

ZONING BOARD OF ADJUSTMENT MEETING
September 18, 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
George LoBiondo

Members absent: Ryan Flaim, Jameson Afanador, Rudolph Luisi

Others Present were:

Amanda Mosciello, Substitute Zoning Board Solicitor
Patrick Finley, Zoning Officer
Rick Crudelle, Assistant Zoning Board Officer
Ryan Headley, Zoning Board Engineer/Planner
Elizabeth Jambor, Planner Trainee
Yasmin Perez, Zoning Board Secretary

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

Roll call:

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

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

Roll call:

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

JODI ROSA, 85 E. Sherman Avenue, Block 1701, Lot 5, Zone R-5, construction of an addition to a single-family dwelling.

Jodi Rosa testified on her own behalf. She is seeking a side yard setback for the construction. Her mother-in-law moved and she has a medical condition. She is proposing to add an addition to her house to create additional living and recreational space for her family.

Mr. Finley indicated that this is an enforcement matter, because construction is complete. The applicant has been very cooperative. They were not aware of what was required. Initially their intention was to have a second dwelling to accommodate her mother-in-law. The application before the board now is to attach the building to the main house. It will also provide more space for recreation and an extra living area. The main dwelling will be attached to this new part of the dwelling. He would like the record to indicate that this is going to be an addition to the single-family dwelling and residential purposes. The addition is not considered to be a separate living unit or a separate apartment. It does need some bulk variances for the distance to the property line. A floor plan of the addition was submitted. The walkway connecting the two is going to be enclosed, but he would like it to be more than five feet wide with no doors to the outside.

Mr. Stefano explained that he would like the connection to be eight feet, because ten feet would be too wide for a hallway.

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
Cedric Holmes: 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
Cedric Holmes: Yes
George LoBiondo: Yes

Application granted.

ROBERT SPINA, 730 S. East Avenue, Block 4904, Lot 19, Zone R-3, certification of non-conforming use for a two-unit family dwelling.

Robert L Spina testified on behalf of the applicant. He is seeking a certification of preexisting nonconforming use for duplex.

Mr. Finley explained that we did get a survey from the applicant. It shows the existing conditions and any bulk variances that are required that are existing. In addition, a floor plan shows all of the rooms labeled and

dimensioned. A property record card from the city's tax office was submitted, and it clearly states that there was a conversion to a duplex well over 50 years ago. The zone was previously R-3 and it allowed duplexes.

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
Cedric Holmes: 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
Cedric Holmes: Yes
George LoBiondo: Yes

Application granted.

GARDEN STATE OUTDOOR, LLC, 3656 N. Mill Road, Block 302, Lot 4, Zone I-1, “D” use variance, “D” height variance, and “C” variance for the installation of a digital/static freestanding sign.

Todd Heck, Esq. testified on behalf of the applicant. The applicant is requesting a use variance to allow an outdoor advertising sign to be erected at the rear of this property, so that it is visible in the route 55 corridor. It will be a dual sign with a digital face on one side, and a static face on the other side.

Mr. Adam Burkett, Principal, testified on his own behalf. Garden State Outdoor has been in business for approximately 30 years. They are located here in South Jersey, and they are a family owned company. There are numerous public private partnerships with agencies throughout the state including South Jersey Transportation Authority, New Jersey Transit and Washington Township. They have 70 units throughout New Jersey, and they are mainly in South Jersey. The sign that is proposed for is on a monopole, which is on one pole it goes up. The proposed sign is 14 feet by 48 feet which 672 square feet. The sign coming southbound is proposed to be a digital sign, which rotates in a 64-second loop. Each advertisement is about 8 seconds and throughout a 24-hour period each advertiser gets about 10,300 showings. The backside would be a regular static sign, which you see up and down Route 55 currently. That type of sign requires permitting by the state, and goes through inspection by Department of Transportation. This location is well suited being an industrial park, and it backs up to Route 55 which is now a very busy corridor running North and South. It will be mostly used for local establishments such as the hospitality industry, restaurants, car dealerships, hospitals and urgent care centers.

Jay Scullo, Licensed Engineer and Planner, testified on behalf of the applicant. The site plan that we submitted as part of the application, it shows generically what the sign will look like. It is a monopole total height of this sign is 75 feet, and the signboard itself is 14 feet by 48 feet. It is located in the rear of the property as far from Mill Road as they could, and as close to Route 55. It is very similar to other boards that are seen all over. The 75 foot height is necessary to minimize the amount of tree trimming, and so it is visible over the trees. The permissible height for structures in the I-1 zone is 60 feet, so this would protrude a maximum of 15 feet. The sign will be powered by electric that will run from Mill Road. Exhibit, photos of the proposed sign. The sign would appear to motorists driving along the corridor.

Tiffany Morrissey, Licensed Planner, testified on behalf of the applicant. This property as indicated is located in the I-1 zone, and it is on north Mill Road with frontage along Route 55. The ordinance permits billboards in the B3 zone only, but it does not permit billboards in the I-1 zone. It also does not permit freestanding signs along Route 55. The maximum height of a sign in the zone is permitted at up to 20 feet, and the maximum height of a building in the zone is permitted at 60 feet. The proposed billboard is at 75 feet, and will be 14 feet by 48 feet, two sided with one digital one static. There is a positive and negative criteria that have to be established. For the positive criteria, they have to demonstrate that purposes of zoning are advanced and that the site is particularly suited to the proposed use therefore promoting the general welfare. When dealing with billboards or off premise signs, there are many factors to take into consideration. Billboards have grown up and they are not what they were many years ago. There is new technology with the way we receive our advertisements and our media today has substantially changed. All of these things have to be taken into account when we plan for the community. There are several purposes of zoning that would be advanced through this application. First, the uses are particularly suited to one another, which would therefore promote the general welfare. In addition, this application promotes a state policy and therefore when you promote a state policy, you promote the general welfare. This application would promote purpose D of the municipal land use law, which is to ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities the county and the state as a whole. Lastly, this application would promote the purposes of zoning under item G, to provide sufficient space and appropriate location for a variety of uses both public and private according to their respective environmental requirements in order to meet the needs of all New Jersey citizens. Mr. Burkett indicated that we do have an approval from the Department of Transportation for a roadside sign. That is important because in order to have this type of sign, you have to meet very strict requirements under Title 16 Transportation Chapter 41-C, roadside sign control and outdoor advertising. The purpose of this chapter is to balance the need to control and regulate roadside signs. Outdoor advertising promotes the scenic beauty of the state, and provides for the safety and convenience of the public. This chapter requires and provides for the issuing of licenses and permits for roadside signs outdoor advertising, establishment use, maintenance and removal of such signs. They have strict public safety guidelines, and many items must be addresses to receive a permit. Under Roadside Control Act, there are additional regulations in order to receive a permit under this legislation. The objectives in your Master Plan from 2008 was reexamined in 2018, and the land use plan element was updated in 2022. The goals of your master plan include to expand the City's economic base and provide economic opportunity for city residents. In the 2018 Master Plan reexamination report, there is continuous recognition and understanding that there is a need to help economic development in the community.

Mr. Burkett explained that they could pull back on the second application, if he could make the sign a double sign.

Mr. Stefano indicated that he understands this would be a great attribute to the city but these signs would be distracting for motorists.

Mr. Headley explained that billboards are not allowed, because historically the City of Vineland has not allowed any signage along Route 55. We do not classify Route 55 as frontage within the City of Vineland for that exact

reason. It is a limited access highway with no frontage; therefore, there is no wall signs and no freestanding signs.

In the year 2021, we did amend it and we do now allow some wall signage up to 100 square feet for existing businesses along Route 55. However, we made those changes and at the same time we added the digital sign standards which were primarily from the state's standards for changing of messages. We continue to prohibit freestanding signage of any kind even for the business that is on the property, and also prohibited any our building signs that extended above the roof line for the same reason. Additionally, we classify billboards as a principal use and we specifically state that if you have a billboard on a property that becomes the sole use. A billboard is only allowed on a vacant property in our signage standards. That was done specifically because we did not want these larger billboards on Delsea Drive or Main Road. One of the purposes of zoning that was brought up was purpose G, which provides sufficient space inappropriate locations and that goes for a variety of uses both public and private according to the respective environmental requirements. The city has already created appropriate locations for boards, and they have already determined that this zone is not an appropriate billboards. Furthermore, if you are considering environmental which a lot of people do, this billboard will be on the western side of the conservation zone that is a habitat for a variety of endangered or threatened species. He does not believe there are any billboards this height along Route 55.

Mr. LoBiondo stated that City Council is clear in the ordinance that states they do not want these signs, and yet the applicant's argument for the signs is that it would economically benefit the city. City Council's role is to do things that promote the city. If City Council thought that that would benefit the city economically and that would outweigh the other impacts, the City Council would change the ordinance.

Mr. Finley concurs with all the points made by Mr. Headley. From the zoning office standpoint, he does not think this is a good use variance for the board to grant. During the master plan process, the decision was made not to have billboards and signage along Route 55 and it was done on purpose. There was a desire to maintain what is now the aesthetic character of Route 55 in Vineland, which is much more pastoral than Gloucester County. The character of Route 55 in Vineland is a lot different from the character in Gloucester County. Driving south towards the shore, you are heading towards more nature and tourism agriculture. As you are heading north, you see the billboards you know you are heading into the area of South Jersey that is much more commercially developed. In addition, 75 feet tall is like a seven story building, and that is like the height of City Hall. He does not feel the positive criteria was met, and he is skeptical of the economic impact of this.

Mr. Heck explained that his client decided to withdraw this application and the other application as well.

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

Cedric Holmes: 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
Cedric Holmes: Yes
George LoBiondo: Yes

Application withdrawn.

MILLER AUTO LEASING COMPANY, 3905 N. Delsea Drive, Block 401, Lot 2, Zone B-3, use variance for a truck repair and maintenance facility.

The applicant was represented by Kevin Sheean, Esq. This project is located at the corner of Delsea Drive and Weymouth Road, and in the B-3 zone. The applicant is seeking a use variance to permit a truck maintenance, repair facility and leasing. If this application is granted, they would return to the board for site plan approval at a later date. There is an existing one-story masonry building for an office and five-truck bays. Currently, the property is used as a restaurant sales facility. The purpose of the use is to provide maintenance and repair for Miller trucks fleet leasing services. This is not a permitted use in the B3 zone, but similar uses like public garages are permitted. This is not a public garage because it is not open to the public. They are repairing their own vehicles and new and used car sales.

Mark Miller, Principal, testified on his own behalf. His company rents, leases and maintains heavy trucks. They are a family owned business and the headquartered is in Lumberton NJ. They have been in business for 112 years, and do business with a number of companies and Vineland. His company is currently working out of a facility on Main Road, and they are looking to move to this new facility. His company leases and anything from a pickup truck all the way up to a tractor-trailers. The majority of their trucks that are leased in Vineland are going to be tractors and box trucks. The box trucks can be refrigerated. As part of the lease, they provide all the truck maintenance. Approximately ten or eleven trucks are repaired on a daily basis. There are a maximum of nine employees working two different shifts, so the maximum onsite will be about six or seven people. There are twenty to twenty-five parked onsite vehicles waiting for repair or for leasing. They are looking for a new site, because they have outgrown the current site. Rental trucks will also be available for customers waiting for repair. There will be no more than fifteen to twenty trucks in and out of the site on a daily basis.

Tiffany Morrissey, Licensed Planner, testified on behalf of the applicant. The applicant submitted a concept plan, which is displayed on the screen. They also prepared an aerial exhibit, so you can see the location of this property and the surrounding land uses. The property is located on Delsea Drive it, also has frontage on Weymouth Road. As previously indicated, it is in the B3 zone. They are requesting this variance, because the B3 zone does not permit a truck terminal. A truck terminal is defined in the zoning ordinance as any facility where a business or industry involving the maintenance servicing or repair of commercial vehicles or the central dispatching of company owned vehicles is conducted or rendered. Initially, they considered this a public garage, but a public garage is open to the public. The board members questioned that these are contracts and not open to the public. Under the strict reading of the ordinance, a use variance is required because they are not a public garage as defined. They are not open to the public, however the public garage use would permit what we propose to do otherwise in the B3 zoning district. In terms of the use variance criteria, they have to demonstrate the positive and the negative criteria. There are three purposes of zoning which I believe are advanced through this application. When you have a use variance, there is a demonstration that the site and the use of particularly suited to one another. Therefore, they would promote the general welfare. She also believes that although this use is permitted in the industrial zones as a truck terminal, this also does provide sufficient space in an appropriate location for a variety of uses both public and private according to their respective environmental requirements in order to meet the needs of all New Jersey citizens. The purpose of zoning M, which is to encourage the coordination of various public and private procedures and activities shaping land development with a view of lessening the cost of such development, and to the more efficient use of land and the key statement there being the more efficient use of land. They are taking an existing property that is developed with

an existing building with existing paved areas. If the use variance is approved, the applicant will return for a site plan approval.

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
Cedric Holmes: 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
Cedric Holmes: Yes
George LoBiondo: Yes

Application granted.

LEADERS OF TOMORROW, INC., 28 S. West Avenue, Block 3602, Lot 19, Zone R-2, use variance to establish an office building.

The applicant was represented by Brian Swope, Esq.

Jarvette Andujar, Leaders of tomorrow confirmed that Mr. Swope was representing the application.

Mr. Headley explained that the property in question is the old American Legion building, which was been built and used in a commercial capacity since the year 1948. In the inside is in bad shape in some areas. He does not have any issues with the use, because the building and site are less intense in this capacity. The applicant requested a waiver of site plan, but the site itself is in bad shape from the previous tenant. He recommends a requirement for site plan approval.

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
Cedric Holmes: 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
Cedric Holmes: Yes
George LoBiondo: Yes

Application granted.

KEEGAN EQUITY, LLC, 1983, 1997, 2041, 2105 & 2123 W. Landis Avenue, Block 3402, Lots 7, 8, 11, 13 & 14, Zone B-4, use variance for the construction of a 250,240 square foot cold storage warehouse, 12,800 square foot retail/office building and 13,000 square foot retail/office building.

The applicant was represented by Michael Gruccio, Esq. The property identified as Block 3402 Lot 11 is will be subject to a subdivision in conjunction with the site plan. They would like to obtain the front portion of their property. This is a hybrid development in terms of what is proposed. It features the development of retail or commercial uses oriented along the West Landis Avenue. The frontage of the assembled parcels on either side of a proposed cold storage warehouse will be set back at least 650 feet from the Landis Avenue frontage of the parcels. The proposed cold storage facility is not permitted in the B4 zone. The applicant is requesting D6 use variance related to the proposed storage warehouse, 60 feet high is proposed 35 feet is the ordinance maximum.

Keegan Gosick, Developer, testified on behalf of the applicant. There is a unmet demand for cold storage in the city in this general are. They took that into consideration over the past 3 years and put this together, and there were some informal discussions with the city. The cold storage need and demand was what got them looking at this project for obvious reasons. The layout is 600 plus feet set back, so that leaves a lot of room to get creative with the frontage to continue the development along the roadway. They are even proposing a “Welcome to the City of Vineland” sign off the ramp from Route 55. Exhibit A2, aerial map. Exhibit A3, aerial image depicting proposed overall development of project. There is a proposed traffic signal off of Landis Avenue. The average speed of people coming off of Route 55 on the Landis is a bit fast. They are proposing a traffic signal there to help mitigate the speed. It will be a full movement access specifically to accommodate the truck traffic. They could design the curbs and drive aisles to keep the truck traffic dedicated to the light for everyone's benefit. That decision making is going to be part of the site plan approval. Exhibits A4, existing Semperfi building area. They intend to array that commercial use along Landis Avenue. The end users prototype will adjust the images but they will be very similar. Exhibit A5, westerly side. It is a proposed development prototype building. It also includes the Vineland sign. Exhibit A3, photo of landscaping. They will provide landscaping, and make every effort to make sure the frontage of the building is dressed up. They will also provide a buffer of trees, shrubs and foliage between our two properties.

Craig R Hurlless, Licensed Engineer and Planner, testified on behalf of the applicant. Exhibit A1, variance plan with tax map. These lots are located in the B4 district which requires a 200 foot frontage. It promotes adequate lot size and adequate lot frontage that is required in complying with the zoning ordinance. Lot 7 contain an existing single-family dwelling that is a non-conforming use in the B4 district. The zoning ordinance contemplates commercial development in the B4 residences or existing nonconforming uses, and they are eliminating that one on lot 8. These lots are all 135-foot wide lots that have 12,170 foot depth, so they are narrow and extremely deep. Lot 11 is in the middle of the site, and you can see the light hatching of the outline of the building nearest West Landis Avenue. That lot is being subdivided so the marine detachment building will remain. Lots 13 and 14 are both vacant, and they are both 135 foot wide, 12,170 foot deep. Once again, narrow and extremely deep. After the subdivision the total area is 24.76 acres. There are two proposed conforming uses at the front of the site. The proposed cold storage warehouse that is 250,240 square feet with site improvements, will come back for site plan and subdivision approval. The proposed frontage development is are consistent with the B4 standards. They are also proposing to leave the mature forest as a buffer along the

side of the project. Special reasons support of this application and the variance sought. In the purposes of zoning under the municipal land use, it satisfies purpose A, to encourage municipal action to guide the appropriate use or development of lands in the state in a matter which will promote the public health safety morals and general welfare. It meets purpose G, provide sufficient space and appropriate locations for a variety of agricultural residential recreational commercial and industrial uses and open space both public and private according to respective environmental requirements in order to meet the needs of all New Jersey citizens. They are proposing conforming commercial uses at the front of the site, and a cold storage facility at the rear. The master plan indicates that there is a dwindling supply of lots. They have found one that can accommodate both and preserve the streetscape with commercial uses.

Mr. Headley indicated that the site to the south has a stream, which makes it difficult to develop. It would back up to this industrial use.

Kelly Carey, Esq. represented a neighboring property owner, Irene Meltzer. She is on lot 6, and her property is similarly deep. The property is vacant but there is a driveway onto West Landis Avenue. She has concerns and questions about this application. She has concerns with the basins and stormwater runoff. Mr. Hurless explained that he did not give an engineering testimony. He gave testimony for the use variance. This is a large project and the applicant will return for a site plan approval including stormwater if approved. She also wanted to know if soil testing was performed. Mr. Hurless stated that soil testing was not done, and this area does not a flood hazard area. She also wanted to know if any noise studies were conducted. for the proposed building for 60 foot building.

Irene Metzler, testified on her own behalf. Her and her husband have owned property in Vineland for about 37 years. They have received phone calls from a developer. The area is going to change because of this development with trucks. She is concerned about the drainage, and was told that they wanted her property because of good soil.

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
Cedric Holmes: 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
Cedric Holmes: Yes
George LoBiondo: Yes

Application granted.

City Council of the City of Vineland at Council's regularly scheduled meeting on August 27, 2024, requested that the Zoning Board "interpret the municipal land use laws of the City of Vineland and determine whether entities which may provide harm reduction services as defined in N.J.A.C. 8:61-1 et. seq. are permitted in the B-1 and/or B-2 zoning districts."

Mr. Malinsky explained that at the August 27th City Council meeting, City Council asked the Zoning Board to interpret their municipal land use ordinances of the City of Vineland to determine whether entities which may provide harm reduction services as defined in NJPAC 8: 6-1 at SEC are permitted in the B1 and B2 zoning districts. The Zoning Board the only entity within a municipality that has the authority to interpret the city's ordinances. The Zoning Board's authority is in the municipal land use law at section N JSA 4155D-70 B, so this is a request by the city to make an interpretation. He prepared a draft resolution which was emailed to the board members earlier today, and everyone should have received a copy. This resolution is gives an understanding of a who can provide harm reduction services and define them as eligible entities. Harm reduction services can be provided by a harm reduction center, which is defined by regulation, a hospital or other healthcare facility licensed pursuant to and JSA 26: 2H-1. A federally qualified health center, a public health agency, a substance use disorder treatment program, an aid service organization as defined in NASCAR: 63-1.2 B, or another nonprofit entity designed by the department collectively hereinafter referred to as the eligible entities. Then he defined what harm reduction services means, and that is in the next whereas paragraph. Services include but shall not be limited to syringe access, syringe disposal, referrals to health and social services, harm reduction counseling, supplies including but not limited to fentanyl test strips and HIV and hepatitis C testing. Looking at the uses in the B1 and B2, he wanted to make clear that harm reduction services performed by eligible entities do not constitute the same use as a substance abuse facility or a substance abuse counseling or treatment center, which we define in ordinance section 425-270-B. In addition, set forth also the legislative findings and declarations will make clear that eligible entities that offer harm reduction services are not considered these types of entities. A substance abuse counseling or treatment center can offer as part of its treatment harm reduction services, but another eligible entity in and of itself does not constitute as a substance abuse counseling or treatment center or a drug and alcohol rehabilitation or treatment facility. Looking at B1 and the B2 zones and based on what entities are allowed to provide these uses, he did not see anything in the permitted uses in the B1 zone that would allow a harm reduction service to be performed or any eligible entity to operate as a permitted use accessory use or conditional use. However, in the B2 zone there is an eligible entity that would be able to offer these services. We allow on the B2 zone as a permitted use substance abuse counseling or treatment centers. This is a permitted use in the B2 zone and these types of facilities can offer harm reduction services. Looking at the B1 and the B2 zones, the only area that he saw where this would be a use that would be permitted is in the B2 zone. Harm reduction services would be able to provided in the B2 zone as part of the services offered by substance abuse counseling or treatment center, because that is the only entity that would qualify as an eligible entity. The Zoning Board finds that none of the eligible entities constitutes a permitted use, accessory use or conditional use in the B1 zoning district. The B1 zone permits a retail store, which does not qualify as an eligible entity, and a convenience store, which does not qualify as an eligible entity. These are all listed in 425-293B. A business professional or medical office does not qualify as an eligible entity. A bank does not qualify as an eligible entity, passenger terminal facility, taxi or bus stop does not qualify as an eligible entity and so on. In the B1 zone what we specifically list as a prohibited use is substance abuse counseling, or treatment center. However, when you go to the B2 zone which is after section 425-294 under #1 it allows all uses permitted in the B1 zone in addition those uses enumerated as prohibited uses in the B1 zone. Substance abuse counseling or treatment centers are prohibited use in the B1 zone under that provision of the B2 zone they are permitted. They are eligible entities, and they would be able to provide harm reduction services. There is no use in the B1 zone that would qualify as knowledgeable entity, and the B2 zone the only use of qualifiers knowledgeable entity is substance abuse counseling and treatment centers. The Zoning Board finds that substance abuse counseling or treatment centers as defined in Vineland ordinance section 425-270-B may provide harm reduction services. They are not required to but they can because they would qualify as knowledgeable entity that could provide harm reduction services. The Zoning Board finds a substance abuse counseling or treatment centers are permitted uses in the

B2 zone pursuant to Vineland ordinance section 425-294-B1, which permits prohibited uses in the B1. The Zoning Board finds other than substance abuse counseling or treatment center, no other eligible entity is a permitted use, accessory use or conditional use in the B1 or B2 zoning districts. We do not allow hospitals or other facilities that qualify as an eligible entity in those in in those zones. The Zoning Board finds that in order for any eligible entity to operate within the B1 and B2 zoning districts, a variance pursuant to and NJSA 41:55D-70D, which is a use variance would be required except with regard to any substance abuse counseling or treatment center in the B2 zoning district.

Ms. Kathleen Hicks, City's Planner, provided testimony. She agreed with everything that Mr. Malinsky explained to the board. She also explained that we do not have a zoning use category for social service agencies

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
Cedric Holmes: 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
Cedric Holmes: Yes
George LoBiondo: Yes

Application granted.

Meeting adjourned at 10:49 PM

Roll call:

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

Yasmin Perez, Secretary

Zoning Board of Adjustment