

**ZONING BOARD OF ADJUSTMENT
MEETING NOVEMBER 28, 2012**

The caucus meeting began at 7:00 P.M. and the regular meeting began at 7:30 P.M.

Members present were:

Edwin Bergamo
Elaine Greenberg
John Cheli
Edward Avena
Alan Angelo
George LoBiondo
Leroy Goldblatt
Jeffrey Francesoni
Robert Ortega

Member absent was: All members were present.

Others Present were: Solicitor Frank DiDomenico, Secretary Yasmin Ricketts, Zoning Official Patrick Finley, Principal Engineer David Maillet, Senior Planner Stephen Hawk.

Mr. DiDomenico went over the order of the agenda for the night.

The Chairman entertained a motion to approve the minutes from the October 17, 2012 meeting.

Roll call:

Mr. LoBiondo: Yes
Mr. Avena: Yes
Ms. Greenberg: Yes
Mr. Cheli: Yes
Mr. Goldblatt: Yes
Mr. Francesoni: Yes
Mr. Bergamo: Yes

The Chairman entertained a motion to approve the resolutions from the October 17, 2012 meeting. Resolutions 2012-39, 2012-40.

Roll call:

Mr. LoBiondo: Yes
Mr. Avena: Yes
Ms. Greenberg: Yes 2012-39, Abstain 2012-40
Mr. Cheli: Yes
Mr. Goldblatt: Yes
Mr. Francesoni: Yes
Mr. Bergamo: Yes

Applicant- **Vineland Construction Company**, 275 N. Delsea Drive, Block 2801, Lot 1, Zones B-4/I-2. The applicant was represented by Richard Milstead, Esq. It property is located on the east side of Delsea Drive. The Popeye's Restaurant and the Cumberland County Social Services offices are currently located on this property. They are requesting a minor subdivision to create lot 1.01 and the remainder of lot 1. Lot 1.01 will be slightly less than one acre. The balance of

the property is approximately seven acres. There are a number of items in the Planning report dated October 24, 2012. This property is on two zones B-4 and I-2. The rear small portion is located in the I-2 zone. Lot 1.01 will be .98 of an acre and have a frontage of 211' on Delsea Drive and depth of 196'. The remainder lot 1 will contain an area of 7.7 acres with a frontage of 104.66' on Delsea Drive and frontage of 342' on Park Avenue. There are two variances that are called out in this application. The property lines as proposed track the present uses. The new property line will represent lot 1.01 will have 43,054 square feet vs. 50,000 square feet required. The lot depth is 197' vs. 250' required. The frontage on Delsea Drive is 104.66' vs. 200' required. The frontage on Park Avenue is 342'. Popeye's and the access driveway establish the dimensions of those lots. The side buffer westerly of the remainder of lot 1, 3' vs. 5' required. The easterly side yard of the remainder lot is 0' vs. 10'. The applicant will comply with the Engineer's report.

Mr. Hawk wanted to know if the 3' buffer variance in the rear was acceptable. He wanted to know if the surveyor went and made sure it was a valid number.

Mr. Milstead stated that it was not confirmed, and he would make sure it is on the perfected plan.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Ms. Greenberg: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Francesconi: Yes

Mr. Bergamo: Yes

Mr. LoBiondo made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Ms. Greenberg: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Francesconi: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Boulevard Business Center**, 1200 S. West Blvd 3B, Block 4812, Lot 12.7, Zone I-3. The applicant was represented by Rocco Tedesco, Esq. There are six industrial buildings that have been divided into multiple industrial condominiums. NJ Mentor is interested in leasing one of the units. It is a sizable operation throughout the country with a number of facilities in the state of New Jersey. They provide services to the developmentally disabled including habitation services. Habitation services are training programs for developmentally disabled that occupy their group homes. They will be trained daily living activities. The activities will be cooking, cleaning, grooming, and job training. The facility has received approval from the Division of Developmental Disabilities. It has been approved for a maximum of 36 clients. There will be 14 staff members at a ratio of 3 clients per staff person.

Valerie Bailey, Executer Director for New Jersey Mentor, testified on behalf of the application. The policy in the state of New Jersey has been to deinstitutionalize clients to promote growth and integrate them through group homes. They will be teaching them basic living skills and job training. They focus heavily in integrating them into the community. They will rotate by groups into different learning environments. The clients are referred by group homes in the area. The staff will work 8am-5pm on Monday through Friday. The clients are transported by vans with lifts. Their maximum capacity will require nine vans. The best means to drop off and pick up clients will be in the rear of the building. They will stage vans in fifteen minute increments to control the traffic situation. The facility will have two vans at the site during the day, and there will be parking in the rear and front of the building. The clients will be escorted and handed over to an employee. Clients will prepare their own food for the day.

Mrs. Greenberg agrees that these services are needed in the community. She wanted to know if the program accepts clients that are not in group homes. She also wanted to know if they would be spending time outside.

Ms. Bailey explained that they do not take clients from other facilities. Any outside time with the clients will be spent at the park.

Ms. Greenberg wanted to know if noise would be an issue.

Ms. Bailey explained that it has not been an issue at their other sites.

Mr. LoBiondo wanted to know the number of clients per employees.

Ms. Bailey stated that there would be 36 clients and 14 staff.

Mr. Tedesco explained that there will not be any outdoor activities.

Mr. Ortega wanted to know if this was a new program.

Ms. Bailey explained that the company serves 22,000 people, and 500 of them are in NJ.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mrs. Greenberg: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. Goldblatt made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mrs. Greenberg: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Menantico, LLC**, Menantico Road, Block 5204, Lots 3 & 5, Zone R-6. The applicant was represented by Robert Washburn, Esq. The proposal is for a fifteen lot single family subdivision under the cluster option in the R6 zoning district. They are seeking three approvals. The property has 39.6 acres and they are seeking a “D” variance for clustering and a “C” variance to permit the water service. The third variance will be for another “C” variance for 200’ of frontage. The concept plan shows fifteen building lots, one draining basin lot, and one open space lot. They are proposing to deed restrict the open space lot for farmland.

Thomas Schaeffer and Steven Nardeli were sworn in to testify.

Mr. Washburn presented plans A-1 and A-2 to the board.

Mr. Bergamo wanted to know who the principals were on the application.

Mr. Washburn stated that the principals are Thomas Schaeffer and Jason Schaeffer.

Mr. Schaeffer explained that there are fifteen lots, one basin, a well, and a septic. They believed a better plan will be to utilize a cluster division. Every year a farmer goes in and tills the crops. There is a heavily wooded area and 50’ buffer from the lots. Sewer and water are at the intersection at Lincoln Avenue. The basin is in the rear to preserve the farmland to continue the use.

Mrs. Greenberg wanted to know if the top portion was heavily wooded area, and if they would be clearing those trees?

Mr. Schaeffer explained that they do not like to clear trees. They encourage people to save the trees.

Mr. Washburn explained that tree clearing plan is part of the subdivision.

Mr. Nardeli testified and explained that the application does not meet all of the items, but there are some items that it does meet. Farmland will continue to be farmed. The proposed cluster plan will be the same fifteen lots planned. The plan is better and preserving open space. F1-B requires that at least 65% unencumbered by wetlands, deed restrictions, and ect and he feels this proposal meets that requirement. The cluster plan serves the basic zoning standards and the farmland preservation is a policy of the state. It is not a hardship and will function at 39.5 acres. The end result will be 80,000 square foot lots and the entire property being developed. The lot sizes are consistent with the ordinance, and they are comparable and not larger.

Mr. LoBiondo wanted to know about the farm.

Mr. Washburn explained that they will deed restrict the farm.

Mr. LoBiondo wanted to know if all eight conditions had to be met for clustering.

Mr. Hawk explained that this was the first one and it was hard to tell. More than half are not met. He wanted to know how the applicant planned on getting to the top of the site without clearing.

Mr. Nardeli explained that the design is not done.

Mr. Finley wanted to know if this plan could change.

Mr. Washburn explained that they are requesting the variances, and will return with an engineered plan if approved.

Mr. Bergamo wanted to know if there were any soil or percolation tests done.

Mr. Nardeli explained that the previous projects had a lot of tests done.

Mr. Bergamo explained that the property could be unusable for the proposed uses because of clay.

Mr. Schaeffer explained that they fixed clay problems in the past.

Mr. Bennet Barfeld, Esq. represented James Starkey opposing the application. He wanted to know if the applicant has considered the effect on the neighbors. He wanted to know how they were going to connect the homes to the well.

Mr. Nardeli explained that there would be separate well for each home.

Mr. Barfeld wanted details on the drainage basin.

Mr. Nardeli explained that they have not done a complete design.

Mr. Barfeld wanted to know how the board could make an educated decision with no details.

Mr. DiDomenico explained that they were just there for the variances.

Mr. LoBiondo explained that there is a question about clearing the property and the basin, and they would be voting on something that they do not clearly understand.

Mr. Nardeli explained that the basin would work at any location.

Mr. Bergamo explained that there might be more tree clearing to have the water drain the way they need it to.

Mr. Nardeli explained that it was not part of the design.

Mr. Bergamo explained that they are promising minimal clearing, and it might be more than that. The Zoning Board does not get a lot of residential subdivision applications of that type. They do not deal with what ifs or maybes.

Mr. Nardeli explained that the major advantage is farmland preservation.

Ms. Esther Bassetti is concerned with drainage, and she wanted to know if they were selling the farmland to a farmer. She was also concerned with wildlife.

Mr. Hawk explained that the preliminary stage will be part of a Major Subdivision.

Brenda Brown wants the farmland left alone. There is also major problems with water runoff.

Mark Bonadonna lives across from the wetlands portion. His front yard is always flooded and it may get worse if this is approved.

Susan Pankamentio stated that when they were doing the percolation tests, the equipment got stuck.

Mr. DiDomenico explained that the DEP controls wetlands, and the applicant would need their approval.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mrs. Greenberg: Yes

Mr. Cheli: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mrs. Greenberg made a motion to deny the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mrs. Greenberg: Yes

Mr. Cheli: Yes

Mr. Ortega: Yes

Mr. Angelo: No

Mr. Bergamo: Yes

Application was **denied**.

Chair made a motion to adjourn.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mrs. Greenberg: Yes

Mr. Cheli: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Meeting adjourned at 10:33 PM

Yasmin Ricketts, Secretary
Zoning Board of Adjustment

