

ZONING BOARD OF ADJUSTMENT MEETING
January 19, 2022

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

Members present were:

Ryan Flaim
Joseph Stefano
Jeffrey Torchio
Victoria Lods
Gena Pacitto
Rudolph Luisi
Darwin Cooper
George LoBiondo

Members absent were: Raquel Soto

Others Present were:

Frank DiDomenico, Solicitor
Patrick Finley, Zoning Officer
Ryan Headley, Supervising Engineer
Pat Finley, Zoning Officer
David Maillet, City Engineer
Alena Broshchan, Substitute Secretary

Mr. DiDomenico went over revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the December 15, 2021 meeting.

Roll call:

Ryan Flaim: Yes
Victoria Lods: Abstain
Gena Pacitto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
Rudolph Luisi: Yes
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the December 15, 2021 meeting

Roll call:

Ryan Flaim: Yes
Victoria Lods: Abstain
Gena Pacitto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
Rudolph Luisi: Yes
George LoBiondo: Yes

1392CCP, LLC, 3120 & 2192 N.W. Blvd and Old Forest Road, Block 703, Lots 2, 3 & 4, Zone A-5, use variance to establish a cannabis cultivation and manufacturing facility.

The applicant was represented by Stephen D. Barse, Esq. The applicant is seeking a use variance for a cannabis cultivation and a processing facility. New Jersey law which legalized cannabis outlines the benefits of this proposal. This property is well situated for this use. There will only be changes to lot 3. This property is located within the A-5 zone however, it is close to the I-2 zone where a cannabis operation is permitted.

David Lopez Michaud testified on behalf of the applicant. He is the managing partner of the applicant which is a real estate entity. There are numerous state regulations to comply with and the applicant will comply. He believes that there will be very little traffic since this site is not open to the public. The only traffic will be from employees and vans used for delivery and transporting product from the site. As to security, the applicant has hired a professional security company. There will be security 24 hours a day and 7 days a week both inside and outside of the site. There will also be lighting to enhance security. The project will be completed in two phases. Phase one will utilize the existing 12,000 square foot building for approximately one year. Phase two will include an addition to that building of 33,300 square feet. The total building size will be 45,300 square feet. He anticipates 10 employees during phase one and 20 to 25 employees in phase 2. Hours of operation will be from 9:00 AM to 5:00 PM or 9:00 AM to 6:00PM. There will probably be one to two employees at night. New Jersey requires compliance with air quality, so the applicant does have an odor control plan. Fencing will meet the City of Vineland Ordinance requirements. They have searched for other suitable sites and found none.

Mr. Headley stated that the City of Vineland Planning Staff did not support the application. The applicant is seeking a class one cultivation and a class two processing facility. This property is approximately 1,000 feet from the nearest industrial zone. Historically this area has been agricultural and residential. There is no public sewer in this area therefore, industrial use is limited. The city did expand industrial zones throughout the city to promote more industrial use. Planning staff has a concern with the character of the neighborhood which is close by. There is industrial land available in the city for this use. Other cannabis facilities within the city of Vineland have reused existing warehouses which is a good reuse of vacant properties.

Mr. Barse noted that the New Jersey cannabis laws are highly regulated, and that New Jersey law outlines the positives of this type of operation. The New Jersey statute also expresses a “need” for this type of operation.

Betty Zaak, member of the public, stated that her family purchased a farm and property in this area in 1949. They have been operating a farm for 73 years. She had questions about deliveries. There is a school is located within ½ mile which is a negative. She stated the applicant has not completed a study regarding air quality. She noted that some nearby residents suffer from cancer, asthma, and lung problems and that air quality is an issue. She also stated that in California the growing of cannabis odors ruined the grape crops. She also stated the existing facility at N. West Blvd. at Wheat Road has an odor.

Warner Zaak, member of the public, stated that he has a concern with water quality. He also has concerns with this effecting the ground water. There have been problems with water contamination in the past. He also questioned use of fertilizers and whether or not water from the facility is recycled.

Joann Zaak, member of the public, questioned what happens with the residual plant waste and how it is treated. She also wanted to know how the product is packaged and whether or not any environmental studies have been conducted. She believes this facility will negatively affect her lifestyle and her family's lifestyle.

Donald Ross, member of the public, stated that he has been wheelchair bound for 4 years and limited to what he can do outdoors. He enjoys watching the wildlife, and it will be disrupted by this operation. He also has concerns with odors that will be generated.

Anthony Peretti, Jr., member of the public, stated that this is the wrong business in this area. He believes the building will extend across the lot to the woodlands. He had concerns with disposing waste, traffic and the school nearby.

Craig Houston, member of the public, stated that he lives at 68 Old Forest Road. He has concerns with air quality. He also has concerns with ground contamination and security.

Peg Houston, member of the public, stated that she lives at 68 Old Forest Road. She did a lot of research. She had concerns with contamination, odor and the size of the proposed building.

Don Money, member of the public, stated that he has a concern with traffic in the area and also with the school children at the elementary school nearby. The facility will generate odors, and the facility at Wheat Road and the Blvd. has an odor. He believed that this facility would reduce the value of his home and homes in the area.

Sharon Money, member of the public, stated this is a great neighborhood to live. She had lung cancer and had a concern with the odor issue. She states that no one knows the impact it may have on a person's health.

Kevin Allen, member of the public, resides at 124 Old Forest Road. He has concerns with the odors and noise.

Jesse Newcomb, member of the public, stated that he recently bought a 15 acre parcel directly behind this site. He likes this quiet area. This building will have negative pressure running and create noise. He also questioned whether or not the 24 hour security involved security vehicles driving around the building 24 hours a day. He stated that this facility does not fit into this area.

David Lopez Michaud explained that the applicant will re-use as much water as possible.

He will address the public's concerns. There is an air quality plan that they will follow. The security system will consist of cameras, lights, and alarms.

Greg Lopergolo, member of LLC, testified on his own behalf. Turf Construction has operated at this site and has approximately 20 employees during the summer season. Turf also does snow plowing. He stated that the proposed building addition will not cover the entire lot. There are industrial uses close by. Turf Construction operates a landscape business and trucks are coming and going all day long. He and his brother will be involved in the cannabis business which is proposed.

Sid Bendstead, commercial realtor for Berkshire Hathaway Real Estate, reviewed possible sites for cannabis operations. Those sites were not suitable.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes
Victoria Lods: Yes
Gena Pacitto: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
Rudolph Luisi: Yes
Joseph Stefano: Yes

Ms. Lods made a motion to approve the application.

Roll call:

Ryan Flaim: Yes
Victoria Lods: Yes
Gena Pacitto: Yes
Jeffrey Torchio: No
Darwin Cooper: Yes
Rudolph Luisi: Yes
Joseph Stefano: Yes

Application granted.

MOHAMED MEKKAWY, ESQ. AND HANAN TAOUZARI, 405 N. Main Road, Block 3201, Lot 7, Zone IN-2, Zone R-3, Use variance to establish use of a triplex.

Mohamed Mekkawy testified on his own behalf. He is seeking a use variance for a three-family unit as a preexisting non-conforming use. They purchased the building from the state of New Jersey. The building was previously used by Vineland Developmental Center as a three-family home for employees and was also used by family services. They are not proposing any construction, no buildings will be constructed, and no additions made to this building. He will be residing in one of the units.

Mr. Finley explained that this house was part of the Vineland Developmental Center campus. The state of New Jersey sub-divided off homes on Main Road and Landis Avenue. These homes have been used by employees and some were used as group homes. The state did not need municipal approvals for the subdivision or any of the approvals for permits. As a fireman he is familiar with this property, and he knows that it has historically been a three-family unit. The applicant has submitted a survey and a floor plan, and they are acceptable. There are two driveway openings onto Main Road from this property. One of the drives to the South and directly opposite of Park Avenue encroaches on the neighbor's property.

Mr. Headley stated that he had a concern with the driveway encroachment on the neighbor's property. He recommends that the applicant remove at least 10 feet back the asphalt or gravel or whatever surface the driveway is from the property line with the neighbor.

Mohamed Mekkawy agreed to the Ryan Headley recommendation. He will remove at least 10 feet of the driveway from the property line and plant with grass to prevent use of this driveway.

One member of the public, Frank Barse appeared with regards to the application. Mr. Barse noted that he is the neighbor to the south and the second driveway encroaches on his property. He has no objection to the application and agrees to the agreement to block off the driveway across his property as per the recommendation of Ryan Headley.

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
Darwin Cooper: Yes
Rudolph Luisi: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ryan Flaim: Yes
Victoria Lods: Yes
Gena Pacitto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
Rudolph Luisi: Yes
George LoBiondo: Yes

Application granted.

JUAN Y SOTO, 322 Rosewood Avenue, Block 2221, Lot 25, Zone R-2, legitimize a previously constructed addition to a single-family dwelling.

Juan Soto, testified on his own behalf. He purchased this property in July 2021. After the purchase, he was advised by the Zoning Office that there had been an addition constructed to the home without any permits. The addition encroached on the side yard therefore, so bulk variance is required. He is seeking a variance for 5 feet whereas 10 feet is required.

Patrick Finley, Zoning Officer, he has no objection to granting the bulk variance. The renovation will be an improvement. The addition was done by the prior owner and not by this applicant.

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
Rudolph Luisi: 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
Rudolph Luisi: Yes
George LoBiondo: Yes

Application granted.

CHRISTINE RAMOS, 605 Bellair Avenue, Block 4914, Lot 3, Zone R-3, certification of non-conforming use for two separate single-family dwelling units on one property.

The applicant was represented by Matthew J. Robinson, Esq. His client received this property from her family on October 28, 2005 with two single -family dwellings. The main home was built in 1925 and has 3 bedrooms and 1 bath. The bungalow was built in 1957 and has 3 bedrooms and 1 bath. She is now selling the property and discovered the property was not considered legal by the city. The property record cards shows both dwellings. The property is registered as two single family dwellings with the city. Each dwelling has separate sewer and utilities.

Mr. Finley Zoning Officer, noted that the property record cards reflect two single family dwellings. Each dwelling has its own property record card.

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
Darwin Cooper: Yes
Rudolph Luisi: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ryan Flaim: Yes
Victoria Lods: Yes
Gena Pacitto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
Rudolph Luisi: Yes
George LoBiondo: Yes

Ms. Lods made a motion to approve Resolution #2022-6.

Roll call:

Ryan Flaim: Yes
Victoria Lods: Yes
Gena Pacitto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
Rudolph Luisi: Yes
George LoBiondo: Yes

Application granted.

JOSEPH MONZO, 113 S. Fourth Street, Block 3808, Lot 20, Zone R, certification of non-conforming use for a four unit family dwelling.

The applicant was represented by Stephen D. Barse, Esq. The applicant is seeking an approval for a pre-existing, non-conforming four family structure. He has provided a survey from 2005 when the applicant purchased this property. The applicant purchased this property as a four family dwelling. Each unit has their own electric bill through the Vineland Municipal Electric Utility that date back to 1996. The property record card shows that the building was constructed in 1920. There is also reference for a two family conversion in half of the unit.

Chairman made a motion to close the public hearing

Roll call:

Ryan Flaim: Yes
Victoria Lods: Yes
Gena Pacitto: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
Rudolph Luisi: Yes

Joseph Stefano: Yes

Ms. Lods made a motion to approve the application.

Roll call:

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Jeffrey Torchio: Yes

Darwin Cooper: Yes

Rudolph Luisi: Yes

Joseph Stefano: Yes

Application granted.

ADJOURN:

Ryan Flaim: Yes

Victoria Lods: Yes

Gena Pacitto: Yes

Joseph Stefano: Yes

Jeffrey Torchio: Yes

Darwin Cooper: Yes

Rudolph Luisi: Yes

George LoBiondo: Yes

Meeting adjourned at 10:40 PM

Yasmin Ricketts, Secretary

Zoning Board of Adjustment