

**ZONING BOARD OF ADJUSTMENT MEETING**  
**September 21, 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  
Rudolph Luisi  
Joseph Stefano  
Darwin Cooper  
Mark Grussenmeyer  
Joseph Repice  
George LoBiondo

**Members absent:** Victoria Lods, Raquel Soto

**Others Present were:**

Nathan Van Embden, Solicitor  
Yasmin Ricketts, Zoning Board Secretary  
Patrick Finley, Zoning Officer  
Rick Caudill, Assistant City Engineer  
Kathleen Hicks, Supervising Planner  
Elizabeth Jambor, Planning Trainee

The Chairman entertained a motion to approve the minutes from the July 20, 2022 meeting.  
Roll call:

Joseph Stefano: Yes  
Darwin Cooper: Yes  
Rudolph Luisi: Abstain  
Joseph Repice: Abstain  
Mark Grussenmeyer: Yes  
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the July 20, 2022 meeting  
Roll call:

Joseph Stefano: Yes, Abstain 2022-29  
Darwin Cooper: Yes  
Rudolph Luisi: Abstain  
Joseph Repice: Abstain  
Mark Grussenmeyer: Yes  
George LoBiondo: Yes, Abstain 2022-29

Mr. Van Embden went over revisions to the agenda

**NDS TECHNOLOGIES, INC.**, 1560 N. Main Road, Block 1801, Lot 69, Zone B-3, use variance to establish warehousing and fabrication of small scientific glassware.

The applicant was represented by Stephen Barse, Esq. The applicant would like to lease this space for warehousing and manufacturing.

Norman Neil, President, testified on his own behalf. The company specializes in scientific and specialty glassware. They currently have an operation on Oak Road and a facility in the Industrial Park. They need additional space and need a bigger building. They are working on specialized high-end glass products like night vision goggles. Control of the environment is critical. Their location on Mill Road is overloads and they are looking to move additional prepacking space. The parts manufactured are very small and specific. They will have one work shift with 6-10 employees. The facility will operate five days a week, 7AM until 5PM. The biggest vehicle entering the site will be a tractor-trailer and they will deliver up to three times a month.

Larry Divietro, Professional Planner, testified on behalf of the applicant. Exhibit A-1, aerial map. The site is in the B-3 zone. Permitted uses are highway oriented type businesses. The zone also permits self-storage which is similar to the warehouse use. The proposed break down of the facility is 9,700 square feet. 6,200 square feet will be for warehousing, 3,400 square feet light manufacturing and 800 square feet for the office. The facility is vacant with a large paved area. 14 parking spaces are required and there are 15 parking spaces provided on the site. The use is consistent with the zone plan and satisfies the purpose of zoning. The proposed use is similar to the prior use and similar to the surrounding uses. This use can be granted without substantial detriment to the public good. The site provides proper ingress and egress. There is more than sufficient room to accommodate truck movements on the site. Storage and waste will be kept indoors. There will be no outside storage.

Mr. Caudill indicated that he would like signage indicating ingress and egress.

Chairman made a motion to close the public hearing.

Roll call:

Joseph Stefano: Yes  
Darwin Cooper: Yes  
Rudolph Luisi: Yes  
Joseph Repice: Yes  
Mark Grussenmeyer: Yes  
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Joseph Stefano: Yes  
Darwin Cooper: Yes  
Rudolph Luisi: Yes  
Joseph Repice: Yes  
Mark Grussenmeyer: Yes  
George LoBiondo: Yes

Application approved.

**DANIEL & KATHERINE VITULLO**, Ivy Avenue, Block 132.41, Lots 1 & 18, Zone A-5, use variance to construct an accessory oversized pole barn as a principal use.

Katherine Vitullo, testified on her own behalf. She is seeking to construct a 1,200 square foot pole barn. It will be located on Ivy Avenue next to her existing garage at the camp. The pole barn will be for the storage of personal items and RV. The Malaga Camp provides small sheds, but she has received written approval from the committee. She provided documents supplied by the committee for the camp. The setbacks are 10 feet on all sides. The height will be 17 feet at the peak.

Mr. Finley explained that the pole barn will be a principal use on an existing lot.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Joseph Stefano: Yes

Darwin Cooper: Yes

Rudolph Luisi: Yes

Joseph Repice: Yes

Mark Grussenmeyer: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ryan Flaim: Yes

Joseph Stefano: Yes

Darwin Cooper: Yes

Rudolph Luisi: Yes

Joseph Repice: Yes

Mark Grussenmeyer: Yes

George LoBiondo: Yes

Application granted.

**ALLEN LEMMERMAN**, 3680 N. Delsea Drive, Block 303, Lot 29, Zone I-B, use variance to establish a mixed-use property that includes a residential dwelling, a cannabis manufacturing facility.

The applicant was represented by Kirk Pavoni, Esq. The applicant entered into an option to lease with the owner of the property. The property has been a mixed use for some time.

Anthony Copernico, Partner, testified on behalf of the business. The building is off the road and there are a few windows. It is much larger than what they need because the equipment is as large as a table. They can control any potential odors going into the environment. The machine takes one person to operate. It rolls about 7,000 pre-rolls in a day. There will be five to six employees maximum. They anticipate one shift for their operation. The product is rolled and immediately packaged. A box truck with no marking will be used for delivering. There will be 3-5 deliveries per week. There will be no noise that can be heard from outside. They are looking at filtration systems so it will be a control environment. There is a machine that will purify the scent and contain smells. There will be video surveillance 24 hours a day and 7 days a week. They will

comply with local authorities for security. There is no customer interaction. This is strictly manufacturing.

Ms. Hicks explained that there is a lot more relief than what has been presented. Security is an issue with residential uses and that is why it is prohibited. This is highly regulated that there are conditions. There are also design standards related to this. They have asked for a waiver of site plan requirements.

Mr. Finley explained that this lot already has an existing non-conforming use.

Mr. Pavoni indicated that the applicant will work with the board and do what is required. Site is constrained and it is a small operation.

Alvin Afanador, member of the public, spoke against the application.

Harry Aires, member of the public, appeared on behalf of the organization from building across the street. He is against the application.

Ms. Hicks explained that this is a micro-business and it can expand within 1 year. If approved, the approval must be detailed.

Mr. Finley agreed that the approval must be in detail for enforcement purposes.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes  
Joseph Stefano: Yes  
Darwin Cooper: Yes  
Rudolph Luisi: Yes  
Joseph Repice: Yes  
Mark Grussenmeyer: Yes  
George LoBiondo: Yes

Mr. Stefano made a motion to deny the application.

Roll call:

Ryan Flaim: Yes  
Joseph Stefano: Yes  
Darwin Cooper: Yes  
Rudolph Luisi: Yes  
Joseph Repice: Yes  
Mark Grussenmeyer: Yes  
George LoBiondo: Yes

Application denied.

**2520 NW BLVD, LLC**, 2520 N. West Avenue, Block 803, Lot 11, Zone I-2, use variance and preliminary/final major site plan approval to establish a mixed-use property that includes a residential dwelling, a cannabis cultivation facility.

The applicant was represented by Charles Fiore, Esq.

David Kreck, Professional Engineer, testified on behalf of the applicant. The site is 4 acres located on NW Boulevard. It is a former contractor's site. They are proposing an access driveway, and they will work with staff to modify it. The gravel driveway runs to the rear of the developed area of the site. The garage will become the processing facility for trimming and packaging. There will be a series of 8' x 40' pre-manufactured pods. They are similar to storage pods. They are proposing 8 pods, 4 on ground and 2 stacked on each other. Access will be from existing plant facility. An existing residential dwelling will be converted into a breakroom for the employees. The existing garage will be used for storage. An additional existing residential structure will be maintained and continued residential use. There will be two access points. They will both be paved with asphalt. They are probably going to reduce the size of the rear yard area. Stormwater calculations will be provided for review. Product will not be disposed of and be reclaimed. Any product that cannot be reclaimed will be removed from the site. The Fire Department requested a 21' wide access road. However, there is a conflict with the buffer and the access road, so they will have to work with staff to rectify that situation. There will be no tractor trailers accessing this facility. They are proposing low line shrubs. Trees along the front buffer will be eliminated, because they will be over 3 feet tall. Additional landscaping is provided along the parking area. There will be a total of 12 parking spaces provided on the site. A small water tank will be provided for the facility. In the Planning Report, item 5, variances are requested. Side yard setback, southern side (6.2 feet provided vs. 20 feet required). That is an existing setback of the existing structure. That structure will remain for the employee break room. Side buffer, northern side (4.7 feet provided vs. 25 feet required). They are increasing the existing encroachment. That is for widening of the proposed driveway. Side buffer, southern side (6.2 feet provided vs. 25 feet required from a residential use). That is an existing encroachment and they are proposing to maintain it. Item 6, existing site has the following non-conformances, lot frontage (139 feet existing vs. 150 feet required). The applicant is seeking a number of waivers. Item 8, design waiver for driveway width-maximum, two-way (48 feet provided vs. 40 feet maximum allowed). Design waiver for lane width (7.5 feet provided vs. 12 feet required). Item 9a, heavy truck pavement (2" FABC, over 3" Bit. Stab. Base, over 6" Gravel or D.G.A.). All areas of vehicular traffic shall be asphalt or cement concrete. They will pave and trim the size of the rear loading area. Item 9b, sidewalks are not proposed along the street frontage of the site. Sidewalks do not exist on abutting properties, therefore sidewalks are not required unless the Board finds that by reason of the particular conditions of the site, its location or surroundings, sidewalks are required to protect the public safety. They would like a waiver from providing sidewalks. Item 10, fences and signs. The plan indicates that an 8 foot high galvanized chain link fence will surround the cultivating facility and rear parking area. There will be a security gate for vehicle access and a security gate for pedestrian access. Item 10b, no new signs are proposed in conjunction with this application. Item 12, on-site parking, 12 parking spaces will be provided. Item 14, proposed asphalt driveway. The

applicant will work with staff to resolve the conflicts with the Fire Department. Item 15 (b, d, e, g, h), waivers for perfected plan items. Item 17b, the pods will be accessed internally through the building. There will be no outdoor access. Item 17c, a dumpster is proposed for regular trash. They will also have a landscaping compost bin for unused product. In the Engineering Report, item 1, waiver from providing calculations which show a minimal increase in runoff for the proposed application. Any future changes to the proposed land cover may result in revisions to these calculations. This shall be addressed by the Applicant at time of perfected plan submission. They are trying to work within the impervious footprint. Item 5, the driveway shall be revised to provide a narrower entrance driveway and less area for conflict for entering and exiting vehicles. The applicant will work with staff.

Ms. Hicks indicated that the Fire Department has to be accommodated with regards to the widening of the driveway.

Terrance Combs, Professional Planner, testified on behalf of the applicant. There are two residential structures on the property. One of the residential units will be retained for employee/owner occupation for security enhancement. The property is located in the I-2 zone, which also prohibits residential uses. There is a residential character to this portion of the zone, and they will maintain that residential frontage. The granting of the variance does advance certain purposes of zoning as outlined in the municipal land use law, guide appropriate use of all lands, promote public health and site safety morals and general welfare.

Paul Kramer, Principal Owner, testified on his own behalf. He received a micro-license for cultivation. It limits operations and number of employees. The facility will have two different systems for odors. There will be a charcoal filtered system that will be constantly filtering the air. There will also be an ozone fogger that sprays into the air and kills the smell. The facility will operate seven days a week, 8AM until 5PM. The pod system allows to control the environment better.

Brian Strain, member of the public, supports the application because jobs will be created.

Bob DeSanto, Vineland Public Schools, was not in favor of application because this property abuts the school. They are concerned with security, odor and pest control.

Tina Capano, member of the public, was not in favor of application. Her child attends Durand School. The facility is too close to the school.

Robert Scarpa, member of the public, was not in favor of application. He owns Serene Custard and concerned with odor.

John Bermudez, was not in favor of application. He was in agreement with his neighbors.

Angela Trasketa, was not in favor of application. She was in agreement with her neighbors.

Dimitro pasch, member of the public, was not in favor of application. People interested would He was concerned with odor.

Alvis Afanador, member of the public, was not in favor of application. He was concerned about the residential property.

Anthony Pareti, member of the public, was not in favor of application. It is still Class I drug and this is a drug free zone.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes  
Joseph Stefano: Yes  
Darwin Cooper: Yes  
Rudolph Luisi: Yes  
Joseph Repice: Yes  
Mark Grussenmeyer: Yes  
George LoBiondo: Yes

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

Roll call:

Ryan Flaim: Yes  
Joseph Stefano: Yes  
Darwin Cooper: Yes  
Rudolph Luisi: No  
Joseph Repice: Yes  
Mark Grussenmeyer: No  
George LoBiondo: No

Use Variance Denied. The applicant abandoned the residential use.

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

Roll call:

Ryan Flaim: No  
Joseph Stefano: Yes  
Darwin Cooper: Yes  
Rudolph Luisi: Yes  
Joseph Repice: Yes  
Mark Grussenmeyer: No  
George LoBiondo: No

Site Plan Approved.

Meeting adjourned at 11:12 PM

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