

ZONING BOARD OF ADJUSTMENT MEETING
December 15, 2021

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

Members present were:

Ryan Flaim
Joseph Stefano
Jeffrey Torchio
Gena Pacitto
Raquel Soto
Rudolph Luisi
Darwin Cooper
George LoBiondo

Members absent were: Victoria Lods

Others Present were:

Frank DiDomenico, Solicitor
Patrick Finley, Zoning Officer
Ryan Headley, Supervising Engineer
Pat Finley, Zoning Officer
David Maillet, City Engineer

Mr. DiDomenico went over revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the November 17, 2021 meeting.

Roll call:

Ryan Flaim: Yes
Gena Pacitto: Abstain
Raquel Soto: Abstain
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
Rudolph Luisi: Yes
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the November 17, 2021 meeting

Roll call:

Ryan Flaim: Yes
Gena Pacitto: Abstain
Raquel Soto: Abstain
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
Rudolph Luisi: Yes
George LoBiondo: Yes

MIGUEL A MELENDEZ-TORRES, 33 N. Valley Avenue, Block 3114, Lot 14, Zone R-3, variances for accessory structure size and height to construct a 1,600 square-foot pole barn garage with a total height of 17 feet.

Miguel Melendez-Torres testified on his own behalf. He would like to construct an oversized garage for his six automobiles. He explained that the proposed building would have 12 foot sidewalls and the height would be 17 feet at the peak. It will be a metal building. There is a duplex on site. He lives in one side and rents the other side. The rented side has an attached garage. There will be no business or commercial use at the property. He owns a commercial trucking company at another location on Forest Grove Road.

Miguel A. Melendez Jr., translated for his father.

The Board Solicitor explained that the application states that the request is for a 40 foot by 40 foot pole barn. The attached sketch indicates that it will be a 42 foot by 42 foot pole barn with 1 foot overhangs. The applicant explained that he is requesting a 30 foot by 40 foot pole barn building.

The applicant agreed to increase the rear yard setback to 10 feet and the side yard setback for 10 feet. It will be from the overhang to the property line.

Chairman made a motion to close the public hearing

Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
George LoBiondo: Yes

Mr. Torchio made a motion to approve the application.

Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
George LoBiondo: Yes

Application granted.

SOUTHWEST COUNCIL, INC., 1405 N. Delsea Drive, Block 1601, Lot 98, Zone B-3/R-3, use variance and preliminary/final major site plan approval for an expansion of parking facilities for an existing addiction treatment center.

The applicant was represented by Robert Casella, Esq. The applicant is requesting a parking lot expansion at an existing counseling center. The counseling center is located within the B-3 Zone and is a permitted use. The parking lot expansion extends about 65 feet into the R-3 Zone and the use is not permitted.

Joseph Williams, CEO of Southwest Council, testified that Southwest Council is a private, non-profit

corporation. The center offers counseling and youth services. The applicant is requesting 21 additional parking spaces because the center is growing. This additional parking is needed for the participants at the center. The hours are 8:30AM until 4:30PM daily. There are two to three evening meetings a month, and they are done by 8:30 PM to 9:00 PM.

Greg Simmons, Professional Engineer, testified on behalf of the applicant. The applicant is seeking 21 additional parking spaces. As to the Planning Report, there is a variance for a side buffer on the north side of 20 feet whereas 25 feet required from a residential zone. There is also a variance for side buffer of 10.27 feet whereas 25 feet required from a residential zone. The applicant is seeking waivers from design standards for parking spaces widths of 9 feet whereas 9¹/₂ feet required and parking space row length without a tree island break for 21 space rows whereas a maximum 12 space row is permitted. Hairpin striping for the 9 foot wide parking spaces will be provided. The applicant is seeking waivers from community design standards for pedestrian access to Delsea Drive. A waiver is being requested from providing two parking area shade trees. The applicant will provide screening material on the residential use and residential zones. They will comply with the omitted plan detail on a perfected plan with the exception of showing vehicles used for deliveries and trash removal. As to the Engineering Report, the applicant is seeking waiver from showing turning movement diagram for trucks. They will provide hairpin markings for the parking stalls. The applicant will ensure that minimal construction activities will take place within 5 feet of the property line.

Calvin J. Clark, Jr. member of the public, objects to the application. He is concerned with his privacy. He is also concerned with lights shining into his property. He is requesting trees at the rear of the parking area.

Denise Ragone, member of the public, believes the expansion is intrusive into the neighborhood and of her home. She and her husband bought their home 30 years ago and she read the City's Land Use Ordinance. Exhibit Ragone-1, photograph of her property looking at the property from the rear. She has a concern that these lights will shine onto her property.

Mr. Headley explained that the evergreens to be planted will be 6 to 8 feet tall at the time of planting. He also recommended timers for the parking lot lights that will go off at a designated time. He explained that the lights are shoebox lights which face down and not out.

Mr. Casella indicated that his client would like to address the neighbors' concerns. They will plant a double row of staggered evergreens along the entire parking lot area and at the end of the parking lot. They also agreed to provide softer lighting for the parking lot lights with a timer turning out the parking lot lights no later than 10:00PM.

Chairman made a motion to close the public hearing

Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
George LoBiondo: Yes

Application granted.

ROCK TOWING, LLC, 2490 S.W. Blvd, Block 6103, Lot 21, Zone I-3, use variance to construct a towing facility and automotive repair shop.

The applicant was represented by Terance J. Bennett, Esq. The applicant has been business for years with clients in the City of Vineland and the City of Millville. They are currently under contract of sale to purchase 2490 S. West Boulevard. The proposed automotive repair shop and towing facility is not permitted within the I-3 Industrial zone so a use variance is required. If the use variance is approved, the applicant will make an application for site plan. The application satisfies the negative criteria since there is minimal impact on surrounding properties. The use is not out of character with the area, this area. As to the positive criteria, the towing service is a necessary service for the city. The site will not be a junk yard.

Gamaliel Cruz, owner, testified on his own behalf. He is purchasing the adjacent home for his parents and they will watch over the site.

Neida Nieves, member of the public, opposed the application. Her father, Antonio Nieves lives at 2512 S. West Boulevard. She is concerned with noise and traffic. Rock Towing's Facebook page states that they provide 24-hour towing. She is also concerned with children waiting at bus stop in the area.

Mr. Cruz explained that he has a rotational schedule with both the City of Vineland and City of Millville. Every sixth weeks he is on the rotation schedule with the City of Vineland, and every fifth week his is on the rotational schedule with the City of Millville. He has been searching for a site for five years. Most of the locations in the city does not permit towing facilities.

Chairman made a motion to close the public hearing
Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.
Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes

Darwin Cooper: Yes
George LoBiondo: Yes

Application granted.

PARADISE CITY, LLC, 1386 & 1404 E. Oak Road, Block 1802, Lots 4, 11 & 12, Zones I-2/R-3/R-5, use variance and preliminary/final major site plan approval for a 2-phase expansion to a cold storage and repack facility.

The applicant was represented by Michael Fralinger, Esq. There was a prior application in June of 2020 for the initial construction of this facility. It is located adjacent to the Vineland Produce Auction. It is an oddly shaped parcel with frontage along Oak Road. The Zoning Board granted a use variance for Santelli trucking in 1996. The applicant is seeking a use variance for an expansion of the existing cold storage facility. They are also seeking preliminary and final major site plan approval to be completed in two phases. Phase 1 will be 10,309 square feet of cooler space and phase 2 will be 14,400 square feet for cold storage and re-pack. Site improvements are minimal because the entire lot paved. There will be no change to the existing stormwater management plan. There is no additional imperious coverage.

Stephen J. Nardelli, Professional Engineer, testified on behalf of the applicant. Phase 1 will be a 10,309 square foot warehouse addition that will wrap around existing office building. Phase 2 will be a 14,400 square foot addition. That will extend out to existing paved area. There is a very slight increase to impervious coverage. As for the Planning Report, there is a variance for side yard setback on the west side are 36 feet whereas 50 feet required. Side buffer 15 feet whereas 25 feet required and the principal building height of 43 feet. Variance for building height of 43 feet. The addition will maintain that current height. The applicant is also seeking waivers. End island width (7 feet provided vs. 10 feet required). Parking space depth (18 feet provided vs. 19 feet required). End parking space back-up aisle width (0 feet provided vs. 5 feet required). Parking space row length without a tree island break (14 space row provided vs. 12 space row maximum permitted). Privacy slats will be installed in the existing fence on the east side. The applicant is requesting a waiver for plan sheet size. As required by New Jersey Law the applicant will provide one electric vehicle parking space. The applicant will comply with all the requirements of the Engineering Report. As to the positive criteria for the use variance, the application enhances the general welfare. As to the negative criteria, there is no substantial detriment to the public good or to the City's Land Use Ordinance.

Chairman made a motion to close the public hearing

Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
George LoBiondo: Yes

Mr. Torchio made a motion to approve the application.

Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes

George LoBiondo: Yes

Application granted.

1667 E LANDIS AVENUE WELLNESS PARK LLC, 1667 E. Landis Avenue, Block 4301, Lot 1, Zone B-3/IN-2, use variance and preliminary/final major site plan approval to establish a dermatology office and continue operation of a pharmacy along with extension of an existing drive.

The applicant was represented by Michael Fralinger, Esq. The applicant is seeking a use variance and preliminary/final site plan approval for a medical office and pharmacy. The property in question is the Elwyn campus which is 149 acres in size. The applicant is under contract to purchase the property from them. The parcel is in the IN-2 zone and a small portion in the B-3 zone. The applicant will use an existing building that has been used as a pharmacy for the campus. They want to continue that use and service the group homes. The pharmaceutical use is not a permitted use in the zone by itself. It is permitted as an accessory use. They would like to turn the accessory use into the principal use. They are also requesting a dermatologist office for the other side. This office will be open to the general public.

Jessie D. Dougherty, Professional Engineer, testified on behalf of the applicant. The boulevard style driveway is currently 62 feet wide, and that drive will be extended into the Elwyn property. There are 69 existing parking spaces and this parking lot will be improved. Signage will be added for traffic flow. Additional stop signs will also be added to the existing roadway. The applicant is requesting a driveway width waiver of 17 feet whereas 25 feet is being provided. Two required bicycle parking spaces are being provided. The applicant will provide a completely screened refuse station. Onsite lighting will be added in a 20 foot high shoebox light. The applicant is seeking waiver for pedestrian access to Main Road. There is a pedestrian access at the bank that extends to Main Road. The waiver is required since this access is slightly off site. The applicant will comply with the remainder of Planning Report and the Engineering Report.

Chairman made a motion to close the public hearing

Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
George LoBiondo: Yes

Application granted.

WALNUT 554 HOLDINGS, LLC, 554 W. Walnut Road, Block 4801, Lots 40 & 41, Zone R-3, use variance to construct a mixed-use residential development of condominium and townhouses.

The applicant was represented by Michael J. Gruccio, Esq. The applicant is seeking use variance only for the townhouse and condominium units. If approved by the Board the applicant will return for a major site plan approval. This application is for 38 townhouse units located within 8 buildings and 36 condominium units located within 3 buildings. The R-3 Zone does permit community residences, community shelters, hospitals, and funeral homes. Two blocks away townhouse units are permitted by the City's Ordinance. The standard here is a hardship variance. The application as proposed does advance purposes of the Municipal Land Use Law and there is special reason for the grant of this use variance. The negative criteria are satisfied. A medical college is being proposed on Sherman Avenue, and these condominium units and townhouse units will provide housing for the medical students. This application is consistent with the Master Plan of 2018. That Master Plan incorporated a townhouse overlay zone and spoke of the need for this type of development.

Donald H. Parks, Professional Engineer, testified on behalf of the applicant. Exhibit A-3, aerial photograph of the site. Approximately half of this property is wetlands which restricts development. The townhouse units are proposed along Walnut Road. The condominium units will be located to the rear. The stormwater management plan on the site will not have impact on the wetlands or the buffer. The City's Master Plan of Streets does show an extension of Lilac Drive into this property. That extension is not possible due to the wetlands. The City's Land Use Ordinance does require public sewer for townhouse units, and this property will have public sewer.

Stuart B. Weisser, Professional Engineer, testified on behalf of the applicant. He has reviewed the project plans and the City's Land Use Ordinance and Master Plan. The use variance is a d (1) use variance. That is a use or principal structure in a district who is restricted against such use or principal structure. The R-3 zone does permit single-family homes, farms, community residences, community shelters. Many of these types of uses are in effect multi-family units. The Land Use Ordinance defines townhouses as 5-plexes here the applicant has proposed tri-plexes. There is also a use variance for height which is a d (6) height variance. As to the negative criteria that criteria is satisfied. This site is particularly well suited for the use proposed. 2018 Master Plan Reexamination report identified the need for housing for medical staff at the hospital. Many of the doctors and interns do not want to own or have no time to maintain a single-family home. Exhibit A-6, displays Rowan/Cumberland County campus, applicant's site, and the residential townhouse overlay. This site is only 3 miles from the Rowan Campus site. The site is two blocks from the residential townhouse zone. NJDEP regulations limit development in the R-3 Zone because of the wetlands. The applicant faces peculiar and exceptional practical difficulties in developing this site. There are special reasons as set forth in the Municipal Land Use Law for granting the use variance. Reason A, encouraging development of land which will promote public health, safety and general welfare. Reason C, providing adequate light and open air space. Reason E, promoting the establishment of appropriate population densities and concentrations that will contribute to the wellbeing of persons, neighborhoods, communities, and regions and preservation of the environment. Reason G, providing sufficient space in appropriate locations for a variety of uses. Reason I, promoting a desirable visual environment. Reason P, enabling municipalities the flexibility to offer alternatives to traditional development. As to the negative criteria, there is no substantial detriment to the public good or the City's Land Use Ordinance or Zoning Plan. Exhibit A-1, aerial photograph showing the adjacent property Berkshire development. This site is well suited for this use. This development minimizes frontage on Walnut Road and of the 710 foot frontage only 210 feet will have building frontage.

Chairman made a motion to close the public hearing
Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
George LoBiondo: Yes

Application granted.

ADJOURN:

Ryan Flaim: Yes
Gena Pacitto: Yes
Raquel Soto: Yes
Joseph Stefano: Yes
Jeffrey Torchio: Yes
Darwin Cooper: Yes
Rudolph Luisi: Yes
George LoBiondo: Yes

Meeting adjourned at 11:15 PM

Yasmin Ricketts, Secretary
Zoning Board of Adjustment