

BUENA VISTA TOWNSHIP  
PLANNING/ZONING BOARD  
March 21, 2013

The regular meeting of the Buena Vista Township Planning/Zoning Board was held on March 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  
Mr. Benson, 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

A motion was made by Mr. Alimenti to approve the minutes from the February 21, 2013 meeting. The motion was seconded by Mr. Akers followed by a unanimous vote of Board members.

### **Resolutions**

**Resolution 2013-8 Paul Speziali, Post Road, Block 7101 Lot 34** Minor Subdivision approval was granted to subdivide an existing 15.3 acre parcel to create one 2 acre lot and the remaining parcel of 13.3 acres will contain existing improvements and agricultural fields. Solicitor Laveson gave a brief review of the approval. A motion was made by Mrs. Seelman to approve the resolution. The motion was seconded by Mr. Alimenti with the following roll call vote: Yes: Mr. Zitto, Mrs. Barber, Mr. Bylone, Mr. Bracaliello, Mr. Rovani, Mr. Akers, Mr. Seelman, Mr. Lloyd. No: None.

### **New Business**

#### **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 2013-1-Jonathan Molinelli, 5080 Landis Avenue, Block 5901 Lot 29.01** Mr. Molinelli is requesting Bulk Variances for side yard setback (42.08' proposed, 75' required), front yard setback (78.36' proposed, 200' required) and lot coverage (6.16% proposed, 3% maximum permitted) to construct 3 additions to an existing single family dwelling. The property is located in the AP zoning district.

Jonathan & Heather Molinelli and Mr. Irick were sworn in.

Mr. Smith, Board Engineer, reviewed the letter dated 3/14/2013 for completeness. This lot was created from a subdivision which was completed in December 2009. The applicant is proposing 3 small additions to the existing single family dwelling. Waivers are requested for providing a metes & bounds description, design calculations showing drainage facilities and the location & type of existing easements or right of ways including power lines. The location of the well and septic will be added to any revised plans. Mr. Irick does not feel that the additions will affect the drainage on the property. A motion was made by Mr. Benson to deem the application complete with the requested waivers. The motion was seconded by Mr. Alimenti followed by a unanimous vote of Board members.

Mr. Irick addressed the question in the review letter concerning what the addition would be used for. The main addition will be a home office/TV room. It will be a place for the family to pay their personal bills, have a desk, computer and a television. It is for completely personal use. Three additions are being proposed. There will be an addition of a front porch (138 sq ft) which will require a variance for front yard setback. The proposed setback is 78.36', the existing setback is 84.36' and 200' is the minimum required. There will be an addition to the side (400 sq ft) which will require a variance for side yard setback. The proposed setback is 42.08', the existing setback is 60.08' and 75' is the minimum required. There will also be a small addition (60 sq ft) for to expand the laundry room. A variance for lot coverage is also required. With the 3 additions the total lot coverage will be 6.16% where 3% is the maximum permitted.

The property provides enough area to park 5 vehicles which is more than what is required for a 3 bedroom home. There will be no changes to any accessory structures. There are no wetlands or wetlands buffer areas on the property. Mr. Irick provided an aerial photograph of the property which was labeled as exhibit A-1. The proposed front yard setback is comparable to other properties in the neighborhood.

There were no questions from board members.

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. Benson to close the public hearing. The motion was seconded by Mr. Akers followed by unanimous vote of Board members.

Solicitor Laveson reviewed the 3 requested variances, front yard, side yard and lot coverage. A motion was made by Mr. Alimenti to approve the application for the 3 variances as requested. 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. Benson and Mr. Lloyd. No: None.

#### **Planning Board**

Mrs. Barber, Mr. Bylone and Mr. Bracaliello rejoined the Board for the Planning Board application.

#### **APPLICATION 2012-1-Phillip and Kathleen Stevenson, 315 Lincoln Avenue, Block 7101 Lot 60**

Minor subdivision with bulk variance for lot coverage to create 3 lots with a 3.83 acre lot that will be combined with existing lot 7, one 2 acre building lot to be sold, and the remaining 3 acre parcel will contain the existing dwelling with outside building. The property is located in the RA Zoning District.

Bennett Bardfeld, Esq. was present to represent the applicant. Phillip Stevenson and Jerry Irick were sworn in.

Mr. Bardfeld gave a brief explanation of the application. The applicants, Mr. & Mrs. Stevenson, have relocated to Virginia. The property currently has a tentative agreement of sale for all 3 lots that will be created as a result of the subdivision. Approval has already been received from the Atlantic County Planning Board. The applicant is asking for a waiver from the requirement that taxes be paid current. This property has outside liens. Mr. Bardfeld would like to have the subdivision approved conditioned upon the taxes being paid prior to the deeds being released for filing. The Board has the jurisdiction to waive the requirement and allow the deeds to be held until the taxes are paid in full. Mike Fralinger, Esq., attorney for Sikking Bros. Farms, gave a more thorough and clear explanation of the process that could be used if the taxes being paid current is waived. State statute does allow for the Board to grant a waiver. The property is currently under contract. Sikking Bros. Farm will be purchasing the 2 acre lot and the 3.38 acre lot will be purchased to be combined with lot 7. The Township will not release the deeds until the taxes are current. The title company will also verify that the taxes have been paid prior to the transfer of the deeds. There will be 3 separate sales of the lots created.

Mr. Scheidegg reviewed his letter dated 3/7/2013 for completeness. Waivers are requested for items 24 (taxes paid) and 2 (plan scale). A motion was made by Mr. Benson to deem the application complete with the requested waivers. The motion was seconded by Mr. Alimenti followed by a unanimous vote of Board members.

Mr. Irick provided an aerial photo of the property which was labeled as exhibit A-1. Proposed lot 60.01 will be a two acre lot which meets all standards for a buildable lot. Lot 60 will be 3 acres and will meet all standards, except maximum lot coverage. The subdivision will create a lot with coverage of 16% where a maximum of 10% is permitted. The remaining 3.38 acres will be combined with lot 7 in the rear of the property. A use variance was obtained by Mr. Stevenson in 1987 to operate a wood finishing shop in a 2400 square ft building. The building is now 5400 square ft. Mr. Scheidegg inquired why the building is more than double in size of the original approval. Mr. Stevenson stated that he spoke with the previous zoning officer in 2006 about adding a storage and warehouse facility and he was informed that all he needed was a zoning permit, which he received. All permits for the construction of the additional 3000 square ft building were received. The applicant agreed to provide copies of all permits obtained for the construction of the storage/warehouse building. A letter certifying that there are no wetlands or wetlands buffer areas was provided.

A motion was made by Mrs. Seelman 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. Benson to close the public portion. The motion was seconded by Mr. Akers followed by a unanimous vote of Board members.

Solicitor Laveson reviewed the subdivision application and bulk variance for lot coverage. The subdivision will create 3 lots. There will be a 2 acre buildable lot, a 3.38 acre lot which will be combined with adjoining lot 7, and the remaining 3 acres will contain the existing house and building. The remaining 3 acre lot requires a bulk variance for lot coverage due to the lot going from 8.38 acres to 3 acres. The maximum lot coverage in the RA Zoning District is 10% and this lot will be 16%. A motion was made by Mr. Benson to approve the application for subdivision with a variance for lot coverage. The motion was seconded by Mr. Alimenti with Rovani the following roll call vote: Yes: Mr. Zitto, Mrs. Barber, Mr. Bylone, Mr. Alimenti, Mr. Bracaliello, Mr., Mr. Akers, Mrs. Seelman, Mr. Benson.

#### **Zoning Board**

Mrs. Barber, Mr. Bylone and Mr. Bracaliello stepped down from participating in the applications before the Zoning Board. Mr. Benson stepped down for the Dixon application due to not being present at the previous meeting. This hearing is continued from the February meeting. Mr. Lloyd and Mr. O'Connell were 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. This hearing is continued from the February 21, 2013 meeting. Mr. Dixon and Mr. Irick were sworn in at the previous meeting and are still under oath.

Robert Casella, Esq., applicant's attorney, briefly reviewed 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. The subdivision of lot 60 was approved earlier. The lot will be 3 acres. Mr. Stevenson provided clarification as to the increase in the size of the building that will be utilized for the dance studio.

Site Plan approval will be required. The applicant chose to proceed with the Use Variance application first. After the use has been approved the applicant will proceed with having a site plan prepared. Mr. Irick is planning to have the plan completed for the June or July meeting. He stated that preparing a site plan will take a significant amount of time to complete. Mr. Scheidegg inquired as to which zoning standards they will be using for the site plan. Mr. Irick feels that it is best to use the OC Overlay. If the RA zone is used it would require a variance for lot coverage and the parking regulations are stricter. A Use Variance would be required in either the RA zone or the OC Overlay. The OC Overlay does permit for 2 uses on 1 property; however, single family dwellings are not permitted. The dance studio would not meet the guidelines for a home occupation in the RA Zone. The OC Overlay has a maximum lot coverage of 65% where the RA is only 10%. A storm water management plan will need to be submitted as part of the site plan review.

A motion was made by Mr. Alimenti 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, 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. Scheidegg stated that this application had not been deemed complete at the previous meeting because the subdivision application had not yet been heard by the Board. The subdivision application has been heard and the issue of the taxes not being paid has been waived with the requirement that the taxes be paid prior to the Township releasing the deeds for the newly created lots. A motion was made by Mr. Alimenti to deem the application complete with a waiver for the certification of taxes being paid. The motion was seconded by Mr. Akers followed by a unanimous vote of Board members. Rovani with the following roll call vote: Yes: Mr. Zitto, Mr. Alimenti, Mr. Rovani, Mr. Akers, Mrs. Seelman, Mr. Lloyd, Mr. O'Connell. No: None.

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

There being no additional business to come before the Board, a motion was made by Mr. Alimenti to adjourn the meeting at 8:55 PM. The motion was seconded by Mr. Bylone followed by a unanimous vote of Board members.

Respectfully submitted,

Lois A. Yarrington  
Planning/Zoning Board Secretary