

BUENA VISTA TOWNSHIP
PLANNING/ZONING BOARD
January 17, 2013

The regular meeting of the Buena Vista Township Planning/Zoning Board was held on January 17, 2013.

Solicitor Robert Laveson 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.

Solicitor Laveson led the flag salute.

New Board members were sworn in and signed the Oath of Allegiance.

The following members were present:

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

The following members were absent:

Mr. Quinlan, Alt. #1

2013 Reorganization

Nominations for Board Chairman were opened. A motion was made by Mr. Benson to nominate Larry Zitto as Chairman of the Board. The motion was seconded by Mr. Rovani. Hearing no additional nominations, the nominations were closed. A unanimous roll call vote was taken.

Nominations for Board Vice-Chairman were opened. A motion was made by Mr. Rovani to nominate Harry Benson as Vice-Chairman of the Board. The motion was seconded by Mrs. Seelman. Hearing no additional nominations, the nominations were closed. A unanimous roll call vote was taken.

Nominations for Board Secretary were opened. A motion was made by Mr. Bylone to nominate Lois Yarrington as Secretary of the Board. The motion was seconded by Mr. Benson. Hearing no additional nominations, the nominations were closed. A unanimous roll call vote was taken.

Nominations for Board Engineer were opened. A motion was made by Mr. Rovani to nominate Dave Scheidegg as the Board Engineer. The motion was seconded by Mrs. Seelman. A motion was made by Mr. Akers to nominate Bob Smith from Remington, Vernick & Walberg, as the Board Engineer. The motion was seconded by Mr. Alimenti. Discussion was held as to whether or not Mr. Smith could be appointed since the RFP package from Remington, Vernick & Walberg only indicated "Township Engineer" on the envelope and a separate RFP was not submitted for the Planning/Zoning Board Engineer. Remington, Vernick & Walberg did submit a supplement to their original RFP package; however it was received after the due date. Mr. Akers & Mr. Alimenti rescinded their motion. A motion was made by Mr. Bylone and seconded by Mr. Akers to reject all RFP's that were received and readvertise. The following vote was held on the motion for Dave Scheidegg for Board Engineer: Yes: Mr. Zitto, Mr. Rovani, Mrs. Seelman, Mr. Benson. No: Mrs. Barber, Mr. Bylone, Mr. Alimenti, Mr. Bracaliello, Mr. Akers. The following roll call vote was held on the motion to reject all RFP's that were received and readvertise: Yes: Mr. Zitto, Mr. Rovani, Mrs. Seelman, Mr. Benson, Mrs. Barber, Mr. Bylone, Mr. Alimenti, Mr. Bracaliello, Mr. Akers. No: None.

A motion was made by Mr. Benson to appoint Dave Scheidegg as a temporary Board Engineer until a permanent appointment is made. The motion was seconded by Mr. Bylone with the following roll call vote: Mr. Zitto, Mr. Rovani, Mrs. Seelman, Mr. Benson, Mrs. Barber, Mr. Bylone, Mr. Alimenti, Mr. Bracaliello, Mr. Akers. No: None.

The position of Board Planner also needs to be filled. A motion was made by Mr. Bylone to reject all RFP's that were received and readvertise for this position. The motion was seconded by Mr. Akers with the following roll call vote: Mr. Zitto, Mr. Rovani, Mrs. Seelman, Mr. Benson, Mrs. Barber, Mr. Bylone, Mr. Alimenti, Mr. Bracaliello, Mr. Akers. No: None.

All those who submitted an RFP for either the position of Board Engineer or Board Planner will be notified that all RFP's have been rejected and that the Board will be readvertising for the positions.

A motion was made by Mr. Benson to approve the minutes from the December 20, 2012 meeting. The motion was seconded by Mr. Alimenti followed by a unanimous vote of Board members.

Resolutions

Resolution 2013-1 Ira Mendelsohn, LLC, Jackson Road, Block 1510, Lots 40 & 42 Minor Subdivision, 3 lots will be created from 2 existing lots. No variances were requested. Solicitor Laveson gave a brief summary of the resolution. A motion was made by Mr. Bylone to approve the resolution as written. The motion was seconded by Mr. Zitto with the following roll call vote: Yes: Mr. Zitto, Mr. Bylone, Mr. Alimenti, Mr. Bracaliello, Mr. Rovani, Mr. Benson. No: None

The resolution for the IMAJE, LLC Major Subdivision will be ready for approval at the February 21, 2013 meeting.

New Business

Planning Board

Application 2012-14 St. Augustine Preparatory School, 611 Cedar Avenue, Block 4304 Lot 1, Block 4304 Lot 1, Block 4305 Lot 1 Minor Site Plan, They are proposing to construct a 5000 sq. ft. athletic training building and concession area and to continue to maintain two existing trailers for classroom space.

Keith Davis, Esq. was present to represent St. Augustine Preparatory School. He gave a brief description of the proposed project. They are proposing to construct a 5000 square foot athletic training facility which will include a concession stand and restrooms. They are also requesting to make 2 trailers that were originally on the property as temporary, permanent. They are requesting Minor Site Plan approval with a bulk variance for lot coverage.

Jonathan Bryson, applicant's engineer and John Provenzano, Facilities Director, were sworn in.

Mr. Bryson's credentials were reviewed. He was accepted as an expert witness in the field of engineering.

The school currently has 19 varsity sports teams. The new building will also include a large weight room. There are 2 classroom trailers, which were originally placed to be temporary. They have realized that the trailers need to remain at the site and be permanent. The trailers being permanent will not increase the student population.

Exhibits A-1, A-3 and A-4 were displayed. The new building will be constructed to the west of the existing football field. There will be security lighting. The only new signs will be a sign on the building acknowledging the benefactor and directional signs to indicate the location of the building. There will be roof drains which will drain into the existing stormwater system. The lot coverage of the proposed improvements will be 5000 square feet for the building and 2780 square feet for the paths. A bulk variance is required for exceeding the maximum lot coverage to 12%. It is currently 11.5%, this is a slight increase. All setbacks meet and exceed the minimum requirements. They are requesting a waiver for a posting a performance guarantee. This requirement has been waived for past applications for this applicant and they have completed past projects without any problems. There will be restroom facilities and a concession stand in the new building. It will be connected to the existing septic system for onsite treatment which has been approved by the DEP. The concession stand will only be open during sporting events. Exhibit A-2 is an aerial photo of the site.

Mr. Scheidegg reviewed his letter dated 12/31/2012. The applicant has met all requirements for completeness. A motion was made by Mr. Benson to deem the application complete. The motion was seconded by Mrs. Seelman followed by a unanimous vote of Board members.

Mr. Scheidegg continued reviewing his letter. The site is located within the PVR1 zoning district and this is a permitted use. The maximum permitted lot coverage is 10%, the applicant is requesting 12%, which is an increase of 0.5% over the existing lot coverage. The stormwater calculations are acceptable. The performance guarantee has been waived in the past.

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

Solicitor Laveson reviewed the application. The applicant is seeking Preliminary & Final Site Plan approval to construct a 5000 square foot athletic training facility which will include a weight room, rest rooms and a concession stand. 2 existing temporary classroom trailers will now be permanent. There will be a 0.5% increase in lot coverage, which requires a bulk variance. A building mounted sign will be installed to acknowledge the benefactor and directional signs will be installed to show the location of the new building. A waiver is requested for the performance guarantee. A motion was made by Mr. Alimenti to approve the application for Preliminary & Final Site Plan approval with the requested waiver & variance. 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, Mr. Benson. No: None.

Application 2012-15 Paul Speziali, Post Road, Block 7101 Lot 34 COMPLETENESS ONLY Minor Subdivision, The applicant is proposing to subdivide an existing 15.3 acre parcel to 1 additional 2 acre lot and the remaining parcel of 13.3 acres will contain existing improvements and agricultural fields. Mr. Rovani stepped down; Mr. Lloyd was seated with the Board. Mr. Scheidegg reviewed his letter dated 12/31/2012 for completeness. He noted that there are items outstanding for completeness that the applicant has indicated will be addressed in order to be placed on the agenda for the February meeting. A motion as made by Mr. Alimenti to deem the application incomplete. The motion was seconded by Mr. Bylone with the following roll call vote: Yes: Mr. Zitto, Mrs. Barber, Mr. Bylone, Mr. Alimenti, Mr. Bracaliello, Mr. Akers, Mrs. Seelman, Mr. Benson, 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 2012-9 Karl Nungesser, 627 Sixth Road, Block 801 Lot 4 Use Variance. Mr. Nungesser is requesting permission to park his tractor trailer, 2 trailers used for personal storage and a school bus, which is used for personal recreational activities, on his property.

Mr. Nungesser was sworn in. He gave a brief explanation of his request. His house does not have a basement or attic. He currently has 3 tractor trailer type trailers on his property which they use for storage. He also has a bus, which is used as a recreational vehicle, mainly for tailgating. He also parks his tractor trailer at his home. He does not operate a business from this location, only the truck is parked in the yard.

Mr. Scheidegg reviewed his letter dated 12/31/2012 for completeness. The checklist has many items on it which do not apply for to this application. Waivers are requested for the items that do not apply. A motion was made by Mr. Benson to deem the application complete with the requested waivers. 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. Benson, Mr. Lloyd. No: None.

Antoinette Nungesser was sworn in. She provided testimony as to the usage of the trailers. They store holiday decorations, tools and general household items that would normally be stored in an attic or basement in the trailers. The bus is used for tailgating; it is set up with food equipment. It is painted red. The trailers have been located on the property for about 7 years. The third trailer was used for storage for Mr. Nungesser's sister's belongings. It is currently empty. The property contains 2 single family dwellings, a shed, 2 boats and a utility trailer with pavers being stored on it in addition to the 3 48' trailers, red bus, and tractor trailer and trailer. The pavers will be installed in the future.

Mr. Scheidegg continued to review his review letter. The property is 4 acres and is located within the PVR1 Zoning District. The trailers, tractor trailer and bus are moveable. None of these items are permanent. The trailers are located at least 200' from the road and are perpendicular to the road, as required in the ordinance. There is bamboo along the road to provide a buffer. The property is clean and well maintained. By Ordinance, there can only be 1 unregistered vehicle on any property at any time. The trailers and the bus are currently not registered. The Township Ordinance only permits 1 unregistered vehicle per property and that as a conditional use 1 trailer may be used for a period of up to 3 months. If the trailer is stored inside, it may be permanent. There is no business being operated from the property.

A motion was made by Mr. Alimenti to open the hearing for public comments. The motion was seconded by Mr. Rovani followed by unanimous vote of Board members. Public comments were heard from the following residents: Chris Seykot, 618 6th Road and Quenton McClendon, 613 Sixth Road. Both complimented the way Mr. Nungesser has cleaned up the property in the time that he has lived there. Neither had any complaints about the storage trailers, bus or tractor trailer being kept at the property.

Hearing no additional comments from the public, a motion was made by Mr. Benson to close the public hearing. The motion was seconded by Mr. Rovani followed by unanimous vote of Board members.

Board discussed different options for Mr. Nungesser. Generally, the Board did not see a problem with Mr. Nungesser parking his tractor trailer in his yard when he is not working. The Board asked if it would be possible to remove one of the three storage trailers. Mr. Nungesser said that he would remove the one empty trailer over the weekend. Mr. Nungesser agreed to store the bus in a concealed area. The bamboo that has been planted is filling in and will provide the required screening.

A motion was made by Mr. Benson to grant the Use Variance as requested to allow parking of the tractor trailer and recreational school bus on the property and to allow the 2 storage trailers be permitted for a period of 1 year. At the end of the 1 year time period, the trailers will need to be removed from the property. This will allow Mr. Nungesser the time to construct a permanent storage facility or to find a different option for the storage of their household belongings. 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. Benson, Mr. Lloyd. No: None.

Application 2012-11 John Richardson, 1031 Tuckahoe Road, Block 6502 Lot 11 Bulk Variance. Mr. Richardson is requesting a bulk variance for front yard setback to construct a 24'x20' 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'.

Mr. Richardson and Jerome Irick, PE, PP were sworn in.

Mr. Richardson and Mr. Irick gave a brief explanation of the requested variance. The applicant would like to construct a 24'x20' addition to his existing home. The existing home is already within the front yard setback area of 200'. This property is a corner property; therefore it has 2 front yards. The existing home is 66.7' from Tuckahoe Road and 37.3' from 19th Avenue. A technical variance is also required for side yard setback. The existing home is 20.2' from the northern side property line. The minimum required for side yard setback is 30'.

Mr. Scheidegg reviewed his letter dated 12/31/2012 for completeness. Waivers are requested for item 7 (providing metes and bounds description of the property) and item 19 (photographs of the property). Mr. Scheidegg felt that waivers could be granted for these items. A motion was made by Mr. Alimenti to

deem the application complete. The motion was seconded by Mr. Benson with the following roll call vote: Yes: Mr. Zitto, Mr. Alimenti, Mr. Rovani, Mr. Akers, Mrs. Seelman, Mr. Benson, Mr. Lloyd. No: None.

Mr. Scheidegg continued to review his 12/31/2012 letter. He reviewed the variance request. The applicant has stated that other properties in this area have similar setbacks. Pinelands approval is not required for this application. There is an existing street light at the intersection of 19th Avenue and Tuckahoe Road. No additional street lights are required. This application will require approval from the County Planning Board. The addition will be used as a den and possibly contain a bathroom. No bedrooms will be added. The driveway is currently partially on the neighboring property. Mr. Richardson provided testimony that he has an agreement with his neighbor to allow the driveway to remain where it is currently located.

A motion was made by Mr. Benson to open the hearing for public comments. 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.

Solicitor Laveson reviewed the variance request. A bulk variance is sought for a proposed addition which will be 17.28' from the front yard setback where 200' is required. Technical variances are required for side yard and front yard setbacks for existing conditions. A motion was made by Mr. Alimenti to approve the variances as requested. The motion was seconded by Mr. Rovani with the following roll call vote of Board members: Yes: Mr. Zitto, Mr. Alimenti, Mr. Rovani, Mr. Akers, Mrs. Seelman, Mr. Benson, Mr. Lloyd. No: None.

There being no additional business to come before the Board, a motion was made by Mr. Benson to adjourn the meeting at 9:40 PM. The motion was seconded by Mr. Alimenti followed by a unanimous vote of Board members.

Respectfully submitted,

Lois A. Yarrington
Planning/Zoning Board Secretary