

**ZONING BOARD OF ADJUSTMENT MEETING
APRIL 17, 2019**

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

Members present were:

Joseph Stefano
Ryan Feaster
John Pierantozzi
Susanna Philippoussis
Gena Pacitto
John Jones
George LoBiondo

Members absent were: Ryan Flaim, Lydia Johnson, Victoria Lods

Others Present were:

Frank DiDomenico, Solicitor
Yasmin Ricketts, Board Secretary
Patrick Finley, Zoning Officer
Ryan Headley, Principal Engineer/Planner

Mr. DiDomenico went over the revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the March 20, 2019 meeting.

Roll call:

Mr. Feaster: Yes
Ms. Pacitto: Yes
Mr. Philippoussis: Yes
Mr. Pierantozzi: Yes
Mr. Stefano: Yes
Mr. LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the March 20, 2019 meeting

Roll call:

Mr. Feaster: Yes
Ms. Pacitto: Yes
Mr. Philippoussis: Yes
Mr. Pierantozzi: Yes
Mr. Stefano: Yes
Mr. LoBiondo: Yes

Applicant- **Vineland Construction- Minor Subdivision**, 1430 W. Landis Avenue, Block 3503, Lot 1.01, Zone B-4, minor subdivision approval to create two new lots with one remainder lot.

The applicant was represented by Damien Del Duca, Esq. The property is located on W. Landis Avenue and Orchard Road. The Zoning Board granted a use variance for a Mavis Discount Tire by way of resolution #2018-35. They would like to subdivide lot 1.01 into three lots. Two of the lots will have frontage on W. Landis Avenue. The third lot will be at the rear and it will include the current access easement which extends from Orchard Road to the shopping center. Mavis Discount Tire will be located on lot 1.02.

Kevin Dixon, Professional Engineer, testified on behalf of the applicant. He displayed Exhibit A-2, copy of the subdivision plan. The proposed rear lot (lot c) will have frontage on Orchard Road and the driveway easement. There are hardship variances required for all the lots due to the odd shape. There is no negative impact or substantial impairment of intent or purpose of the City's Zone Plan or Ordinance. The lots will interconnect with the adjoining uses such as the Inspira Urgent Care and Shoprite. The City's Land Use Ordinance encourages interconnections.

Lot depth for proposed Lot A, (1.01) of 209.17 feet whereas a minimum of 250 feet is required. Lot area for proposed Lot B (1.02) of 43,751.5 square feet whereas a minimum of 50,000 square feet is required. Lot frontage for proposed Lot B (1.02) along Orchard Road of 196.97 feet whereas a minimum of 200 feet is required. Lot frontage for proposed Lot C (1.03) of 65.72 feet whereas a minimum 200 feet is required. Lot width for proposed Lot C (1.03) of 65.72 feet whereas a minimum of 200 feet required.

Dale Langerholm, member of the public. He expressed concerns about stormwater issues. He would like for them to be resolved with the development of the property.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Feaster: Yes
Mr. Stefano: Yes
Ms. Pacitto: Yes
Ms. Philippoussis: Yes
Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the use application.

Roll call:

Mr. Stefano: Yes
Ms. Pacitto: Yes
Ms. Philippoussis: Yes
Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. LoBiondo: Yes

Application granted.

Applicant- **Vineland Construction-Preliminary/Final Major Site Plan**, 1430 W. Landis Avenue, Block 3503, Lot 1.01, Zone B-4. Preliminary/final major site plan approval to construct a 6,768 square foot 8 bay auto repair garage (Mavis Discount Tire) along with associated site improvements. The proposed project is located on a portion of the overall lot (Proposed Lot A) which is subject to a concurrent minor subdivision approval.

The applicant was represented by Damien Del Duca, Esq. The applicant received a use variance for a 6,768 square foot discount tire and repair facility. He displayed Exhibit A-3, copy of the site plan. The building is rectangular and fronts on W. Landis Avenue. The applicant will comply with the 35' buffer requirement. The applicant will also comply with the free-standing sign setback from the front property line of 10'. A variance for the side buffer of 0 feet whereas 5' is required. The applicant also needs sign variances for the façade. The total of the signs proposed is less than 10% permitted. The applicant agrees to comply with the Planning and Engineering Reports with the exception of the waivers and variances discussed.

Kevin Dixon, Professional Engineer, testified on behalf of the applicant. The site plan submitted is the same as the plan that was submitted for the use variance. The only difference is the building being shifted. There will be trash enclosure on site and a private contractor will remove the trash. All deliveries will be primarily by box trucks. Tractor trailers will enter from Landis Avenue and exit from the private drive at the rear. The drainage basin is located at the low end of the site which is at the northeast corner of the lot. The applicant will also comply with all the stormwater requirements. They are seeking a variance for side buffer of 4' whereas 5' is required. There are three sign variances. They are proposing façade signs on the front and both west and eastern facades. Both the east and west signs are 70.7 square feet. The signs on the east and west will give motorist advance notice of the location. They are seeking a parking space waiver for the depth of 18' whereas 19' is required. They are also seeking a waiver of parking space row length without a tree island break. There is a 15 space row whereas 12 spaces are required. The applicant is also seeking waiver for the stormwater management setback of 13 feet whereas 25 feet is required and the basin rear setback of 10 feet whereas 25 feet is required. The applicant will comply with the requirements to provide onsite decorative lighting in accordance with Community Design Standards.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Feaster: Yes
Mr. Stefano: Yes
Ms. Pacitto: Yes
Ms. Philippoussis: Yes
Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the use application.

Roll call:

Mr. Stefano: Yes
Ms. Pacitto: Yes

Ms. Philippoussis: Yes
Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. LoBiondo: Yes

Application granted.

Applicant- **Utopia Salon and Spa**, 510, 512 & 514 N. East Avenue, Block 2312, Lots 4, 5, & 6, Zone R-2. Preliminary/final major site plan approval, in conjunction with a “d” variance, to convert an existing residence to an expansion of the existing Utopia Salon & Spa. Additionally, site improvements are proposed throughout the entire site to create a unified parking area for the existing and proposed salon buildings.

Use Variance

The applicant was represented by Michael Gruccio, Esq. The Planning and Engineering reports are accepted by the applicant with the exception to a few items in the Planning Report.

Andrew Schaeffer, Professional Engineer, testified on behalf of the applicant. Utopia has occupied 510 N. East Avenue for 20 years. The applicant owns 512 N. East Avenue and 514 N. East Avenue. The applicant will be adding 512 and 514 to provide better service. Special reasons exist for the grant of the use variance. First, the applicant is demolishing two dilapidated garages. This adds light, air, and open space. Also, the application satisfies special reason (g) of *NJSA 40: 55D-2*. Sufficient space in a variety of locations for a variety of uses. Utopia will increase approximately 50% with the two new buildings. This is an existing commercial use on a busy roadway being East Avenue. The applicant also promotes *NJSA 40: 55D-2(i)*, promoting a desirable visual environment. 514 N. East Avenue is a rundown eyesore which will be improved. This will help the look of the neighborhood. Additionally, the three buildings are designed to look like single family homes therefore fits nicely into the neighborhood. Currently the Utopia site is congested. Parking will be increased and drive isles will be widened. Exhibit A-1, a colored rendering of the site plan, A-2, colored rendering of the three buildings, A-3, photographs of 514 N. East Avenue.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Pacitto: Yes
Ms. Philippoussis: Yes
Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Flaim: Yes
Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the use application.

Roll call:

Ms. Pacitto: Yes
Ms. Philippoussis: Yes

Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Flaim: Yes
Mr. LoBiondo: Yes

Application granted.

Site Plan-

Andrew Schaeffer, Professional Engineer, testified on behalf of the applicant. The applicant is seeking all of the variances of paragraph 5 of the Planning report. The front yard setback of 25.9' whereas 30' is required. It is an existing condition not being changed. The front buffer of 0' whereas 25' is required is also an existing condition. The side buffer of 0 feet whereas 25 feet is required from a residential use is a result of the driveway. The rear buffer of 0 feet whereas 25 feet is required is a result of the parking lot. The onsite parking has been amended to 40 spaces whereas 52 spaces are required. The 40 parking spaces is more than sufficient for salon. The impervious coverage of 89.8% whereas a maximum 40% permitted is based on a residential use and not a personal service use as proposed here. Currently there are 33 parking spaces on site and 40 parking spaces is more than required. Here, the benefits of the variances far exceed the detriments. The applicant is also seeking waivers as set forth in paragraph 6. The driveway opening setback from the extending property line of 0' whereas a minimum of 5' is required results from creating a drive radius. This will increase safety. The applicant is seeking parking space width of 9' whereas 9 ½' is required. The length of 18' whereas 19' is required. The stormwater management system is underground therefore, comments regarding the stormwater management basin do not apply. As to paragraph 10, the applicant will provide 4 shade trees whereas 5 are required. The applicant will also provide 4 parking area shade trees at the rear boundary of the property. As to screening material between this use and the residential use on the north side the underground drainage system is located on the north. The applicant will replace or repair as necessary the existing fence so that the fencing along the two sides and the rear of the property have a consistent look.

David Crescenzo, Owner of Utopia, testified on his own behalf. He currently has an agreement with Ace Hardware to utilize parking for employees if needed. Parking is regulated because they operate by appointments only. He believes parking on site will be sufficient.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Pacitto: Yes
Ms. Philippoussis: Yes
Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Flaim: Yes
Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ms. Pacitto: Yes
Ms. Philippoussis: Yes
Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Flaim: Yes
Mr. LoBiondo: Yes

Application granted.

Applicant- **Irwin Hall**, 1918 E. Landis Avenue, Block 3201 Lot 3, Zone IN-2. Certification of a pre-existing non-conforming use for a single family dwelling.

The applicant was represented by Christopher Pine, Esq. This property was sold to the applicant by the State of New Jersey as a single-family home. The property is located within the IN-2 zone (Institutional Zone) which does not permit a single family dwelling. The applicant is seeking a certification of a pre-existing, non-conforming use of the single-family home. This property was constructed as a single-family home approximately 90 years ago which predates the IN-2 zone which was adopted by the City in 2006. The applicant purchased the single family dwelling for the State. It was previously owned by an institution.

Irwin Hall, Property Owner, testified on his own behalf. The home was marketed as a single family home. It was a group home for the institution. He intends to occupy the house as his primary residence.

Mr. Pine indicated that records show that the property is 90 years old.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Philippoussis: Yes
Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Flaim: Yes
Ms. Pacitto: Yes
Mr. LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Flaim: Yes
Ms. Pacitto: Yes
Ms. Philippoussis: Yes
Mr. LoBiondo: Yes

Application granted.

Applicant- **Brian & Lorna Murray**, 2467 Concetta Lane, Block 2505, Lot 17.11, Zone R-3. Construct a detached garage measuring 960 square feet.

Brian Murray testified on his own behalf. He is seeking approval for a 960 square-foot detached garage. This is only 360 square feet larger than the 600 square feet permitted. The garage will be used to store his personal belongings only. He will not use the garage for any commercial nor businesses purposes. He owns two collector cars together with his yard equipment which will be stored in the garage. He is not certain at this time whether or not there will be electricity or plumbing in the garage. He will install either a concrete or asphalt driveway to the garage. He already has a permit from the City for a driveway opening. As Exhibit A-1 he submitted a sample photograph of the proposed garage. His lot is located on a corner. The garage will be located on the south east corner of his lot. He currently has no out buildings on his property. His home does have an attached two car garage.

Stenell Myers, Member of the Public, testified she and her husband are next door neighbors to the applicant. She has no objection to the application.

Tony Myers, Member of the Public, testified that he has no objections to the application. He stated that the applicant had resolved drainage issues he had.

Lillian Bylone, Member of the Public, stated that her home is two houses away from the applicant. She had issues with drainage. The applicant noted that he is not changing the grade and would have gutters to direct the water from her property. He also agreed to add some plantings.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Pierantozzi: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Jones: Yes

Mr. LoBiondo: Yes

Mr. Feaster made a motion to approve the application.

Roll call:

Mr. Feaster: Yes

Mr. Flaim: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Jones: Yes

Mr. Pierantozzi: Yes

Mr. LoBiondo: Yes

Application granted.

Applicant- **Severio Liciaga**, 717 S. Seventh Street, Block 4903, Lot 23, Zone R-3. Certification of a pre-existing non-conforming use for a two family dwelling.

The applicant testified on his own behalf. He purchased this property on January 2018 as a two-family dwelling. There was an issue as to the two-family dwelling when he attempted to obtain new trashcans for each unit. The property has two electric meters. He has bills reflecting a duplex for 20 years. He has permits for two separate heaters one for each unit. There are two separate entrances, one for each unit. The two-family dwelling is approximately 80 years old. The Landis Sewage Authority has charged the two units since at least 1999. He now lives in one unit. His sister will be living in the other unit.

Mr. Headley, conveyed that the Zoning Officer, Patrick Finely, advised him that since the applicant has purchased the property, he has greatly improved the property.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Flaim: Yes
Ms. Pacitto: Yes
Ms. Philippoussis: Yes
Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. LoBiondo: Yes

Ms. Philippoussis made a motion to approve the application.

Roll call:

Ms. Pacitto: Yes
Ms. Philippoussis: Yes
Mr. Jones: Yes
Mr. Pierantozzi: Yes
Mr. Feaster: Yes
Mr. Flaim: Yes
Mr. LoBiondo: Yes

Applicant- **Michael DeFalco**, 1247 Hance Bridge Road, Block 7701, Lot 5, Zone A-5. Conversion of a single family dwelling to a two family dwelling.

The applicant testified on his own behalf. The house was built as a single-family home and he began the conversion to add a second unit for his son. His son no longer lives at this address. The property has one electric meter and receives one bill for both units. There are two gas meters, one for each unit. Currently a family friend lives in the second-floor unit. His other son lives on the first floor. He was not able to register the unit as a two-family dwelling due to no approvals being received. He owns the surrounding farm which is 18 acres. There are 4 to 5 parking spaces on site.

Mr. Headley, indicated that the nearest neighbor is approximately 300' away and the home is surrounded by farmland.

Chairman made a motion to close the public hearing.

Roll call:

Ms. Philippoussis: Yes

Mr. Jones: Yes

Mr. Pierantozzi: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Ms. Pacitto: Yes

Mr. LoBiondo: Yes

Ms. Philippoussis made a motion to approve the application.

Roll call:

Mr. Jones: Yes

Mr. Pierantozzi: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. LoBiondo: Yes

Applicant- **Carrie Janetta**, 10 Columbia Avenue, Block 4205, Lot 7, Zone R-2. Conversion of a single family dwelling to a three family dwelling.

The applicant testified on her own behalf. This property has always been used as a 3-family dwelling. The city records do not reflect that the property was ever a single-family dwelling. The Sewer bills reflect that the Landis Sewerage Authority bills three separate units. There are also three separate electric meters from Vineland Electric Utility. The property is registered as a triplex with the City of Vineland and with the State of New Jersey and has been inspected as a triplex by both the City and State. There are three parking spaces on site and street parking is allowed in this area. Records reflect the property was built in the 1900s. This property was listed for sale as a triplex when she bought the property.

Mr. Headley, noted that the R-2 zone permitted 3-family dwellings until the ordinance changed in 2008.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Pierantozzi: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Jones: Yes

Mr. LoBiondo: Yes

Ms. Philippoussis made a motion to approve the application.

Roll call:

Mr. Feaster: Yes

Mr. Flaim: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Jones: Yes

Mr. Pierantozzi: Yes

Mr. LoBiondo: Yes

Applicant- **Robert Paterno**, 961 S. Main Road, Block 5101, Lot 71, Zone R-3. Construct a detached oversized garage measuring 768 square feet.

The applicant testified on his own behalf. He is seeking approval for a 768 square-foot detached garage. There is an old garage onsite which measures 430 square feet. That garage will be demolished. The proposed garage will be used for personal use only such as storage of lawn mowers and yard equipment. His yard is 1 acre and can accommodate the garage. There will be no business or commercial uses of the garage.

Chairman made a motion to close the public hearing.

Roll call:

Mr. Flaim: Yes

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Jones: Yes

Mr. Pierantozzi: Yes

Mr. Feaster: Yes

Mr. LoBiondo: Yes

Ms. Philippoussis made a motion to approve the application.

Roll call:

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Jones: Yes

Mr. Pierantozzi: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Mr. LoBiondo: Yes

ADJOURN:

Ms. Pacitto: Yes

Ms. Philippoussis: Yes

Mr. Jones: Yes

Mr. Pierantozzi: Yes

Mr. Feaster: Yes

Mr. Flaim: Yes

Mr. LoBiondo: Yes

Meeting adjourned at 9:56 PM

Yasmin Ricketts, Secretary
Zoning Board of Adjustment