

ZONING BOARD OF ADJUSTMENT MEETING
July 17, 2024

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

Members present were:

Albert Fisher
Andrew Groetsch
Eric Hernandez
Joseph Repice
Joseph Stefano
Cedric Holmes
Jameson Afanador
George LoBiondo

Members absent: Ryan Flaim, Rudolph Luisi

Others Present were:

Michael Malinsky, Zoning Board Solicitor
Patrick Finley, Zoning Officer
Ryan Headley, Zoning Board Engineer/Planner
Yasmin Perez, Zoning Board Secretary

The Chairman entertained a motion to approve the minutes from the June 19, 2024 meeting.

Roll call:

Albert Fisher: Yes
Andrew Groetsch: Abstain
Eric Hernandez: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Cedric Holmes: Yes
Jameson Afanador: Yes
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the June 19, 2024 meeting.

Roll call:

Albert Fisher: Yes
Andrew Groetsch: Abstain
Eric Hernandez: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Cedric Holmes: Yes
Jameson Afanador: Yes
George LoBiondo: Yes

STEVE ALICEA, 3350 Prospect Avenue, Block 901, Lot 7.5, Zone A-5, construction of single-family dwelling.

The Applicant has requested bulk "C" variances for a front yard setback of 35 feet whereas 50 feet is required and a side yard setback of 22.5 feet whereas 40 feet is required to construct a single family home on a vacant lot. The subject property is a corner lot of approximately 46,140 square feet (1.06 acres) located in the A-5 Agricultural Zone. The A-5 zone does allow single family homes.

Steve Alicea testified on his own behalf. He is planning to build a rancher style house. Initially, the architect drew the drawing based on the plans, but she used wrong boundary line. It is 25 feet from the middle of the road. The house is 90 feet wide so he does not have enough room to meet the setbacks. The setback on Arbor Avenue is 50 feet, and the setback on towards the neighbor's side is 40 feet. He is proposing 22.5 feet on the neighbor's side and 35 feet on the other side. He would like a variance to build the same house he intended to build. The neighbor's side is the southerly side.

Mr. Headley explained that the board has seen this error previously. This property is a corner lot in the A-5 zone. The surrounding neighborhood has larger lots, but it does not have 2.3-acre lots required. The applicant's lot is one of the larger lots, and it is a corner lot with two front yards and two side yards. The two front yards are little deeper than 50 feet, so what the applicant is proposing is not out of character of the neighborhood. He does not see any issues with the setback relief, because of the character of the neighborhood. There is still a lot of green space surrounding the house. The house will face Prospect Avenue because it is a better layout.

Mr. Finley agreed with Mr. Headley and explained that the applicant's request was the only alternative.

Chairman made a motion to close the public hearing.

Roll call:

Albert Fisher: Yes
Andrew Groetsch: Yes
Eric Hernandez: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Jameson Afanador: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Albert Fisher: Yes
Andrew Groetsch: Yes
Eric Hernandez: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Jameson Afanador: Yes
George LoBiondo: Yes

Application granted.

MARK AND JESSICA BENEDETTO, 5250 Trento Avenue, Block 6604, Lot 34.02, Zone A-6, construction of single-family dwelling.

The applicant was represented by Michael Gruccio, Esq. The applicant submitted a full build out plan of the lot. It includes the home that they want to build and a pole barn with a lean to. The home will have two decks

intended as an amenity. The variance relief requested is for the percentage of impervious lot coverage, 22% whereas 10% maximum permitted. This includes the house, pole barn with lean-to and circular driveway. This is a proactive application with the lot completely built-out, so the applicant would not have to return for improvements. Additionally, the applicant is willing to comply with the pole barn height at 15 feet. They are also requesting a variance for the size of the pole barn including lean-to of 1,600 square feet.

Mr. Headley does not have objection to the size of the pole barn but it should be included in the resolution. He has no objections to the variances for this application.

Mr. Finley agrees with Mr. Headley, and the proposal is in character with the area.

Chairman made a motion to close the public hearing.

Roll call:

Albert Fisher: Yes

Andrew Groetsch: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Jameson Afanador: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Albert Fisher: Yes

Andrew Groetsch: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Jameson Afanador: Yes

George LoBiondo: Yes

Application granted.

MICHAEL & JANIS BOKMA, 822 N. Brewster Road, Block 2505, Lot 4, Zone R-5, use variance and minor subdivision approval to create two lots with one remaining lot.

The applicant was represented by Michael Gruccio, Esq. This is a minor subdivision application to create two new lots with one remainder lot in conjunction with a use variance. The property consists of 4.8 acres. The two proposed lots will have frontage along the northerly side of this property of 208.03 feet along Simonelli Road. They intend to create two single-family home building lots for each of their children. The applicant will retain the remaining lot of 2.88 acres. There is a use variance because the property contains an existing family home and a landscape contractor's yard. Mr. Bokma is a landscape contractor and he maintains his yard on this property. It will be part of the proposed 2.8 acre portion of the lot. The Planning Report issued on July 10, 2024, indicates that the landscape business received use variance approval in calendar year 2006. There is another approval in 2008 for the contractor's yard. The use variance approval that was granted for the contractor's yard has effectively expired, and there is a recommendation from staff that the board consider this subdivision application to create two lots for the development of single-family homes. Mr. and Mrs. Bokma had trouble engaging services of an engineer to advance the site plan for this project. They are now in contact with Rami Nassar of Schaefer Nassar and Shidig. Mr. Nassar indicated that his turnaround to formulate a site plan is three months. If you calculate the 30-day submission for applications, it brings it out to four months. He requested a

reasonable period for the applicant to obtain a site plan approval for the contractor's yard with current stormwater management regulations bringing it out to the end of February 2025. There are positive and negative criteria associated with this application. The two new lots for each of the two children are intended for the development of single-family homes. The homes are in conformity with the R-5 zone. The homes are consistent with the development in connection with the Independence Walk project. The contractor's yard will be revisited in terms of the new application in the not too distant future. The area sought to be subdivided is not occupied by the contractor's yard, and that property is available to gift over to their two children for their proposed homes. The single-family homes will enhance buffer to the contractor's yard. Single-family homes are certainly not substantially detrimental to the public good, and have no substantial impairment to the zone plan. The applicant is in receipt to the Planning and Engineering Reports issued on July 10, 2024. The Engineering Report does not contain elements or comments of critical significance with respect to the subdivision. The Planning Report calls out some requirements for the perfected plan standards, and the applicant will comply with those comments. Lastly, on the north side of the property, there is a 12.46-foot gap area. The property does not immediately adjoin the properties to the north. One portion is owned by D'Marchie, and the other portion is owned by the homeowner's association of Independence Walk, and the remaining portion of that deed gap does adjoin the Bokma's property. The deed gap needs to be resolved, and a boundary line agreement has been entered with the City of Vineland pursuant to City Council resolution. Mr. Headley's concern about that topic was adequately addressed.

Mr. Stefano wanted to know about the issues with flooding and high water tables. Additionally, if two more homes would cause more of a problem because of less impervious coverage.

Janice Bokma testified on her own behalf. She was in litigation with the City of Vineland, and it ended in January of this year. During that litigation, the area in which they now subdividing for her children was considered as a possible additional area for basins. It was determined during that investigation that they were going to build a fourth basin in her area because it has a higher water table. The children are aware of the flooding issues that have happened, and the City of Vineland is in the process of working on a resolution with Key Engineering. That portion of her property is no longer needed for the basins. They City is working on it and hopefully everything will be resolved with the drainage.

Mr. Headley indicated that he had no issues with the proposed period for the site plan submission.

Mr. Finley stated that it is a good reasonable plan and it rectifies the compliance issue. Many issues on the property were not the applicant's fault. This also creates two nice building lots for the City.

David Bylone, 2483 Concetta Lane, President of Homeowner's Association for Independence Walk, he does not oppose to the application. He wanted to know if the two new homes would become a part of the HOA.

Mr. Headley explained that Somonelli Road is a public right-of-way, so they are not required to be a part of the HOA.

Chairman made a motion to close the public hearing.

Roll call:

Albert Fisher: Yes

Andrew Groetsch: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Jameson Afanador: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Albert Fisher: Yes

Andrew Groetsch: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Jameson Afanador: Yes

George LoBiondo: Yes

Application granted.

CHESTNUT ASSEMBLY OF GOD, 2254 E. Chestnut Avenue, Block 4405, Lot 30.1, Zones R-4 and B-2, use variance for the construction of a food pantry/pole barn.

The applicant was represented by Jose Silva, Esq. The property which consists of approximately 25 1/2 acres. There is an existing church, which consists approximately 52,000 square feet. The applicant would like to construct a 2,400 square foot pole barn. The purpose of the pole barn is for a food pantry distribution. The church has obtained funding from the State of New Jersey for the food bank. A variance is required for the frontage on Brewster Road of 150 feet. They also are requesting a waiver of a site plan approval. The church currently has a food pantry that operates out of the church and they need something bigger.

Pastor Tony Cotto, testified on behalf of the church, There is a great economical need in our city, and many people are without food. The church food pantry program has operated for over 20 years. The church takes care of the poor in the community. The need has increased particularly during COVID, and they increased the distribution of food to twice a month. Currently, they are distributing once a month. They found it necessary to expand the program, and they would like to build a facility on the property. It is a new model where the clients go inside of the facility to pick their food. They are also proposing a drive-thru option for the elderly or families with young children.

Mr. Stefano wanted to know if there was congestion during food pantry hours.

Pastor Cotto indicated that there is a problem with congestion and this proposal would help alleviate it. Right now it operates once a month. The proposed food pantry will be open Monday through Friday. The clients will be able to park on the church's property. Hours of operation will be 10AM until 2PM, and one day a week 4PM until 8PM.

Cheron Rosado, Church Administrator, testified on behalf of the church. Food delivery is once a month through the community food Bank of New Jersey, so there is already a truck delivering to the church. They will continue to make deliveries once a month. This will minimize congestion on the road.

Andy Vera, Contractor, testified on behalf of the application. This is a normal 40' x 60' pole barn building with a garage overhead door. There is already parking in front of the proposed building. The food is delivered once a month by a small box truck and a pallet lift is used to deliver food into the building. The deliveries happen fast, so it will not interfere with the schools or traffic. They are thinking of a drive through in the future.

Mr. Finley indicated that a food pantry operation like this would be considered an accessory use for a House of Worship. This use is common because of the great need in the area. The board is going to see more of the applications in the future. That proposed building will be considered accessory to the church.

Mr. Vera explained that the facility will be locked. There will be shelves, refrigeration and freezers in the pole barn. That design was submitted with the plans. It will also have a small bathroom for the worker.

Mr. Headley explained that a church is a conditional use in the R-2 and B-2 zones. The City has special standards for church use regarding lot size, lot frontages and setbacks. This a church meets those standards; they would never appear before the Zoning Board. They would go before the Planning Board because it is an allowable use. They are before this board because of the frontage on Brewster Road. That condition is not changing. What is changing is the addition of the food pantry; it is expanding the non-conforming use. The use is kind of incidental to a church use, so the height of 21 feet would not be held to the 15 foot height requirement that we typically have for accessory structures. They just have to meet the principal building height, which is 35 feet for the church. They do not need an additional variance for the height. They could actually go higher. He has no objections to the waiver of site plan approval. The submitted plan is detailed and sufficient. They will lose a few parking stalls, but they are over parked per standards. That is not a concern from a planning standpoint. The church is a beneficial use, and the proposal is a benefit to the surrounding area.

Chairman made a motion to close the public hearing.

Roll call:

Albert Fisher: Yes

Andrew Groetsch: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Cedric Holmes: Yes

Jameson Afanador: Yes

Joseph Stefano: Yes

Mr. Repice made a motion to approve the application.

Roll call:

Albert Fisher: Yes

Andrew Groetsch: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Cedric Holmes: Yes

Jameson Afanador: Yes

Joseph Stefano: Yes

Application granted.

Meeting adjourned at 8:10 PM

Roll call:

Albert Fisher: Yes

Andrew Groetsch: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Cedric Holmes: Yes

Jameson Afanador: Yes

Joseph Stefano: Yes

Yasmin Perez, Secretary

Zoning Board of Adjustment

