



**CITY OF ABSECON
Municipal Complex
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PLANNING & ZONING
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**MARCH 18, 2025
ZONING BOARD
MEETING MINUTES**

The meeting was called to order by Chairman, Pat Malia at 7:00 p.m.

Flag Salute

Notification of Meeting

ROLL CALL

PRESENT: Baltera, Famularo, Lawler, Reilly, Sellers, Curran, Seher, Malia

ABSENT: Cottrell

ALSO PRESENT: Brian Heun, Esq., board attorney; Bob Smith, board engineer, Tina Lawler, board secretary

VOTE: Resolution #1-2025 – Appointing a temporary Zoning Board Attorney

Motion to approve: Steve Baltera – second – Arianne Sellers

ROLL CALL: Baltera, yes; Famularo, yes; Lawler, yes; Reilly, yes; Sellers, yes; Curran, yes; Seher, yes; Malia, yes

SWEARING IN OF NEW BOARD MEMBER – Brian swore in Abigail Curran

OLD BUSINESS:

VOTE: Minutes of January 21, 2025 meeting

Motion to approve: Greg Seher – second – Mike Reilly

All were in favor

NEW BUSINESS:

Appl. #1-2025 for Rocco's Restaurant Group, LLC for a Use Variance and Minor Site Plan approval to operate a Rocco's Italian Sausage and Cheese Steak take-out restaurant as an accessory use to the existing Home Depot store

Emanuel Sanfilippo, III, attorney represented the applicant. Present with him were three witnesses and they were all sworn in.

Teal Jefferis, applicant's Engineer; Daniel Winter, II, owner and Director of Operations and Development; and Lance Landgraf, Jr., applicant's Planner

Emanuel – explained why they were before the board tonight and a little about the application. They need a variance and waivers but the professionals will go into them when they report.

He called his first witness: Teal Jefferis

Teal went through the list of submission waivers that they were asking for.

- All lot lines, block and lot numbers and owners of record
- All existing zoning boundaries
- An outbounds and topographic survey
- Plan depicting proposed buildings and parking
- Street profiles and cross-sections
- Location of all proposed sewer and water lines
- Location and design and ingress/egress of all proposed parking areas
- Landscaping plan
- Lighting conforming to requirements
- A soil erosion and sedimentation control plan
- A storm water management plan
- Tabulation of total acreage and percentage of building area, impervious area and open space area
- EIS waiver

Pat – asked if the stormwater is sufficient and the sewer and water laterals and the lighting

Bob – the grading plans shows it, as well as the lighting

Brian – stated there needs a motion to deem the application complete.

Motion was made by Greg Seher – seconded by – Mike Reilly

All were in favor

Teal – he then explained the site size, the location, and the existing conditions. The restaurant will be installed on a concrete pad and will be 11 ft. in height and 14 ft. wide. There will be no seating inside or outside. There are steps and a landing to get in and it will be handicapped accessible. Bollards will be installed in the front of the building. There will be no bathroom facilities in the building; only water and electric services for the restaurant. The sewer lateral will be extended into the current one. There is no new impervious coverage, since it is not a major development. Parking that is at the Home Depot will be adequate and a parking variance was granted in 2001 for the Home Depot. No DOT approval is needed since there is minimal effect on the property.

There was discussion regarding number of parking spots and the signage allowed. The exact numbers will be worked up and both engineers will work to get them straightened out for the resolution.

Dan Winter – owner of the property was questioned by his attorney. They started these restaurants in 2000 and they now are located at 11 Home Depots and the 12th one is opening in Trenton next month. Home Depot reached out to us and said they would like one at this location. They have an exclusive contract with them. The main goal is to feed the contractors, the employees and shoppers. This will not impact merchandizing, but will be visible to everyone. They just signed a national contract with Home Depot and they are approved for every Home Depot site in NJ. The hours will be 7 a.m. to 7 p.m., but they try to operate during Home Depot's peak hours. These are 14 ft. wide pre-fab structures that get dropped on site.

Matt – will there be any new trash cans and if clean up is necessary, are you going to do it?

Dan – there are none planned, but if we need to, we will. We will clean up any messes.

Matt – do you have a lease and your own insurance policy?

Dan – yes

Lance Landgraf, applicant's planner - this application is considered an accessory use to the Home Depot use or it could be considered two principle uses. He then went through the criteria for both the D1 or D3 variances. The board will decide which one they feel is right. For the D1, the special reason is that the site is well suited for it since the impact to the facility will be minor and it will have zero impact to the surrounding area. Most trips will be from people already coming to the Home Depot. It is not a destination restaurant. The purposes of zoning were mentioned and all are met and the use is appropriate. The space and location are adequate and the lighting is already there. They feel they advance the purposes of the land use law. As to the negative criteria, we are not a detriment to the substantial good and there is no impact to the neighbors or circulation plan. There will be 3 employees and 2 parking spaces will be needed. This promotes the goals of the Master Plan. The D3 criteria is different and if it is an accessory use or a conditional, the percentage of the property comes into play. We are at 15%, so it is very minimal. They will have 55 sq. ft. of signage and the signs will not be visible from the street.

Pat – you spelled out both variances, but one needs to be decided on.

Emanuel – the D1 variance

Bob – explained the difference between the variances and he feels it would be a secondary principal use, so it should be a D1 variance

Brian – says it should be a D1 variance

Bob – his report is dated 3/1/25. He has no objection to the completeness. With regards to the wall signs, we made a comment because the plans showed the different wall signs, but only 4 are shown. Where are 5 and 6?

Lance – he then explained all the signs: #1-the main Home Depot, #2- the southern façade of the building; #3- over the garden center; #4 the tool rental; #5 contractor pickup and #6 is questionable about the help wanted banner if it is counted.

Bob – a variance is needed for the square footage of the signs, which was discussed. The parking spaces need to be determined before the final approval. The number of employees per shift need to be found out. Two spaces are going to be needed, no matter what. It is better to have them memorialized now in case another application comes in. Would like the amount of verified that there are 527 existing parking spaces? He has no objection to the EIS statement. There are a couple of minor changes to the plans that he and their engineer can go over. The police and fire departments submitted letters and both have no issues with the application. No DOT approval is needed, but Mr. Jefferis will submit a letter based on the DOT requirements for No Interest letters.

Meeting was opened to the public, but there were no comments.

Pat – he told the attorney, if they were done with their presentation, the board would deliberate now, but only they could ask him questions, but testimony can not be changed.

Steve – loves the idea.

Mike Reilly – he always liked when the other place was there. He does not see any concerns.

Arianne – thinks it is a positive, but her only concern is the trash. It is a windy parking lot, so maybe you can put a trash can out there.

Dan – we will put a trash can out there

Pat – he has no issues, but the trash was a concern. Obviously, you will need Atlantic County Health Department approval too.

Brian – we will have two separate votes. The first motion will be to approve a D1 variance to allow two uses on a single site under the D1 standards.

Motion was made by Greg Seher – second – Steve Baltera

ROLL CALL:

Baltera, yes; Famularo, yes; Lawler, yes; Reilly, yes; Sellers, yes; Seher, yes; Malia, yes

The second motion is to approve minor site plan with three variances: 1. Parking for two more spaces based on the current existing condition; 2. to allow 8 individual signs, where 6 were previously approved where 2 per building are allowed; 3. Sign area variance of 1108 sq. ft. proposed where 110 is the maximum. Home Depot was previously approved for 1,053 sq. ft. A waiver of the EIS requirement is being granted as well.

Motion was made by Mike Reilly – second – Steve Baltera

Baltera, yes; Famularo, yes; Lawler, yes; Reilly, yes; Sellers, yes; Seher, yes; Malia, yes

DISCUSSION OF A NEW BOARD ATTORNEY WAS HELD

It was decided that we would hire Brian Heun to stay for the remainder of this year

ADJOURNMENT

Motion to adjourn – Greg Seher – second – Steve Baltera

All were in favor.

Respectfully submitted,



Tina Lawler, Secretary

Approved: 4-15-25