

ZONING BOARD OF ADJUSTMENT MEETING
May 15, 2024

The public hearing began at 7:00 P.M.

Members present were:

Ryan Flaim
Eric Hernandez
Joseph Repice
Andrew Groetsch
Albert Fisher
George LoBiondo

Members absent: Joseph Stefano, Rudolph Luisi

Others Present were:

Michael Malinsky, Zoning Board Solicitor
Rick Crudelle, Assistant Zoning Officer
Ryan Headley, Zoning Board Engineer/Planner
Yasmin Perez, Zoning Board Secretary

The Chairman entertained a motion to approve the minutes from the April 17, 2024 meeting.

Roll call:

Ryan Flaim: Abstain
Eric Hernandez: Yes
Joseph Repice: Yes
Andrew Groetsch: Yes
Albert Fisher: Yes
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the April 17, 2024 meeting.

Roll call:

Ryan Flaim: Abstain
Eric Hernandez: Yes
Joseph Repice: Yes
Andrew Groetsch: Yes
Albert Fisher: Yes
George LoBiondo: Yes

US BANK TRUST, 620 S. Sixth Street, Block 4116, Lot 16, Zone NC, minor site plan for modifications to a parking lot.

The applicant was represented by Eric Chung, Esq. The applicant previously appeared before the board for a certification of pre-existing non-conforming use, and the board conditionally granted it. There was a previous issue where there was one single lot with three structures. There are two residential structures and a commercial building. There were some issues raised about the parking lot, so the board wanted the applicant to repave or fix it. This application is for a minor site plan for that parking lot. This plan calls for the demolition of the commercial building.

William Gilmore, Professional Engineer, testified on behalf of the applicant. He displayed a rendering depicting the existing and proposed conditions. They are proposing is to eliminate the commercial building, and construct a five stall parking area. They are requesting a waiver for parking space depth (18 feet provided vs. 19 feet required). There will be ingress and egress from Chestnut Avenue. One additional parking space currently exists now off Sixth Street. They added some greenery and lowered the impervious lot coverage. Planning Report, item 8, existing non-conformances, front yard setback, Chestnut Avenue (9.89 feet provided vs. 15 feet required). Front yard setback, Sixth Street (10.78 feet provided vs. 15 feet required). Side yard setback, westerly side (3.47 feet provided vs. 30 feet required). Side yard setback, northerly side (Less than 11 feet provided vs. 11 feet required). Side buffer, westerly side (0 feet provided vs. 5 feet required). Side buffer, northerly side (0 feet provided vs. 5 feet required from a residential use). Principal building height (3 stories provided vs. 2 stories required). Item 9, waivers, parking area shade trees (0 trees provided vs. 1 trees required at 1 per 12 parking spaces). Evergreen Trees are provided in lieu of Deciduous trees along the northern buffer. Parking space depth (18 feet provided vs. 19 feet required). Parking space width (9 feet provided vs. 9.5 feet required). The parking space dimensions do meet RSIS standards. Item 3b, waivers, street Shade trees, Sixth Street (0 trees provided vs. 1 trees required at 1 per 50 feet of frontage). Street Shade trees, Chestnut Avenue (0 trees provided vs. 3 trees required at 1 per 50 feet of frontage).

Mr. Headley indicated that the applicant met with the city and they have addressed his concerns. A lot of the variances are unavoidable because the site is already built.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Andrew Groetsch: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Mr. Repice made a motion to approve the application.

Roll call:

Ryan Flaim: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Andrew Groetsch: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Application granted.

RICHARD AND DONNA MARTINE AKA COUNTRYSIDE FLORIST, 3040 Union Road, Block 7409, Lot 8, Zone W-6, construction of an oversized garage.

The applicant was represented by Todd Heck, Esq. This is a minor subdivision for a large lot with a floral business. The business received a use variance more than 40 years ago at this location. They would like to subdivide the property and create two conforming residential lots in addition to the florist business.

Steve Nardelli, Professional Engineer, testified on behalf of the applicant. The lot is just slightly over 3 acres in size. They are proposing is a minor subdivision to create two conforming lots. Two lots will be residential and the remaining lot will be for the florist business. The lot that will contain the florist has a frontage of 153.16 feet. There is a side yard setback requirement variance, because of the garage behind the flower shop that is 44.1 feet

from the proposed sideline. There is a greenhouse that is 14.4 feet from the proposed line, and there is a greenhouse that is currently extending over into the new lot. The owner is proposing to remove the hoop house on the greenhouse to get back to a six-foot setback from that proposed new line. The applicant is requesting variances for those setbacks. The florist business is a small operation and it is currently surrounded by residential uses and a trucking business further north. The trucking business is in the I-2 zone and the rest of the area is in residential and agricultural zones. There is adequate space for that proposed use and the used the commercial use. There is no proposal to expand the florist area any further, and the area of the use is being reduced. There is a stone driveway on Oak Road that would encroach into the proposed new lot, so they are proposing an access easement temporarily. The applicant will relocate the driveway onto their lot for the florist when they start to develop. The applicant will comply with the Planning and Engineering reports.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Andrew Groetsch: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Mr. Hernandez made a motion to approve the use variance.

Roll call:

Ryan Flaim: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Andrew Groetsch: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Mr. Hernandez made a motion to approve the minor subdivision.

Roll call:

Ryan Flaim: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Andrew Groetsch: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Application granted.

TRI CORNER COMMUNITIES/FOREST GLEN MAJOR SUBDIVISION, Almond Road, Block 2704, Lots 12, 13, 14 & 34, Zones R-2 & I-2, preliminary major subdivision approval to create twenty-four residential lots and one basin lot.

The applicant was represented by Michael Gruccio, Esq. The applicant is in receipt of the staff reports and accepts all the comments.

Gregory B. Fusco, Professional Engineer/Planner, testified on behalf of the applicant. The subdivision consists of 24 single-family lots, and the lots are oversized because of the configuration of the property. If nothing is developed on this property, the surrounding neighborhood drains to the wooded lot. There is a railroad right away the right away that is higher in elevation than the property to the south. The properties along the west side of the site are also a couple of feet higher in elevation, and everything from the north and the northeast drains towards the river. The applicant has to address the volume of stormwater when the area is clear. There was a recent change in the New Jersey Department of Environmental Protection Stormwater Regulations, and it is necessary to take the entire lot that is located in the I2 industrial zone and allocate the stormwater. There is a split zone situation presented with the front portion zoned R-2, whereas the rear portion is zoned I-2. The application meets purpose B, to secure safety from fire flood panic and other man made disasters for the reasons explained previously, there is a natural area that is used for stormwater management at the current time. The new regulations regarding stormwater that the state adopted recognizes a tremendous amount of additional runoff generated by the storms that we have today. The applicant is taking existing natural area, and converting it into a more compliant basin to address the state stormwater regulations. In terms of the negative criteria, the board cannot grant the application without showing that such a variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning plan. The construction of the basin is absolutely a benefit to the public good. Despite what is being constructed, stormwater management must take place in some way. Stormwater management is a requirement of the zoning plan, and it is a requirement of state.

Mr. Headley explained that a basin is the least intense use, and this lot is too small to develop in the I-2 zone. Mr. Fusco did a good job explaining the new stormwater regulations.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Andrew Groetsch: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Mr. Groetsch made a motion to approve the use variance.

Roll call:

Ryan Flaim: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Andrew Groetsch: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Mr. Gruccio explained that this applicant went before the Planning Board approval in the early stages in the year 2016. The applicant seeks variance relief with respect to developable area of certain lots in the subdivision and that relates to Planning Board Report, section 16a, waiver for showing and identify the developable land area of each lot.

Mr. Fusco explained that there are there are 10 lots as depicted on the plan. Originally, when this subdivision was proposed and reviewed, the applicant wanted to construct a central pump station to handle the lots that were proposed for the development. That was approved in 2006 or 2007, and the next step was the Landis Sewage Authority. The Landis Sewage Authority was not interested in taking care of another pump station for 24 lots.

They asked us if they would look at the low pressure system for each of the single family homes. Every single lot has to have a small residential pump station located in the front. The Landis Sewage Authority asked for an easement for access to those units, and there is also a pump station easement. There were also some easements for stormwater piping that was added. All of the easements are all related to underground utilities.

Mr. Headley indicated that typically we have like the values of that variance. Developable lot area runs with the zone, so whatever the lot area is for the zone it is equal to the lot area. When granting the variance, he would prefer to know what the developed lot area is proposed versus what is required.

Mr. Fusco stated that for lot 13.06, the proposed area is 11,637 square feet the developable area will be 10,141 square feet. For lot 13.07 the proposed area is 11,637 square feet, the developable land area will be 99,241 square feet. For lot 13.08, the proposed area is 11,637 square feet, developable area 9377 square feet. Lot 14.09, the proposed area is 11,637 square feet; developable area will be 9,241 square feet. Lot 13.10 is 11,637 square feet, developable area will be 9,377 square feet. Lot 13.11 will be 16,418 square feet proposed, developable area will be 10,641 square feet. Lot 18 proposed area is 12,947 square feet, developable area will be 9,980 square feet. Lot 25 proposed area will be 12,947 square feet, developable area will be 10,786 square feet. Lot 26 proposed area will be 12,947 square feet; developable area will be 10,650 square feet. Planning Report, item 7, waivers for stormwater management basin side setback, southerly, I-2 Zone (15 feet provided vs. 20 feet required). Stormwater management basin side setback, westerly, R-2 Zone (5 feet provided vs. 10 feet required). Stormwater management basin side setback, easterly, R-2 Zone (0 feet provided vs. 10 feet required). Stormwater management basin setback from dwelling, septic system or well (40 feet provided vs. 50 feet required). Item 8, waivers for shrubbery to break the monotony of the proposed fence. Screening around the perimeter of the proposed stormwater management basin. (The proposed stormwater basin is 3 feet deep, and the ordinance requires fencing and screening for basins that are greater than 2 feet in depth). Item 10, waivers for all landscaped areas shall be irrigated with a timed, automatic underground system utilizing pop-up heads and/or tree bubblers. Location of stormwater management basin which requires a fence (front yard provided vs. side or rear yard required). The ordinance states, "No stormwater management basin which requires a fence shall be located in a front yard. A stormwater management basin that is two (2) feet or less in depth shall not be required to be fenced". Item 16a, waiver for showing and identify the developable land area of each lot. Item 12, Forest Retention & Replacement Plan that lists the trees being removed as part of the proposed project. The ordinance requires mitigation for developments that result in the removal of more than 30% of the forested acreage in the R-2 Zone and more than 65% in the I-2 Industrial Zone. It appears the applicant exceeds these removal rates. Therefore, the Applicant would be required to provide replacement trees or compensation based as determined appropriate by the Board. The applicant is offering \$250.00 per lot.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Andrew Groetsch: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Mr. Groetsch made a motion to approve the use variance.

Roll call:

Ryan Flaim: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Andrew Groetsch: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Mr. Repice made a motion to approve the minor subdivision.

Roll call:

Ryan Flaim: Yes

Eric Hernandez: Yes

Joseph Repice: Yes

Andrew Groetsch: Yes

Albert Fisher: Yes

George LoBiondo: Yes

Application granted.

EAST CUMBERLAND, LLC, 3305 E. Chestnut Avenue, Block 4505, Lot 1, Zone R-6, use variance and a waiver of site plan approval to permit certain B-1 uses.

The applicant was represented by Michael Gruccio, Esq. The developed portion of the property contains a 2,160 square foot commercial building with a paved parking lot. It is sufficient to accommodate 16 parking spaces and was approved as a farm market in calendar year 2010. The farm market unfortunately closed its doors in May of the year 2020. There was an application presented to the Zoning Board for a variance to permit the conversion of the farm market to a personal service shop. The property is located at the intersection of Lincoln Avenue and Chestnut Avenue. The approval mentioned that the use was not out of character with that particular circumstance. There were 16 parking spaces and hours of operation from 9:00 AM to 7:00 PM Monday Tuesday and Thursday from 9:00 AM to 5:00 PM on Wednesdays and Fridays and on Saturday from 8:00 AM to 3:00 PM. That hair salon is no longer in business at that location. The applicant is requesting flexibility on uses permitted at this location, so he does not have to return to the board for each prospective tenant. If a new variance is required to accommodate a particular use, they would return to the board. They are requesting uses permitted in the B-1 zone.

Edwin Bergamo, applicant, testified on his own behalf. There are also two parking spaces in the rear granted for the salon management. They did not realize how narrow the scope of the approval. Moving forward the odds of having a farm market or a salon are slim. The space could also accommodate offices. They do not want to return for a use variance for every change in occupancy. The property is limited by the square footage of the building and the parking. They do not want a use that is very intense. His business uses the common driveway. If the salon stays vacant, they are left with an empty commercial building. They need flexibility in terms of potential uses moving forward.

Mr. Malinsky went over the B-1 zone uses, Section 425-293, retail store except for those in numerated as prohibited uses, convenience store, business professional or medical office, or bank. Personal service shop salon except for those enumerated as prohibited uses. Vocational training facility non-industrial. Restaurant as defined in chapter 216 alcohol beverages of the code of the City of Vineland. Public purpose uses such as underneath that they have childcare center, governmental or public utility facility, our governmental or public utility office.

Mr. Headley stated that he like to know what the use is going to be specifically.

Mr. Curudelli had the same opinion. Granting a blanket variance leaves some unknowns.

Mr. Bergamo stated that he would also like to eliminate a restaurant use.

Mr. Gruccio explained that the zoning permit is submitted for each new tenant.

Mr. Bergamo agreed to the following uses; retail store, business or professional office, bank, personal service shop and vocational training facility that is not industrial.

Chairman made a motion to close the public hearing.

Roll call:

Ryan Flaim: Yes
Eric Hernandez: Yes
Joseph Repice: Yes
Andrew Groetsch: Yes
Albert Fisher: Yes
George LoBiondo: Yes

Mr. Flaim made a motion to approve the application.

Roll call:

Ryan Flaim: Yes
Eric Hernandez: Yes
Joseph Repice: Yes
Andrew Groetsch: Yes
Albert Fisher: Yes
George LoBiondo: Yes

Application granted.

EXTENSION REQUEST- BDGS, Inc. Industrial Building, Block 604, Lot 2.01, Resolution 2020-18.

The applicant received an approval in May 2020 for a preliminary and final site plan approval, and they are requesting 3 one-year extensions. The board approved a one-year extension, and the applicant must provide additional information for the remaining two extensions.

Mr. Flaim made a motion to approve a one-year extension.

Roll call:

Ryan Flaim: Yes
Eric Hernandez: Yes
Joseph Repice: Yes
Andrew Groetsch: Yes
Albert Fisher: Yes
George LoBiondo: Yes

Application granted.

Meeting adjourned at 9:07 PM

Roll call:

Ryan Flaim: Yes
Eric Hernandez: Yes
Joseph Repice: Yes
Andrew Groetsch: Yes
Albert Fisher: Yes
George LoBiondo: Yes

Yasmin Perez, Secretary

Zoning Board of Adjustment

