

**ZONING BOARD OF ADJUSTMENT
MEETING AUGUST 15, 2018**

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

Members present were:

John Pierantozzi
Ryan Feaster
Ryan Flaim
Alexis Cartagena
Lydia Johnson
Joseph Stefano
Elaine Greenberg
George LoBiondo

Members absent were: Susanna Philippoussis, Gena Pacitto, David Catalana

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 July 18, 2018 meeting.

Roll call:

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

The Chairman entertained a motion to approve the resolutions from the July 18, 2018 meeting.

Roll call:

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

Applicant- **Judith Cunningham** -435 W. Walnut Road, Block 4813, Lot 12, Zone R-5, replacement of an existing 6 foot high fence in front yard.

Ms. Judith Cunningham testified on her own behalf. She indicated that she replaced an existing 6 foot high solid wood fence. Previous storms caused damage to the fence so she replaced it with a 6 foot high stockade fence in the same location for security purposes. The fence is 6 feet from the edge of the pavement along West Avenue. She previously had a survey done by Hershel Clark and the fence was installed along the line with the monuments that were installed.

Mr. Headley indicated that the fence is not a sight issue because it is far enough from the roadway. There is an issue with the fence possibly being installed in the right of way of West Avenue. If the fence is in the right of way, it must be moved.

Mr. Finley agreed that the 6 foot high fence does not have a negative impact and there is not a sight issue.

Jorge Lozano, member of public, is the neighbor of the applicant. He believes the fence is encroaching on his property and he wants it moved. He presented a survey dated March 21, 2017 that shows the encroachment. He indicated that the markers were moved. He also presented photographs of his fence and the applicant's fence. Mr. Lozano's fence is 8 foot high and was advised that he needed relief from the board for the height.

Mr. DiDomenico explained that encroachment issues are a private matter and must be resolved by the two of them.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Cartagena: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Mr. Stefano: Yes

Mr. Pierantozzi: Yes

Ms. Greenberg: Yes

Mr. LoBiondo: Yes

Ms. Greenberg made a motion to approve the application.

Roll call:

Mr. Feaster: Yes

Mr. Flaim: Yes

Mr. Stefano: Yes

Mr. Pierantozzi: Yes

Ms. Greenberg: Yes

Ms. Cartagena: Yes

Mr. LoBiondo: Yes

Application granted.

Applicant- **Dakota Properties, Inc.**- 1420 Lincoln Avenue, Block 5223, Lot 18, Zone R-5, site plan approval to permit an outpatient counseling facility.

The applicant was represented by Trevor Williams, Esq. The property is a pre-existing non-conforming office building. There have been two previous Zoning Board hearings regarding this location in 2005 and 2007. These approvals granted the use of professional services.

Derry Holland, CEO of Dakota Properties, Inc., testified that she is the owner of the building. Dakota Property leases the building to Oaks Integrated Care. She is also the CEO to Oaks Integrated Care. Both Dakota Properties and Oaks Integrated Care are non-profit organizations. Oaks Integrated Care provides behavioral health services (outpatient counseling and mental health crisis). There are approximately twenty employees on site. The hours of operation are Monday-Friday from 8am to 9pm and Saturday from 9am to 5pm. The facility is closed on Sundays. There are approximately 40 to 45 clients that are seen each day. The commercial building is not suitable for residential use. There are other commercial uses in the surrounding area. She would like to continue the counseling services at this location. In patient care and drug or alcohol services are not provided. Medication is not provided. She is licensed to provide mental health services only.

Mr. Williams addressed the positive and negative criteria associated with the application. This is a non-profit operation providing both behavioral health and counseling services, therefore it is an inherently beneficial use. The building is well suited for this use as it is located on a busy street. They will be continuing identical services performed for two years.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Flaim: Yes
Mr. Stefano: Yes
Ms. Johnson: Yes
Mr. Pierantozzi: Yes
Ms. Cartagena: Yes
Mr. Feaster: Yes
Ms. Greenberg: Yes

Mr. Stefano made a motion to approve the use application.

Roll call:

Mr. Stefano: Yes
Ms. Johnson: Yes
Mr. Pierantozzi: Yes
Ms. Cartagena: Yes
Mr. Feaster: Yes
Mr. Flaim: Yes
Ms. Greenberg: Yes

Ms. Holland is proposing to expand parking with an additional 26 parking spaces at the rear of the property. These parking spaces will be for employees and clients. The handicap parking spaces will be relocated. The only deliveries to the site are by UPS and Fed Ex type vehicles. Waste Management will Remove trash once a week. There will be no tractor trailer deliveries to the site.

James A. Clancy, Professional Planner and Engineer, testified on behalf of the applicant. He addressed the Planning Report dated August 1, 2018. The applicant is seeking waivers and variances for a front buffer from Magnolia Road of 13 feet whereas a minimum of 25 feet is required. Impervious lot

coverage of 38.3% provided whereas 15% maximum is permitted. Fence height, front yard, 6 feet whereas a maximum of 4 feet permitted. The applicant will show the stormwater management basin cross section, but not the 50 feet from where the one foot freeboard elevation intersects the inner back of the basin on the perfected plan. He then addressed the Engineering Report dated August 1, 2018. The applicant requests partial waivers for paragraphs 15 and 16. The applicant will do a test pit during construction to depth of 4 feet.

Mr. Stefano made a motion to approve the site plan application.

Roll call:

Mr. Stefano: Yes

Ms. Johnson: Yes

Mr. Pierantozzi: Yes

Ms. Cartagena: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Ms. Greenberg: Yes

Application granted.

Applicant- **South Jersey Paint and Glass Company**- 3278 S. West Boulevard, Block 7004, Lots 9 & 10, Zone B-4, approval for a contractor's office, warehouse, retail showroom and light fabrication facility.

The applicant was represented by A. Steven Fabietti, Esq. The Zoning Board granted a use variance for a contractor's office, warehouse, retail showroom and light fabrication facility. They are now seeking preliminary and final major site plan approval. The site will be constructed in two Phases. Preliminary and final approval Phase I will include a 70,000 square foot building with associated site improvements. Preliminary approval will be for Phase II will includes a future expansion.

Matthew Baldino, Professional Engineer, testified on behalf of the applicant. Phase I will be a 70,000 square foot building. Phase II will be a 30,000 square foot expansion to the 70,000 square foot building constructed during Phase I. There is a new entrance off of Butler Avenue and a new entrance off of the Boulevard. Truck traffic will go around the back of the building to loading docks. Car parking will be in the front and the rear. There is a proposed fueling station for fleet vehicles. Stormwater basins will wrap around the front, rear and one to the west. The remainder of the land will be farmed by the current farmer. The applicant is seeking waivers in the Planning Report. Paragraph 6, a- waiver for setback 8.3', b- waiver for setback 20.3', c- waiver for shape, and d- waiver for fencing as to basin #1. Paragraph 8, about 475 feet from potential wetlands on Geographic Map. Will show Geo Map line on the plan and provide certification. Paragraph 9, a- waiver for shade trees, b- waiver for fencing, c- waiver for shrubbery, d- waiver for sidewalks. Paragraph 10, a- waiver fencing. Paragraph 14, a- waiver for scale of plan sheet size, b- waiver for driveway openings on perfected plan, f- waiver for showing storm sewer. Engineering Report, comment 7 waiver. Comment 18, would like to keep the access roads open for the farmer only. Comment 19, fleet vehicles are regular box trucks and pick-up trucks.

Ronald Meyer, member of the public, had questions about the site plan and wanted to know about the manufacturing buildings that were previously brought up. His main concern is semi-trucks messing up the road.

Mr. Headley explained that those buildings are not part of this application.

Mr. DiDomenico explained that the board cannot control the traffic off site.

Mr. Meyer explained that the topping is breaking up on the road. He we wanted to know if a traffic study was done and information on the light standards.

Mr. Headley explained that there would be zero light spillage over the farm, so it will not reach the houses.

Jody Trivellini, General Manager, testified on behalf of the applicant. They receive 1-2 tractor trailers per day during regular business hours. They are on site 1-2 hours for unloading.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Stefano: Yes

Ms. Johnson: Yes

Mr. Pierantozzi: Yes

Ms. Cartagena: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Ms. Greenberg: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ms. Johnson: Yes

Mr. Pierantozzi: Yes

Ms. Cartagena: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Mr. Stefano: Yes

Ms. Greenberg: Yes

Mr. Stefano made a motion to approve Resolution #2018-25.

Roll call:

Ms. Johnson: Yes

Mr. Pierantozzi: Yes

Ms. Cartagena: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Mr. Stefano: Yes

Ms. Greenberg: Yes

Application granted.

Applicant- **Pinnacle Commercial Development**- 3403 S. Delsea Drive, Block 4813, Lot 12, Zone B-4, construct and allow the operation of a tire service center.

The applicant was represented by Robert C. Shea, Esq. The property is currently vacant and the applicant is proposing to construct a 6,714 foot Mavis Discount Tire Center with 8 bays. The applicant is seeking a use variance. If approved, the applicant will return with a site plan for approval.

John Paulus, Professional Engineer, testified on behalf of the applicant. Exhibits A-1 and A-2 were submitted. Exhibit A-1, aerial photograph. Exhibit A-2, site plan. The property is located at 3403 S. Delsea Drive and is within the B-3 zone. The property consists of 2.65 vacant acres with 300 feet frontage along S. Delsea Drive. The applicant is proposing to construct a 6,714 foot Mavis Discount Tire Center with 8 bays. There will be 42 parking spaces, 14 spaces on the west side and the remainder on the east side. The 10' x 20' trash enclosure will be at the southeast corner of the parking lot. All tires and equipment will be store indoors.

Jack Fisk, Regional Director of Mavis Discount Tire Center, testified on behalf of the applicant. He controls all aspects of the operation. Mavis sells tires, install brakes, and performs oil changes. No engine work is performed. The hours of operation are Monday, Tuesday, and Wednesday, 8am-6pm. Thursday, 8am-8:30pm. Friday, 8am-6pm. Sunday, 9am-5pm. There will be 8 to 10 employees during hours of operation. The application as proposed requires 30 parking spaces, but they are proposing 42. All tires and parts will be stored indoors. All the used tires and parts are removed weekly. The operation does not perform towing services. All customer vehicles are stored inside. Customer vehicles left overnight will be moved indoors. All deliveries go into one of the bays. Deliveries are usually delivered by a van type vehicle.

James Kyle, Professional Planner, testified on behalf of the applicant. The applicant is seeking a D(1) variance. The proposed use is compatible with the permitted uses in the B-4 zone. This is a commercial site and on a busy highway that meets all set back requirements. The lot is large and can accommodate the use as proposed. There are other businesses located nearby. There is another tire company approximately 2.5 miles north on Delsea Drive. The use variance as proposed satisfies special reasons under the statute. It promotes jobs within the city which promotes general welfare. One property away is the B-3 zone and Mavis would be permitted in that zone. As to the negative criteria, Mavis is similar to other commercial uses nearby. There will be no substantial detriment to the public good as all storage in contained indoors. The hours of operation is not disruptive to the public. The use is similar to the surrounding businesses in the area. The size is similar to the other nearby businesses. The property will have attractive landscaping. The uses is consistent with the City's Master Plan.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Pierantozzi: Yes

Ms. Greenberg: Yes

Ms. Cartagena: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Mr. Stefano: Yes
Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ms. Greenberg: Yes
Ms. Cartagena: Yes
Mr. Feaster: Yes
Mr. Flaim: Yes
Mr. Stefano: Yes
Mr. Pierantozzi: Yes
Mr. LoBiondo: Yes

Application granted.

Applicant- **Avenger**- 1348 S. Main Road, Block 5804, Lot 17, Zone R-5, permit an expansion to an existing self-storage facility.

The applicant was represented by Michael R. Mazzoni, Esq. The property has been encapsulated since 1989. They received a use variance in 1989 for a self-storage facility consisting of 6 buildings. The applicant constructed 3 buildings totaling 12,000 square feet. The site is the same as it existed in 1989. It is an encapsulated property and nothing has changed. The applicant is now seeking an approval to construct 3 additional self-storage buildings.

Robert Galbiati, 50% owner of Avenger Properties, is seeking to construct 3 additional buildings that were previously approved. One building will be 20' x 150' totaling 3,000 square feet and two buildings will be 30' x 150' totaling 9,000 square feet. The total for all the buildings is 12,000 square feet. The applicant will maintain the same setbacks as approved in 1989. The existing buildings will remain as they were built.

Mr. Headly explained that the north side has a 15 foot side yard setback and on the south side is a setback of 19.5 feet. The zone requires a 50 foot side yard setback.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Cartagena: Yes
Mr. Feaster: Yes

Mr. Flaim: Yes
Mr. Stefano: Yes
Mr. Pierantozzi: Yes
Ms. Greenberg: Yes
Mr. LoBiondo: Yes

Ms. Greenberg made a motion to approve the application.

Roll call:

Mr. Feaster: Yes
Mr. Flaim: Yes
Mr. Stefano: Yes

Mr. Pierantozzi: Yes
Ms. Greenberg: Yes
Ms. Cartagena: Yes
Mr. LoBiondo: Yes

Application granted.

Applicant- **Marie Fisher**- 18 Elmwood Avenue, Block 3112, Lot 12, Zone R-3, certification of non-conforming use for a two family dwelling.

The applicant was represented by Michael Gruccio, Esq. The property is a two family dwelling and the applicant is seeking a certification as a valid, non-conforming use in the R-3 zone. The applicant purchased the property on June 22, 2004 as a two family dwelling. Exhibit A, permit obtained by the City of Vineland on September 6, 1994 by the prior owner that indicated it was a two family dwelling. Duplexes were permitted in the R-3 zone until the zone changed in 2008. The building dates back to 1940. Exhibit B, photographs of the building reflecting two existing entrances, one for each unit and parking. The applicant is selling the property and needs a CCO reflecting the two family use. Documents attached to the application indicate as of 1971 the City recognized the size of the lot and that has not changed. The 1969 City of Vineland tax map also reflects that size lot. The use and size of the lot make it a non-conforming two family dwelling.

Marie Fisher, testified on her own behalf. Unit A has a front door and rear door. Unit B has a rear door and side door. There are separate electric meters and separate heating systems for each unit. Unit A is a 3 bedroom unit, and unit B is a 2 bedroom unit.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Flaim: Yes
Mr. Stefano: Yes
Mr. Pierantozzi: Yes
Ms. Greenberg: Yes
Ms. Cartagena: Yes
Mr. Feaster: Yes
Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Mr. Stefano: Yes
Mr. Pierantozzi: Yes
Ms. Greenberg: Yes
Ms. Cartagena: Yes
Mr. Feaster: Yes
Mr. Flaim: Yes
Mr. LoBiondo: Yes

Application granted.

ADJOURN:

Mr. Stefano: Yes
Mr. Pierantozzi: Yes
Ms. Greenberg: Yes
Ms. Cartagena: Yes
Mr. Feaster: Yes
Mr. Flaim: Yes
Ms. Johnson: Yes
Mr. LoBiondo: Yes

Meeting adjourned at 10:36 PM

Yasmin Ricketts, Secretary
Zoning Board of Adjustment