

ZONING BOARD OF ADJUSTMENT MEETING
August 21, 2019

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

Members present were:

Joseph Stefano
Gena Pacitto
Ryan Feaster
John Pierantozzi
Jeffrey Torchio
George LoBiondo

Members absent were: Ryan Flaim, Victoria Lods, Susanna Philipusus, Dale Jones

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 July 17, 2019 meeting.

Roll call:

Ryan Feaster: Yes
Gena Pacitto: Yes
Jeffrey Torchio: Abstain
John Pierantozzi: Yes
Joseph Stefano: Yes
George LoBiondo: Yes

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

Roll call:

Ryan Feaster: Yes
Gena Pacitto: Yes
Jeffrey Torchio: Abstain
John Pierantozzi: Yes
Joseph Stefano: Yes
George LoBiondo: Yes

Applicant- **Joseph D'Amato**, 1364 Garry Avenue, Block 6301, Lot 137, Zone R-3, convert a commercial business to a second single family dwelling on one lot.

Mr. DiDomenico explained that this application is a continuation from last month's meeting. The applicant is seeking to convert a commercial building into an apartment. The applicant must supply the board with supporting documents proving that the garage was legally converted into an office. Mr. DiDomenico read over the approval for a use variance dated February 21, 1997 approving the conversion. The house in the front is also a rental. The use variance is for two residential uses on one lot.

Mr. Finley explained that permits and a CO were issued for the conversion. They also received a septic approval on September 7, 1997. A survey was submitted and there are no other variances required. If approved, the applicant will receive a zoning permit based on the approval for a CCO.

Mr. D'Amato explained that he would like to change the commercial section of the building to a residential use (apartment).

Chairman made a motion to close the public hearing.

Roll call:

Joseph Stefano: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Ryan Feaster: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Joseph Stefano: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Ryan Feaster: Yes

George LoBiondo: Yes

Application granted.

Applicant- **Hector Acevedo**, 608 E. Grape Street, Block 4007, Lot 20, Zone R-1, certification of non-conforming use for a three family dwelling.

The applicant was represented by Steven Fabietti, Esq. They are seeking an approval for a continued use for three family dwelling. The applicant purchased this property on June 21, 2018 as a three-family unit.

Exhibits were attached to the application supporting the applicant's request. The property record card from 1981 through 1986 indicates a two family dwelling. In 1999, Landis Sewage Authority billed for three separate units. In 2010 the property record card reflects a three family dwelling. Exhibit A-1, front rendering of the property. There is a one-bedroom apartment on the right side and a two bedroom on the left side on the first floor with a one bedroom apartment on the second floor. The property has one structure and a concrete pad up front and concrete remnants to the rear of the property. The applicant will install paver-built shrub boxes. There will be asphalt on the right side for six parking spaces and the rear area to remain grass.

Mr. Finley indicated that the applicant meets the parking requirements. The applicant provided plans and the landscaping will be an improvement. He is support of this request.

Mr. Headley indicated that the board should require a time frame for improvements to be completed. He also has no objections to waiving the site plan.

The applicant agreed to provide all improvements within 6 months of August 21, 2019.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Feaster: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Jeffrey Torchio: Yes

Joseph Stefano: Yes

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

Roll call:

Ryan Feaster: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Jeffrey Torchio: Yes

Joseph Stefano: Yes

Application granted.

Applicant- **William & Marie Moore**, 625 E. Almond Street, Block 4107, Lot 5, Zone R, certification of non-conforming use for a four unit family dwelling.

The applicant was represented by Howard Melincove, Esq. The property is currently configured as a four unit structure. The property was listed by the realtor as a “quadraplex”. Exhibits were submitted, A-tax records, B- property record card, C- listing, D-registration of units indicating four unit bldg., G- lists the property as a duplex plus two family conversion as of the year 1957. In 1952, the City of Vineland’s first Land Use Ordinance a four-unit building was permitted at this site. The applicants are not proposing any changes to this property.

Mr. Finley indicated that he believes that the building was built as a duplex. The documents submitted by the applicants prove that the property is a pre-existing, non-confirming four-unit building.

William Moore and Marie Moore testified on their own behalf. They confirmed that the statements that Mr. Melnicove placed on the record are true and correct. There hasn’t been any changes to the building, and they intend to sell the building.

Chairman made a motion to close the public hearing.

Roll call:

Gena Pacitto: Yes

John Pierantozzi: Yes

Ryan Feaster: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

John Pierantozzi: Yes

Ryan Feaster: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Application granted.

Applicant- **Sergi & Anita Kaganzev**, 1765 E. Chestnut Avenue, Block 4302, Lot 3, Zone R-3, certification of non-conforming use for three family dwelling units and use variance for two standalone dwellings on one lot.

Mr. Kaganzev testified on his own behalf. He is seeking an approval for a certification of non-conforming use. He submitted a survey from 1957, property record card, and tax cards going back to 1953. The two houses on the lot have been there since the early 1940s. He indicated that the house was owned by his wife's parents. The April 15, 1957 survey shows two dwellings on site. He lived at this property in 1966 and there were two buildings with a total of three residential units.

Finley indicated that the survey and the records show 2 dwellings on one lot in 1957. One of the buildings is a duplex. It was common in the past to stack houses. Their current configuration has been since 1981. The house was built in 1910 and the applicant's exhibits support his application.

Chairman made a motion to close the public hearing.

Roll call:

John Pierantozzi: Yes

Ryan Feaster: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

John Pierantozzi: Yes

Ryan Feaster: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Application granted.

Applicant- **351 Elmer, LLC**, 351 W. Elmer Road, Block 6102, Lot 13, Zone I-3, use variance for existing office space for business/professional offices.

The applicant was represented by Rocco Tedesco, Esq. The applicant utilized the existing office space for parts distribution for Rossi Honda. The office space of 1,820 square feet, and the applicant would like to use it as a professional office. The building is suitable for professional use, and no exterior modifications are being proposed. Offices are permitted in the I-3 zone as an accessory use. They applicant is requesting a waiver for a formal site plan. There are 35 parking spaces whereas 15 parking spaces are required.

Mr. Finley explained that this application should exclude medical offices because they tend to have more traffic and need more parking spaces.

Mr. Headley indicated that the available parking far exceeds what is required.

Chairman made a motion to close the public hearing.

Roll call:

John Pierantozzi: Yes

Joseph Stefano: Yes

Gena Pacitto: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Joseph Stefano: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Application granted.

Applicant- **Divya Holdings, LLC**, 1400 N. Mill Road, Block 1003, Lot 15, Zone I-B, expansion of the current paper shredding business.

The applicant was represented by Matthew Robinson, Esq. Rohini K. Vemula, President of Divya Holdings, agrees to proceed with 5 board members.

In 2016, the applicant received an approval for an indoor paper shredding operation. They would like to request to receive clean cardboard and 10% of other materials. He would sort out other materials besides cardboard and send them to other facilities. The applicant's request is for an unrestricted Class A recycling to permit all recycling on site. The applicant is seeking approval from the Solid Waste Advisory Council that requires Zoning Board approval first.

The recycling industry has changed to single stream. By sorting out this other material, this would be considered processing. All activities will continue to be conducted indoors. It will be only indoors. Exhibit A-1, document packet with the County, DEP and ZBA documents. Exhibit A-2, pictures of what the site looked like prior to ownership. The site was a disaster and applicant had to clean the property. Exhibit A-3, pictures of property currently showing that the lot is pristine. The applicant installed a night lighting system. The bales are inside the building and unloaded into the building. He is seeking to install new overhead doors on the large section

of the building. The exterior of the building will be kept exactly as is. Currently there are 2-3 tractor trailers a day for the cardboard export. There are 2-3 trucks that go into the facility per day during hours of operation. There are a total 1-2 trucks a week going out. If approved there will be 6 trucks a day. The applicant explained that sometimes there are open trucks and material are covered with a tarp. There will never be any trash trucks.

Mrs. Sangeeta Sankar, General Manager of the applicant testified on her own behalf. She explained that she is the general manager and works there every day. The open trucks are covered with a tarp. There are trucks with compactors to fit more cardboard. They are professionally designed for this type of operation. She went over the daily operations. The same process will be used for comingled materials. About 10% of the current load consist of glass or plastic items.

Mr. Robinson explained that the only difference in their operation is that they will not throw out the materials.

Terrance J. Bennett, Esquire, appeared on behalf of M & O Freezers formerly known as First Choice Freezers. There are a lot of companies in this area that are involved in the food industry. M & O Freezers just built a new facility on Mill Road and Oak Road. His client chose this area because it is clean except for Giordano's Recycling located down the street. M & O Freezers is approximately 500 feet south of the applicant's property. His client objects to an unlimited license to recycle. Trash is not conducive with the food industry. He also believes that an unlimited recycling license would be detrimental to the food operators within the industrial park. If the use variance is granted, they are requesting that all activities be conducted indoors.

Louis Maggazu, Esquire, appeared on behalf of Mamacita Inc, located in the industrial park. The application stated that they would be receiving comingled materials. They would also like to increase the number of employees. Class A license can be carried over to the next owner in the future. NJDEP can overrule restrictions placed by the Zoning Board. The applicant's good intentions can turn into a bad situations. A future owner may take advantage and conduct unrestricted Class A recycling. *NJSA 13:1E-99.43b* defines NJDEP authority on Class A materials.

Sandra Forsisky, Director of Economic Development for the City of Vineland. She testified on behalf of the applicant at the Solid Waste Advisory Council when received the original use variance from the Zoning Board. She supported the cardboard because of the presence of food facilities in the area. The I-B zone was created for the lightest type of industry. The Vineland City Solicitor has advised that issuance of an unrestricted Class A license by the Zoning Board would be subject to NJDEP. The City strongly opposes this proposal.

Warren Harris, lives at 1359 North Mill Road located across from applicant's property. He is pleased with the applicant because they cleaned the property. The trucks are covered and taken care of. He believes that 90% of the trucks are closed or have covers over the loads. If he complains to the applicant, the applicant does respond immediately.

Mr. Robinson explained that a denial of the application would be unfair to the applicant. The Zoning Board can issue a restrictive resolution. The Zoning Office can enforce the restriction imposed by the Zoning Board. The applicant is willing to set restrictions on the use variance and is willing to spend money for overhead doors for the dumping of materials inside the building.

Chairman made a motion to close the public hearing.

Roll call:

Joseph Stefano: Yes

Gena Pacitto: Yes

John Pierantozzi: Yes

Jeffrey Torchio: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to deny the application.

Roll call:

Gena Pacitto: Yes

John Pierantozzi: No

Jeffrey Torchio: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Application denied.

ADJOURN:

Joseph Stefano: Yes

Gena Pacitto: Yes

Ryan Feaster: Yes

Susanna Philipusus: Yes

John Pierantozzi: Yes

Victoria Lods: Yes

Dale Jones: Yes

George LoBiondo: Yes

Meeting adjourned at 10:42 PM

Yasmin Ricketts, Secretary

Zoning Board of Adjustment