

ZONING BOARD OF ADJUSTMENT MEETING
March 15, 2024

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

Members present were:

Rudolph Luisi
Eric Hernandez
Joseph Stefano
Albert Fisher
George LoBiondo

Members absent: Ryan Flaim, Joseph Repice, Andrew Groestsch

Others Present were:

Michael Malinsky, Zoning Board Solicitor
Rick Crudelle, Assistant Zoning Officer
Ryan Headley, Zoning Board Engineer/Planner
Elizabeth Jambor, Assistant Planner

The Chairman entertained a motion to approve the minutes from the February 21, 2024 meeting.

Roll call:

Eric Hernandez: Yes
Rudolph Luisi: Abstain
Joseph Stefano: Yes
Albert Fisher: Yes
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the February 21, 2024 meeting.

Roll call:

Eric Hernandez: Yes
Rudolph Luisi: Abstain
Joseph Stefano: Yes
Albert Fisher: Yes
George LoBiondo: Yes

ESTRELLA INVESTMENTS, LLC, 504 N West Boulevard, Block 2235, Lot 11, Zone R-B-1, use variance approval along with waiver of site plan requirements for the conversion of a vacant former church building to a residential structure on a mixed-use property that includes a residential dwelling and vacant building.

The applicant was represented by Matthew Robinson, Esq. There are two structures on a single lot. The applicant purchased this property from the city of Vineland in July of 2023. It was represented there was a single family home at the front of the property with a commercial structure in the back. The tax records indicated that the two structures existed in 1915. He would like to covert the rear structure into another residential unit on that lot.

Yarilee Miranda, managing member, testified on his own behalf. He purchased the property from the City of Vineland in July of 2023. He purchases dilapidated properties and fixes them. The City reached and told him about this particular property. He remembers there was a small church with a house in the front for the pastor in the late 80s early 90s. He did not go into the structures until after he purchased the property, but he remembers

because he grew up in the neighborhood. A current layout was included in the board's packets. The roof was bad on both of the structures, so he replaced them. The ceilings were falling because of water damage. There was the bathroom there was a back and a baptismal tub or pool. Past that area was the sanctuary or there with old pews few pews. There were classrooms behind the sanctuary with old books for children. This structure is approximately 1,300 square feet. He does not want to continue using the structure as a church, because it is an inappropriate use and inconsistent with zoning regulations. Parking for a commercial and residential use would be an issue on the Boulevard. If he converts the church into a two-bedroom dwelling, there will be enough space for parking for both structures. A survey was prepared and added as an attachment to the packet. The parking is in a rear dedicated private lot and can accommodate enough cars for both units. The proposal will be a large decrease in intensity versus an active church with house. The second floor plan layout is also provided to the board. The walls will remain and the two classrooms will become bedrooms. The mechanical room and utility rooms will remain. He is removing the baptismal pool, and installing a stand up shower to make it a regular bathroom. He is adding a kitchen on the opposite wall, since there is already dedicated water pipes there. The structure is 1,300 square feet with all utilities in place.

Mr. Headley stated that the only less intense use allowable in the zone be a single family home. The RB zone does allow duplexes. You can make an argument that effectively this is two two-bedroom units. The one advantage is that it already has a nice parking lot, so we know that they will have parking for the residents. We do not always see that in the old borough. The church use would be much more intense here.

Mr. Crudelle stated that there were a few concerns from the zoning perspective. The subject property is about 9,000 square feet and it is for a single family dwelling whereas 9,750 square feet is required. 15,000 square feet is required for two family dwelling, so it is grossly undersized. As stated, the buildings have been there for a very long time. The structure to be converted is sitting right on the property line. It is about a 0 to 1 foot setback whereas 10 foot would be required for a single-family dwelling. Six feet is required for an accessory structure. Mr. Miranda does many renovations in this city, and he does very nice renovations. He always has his permits in order, so we know he will do a nice renovation. Zoning would prefer to see it remain a single family and it be nicely renovated, and that the second structure to become a detached garage or an accessory structure to that single family dwelling. There is a lot of asphalt, so a little bit of green space is recommended. The zoning office would like to see the bulk variances memorialized as per survey submitted, and the room count for the new second single-family structure be submitted.

Mr. Robinson went over the statutory elements for the negative and positive criteria. Failure to grant the use variance would cause an undue hardship to the applicant. In this instance, these are 1915 structures they exist that in this fashion. Mr. Miranda is working in collaboration with the city to purchase it, so it would be very difficult to demolish or turn it into a garage. The structure is fully equipped and has all the facilities in place. Another positive criteria element is that this is a unique structure property. It has a private parking area that is more than appropriate since on the Boulevard. Off street parking is difficult, so this is the best scenario for the intensity of a duplex. Mr. Hedley pointed out the use would be appropriate and unique for this particular property. As for the negative criteria, there are residential homes surrounding the property keeping it as a formal commercial building. Changing the use will decrease the intensity, promote the public good, and match the character of the neighborhood. In terms of the intent of the zoning ordinance, the RB1 zone specifically states the intent is for single-family dwellings to be the preferred use of the property, and a business you should only be considered if design standards have to be contemplated. The applicant is switching from commercial back to residential and it is a better fit.

Chairman made a motion to close the public hearing.

Roll call:

Eric Hernandez: Yes

Rudolph Luisi: Yes

Joseph Stefano: Yes

Albert Fisher: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Eric Hernandez: Yes
Rudolph Luisi: Yes
Joseph Stefano: Yes
Albert Fisher: Yes
George LoBiondo: Yes

Application granted.

EPB PROPERTY MANAGEMENT, LLC, 328 E. Garden Road, Block 909, Lot 24, Zone A-5, use variance and waiver of site plan requirements for a mixed-use property containing a coffee shop and retail store.

The applicant was represented by Michael Gruccio, Esq. Exhibit A-1, Google Maps photograph. The property in question is located between East Avenue and N East Boulevard on the north side of Garden Road. This property has dimensions of 50 feet by 128 feet for all overall area. 7,168 square feet has been put to commercial use in this area if Vineland. There is a 28 foot by 39 foot square foot building containing 1,131 square feet of area. This structure was constructed in the year 1940 for the intended purpose for use as a commercial facility. The applicant proposes to operate a coffee shop featuring local artwork for potential sale to customers. The applicant is one of the applicant's principles and a member of the limited liability company, is prepared to give some anecdotal history with respect to the property and development. The anticipated hours of operation would be 6:00 AM until 2:00 PM. They are proposing a delivery service, because this site is in close proximity to the industrial park. They are also proposing a takeout window. There is no intention to establish a drive through, because the property is too narrow. There will be a takeout window for customers to pick up products. This property was used as a delicatessen. There was Charlie's Delicatessen followed by Angie's Delicatessen. Documents obtained from the City reveal that the Zoning Officer in 1994 accepted an application for a zoning permit. In 1994, the applicant wanted to establish a sales and service facility for time clocks, and a zoning permit was issued.

Edward Fiore, member of the limited liability company, testified on his own behalf. His family has over this property for about 60 years. It is a quiet area and they do not want to disrupt that. He would like to add a little culture and flavor to the neighborhood. The property was previously a deli by two different owners, time clock facility and a dog grooming facility. He would like to operate from 6:00 AM to 2:00 PM, six days a week. There will be 3 to 5 employees. They will also have a delivery driver to service customers. They will have a pickup window for customer pickup and delivery drivers. The coffee grains will be used for compost at his pond company. The rest will be standard trash, which will be picked up. The trash will be maintained in the building. There will be one bathroom and no more than 20 seats. There will be room for art displays and an aquatic feature. He would like to set up some seating outside as well if possible.

Mr. Headley stated that he liked the idea, but the site is inadequately sized and appropriate for what he is describing. He has public safety concerns with parking, deliveries and drop offs. Based on the ordinance, 3-5 employees and 20 seats requires 9 parking spaces. Technically this site has zero. He is not counting asphalt in the County's right of way, and parking will be gone if they need access. There is no room for a car to turn around for the pickup window. Past uses had significantly less traffic than a café. He would require a site plan.

Mr. Fiore explained that a good portion in the rear will be opened up for parking should success improve.

Mr. Gruccio explained that according to the survey, there is an adequate area behind the building for parking. If the board requires a site plan, they are asking that it would be restricted to the development of parking behind the building.

Mr. Headley explained that he would ask for everything that the city requires for a site plan. That would include removal of a wide-open frontage on Garden Road, and enough parking with a drive aisle. 24 feet is needed for a drive aisle, and he would want 20 feet as the very least. A site plan is preferred.

Chairman made a motion to close the public hearing.

Roll call:

Eric Hernandez: Yes

Rudolph Luisi: Yes

Joseph Stefano: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Eric Hernandez: Yes

Rudolph Luisi: Yes

Joseph Stefano: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Use granted with site plan requirement.

OZTURK FAMILY TRANSPORTATION, 1146 S. Delsea Drive, Block 5502, Lot 44, Zone B-3, extension of a temporary use permit to allow tractor-trailer parking on-site.

The applicant was represented by Victor Druzikao, Esq. The board granted a temporary use on August 16, 2023. The applicant was allowed to park a limited number of trucks, trailers and private vehicles. Portable toilets were also allowed on the site. The applicant has utilized the property in the manner represented in the approval. Circumstances described at the initial hearing continue to exist, and a personal hardship continues. The applicant is requesting an extension for an additional six months. The applicant will continue to comply with the limitations set forth by the board, and the above approving resolution. He wishes to remain a good neighbor with the adjoining property owners. The six-month extension will run from February 16, 2024 to August 16, 2024, and the applicant has retained the services of professional to assist him in locating a new place of business. He found a place in Youngstown, Ohio but needs a little extra time.

Mr. Mustafa Ozturk, sole member and authorized representative, testified on his own behalf. The resolution that approved the temporary use of this property, and allowed no more than 20 bobtail trucks, trailers and up to 20 personal vehicles. He did not exceed those limits, and he did not permit oil changes or mechanical work. He intends to move his business to Youngstown, Ohio and he is waiting for the contract. He needs additional time to move the business to get things in order.

Mr. Druziako explained that he did the Engineering Report with regard to the application. It stated that the applicant has not adequately maintained the lots since the previous approval. The planning staff strongly recommends denial of any temporary use extension. He reached out to Mr. Headley to see what the basis for that opinion was, and he was kind enough to send him copies of the violations. One violation is parking trucks on the grass. The other is trash. The complaints are allegations, and the applicant was not aware of those violations until

he brought them to his attention tonight. Mr. Druziako stated that he was not aware until he received them via email today. They are allegations and Mr. Ozturk is entitled to a presumption of innocence barring a conclusive finding of guilt. There is a hearing scheduled for April 25, 2025. Pictures were submitted with the complaint, and there is no trash present. It would not be unusual for trash to blow onto the property.

Mr. Ozturk indicated that he takes steps to keep the property clean daily. He stated that the trucks do not park on grass. There is a truck on dirt and it has a "For Sale" sign, and no one mentioned that it was not permitted. Someone contacted the fire department, and the matter was resolved. He removed a small fire pit.

Mr. Druziako stated that there was no change in the use, and the need for the site continues. To deprive Mr. Ozturk of the use of his property would impose an undue burden upon him.

Mr. Crudele explained that as far as allegations are concerned, Code Enforcement inspectors inspect the site. Violations or notices of violations are issued based on the findings. Mr. Finley's letter indicates that there are truckers sleeping overnight and burning barrels. The violations do state that there was improper disposal of brush, trash and debris. It also states that the applicant discontinue the parking on non-designated areas. The dates of violations are March 7, 2024 and March 14, 2024. If the violations are not addressed a summons is issued and it can be disputed in Municipal Court.

Mr. Ozturk stated that some truckers do sleep while waiting for their next job. It also happens if the driver is waiting for a tire or bumper change. It happens once or twice a week.

Mr. Headley indicated that he inspected the site before the meeting and he took some photographs of the site. There was a photo of a truck parked on the grass. The trash container is overly full, and there is trash and tires on the side. The rear of the site has water bottles, more tires and pallets. There is additional trash next to the porta potty.

Mr. Ozturk explained that a trucker has a problem with his load, and they had to empty out the truck. He immediately contacted his disposal company. He placed the boxes to the side for disposal. He can show proof that he requested a trash pickup.

Mr. Malinsky stated that a city code official was on the property and wrote the violation. Mr. Headley went to site, and he took pictures showing the trash on the property. The pictures show a dumpster and storage container for tools that was not in the prior approval. There is a truck for sale on the property and that was not part of the approval. The applicant has admitted to these violations, and has to show burden of proof for an extension.

Chairman made a motion to close the public hearing.

Roll call:

Eric Hernandez: Yes

Rudolph Luisi: Yes

Joseph Stefano: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to deny the application.

Roll call:

Eric Hernandez: Yes

Rudolph Luisi: No

Joseph Stefano: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Application denied.

Meeting adjourned at 8:38 PM

Roll call:

Eric Hernandez: Yes

Rudolph Luisi: Yes

Joseph Stefano: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Yasmin Perez, Secretary

Zoning Board of Adjustment