

BUENA VISTA TOWNSHIP
PLANNING/ZONING BOARD
February 21, 2013

The regular meeting of the Buena Vista Township Planning/Zoning Board was held on February 21, 2013.

Chairman Zitto 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.

Chairman Zitto led the flag salute.

The following members were present:

Mr. Zitto, Member
Mayor Barber, Member
Mr. Bylone, Member
Mr. Alimenti, Member
Mr. Bracaliello, Member
Mr. Rovani, Member
Mrs. Seelman, Member
Mr. Akers, Member
Mr. Quinlan, Alt. #1
Mr. Lloyd, Alt. #2
Mr. O'Connell, Alt. #3
Mr. Merighi, Alt. #4

The following members were absent:

Mr. Benson, Member

A motion was made by Mr. Benson to approve the minutes from the January 17, 2013 meeting. The motion was seconded by Mr. Alimenti followed by a unanimous vote of Board members.

Nominations for Board Engineer were opened. A motion was made by Mr. Bylone to nominate Remington, Vernick and Walberg Engineers as the Board Engineer. The motion was seconded by Mr. Akers. There being no additional nominations, the following roll call vote was taken: Yes: Mr. Zitto, Mrs. Barber, Mr. Bylone, Mr. Alimenti, Mr. Bracaliello, Mr. Akers Mr. Rovani, Mr. Quinlan. No: Mrs. Seelman.

Nominations for Board Planner were opened. A motion was made by Mr. Bylone to nominate Remington, Vernick and Walberg Engineers as the Board Planner. The motion was seconded by Mr. Akers. There being no additional nominations, the following roll call vote was taken: Yes: Mr. Zitto, Mrs. Barber, Mr. Bylone, Mr. Alimenti, Mr. Bracaliello, Mr. Akers, Mrs. Seelman Mr. Rovani, Mr. Quinlan. No: None.

Mr. Quinlan was seated with the Board due to Mr. Benson's absence.

Resolutions

Resolution 2013-4- IMAJE, LLC, Block 1904 Lots 5, 6 & 7; Block 2409 Lots 2, 3 & 4; Block 2501 Lot 1; Block 2503 Lot 11; Block 2504 Lots 1, 9, 10 & 11; Block 3302 Lots 3 & 7.08; Block 3303 Lot 1 Preliminary Major Subdivision was approved for 111 Lots with 2 lots to contain existing dwellings, 95 will contain proposed dwellings, 6 will contain proposed stormwater infiltration basins and the remaining 8 proposed lots will remain permanently vacant and be deed restricted to be used as open space for the proposed development. A motion was made by Mr. Bylone to approve the resolution. The motion was seconded by Mr. Rovani with the following roll call vote: Yes: Mr. Zitto, Mr. Bylone, Mr. Bracaliello, Mr. Rovani. No: None.

Resolution 2013-5 St. Augustine Preparatory School, 611 Cedar Avenue, Block 4304 Lot 1, Block 4304 Lot 1, Block 4305 Lot 1 Minor Site Plan and bulk variance for lot coverage was approved to construct a 5000 sq. ft. athletic training building and concession area and to continue to maintain two existing trailers for classroom space. A motion was made by Mr. Bylone to approve the resolution. The motion was seconded by Mr. Rovani with the following roll call vote: Yes: Mr. Zitto, Mrs. Barber, Mr. Bylone, Mr. Alimenti, Mr. Bracaliello, Mr. Rovani, Mr. Akers, Mrs. Seelman. No: None.

Resolution 2013-6 Karl Nungesser, 627 Sixth Road, Block 801 Lot 4 Use Variance was approved to allow Mr.Nungesser to park his tractor trailer, 2 trailers used for personal storage for a period of 1 year and a school bus, which is used for personal recreational activities, on his property. A motion was made by Mr. Rovani to approve the resolution. The motion was seconded by Mr. Alimenti with the following roll call vote: Yes: Mr. Zitto, Mr. Alimenti, Mr. Rovani, Mr. Akers, Mrs. Seelman, Mr. Lloyd. No: None.

Resolution 2013-7 John Richardson, 1031 Tuckahoe Road, Block 6502 Lot 11 Bulk Variance was approved for front yard setback to construct an addition to his home. There is already a technical variance for the existing home, which is 37.3' where 200' is required. The addition will decrease the setback to 17.28'. A motion was made by Mr. Alimenti to approve the resolution. The motion was seconded by Mr. Akers with the following roll call vote: Yes: Mr. Zitto, Mr. Alimenti, Mr. Rovani, Mr. Akers, Mrs. Seelman, Mr. Lloyd. No: None.

New Business

Planning Board

Application 2012-15 Paul Speziali, Post Road, Block 7101 Lot 34 Minor Subdivision. The applicant is proposing to subdivide an existing 15.28 acre parcel to create 1 additional 2 acre lot and the remaining parcel of 13.28 acres will contain existing improvements and agricultural fields. Mr. Rovani stepped down; Mr. Lloyd was seated with the Board.

Steve Fabietti, applicant's attorney, gave a brief description of the proposed minor subdivision. The parcel is currently 15.28 acres. The applicant is proposing to create a 2 acre lot which meets the minimum requirements of the RA Zoning District. No variances are required. Waivers for item #2 (map scale) and #3 (maps depicting land uses within 200') have been requested for completeness.

Mr. Scheidegg reviewed his letter dated 2/12/13 for completeness. He agreed that only 2 waivers are required. A motion was made by Mr. Alimenti to deem the application complete with the 2 waivers. The motion was seconded by Mrs. Seelman, followed by a unanimous vote of Board members.

Mr. Scheidegg continued to review his letter dated 2/12/13 for technical compliance. The lot numbers will need to be verified with the Tax Assessor. There are existing street lights, no additional street lights are necessary. The Open Space and Recreation fee for creating 1 lot is \$1,500.

There were no questions from Board members. Solicitor Laveson reviewed the application. The applicant is requesting Preliminary & Final Minor Subdivision to create a 2 acre lot and the remaining parcel will be 13.28 acres and will contain the existing dwelling and structures.

A motion as made by Mr. Bylone to approve the application as requested. The motion was seconded by Mr. Alimenti with the following roll call vote: Yes: Mr. Zitto, Mrs. Barber, Mr. Bylone, Mr. Alimenti, Mr. Bracaliello, Mr. Akers, Mrs. Seelman, Mr. Quinlan, Mr. Lloyd. No: None.

Zoning Board

Mrs. Barber, Mr. Bylone and Mr. Bracaliello stepped down from participating in the applications before the Zoning Board. Mr. Lloyd was seated with the Board.

APPLICATION 2012-7- Rich Dixon, 315 Lincoln Avenue, Block 7101 Lot 60 Use Variance to operate a dance studio. The property is the former location of the American Wood Finishing Institute. Use Variance approval was previously granted on May 12, 1987 to Phil Stevenson to operate a wood finishing shop to spray paint cabinets, trim and other items as per Resolution 126-87.

Robert Casella, Esq., applicant's attorney, gave a brief description of the application. Mr. Dixon is requesting a Use Variance to operate a dance studio at 315 Lincoln Avenue. A Use Variance was granted in 1987 for a wood finishing shop at this location. The dance studio utilizes the existing 5400 sq ft building. In 1989 a subdivision was completed, 6.23 acres was combined with a lot owned by Sikking Farms.

Rich Dixon was sworn in. Mr. Dixon resides at 315 Lincoln Avenue in the single family dwelling that is located on the property with the dance studio. He has had a lease purchase agreement in place for 1 year with Phil Stevenson, the property owner. Mr. Stevenson has submitted a minor subdivision application that is not complete at this time, which will create 3 lots from the existing 8.3 acres. The lot in which the single family dwelling and dance studio will be located is proposed to be 3 acres after the subdivision is complete. Mr. Dixon has made minor modifications to the existing building. He has installed dance floors and mirrors. He was required by the Township Fire Marshal to install an alarm system. He is proposing to widen the driveway and upgrade the heating and air conditioning system, if his application is approved. The studio is open Monday-Thursday from 5:30 PM-9:30 PM and Saturday from 10 AM-2 PM. There are 2 classes per hour. Students are from the age of 3 thru adult. There are 5 employees total, Mr. Dixon, his wife, 2 daughters and 1 additional man. Mr. Dixon and his daughter are the owners of the business.

Mrs. Seelman questioned how late the outside lights are on and if they will be turned off with a switch or if they are on a timer. The lights will be on while there are classes in session. All outside lights will be turned off at 9:30 PM using a switch. There will be shoes and tights available for purchase for students only.

In the approval that was granted for Mr. Stevenson's wood finishing shop, it states that "he would conduct a commercial home occupation on these premises and would operate the painting premises as a first party operator and would not lease or rent this commercial space under the terms of this variance." Mr. Casella believes that the intention of this stipulation is that the property would be an owner occupied business, not that the house and building couldn't be rented or leased to someone who could utilize both. Questions were raised by Board members as to when the last time the building was used as a refinishing shop and whether or not the building is environmentally safe since lacquer thinners and other paint materials were used in the facility. It was suggested that a Phase I environmental study be conducted.

Jerome Irick, applicant's engineer was sworn in. Mr. Irick has testified before this Board many times. He was accepted as an expert in the field of engineering. Mr. Irick prepared the plans for this application. In his opinion, he feels that this use is an efficient use of the land. The property is well suited for a combined use of commercial & residential uses. The property is located on a County road. If the application is approved the applicant will apply to Atlantic County to verify that the septic is suitable for this use. Currently, Mr. Dixon is having the tank pumped out about every 3 months.

A motion was made by Mr. Akers to open the hearing for public comments. The motion was seconded by Mr. Lloyd followed by a unanimous vote of Board members.

Cheryl Santore, 235 Weymouth Road, has 2 daughters who have been dancing with the Dixon's for 4 years. She testified that the dance studio is something that is needed in the Township due to lack of activities available for kids. She would like to see the variance approved because she feels that it is in a good location and that maybe the permitted uses within this zoning district should be reevaluated since there are empty store fronts and offices.

Hearing no additional comments, 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.

This application cannot be finished until the Stevenson's Minor Subdivision is completed. The Stevenson's attorney has indicated that the application will be ready for the March meeting. A motion was made by Mr. Lloyd to continue the public hearing for the Dixon application until the March 21, 2013 meeting. The motion was seconded by Mr. Rovani with the following roll call vote: Yes: Mr. Zitto, Mr. Alimenti, Mr. Rovani, Mr. Akers, Mrs. Seelman, Mr. Quinlan, Mr. Lloyd. No: None.

Mrs. Barber, Mr. Bylone and Mr. Bracaliello rejoined the Board.

Mr. Scheidegg reviewed his compliance letter for the St. Augustine Preparatory School dated 2/21/2013. They have submitted revised plans with all requirements of their approval addressed on the plans.

Mr. Zitto thanked Mr. Scheidegg for his 18 years of service to the Board.

Mr. Bob Smith from Remington, Vernick and Walberg Engineers introduced himself to the Board. He will be handling Board applications with Ed Walberg.

There being no additional business to come before the Board, a motion was made by Mr. Bylone to adjourn the meeting at 9:03 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