

**ZONING BOARD OF ADJUSTMENT  
MEETING FEBRUARY 21, 2018**

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

**Members present were:**

Ryan Flaim  
Lydia Johnson  
Joseph Stefano  
Ryan Feaster  
Elaine Greenberg  
George LoBiondo

**Members absent were:** Alexis Cartagena, John Pierantozzi, Susanna Philippoussis

**Others Present were:**

Frank DiDomenico, Solicitor  
Yasmin Ricketts, Zoning Board Secretary  
Patrick Finley, Zoning Officer  
Ryan Headley, City Planner/Principal Engineer

The Chairman entertained a motion to approve the minutes from the January 17, 2017 meeting.

Roll call:

Mr. Flaim: Yes  
Mr. Feaster: Yes  
Ms. Greenberg: Yes  
Ms. Johnson: Abstain  
Mr. Stefano: Yes  
Mr. LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the January 17, 2017 meeting.

Roll call:

Mr. Flaim: Yes  
Mr. Feaster: Yes  
Ms. Greenberg: Yes  
Ms. Johnson: Abstain  
Mr. Stefano: Yes  
Mr. LoBiondo: Yes

Applicant- **Village Super Market, Inc.** -3490 E. Landis Avenue, Block 3304, Lot 33, Zone A-5, requesting a use variance for a shopping center.

The applicant was represented by Michael Gruccio, Esq. They are proceeding with a six member board. The applicant is proposing a shopping center that will include a pad site. They will be replacing the supermarket that is currently adjacent to the proposed site. They have a long standing business relationship with the owner of the adjacent shopping center and they have future plans for the current site. The existing shopping center originated by use variance in the year 1977. The second use variance was granted permitting a 10,000 square foot expansion. The approved ShopRite is no longer consistent with the market place standard. Exhibits A-1 to A-5 were introduced into evidence. A-1, aerial photograph of the site. A-2, colorized version of the variance plan. A-3, plan showing the inter-connection to the

east with the existing shopping center. A-4, copy of Zoning Board resolution approval from 1977. A-5, copy of Zoning Board resolution approval from 1978.

Frank Sauro, General Counsel since 1988, testified on behalf of the applicant. He assisted in developing the Millville Shopping Center. The supermarket business has evolved over the years. The current ShopRite reflects the 1976 market. The applicant has a number of competitors that have impacted their business. They are Acme, Walmart, Millville ShopRite and the new ShopRite on Landis Avenue. A new facility is required to compete and remain relevant in the market place. The proposed project is planned for the next ten years. If the use variance is approved, the applicant is negotiating with the owner of the adjacent shopping center to obtain and revitalize that site. Rehabilitating the existing site will not work. They have looked at other sites, and they were limited by wetlands and environmental constraints. A new store will allow them to expand the product base. They must carry all the products or customers will shop elsewhere.

Jay Sims, Professional Engineer, testified on behalf of the applicant. He designed the ShopRite on West Landis Avenue. The area has a mix of commercial and residential uses. The property has a dilapidated house and farm fields. This site will have details when it is fully engineered. The entrance is set to the east in order to lessen impact on the residential uses to the west. There will be one entrance off of Landis Avenue. The storm water management basin will be located to the rear of the property. The parking lot will be located in the front of the property along Landis Avenue. There will be landscaping and buffering to the west along the residential property. The building will be set back and it will be less intrusive on the houses with landscaping and privacy fencing. There will be berming along the west side of the driveway on Landis Avenue. The current plans are a general overview.

Ms. Greenberg wanted to know why there was only one access point for cars and trucks.

Mr. Gruccio explained that it was changed as directed by the Supervising Planner.

Mr. LoBiondo stated that the Planning staff should speak with the Zoning Board during the site plan review.

Stephen Hawk, Professional Planner, testified on behalf of the applicant. In his opinion, the proposed satisfies special reasons by permitting the general welfare as per the Kohl vs. Mayor and Council of Fair Lawn case which was decided by the Supreme Court of New Jersey in 1967. That case involved a dairy that was seeking to expand. The court found that the site was particularly suitable for a use that promotes the general welfare. The Kohl case created the "site-suitability standard." The site chosen by the applicant is suited for a shopping center. Lincoln and Landis Avenues are arterial roads. There are only two places in the city where arterial roads intersect. The corner of Lincoln Avenue and Landis Avenue is identified as a commercial node within the city. There are four types of business zones within the city; B-1, B-2, B-3 and B-4. This site is adjacent to the B-4 regional business zone. The B-4 zone is for comprehensibly planned regional centers. There are only three B-4 sites within the city. They are located at Landis Avenue and Delsea Drive, the Cumberland Mall and Lincoln and Landis Avenues. The zone is very rare. This is the only B-4 zone on the east side of the city and it is important for commercial development. The ShopRite approval from 1977 noted that this was a commercial area. Today there is even more commercial activity and less residential activity in that area. The proposed would be an expansion of the existing shopping center. This site is "peculiarly fitted" for this use as the lot is rectangular and the proposed shopping center fits on the lot. The topography of the lot is relatively flat. The applicant examined two other sites within the city. The southeast corner of Lincoln and Landis was not suitable because it was odd shaped with environmental restrictions. The second site was the northwest corner of Lincoln and Dante. That site was not suitable because of the size and odd shape. In the New Jersey Supreme Court case of Prince vs. Himeji, the Court held that a site does not need to be

uniquely suited for a particular use in order to meet the special reasons standard. The case of Ward vs. Scott involved a supermarket application. The Court held that the supermarket at a particular location fit the current and future needs of the area. This East Vineland location has potential for the construction of approximately 4,000 homes which would be serviced by this supermarket. In his opinion, the application satisfies another purpose of the Municipal Land Use law and is providing sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space. This is an appropriate location adjacent to B-4 zoning. As to the negative criteria, he finds no substantial detriment to the public good. This is a commercial neighborhood which includes the ShopRite Shopping Center, the CVS, a bank, Piccolo Café and other commercial uses. The proposed shopping center will not have a negative impact on this area. There will be less impact due to the Community Design Standards. Additionally, only a small portion of this lot is adjacent to residential uses. There is no substantial detriment to the City's Master Plan or Zoning Plan. The application enhances the Master Plan due to the importance of the B-4 zone. This is a small expansion of the B-4 zone. The existing zone is approximately 94 acres and this site is 21.6 acres. It is an approximately 20% expansion.

Frank Guaracini, III, appeared with regard to the application. He is a partner in Frank's Realty Company which own the adjacent shopping center. They have a amicable business relationship and negotiating to sell the shopping center.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Greenberg: Yes

Mr. Flaim: Yes

Mr. Feaster: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Mr. LoBiondo: Yes

Ms. Greenberg made a motion to approve the application.

Roll call:

Mr. Flaim: Yes

Mr. Feaster: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Greenberg: Yes

Mr. LoBiondo: Yes

Application granted.

Applicant- **Rennie A. Whyte** -926 E. Park Avenue, Block 2311, Lot 27, Zone R-2, request for the construction of a 1,200 square foot oversized carport.

The applicant testified on his own behalf. He would like the garage to store his ice cream truck and two personal vehicles. The shed will be removed. The 1,230 square foot garage would be open at the front only. The rear and sides will be enclosed. It will be approximately 25' away from his home and 6' from the side yard. The height will not exceed 15'. The garage will be for his personal use and not for commercial purposes.

John Jones, appeared with regards to the application. He had no objections and wanted the garage built to specifications.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Flaim: Yes

Mr. Feaster: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Greenberg: Yes

Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Mr. Feaster: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Greenberg: Yes

Mr. Flaim: Yes

Mr. LoBiondo: Yes

Application granted.

Chairperson made a motion to adjourn.

Roll call:

Mr. Feaster: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Greenberg: Yes

Mr. Flaim: Yes

Mr. LoBiondo: Yes

Meeting adjourned at 9:19 PM

Yasmin Ricketts, Secretary

**Zoning Board of Adjustment**