

**ZONING BOARD OF ADJUSTMENT
MEETING OCTOBER 16, 2013**

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

Members present were:

Edwin Bergamo
Elaine Greenberg
George LoBiondo
Allan Bernardini
William Guccio
Alan Angelo
Robert Ortega
Jeffrey Francesconi

Members absent were: Ryan Flaim

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

The Chairman entertained a motion to approve the minutes from the September 18, 2013 meeting.
Roll call:

Mr. LoBiondo: Yes
Mr. Guccio: Yes
Mrs. Greenberg: Yes
Mr. Francesconi: Yes
Mr. Bernardini: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

The Chairman entertained a motion to approve the resolutions from the September 18, 2013 meeting.
Roll call:

Mr. LoBiondo: Yes #2013-21, Abstain #2013-22
Mr. Guccio: Yes #2013-21, Abstain #2013-22
Mrs. Greenberg: Yes #2013-21, Abstain #2013-22
Mr. Francesconi: Yes
Mr. Bernardini: Abstain #2013-21, Yes #2013-22
Mr. Angelo: Yes
Mr. Bergamo: Yes

Chairman Mr. Bergamo asked for a moment of silence for Daniel Cabral, City Traffic Engineer.

Applicant- **B.D.G.S., Inc.**-1585 W. Forest Grove Road, Block 604, Lot 3, Zone I-B.
The applicant was represented by Rocco Tedesco, Esq. Since 1990 the applicant has actively pursued the development of the airport in the Industrial Park constructing half a million square

feet of commercial/industrial space. The application is a minor subdivision to create an 8.14 acre parcel at the end of Freddy Lane. They are seeking preliminary site plan approval for the 41,000 square foot facility for tenant RLS Logistics to be constructed in Phase 1 197' x 172' freezer facility with loading dock, and Phase 2 197' x 172' freezer facility with loading dock. The proposed building is 56' in height and the City limits building height in the I-B zone to 40'. The use is permitted, but the municipal land use law requires a D-6 variance for any building exceeding 10' or 10%. The stone parking area will be removed. The Engineer's Report is acceptable. As noted in the Planner's Report, there is a bulk variance for impervious coverage for remainder lot 3 at 50.3% whereas a maximum of 50% is permitted. It is a slight deviation however the lot was previously approved for 55.1% impervious lot coverage.

Chairman made a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Guccio: Yes

Mrs. Greenberg: Yes

Mr. Francesconi: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

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

Roll call:

Mr. LoBiondo: Yes

Mr. Guccio: Yes

Mrs. Greenberg: Yes

Mr. Francesconi: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Minor subdivision was **granted**.

Mr. Tedesco explained that there is a design waiver for an absence of a break for the parking rows. Design waiver for setback of basin from side yards 19' vs. 35' required. The developer is satisfied with the driveway aprons for this type of facility. Freddy Lane is a public road and there is a shared access easement now known as lot 6 owned by B.D.G.S. There was an easement put in place in 1998 and it covers access to that shared driveway. A technical waiver is required for the elimination of the fence on the interior side of the basin. The parking proposed meets the ordinance requirement. As for the Engineering Report comments 2 and 3, the applicant will work with the Engineering Department during construction.

Mr. Hawk went over the waivers and variances listed in the report.

Chairman made a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Guccio: Yes

Mrs. Greenberg: Yes

Mr. Francesconi: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes
Mr. Bergamo: Yes

Mr. LoBiondo made a motion to approve the major site plan.

Roll call:

Mr. LoBiondo: Yes
Mr. Guccio: Yes
Mrs. Greenberg: Yes
Mr. Francesconi: Yes
Mr. Ortega: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Major site plan was **granted**.

Applicant- **Highland Kingdale Associates, LLC**, 20 West Park Avenue, Block 2201, Lot 63, Zone B-3. The applicant was represented by Michael Guccio, Esq. The applicant proposes to construct a monument sign 9'10" high at the intersection of Park Avenue and Delsea Drive at the shopping center called Park Plaza. The ordinance allows one freestanding sign per road frontage. There is currently a freestanding sign on Delsea Drive and one on Park Avenue. The signs are labeled sign #1 monument sign, sign #2 freestanding sign on Delsea Drive, and sign #3 located on Park Avenue. The existing sign #3 on Park Avenue is not proposed to be altered. It will be rehabilitated to be aesthetically pleasing. The existing sign #2 located on the northwesterly corner of the site is currently 130.6 square feet of sign face area. They are proposing to increase the sign area to 170.28 square feet vs. 125' permitted. The sign will have a new panel and the top will indicate "Park Place Plaza." There will also be a 25 square foot panel for a beauty salon. The new signage is necessary for identifying the stores in the plaza. There are ten existing tenants on the property, and they all want a place on a sign. The principal tenant is Forman Mills and they have requested a larger sign face. The site can accommodate a third sign because of a frontage greater than 800'.

Barry Jacobson, owner of Foreman Sign Company, testified on behalf of the applicant.

Mrs. Greenberg wanted to know if the ten tenant spots would be on one sign.

Mr. Jacobson stated that he believes they would be on one.

Mr. Bergamo indicated that all the illegal signs have to be removed from the site.

Mr. Jacobson explained that he had been instructed by the landlord to remove the illegal signs. The illegal signs were erected without the landlord's approval.

He indicated that the existing signage is not visible to traffic. They also want to identify the site as a shopping center. The existing sign will be changed and "Park Plaza" will be added and it will be illuminated.

Mr. Maillet explained that the applicant must ensure that the sign is not within the sight triangle.

Mr. Hawk explained that the Planner's Report was incorrect. Sign #1 is actually oriented to Delsea Drive. The applicant should submit a plan with regards to the sight triangle.

Chairman made a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Guccio: Yes

Mrs. Greenberg: Yes

Mr. Bernardini: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. LoBiondo made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Guccio: Yes

Mrs. Greenberg: Yes

Mr. Bernardini: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Boos States Development**-1151-1155 E. Chestnut Avenue, Block 5007, Lots 12 and 13, Zone R-P. The applicant was represented by Damien Del Duca, Esq. The applicant was before the board for a D(1) use variance for an 8,320 foot Family Dollar retail store. They represented Family Dollar retail store. A conceptual plan was displayed for the board. Exhibits Boos #1 an aerial photograph, and Boos #2 a conceptual site plan were submitted. The area is business commercial and there is a nearby CVS store, TD Bank, Memorial School, and the Maintree Shopping Center. To the west of the site are professional offices and two houses that will be demolished. The use variance can be granted without any detriment to the City's Zone Plan or to the Land Use Ordinance.

John Pettit, Professional Engineer, testified on behalf of the applicant. He has worked on approximately twenty five Family Dollars in New Jersey. In the conceptual plan, there will be red oak shade trees along Chestnut Avenue. There will be one access on to Chestnut Avenue, 42 parking spaces in the parking lot, and a loading dock area in the rear. Underground storm water management system is anticipated.

Mr. Hawk wanted to know about the west side buffer.

Mr. Pettit explained that there would be significant screening both to the west and the rear where residential uses exist. Exhibit Boos #4, building elevations prepared by NORR were submitted. The Family Dollar will have an upgraded look and will not be the typical style. Exhibit Boos #5, photograph of the Philadelphia store was submitted to show similarity. He indicated that he reviewed the NJDOT data for Chestnut Avenue and determined that 6,691 vehicles travel east bound, and 7,394 vehicles travel west bound on Chestnut Avenue on a daily basis.

Tim White, Director of Mid-Atlantic Office, testified on behalf of the applicant. Boos State is a preferred developer for Family Dollar in the United States. Family Dollar currently has 8,000 stores in the United States. The hours of the store will be 9:00AM-10:00PM seven days a week.

There will be ten full time employees and four part time employees. All trash and recyclables will be stored inside, and trash will be picked up once a week.

Mr. Hawk wanted to know the amount of Family Dollars Boos have built overall.

Mr. White indicated that Boos has built 174 stores this year.

Mr. Hawk wanted to know if they had a smaller model.

Mr. White indicated that the layout is designed the same. The owner would like all of the stores to have the same layout. There are two building sizes and this one is the smaller model.

Mr. Finley indicated that this façade does not fit in to the neighborhood. The other businesses have a brick façade.

Mrs. Greenberg explained that the proposed building looks like a pole barn and it does not blend well with the area.

Mr. White indicated that they would be willing to change the façade.

Mrs. Greenberg questioned the driveway and the location of the store because of the traffic on that street.

Mr. DelDuca explained that they would address all of their concerns.

Mrs. Greenberg stated that she also had an issue with the front parking lot.

Mr. DelDuca explained that they would have less impervious coverage than the adjacent development. The lot will not be isolated and there is asphalt in the rear for deliveries. The site also could not function with a single wide driveway.

Mr. White explained that the parking meets the City's requirements and exceeds Family Dollar's requirements. They only desire twenty five spaces, so if there is a concern they will eliminate some spaces and add a landscape buffer.

Mr. DelDuca explained that they would be happy to address all of the site plan concerns.

Mr. Ortega indicated that he believes that the parking is sufficient.

Creigh Rahenkamp, Professional Planner, testified on behalf of the applicant. He does not believe that the store will compromise the integrity of the R-P zone. There are commercial uses at the corner and the intersection is a commercial mode. Traffic will not be an issue and the store will not generate noise, dust, radiation, odors, and trash. The store can be screened with a fence or vegetation. There are other uses that are as intense as what is being proposed.

Mr. Bergamo feels the professional zone starts past the property in question.

Mr. Rahenkamp explained that the proposed is a beneficial transition.

Mr. LoBiondo stated that this is an intense use adding to the high traffic.

Mr. Rahenkamp explained that traffic is not a reason to deny a use variance. There are uses are permitted that are not much different.

Mr. LoBiondo indicated that children coming out of school will be crossing those four lanes.

Mr. White noted that the applicant will work with the City regarding safety of school children crossing from Memorial School to visit Family Dollar. He also noted that studies indicate that between 9:00Am and 11:00AM there are 35 customer visits. Between 4:00PM and 6:30PM, there are 50 customer visits.

Mr. David Manders testified opposing the request. He surveyed the area and there are numerous professional offices and homes. The board should not allow this into the neighborhood.

Arthur Coslop testified opposing the application. He is concerned with the buffer that is proposed.

Mr. DelDuca explained that there are willing to reduce the impervious coverage closer to 50%. They are willing to address all of the issues.

Chairman made a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Guccio: Yes

Mrs. Greenberg: Yes

Mr. Bernardini: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. Ortega made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Guccio: No

Mrs. Greenberg: No

Mr. Bernardini: Yes

Mr. Ortega: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Chairman made a motion to adjourn.
Roll call:

Mr. LoBiondo: Yes
Mr. Guccio: Yes
Mrs. Greenberg: Yes
Mr. Bernardini: Yes
Mr. Ortega: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Meeting adjourned at 10:35 PM

Yasmin Ricketts, Secretary
Zoning Board of Adjustment