

**ZONING BOARD OF ADJUSTMENT
MEETING MARCH 21, 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
Alan Angelo
George LoBiondo
Edward Avena
Leroy Goldblatt
Robert Ortega

Member absent was: Jeffrey Francesconi

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

Mr. DiDomenico went over the revisions to the agenda for the night. All the applications were in order.

The Chairman entertained a motion to approve the minutes from the February 15, 2012 meeting.

Roll call:

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

The Chairman entertained a motion to approve the resolutions from the February 15, 2012 meeting.

Roll call:

Mr. LoBiondo: Yes
Mr. Avena: Yes
Ms. Greenberg: Yes
Mr. Cheli: Yes
Mr. Goldblatt: Yes
Mr. Angelo: Yes

Mr. Bergamo: Yes

Applicant- **Daniel Avena Jr.**, 3692 Conley Drive, Block 6501, Lot 21, Zone R-4. Mr. Edward Avena excused himself because of a conflict. Mr. Daniel Avena testified on his own behalf and would like to construct a 1200 square foot garage for his personal belongings. The height of the garage will be 10' high.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Ortega: Yes

Ms. Greenberg: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. Goldblatt made a motion to approve the application for a 1200 square foot garage.

Roll call:

Mr. LoBiondo: Yes

Mr. Ortega: Yes

Ms. Greenberg: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Because We Love You**, 85 E. Walnut Road, Block 5801, Lot 4, Zones R-5/I-3. Mr. Edward Avena and Mr. George LoBiondo excused themselves because of conflicts. The applicant was represented by Steven Fabietti, Esq., and was requesting to convert the use of a property from a veteran's house to a church.

Chairman made a motion to close the public hearing. The property is in a split zone R-5 and I-3. The site meets most of the requirements. There will be thirty three parking spaces, and it will have ninety nine seats inside. The parking stall width exceeds the ordinance size.

Mr. Hawk explained that the site has an approved site plan, there is pavement, and parking spaces.

Mr. Ortega wanted to know if there was screening between the two buildings.

Mr. Hawk explained that there should be screening between the building and a residential use.

Mr. Fabietti stated that they would comply and wanted to know which side needed screening.

Mr. DiDomenico explained that all sides with residential homes should be screened.

Mr. Fabietti asked if only the depth of the currently improved portion of the property could be screened and not the rear portion.

Mr. Bergamo explained that it was acceptable. He also wanted to know the schedule for services.

Mr. Jeffrey Perez, president of the corporation, testified on behalf of the church. He explained that the services would be on Sunday, Tuesday, Thursdays, and sometimes Fridays. It will strictly be for church services only.

Roll call:

Mr. Ortega: Yes

Ms. Greenberg: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. Angelo made a motion to approve the application.

Roll Call:

Mr. Ortega: Yes

Ms. Greenberg: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Angel Alicea**, 534 Harvard Street, Block 2314, Lot 1, Zone I-2. THE applicant was represented by Sheldon Schulman, Esq., and was requesting a use variance for an automobile garage. The property is in an I-2 zone for commercial uses. They also requested a waiver to a site plan. The building is 22' to the sidewalk and 32' to the curb.

Mr. Hawk explained that the parking should be on asphalt. He also indicated that the proposed front parking was with in city right of way and that is not acceptable.

Mr. Schulman explained that the property is very large.

Mr. Bergamo wanted to know if it was a body or auto repair shop.

Mr. Alicea testified on his own behalf and explained that it would be a body shop with no painting.

Mr. Bergamo explained that the area could easily be filled with cars.

Mr. Alicea stated that fifteen cars could be parked inside the garage. Customer and employee parking would be within the fenced area.

Mr. Bergamo explained about having previous problems in the past with storage of vehicles. He wanted to know how many employees would be present.

Mr. Alicea explained that there are two employees and himself. Eventually there would be up to four employees. The hours of operations would be 8am-5pm, Monday-Friday. There would be a half a day on Saturday.

Mr. Hawk explained that a site plan would show a layout for the parking.

There were many objectors that testified against the application. Abner Allan did not like the location because of the residential street. He also stated that there were a lot of things happening on that property and did not seem right. Anthony Williams lives two houses from the building. He explained that there is a lot of traffic, and they are very noisy at all hours. Sergio Contos explained that it was a quiet street, and there are 20-25 cars parked on the property. He wants peace and quiet for his family.

Chair made a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Ortega: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. Ortega made a motion to deny the application.

Roll Call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Ortega: Yes

Mr. Cheli: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **denied**.

Applicant-**Michael Brosh**, 773 S. Seventh Street, Block 4906, Lot 24, Zone R-3. Mr. Angelo excused himself because of a conflict. +The applicant testified on his own behalf and is requesting relief from COAH and explained the city's obligations to satisfy it.

Mr. Bergamo explained that the applicant wants relief from COAH, but that is what he asked for. It is not an issue whether the city has met the criteria or not.

Mr. DiDomenico told him that he should explain only the special reason and why it should be lifted.

Mr. Ortega wanted to know if he did his homework before applying.

Mr. Brosh explained that it was a bad business deal, and he is having a difficult time following through with COAH. He was ill advised by a partner and did not know what COAH was about. His partner left him with all of the obligations.

Mr. Bergamo explained that it was a bad business decision, and the board cannot make a determination on money. His approval was based on the dwelling being under COAH.

Mr. Finley explained that Mr. Brosh did obtain a temporary CO but it has expired.

Mr. Brosh explained that he needs relief to receive a CO and put the property into compliance. He could amend the deed restriction to HUD. There are two low income families currently living on the property.

Ms. Hicks testified and gave information regarding COAH to the board, and it would not be beneficial to the city.

Mr. Brosh explained that he is trying to make things right, and obtaining the CO that he needs.

Chair made 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. Ortega: Yes

Mr. Bergamo: Yes

Mr. Angelo made a motion to deny the application.

Mr. LoBiondo: Yes

Mr. Avena: No

Ms. Greenberg: Yes

Mr. Cheli: Yes
Mr. Goldblatt: Yes
Mr. Ortega: Yes
Mr. Bergamo: Yes

Application was **denied**.

Applicant-**Danza-Delsea Group of Vineland, LLC**, 3070 S. Delsea Drive, Block 7001, Lot 24, Zones B-3/IN-1. The applicant was represented by Michael Gruccio, Esq., and this is a continuation from January 18, 2012 for a use variance. Mr. Ortega excused himself because of a conflict. Mr. Edward Avena was not in attendance at the January 18, 2012 meeting, but he did listen to the tapes and signed a certification.

The January meeting included testimony by Mr. Nardelli and Mr. Mosley. The hearing ended with Mr. Crane's testimony. Some of the board members indicated that they would have preferred to see a second means of egress to this site. The applicant reached out to the property owners and the immediate proximity to the site including the hospital to determine if there was a means to a second access. A second means of egress has not been achieved, and those negotiations were unsuccessful.

Mr. William Crane, Professional Planner, continued his testimony. The site is located along south Delsea Drive between Sherman Avenue and College Drive. The site fronts on Delsea Drive and 3300' deep. It is in a split zone, and the front portion is B-3. They are proposing retail uses for that portion. The relief being sought is for the rear portion in IN-1 zone 2,000' long. They are proposing 192 one and two bedroom townhouse units. There are two special reasons. First, would be providing sufficient space in an appropriate location for a variety of uses including residential. The second is that it promotes the general welfare. The residential units will provide housing for the hospital and the college located nearby. There is a need for housing units in that area. The three uses listed in that zone are assisted living units, residential treatment center, and a college dormitory. Mr. Crane read a section of the master plan.

Mr. Hawk explained that the units are being identified as townhomes however, they are actually multi-level apartments.

Mr. Nathan Mosley, Traffic Engineer, testified on behalf of the applicant. He performed a traffic study of the site. There is more than enough capacity on College Drive and Delsea Drive. There is 50-85% of traffic during peak hours. The study compared permitted uses in that zone. The residential traffic is less than half of what is being generated by this site. The residential outbound movements has a total of 45 and 50 movements during the critical PM and Saturday peak hours on Delsea Drive. It is a minor generator. Complying with RSIS, once you exceed a certain amount of trips, a boulevard entrance should be constructed for outbound and inbound traffic.

Mr. Bergamo expressed that Delsea Drive has terrible traffic and it would be difficult to use this roadway during peak times.

Mr. Mosley explained that the study was done in November.

Mr. Bergamo wanted to know how many vehicles would be entering and exiting the property.

Mr. Mosley explained that approximately 600 vehicles in a 24 hour period would be entering and exiting.

Mr. Maillet explained that the school buses do not go on to sites to pick up children. They would be stopping on the road.

Mr. Mosley stated that school buses typically are on the road in the early mornings and in the afternoon.

Clare Sapienza-Eck, South Jersey Hospital, testified on behalf of the applicant. She supports the project. They have a residency program, and it will be ideal for the students of the hospital. They often have a difficult time finding placement for a home.

John Pitcher, Cumberland County College, supports the application. Many employment positions are turned down because of housing placement. It will be beneficial to the college.

Ms. Hicks, City Supervising Planner, testified in objection of the application. There have been projects approved and eight have stalled. 32% of housing units are rental units, 400 units in the city are vacant. There is a large stock of rentals available in the area. She has worked for the city for 24 years, and she has never been before the board. The last master plan in 2008, zoned LIC, light industrial commercial. They cannot allow residential, exclusively commercial and industrial. Time will come to develop with a better economy. Residential was considered nursing homes, and places accessory to them or limited to them. Hopefully the board has a vision and is patient for the economy to pick up.

Mr. LoBiondo wanted to know how Ms. Hicks was testifying.

Ms. Hicks explained that she was authorized by her superiors.

Mr. Gruccio wanted to know the names of her superiors.

Ms. Hicks stated that Mr. Brian Myers and Mayor Romano were her superiors.

Mr. Hawk explained that the area proposed to be developed is better suited for institutional and commercial uses. Residential development can occur in a large portion of the city. The area of the city zoned for institutional uses is very small and therefore

precious. The proposed development hampers a large scale project in the vicinity. He thought the project hurts the development potential for the hospital.

Mr. Angelo Danza, developer since 1968, testified on his own behalf. He explained that they would find solutions for the school buses and traffic issues. They can make a one way in and one way out to limit traffic. The hospital asked him to develop housing for their students, and they should be commended.

Mr. Gruccio explained that the board should look at the special reasons, and no one from that area was objecting to the application.

Chair made 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. Angelo: Yes

Mr. Bergamo: Yes

Mr. Goldblatt made a motion to approve the application.

Mr. LoBiondo: No

Mr. Avena: No

Ms. Greenberg: No

Mr. Cheli: No

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: No

Vision Property Group will be carried to April 18, 2012 because it was after 11:00PM.

Chair made a motion to adjourn.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Ms. Greenberg: Yes

Mr. Cheli: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Meeting adjourned at 11:30 PM

Yasmin Ricketts, Secretary

Zoning Board of Adjustment

