

**ZONING BOARD OF ADJUSTMENT  
MEETING AUGUST 19, 2015**

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

**Members present were:**

George LoBiondo  
Elaine Greenberg  
Robert Ortega  
James Kubiak  
William Gruccio  
Ryan Flaim  
Andrew Fabbri

**Members absent were:** All members were present.

**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 July 15, 2015 meeting.

Roll call:

Mr. Gruccio: Yes  
Mr. Fabbri: Yes  
Mrs. Greenberg: Yes  
Mr. Kubiak: Abstain  
Mr. Flaim: Yes  
Mr. Ortega: Abstain  
Mr. LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the July 15, 2015 meeting.

Roll call:

Mr. Gruccio: Yes  
Mr. Fabbri: Yes  
Mrs. Greenberg: Yes  
Mr. Kubiak: Abstain  
Mr. Flaim: Yes  
Mr. Ortega: Abstain  
Mr. LoBiondo: Yes

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

Applicant- **Thomas Fitzgerald**-1456 E. Elmer Road, Block 5901, Lot 91, Zone R-5.

Mr. Thomas Fitzgerald testified on his own behalf. The application is for the construction of a 1,200 square foot detached garage whereas 600 square feet is permitted. The property currently has two detached buildings and he will be combining them and expanding them. The applicant stated that the proposed garage will be for the storage of antique automobiles. The garage will not have a second floor. There will be no business or commercial uses in this proposed structure.

Chairman made a motion to close the public hearing.

Roll call:  
Mr. Guccio: Yes  
Mr. Ortega: Yes  
Mr. Kubiak: Yes  
Mrs. Greenberg: Yes  
Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mr. LoBiondo: Yes

Mr. Ortega made a motion to approve the application.

Roll call:  
Mr. Ortega: Yes  
Mr. Kubiak: Yes  
Mrs. Greenberg: Yes  
Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mr. Guccio: Yes  
Mr. LoBiondo: Yes

Application was approved.

Applicant- **Megan Bernhardt**-13 N. Myrtle Street, Block 3118, Lot 23, Zone R-2.

Mrs. Megan Bernhardt testified on her own behalf. She and her husband purchased this property and there are two single family dwellings on one lot. She is seeking a determination to confirm the use of the property as a pre-existing non-conforming use. The property was abandoned for a long time. They purchased it and want to rehabilitate it both of the homes and make them two bedroom units. The applicant presented exhibit Bernhardt 1, property records from the Tax Assessor's office which showed that both buildings were built in 1928.

Mr. Finely indicated that the applicant has cleaned up the property. A duplex is permitted, which is one structure, is permitted in the zone but two single family dwellings are not.

Mr. Hawk indicated that the exhibits shows both single family dwellings were previously three bedroom units and the applicant is proposing two bedroom units. There is adequate parking on this site.

Mr. Garcia stated that he will relocate the existing second floor exterior stairs to the rear of the building.

Chairman made a motion to close the public hearing.

Roll call:  
Mr. Kubiak: Yes  
Mrs. Greenberg: Yes  
Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mr. Guccio: Yes  
Mr. Ortega: Yes  
Mr. LoBiondo: Yes

Mrs. Greenberg made a motion to approve the application.

Roll call:

Mrs. Greenberg: Yes

Mr. Flaim: Yes

Mr. Fabbri: Yes

Mr. Gruccio: Yes

Mr. Ortega: Yes

Mr. Kubiak: Yes

Mr. LoBiondo: Yes

Application was approved.

Applicant- **Alexander & Alexandra Wazeter**-Panther Road, Block 7302, Lot 49, Zone W-6.

Mr. Alexander Wazeter testified on his own behalf. He has a contract purchaser for the property for his home on lot 34 and the property in question lot 49. The sale is subject to receiving a variance for a horse farm for lot 49. They will be clearing a small portion of the wooded lot for the horses and a barn. It will be for personal uses only. They will access this area through lot 34. The applicant need a variance for lot frontage of 35.98' whereas 330' is required. The lot will remain mostly wooded for the privacy of the new owners.

Mr. DiDomenico indicated that the board could not grant access through lot 34 because notice was not given for that lot. The applicant could postpone until the following month.

Mr. Wazeter agreed not to mention lot 34 in his testimony.

Nelson Gonzalez, Contract Purchaser, testified on behalf of the applicant. He and his wife will be purchasing lots 34 and 49. He will currently use the main driveway to access the property until he is able to clear another access in the future. Currently they have two horses and plan to have no more than four horses. He is proposing to construct a 30' x 40' barn, a riding area measuring 50' x 100', and a grass padlock 200' x 200'. A total of three to four acres will be cleared.

Mr. Hawk explained that one acre would be cleared based on the calculations that were given.

Mr. Wazeter explained that this is a large wooded property. Most of the property would remain wooded and it would not be a detriment to the neighborhood.

Donna McKay, member of the public, testified that she lives on lot 32. She was concerned that they were going to clear cut the property. Her lot is 6.5 acres that is clear cut but maintains a 20' buffer of trees along the boundaries.

Mr. Finley explained that the W-6 zone permits a farm. If the applicant had 330' of frontage, he could clear cut the entire lot to farm.

Mr. Gonzalez testified that he does not want to clear cut the lot. He wants privacy because of his job. He agreed to also maintain a 20' buffer of trees along the boundary.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mr. Gruccio: Yes  
Mr. Ortega: Yes  
Mr. Kubiak: Yes  
Mrs. Greenberg: Yes  
Mr. LoBiondo: Yes

Mr. Kubiak made a motion to approve the application.

Roll call:

Mr. Fabbri: Yes  
Mr. Gruccio: Yes  
Mr. Ortega: Yes  
Mr. Kubiak: Yes  
Mrs. Greenberg: Yes  
Mr. Flaim: Yes  
Mr. LoBiondo: Yes

Application was approved.

Applicant- **Sol Mendez**-819 Elmer Street, Block 4005, Lot 3, Zone CPO.

Mr. LoBiondo recused himself from this application. Ms. Mendez testified on her own behalf. She is seeking confirmation from of a pre-existing, non-conforming use. The property has two residential units and a barber shop. She has owned the property for about fifteen years. In November of 2014, the property was damaged by a fire. She is proposing to rebuild the structure and eliminate the barber shop. Each residential unit will have three bedrooms. There is parking in the rear and it is sufficient for both proposed units.

Mr. Hawk indicated that there is adequate space for the required four parking spaces.

Mr. Finley stated that this property was previously in the R-1 zone which permitted duplexes. The property was rezoned in 2008 to CPO.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Gruccio: Yes  
Mr. Ortega: Yes  
Mr. Kubiak: Yes  
Mrs. Greenberg: Yes  
Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mrs. Greenberg: Yes

Mr. Ortega made a motion to approve the application.

Roll call:

Mr. Ortega: Yes  
Mr. Kubiak: Yes

Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mr. Guccio: Yes  
Mrs. Greenberg: Yes

Application was approved.

Applicant- **Juan and Yolanda Cortes**-819 Elmer Street, Block 4005, Lot 3, Zone CPO.

Mrs. Cortes testified on her own behalf. She is proposing to convert the single family dwelling to a two family dwelling. She also is proposing to utilize lot 1 for ingress and egress to lot 2 by way of an easement. The application requires a use variance because the zone does not permit two family dwellings. She is proposing one unit as a three bedroom unit for her daughter and the other as a two bedroom unit for rent. She desires to convert the single family dwelling into a two family dwelling to help with taxes and to also help her daughter.

Mr. Hawk explained that there was a concern with parking but the revised plan did clear up the issue. There is a concern with cars backing into Chestnut Avenue so the proposed easement will prevent it. The applicant agreed to record the easement for the turnaround.

Mrs. Cortes stated that she followed the City's advice for the easement and the gazebo will be used for parking. She also will not be changing the footprint of the house.

Mrs. Greenberg wanted clarification on the room dimensions.

Mrs. Cortes stated that she would follow what is permitted by code.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Kubiak: Yes  
Mrs. Greenberg: Yes  
Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mr. Guccio: Yes  
Mr. Ortega: Yes  
Mr. LoBiondo: Yes

Mrs. Greenberg made a motion to deny the application.

Roll call:

Mrs. Greenberg: Yes  
Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mr. Guccio: Yes  
Mr. Ortega: Yes  
Mr. Kubiak: Yes  
Mr. LoBiondo: Yes

Application was denied.

Applicant- **Collaborative Support Program of NJ-63 S. Myrtle Street, Block 4217, Lot 1, Zone R-2.**

Mr. LoBiondo recused himself from this application. The applicant was represented by Stephen Nehmad, Esq. The applicant proposes to continue to use the existing single family dwelling as a community wellness center for the mentally disabled/handicapped. They would also like to a waiver of a formal site plan if it is determined to be a permitted use. The applicant is a non-profit charitable organization. They assists disabled adults who have mental illnesses and teach them life skills. They provide activities, classes, seminars, and support them with pressures in life. He believes that this use is permitted. If the board does not agree, they are seeking a use variance under the Sica test. Under Sica, if the use is an inherently beneficial use then only the negative criteria must be satisfied. The proposed use is protected by the ADA and reasonable accommodation is required under Federal Law. The property is in the R-2 zone and that zone permits "Community Residences" and "Community Shelters". The zone also permits group homes for developmentally disabled. The applicant has been operating at this location for the past 10 years with no problems or complaints. This use does not have more impact than the uses that are permitted in the zone.

Mark Duffy, chief operating officer, testified on behalf of the applicant. The mission of Collaborative Support of NJ is to support those with mental illnesses, provide a safe haven, and protect them from becoming victims of society. They operate twenty five similar facilities in New Jersey. Twenty two are located in communities and three are in psychiatric facilities. The facility on Myrtle Street has approximately twenty four people. About half of them walk to the facility. There are two people that drive themselves. Referrals are given by the Cumberland County Guidance Center. The facility is not licensed individually but the overall agency is licensed by the State of New Jersey. The house is inspected by the State of New Jersey.

Christine O'Laursen, employee of the applicant, testified on behalf of the applicant. The hours of operation are from 11:00AM until 4:00PM Monday through Friday. 7:00 PM to 9:30PM on Thursday night and 10:00AM until 2:00PM on Saturday. There is someone that feeds the cats on Sundays. She works five days a week with two employees. She is a certified teacher and she previously worked as mental health supervisor at the Cumberland County Guidance Center.

Mr. Duffy explained that there have been no complaints. There are two psychiatric social workers on site at the location. The average period of service for an individuals is two to three years.

Tiffany Cuivello, Professional Planner, testified on behalf of the applicant. The property is located within the R-2 zone at the corner of Myrtle Street and Michigan Avenue. The neighborhood is mostly single family dwellings and the property is close to Cunningham School. She believes this use is an inherently beneficial use as it promotes the general welfare and the applicant is a non-profit organization funded by the State of New Jersey and serves the public good. They property is inspected quarterly by the state and the applicant serves an underserved segment of the population with disabilities. The R-2 zone permits "Community Residences" but it is not defined. The zone allows a shelter for victims of domestic violence. For a use variance the standard is lessened as per the Sica Balancing Test. The board has to look at the public interest advanced. There are people with mental disabilities and they are protected by the ADA and accommodations are required. There is a need for this service in Vineland. The activities are the same activities of a family in a home. All the benefits outweigh the detriments.

Mr. Hawk believes the permitted used listed in the R-2 zone referring to community shelters refers to those defined in the ordinance. To be a community shelter the criteria must be met such as being licensed by the State of New Jersey and maximum occupancy limits.

Frank DiGiorgio, member of the public, spoke in opposition of the application. Exhibit DiGiorgio #1, seven photographs of the area and parked automobiles. He does not feel this use is appropriate for a residential area. He is not against the organization. He is against the location. He is concerned with safety. Someone could enter the center that should not be there. There is a shed that encroaches on his property and the property has overgrown shrubbery.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mr. Gruccio: Yes  
Mr. Ortega: Yes  
Mr. Kubiak: Yes  
Mrs. Greenberg: Yes

Mr. Ortega made a motion to approve the application.

Roll call:

Mr. Fabbri: Yes  
Mr. Gruccio: Yes  
Mr. Ortega: Yes  
Mr. Kubiak: Yes  
Mr. Flaim: Yes  
Mrs. Greenberg: Yes

Application was approved.

Applicant- **Angela Roman**-83 S. Valley Avenue, Block 4213, Lot 26, Zone R-3.

Angela Roman testified on her own behalf. She would like to convert the dwelling to a two family dwelling and convert the garage back to a garage. She was approved for a mortgage for a two family dwelling only. The property is listed as a single family dwelling but currently there are three units. She is proposing to have two bedrooms on the first floor and three bedrooms on the second floor.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Gruccio: Yes  
Mr. Ortega: Yes  
Mr. Kubiak: Yes  
Mrs. Greenberg: Yes  
Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mr. LoBiondo: Yes

Mr. Gruccio made a motion to approve the application.

Roll call:

Mr. Ortega: Yes  
Mr. Kubiak: Yes  
Mrs. Greenberg: Yes

Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mr. Guccio: Yes  
Mr. LoBiondo: Yes

Application was approved.

Chairman made a motion to adjourn.

Roll call:

Mr. Ortega: Yes  
Mr. Kubiak: Yes  
Mrs. Greenberg: Yes  
Mr. Flaim: Yes  
Mr. Fabbri: Yes  
Mr. Guccio: Yes  
Mr. LoBiondo: Yes

Meeting adjourned at 11:22 PM

Yasmin Ricketts, Secretary  
**Zoning Board of Adjustment**