

BUENA VISTA TOWNSHIP  
PLANNING/ZONING BOARD  
August 15, 2013

The regular meeting of the Buena Vista Township Planning/Zoning Board was held on August 15, 2013.

Vice Chairman Benson called the meeting to order at 7:30 p.m.

Public Notice was sent to The Press of Atlantic City and The Daily Journal for publication as prescribed by law. All requirements of the Open Public Meetings Act have been met in compliance with the Sunshine Law.

Vice Chairman Benson led the flag salute.

The following members were present:

Mr. Bylone, Member	Mr. Rovani, Member
Mr. Alimenti, Member	Mrs. Seelman, Member
Mayor Barber, Member	Mr. Akers, Member
Mr. Benson, Member	Mr. Lloyd, Alt. #2
Mr. O'Connell, Alt. #3	Mr. Merighi, Alt. #4

The following members were absent:

Mr. Zitto, Member	Mr. Bracaliello, Member
Mr. Quinlan, Alt. #1	

### Resolutions

**Resolution 2013-14 John & Beverly Vannini, Block 7301 Lot 4, 3076 Vine Road. Bulk Variance to construct a 3600 Sq Ft Building where the maximum permitted is 1000 Sq Ft for accessory structures.** Mr. Vannini received approval to construct a 3600 sq ft building in the RA zoning district where the maximum permitted for accessory structures is 1000 sq ft. A motion was made by Mr. Alimenti to approve to the resolution. The motion was seconded by Mr. Merighi with the following roll call vote: Yes: Mr. Alimenti, Mrs. Seelman, Mr. Lloyd, Mr. Merighi. No: None.

A motion was made by Mr. Merighi to approve the minutes from the July 18, 2013 meeting. The motion was seconded by Mr. Alimenti followed by a unanimous vote of Board members.

### New Business

#### Planning Board

**Application 2013-7 Nancy McCaffery & James Patterson, Block 1303 Lots 3 & 4, 703 & 707 Cains Mill Road, Minor Subdivision/Lot Line Adjustment.** The applicants are proposing to readjust the lot lines to correct encroachment. The applicants will be exchanging equal amounts of land. Both lots remain the same size.

Frank J. Raso, Esq. was present to represent the applicant. Dave Scheidegg, applicant's engineer, was sworn in. Mr. Scheidegg gave a brief explanation of the application. He reviewed the requested waivers for completeness. The requested waivers are only for completeness purposes. A motion was made by Mr. Rovani to deem the application complete. The motion was seconded by Mrs. Barber followed by a unanimous vote of Board members.

Mr. Scheidegg reviewed the application. He explained that when a survey was completed for lot 4 Mrs. McCaffery learned that a portion of her house is over the existing property line onto Mr. Patterson's property. The applicants are exchanging 9687 square feet of land. Both lots will remain the same size. It will make the lots less non conforming. Both lots require a technical variance for the existing front yard setback. Lot 4 will require additional technical variances for lot area and lot width. The lot width will increase, making it less non conforming. There are wetlands in the rear of the property. A wetlands delineation was not completed because no new development is being proposed. The applicants would like to file the minor subdivision by deed, which will require a waiver from the Board. There are no existing or proposed easements. All outbound corners & lot lines will be set.

A motion was made by Mrs. Barber to open the hearing for comments from the public. The motion was seconded by Mr. Lloyd followed by a unanimous vote of Board members. Hearing no comments from the public, a motion was made by Mr. Akers to close the public hearing. The motion was seconded by Mr. Alimenti followed by a unanimous vote of Board members.

Mr. Laveson reviewed the application and requested waivers and variances. A motion was made by Mr. Lloyd to approve the application with the requested waivers & Variances. The motion was seconded by Mr. Rovani with the following roll call vote: Yes: Mrs. Barber, Mr. Bylone, Mr. Alimenti, Mr. Rovani, Mr. Akers, Mrs. Seelman, Mr. Benson, Mr. Lloyd, Mr. O'Connell. No: None.

#### Zoning Board

**Application 2013-8 South Jersey Veterinary Association, LLC, Block 7302 Lot 14, 3530 Oak Road, Use Variance & Waiver of Site Plan.** The applicant is proposing to open a veterinary office in the

RA/OC Overlay Zoning District. A full site plan was previously approved for this location in 2004. The applicant is not proposing any changes to the exterior of the building and site.

Dr. Kevin Ludwig, owner of South Jersey Veterinary Associates, LLC, and Jerry Irick, applicant's engineer, were sworn in.

The applicant's attorney gave a brief overview of the application. The property is in the RA Zoning District with the OC overlay. The property has been used in the past for retail and a school. There are 2 buildings on the lot which are managed under a condo association. The other building is currently being used as a hair salon and a photography studio. The application was reviewed for completeness. A motion was made by Mr. Alimenti to deem the application complete. The motion was seconded by Mrs. Seelman followed by a unanimous vote of Board members.

Dr. Ludwig gave information about his plans for the site. He presently operates an office in Millville. This location would be used for office visits and same day surgeries only. There will be no overnight keeping of animals. All surgeries will be performed at the other location. He is planning for this office to have hours on Monday, Wednesday & Friday 8-6, Tuesday & Thursday 8-8 and Saturday 8-12. He is estimating seeing 10-20 patients per day. There will be 1 full time and 1 part time vet and 3 full time and 3 part time assistants at this location. There will be no outdoor cages or pens. No external changes will be made to the building, unless required for general maintenance. The interior will require some modification and updating.

Mr. Riley, applicant's attorney, feels that this use is a permitted use under the OC Overlay as a medical, dental or laboratory facility, therefore a use variance should not be required for the use.

This property has been the subject of applications in the past. There have been subdivisions and a site plan granted previously. The size of the lot as shown on the applicant's survey does not match what the Township has on the tax map and in the tax records. The applicant has calculated the lot area to include the center line of the roadways. The applicant did not provide a deed or any other supporting documentation as to the area of the lot. The applicant understands that if the size of the lot as represented is found to be incorrect, any approval that is granted would need to be amended.

In the OC Overlay, multiple uses are permitted within 1 building. Multiple buildings are not permitted. This property has 2 buildings with separate uses, which will require a Use Variance.

The Positive/Negative criteria was addressed. There are no other veterinary offices in the Township. Dr. Ludwig will make necessary maintenance upgrades to the existing building.

The applicant would like to have any requirement of soundproofing the building be waived. He has had no noise complaints at his existing location.

Mr. Irick, applicant's engineer, would like to have the application reviewed using the standards for the OC Overlay. The minimum lot size for a Medical, Dental or Laboratory is 3 acres. This lot has over 3 acres even if the street right of way is not included. Mr. Irick represented the property owner when the Site Plan approval was granted. All site improvements were completed as required when the site plan was approved. The existing sign was part of the prior approval.

Mr. Smith reviewed some issues with the existing condition of the site. There is no enclosure for the dumpsters, there is no handicap access to building "a" (the location of the proposed veterinary office) and the stop sign at Oak Road needs to be replaced. These issues will need to be addressed even if a waiver of site plan is granted.

A motion was made by Mr. Alimenti to open the hearing for comments from the public. The motion was seconded by Mr. Akers followed by a unanimous vote of Board members. Hearing no comments from the public, a motion was made by Mr. Alimenti to close the public hearing. The motion was seconded by Mr. Rovani followed by a unanimous vote of Board members.

The applicant's engineer expressed his opinion that this use is a permitted use in the OC Overlay zoning district. Solicitor Laveson asked that the Board vote on whether or not this use is a permitted use. A motion was made by Mr. Akers that a veterinary office, with no overnight housing of patients, meets the requirements of a permitted use of a medical, dental, or laboratory. The motion was seconded by Mr. Rovani with the following roll call vote of Board members: Yes: Mr. Alimenti, Mr. Rovani, Mr. Akers, Mrs. Seelman, Mr. Benson, Mr. Lloyd, Mr. O'Connell. No: None.

Solicitor Laveson reviewed the approvals that are required. A Use Variance to permit multiple businesses in multiple buildings is required. The applicant is also requesting a waiver for a formal site plan approval. A motion was made by Mr. Lloyd to approve the use variance and waiver of site plan. The motion was seconded by Mr. O'Connell with the following roll call vote: Yes: Mr. Alimenti, Mr. Rovani, Mr. Akers, Mrs. Seelman, Mr. Benson, Mr. Lloyd, Mr. O'Connell. No: None.

Due to a conflict of interest, Remington, Vernick & Walberg was unable to review the application submitted by Gary McArthur. A motion was made by Mr. Alimenti to appoint Dave Scheidegg as the conflict engineer to represent the Board for the McArthur & Dixon Dance Studio (Mr. Scheidegg had previously reviewed the Use Variance application for the dance studio) applications. The motion was seconded by Mr. Rovani followed by a unanimous vote of Board members.

**Application 2013-5 Gary McArthur, Block 8102 Lot 2, 169 Deerwood Avenue, Bulk Variance.** Mr. McArthur is proposing to construct a 3692 sq ft structure (2912 sq ft enclosed, 780 sq ft lean to) in the RDR2 Zoning District where the maximum permitted is 1000sq ft.

Niall O'Brien, Esq., was present to represent Mr. McArthur. Mr. O'Brien gave a brief description of the application. Mr. McArthur would like to build a pole barn to use as a garage for personal storage. Mr. McArthur was sworn in. He stated that the building will be 3692 square feet (2912 sq ft enclosed, 780 sq ft lean to) and will be 18'2" tall. He owns multiple antique cars, which he currently stores in various locations. This building would allow him to store all of his vehicles and lawn tractors in 1 location. The height of the building is required to be able to use a lift for additional storage space. There will be no commercial activity in this building. It will be solely for personal use.

Mr. Scheidegg reviewed the completeness portion of his letter. A motion was made by Mr. Rovani to deem the application complete. The motion was seconded by Mr. Alimenti followed by a unanimous vote of Board members.

The building will have a concrete floor and electric. The lean to portion of the building will be used to store firewood which is for personal use. Pinelands approval is not required. Approval from Soil Conservation is also not required since the disturbance area is less than 5000 square feet.

A motion was made by Mr. O'Connell to open the hearing for comments from the public. The motion was seconded by Mr. Rovani followed by a unanimous vote of Board members. Hearing no comments from the public, a motion was made by Mr. Akers to close the public hearing. The motion was seconded by Mr. O'Connell followed by a unanimous vote of Board members.

Solicitor Laveson reviewed the variances requested. A variance is required for the area and height of the building. A motion was made by Mr. Alimenti to approve the requested variances. The motion was seconded by Mr. O'Connell with the following roll call vote: Yes: Mr. Alimenti, Mr. Rovani, Mr. Akers, Mrs. Seelman, Mr. Benson, Mr. Lloyd, Mr. O'Connell. No: None.

**Application 2013-6 Rich Dixon, Block 7101 Lot 60, 315 Lincoln Avenue, Site Plan Approval.** Mr. Dixon has applied for Site Plan Approval as required by Resolution 2013-11.

Mr. Dixon was represented by Robert Casella, Esq. Mr. Casella gave a brief overview of the application. The property has not been officially subdivided as of the date of the meeting. The minor subdivision approval was granted, however the property owners have not received authorization from the current mortgage company to perfect the subdivision.

Mr. Scheidegg reviewed his letter for completeness. The taxes are not current for 2013. The application has not been signed by the property owners. Mr. Dixon agreed to provide the original signed copy with the owner's signature within 14 days. A motion was made by Mr. Lloyd to deem the application complete with a waiver for the taxes being current. The motion was seconded by Mr. O'Connell followed by a unanimous vote of Board members. Mr. Dixon stated that the studio is open Monday-Thursday 5:30-8:30, occasionally until 9, and Saturday 10-2. Some parents drop their children off, while about 6 or 7 stay during the class time. During the year they hold 3-4 meetings for parents, have an occasional birthday party and competition team practices. There is overflow parking on stone in the rear of the building which will hold 5-8 cars. The sign that it on the site is the same frame & post from the sign that Mr. Stevenson used for his woodworking business. There is a maximum of 17 students per class with 2 classes being held at the same time.

Mr. Scheidegg reviewed issues with the site. For landscaping, an evergreen tree line is proposed on the vacant line side. The applicant has asked for a waiver for enhanced landscaping. The stormwater calculations do not meet Township guidelines. Adjustments need to be made to the grade in the basin. The elevations need to be shown on the plan and included in the calculations. The lights along the driveway need to be moved over. More lighting will be added to the rear parking area. The applicants has asked for a waiver for paving the overflow parking area. There are 8 parking spots in the front of the building with 2 handicap parking spaces.

A motion was made by Mr. Rovani to open the hearing for comments from the public. The motion was seconded by Mr. O'Connell followed by a unanimous vote of Board members. Hearing no comments from the public, a motion was made by Mr. O'Connell to close the public hearing. The motion was seconded by Mr. Alimenti followed by a unanimous vote of Board members.

Solicitor Laveson reviewed the application & waivers. A center line will be added to the driveway along with a stop sign at the end of the driveway to Lincoln Avenue. All outside lights will be turned off by 9:30 PM. Approval for the septic system will need to be granted by the Atlantic County Health Department. Storm water calculations will be revised and added to the plan. A motion was made by Mr. Lloyd to approve the application with waivers. The motion was seconded by Mr. Rovani with the following roll call vote: Yes: Mr. Alimenti, Mr. Rovani, Mr. Akers, Mrs. Seelman, Mr. Benson, Mr. Lloyd, Mr. O'Connell. No: None.

There being no additional business to come before the Board, a motion was made by Mrs. Seelman to adjourn the meeting at 10:36 PM. The motion was seconded by Mr. Lloyd followed by a unanimous vote of Board members.

Respectfully submitted,

Lois A. Yarrington  
Planning/Zoning Board Secretary