

In The Matter of the Appeal of:

} CITY OF VINELAND

} ZONING BOARD OF ADJUSTMENT

Alan Lemmerman

Name

16 Asperula Drive

Address

Sicklerville, NJ 08081

City/State/Zip

(609) 828-0158

Day Time Phone

} PETITION & NOTICE OF HEARING

To: CITY OF VINELAND ZONING BOARD OF ADJUSTMENT

This application concerns Block 303, Lot(s) 29 Sheet 3 on the Tax Map of the City of Vineland, having a street address of: 3700 North Delsea Drive.

The premises are owned by 1303 Associates, LLC.

by virtue of deed recorded in the Cumberland County Clerk's Office,

Book 4221 Page 4234. The applicant's interest in the property if other than owner is Option to Lease.

2) The land has frontage on North Delsea Drive of 165 feet, and a depth of 132 feet.

3) A sketch, map or plot plan of the site has been filed with the Secretary of the Zoning Board of Adjustment, and is available for review on the Fourth Floor of City Hall, 640 E. Wood Street, Vineland, NJ. The sketch, map or plot plan will demonstrate existing boundary lines, existing structures, and proposed changes or structures that the applicant requests approval of herein.

4) The land is situated in the IB zone(s), and the present use of the land is mixed use (one dwelling and one 3600 sf building previously used for commercial purposes).

Describe current use (i.e. vacant land, single family dwelling, professional office, retail store, etc.)

5) I desire to construct, modify, or establish the following on this property:
Cannabis pre-roll manufacturing

Describe proposed change (i.e. bedroom addition, used vehicle sales, retail store, two-family dwelling, etc.)

6) I desire the Zoning Board of Adjustment to grant a variance pursuant to NJSA 40:55D-70, paragraph

() a; () b; () c; (x) d or approval as related to a

() temporary use permit; () subdivision approval;

() site plan approval; () waiver of site plan requirements () certification of existing non-conforming use

() Other: _____

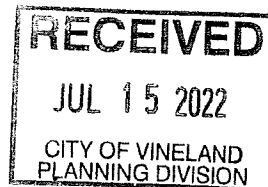
(Please check all that will apply to this application)

DISTRIBUTION

14 copies of Petition & Notice of Hearing (pages 1 thru 3), sketch, map or plot plan, along with property owners list to the Board Secretary and;

1 complete copy of the above to Frank DiDomenico, Esquire, 8 LaSalle Street, Vineland, NJ

1 copy of Petition & Notice of Hearing (pages 1 thru 3) ONLY, to EACH PERSON shown on property owners list, (plot plan optional)



Petition & Notice of Hearing

- 7) Set forth, in detail, including all facts which you wish to rely on at the hearing, why the Zoning Board of Adjustment should grant your application, (attach as many sheets as needed). This application may be decided on reasons herein stated in the event that one desires not to provide additional testimony on the application.

This application is for a use (d) variance for property located at 3700 North Delsea Drive and located in the IB Zone.

The applicant seeks to use the property as a Class II: Cannabis Manufacturing site whereby the applicant intends to manufacture pre-rolled cannabis cigarettes. The Class II: Cannabis Manufacturing use is a permitted use in the IB Zone, however, the property in question currently consists of a residential dwelling and a detached 3,600 square foot building, previously used for commercial purposes. Due to the residential dwelling being on the property, a use variance is necessary. However, it is the applicant's argument that allowing the Class II: Cannabis Manufacturing use would not

impede the general purpose of the zoning law, but would instead promote the general purpose of the zoning law.

In addition, relief can be granted without substantial detriment to the public good since this use was already contemplated for this specific zone. In this instance, the property is being leased to the applicant from the owner of the property. The owner of the property is aware and has granted permission to the applicant for its specific use. The applicant will simply be using the property to pre-roll cannabis cigarettes for further distribution to cannabis retailers and wholesalers. No work to the building is being done.

Petition & Notice of Hearing

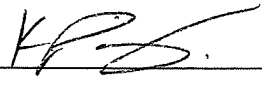
8) If the applicant is represented by an attorney, please note the name and address:

Kirk Pavoni Jr., Esquire
Name
236 Route 38 West, Suite 130 (215) 880-2071
Address Phone
Moorestown, NJ 08057
City/State/Zip

9) Set forth any previous applications to the Zoning Board of Adjustment, regarding this property, along with the nature of request, date of hearing, and results of same.

N/A

10) **TAKE NOTICE** that a hearing on this application will be conducted at the City of Vineland Council Chambers (Second Floor), 640 E. Wood St., Vineland, NJ, on August 17, 2022, **7:30 P.M.**, at which time you may appear individually or by counsel and express your opinions either for or against this application.

7/14/22 
DATE APPLICANT or ATTORNEY

NOTICE TO APPLICANTS and ATTORNEYS

TIME FOR IMPLEMENTING APPROVAL: If you are granted an approval from the Zoning Board of Adjustment as a result of this application, you will be provided a period of one year from the date of approval to obtain permits, or to implement the approved use. Failure to do so will result in the termination and voiding of this approval, unless an applicant makes a written application to the Zoning Officer for an extension of time regarding this approval, prior to the expiration of the one year period. Such extension, if approved, may only be granted for an additional 6 months.

SITE PLAN APPROVAL can only be obtained if a complete site plan application has been submitted to the Planning Division (794-4101), along with the development application form, the correct number of plans, the appropriate fees, etc. If site plan approval is requested as a condition of a previous variance approval, then a separate Petition and Notice of Hearing and public notice will be required. If during an original hearing of any application, the applicant has requested site plan approval, but the plan has not been reviewed by the City staff, then the portion of the hearing concerning the site plan, may be continued to the next regular meeting date (with proper announcement and with Board approval during the meeting), without any further notice or application.

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In The Matter of the Appeal of:

} CITY OF VINELAND

} ZONING BOARD OF ADJUSTMENT

Gopinath Sub. L.L.C.

Name

301 West Chestnut Avenue

Address

Vineland, New Jersey 08360

City/State/Zip

856-503-6433

Day Time Phone

} PETITION & NOTICE OF HEARING

To: **CITY OF VINELAND ZONING BOARD OF ADJUSTMENT**

This application concerns Block 4806, Lot(s) 1 Sheet 48 on the Tax Map of the City of Vineland, having a street address of: 301 West Chestnut Avenue, Vineland, NJ 08360

The premises are owned by Gopinath Sub. L.L. C.

by virtue of deed recorded in the Cumberland County Clerk's Office,

Book 48 Page 45. The applicant's interest in the property if other than owner is

N/A

2) The land has frontage on 301 West Chestnut Avenue of 244 feet, and a depth of 240 feet.

3) A sketch, map or plot plan of the site has been filed with the Secretary of the Zoning Board of Adjustment, and is available for review on the Fourth Floor of City Hall, 640 E. Wood Street, Vineland, NJ. The sketch, map or plot plan will demonstrate existing boundary lines, existing structures, and proposed changes or structures that the applicant requests approval of herein.

4) The land is situated in the RB 1 and zone(s), and the present use of the land is Laundromat R3

Describe current use (i.e. vacant land, single family dwelling, professional office, retail store, etc.)

5) I desire to construct, modify, or establish the following on this property: Expand the laundromat for an additional 32 Washing Machines and 61 Dryers on the first floor and 2 apartments with 2 bedrooms in one apt. and 3 bedrooms in the 2nd apt. on the second floor.

6) I desire the Zoning Board of Adjustment to grant a variance pursuant to NJSA 40:55D-70, paragraph

() a; () b; () c; (☒) d or approval as related to a

() temporary use permit; () subdivision approval;

() site plan approval; (☒) waiver of site plan requirements

() Other: _____

(Please check all that will apply to this application)

Page 1

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Petition & Notice of Hearing Page 2

- 7) Set forth, in detail, including all facts which you wish to rely on at the hearing, why the Zoning Board of Adjustment should grant your application, (attach as many sheets as needed). This application may be decided on reasons herein stated in the event that one desires not to provide additional testimony on the application.

My Laundromat is located in a high density apartment complex neighborhood.

There is a need for more laundromats. My property location is appropriate for such use.

To provide for the needs of the population, I am requesting to be permitted to place 32 more washing machines and 61 more dryers in the first floor and two apartments with A 2 BEDROOM 3 BEDROOM on the second floor. There are many buildings in the neighborhood

that have multi uses within the same structure. When facing my Laundromat, to the left, (the Blvd) there are several duplex homes and a commercial store. When facing my laundromat to the right, (West Avenue) there are apartment complexes.

Across the street from my laundromat from West Avenue to the Blvd, there are many commercial buildings. There is an industrial building, a laundromat, a general food store and a corner building with several uses. Directly across from my laundromat is a building that houses a bakery, a doctor's office and an apartment. Also in the area, there is a car washing business and a multi use building. There is also a strip mall housing a Podiatrist and Doctor's offices. Closer to the Blvd is a car repair shop.

Allowing me to add additional space on the first floor for my laundromat and two apartments on the second floor will not be detrimental nor deleterious to the zone.

The approval will be a benefit to the neighborhood and will increase the zone's usefulness and value.

KVP

8) If the applicant is represented by an attorney, please note the name and address:

Charles J. Girard Esq.

Name

825 East Elmer Street

Address

Cell / 856-982-1608 0/856-696-9300

Phone

Vineland, New Jersey 08360

City/State/Zip

9) Set forth any previous applications to the Zoning Board of Adjustment, regarding this property, along with the nature of request, date of hearing, and results of same.

My client advises me that her husband (before his death) had received approval for the laundromat in approximately 2008.

10) **TAKE NOTICE** that a hearing on this application will be conducted at the City of Vineland Council Chambers (Second Floor), 640 E. Wood St., Vineland, NJ, on August 17, 2022, 7:30 P.M., at which time you may appear individually or by counsel and express your opinions either for or against this application.

* **Do to the COVID-19 pandemic, the City will adhere to N.J.S.A. 40:55D-1 and conduct monthly meetings virtually and in person until further notice. If you wish to attend a meeting, please go to www.vinelandcity.org and choose "Planning/Zoning Virtual Meetings-All Attendees" for further instructions.**

7/12/22
DATE

Charles J. Girard Esq.
APPLICANT OR ATTORNEY

NOTICE TO APPLICANTS and ATTORNEYS

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SITE PLAN APPROVAL can only be obtained if a complete site plan application has been submitted to the Planning Division (794-4101), along with the development application form, the correct number of plans, the appropriate fees, etc. If site plan approval is requested as a condition of a previous variance approval, then a separate Petition and Notice of Hearing and public notice will be required. If during an original hearing of any application, the applicant has requested site plan approval, but the plan has not been reviewed by the City staff, then the portion of the hearing concerning the site plan, may be continued to the next regular meeting date (with proper announcement and with Board approval during the meeting), without any further notice or application.

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1 copy of Petition & Notice of Hearing (pages 1 thru 3) ONLY, to EACH PERSON shown on property owners list, (plot plan optional)

In the Matter of the Appeal of:

**CITY OF VINELAND
ZONING BOARD OF ADJUSTMENT**

ARV Investments LLC
Applicant
c/o Rocco J. Tedesco, Esquire
Name
351 W. Elmer Road
Address
Vineland, NJ 08360
City/State/Zip
856-696-1500
Day Time Phone

**PETITION AND NOTICE
OF HEARING**

TO: CITY OF VINELAND ZONING BOARD OF ADJUSTMENT

1) This application concerns Block 5502, Lot 45, Sheet 55 on the Tax Map of the City of Vineland, having a street address of: 1174 S. Delsea Drive.

The premises are owned by ARV Investments LLC by virtue of Deed recorded in the Cumberland County Clerk's Office, in Book 4202, Page 9767. Applicant's interest in property if other than owner is N/A.

2) The land has frontage on S. Delsea Drive of 115 feet and it has a depth of 360 feet.

3) A sketch, map or Plot Plan of the site has been filed with the Secretary of the Zoning Board of Adjustment, and is available for review on the Fourth Floor, City Hall, 640 E. Wood Street, Vineland, NJ. The sketch, map or plot plan will demonstrate existing boundary lines, existing structures, and proposed changes or structures, that the applicant requests approval of herein.

4) The land is situate in the B-2 zone(s), and the present use of the land is: _____
SEE ATTACHED

Describe CURRENT USE (i.e. Vacant Land, Single Family Dwelling, Prof. Office, Retail Store, etc.)

5) I desire to construct, modify, or establish the following on this property: _____
SEE ATTACHED

Describe PROPOSED CHANGE (i.e. bedroom addition, used car sales, retail store, 2 family dwelling, etc.)

6) I desire the Zoning Board of Adjustment to grant a variance pursuant to NJSA 40:55D-70, Paragraph ☐ a; ☐ b; ☐ c; ☒ d or approval as related to a

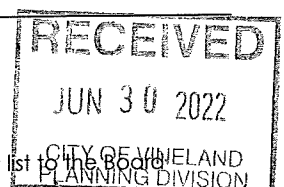
☐ Temporary Use Permit; ☐ Subdivision Approval;
☐ Site Plan Approval; ☒ Waiver of Site Plan Requirements
☒ Other: any and all other necessary variances and/or design waivers which may be determined upon review by the Board's professionals
(Check ALL that will apply to this application)

Page 1
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1 complete copy of the above to Frank DiDomenico, Esquire, 8 LaSalle Street, Vineland, NJ

1 copy of Petition & Notice of Hearing (pages 1-3) ONLY, to EACH PERSON shown on property owners list, (plot plan optional)



7) Set forth, in detail, including all facts which you wish to rely on at the hearing, why the Zoning Board of Adjustment should grant your application. (Attach as many additional sheets as needed.) This application may be decided on reasons herein stated in the event that one desires not to provide additional testimony on the application.

This application seeks the necessary variance relief to permit the use of the subject property for permitted B-2 commercial uses, office and storage facilities for the ARV Mechanical contracting business, and continued use of the second floor residential apartment. Submitted with this application is a copy of the previously approved site plan. The plan identifies that portion of the existing building to be used for permitted B-2 uses (outlined in blue), the portion of the existing building to be utilized in connection with the mechanical contracting business (outlined in orange), and the continued use of the existing apartment (outlined in green). The plan also shows the parking to be provided associated with each of the pre-existing and proposed uses. With the minor exceptions as indicated below, applicant proposes no modifications to the existing structure and accordingly a waiver of site plan approval is also requested.

The property and existing building has been subject to a number of uses pre-dating 1975. The property has been subject to several applications to the Zoning Board and Planning Board for the period of 1975 through 1995. In particular, the June 2, 1975 resolution of approval authorized the use of the property for the manufacturing of food stuffs such as pizza and other Italian cooking. (A copy of the June 2, 1975 resolution attached as Exhibit "A".)

In 1977, the property again came before the Zoning Board of Adjustment. Notably the August 2, 1977 resolution (a copy attached as Exhibit "B"), noted that there was a valid, pre-existing, non-conforming apartment use on the second floor. That resolution also notes the prior use of the property as a warehouse for storage of amusement machines. By resolution dated May 15, 1978 (copy attached as Exhibit "C"), the property was permitted to be utilized for the valid pre-existing, non-conforming residential use on the second floor and a restaurant on the first floor.

By resolution dated June 22, 1987, the property was granted a variance for use of the premises for an auto décor and protection business. (A copy of June 22, 1987 resolution attached as Exhibit "D".)

In 1995 an application was made to the Zoning Board of Adjustment to permit use of the property as an adult entertainment center. The proposed use at that time included an adult book store and live adult entertainment. The proposed use was initially denied by resolution of the Board dated October 27, 1995. (A copy of that resolution is attached as Exhibit "E".) Subsequently a modified version of the adult entertainment center was approved by resolution of the Planning Board bearing resolution number 3991. (A copy of Resolution No. 3991 attached as Exhibit "F".) The approved adult entertainment center continued the second floor apartment use. On information and belief, the adult entertainment center was approved following litigation with the City of Vineland.

Page 2
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The property has remained vacant for several years. The structure fell into disrepair and was unsightly and aesthetically unpleasing. Applicant has, since acquiring ownership, removed the deteriorated canopy shown on the previously approved plan and made other improvements to the site, enhancing its aesthetic value.

The history of uses of the site demonstrate that the property was suitable for use for various industrial-like activities, including food manufacturing, warehousing and auto body enhancements. The several year vacancy following use as an adult entertainment center demonstrates the lack of interest to utilize the property in its entirety for permitted B-2 uses.

It is respectfully submitted that the proposed uses by applicant are consistent with the historic uses of the property and as such constitutes sufficient special reasons for the granting of the variance requested. Furthermore, applicant most respectfully submits that the restoration of the property to a viable use, together with the building repairs and enhancement of aesthetics of the property constitute further special reasons for the grant of the proposed variance relief.

Considering the location of the property along busy Highway Route 47 and its historic uses, applicant most respectfully submits that the application can be granted without substantial detriment to the general public welfare or without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

The utilization of the property without exterior modification forms the basis for applicant's request of site plan waiver. This request has been reviewed with the City Planning/Engineering office and it is the applicant's understanding that the proposal for a site plan waiver is acceptable to those departments.

For all the foregoing reasons, applicant most respectfully requests that the variance relief and site plan waiver be granted.

Page 3
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8) If the applicant is represented by an Attorney, please note the name and address:

Rocco J. Tedesco, Esquire

Name

351 W. Elmer Road

Address

Vineland, NJ 08360

City/State/Zip

856-696-1500

Telephone

9) Set forth any previous applications to the Zoning Board of Adjustment regarding this property, along with the nature of request, date of hearing, and results of same.

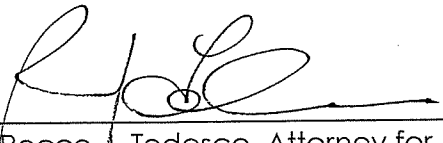
See item 7 with attached resolutions.

10) **TAKE NOTICE** that a hearing on the above application will be held at the City of Vineland Council Chambers, (Second Floor), 640 East Wood Street, Vineland, NJ, on **Wednesday, AUGUST 17, 2022 at 7:30 p.m.**, at which time you may appear, individually or by counsel and express your opinions either for or against this application.

* Due to the COVID-19 pandemic, the City will adhere to N.J.S.A. 40:55D-1 and conduct monthly meetings virtually and in person until further notice. If you wish to attend a meeting virtually, please go to www.vinelandcity.org and choose "Planning/Zoning Virtual Meetings-All Attendees" for further instructions.

June 30, 2022

Date



Rocco J. Tedesco, Attorney for Applicant

NOTICE TO APPLICANTS and ATTORNEYS

TIME FOR IMPLEMENTING APPROVAL. If you are granted an approval from the Zoning Board of Adjustment as a result of this application, you will be provided a period of one year from the date of approval to obtain permits, or to implement the approved use. Failure to do so will result in the termination and voiding of this approval, unless an applicant makes a written application to the Zoning Officer for an extension of time regarding this approval, prior to the expiration of the one year period. Such extension, if approved, may only be granted for an additional 6 months.

SITE PLAN APPROVAL can only be obtained if the Site Plan has been submitted to the Planning Division (794-4101), along with the Standard Development Application, the correct number of plans, and the appropriate Fees. If Site Plan Approval is requested as a condition of a previous Variance approval, then a separate Petition and Notice of Hearing and Public Notice will be required. If during an original hearing of an application, the Applicant has requested Site Plan Approval, but the Plan has not been reviewed by the Site Plan Review Advisory Board, then the portion of the hearing concerning the Site Plan, can be continued to the next regular meeting date (with proper announcement during the meeting), without any further notice or application.

Page 4

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In The Matter of the Appeal of:

} CITY OF VINELAND

} ZONING BOARD OF ADJUSTMENT

PJ Land Development, LLC

Name

71 Carolyn Blvd.

} PETITION & NOTICE OF HEARING

Address

Farmingdale, NY 11735

City/State/Zip

Day Time Phone

To: **CITY OF VINELAND ZONING BOARD OF ADJUSTMENT**

This application concerns Block **3502**, Lot(s) **3 & 4** Sheet _____ on the Tax Map of the City of Vineland, having a street address of: **1423 Landis Avenue**.

The premises are owned by **PJ Land Development, LLC (The Applicant)**.

by virtue of deed recorded in the Cumberland County Clerk's Office,

Book _____ Page _____. The applicant's interest in the property if other than owner is

N/A

2) The land has frontage on **South Orchard Road** of _____

(Street)

290 feet, and a depth of **305** feet.

3) A sketch, map or plot plan of the site has been filed with the Secretary of the Zoning Board of Adjustment, and is available for review on the Fourth Floor of City Hall, 640 E. Wood Street, Vineland, NJ. The sketch, map or plot plan will demonstrate existing boundary lines, existing structures, and proposed changes or structures that the applicant requests approval of herein.

4) The land is situated in the **B4/R3** zone(s), and the present use of the land is **Existing car wash on lot 4 and existing residence on lot 3**.

Describe current use (i.e. vacant land, single family dwelling, professional office, retail store, etc.)

5) I desire to construct, modify, or establish the following on this property:

A new car wash with lighting, landscaping and related site improvements.

Describe proposed change (i.e. bedroom addition, used vehicle sales, retail store, two-family dwelling, etc.)

6) I desire the Zoning Board of Adjustment to grant a variance pursuant to NJSA 40:55D-70, paragraph

() a; () b; (X) c; (X) d or approval as related to a

() temporary use permit; () subdivision approval;

(X) site plan approval; () waiver of site plan requirements () certification of existing non-conforming use

() Other: _____

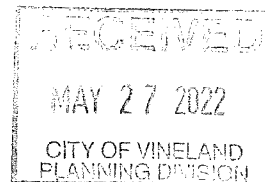
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See attached Project Narrative and Variance Justification Report

[illegible]

Petition & Notice of Hearing

8) If the applicant is represented by an attorney, please note the name and address:

Stephen R. Nehmad, Esquire

Name

4030 Ocean Heights Avenue

Address

609-927-1177

Phone

Egg Harbor Township, NJ 08234

City/State/Zip

9) Set forth any previous applications to the Zoning Board of Adjustment, regarding this property, along with the nature of request, date of hearing, and results of same.

N/A

10) TAKE NOTICE that a hearing on this application will be conducted at the City of Vineland Council Chambers (Second Floor), 640 E. Wood St., Vineland, NJ, on _____, 7:30 P.M., at which time you may appear individually or by counsel and express your opinions either for or against this application.

DATE

APPLICANT or ATTORNEY

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Stephen R. Nehmad, Esquire

Name

4030 Ocean Heights Avenue

Address

609-927-1177

Phone

Egg Harbor Township, NJ 08234

City/State/Zip

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N/A

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5/23/2022

DATE



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SITE PLAN APPROVAL can only be obtained if a complete site plan application has been submitted to the Planning Division (794-4101), along with the development application form, the correct number of plans, the appropriate fees, etc. If site plan approval is requested as a condition of a previous variance approval, then a separate Petition and Notice of Hearing and public notice will be required. If during an original hearing of any application, the applicant has requested site plan approval, but the plan has not been reviewed by the City staff, then the portion of the hearing concerning the site plan, may be continued to the next regular meeting date (with proper announcement and with Board approval during the meeting), without any further notice or application.

DISTRIBUTION

14 copies of Petition & Notice of Hearing (pages 1 thru 3), sketch, map or plot plan, along with property owners list to the Board Secretary and;
1 complete copy of the above to Frank DiDomenico, Esquire, 8 LaSalle Street, Vineland, NJ
1 copy of Petition & Notice of Hearing (pages 1 thru 3) ONLY, to EACH PERSON shown on property owners list, (plot plan optional)

In The Matter of the Appeal of:

UHaul

Name

2727 N. Central Avenue Phoenix AZ 85004

Address

City/State/Zip

Day Time Phone

**}CITY OF VINELAND
}ZONING BOARD OF ADJUSTMENT**

}PETITION & NOTICE OF HEARING

To: **CITY OF VINELAND ZONING BOARD OF ADJUSTMENT**

This application concerns Block 6101, Lot(s) 19 and 20 Sheet _____ on the Tax Map of the City of Vineland, having a street address of:

2290 S. Delsea Dr., Vineland, NJ 08360

The premises are owned by AREC 27, LLC

by virtue of deed recorded in the Cumberland County Clerk's Office,

Book _____ Page _____. The applicant's interest in the property if other than owner is

2) The land has frontage on South Delsea Drive _____ of
(Street)
_____ feet, and a depth of _____ feet.

3) A sketch, map or plot plan of the site has been filed with the Secretary of the Zoning Board of Adjustment, and is available for review on the Fourth Floor of City Hall, 640 E. Wood Street, Vineland, NJ. The sketch, map or plot plan will demonstrate existing boundary lines, existing structures, and proposed changes or structures that the applicant requests approval of herein.

4) The land is situated in the R-5, B-3 zone(s), and the present use of the land is

Describe current use (i.e. vacant land, single family dwelling, professional office, retail store, etc.)

5) I desire to construct, modify, or establish the following on this property:

Describe proposed change (i.e. bedroom addition, used vehicle sales, retail store, two-family dwelling, etc.)

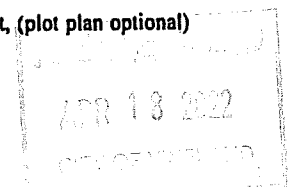
6) I desire the Zoning Board of Adjustment to grant a variance pursuant to NJSA 40:55D-70, paragraph

- ☐ a; ☐ b; ☒ c; ☒ d or approval as related to a
☐ temporary use permit; ☐ subdivision approval;
☒ site plan approval; ☐ waiver of site plan requirements
☐ Other: _____

(Please check all that will apply to this application)

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Petition & Notice of Hearing

- 7) Set forth, in detail, including all facts which you wish to rely on at the hearing, why the Zoning Board of Adjustment should grant your application, (attach as many sheets as needed). This application may be decided on reasons herein stated in the event that one desires not to provide additional testimony on the application.

Please see enclosed addendum.

Petition & Notice of Hearing

8) If the applicant is represented by an attorney, please note the name and address:

Augusta M. O'Neill, Esq.

Name

1835 Market Street, Suite 1400

Address

Philadelphia, PA 19103

City/State/Zip

(215) 569-4778

Phone

9) Set forth any previous applications to the Zoning Board of Adjustment, regarding this property, along with the nature of request, date of hearing, and results of same.

10) **TAKE NOTICE** that a hearing on this application will be conducted at the City of Vineland Council Chambers (Second Floor), 640 E. Wood St., Vineland, NJ, on _____, 7:30 P.M., at which time you may appear individually or by counsel and express your opinions either for or against this application.

DATE

4-8-2022

APPLICANT or ATTORNEY



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**ZONING BOARD OF ADJUSTMENT OF
CITY OF VINELAND**

ADDENDUM TO APPLICATION

Property: 2290 S. Delsea Drive
Vineland, New Jersey 08360
Block: 6101 Lots: 19 & 20

Applicant: U-Haul
Dan DiBuo, Representative
2727 N. Central Avenue
Phoenix, AZ 85004

Owner: U-Haul
2727 N. Central Avenue
Phoenix, AZ 85004

Attorney: Hercules W. Grigos, Esquire
Augusta M. O'Neill, Esquire
KLEHR HARRISON HARVEY BRANZBURG LLP
1835 Market Street, Suite 1400
Philadelphia, PA 19103
aoneill@klehr.com
(215) 569-4778

Relief Requested:

- 1) Major Site Plan approval to permit a self-storage warehouse with a loading and parking area on Lot 20, with a proposed building footprint of approximately 21,644 SF.
- 2) A use variance for the expansion of a self-storage operation in the R-5 residential district, whereas self-storage is otherwise not permitted pursuant to Section 425-279 of the City of Vineland Zoning Ordinance (the "Zoning Ordinance");¹
- 3) A variance from Section 425-308, Sheet 1 of the City of Vineland Zoning Schedule to permit a minimum side yard of 2.8 feet, whereas 10 feet is required in the B-3 zoning district and 50 feet is required in the R-5 zoning district;
- 4) A variance from Section 425-308, Sheet 1 of the City of Vineland Zoning Schedule to permit a minimum total side yard of 22.8 feet, whereas 40 feet is required in the B-3 zoning district and 100 feet is required in the R-5 zoning district;

¹ Note that the Property is split-zoned B-3 and R-5. In the B-3 zoning district, self-storage uses are a permitted principal use pursuant to Section 425-925(B)(19) of the Zoning Ordinance.

- 5) A variance from Section 425-308, Sheet 1 of the City of Vineland Zoning Schedule to permit a maximum impervious coverage of 19.9%, whereas 15% is allowed in the R-5 zoning district.²

Project Summary:

The Property is presently used as a U-Haul storage facility, with self-storage buildings located on Lot 19 of the Property and an overflow gravel parking lot on Lot 20. The Property is currently improved with a one-story frame building off of South Delsea Drive and fifteen concrete block one-story frame buildings, varying in size from 4,000-4,800 SF.

The Property is split-zoned and located in both the B-3 Business Zone and R-5 Residential Zone zoning districts. It is located north of West Grant Avenue and south of West Elmer Road, across from the Crystal Plaza shopping center.

The Applicant is seeking approval for an expansion of its self-storage use to construct an approximately 21,644 SF warehouse with loading dock and parking area on Lot 20 in order to accommodate the storage of U-Box portable moving and storage containers.

The Applicant is proposing no new or additional signage with this application.

Finally, the Applicant seeks Major Site Plan approval as part of its application for new construction of the warehouse, as the proposed development area exceeds 5,000 square feet pursuant to Section 425-66 of the Zoning Ordinance.

Legal Standard:

In considering an application for a variance, the Zoning Board of Adjustment is required to apply the provisions of Section 40:55D-70 of the Municipal Land Use Law. Section 40:55D-70(d)(1) provides that the Zoning Board of Adjustment has the authority to grant a variance permitting a use in a district restricted against such use in particular cases for "special reasons." Although "special reasons" can include the finding that the refusal to grant relief would impose on the applicant an undue hardship, New Jersey courts has consistently held that the standard more often involves an evaluation of whether a project carries out a purpose of zoning. *Medici v. BPR Co.*, 107 N.J. 1 (1987). The purposes of zoning include, but are not limited to the following:

- (1) To provide adequate light, air and open space.
- (2) To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons,

² Note that the impervious coverage proposed complies with the 50% required in the B-3 zoning district.

neighborhoods, communities and regions and preservation of the environment.

- (3) To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.
- (4) To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.
- (5) To promote a desirable visual environment through creative development techniques and good civic design and arrangement.

N.J.S.A. 40:55D-2.

Where a Zoning Board of Adjustment considers a request for bulk variances, the request can be considered in accordance with a more flexible test that balances the positive and negative impacts of the proposed development to the surrounding community. A Zoning Board of Adjustment may grant a bulk variance upon finding one or more of the following:

- (1) Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property; or
- (2) Where the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

Notwithstanding the nature of the requested relief, no variance may be granted without a showing that such variance can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. N.J.S.A. 40:55D-70.

Conclusion:

In the present case, the Applicant is seeking variances to permit the use of the Property in a manner that is particularly suited to the configuration of the lot and the

location of the Property. The project will not impair the intent of the Zoning Ordinance and will further the purposes of zoning by establishing an appropriate commercial use in a neighborhood of similar uses adjacent to adequate transportation routes. Accordingly, the anticipated benefits of the proposed development will substantially outweigh any detriment.

At the time of public hearing on this Application, the Applicant will present sufficient credible evidence and testimony to demonstrate that is entitled to the requested relief in accordance with the provisions of the Municipal Land Use Law. As such, the Applicant requests that the Zoning Board of Adjustment, after due deliberation of the evidence and testimony presented, granted the requested relief.