

**ZONING BOARD OF ADJUSTMENT MEETING**  
**May 21, 2025**

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

**Members present were:**

Terry Andrus  
Albert Fisher  
Andrew Groetsch  
Joseph Repice  
Joseph Stefano  
George LoBiondo

**Members absent:** Cedric Holmes, Jameson Afanador, Ryan Flaim, Eric Hernandez, Rudolph Luisi

**Others Present were:**

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

Mr. Malinsky went over revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the April 16, 2025, meeting.

Roll call:

Terry Andrus: Yes  
Joseph Repice: Yes  
Joseph Stefano: Yes  
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the April 16, 2025, meeting.

Roll call:

Terry Andrus: Yes  
Joseph Repice: Yes  
Joseph Stefano: Yes  
George LoBiondo: Yes, Abstain #2025-35

**PARADISE CITY, LLC- EXTENSION REQUEST**, 1386 E. Oak Road, Block 1802, Lots 11, Zones R-3/R-5  
Resolution #2021-56.

Michael Peacock, Esq., appeared on behalf of Paradise City LLC, owner of the property located at 1404 E. Oak Road (Block 1802, Lot 11), which houses the existing Fresh Wave business offices and cold storage produce distribution facility. The Board previously granted a use variance, site plan approval, and bulk variances in January 2022 for an approximately 25,000 sq. ft. expansion of the cold storage facility. In January 2024, the applicant was granted one of the three allowable one-year extensions under the Municipal Land Use Law (MLUL). The applicant appeared before the Board to request the remaining two one-year extensions permitted under the MLUL. The additional time is required to complete the remainder of the expansion, which includes the construction of an additional cooler at the west-end loading dock of the existing facility.

The applicant is currently finalizing the interior layout of the cooler and anticipates completion by December 2026.

Jeffrey DiMattio, General Manager of Fresh Wave LLC, was present and available to answer questions.

Chairman made a motion to close the public hearing.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Application granted.

**DUN-RITE SAND & GRAVEL COMPANY**, Mays Landing Road, Block 7801, Lots 18 & 19, Zone W-6, use variance to establish a Class B and Class C recycling and composting facility.

Mr. Malinski explained that the application pertains to a proposed Class B and Class C recycling and composting facility. Jurisdiction over this type of development lies with the New Jersey Department of Environmental Protection (NJDEP) under the Solid Waste Management Act and the Recycling Act. These acts preempt local ordinances and grant the NJDEP exclusive authority over such applications.

It was noted that, due to this preemption, the Zoning Board does not have formal jurisdiction over the application. However, a resolution was presented to transfer the application to the Planning Board for informal review. This review is intended solely to make the Planning Board aware of the project and its potential impacts, so that such considerations can be factored into any future reexamination of the municipal Master Plan.

Mr. Stefano made a motion to approve Resolution #2025-37.

Roll call:

Terry Andrus: Yes

Albert Fisher: Abstain

Andrew Groetsch: Abstain

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Application granted.

**ROTH 3880 REALTY, LLC** 3880 S. Delsea Drive, Block 7007, Lot 10.02, Zone B-4, amended preliminary/final major site plan approval for a previously approved Marriott hotel.

Robert DeSanto, Esq. introduced the application on behalf of the applicant, who is seeking an amended site plan approval to allow for an increase in the square footage of a meeting room and flex space previously approved by the Board. As a result of this proposed expansion, the applicant is also requesting an amendment to the previously granted parking variance.

The applicant presented two witnesses: Mr. Edward Roth, a member of the LLC. Mr. Rodman Ritchie, Licensed Engineer and Planner.

Mr. Edward Roth testified that the amended site plan application is for a minor modification to the previously approved building footprint, specifically to expand the meeting room and flex space. During further development of the building plans, it was noted that the exterior wall of the indoor swimming pool extends further than the adjacent meeting room wall, creating a zigzag effect where the patio area begins. The applicant proposes to extend the meeting room wall by nine (9) feet, aligning it with the wall of the indoor pool. Mr. Roth stated this would provide a more aesthetically pleasing and safer configuration by eliminating the recessed corner created by the offset. He described the nature of operations as a business-class hotel, where hotel rooms are the primary source of revenue, and meeting space rentals are ancillary. Hotel guests typically check in during the evening (7–8 PM) and check out by 8 AM to visit local businesses. Meeting room usage generally occurs between 8 AM and 5 PM, meaning that there is minimal overlap in parking demand between hotel guests and meeting attendees. In his opinion, the expansion will not increase parking demand, and the proposed parking is sufficient even with the proposed expansion.

Mr. Rodman Ritchie explained that the total building footprint will increase by approximately 300 square feet, from 24,550 square feet to 24,856 square feet, due to an extension of the meeting room wall adjacent to the indoor pool. The meeting/flex space will increase from 540 square feet to 1,590 square feet, aligning the building wall for a more cohesive exterior. Due to the increased meeting space, the required parking per city ordinance increased from 178 spaces to 213 spaces. The applicant is proposing 159 physical spaces on-site and seeking credit for 9 electric vehicle (EV) spaces, for a total of 168 available spaces. He emphasized that the need for the variance is technical and does not reflect an actual deficiency in parking. Given the complementary usage patterns (hotel rooms used at night; meeting rooms used during the day), the existing parking will adequately support the use. The proposal promotes the general welfare and advances purposes of the Municipal Land Use Law, and the development is compatible with the surrounding area and consistent with the zone plan. The application will not create a detriment to the public good, and there is no adverse impact on the intent or integrity of the zoning ordinance. Additional informal overflow parking is available on the broader site (former Kmart Plaza), if ever needed.

Chairman made a motion to close the public hearing.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes  
Joseph Stefano: Yes  
George LoBiondo: Yes

Application granted.

**WEBER INVESENT GROUP 2, LLC**, 615 S. Seventh Street, Block 4114 Lot 26, Zone R, certification of non-conforming use for a two-unit family dwelling.

David Thatcher, Esq. of the law firm Thatcher Passarella appeared before the Board on behalf of the applicant, Webber Investment Group 2 LLC, which is under contract to purchase the property located at 615 South 7th Street (Block 4114, Lot 26). The property is currently owned by the Estate of Michael J. Batt. The applicant is seeking certification from the Board to recognize the existing use of the property as a two-family dwelling (duplex) in the residential zoning district. He explained that the duplex use is pre-existing, and the applicant's intent is to continue that use without any exterior alterations to the structure.

Richard Webber, Jr., sole member of Webber Investment Group 2 LLC., testified on his own behalf. He confirmed that the building consists of two residential units arranged vertically, with one unit on the first floor and the second unit on the upper level. The first-floor unit contains two bedrooms, while the second-floor unit contains three bedrooms. Access to both units is obtained through separate front doors located at the top of the front staircase; the left door leads to the first-floor unit, and the right door leads to the upstairs unit. He stated that he plans to renovate the interior of the property but does not intend to make any changes to the exterior. At the rear of the property, there is a large masonry garage, which will be used exclusively for storage of materials related to his landlord responsibilities. He stated that the garage will not be rented or made accessible to tenants. With respect to parking, he noted that there is a driveway along the right-hand side of the property that leads to a rear yard area situated between the house and the garage. He estimated that this space could accommodate between five and seven vehicles, which he believes will be sufficient for the anticipated tenants.

Mr. Finley sought clarification regarding the proposed use of the large masonry garage located at the rear of the subject property. He inquired about the specific materials that would be stored there and whether the storage use would be limited to materials associated with the duplex property or related to other properties owned by the applicant. Mr. Webber responded that the garage would be used to store leftover materials such as paint, flooring, or drywall from ongoing jobs, and confirmed that it would not be used in connection with any active business operations or rented out. He further clarified that the materials stored would be related solely to this specific property and not for use at other properties owned by the applicant. Mr. Finley expressed concern about the size of the garage, noting that it had previously been used as a base for a commercial electrical business and could potentially have a more intensive or intrusive use. Mr. Webber stated that the garage would remain and be used for light, property-specific storage only.

Mr. Stephen Hawk, Professional Planner, testified on behalf of the applicant. He summarized the supporting evidence regarding the long-standing use of the property at 615 S. 7th Street as a duplex. He explained that documentation from the tax office confirmed the property has functioned as a duplex since at least 1981, though the physical characteristics and vintage of the structure suggest it may have been used in that manner well before that date. While one entrance may have been added after the original construction, both entries appear to be longstanding. Mr. Hawk emphasized that a duplex is a permitted use under the applicable zoning, which is governed by the Center City Redevelopment Plan adopted approximately 20 years ago. The property is conforming in terms of use, but undersized in lot area at 7,500 square feet. Despite this, it meets all yard requirements, including a front yard setback of 15.8 feet—greater than the prevailing average setback of approximately 14 feet along the block. He further stated that the proposed rehabilitation of the long-vacant and

poorly maintained structure will promote the general welfare and public safety by improving aesthetics and bringing the building into compliance.

Mr. Finley confirmed the accuracy of the planning testimony, agreed the duplex use dates back at least to 1981, and noted the structure has relatively generous side yards. He also acknowledged that the property record card, survey, and floor plans submitted as part of the application collectively support the certification request.

Mr. Stefano inquired whether the detached garage would be rented out, to which the applicant reiterated that it would not. The garage would be used solely for storage of materials related to the property. Mr. Finley clarified that any use of the garage other than what was stated would require the applicant to return to the zoning office for further review or approval.

Chairman made a motion to close the public hearing.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Application granted.

**RICHARD & DONNA MARTINE**, 2613 Oak Road, Block 2503, Lots 13.01 & 13.02, Zone R-5, minor subdivision approval, and "D" use variance approval, to create one (1) new two-family lot with two (2) remainder two-family lots.

Todd Heck, Esq. appeared on behalf of the applicants, Richard and Donna Martin. Accompanying him was Mr. Steven Nardelli, licensed planner and engineer, who was sworn in and accepted by the board. The application before the board was for a subdivision of two existing residential lots to create three new residential lots. The proposal includes associated C variances and a use variance. Specifically, the plan is to construct one residential duplex on each of the three lots, located in the R-5 zone, which does not currently permit the multifamily residential use.

Mr. Nardelli detailed the requested C variances: each lot would provide 29,400 square feet of area where 40,000 square feet is required, 100 feet of frontage where 150 feet is required, and 25-foot side yard setbacks where 35 feet is required. He explained that these deviations are tied to the lots being connected to the municipal sewer system located to the west of the property. Without sewer availability, the lots would not be viable for development due to the need for on-site septic systems. He described the surrounding neighborhood as a mixed-

use area. An aerial photo was presented showing various land uses including a flower shop at the corner of Brewster and Oak Road, Broadway Trucking across the street, and both single-family and duplex residences nearby. Multifamily developments such as Pleasant Run and Kings Crossing are located to the west, and an agricultural zone lies to the northeast. He testified that the introduction of three duplex units would not result in substantial detriment to the zoning plan or the public good, particularly because the area already reflects a diverse mixture of uses and the new homes would be served by public sewer.

Mr. Hedley confirmed that the applicant had no objections to the requests outlined in items nine and ten of his review letter. Clarification was made that each of the three proposed lots would contain one duplex structure.

Mr. Finley expressed agreement with Mr. Nardelli's assessment, stating that the neighborhood does not function exclusively as an R-5 zone and that duplex development would be in character with the surrounding uses. He also supported the application on the grounds that it addresses the city's housing shortage and contributes to quality development.

Frank Arcidiacono of 2544 E. Oak Road was sworn in and provided public comment regarding the proposed development. Mr. Arcidiacono presented a set of photographs, marked as Objector's Exhibit O-1, depicting longstanding flooding issues in the area. The photos, taken in March 2010, show standing water in his and his neighbor's yards. He explained that the lots being considered for development are located diagonally across from his property, in an area with no storm sewer infrastructure. Oak Road, being a County Road, has limited drainage improvements, with ditch maintenance occurring infrequently—often only around election years. He noted that water runoff stagnates in the backyards due to the flat terrain and clay pan soil, creating persistent drainage issues. He also highlighted what he sees as a trend toward overdevelopment in the area, citing other residential projects nearby, such as Kings Crossing and new homes along Chapel Drive and Alps Place. He questioned whether the area is being transformed from a suburban to an urban character and raised fears over increased traffic and public safety at the busy Oak and Brewster intersection. He also pointed out that while city sewer is being extended for the proposed duplexes the existing homes are still reliant on septic systems, which already struggle due to the poor soil and high-water table. He explained that existing septic systems often fail or need frequent pumping due to saturation from runoff, which he believes would be worsened by the proposed development.

Mr. Hedley confirmed the area's flat topography and acknowledged that Oak Road drainage falls under County jurisdiction. He explained that any complaints are typically referred to the County, which is responsible for ditch maintenance. Regarding sewer access, he stated that the applicant is proposing a low-pressure force main sewer system that will extend down Oak Road. This system, once installed, would be managed by the Landis Sewerage Authority and could potentially allow neighboring properties, such as Mr. Arcidiacono's, to tie in at their own expense.

Mr. Nardelli, the applicant's engineer, acknowledged the existing flooding conditions but noted that the impact from three duplexes would likely be minimal. He committed to addressing stormwater runoff during the grading and site design phase to mitigate impacts on neighboring properties. It was further clarified that regardless of the type of housing, any development would increase runoff, but the extension of public sewer may eventually allow residents to abandon failing septic systems, thereby offering some long-term benefit.

Phillip Erickson of 2551 E Oak Road was sworn in and provided public comment regarding the proposed development. He expressed concerns regarding traffic and stormwater issues in the area of Oak and Brewster Roads. He stated that traffic at the intersection is dangerous, with accidents occurring at least once or twice every few weeks. There is excessive speeding during nighttime hours. There are also flooding issues at his property, noting that he has two sump pumps—one on each side of his basement—that run continuously. He has experienced flooding several times and attributes this to poor drainage and stormwater management in the area. Mr. Erickson submitted color photographs as evidence (marked as Exhibit O-248), which show flooding

conditions on his property. The photos are approximately two to three years old but reflect conditions that still occur annually, particularly during heavy rains. He voiced concern that the proposed duplexes on the adjacent property might exacerbate existing drainage problems, fearing increased runoff and additional strain on his already compromised drainage system.

Mr. Heck stated that the design of the proposed duplexes has not yet been finalized. He confirmed that flooding and basement configurations are considerations in the site design.

Mr. Nardelli added that any future grading of the property would be done in a way to prevent drainage toward neighboring properties. He clarified that the grading would be designed to direct water either toward the front of the lot (to the road) or the rear, without negatively impacting adjacent landowners.

Mr. Heck, representing the applicant, reiterated that the focus of the evening's hearing was the request for a use variance—not a full site plan or stormwater review. He stated that his client's proposal meets the legal criteria for the variance considering: The city's need for housing; The mixed-use character of the surrounding neighborhood; The existing presence of multifamily housing nearby, including other duplexes and apartment complexes. He acknowledged the concerns raised about flooding and drainage but emphasized that these are preexisting conditions not directly caused by the proposed development. He argued that construction of a duplex would not result in significantly more impervious surface area than a single-family home and therefore would not meaningfully alter drainage patterns. Any future development, whether permitted by variance or by right under existing zoning, would still be subject to stormwater compliance requirements. He asserted that his clients cannot be held responsible for longstanding water issues that originate outside of their property and that these concerns are not directly germane to the variance request.

Mr. LoBiondo asked Mr. Hedley, the board engineer, if he had any comments regarding the drainage issue and Bradway Trucking's lot, which had been previously addressed by a member of the public. Mr. Hedley indicated he was not entirely familiar with the specific situation but acknowledged the witness had provided a reasonable description. The witness clarified that historically, the Bradway lot (formerly gravel when owned by Armellini) pitched runoff toward adjacent residential properties. However, after being paved and regraded, much of the runoff was directed toward the rear drainage ditch and roadside infrastructure on Brewster Road, ultimately improving conditions for neighboring residents.

Chairman made a motion to close the public hearing.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

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

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: No

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Use variance granted.

Mr. Stefano made a motion to approve the minor subdivision.

Roll call:

Terry Andrus: No

Albert Fisher: No

Andrew Groetsch: No

Joseph Repice: Yes

Joseph Stefano: No

George LoBiondo: Yes

Minor Subdivision denied.

**1667 E. LANDIS WELLNESS PARK, LLC**, 1667 E. Landis Avenue, Block 4301, Lots 1, 1.02, 1.03 & 1.04, Zones IN-2/B-3, minor subdivision approval, in conjunction with a use variance, to create one (1) new lot with four (4) remainder lots.

Louis Magazzu, Esq. appeared on behalf of the applicant, 1667 E. Landis Wellness Park, to request various forms of relief related to a proposed subdivision. The application sought a use variance to permit professional and general office uses on the site, as well as several frontage variances: specifically, 110 feet and 140 feet of frontage where 150 feet is required for portions of Lot 1.02, and 100 feet of frontage where 200 feet is required for Lot 1.05. In addition, the applicant requested design waivers related to technical mapping issues, including plan scale exceeding the maximum allowed (proposed 1" = 150'), inability to show all structures within 150 to 250 feet, and limitations in fully illustrating surrounding land uses.

Three witnesses were sworn in: Michael O'Neill, Sr., principal of the applicant entity; Sam Privitera, a licensed professional land surveyor with Taylor Wiseman Taylor; and Tiffany Morrissey, a professional planner.

Mr. O'Neill testified on behalf of the applicant. He explained that the site currently includes a special needs school that was operating on the property prior to the applicant's ownership. After the previous operators stepped away, a new nonprofit organization assumed control of the school and significantly improved its enrollment and operations. Approximately six to seven months prior, the organization approached the applicant about purchasing the portion of the property it occupies, noting that ownership would better align with their government funding and fundraising processes. As a result, the subdivision was proposed not as part of the applicant's initial development plan, but in response to the school's request to facilitate continued operations. Mr. O'Neill emphasized that the subdivision is intended solely to support the school's long-term viability.

Sam Privitera, professional land surveyor, testified next regarding the technical aspects of the proposed subdivision. He clarified that the purpose of the subdivision was to adjust and reconfigure lot lines, resulting in the creation of one additional lot. This adjustment was necessary to provide the existing school with its own defined lot, as well as to accommodate required parking. Mr. Privitera emphasized that the lot line modifications were minimal and largely focused on compliance with side and rear setback requirements, as well as aligning with the city's parking standards. The frontage variances had already been granted in a previous subdivision approval two years prior, minor changes were made to shift certain lot lines—particularly along East Landis Avenue—without altering the overall lot width. The lot containing the existing school, identified as Lot 103, was slightly reconfigured to ensure that all setbacks were met, and that adequate parking was provided. The same considerations were applied to the remaining lots, with minor adjustments made to ensure that the existing structures on those parcels conformed to setback and parking requirements. He further noted that these changes were made following coordination with the city planner and were driven by feedback received in meetings with municipal staff. Adjustments were made to improve site functionality in terms of parking and traffic flow. He



confirmed that the use of the properties would remain unchanged, particularly the school, which would continue its operations without any modification to its programming or intensity of use.

Tiffany Morrissey, the applicant's professional planner, testified on behalf of the applicant. She began by confirming that she had reviewed all relevant materials, including the zoning ordinance, master plan, submitted plans, and the testimony presented by Mr. O'Neill. Ms. Morrissey emphasized that this was a straightforward application involving a lot line adjustment, necessitating a D2 (expansion of a nonconforming use) variance due to previously granted use variances tied to specific lot configurations. Since the lot lines were being altered, the use variance relief needed to be reapproved even though the actual site uses remain unchanged. The subdivision's primary purpose is to create a dedicated lot for the existing special-needs school, enabling it to obtain financing and continue its operations. She further explained that the additional bulk variances requested—such as those related to lot frontage and zero-foot internal buffers—are technical in nature. The buffer variances result from internal lot lines between buildings that function as a unified site, so no operational changes would occur. The lot frontage variances are also pre-existing and minimally affected by the reconfiguration. The application advances several purposes of zoning under the Municipal Land Use Law, including promoting the general welfare, ensuring efficient use of land, and providing adequate space for essential services. She noted that the proposed subdivision poses no substantial detriment to the public good, nor does it impair the intent of the zoning ordinance or master plan, especially given that similar uses are conditionally permitted in the same zone.

Martin Geiser, a Vineland resident residing at 1685 Fairmount Avenue, addressed the board as a concerned member of the public. Although he is not within 200 feet of the property, his son and daughter-in-law are in that area. He initially expressed concern about the clarity of the public notice, noting it was difficult to understand which lots were being affected until he viewed the plans during the meeting. Upon review, he acknowledged the layout and intentions made sense and stated he had no objections to the proposed design or need for variances.

However, he raised a few technical questions and concerns, primarily related to the scope and limitations of the variances. He sought confirmation that the variances applied only to the specific lots detailed in the application and not to the entire tract. The board professionals confirmed that the variances were limited to the proposed lots as testified. He also inquired about potential cross-access easements for driveways, parking areas, and drainage systems. It was clarified that such easements either exist or would be required as part of the application. Finally, he observed soil test pits on-site and asked whether any new impervious surfaces or drainage issues would arise. The applicant confirmed that no new development or site improvements were proposed at this time, and that any such work would be part of a future application.

Chairman made a motion to close the public hearing.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

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

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the minor subdivision.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Application granted.

**MAVIS DISCOUNT TIRE**, 3569 E. Landis Avenue, Block 4501, Lot 28, Zone B-4, 9reliminary/final major site plan approval, in conjunction with a “d” variance, to construct a 7,000 square foot public garage (Mavis Automotive Tire and Repair Shop) with additional site improvements.

Mr. Frank Ferrara, Esq. appeared on behalf of the applicant, Mavis Tire Supply, LLC. He reminded the board that the applicant had previously obtained a bifurcated use variance for a specialized public repair garage in November and was now returning to present the site plan for approval. A notable modification since the original sketch plan is that the building has been rotated on the lot; it now presents a shorter façade—approximately 73 feet compared to the original 107 feet—facing the street, thereby minimizing its visual impact. He introduced the applicant’s professional engineer, Mr. Christopher Schaefer, who would provide testimony regarding the site plan. He also noted that a planner would be testifying to confirm that the site plan complies with the conditions of the previously granted use variance and does not cause any substantial detriment to the surrounding area or conflict with the zoning plan.

Mr. Headley clarified a correction from the report: although a parking variance had initially been noted for onsite parking space #6, upon further review and coordination with the applicant, it was determined that the use falls under the category of "specialized repair garage," not "general repair garage." This reclassification reduces the parking requirement, thereby eliminating the need for a parking variance. The board acknowledged this correction, and Mr. Ferrara confirmed that the application now includes no variances, only a few waivers, which would be reviewed by the engineer.

Christopher Schaefer, a licensed professional engineer, testified on behalf of the applicant. He presented an overview of the revised site plan for Mavis Tire Supply LLC, noting that, as previously requested by the board, the building had been rotated on the lot to reduce its street-facing frontage. The proposed structure is an eight-bay garage, identical in size and design to another Mavis facility located on the opposite side of Landis Avenue. This reorientation reduced the visible building façade from approximately 107 feet to 73 feet. He described the traffic circulation on-site, noting that the parking area in front is designed for two-way traffic, while internal circulation around the building would follow a one-way counterclockwise pattern, to be clarified through appropriate signage and pavement markings. Deliveries and loading activities will take place on the south side of the building (left side of the plan), with delivery vehicles parking at the rear. Mr. Schaefer also stated that there would be no outdoor storage on the site, consistent with the operations of the applicant’s existing location.

David Karlebach, a licensed professional planner, testified on behalf of the applicant. He explained that the principal changes to the plan since the prior submission were a slight reorientation of the proposed building and a modest increase in square footage to approximately 7,000 square feet, which now includes eight service bays. He confirmed that the use remains unchanged and consistent with the previous application. In his opinion, the use continues to meet the positive and negative criteria for approval. He noted that the proposed facility is well-suited to the B-4 zoning district, which is intended to accommodate uses that serve the needs of the community.

The proposed use is less intensive than a general repair garage, which is prohibited in the zone, and is therefore more compatible with the ordinance's intent. Addressing the negative criteria, he explained that the proposal would not result in substantial detriment to the public good or impair the intent of the zone plan. He emphasized that all proposed work will occur indoors, no engine repairs or towing services are involved, used tires will be removed from the site weekly, and overnight storage of vehicles will be limited and occur indoors. He noted that the site is surrounded by other commercial uses, and the proposed use is consistent in both scale and character with those nearby. The site design includes substantial landscaping to soften the visual impact of the development. Mr. Karlebach pointed out that the applicant currently operates two other Mavis Tire centers within the city, both of which are comparable in size and operation. Based on the known operational history of those facilities, he concluded that this use is not only suitable but will function without any significant negative impact. He further testified in support of several requested design waivers, explaining that these pertain primarily to stormwater management features that encroach slightly into required setbacks—such as narrow, shallow swales located along the east and west property lines and a landscaped stormwater basin. All of these features, he explained, are landscaped and pose no practical or visual concern. He emphasized that these are not variances, but minor design waivers, and are appropriate given the site conditions.

In reviewing the outstanding design waivers, the applicant confirmed that they are requesting relief from item 8 of the planning report, specifically subsections 8B through 8G, relating to stormwater management basin setbacks. He confirmed that the applicant is requesting all of these waivers.

Mr. Headley stated he had no objection to granting the waivers requested under subsections 8B through 8G, but noted that item 8A (the basin driveway) will be provided in compliance and does not require a waiver.

Mr. Karlebach explained item 9 of the report, the applicant also seeks a waiver, which Mr. Headley acknowledged without objection. In item 10, the applicant will comply with items 10A through 10C regarding signage and pavement markings. However, they are requesting a waiver for item 10D, which pertains to driveway width. The standard maximum width for a one-way drive aisle is 17 feet, but at the request of the Fire Marshal, the drive aisle on the westerly side of the building will be increased to 20 feet to accommodate emergency apparatus. This deviation requires an additional waiver, which is being coordinated with the Fire Chief to ensure compliance with public safety needs.

In item 11, the applicant is seeking waivers from items A, B, and C, which involve sidewalks and landscaping.

Mr. Headley stated that he had no objection to waivers A and C but requested that the landscaping be irrigated. The applicant agreed to provide irrigation.

Mr. Karlebach summarized that the requested waivers are minor in nature and, when viewed in the context of the total site improvements, represent a reasonable and beneficial plan. He emphasized that the site exceeds the minimum lot size requirements by approximately 2.5 times and includes less than half of the permitted lot coverage. The proposed development features a modern building design, upgraded paving, lighting, and landscaping, all of which will significantly improve the appearance of the site and better integrate it with the surrounding area.

Mr. Headley added that the applicant has provided sufficient information regarding signage. Both wall and freestanding signs comply with ordinance requirements, and no variances are required. Regarding items 17 and 18 in the planning report, he indicated that they are perfected plan details and raised no issues. Lastly, he addressed item 22, which pertains to obtaining a wetlands Letter of Interpretation (LOI) from the NJDEP. While wetlands are located off-site, the buffer extends onto the subject property. Given the current 14–18-month average processing time for LOI reviews, the board has permitted other applicants to submit this approval prior to the issuance of a Temporary Certificate of Occupancy (TCO) rather than prior to building permits, in order to avoid unnecessary construction delays. The same approach is proposed for this application.

The applicant acknowledged that they are aware of the risk associated with the NJDEP wetlands review process. Specifically, should the DEP require revisions based on the final delineation of wetlands buffers—despite the applicant’s intent to remain entirely outside the maximum buffer—they accept full responsibility for any required changes. This was recognized as a reasonable compromise given the current regulatory delays, and both the applicant and the board expressed appreciation for the cooperative approach taken to resolve the issue.

Mr. Headley confirmed that all engineering comments were previously discussed with the applicant, and no further issues remained outstanding.

Mr. Finley also stated that there have been no enforcement issues with the other two Mavis Discount Tire locations in the municipality. These sites have consistently maintained a clean operation with no outdoor storage of tires or materials and have remained in compliance with their previously approved site plans.

Chairman made a motion to close the public hearing.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Application granted.

**ROCCO’S RESTAURANT GROUP, LLC**, 3849 S. Delsea Drive, Block 7004, Lot 21, Zone B-4, use variance and waiver of site plan improvements to construct a food kiosk at an existing retail store (Home Depot).

Mr. Keith Davis, Esq. appeared on behalf of the applicant, Rocco's Restaurant Group, LLC, regarding a proposal to establish and maintain a food trailer kiosk on the existing Home Depot property. Mr. Davis explained that while the kiosk would function as an accessory use to Home Depot, it is not specifically permitted in the current zoning district, prompting a request for a use variance and a site plan waiver. The proposed trailer would serve breakfast, lunch, and dinner, operate daily from 7:00 a.m. to 8:00 p.m., and consist of approximately 255 square feet.

Mr. Daniel Winter, sole member of Rocco’s Restaurant Group, LLC, testified on his own behalf. He explained that Rocco’s has operated exclusively with Home Depot since 2000 and currently operates 12 food trailer locations across New York, Pennsylvania, and New Jersey, with existing New Jersey sites in Lawnside and Ewing Township. Under an exclusive 11-year lease agreement, Rocco’s has been provided a target list of 156 Home Depot sites for future expansion. The food trailers are not destination restaurants; instead, they serve primarily Home Depot customers and employees who grab food before or after shopping. Mr. Winter noted that peak hours typically run from 11:00 a.m. to 6:00 p.m., with three employees working during those times. The food operation is strictly takeout—no indoor seating is provided. However, he indicated that at most two outdoor

picnic tables may be offered in warmer months for customer convenience. These would be properly maintained to ensure they remain in good condition. The trailer design, which was shown via plan sheet during the hearing, will resemble a permanent structure. A skirt would be installed around the wheels to improve aesthetics, and it would be connected to Home Depot's existing utility lines for sewer, water, and electricity. Although the trailer remains a vehicle by DOT standards—with a VIN and license plate—it is not intended to be mobile once installed. Mr. Winter confirmed that it would remain in place unless unforeseen circumstances required removal, and that necessary securing methods (e.g., hurricane clips) would be used in accordance with local building department requirements. He also explained that in colder months, a non-permanent awning would be affixed to the trailer's front to provide shelter from weather conditions. This awning would be temporary and removed during warmer seasons. Mr. Winter pointed to an example from their site in Lower Pottsgrove Township, Pennsylvania, where bollards were installed for customer safety, preventing vehicle intrusion into the area in front of the trailer. Similar safety measures would be implemented at the proposed location, though the awning would remain separate and unattached to the Home Depot building. The trailer would not obstruct any fire lanes. The location was carefully selected to be positioned within the 17-foot merchandising setback between the building and curb, and the trailer plus vestibule (13.5 feet total depth) would remain fully outside the fire lane limits.

Lance Landgraf, a licensed professional and AICP-certified planner, testified on behalf of the applicant. He explained that the project satisfies the statutory criteria for a D(1) use variance, noting that the site is particularly well suited for this type of accessory use and is consistent with prior food service activity at the location. The proposed trailer would not increase impervious coverage, impact traffic circulation, or conflict with fire lanes. He emphasized that the use promotes several purposes of zoning, including encouraging efficient land use and supporting commercial development in existing retail areas, consistent with Vineland's Master Plan. He further supported the requested site plan waiver, citing the lack of permanent physical changes to the property.

Chairman made a motion to close the public hearing.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

Andrew Groetsch: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

George LoBiondo: Yes

Application granted.

Meeting adjourned at 9:45 PM

Roll call:

Terry Andrus: Yes

Albert Fisher: Yes

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

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