

ZONING BOARD OF ADJUSTMENT MEETING
November 15, 2023

The public hearing began at 7:00 P.M.

Members present were:

Joseph Stefano
Joseph Repice
Mark Grussenmeyer
Eric Hernandez
Darwin Cooper
Rudolph Luisi
Andrew Groestsch
George LoBiondo

Members absent: Ryan Flaim

Others Present were:

Nathan Van Embden, Zoning Board Solicitor
Alena Broshchan, Substitute Zoning Board Secretary
Pat Finley, Zoning Officer
Rick Crudelle, Assistant Zoning Officer
Ryan Headley, Zoning Board Engineer/Planner

Mr. Van Embden went over revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the October 18, 2023 meeting.

Roll call:

Darwin Cooper: Abstain
Mark Grussenmeyer: Yes
Eric Hernandez: Yes
Rudolph Luisi: Abstain
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the October 18, 2023 meeting

Roll call:

Darwin Cooper: Abstain
Mark Grussenmeyer: Yes
Eric Hernandez: Yes
Rudolph Luisi: Abstain
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

SIAN DE LUCA, 219 S. Seventh Street, Block 4011, Lot 21, Zone R, certification of non-conforming use for a two-unit family dwelling.

The applicant was represented by Victor Druziako, Esq. Ms. De Luca learned that her property used for decades as a duplex is registered as a single family home with the City of Vineland. She is requesting a certification of pre-existing non-conforming use to allow it to be a two-family (duplex) dwelling. The property meets the current bulk standards for a two family dwelling. Attachment A, historical tax card. It shows that the City recognizes it as a duplex since the year 1909. Attachment B shows the two addresses listed for the property. Attachment C, deed prior to the applicant's deed dated October 24, 1997 also shows two addresses. Attachment D, Vineland Municipal Self Service Card shows both apartments A and B. Attachment E, rental registration shows unit 1 and 2 dating back to at least the year 2004. Attachment F, City of Vineland registration showing an issue date of November 3, 1999. Attachment G, floor plans and sketches of units. Attachment H, survey dated October 17, 2023. The property is consistent with the neighborhood scheme and utilized for decades as a two unit family dwelling. The space is sufficient for the use and in conformity with the setbacks. A denial will be an exceptional undue hardship on the applicant.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes

Mark Grussenmeyer: Yes

Eric Hernandez: Yes

Rudolph Luisi: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Andrew Groestsch: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Darwin Cooper: Yes

Mark Grussenmeyer: Yes

Eric Hernandez: Yes

Rudolph Luisi: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Andrew Groestsch: Yes

George LoBiondo: Yes

Application granted.

US BANK TRUST, 620 S. Sixth Street, Block 4116, Lot 16, Zone NC, certification of non-conforming use including multiple residential structures (one duplex and one single-family) and a commercial building.

The applicant was represented by Eric Chung, Esq. The bank took ownership of this property about a year ago. They have since learned that there are three buildings on the lot, which is a non-conforming use. The three buildings are a commercial building, a duplex and a single family home. The residential structures are all used as residential. The commercial building is currently approved for a retail use, but the previous owner turned it into a church. They have since vacated so it is currently vacant. The applicant is seeking the pre-existing retail use for that building. All three buildings were constructed in the year 1930. A survey dated December 30, 2022 was submitted with the application. The application includes floor plans, the appraisal dated February 13, 2015

and a property record card. There is a letter from the City of Vineland Tax Assessor stating that there are three buildings on the property. There are also water and utility records that show separate meters and billed since the year 2011. The appraisal notes that in the year 2015 all the residential units were occupied. Two of the tenants were long term and lived in their units for over 15 years. The zone permits all of these uses but they are all on one lot.

Mr. Finley indicated that Mr. Chug submitted a lot of evidence. He stated that improvements were made and should be removed. There is non-complaint parking in the front. The commercial use should not park cars in front of the duplex. The single family has a driveway, and some of that asphalt in the front should be restored to grass. The commercial building has two driveways and a few spaces in the front. Those spaces should be properly line striped.

Mr. Headley agrees with Pat about the pavement. It was done around the year 2015 with approval. The configuration would have not received an approval from the City. There are parking concerns with the commercial building. There are parking standards and it is going to be difficult to meet those standards. It is also not safe to back out into the roadway, and it is not easy to turn around in that property. It is an overall problem.

Mr. Finley stated that requiring a site plan as a condition of approval is reasonable.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes

Mark Grussenmeyer: Yes

Eric Hernandez: Yes

Rudolph Luisi: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Andrew Groetsch: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Darwin Cooper: Yes

Mark Grussenmeyer: Yes

Eric Hernandez: Yes

Rudolph Luisi: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Andrew Groetsch: Yes

George LoBiondo: Yes

Application granted.

LJ ZUCCA, INC, 742, 760 & 824 S. Delsea Drive, Block 4705, Lots 37, 38 & 39, Zones B-3/R-3, use variance approval for expansion of onsite truck and employee parking for a wholesale distributor.

The applicant was represented by Todd Heck, Esq. The use variance is for a limited modification of the existing parking lot, and the lot immediately north to alleviate a truck parking issue. If approved, the applicant will return for a site plan approval. There is a pending contract purchaser of the property next door. They would like to clean up the site and pave it for appropriate parking spaces.

Tom Zucca, Vice President, testified on his own behalf. His parents started the business in the year 1947. Currently the site is approximately 70,000 square feet. The proposed expansion required additional parking, so they would like to make changes to their lot to conform to the City. They utilize tractor-trailers, which requires more space. The company does wholesale distribution and product is moved in and out of the site.

Mr. Heck stated that the front portion of this site is in the B-3 business zone, and the rear portion is in the R-3 zone. The back portion in the R-3 zone is unused and primary area for the proposed parking. The existing truck parking will be moved further away from the residences.

Stephen Nardelli, Professional Engineer, testified on behalf of the applicant. The key aspect was to eliminate the area on lot 39 used as trailer storage. There are also some access points being utilized that are not permitted. They are proposing to move all the trailer parking to the rear of the site. They are also acquiring lot 37 for car parking and 5 spaces for trailer parking. The applicant received an approval in the year 1994 for a building addition and some rear parking was permitted. They are expanding that now and using lot 37 for additional parking and trailers. They are cleaning up activity occurring along Delsea Drive. That area will have stormwater management. A basins will also be constructed on lot 37. The site will be paved, have stormwater management and visually will look better. The proposal will not be a detriment to the public good. All three lots will be consolidated as part of the site plan approval.

Mr. Headley explained that most issues will be handled at the site plan stage. One issue is buffering adjacent residences.

Mr. Finley explained that this solves a long-term problem and is an improvement.

Mr. Headley stated that the board should require a Traffic Impact Study for this site as part of the site plan submission.

Steven Schneck, member of the public, stated that there is a lot of noise from the trucks on this site. He is also concerned with traffic and the tractor-trailers. He explained that it is a problem and they should move to the Industrial Park. There are 20 tractor-trailers currently there. He wanted to know where the additional trucks were going to be located.

Mr. Nardelli showed Mr. Schneck where the trucks will be located.

Mr. Heck stated that this application satisfies both positive and negative criteria. The positive criteria requires special reason for granting a use variance. This application satisfies 40:55D-2, purpose I, to promote a desirable visual environment through creative development techniques and good civic design and arrangement. The applicant is improving the aesthetics of the site. They are addressing the City's concerns. They are cleaning up the site to minimize the non-conformity.

Mr. LoBiondo stated that the applicant created the non-conformity and using a lower standard is not legally accurate.

Mr. Finley explained that the use variance is triggered because the existing business is encroaching into the R-3 zone. The non-conformity was created on lot 39 with truck parking.

Mr. Heck explained that this site received a use variance expanding into the R-3 zone.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes

Mark Grussenmeyer: Yes
Eric Hernandez: Yes
Rudolph Luisi: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application

Roll call:

Darwin Cooper: Yes
Mark Grussenmeyer: No
Eric Hernandez: Yes
Rudolph Luisi: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Application granted.

BOULEVARD BUSINESS CENTER, LLC, 1200 S. West Boulevard, Block 4812, Lot 12, Zone I-3, minor subdivision approval for the creation of one new non-conforming residential lot with one remaining industrial lot, preliminary and final major site plan for the construction of a 12,000 square foot industrial building to an existing industrial facility.

The applicant was represented by Michael Baylinson, Esq. This is a two part application for a subdivision and a site plan. He started with the subdivision to eliminate the use variance. This is a six building warehouse center dating back to the year 2001. Since 2001, there was the potential of developing two more buildings. They are now subdividing and the lots will be conforming.

Justin Puesi, Professional Engineer, testified on behalf of the applicant. This is a subdivision that has migrated throughout the years. They are now looking to subdivide and move forward for site development.

The proposed new lot will contain a net area of 229,778 square feet (5.28± acres), with frontage of 317.07 feet on Southwest Boulevard and a net depth of 618.25 feet. The proposed remainder of lot 12 will contain a net area of 450,024 square feet (10.33±), with frontage of 752.49 feet along Southwest Boulevard and a net depth of 618.25 feet.

Since the house is staying on the newly created lot, the applicant is requesting a use variance. Since the three previously proposed buildings are not being developed, it preserves light, air and open space. The house has existed for more than 20 years and it is not a detriment to the public good.

Planning Subdivision Report, applicant complies with all the comments in the report.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes
Mark Grussenmeyer: Yes
Eric Hernandez: Yes
Rudolph Luisi: Yes

Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the minor subdivision and use variance.

Roll call:

Darwin Cooper: Yes
Mark Grussenmeyer: Yes
Eric Hernandez: Yes
Rudolph Luisi: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

The second application is for the existing six buildings. There is an approval from the year 2001, and it has been modified several times. They are proposing to replace a seventh 15,000 square foot building that was approved. The new building will be a 12,000 square feet. All parking and basins are provided on this site. There are no variances associated with the site.

Planning Report, 6a, waiver for presence of a stormwater management basin drive. 6b, waiver for stormwater management basin fence height (0 feet provided vs. 6 feet required). 6c, waiver for stormwater management basin side setback, northerly side (15 feet provided vs. 25 feet required). 6d, waiver for stormwater management basin rear setback, (20 feet provided vs. 25 feet required).

Mr. Headley indicated that he would like to see fencing for the basins. He had no objections to the remaining waivers in item 6 of the Planning Report.

Planning Report 7a, waiver for parking space row length without a tree island break (17space row provided vs. 12 space row maximum permitted). It is not provides anywhere on the site. 7d, waiver for fencing and screening around the perimeter of the proposed stormwater management basin for both basins. (The proposed stormwater basins are 5 feet deep, and the ordinance requires fencing and screening for basins that are greater than 2 feet in depth). The applicant will comply with the remaining comments in the Planning and Engineering reports.

Mr. Stefano made a motion to approve the site plan with 4-foot high fence around the basin.

Roll call:

Darwin Cooper: No
Mark Grussenmeyer: Yes
Eric Hernandez: Yes
Rudolph Luisi: No
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Meeting adjourned at 9:00 PM

Roll call:

Mark Grussenmeyer: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Andrew Groestsch: Yes

George LoBiondo: Yes

Yasmin Perez, Secretary

Zoning Board of Adjustment