

**MINUTES
BUENA VISTA TOWNSHIP
PLANNING/ZONING BOARD
SEPTEMBER 15, 2016**

The Regular meeting of the Buena Vista Township Planning/Zoning Board was held on September 15, 2016.

Chairman Michael Bylone called the meeting to order at 7:35 p.m.

Board Secretary Lisa Tilton performed Roll Call:

The following members were present: Akers, Bracaliello, Bylone, Chiarello, Kelly, Krokos, Monfredo, Sr., O'Connell, Rohs, Rovani, Sr. and Seelman

The following members were absent: Babel and Turner

Chairman Michael Bylone led the flag salute.

Chairman Michael Bylone stated the following announcement:

On January 22, 2016, Notice of this meeting was mailed to *The Daily Journal & The Press* and duly posted in the Main Lobby of the Municipal Complex. All requirements of the Open Public Meetings Act have been met in compliance with the Sunshine Law. *If any appeal is being heard at 10:30 pm it may continue to be heard, however no new appeal will be started after 10:30 pm.*

Approval of Minutes July 21, 2016:

On a motion by Rovani Sr., seconded by Kelly the following minutes were approved:
All in Favor Roll Call Vote: **Ayes:** Akers, Bracaliello, Bylone, Chiarello, Kelly, Krokos, Monfredo, Sr., O'Connell, Rohs and Rovani, Sr.

Approval of Bill List from September 15, 2016:

On a motion by Chiarello, seconded by Monfredo Sr.:
All in Favor Roll Call Vote: **Ayes:** Akers, Bracaliello, Bylone, Chiarello, Kelly, Krokos, Monfredo, Sr., O'Connell, Rohs, Rovani, Sr. and Seelman

Approval of Decision & Resolutions:

#12-2016 Comar, LLC

On a motion by Akers, seconded by O'Connell the Decision and Resolution was adopted:
Roll Call Vote: **Ayes:** Akers, Bracaliello, Bylone, Chiarello, Kelly, O'Connell, Monfredo, Sr., and Rovani Sr.

Motion to Approve: None

Board Completeness:

App #14-2016 – Glenn Lolli

On a motion by Chiarello, seconded by Rovani Sr. the application was Deemed Complete:
Roll Call Vote: **Ayes:** Akers, Bracaliello, Bylone, Chiarello, Kelly, Krokos, Monfredo, Sr., O'Connell, Rohs, Rovani, Sr. and Seelman

App #15-2016 – Buena Vista Township

On a motion by Monfredo Sr., seconded by O'Connell the application was Deemed Complete:
Roll Call Vote: **Ayes:** Bylone, Krokos, Monfredo, Sr., O'Connell, Rohs and Rovani, Sr.

App #16-2016 – Buena Vista Township

On a motion by Monfredo Sr., seconded by O'Connell the application was Deemed Complete:
Roll Call Vote: **Ayes:** Bylone, Krokos, Monfredo, Sr., O'Connell, Rohs and Rovani, Sr.

Zoning Completeness: None

Board Members Fred Akers, Rick Bracaliello, Mayor Chuck Chiarello, Teresa Kelly and Teresa Seelman recused themselves from Township Application 15-2016.

Applications:

App# 15-2016 Buena Vista Township
2-Lot Minor Subdivision
B. 4502 & 4503 L. Various
Time: 7:41pm to 7:52pm

Applicant Engineer: David Scheidegg, Engineer

Exhibits: A-1 –Tax Map of Area

The applicant is proposing a two lot minor subdivision where a portion of land 42x100 will be conveyed to 107 Pine Street. The applicant has already applied, received and recorded street vacations that were part of this application. The Pinelands Commission issued an approval on the subdivision on September 9, 2016. The subdivision is required to cure encroachment issues from 107 Pine Street so that all structures from the house are contained on their property. 107 Pine Street has existing non-conformities and the subdivision will decrease some of the non-conformity. The subdivision will create one new lot and an existing lot with a single family dwelling.

Public Comment on Application

On a motion of Rovani Sr., seconded by Monfredo Sr. the application was open to the public.

No Public Comment.

On a motion of Monfredo Sr., seconded by Krokos the public portion was closed.

Board Solicitor Michael Malinsky summarized the application before the Board.

Motions:

On a motion by Monfredo Sr., seconded by Rovani Sr. the application was approved by the Board:

Roll Call Vote: **Ayes:** Bylone, Krokos, Monfredo, Sr., O'Connell, Rohs and Rovani, Sr.

Board Member Teresa Seelman joined the meeting.

Board Members Fred Akers, Rick Bracaliello, Mayor Chuck Chiarello and Teresa Kelly recused themselves from Township Application 16-2016.

Applications:

App# 16-2016 Buena Vista Township

Site Plan Waiver with Bulk Variances

B. 4527 L. 4

Time: 7:52pm to 8:59pm

Applicant Engineer: David Scheidegg, Engineer

Exhibits: A-1 - Ariel Map with Site Plan

A-2 – Architectural Rendering

Board Solicitor Michael Malinsky provided a summary of the law governing the proceedings and application. Mr. Malinsky stated the applicant is not required to make application but has decided to do so for transparency. The Township made public notice for the application and the notice is in order.

The applicant is proposing to reconstruct the building previously located at 1260 Harding Highway, also known as the Blue House. The structure was demolished approximately 1-year ago due to mold that was attributed to water damage. The structure was an existing commercial retail establishment that consists of a two story building that was 1,151 sq. feet and 26 ½ feet wide. The proposed replacement building is 1,500 sq. feet and 30 feet wide. The setback in the front yard will remain from what was previously there. The applicant is requesting a waiver of site plan. Improvements will include an extension of the driveway to the already existing parking lot in the rear adjoining lot. Parking will be stone parking except for the area in front of the building which will include one handicap parking space to meet ADA requirements.

The Pinelands Commission approved the Townships application on September 9, 2016. Lot coverage is proposed to be 23.4 percent where 10 percent is permitted. There are seven parking spaces proposed where eight is required however additional parking is available on the adjacent lot owned by the Township. The retail establishment will be one that works within Richland Village possibly specialty retail. No kitchen is proposed.

Mr. Scheidegg provided testimony regarding the architectural component of the proposed building. The Township envisions approximately two employees for approximately 40-hours a week. There is an existing well onsite and existing septic that will have to be evaluated.

The Township is seeking to construct the building immediately and will paid for with insurance money that Township received from the water damage on the previous building. The Township must utilize the insurance money or they will lose it.

Board Planner Tiffany CuvIELLO provided her verbal report to the Board and stated the Township is maintaining the previous setback which is consistent with the White House building. The coverage proposed on the site can be accommodated. Even though the lot is undersized from the two acres required, the impervious coverage is still less on the undersized lot then what the Code requires for the two acre lot.

Public Comment on Application

On a motion of O'Connell, seconded by Monfredo Sr. the application was open to the public.

- Mark Demitroff – Stated he believes the insurance money can still be used if the Township doesn't build the building; the Township just loses \$10,000 of it. Asserted that the Board Solicitor Michael Malinsky has a conflict and cannot sit on the application.

Mr. Malinsky replied stated he is the Solicitor for the Board and advises the Board, he is not a voting member. No conflict exists.

Mr. Demitroff accused Board Member Monfredo Sr. of having a conflict by stating he signed the agreement with the Township for the drainage. Mr. Monfredo Sr. stated he has no conflict; he is the President of the Fire Company, not a commissioner and doesn't know what agreement Mr. Demitroff is referring to. Mr. Malinsky stated no conflict existed and requested Mr. Demitroff to continue his comments.

Mr. Demitroff provided the Board Solicitor with a hand-out that was labeled as Exhibit O-1.

Mr. Demitroff stated the Township has open violations with the Pinelands Commission and stated the property is zoned residential not commercial. The Township has to apply for a change of use and change of zoning and they have not.

Mr. Malinsky questioned Mr. Demitroff if he was stating a change of use or change of zoning needs to occur and further explained the difference. Mr. Demitroff stated a change of use.

Board Planner Tiffany Cuviallo stated the property is already zoned commercial and a change of use or use variance is not required.

Board Chairman Michael Bylone requested the applicant to address the violations. Mr. Scheidegg stated there are no violations. Board was satisfied.

Board Solicitor Michael Malinsky read the Pinelands Commission approval regarding the existing commercial establishment.

Mr. Scheidegg discussed the existing basin, known as basin #13 with the Pinelands. The basin is part of a low lying area between the proposed building and the adjacent lot that the Toy Store is located. The septic has nothing to do with the basin.

Mr. Demitroff stated that redevelopment cannot occur in the Pinelands area.

Mr. Malinsky discussed redevelopment law in the Pinelands and stated it can occur with a Redevelopment Plan. The Township has a redevelopment plan for Richland Village. The applicant is not making an application under redevelopment.

- Fred Akers – Questioned the process. Stated the Township had multiple violations with the Pinelands but received approvals afterwards. Mr. Akers provided documents to the Board that were labeled Exhibit O-2 the 2006 Re-Examination Plan, Exhibit O-3 Richland Redevelopment Plan and Exhibit O-4 Local Redevelopment and Housing Law.

Board Planner Tiffany Cuviallo explained developer's rights under a redevelopment plan. The Township cannot take development rights away from a property owner. A developer can either develop their properties in conformity with the Land Use of the zone or they can enter into a redevelopment agreement with the Governing Body under the redevelopment plan which offers incentives. The Township is making an application under the current zoning, not redevelopment.

Mr. Akers stated he was not speaking against the application he was glad to see the Township make an application to the Board.

- Julie Akers – Questioned the lack of planning by the Township. Stated it was good to see applications by the Township in front of the Board. Stated she has always been critical of the Township's spending and questioned the value of the replacement building. Concerned with the violations by the Township with the Pinelands but stated all violations were closed. There were conditions on Pinelands application regarding storm water management and there was a 2009 condition to deed restricts property for dilution.
- Frank Mosentoff – Stated he rents the Toy Store and that the Township wasn't required to make an application but they did. Stated there are no current violations with the Pinelands and does not want to see \$10,000 lost that the Township can use to build the building. Denied accusations by Mr. Demitroff.

On a motion of Monfredo Sr., seconded by Rovani Sr. the public portion was closed.

Board Solicitor Michael Malinsky summarized the application before the Board.

Motions:

On a motion by Monfredo Sr., seconded by Krokos the application was approved by the Board:

Roll Call Vote: **Ayes:** Bylone, Krokos, Monfredo, Sr., O'Connell, Rohs and Rovani, Sr. and Seelman

Board Discussion: None

Public Comment:

- Mark Demitroff – The Township still needs to resolve who the redevelopment entity is.
- Mayor Chuck Chiarello – Stated the Board Planner described redevelopment really well.

On a motion by Rovani Sr., seconded by Bylone the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

/s/ Lisa A. Tilton

Lisa A. Tilton
Planning/Zoning Board Secretary