residential. It is near Delsea Drive and medical office buildings. It is not suitable for residential purposes. They have gone over the Planning report and are prepared to address it.

Antoinette Finnizzio, director of operations, testified on behalf of Premier Orthopedics. The medical office has run out of space at the current location. They are proposing to demolish the existing medical office building and replace that building with a medical office of 20,720 square feet. The demolition will occur when the new building is occupied and they will not be occupying both buildings at the same time. The sheds will remain until the new building is occupied. Additional parking will be constructed once the old building is demolished. The new office will add approximately 40 new jobs.

Mr. Hawk indicated that the site will have to have adequate parking with the required parking easement.

Mr. DiDomenico indicated that the easement is from the previous approval.

Mr. Finley suggested that the deadline be 90 days of issuance of a certificate of occupancy for the new center.

Stephen Nardelli, Engineer, testified on behalf of the applicant. The existing building on lot 21 will be demolished. As to comment 6a in the Planning Report, the applicant will construct the parking areas within 180 days of the medical office being demolished. There will be 270 parking spaces whereas 261 parking spaces are required. The variances for parking will be eliminated once the two phases are constructed. They will also need a waiver to permit the plans to be on 30” x 42” sheets. There are issues with the current storm management basin and they will consult with the Engineer’s office to correct them.

Chairman made a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Flaim: Yes

Mrs. Greenberg: Yes

Mr. Ortega: Yes

Mr. Bernardini: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. Ortega made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Flaim: Yes

Mrs. Greenberg: Yes

Mr. Ortega: Yes

Mr. Bernardini: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Woodruff Energy Company, Inc.**-520 E. Chestnut Avenue, Block 4116, Lots 17 & 18, Zone NC. The applicant was represented by Mitchell Kizner, Esq. The applicant was issued a zoning permit dated on May 29, 2013 to utilize the site as a propane distribution facility. By way of a letter on October 21, 2013, the Zoning Officer rescinded the permit and denied the use for the site. The applicant has operated their business for 50 years. The property has been storage for gasoline, diesel fuel, kerosene, heating oil, and propane. They consider propane to be the same as the other liquids. The Zoning Officer reviewed the application and agreed to issue a permit. Exhibit Woodruff-Lerco #1, zoning permit dated May 29, 2013. Exhibit Woodruff-Lerco #2, copy of site plan. The applicant has already spent over \$214,000.00 because they received the permit allowing them to do the work. He prepared the plans and submitted them to DCA. DCA is in charge of the propane and they regulate it. The local municipality designates a zone for it. They received an approval from the City's Fire Marshal and on September 12, 2013, they received an approval from DCA. On October 2, 2013 they were advised that they did not need a permit for construction. That decision was later changed causing the construction to stop and the Zoning permit to be rescinded.

Robert Woodruff, Sr., Senior Vice-President testified on his own behalf. The company currently has 55 employees. They also own Lerco Fuels and have been at that location since 1982. They decided to go into the propane business in 2012 and use this site because they already had a petroleum storage area.

Mr. Ortega wanted to know if they previously had propane at that location.

Mr. Woodruff indicated that they had small 1000 gallon tanks to refill smaller barbeque type tanks. They intend to install two 30,000 gallon propane tanks.

Mr. Finley explained that he was under the impression that there was an environmental remediation and the City had no jurisdiction.

Gerald Stocker, Professional Engineer, testified on behalf of the applicant. He is involved in many LP gas facilities. There have been accidents that have occurred in the past, but there has not been any since 1954. There are about 30 facilities states wide. Safety features on the site will be internal valves on all the openings, shut off valves, and excess flow valves. Propane is alternate fuel and can be used for vehicles. The Fire Marshall approved this site and his letter of approval was forwarded to DCA. He was told by DCA that the Fire Marshall did not rescind his approval.

Mr. Finley, Zoning Officer, testified on his own behalf. He issued the permit based on the site having petroleum products for many years. Fire Chief Pagnini had safety concerns and a meeting was called with the business administrator to discuss those concerns. He believed that the new building was an expansion of the use and the proposed storage tanks were an expansion. The plans stamped with his approval were different than the plans that were exhibited. He explained that he was not pressured to change his decision and it was done because there were so many concerns.

Chairman made a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Flaim: Yes

Mrs. Greenberg: Yes

Mr. Ortega: Yes

Mr. Bernardini: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mrs. Greenberg made a motion to maintain the Zoning Officer's decision.

Roll call:

Mr. LoBiondo: Yes

Mr. Flaim: Yes

Mrs. Greenberg: Yes

Mr. Ortega: No

Mr. Bernardini: No

Mr. Angelo: No

Mr. Bergamo: No

Request was **granted**.

Chairman made a motion to adjourn.

Roll call:

Mr. LoBiondo: Yes

Mr. Flaim: Yes

Mrs. Greenberg: Yes

Mr. Ortega: Yes

Mr. Bernardini: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Meeting adjourned at 11:45 PM

Yasmin Ricketts, Secretary

Zoning Board of Adjustment