

**ZONING BOARD OF ADJUSTMENT
MEETING JUNE 19, 2013**

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

Members present were:

Edwin Bergamo
George LoBiondo
Edward Avena
Alan Angelo
Leroy Goldblatt
Jeffrey Francesoni

Members absent were: Robert Ortega, Elaine Greenberg, John Cheli

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 May 15, 2013 meeting.
Roll call:

Mr. LoBiondo: Yes
Mr. Avena: Yes
Mr. Francesconi: Yes
Mr. Goldblatt: Yes
Mr. Angelo: Yes
Mr. Bergamo: Yes

Mr. DiDomenico explained that the applications for Fernanda Kaspar and TL Ice, LLC have requested to be continued until July 17, 2013 with no further notice.

Applicant- Ellis Pond, LLC-Lincoln and Chestnut Avenues, Block 4501, Lot 34, Zone R-6. The applicant was represented by Leonard Wood, Esq and seeking approval pursuant to the Conversion Act, to convert a previously approved age restricted residential development to a non-age development. In 2007, the board approved a use variance and preliminary and final site plan approval for 42 age restricted units. The applicant was requesting to extend the approval for an additional 24 months. They also were applying for a conversion to a non- age restricted residential development.

Jane Jannarone, Real Estate Expert for Exit Realty, testified on behalf of the applicant. She was asked to look at the market for the year 2011, so she researched data from multiple listings. She explained that the conditions that existed during July 2011 still remain the same. Converting the development to non-age will increase sales to a larger market. Other age restricted developments in the area have not done well in sales. Any housing on the market has a number greater than 400 days.

Mr. Hawk stated that the comments and testimony were for the housing market in this area. The statute calls for conditions statewide.

Ms. Jennarone explained that the market overall in New Jersey is poor. Sales remain the same at this time.

Tiffany Cuvietto, Professional Planner, testified on behalf of the applicant. The Conversion Act permits a 24 month extension if the board finds that economic conditions are poor. She reviewed Real Estate Market Reports and they stated that in August 2011 there were 293 homes that were unsold in Vineland. As of March 2013, there are 227 unsold homes. Real Estate expert Jeffery Notto, described southern New Jersey to have the worst market nationwide. Information is similar for the rest of the state.

Mr. Finley wanted to know the numbers for the years 2009 and 2010.

Ms. Cuvietto stated that in 2009 there were 293 units unsold. In 2010, there were 231 units unsold. In 2011, there were 261 units unsold.

Mr. Hawk wanted to know if those figures given were for just the City of Vineland.

Ms. Cuvietto stated that the numbers were just for Vineland. In 2011, housing remaining on the market was at 27 months. In 2009, it was at 13 months. In 2008, it was at 19 months.

Mr. Francesconi wanted to know if those figures given were for the entire state.

Ms. Cuvietto explained that the figures are the worst in this area than the entire state.

Mr. LoBiondo wanted to know how many age restricted homes were in the market in 2007.

Ms. Cuvietto did not have that information for the year 2007. In 2006, Vineland had a peak number for CO's of 253. In 2011, 71 CO's were issued. The numbers are the same for the state.

Mr. Hawk explained that they have not heard specific information on the entire state. The Conversion Act requires information on the entire state.

Ms. Cuvietto explained that the market in New Jersey is broken up into different regions.

Mr. Finley wanted to know if Cumberland, Atlantic, and Cape May were all in the same region.

Ms. Cuvietto stated that they were, and that region stayed on the market longer.

Mr. Hawk indicated that the statute calls for information on the entire state of New Jersey, and those numbers were not meaningful.

Mr. DiDomenico explained that the board has never seen an appeal similar to this.

Mr. Wood explained that the statute does not require an analysis for the entire state.

Mr. Finley indicated that conclusions could not be drawn without the proper numbers.

Mr. Silva, Esq. testified in opposition to the application. He represented Dr. Anthony and Lyn Monteleone who reside on Chestnut Avenue. There was a 16 year surplus of over 55 age restricted units in the area when the applicant took a chance with this project. They did not

provide the correct figures needed to prove their point. They have not met their burden under the statute. It was a gamble that did not turn out right for the applicant.

Acting Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. LoBiondo made a motion to approve the extension.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Extension was **granted**.

Second part of the application was for the conversion of a previously granted approval for an age restricted development to a non-age development.

James Sims, Professional Engineer testified on behalf of the applicant. The driveways can easily accommodate two vehicles and meet RSIS standards. They are proposing 42 non-age restricted units. There will be a gazebo and tennis court for the residents. The water supply is adequate. Landis Sewerage Authority has confirmed adequate capacity for non-age restricted development. Additional parking is not required.

Mr. Hawk stated that they have letters from the Water Utility and Landis Sewerage Authority.

Tiffany Cuvillo explained that the application as submitted met the goals and objectives of the City's Master Plan. The use is permitted under the Conversion Law. They will provide 20% affordable housing as required by statute. The area was previously zoned R-4 and was changed to R-6 during 2008. The conversion is not a substantial detriment to the public good.

Mr. Finley explained that the cluster was not permitted by ordinance. A variance permitted the cluster.

Mr. Hawk indicated that the R-6 zone permits clustering but on a minimum of 50 acres, and Ms. Cuvillo is incorrect that the use as proposed is permitted in the zone.

Mr. Silva noted that the area is quiet and residential. The R-6 zone requires a minimum of 2 acres for a single family home. The proposal would give the area an inner city feeling. His clients do not object the age restricted development, but they do object lifting the age requirement.

Lynn Monteleone, 3194 E. Chestnut Avenue, testified in opposition of the application. There are no environmental studies conducted to show what the impact would be on the lake.

Nancy Nelson, testified against the application. She is concerned about the increase of traffic in the area. She also sees damage to the wildlife area.

Edwin Bergamo, testified against the application. He was displeased with the Governor Corzine and the NJ Legislature in passing the Conversion Law.

Mr. Hawk indicated that he agreed with Mr. Bergamo's comments. He was concerned with the initial age restricted project that proper pedestrian paths and sidewalks be provided to the nearby park and high school to enhance recreation opportunities. They were not required by the Board because of the age restriction. Now that the restriction could be lifted those features become even more important for public safety. As to substantial detriment it is usually judged on how or if a project will cause damage to the character of the neighborhood. The project is out of character with the very rural and low density character of the neighborhood. Therefore the zoning harms will outweigh the zoning benefits. He did not feel the project could be without substantial detriment especially since the master plan adopted since the initial project lowered the permitted density.

Acting Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. LoBiondo made a motion to deny the conversion.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Conversion was **denied**.

Applicant- **Benigno Negron**-1234 Elm Road, Block 5502, Lot 64, Zone R-5.

Cynthia Negron testified on her own behalf. They wanted to expand and add another bedroom. The addition will be 28' x 33' to the single family home located to the rear of the building.

Mr. LoBiondo wanted to know if there was a business use on the property.

Mrs. Negron stated that there was no business on the site.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Francesconi: 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

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Rudolph Harris**-5556 Independence Road, Block 7403, Lot 9, Zone W-2. Mr. Harris testified on his own behalf, and he requested permission to construct an addition to his home.

The addition will be 20' x 30' to the rear of the dwelling. It will be for a kitchen and a bedroom. Side and rear yard variances will be required.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. LoBiondo made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **Antonio Madeira**-2145 E. Sherman Avenue, Block 7201, Lot 15, Zone A-5.

Mr. Madeira testified on his own behalf. He explained that they have sufficient depth to the property, but they need a variance for the width. All of their animals are located more than 500' from Sherman Avenue.

Mr. Finley explained that the farm requires 330' frontage and they have 206'. The applicant must meet the side yards of 50' on both sides.

Joseph Morgan, testified in opposition of the application. He explained that his home is up for sale, and there is a terrible odor from the horses. He stated that they are boarding horses and there are too many.

Lisa Madeira testified on her own behalf and explained that they keep a very clean farm and manure is removed once a week.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Mr. LoBiondo made a motion to approve the application.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Applicant- **MedExpress Urgent Care, NJ**-3397 S. Delsea Drive, Block 7004, Lot 32, Zone B-4.

The applicant was represented by Robert Mintz, Esq. The applicant was requesting a major site plan approval, in conjunction with a “d” variance, to convert an existing retail building into a medical services building together with an 859 square foot addition. The total floor area of the building will be 5,930 square feet. They were requesting a dual use as a medical office and residential use. The site was previously approved as a restaurant and residential. The B-4 zone permits medical offices. The proposed office is slightly broader than a normal medical office. They proposed 859 square foot addition flush to the front of the building. The addition will reduce the front yard setback therefore a variance is required.

Tiffany Cuviello, Professional Planner, testified on behalf of the applicant. The site has been vacant for a number amount of years. Exhibit A-1 showing the façade elevation was displayed. The proposed application is not the typical doctor’s office, and there will be additional services offered. Urgent Care Centers are becoming more common in the medical field. They reduce the wait time in local emergency rooms, because 27% of emergency cases can be handled in this type of facility. They will be open 7 days a week, 12 hours a day to the public. There is an existing front yard setback of 53.05’ to the centerline of Delsea Drive which is being reduced to 51’ to the centerline of Delsea Drive vs. 100’ required. They also need a front buffer of 5.81’ and 4.39’ vs. 25’ required. There will be improvements to the property with an attractive façade. The freestanding sign will be located with a setback of 20.25’ vs. 30’ required. The proposed signs on the north and south of the building are not permitted, but they will be helpful to the patients.

Mr. Hawk indicated that there was a problem with the signage. The sign on the south side of the building has no value, and the freestanding sign is sufficient to notify patients of the office location.

Mr. Mintz indicated that they would remove the south side sign.

Eric Dietz, Design Architect, testified on behalf of the applicant. The office will be open 7 days a week from 9:00AM to 9:00PM. There will be approximately ten employees, including a doctor and a nurse. They will treat flu and cold type complaints, and they will have lab and xray facilities on site. There will be no overnight stays for patients, and serious cases will directed to the hospital.

Chairman entertained a motion to close the public hearing.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Francesconi: 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

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Application was **granted**.

Chairman made a motion to adjourn.

Roll call:

Mr. LoBiondo: Yes

Mr. Avena: Yes

Mr. Francesconi: Yes

Mr. Goldblatt: Yes

Mr. Angelo: Yes

Mr. Bergamo: Yes

Meeting adjourned at 10:30 PM

Yasmin Ricketts, Secretary

Zoning Board of Adjustment

