

**ZONING BOARD OF ADJUSTMENT
MEETING NOVEMBER 18, 2015**

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

Members present were:

George LoBiondo
Robert Ortega
Ryan Flaim
James Kubiak
William Gruccio

Members absent were: Elaine Greenberg, Andrew Fabbri, Vandy Colter

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 October 21, 2015 meeting.

Roll call:

Mr. Gruccio: Abstain
Mr. Kubiak: Yes
Mr. Flaim: Abstain
Mr. Ortega: Yes
Mr. LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the October 21, 2015 meeting.

Roll call:

Mr. Gruccio: Abstain
Mr. Kubiak: Yes
Mr. Flaim: Abstain
Mr. Ortega: Yes
Mr. LoBiondo: Yes

Mr. DiDomenico went over the revisions to the agenda for the evening.

Applicant- **Alexander Rivera**-1590 W. Wheat Road, Block 1501, Lot 3, Zone R-4.

Applicant testified on his own behalf. He is requesting a variance to construct a 1,200 square foot pole barn which exceeds the maximum size permitted. There is currently a 10 x 16 shed that will be removed. The applicant indicated that the height of the proposed pole barn will be 12'. The proposed pole barn will be for the storage of vehicles and personal items.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Ortega: Yes
Mr. Gruccio: Yes
Mr. Kubiak: Yes
Mr. Flaim: Yes
Mr. LoBiondo: Yes

Mr. Gruccio made a motion to approve the application.

Roll call:

Mr. Ortega: Yes

Mr. Kubiak: Yes

Mr. Fabbri: Yes

Dr. Colter: Yes

Mr. LoBiondo: Yes

Application was approved.

Applicant- **Vision Properties/Dandelion Plaza**-1672 N. Delsea Drive, Block 1101, Lot 64, Zones B-3/R-4.

The applicant was represented by Charles Jones, Esq. They are requesting a variance to make revisions to a previously approved site plan. The site is already built and in operations. The site plan was approved in 2012.

Mr. Rami Nassar, Professional Engineer, testified on behalf of the applicant. The preliminary and final site plan required preservation of 35% of the existing forested area as per the City's Land Use Ordinance. The builder over cleared the site resulting in preservation of only 31.5% of the trees. The applicant preserved seven to eight trees along the driveway. The scrub brush was removed. Trees were added on the rear of the property and the parking area. He believes a tree clearance waiver is reasonable because the site is attractive.

John DiDonato, Principal of the applicant, testified on behalf of the applicant. There is a vinyl fence on the west side of the property and the neighbors are pleased with it. They preserved some oak and cedar trees on the site and planted some trees. The builder over cleared to get trucks into the rear of the property.

Mr. Hawk wanted to know if there was anything preventing them from planting additional trees near the basin area.

Mr. Nassar stated that the applicant could plant four to five additional trees at the northwest part of the site east of the basin. The area is approximately 2,250 square feet.

Mr. DiDonato explained that he could plant six oak trees at the northwest corner of the site east of the basin.

Mr. Nassar explained that they are proposing an under drain at the bottom of the bio-retention basin. He believes that the under drain will aid in the percolation rate.

Mr. Maillet had no objection but a portion is located within the County right-of-way on Wheat Road therefore they must obtain an approval from the County for that portion.

Mr. DiDonato requested to reduce the performance bond. Last year was very wet and he lowered the pavement by 2" to permit settling of the soil. He would like the board to waive the performance bond and permit the top finish course of paving during the maintenance period. He would like the site to settle for two years before the final paving.

Mr. Maillet indicated the applicant was not compliant with the approved plans. The City Engineer does not approve releasing the bond.

Mr. DiDomenico explained that the board did not have authority to release the performance bond by statute. The applicant can make application to City Council for that request.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Guccio: Yes

Mr. Kubiak: Yes

Mr. Flaim: Yes

Mr. Ortega: Yes

Mr. LoBiondo: Yes

Mr. Ortega made a motion to approve the application.

Roll call:

Mr. Kubiak: Yes

Mr. Flaim: Yes

Mr. Ortega: Yes

Mr. Guccio: Yes

Mr. LoBiondo: Yes

Application was approved.

Chairman made a motion to adjourn.

Roll call:

Mr. Ortega: Yes

Mr. Guccio: Yes

Mr. Kubiak: Yes

Mr. Flaim: Yes

Mr. LoBiondo: Yes

Meeting adjourned at 8:24 PM

Yasmin Ricketts, Secretary
Zoning Board of Adjustment