

**ZONING BOARD OF ADJUSTMENT MEETING
SEPTEMBER 19, 2018**

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

Caucus Meeting

Members present were:

John Pierantozzi
Ryan Flaim
Lydia Johnson
Joseph Stefano
Gena Pacitto
Susanna Philippoussis
George LoBiondo

Members absent were: Elaine Greenberg, Ryan Feaster, Alexis Cartagena, David Catalana

Others Present were:

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

Mr. LoBiondo took nominations for Vice- Chairman. Ms. Philippoussis nominated Mr. Stefano.

Mr. Flaim: Yes
Ms. Pacitto: Yes
Ms. Johnson: Yes
Ms. Philippoussis: Yes
Mr. Pierantozzi: Yes
Mr. Stefano: Yes
Mr. LoBiondo: Yes

Mr. Stefano will hold the Vice-Chairman position for the remainder of the year.

Mr. LoBiondo addressed the Mayor's concerns with the Board's attendance. It is important to attend every meeting, and everyone must give Ms. Ricketts one week's notice of an absence. Ms. Ricketts must be notified immediately of an absence due to an unforeseen circumstance.

Public Hearing

The Chairman entertained a motion to approve the minutes from the August 15, 2018 meeting.

Roll call:

Mr. Flaim: Yes
Ms. Pacitto: Abstain
Ms. Johnson: Yes
Ms. Philippoussis: Yes
Mr. Pierantozzi: Yes
Mr. Stefano: Yes
Mr. LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the August 15, 2018 meeting.

Roll call:

Mr. Flaim: Yes

Ms. Pacitto: Abstain

Ms. Johnson: Yes

Ms. Philippoussis: Yes

Mr. Pierantozzi: Yes

Mr. Stefano: Yes

Mr. LoBiondo: Yes, Abstain Resolution #2018-27

Mr. DiDomenico went over revisions to the agenda.

Applicant- **Robert Muessig**, 1420 Lincoln Avenue, Block 5223, Lot 18, Zone R-5, setback variances for the construction of a carport.

Mr. Muessig testified on his own behalf. The proposed carport will be constructed over the existing driveway and will be attached to the existing home. He is requesting a 50' side yard setback on each side and 60' front yard setback. His lot is 100' wide and 150' deep. The carport will be an A-frame and will be built by a professional contractor.

Mr. Finley noted that the lot is undersized. If the carport was not attached to the home, it would be considered an accessory structure and 6' would be required.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Flaim: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Pierantozzi: Yes

Mr. LoBiondo: Yes

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

Roll call:

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Pierantozzi: Yes

Mr. Flaim: Yes

Mr. LoBiondo: Yes

Application granted.

Applicant- **Brendale Major Site Plan** – E. Landis Avenue, Block 4402, Lot 5, Zone B-4, amendment to a resolution of a previously approved site plan.

The applicant was represented by Michael Fralinger, Esq. The age restricted community is 95% complete. The last four units are under construction. The applicant is seeking an amendment to

waive any requirement for fencing around the basins or swales. There are six stormwater management basins and swales together with the underground system. A waiver was previously granted for all the basins less than 2' deep. There was some confusion about the basins being 2.5' and 3' deep. The basins can never be higher than 2' due to an overflow system. Exhibit A-1, photographs of the site. The exhibits depicted an aerial photograph of the basins and swales. They are well maintained and blend into the landscaping. The site has not experienced any drainage problems.

Mr. Headley noted that he visited the site. It was well maintained and has no objections to this request.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Flaim: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Pierantozzi: Yes

Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: No

Mr. Pierantozzi: Yes

Mr. Flaim: Yes

Mr. LoBiondo: Yes

Application granted.

Applicant- **A. Estates, Inc.**- 3451 S. Delsea Drive, Block 7004, Lot 29, Zone B-4, construct and allow the operation of a used automobile dealership involving boat trailer sales and U-Haul rentals.

The applicant was represented by Michael Gruccio, Esq. The applicant is currently operating a used automobile dealership on the site. There are two accessory uses, U-Haul rentals and sale of boat trailers. The applicant was previously located on Sherman Avenue and Delsea Drive. The site was sold and the applicant moved to this site. Nautoplex, LLC, purchased the property in 1999. At the time of purchase, automobile dealerships were permitted in the zone. The applicant was not aware of the change in zone and permitted uses. The lot is 600' deep with a width of 108.90'. This car dealership utilizes a lot of frontage. Cars will be displayed deep along the narrow frontage. The Division of Motor Vehicle is holding the applicant's license to operate until they receive a determination from the Zoning Board.

Stephen Hawk, Professional Planner, testified on behalf of the applicant. He explained the special reasons for the use variance. He was able to identify two purposes of zoning. The first

one is Purpose H, encourages the location and design of transportation routes which promote the free flow of traffic while discouraging location of such facilities and routes that result in congestion and blight. There will be changes at the site with location of driveway and proper display of vehicles. The property is located on Delsea Drive and it was widened some years ago. This provides for better sight distance and more safety. The widening of the highway and right of way pushed back the pavement and left a small amount of space. That space will be cleared and available for landscaping. The second one is Purpose I, promoting a desirable and visual environment with creative development techniques. The site will be landscaped which will improve the visual environment. There will be vegetative plantings such as bushes and ground cover. This lot will be improved. The building dates back to the 1950s. There have been many uses over the years without a site plan or improvements. The proposal also provides an efficient use of the land. The land is on a narrow front and deep can be used for auto display. Many other uses would not be suitable on the lot. The adjacent lots have similar depths as the lot in question. The applicant must satisfy the negative criteria. He finds no substantial detriment to the public good. The use is not out of character with the surrounding area. The B-3 zone is just 300' away which permits automobile sales. The B-4 zone was designed for regional type shopping centers. This lot is long and narrow so it would be difficult to assemble a shopping center. The rear of the lot is Bowers Pit, which is 20' deep and was the site of a gravel removal operation. There is also wetlands and high power lines which restrict use of the property. He finds no substantial impairment of the Zoning Plan or the Master Plan. The use is very minimal considering the fact the lot is 1.4 acres and the B-4 zone is approximately 450 acres. This lot is 0.2 percent of the entire zone.

Gregory Walker, Principal of A. Estates, Inc., when he relocated to the present site he was not aware of the issues involved.

Ryan Headley noted that he disagreed with Mr. Hawk. The site is good for a Mavis Discount Tire and they recently appeared for a nearby location.

Mr. Gruccio noted that Mr. Hawk was referring to national retail chains and not a discount tire chain.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Johnson: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Pierantozzi: Yes

Mr. Flaim: Yes

Mr. Stefano: Yes

Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Pierantozzi: Yes

Mr. Flaim: Yes

Mr. Stefano: Yes
Ms. Johnson: Yes
Mr. LoBiondo: Yes

Application granted.

Applicant- **Vineland Construction**- 1403 W. Landis Avenue, Block 3503, Lot 1.01, Zone B-4, construct and allow the operation of an auto center and tire service center.

The applicant was represented by Damien DelDuca, Esq. The property in question is located at the corner of Orchard Road and Landis Avenue. Exhibit A-1, aerial photograph of the site with a sketch of the proposed Mavis Discount Tire Center. The applicant would like to subdivide the lot and create a new lot for the Mavis Discount Tire Center. Mavis is a national company and one of the largest tire distributors in the United States. They provide services such as brakes, alignments, shocks, struts, battery replacements, suspension work, oil changes and exhaust work. The proposed Mavis will be 6,768 square feet with 8 bays. If approved, they will return with a site plan and subdivision plan. The area has grown and Mavis is a good fit. Exhibit A-2, site plan dated August 17, 2018.

Kevin Dixon, Professional Engineer, testified on behalf of the applicant. He prepared the plans and is familiar with the site. The entire lot will be created by a subdivision for Mavis. That lot will consist of 1.8 acres. The remainder of the lot will be an oddly shaped lot which will extend to the left of the Mavis site and to the rear of south of the Mavis side. There is a private access easement to the rear of the Mavis site which connects to Orchard Road. A discount tire center and transmission center were previously at that same corner and have been demolished. The site plan that will be submitted will have less impervious lot coverage than the previous uses. The proposed Mavis building will be 6,768 square foot building with 8 bays and 34 parking spaces. There are two existing drainage basins along the private driveway. The site plan that will be submitted will meet all bulk standards of the zone.

Timothy France, Vice President of Real Estate Operations for the applicant, testified on behalf of the applicant. The operation will be identical to the Mavis that was approved last month. Hours of operation will be Monday through Friday 8am-6pm; Thursday 8am-8:30pm; Saturday 8am-5pm and Sunday 9am-5pm. Deliveries will typically be by a 26' box truck or van once a day. All storage and trash will be stored indoors. There will be no outside storage.

Tiffany Morrisey, Professional Planner, testified on behalf of the applicant. The application advances special reasons for use variance approval. It promotes the general welfare since this site is suitable for the use. The area around the proposed Mavis has become a regional shopping center with cross access and driveway easement. The location will meet all bulk requirements of the zone including parking and stormwater management. Another special reason is creating sufficient space in a variety of locations for a variety of uses. The proposed Mavis will provide a service to the community and is consistent with other commercial uses in the immediate vicinity. There will be no outside storage so there is no negative visual impairment. The site is appropriate due to the commercial development in the area. As to the negative criteria, she sees no substantial detriment to the public good. The site will have enhanced landscaping and is

located at a controlled intersection. The Mavis adds to the regional shopping center. There is no substantial detriment to the City's Zoning Plan or Master Plan.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Philippoussis: Yes

Mr. Pierantozzi: Yes

Mr. Flaim: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Pacitto: Yes

Mr. LoBiondo: Yes

Ms. Johnson made a motion to approve the application.

Roll call:

Mr. Pierantozzi: Yes

Mr. Flaim: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. LoBiondo: Yes

Application granted.

ADJOURN:

Mr. Pierantozzi: Yes

Mr. Flaim: Yes

Mr. Stefano: Yes

Ms. Johnson: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. LoBiondo: Yes

Meeting adjourned at 9:11 PM

Yasmin Ricketts, Secretary

Zoning Board of Adjustment