

**ZONING BOARD OF ADJUSTMENT MEETING  
MAY 15, 2019**

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

**Members present were:**

Joseph Stefano  
Ryan Flaim  
John Pierantozzi  
Lydia Johnson  
Gena Pacitto  
John Jones  
Victoria Lods  
George LoBiondo

**Members absent were:** Ryan Feaster, Susanna Philippoussis

**Others Present were:**

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

Mr. DiDomenico went over the revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the April 17, 2019 meeting.

Roll call:

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

The Chairman entertained a motion to approve the resolutions from the April 17, 2019 meeting

Roll call:

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

Applicant- **United Fellowship Church**, 2045 Almond Road, Block 2604, Lot 10, extension request.

The applicant applied for a two one year extensions from October 21, 2017 until October 21, 2019 for a major site plan approval.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Pierantozzi: Yes

Ms. Lods: Yes

Mr. Stefano: Yes

Mr. Flaim: Yes

Ms. Pacitto: Yes

Ms. Johnson: Yes

Mr. LoBiondo: Yes

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

Roll call:

Mr. Pierantozzi: Yes

Ms. Lods: Yes

Mr. Stefano: Yes

Mr. Flaim: Yes

Ms. Pacitto: Yes

Ms. Johnson: Yes

Mr. LoBiondo: Yes

Application granted.

Applicant- **Gilberto & Yolanda Moreno**, 829 E. Montrose Street, Block 4104, Lot 7, Zone R, request for a certification of non-conforming use for a two family dwelling.

Mr. Angel Moreno translated for his father Mr. Gilberto Moreno. He is seeking a certification for a two family dwelling. The applicants are seeking a Continuing Certificate of Occupancy which requires a Certificate of Occupancy to have one issued for a duplex. They were unable to locate the C.O.

Mr. Finley explained that two family dwellings are permitted in the zone. The lot is undersized for a duplex. The applicant provided a survey and a property record card that proved that the conversion was legal.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Lods: Yes

Mr. Stefano: Yes

Mr. Flaim: Yes

Ms. Pacitto: Yes

Ms. Johnson: Yes

Mr. Pierantozzi: Yes

Mr. LoBiondo: Yes

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

Roll call:

Mr. Stefano: Yes

Mr. Flaim: Yes

Ms. Pacitto: Yes

Ms. Johnson: Yes

Mr. Pierantozzi: Yes

Ms. Lods: Yes

Mr. LoBiondo: Yes

Application granted.

Applicant- **Village Shopping Center**, 3490 E. Landis Avenue, Block 3304, Lot 33, Zone A-5. Request for a preliminary and final site plan approval for a shopping center with variances for signage.

The applicant was represented by Damien Del Duca, Esq. He first addressed the applicant's request for extension of the use variance pursuant to the City's Land Use Ordinance. The use variance was granted on April 18, 2018. The applicant did file for site plan approval on March 9, 2019 and requested the matter be heard at the April 16, 2019 meeting of Zoning Board of Adjustment. The application could not be heard at the April 16, 2019 meeting due to the fact that the City Planning Staff was not able to complete the review and prepare reports for that meeting. The applicant would have met the one-year requirement if the matter had been heard at the April 16, 2019 meeting of the Zoning Board.

Frank Sauro, Vice President for real estate development, testified on behalf of the applicant. He is Vice President of the applicant responsible for real estate development. He testified during the use variance application. The applicant filed in March 2019 for major site plan approval. After the use variance was granted the applicant waited until the statutory appeal period expired and then purchased the property. The applicant did look at other possible locations within the City. They are proposing a 100,000 square foot ShopRite Supermarket. This will be the applicant's largest store. The current largest is 82,000 square feet. The ShopRite will be designed for the next 10 years. During 2018 application the applicant was negotiating with Guaracini, for possible purchase of the Lincoln and Landis shopping center. That

Stephen Hawk, Professional Planner, testified on behalf of the applicant. Purpose of the ordinance is to make sure the situation did not change. This is to protect the City but the Zoning Board has the right to grant extensions. It is justified because circumstances have not changed. There have been no changes since the use variance approval and the same benefits exist. The approval benefits the purposes of the City's Zoning Plan or Ordinance. As indicated during the use variance application, this is a very small site and a small portion of the B-4 zone. He sees the benefits as substantially outweighing detriments.

Frank Guaracini, III, member of the public appeared to object the application. He is an attorney for Frank's Realty and partner in Frank's Realty. They own the neighboring shopping center.

He believed things have changed since the use variance was granted. The negotiations between Frank's Realty and the applicant to purchase the ShopRite Shopping Center at Landis Avenue and Lincoln Avenue stalled. There was only one offer to purchase from Village Super Market, Inc. The use variance called for the two lots to be combined to avoid "supermarket saturation". If the Board grants the Village Super Market application, it would be recreating the Delsea Drive and Landis issue. The former ShopRite is still empty. He stated that Village Super Market is doing this to compete with Bottinos' ShopRite. He also stated that Village Super Market ShopRite will not be within the UEZ zone whereas the ShopRite at Lincoln and Landis is. This approval will create another empty building.

Mr. DiDomenico explained that the approval was solely for lot 33 and not the neighboring lot.

Mr. DelDuca submitted exhibits A-14, resolution and A-15 minutes of that meeting. The parties were in negotiations and did not reach an agreement. The Zoning Board use variance was not based on a sale agreement. The extension request is for one month and it is minimal.

The Zoning Board approved the extension with all members voting in favor.

Damien Del Duca explained that the applicant is seeking preliminary major site plan approval. They are seeking impervious lot coverage of 43% whereas a maximum of 15% is permitted. The 15% is permitted is because the property is within the A-5 zone. The adjacent B-4 zone permits 60% impervious coverage. The applicant is also seeking sign variances. All of the signs comply with the B-4 zone standards. The applicant is seeking variance for the free-standing sign of 100 square feet whereas a maximum 32 square feet is permitted. The wall sign on the southern facade of 587 square feet whereas a maximum of 32 square feet is permitted. The sign height for a free-standing sign of 30 feet whereas a maximum of 12 feet is permitted. They are seeking a variance for wall sign on the eastern facade of 38 square feet. A sign is not permitted to face a roadway. The applicant will comply with the sign distance from the intersection of driveways or drive aisles and provide the 10 feet required. The applicant is seeking waivers for driveway width for two-way drive of 54 feet whereas a maximum of 34 feet is required. This will provide for safer traffic flow. The applicant is also seeking a waiver for the stormwater management basin rear setback of 35 feet whereas 50 feet is required. The applicant could comply with the 50 feet however would result in encroachment of the parking area. The applicant will comply with all of the other requirements of the Planning Report as well as the City Engineer's Report.

Jay Sims, Professional Engineer, testified on behalf of the applicant. Exhibit A-6, aerial photograph of the site. The entire site is approximately 22 acres. There will be one entrance to the site approximately 1,200 feet from the intersection of Lincoln and Landis Avenue. The entrance will be four lanes, two lanes for each direction. There will be a traffic light at the entrance. Exhibit A-7, layout of the site. This layout is almost identical to the layout shown during the use variance application. Trucks will enter from the one entrance on Landis Avenue and head to the rear of the building and then continue around the building. Stormwater regulations require reducing water flow off sight. Any water which goes onto Landis Avenue will flow into the County drainage system. There will be less water run off after construction than currently. The applicant will add more inlets for stormwater management along the

widened portion of Landis Avenue. The stormwater management basin will be 6 feet deep with fencing. The applicant will coordinate with the City Engineer regarding stormwater management system. There will be landscaping buffer along Landis Avenue and along the western boundary of the property. There will also be a berm on the southwest corner on Landis. The impervious lot coverage variance is typical for development of this size. There will be a total of 543 parking spaces whereas 500 are required. The sign variance is eliminating the 98 square foot front façade. The front facade will be 587 square feet. The applicant is requesting a waiver for the 35-foot rear setback at the rear of the basin. The application complies with all other requirements. As noted, the applicant will comply with the remainder of the of the Planning Report and the City Engineer's Report as well as the letter request from the City's Water Utility.

Mr. Sauro testified that this store will be part of the community and will be offering many different services. Hours of operation will be similar to what exists today which are 7AM until 11PM, seven days a week.

Michael Brown, Traffic Engineer, testified on behalf of the applicant. He prepared traffic impact study report to show overall impact on surrounding areas. There will be a traffic signal at the entrance that will be built by the applicant. They have met with the Cumberland County Planning Staff regarding the traffic light and widening of the Landis Avenue. There will be a left and right turn lane into the ShopRite and it requires widening of Landis Avenue. The Cumberland County Planning Staff has approved the proposed site plan design. There is no adverse impact on traffic. There will be no degrading of service at the nearby intersection. There is approximately 1,200 feet between the proposed traffic signal and the traffic signal on Lincoln and Landis. The parking layout provides for a good circulation plan.

Mr. Hawk testified that there is a request for impervious lot coverage. The Vineland Zoning Board granted the use variance knowing that the impervious coverage variance would be required. 15% impervious lot coverage for a supermarket this size would not be practical. The justification for impervious lot coverage variance is that this would be a beautiful site with a lot of green space. The development would promote the general welfare since this site is particularly suitable for the use. There are no substantial adverse issues to granting this variance. This is a small portion of the A-5 zone. As to the sign, all of the signs comply with the adjacent B-4 zone with the exception of one sign not oriented to a public roadway. The signs are approximately 50% which would be permitted in the adjacent B-4 zone. This building is set back from Landis Avenue, and it needs signs to provide directions to drivers. This sign constitutes one-half of one percent of the eastern façade and it is minimal. The benefits substantially outweighing any detriments. There are no substantial detriments to the neighborhood. The site plan can be granted without any substantial detriment to the public good and without any substantial detriment to the City's Land Use Ordinance or Zoning Plan.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Jones: Yes

Mr. Pierantozzi: Yes

Mr. Feaster: Yes  
Mr. Flaim: Yes  
Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ms. Pacitto: Yes  
Ms. Philippoussis: Yes  
Mr. Jones: Yes  
Mr. Pierantozzi: Yes  
Mr. Feaster: Yes  
Mr. Flaim: Yes  
Mr. LoBiondo: Yes

Application granted.

ADJOURN:

Joseph Stefano: Yes  
Ryan Flaim: Yes  
John Pierantozzi: Yes  
Lydia Johnson: Yes  
Gena Pacitto: Yes  
John Jones: Yes  
Victoria Lods: Yes  
George LoBiondo: Yes

Meeting adjourned at 9:25 PM

Yasmin Ricketts, Secretary  
**Zoning Board of Adjustment**