

**ZONING BOARD OF ADJUSTMENT MEETING**  
**August 18, 2021**

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

**Members present were:**

Raquel Soto  
Victoria Lods  
Joseph Stefano  
Gena Pacitto  
Ryan Flaim  
Jeffrey Torchio  
George LoBiondo

**Members absent were:** None

**Others Present were:**

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

Mr. DiDomenico went over revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the July 21, 2021 meeting.

Roll call:

Ryan Flaim: Abstain  
Victoria Lods: Yes  
Gena Pacitto: Abstain  
Joseph Stefano: Yes  
Jeffrey Torchio: Yes  
Raquel Soto: Yes  
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the July 21, 2021 meeting

Roll call:

Ryan Flaim: Abstain  
Victoria Lods: Yes  
Gena Pacitto: Abstain  
Joseph Stefano: Yes  
Jeffrey Torchio: Yes  
Raquel Soto: Yes  
George LoBiondo: Yes

**RMPG, LLC**, 1854 Cedar Avenue, Block 2701, Lot 17, Zone I-2, certification of non-conforming use for a two unit family dwelling.

The applicant was represented by Michael J. Gruccio, Esq. This is an application for a pre-existing, non-confirming use for a two family dwelling in the I-2 zone. The area on the tax map was dedicated to Landis Township in 1948. The structure was built in 1949 and the City of

Vineland did not have a Land Use Ordinance. The property record car from 1980 indicates that there was a duplex conversion. In 1999, electric utility shows that the structure was a duplex. The Landis Sewerage Authority shows this property as a duplex in 1998. The property has two separate entrances one for each unit. One unit is a one-bedroom apartment the second is a two bedroom apartment. The one bedroom apartment has one bedroom, a living room, kitchen/dining area, one bathroom and bedroom. The two-bedroom apartment has two bedrooms, a living room, kitchen and one bathroom.

Mr. Finley, stated that the survey and floor plan submitted with the application are acceptable. He had no objections to the granting of this application.

Chairman made a motion to close the public hearing

Roll call:

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

Raquel Soto: Yes

George LoBiondo: Yes

Mr. Torchio made a motion to approve the application.

Roll call:

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

Raquel Soto: Yes

George LoBiondo: Yes

Application granted.

**JC MILLER AUTO SALES**, 1462 N. Delsea Drive, Block 1502, Lot 24, Zones B-3/R-4, use variance along with preliminary and final major site plan approval to construct additional site improvements and car sales display areas to a site that includes a former car sales facility, residential home, and general repair garage.

#### Use Variance

The applicant was represented by Lane Miller, Esq. A temporary certificate of occupancy was issued on March 20, 2021. The applicant discovered that the prior owners were not compliant with their 1977 approval for the car lot. There is a two family dwelling on site and it is a pre-existing non-conforming duplex. A use variance is required for the duplex.

Frank Baer, Professional Planner/Engineer, testified on behalf of the applicant. The front portion of the lot fronting along North Delsea Drive is B-3 Zone. The rear portion being in the R-4 Zone. There are approximately six acres in the R-4 Zone. All the proposed improvements will be in the B-3 Zone. The duplex has existed since at least 1977. The duplex has two separate

entrances and separate utilities for both uses. The proposal will improve the aesthetics of the site. There will be striped parking and handicap parking. He sees no substantial detriment to the public good nor to the City Land Use Ordinance. This proposal is in accordance with the city's master plan and it is similar to other uses in the immediate area.

James C. Miller, owner of property, testified on his own behalf. There is a first floor apartment with access to the basement, three bedrooms, one bathroom, living room and kitchen. The second floor apartment has entrance on the side. It has two bedrooms, one bathroom, a kitchen, and a living room. There are separate electric, gas and water meters for each apartment. Each unit has its own air condition unit and heating unit and separate hot water heaters. There is also a garage onsite with a lift, and he will use this garage to repair vehicles to be sold.

Mr. Finley, explained that a public garage is a permitted use in the zone. He also explained that the applicant will be required to obtain a certificate of occupancy.

Mr. David Mougakos, member of the public, appeared with regards to the use variance. He lives on Wheat Road and is within 200 feet of this property. He questioned whether or not there will be a road between the B-3 portion and the R-4 portion of the lot.

The applicant indicated that there would not be a road or development in that area.

Mr. Headley, explained that the 1977 approval included a residential structure, but it did not include the number of units in that structure.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

Raquel Soto: Yes

George LoBiondo: Yes

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

Roll call:

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

Raquel Soto: Yes

George LoBiondo: Yes

Site Plan

Mr. Baer, PE, explained that the applicant will provide a paving section detail as requested in paragraph 5 in the Engineer Report. Paragraph 6, the applicant agrees there will be no multi-car carriers delivering vehicles to the site. All signs will conform to the Manual on Uniform Traffic Control Devices. Paragraph 9, applicant is requesting a waiver from providing hairpin marking for the 90 degree parking stalls. Paragraph 13, the applicant has eliminated triple stacking and has eliminated double stacking in the front portion of the display area. There is a section in the rear that will have double stacking. Planning staff had no objections to this. The applicant will comply with the remainder of the Engineers Report. In the Planning Report, the applicant is seeking a buffer variance of 20 feet whereas 25 feet is required. Side buffer of 3 feet where 25 feet minimum is required from a residential use. The 20 feet set back is consistent with other uses in the area. The side buffer is an existing variance and will have vegetative screening along the side of the property. Paragraph 8, waiver for parking space width of 9 feet whereas 9<sup>1</sup>/<sub>2</sub> feet is required and parking space depth of 18 feet whereas 19 feet required. There will be 9 feet by 18 feet parking spaces work very well for used car lots. The applicant will supplement the existing vegetative screening along the northern boundary with the residential property. There will be 67 vehicle display spaces. 25 spaces are provided and only 22 spaces are required for all other uses including 4 dedicated for the residential use. There will be signage or striping to designate the parking spaces. There is also a waiver from sidewalk along the frontage. There are no adjoining sidewalks. The applicant is also seeking a waiver from providing hydrologic soil groups and borings. The applicant will comply with all other requirements in the Planning Report.

Mr. Miller indicated that there would be no junk vehicles stored on the property, and all cars will be properly registered.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

Raquel Soto: Yes

George LoBiondo: Yes

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

Roll call:

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

Raquel Soto: Yes

George LoBiondo: Yes

Application granted.

**VCC WEST PARK AVENUE**, W. Park Avenue, Block 2232, Lots 19-21, Zone B-2, temporary use permit for truck parking.

Applicant was represented by Damien DelDuca, Esq.

Temp use permit for a temp truck parking. It was used in the past for overflow truck parking for NFI. It is fenced in and lit. It has been unused for some time and VCC has allowed a trucking firm to lease the ground to park trucks. Zoning official asked them to remove the trucks or apply for a SP. A parking lot is a permitted use in the zone. Ordinance requires SP approval and pavement for parking. Prior approvals were not obtained for using it again. Ordinance says that the ZB can grant a temp use permit if no detrimental impact. Historically temp use variances are considered a D variance. The non-compliance is because there was? Temp use permit is 6 mths, apply for permits, or apply for an extension. The site is suitable for the use. Fenced, lit and compacted. Negative criteria- no pavement, there is some gravel. Storing trailers and trucks. No liquid repairs. No outside storage. No substantial impairment. The only thing that is wrong is the pavement. Would like to continue this for 6 mths.

Finley- was a parking lot and differ was that previously it was an accessory lot for NFI. It has become a new business and a new use. It is a public parking lot with various owners and a fee is paid. The new use is a new principal use.

Timothy France, Vice Presi for Real Estate operations for VC-

It was used as a truck parking lot. Sat idle for a while. Lot has a gravel base, lit and fenced.

Tyrone Wright, Principal of Relic JBW, LLC- don't rent or lease to other trucking companies.

They are a sub- contractors and other trucks run under their company.

Eric Haughton, member- tankers are water tankers. Non-hazardous.

DiDo- no repairs except for emergency changing of tires.

Pat- can the applicant remove the grass and expose the compacted gravel.

The applicant was represented by Damien Del Duca, Esq. The applicant is seeking a special use permit under Section 425-310 of the City's Land Use Ordinance for truck parking. The property is on the north side of Park Avenue directly opposite of the former National Freight Truck Yard. The lot is fenced and lighted and has a gravel and grass surface. The applicant is renting out the space for truck parking. The B-2 Zone allows parking lots as a principal use. The applicant is seeking a 6-month permit for the truck parking. As to the negative criteria there will be no outside storage and there will be no hazardous materials onsite. No petroleum will be stored there and no vehicle repairs will be done on the property. Parking will be for empty trailers and tractors.

Mr. France, Vice president of VCC, testified on behalf of the applicant. This lot was previously used as a truck parking lot. The lot is fenced and lighted and has a compacted gravel space.

Tyrone Wright, tenant, explained that all trucks that are parked on this site operate under Relic and all are owner-operators. There will be no rental space to the general public. There are two gates and both are kept locked. The truck drivers call ahead to have the gate opened.

Eric Haughton, tenant, explained that tanker trailers onsite are water tankers. There will be no petroleum or petroleum products stored in any trailers.

Mr. Finley, explained that based on the testimony, this use may be considered a truck terminal.

Mr. Headley indicated that he believes the use fits the definition of a truck terminal in the Land Use Ordinance. He is concerned that there is no improved surface for the truck parking. He is also concerned that there are residential dwellings at the rear or sides of this property. He recommends a maximum of six months for the temporary use permit, and the applicant must apply for site plan.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Jeffrey Torchio: Yes

Raquel Soto: Yes

George LoBiondo: Yes

Mr. Torchio made a motion to approve the request.

Roll call:

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Jeffrey Torchio: Yes

Raquel Soto: Yes

George LoBiondo: Yes

Application granted.

ADJOURN:

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Jeffrey Torchio: Yes

Raquel Soto: Yes

George LoBiondo: Yes

Meeting adjourned at 9:35 PM

Yasmin Ricketts, Secretary

**Zoning Board of Adjustment**