

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING  
NOVEMBER 27, 2012**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Thomas Costa, Chairman  
Rosalie Baker  
Tom Dralle, Vice-Chair  
Charles Fellenbaum  
Frank Woshnak

Also present: Elizabeth Battelini, Acting Secretary, & Frank DiDomenico, Solicitor. Robert Smith, Board Engineer was absent.

**Minutes:**

Dispense with reading and approval of the October 23, 2012 minutes. M: R. Baker S: T. Dralle. RCV: All in favor.

**Completeness Review and Application:**

None.

**Resolutions: Resolution No. 2012-11. William P. Sorey for South Jersey Raceway located 345 Weymouth Road, Block 117. Lot 6.**

M: TD S:FW All in Favor: Yes

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

**Adjournment:**

All present voted in favor.

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**October 23, 2012**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Rosalie Baker  
Charles Fellenbaum  
Tom Costa, Chairman  
Thomas Dralle – Vice Chairman  
Christina DuBois, Alt #3  
John Brunini

The following members were absent:

Also present: Frank DiDominico, Solicitor, Robert Smith Board Engineer and Elizabeth Battelini Acting Secretary were also present.

**Minutes:**

Dispense with reading and approval Sept 25, 2012 minutes. M: R.Baker S: T. Dralle  
RCV: All in favor: Yes

**Completeness Review and Application:**

William Sorey – Block: 117 Lot:6 Weymouth Road – All fees and escrow paid. Notices were in order. Application was submitted to Pineland. Use variance within Pinelands Industrial. Suggested applicant to retain counsel. He did not. Applicant must prove no detriment to public and zoning ordinance. Five board members must approve. Six were present. Rosalie Baker could not vote.

Track will be inside with electric power vehicles. Vehicles approximately 16' long and 8' wide. Weight 5 pounds. Hours of operation Wednesday and Friday 4-10pm. Sunday 8am to 8 pm with two Saturdays a year 8am to 8pm. Saturdays are special events. Operating months are from November to April or May. Parking is in the rear near entrance. Handicap ramp already there. No outdoor vendors or activities. Sunday races expect 120-150 cars on average.

A South Jersey Raceway sign will be put up 4x8 on Weymouth Road. There is part of existing sign on entrance 4x8. Inside parts of factory are blocked off to people except for bathrooms. Area has new ceiling, heat, and roof. Applicant has not spoken to zoning officer about building codes. Approval based on passing building inspections.

Engineer Robert Smith requested a site plan to make sure there are no environmental issues with safe access and parking. Suggested getting site plan from owner. Mr. Sorey did submit a modified plan unmarked for parking and sign. Room for estimated 150 people to attend.

Engineer will review site plan. Approval contingent on all governmental agencies granting approvals.

**Resolutions:**

**No. 2012-11 concerning William P. Sorey Use Variance Approval approval for Radio controlled vehicle racetrack 345 E. Weymouth Road.**

M: \_\_\_\_\_ S: \_\_\_\_\_ All in Favor: \_\_\_\_\_

**New Business:**

**Old Business:**

**Public Portion:**

George Castellini present spoke in favor of raceway stating it is a family sport. Ralph and Felicia Carrione residents of Weymouth Road concerned about lighting and operating hours. They agreed to two Saturdays a year and three operating days. Zone won't be changed but a relief for this business can be granted. Applicant agreed to install an amber high pressure sodium light for outside of building.

**Close public portion:**

**Motion for approval:**

**M: T.Dralle S: J.Brunini RCV: All in favor**

**Motion to close public portion:**

**M: R. Baker S: T. Dralle RCV: All in favor**

**Correspondence:**

**Adjournment:**

**M: Thomas Dralle S. R. Baker RCV: All in favor**

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**SEPTEMBER 25, 2012**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Rosalie Baker  
John Formisano  
Charles Fellenbaum  
Tom Costa, Chairman  
Thomas Dralle-Vice Chairman  
Christina DuBois, Alt #3

The following members were absent:

William Nimohay  
Frank Woshnak  
Rich Giovinazzi  
Robert Teti, Alt.#1  
Sarah Saglia, Alt.#2  
Michale Feaster, Alt.#4

Also present: Frank DiDominico, Solicitor and Elizabeth Battelini Acting Secretary were also present. Bob Smith, Engineer was absent.

**Minutes:**

Dispense with reading and approval August 28, 2012 minutes. M: X S: R.Baker  
RCV: All in favor.

**Completeness Review and Application:**

William Sorey – Block: 117 Lot:6 Weymouth Road – application incomplete. Public notice not submitted within 10 days prior to meeting on September 22. Will be heard Oct.23, 2012 meeting. Use variance. Conditional use variance not acceptable.

**Resolutions:**

1.) 2012-09: Salvador Melesia-101 Lauren Ct – Block 201 Lot 48.05. resolution approving bull side yard variances for fence, pool & gazebo.

M: R. Baker            S: T. Dralle            RCV: All in favor

2.) 2012-10: David DiLeonardo – Morris Avenue – Block: 202 Lot: 8.02. Resolution approving minor sub-division

M: R. Baker            S: J.Formasino            RCV: All in favor

**New Business:**

**Old Business:**

**Public Portion:**

**Correspondence:**

**Adjournment:**

M: J. Formisano            S: R.Baker            RCV: All in favor

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**AUGUST 28, 2012**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Dralle, Vice-Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Dralle.

**Roll Call:**

The following members were present:

Rosalie Baker  
William Nimohay  
Charles Fellenbaum  
John Formisano  
Tom Dralle, Vice- Chairman  
Christina DuBois, Alt. # 3

The following members were absent:

John Brunini  
Frank Woshnak  
Richard Giovinazzi  
Tom Costa, Chairman  
Robert Teti, Alt. # 1  
Michael Feaster, Alt. #4

Also present: Frank DiDominico, Solicitor and Valerie Santagata-Jones, Secretary were also present. Bob Smith, Engineer was absent.

**Minutes:**

Dispense with reading and approval May 22, 2012 minutes. M: J. Formisano S: R. Baker.  
RCV: All in favor.

**Completeness Review and Application:**

1.) Salvador Melesio – 101 Lauren Ct. (Corner Lauren Ct & Nixon St) Block: 201 Lot: 48.05. Zone R-3. Application for bulk variances with a wavier of site plan for setbacks to fence, in ground pool and gazebo. (Corner property, lot is considered 2 side yards & 2 rear yards.) Alma Melesio was sworn in for testimony. Mrs. Melesio gave testimony they would like to be able to have activities to keep their 4 children home and be able to keep an eye on they. The area they are proposing is the only area that will allow for a pool. Mr. Salvador Melesio was also sworn in for testimony. Mr. Melesio gave testimony regarding the distance from curb to fence. He stated it is approximately 20 feet. Engineer Bob Smith brought to the attention of the board he would like a survey of the property to ensure they conform to impervious lot coverage requirements. The applicant agreed to submit a survey. A motion to close the public portion was made by B. Nimohay & seconded by J. Formisano. All present voted in favor. A motion was made by B. Nimohay & Seconded by J. Formisano to approve the application. Voting in favor was: R. Baker, B. Nimohay, C. Fellenbaum, J. Formisano, T. Dralle, & C. DuBois.

2.) Dave Dileonardo – Morris Avenue - Block: 202 Lot: 8.02. Zone PR-4. Application minor subdivision approval. Attorney Bennett Barfield was present for the applicant. Mr. Barfield stated it is an application for a minor subdivision. 1 lot is being divided into 3 lots. All lots conform with the zoning requirements. He further agreed to comply with the engineers report. Rami Nassar engineer for the applicant was also sworn in for testimony. Mr. Nassar stated the lots will further comply with the farmland buffer. Board engineer Bob Smith request that a drainage review be submitted for the new lots prior to development. A motion to approve was made by R. Baker & seconded by B. Nimohay. Voting in favor were R. Baker, B. Nimohay, C. Fellenbaum, J. Formisano, T. Dralle, & C. DuBois.

**Resolutions:**

1.) Resolution No.: 2012-08: Resolution approving John Frandino/Guiseppe's Market for changes made to site plan for certificate of occupancy.- 528 N. Harding Hwy. – Block: 110 Lot: 19.01.  
M: B. Nimohay S: R. Baker. RCV: All in Favor.

**New Business:**

None

**Old Business:**

None

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**MAY 22, 2012**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

William Nimohay  
Rosalie Baker  
John Formisano  
Tom Costa, Chairman  
Tom Dralle, Vice-Chairman  
Sara Saglia, Alt. # 2  
Christina DuBois, Alt. #3  
Michael Feaster, Alt. # 4

The following members were absent:

John Brunini  
Frank Woshnak  
Rich Giovinazzi  
Charles Fellenbaum  
Robert Teti, Alt. #1

Also present: Frank DiDominico, Solicitor, Bob Smith, Engineer and Valerie Santagata-Jones, Secretary were also present.

**Minutes:**

Dispense with reading and approval February 28, 2012 minutes. M: J. Formisano S: T. Dralle.  
RCV: All in favor.

**Completeness Review and Application:**

John Frandino/Guisepe's Market – 528 N. Harding Hwy. – Block: 110 Lot: 19.01. Attorney Michael Fralinger requesting waivers of site plan items for the applicant. Attorney Michael Fralinger and Engineer David Battistini were both present to give testimony for the applicant. The applicant needs to obtain a certificate of occupancy for the bank to finalize the loan for the project. The applicants engineer David Battistini reviewed the letter submitted, dated May 29, 2012 from Remington & Vernick Engineers regarding outstanding issues. The applicants engineer as well as the borough the engineer agreed on the changes and/or waivers requested, which will be spelled out in the resolution. ( A copy of the engineers letter and resolutions will be attached and filed with the minutes if this meeting.) A motion to approve was made by M. Feaster and seconded by J. Formisano. Voting in favor were J. Formisano, T. Costa, T. Dralle, S. Saglia, C. DuBois & M. Feaster. Abstaining were R. Baker & B. Nimohay. Opposed: None.

**Resolutions:**

None

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by J. Formisano and seconded by T. Dralle to adjourn the meeting at approximately 7:50 p.m. All present voted in favor

# REMINGTON & VERNICK ENGINEERS AND AFFILIATES

EDWARD VERNICK, PE, CME, President  
CRAIG F. REMINGTON, PLS, PP, Vice President

EXECUTIVE VICE PRESIDENTS  
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Edward J. Waiberg, PE, PP, CME  
Thomas F. Beach, PE, CME  
Richard G. Arango, PE, CME

DIRECTOR OF OPERATIONS  
CORPORATE SECRETARY  
Bradley A. Blubaugh, BA, MPA

#### SENIOR ASSOCIATES

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Alan Dittenhofer, PE, PP, CME  
Frank J. Seney, Jr., PE, PP, CME  
Terence Vogt, PE, PP, CME  
Dennis K. Yoder, PE, PP, CME, LEED  
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Kenneth C. Resstler, PE, CME  
Gregory J. Sullivan, PE, PP, CME  
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#### Remington, Vernick & Vena Engineers

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(732) 286-9220  
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3 Jicama Boulevard, Suite 300-400  
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(609) 645-7076 (fax)

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#### Remington, Vernick & Beach Engineers

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(201) 624-2136 (fax)

May 29, 2012

Mr. Thomas Costa, Chairman  
and Land Use Board Members  
Borough of Buena  
616 Central Avenue  
Minotola, NJ 08341

Re: Guiseppe's Italian Market  
Preliminary and Final Major Site Plan  
Request for Waivers  
528 N. Harding Highway  
Block 110, Lot 19.01  
Buena File No. BB-11-03  
Borough of Buena, Atlantic County, NJ  
Our File: 0104-P-090

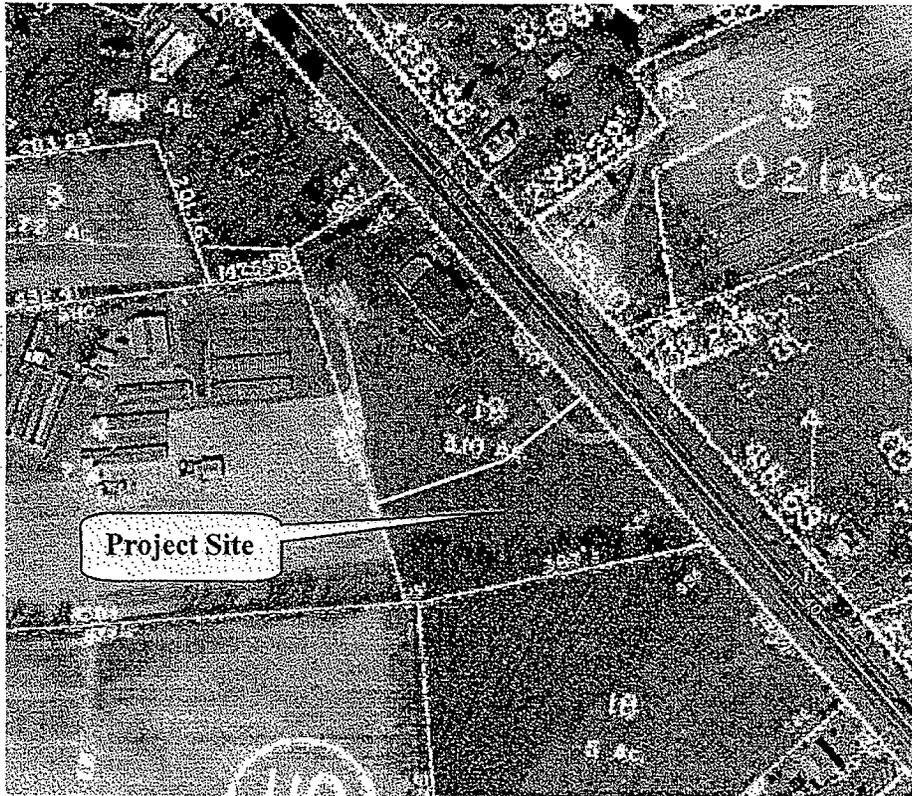
Dear Chairman and Land Use Board Members:

We have received the following revised information with regards to the above referenced project:

- A. Copy of cover letter addressed to Buena Borough Land Use Board from Capizola, Pancari, Lapham & Fralinger dated May 10, 2012.
- B. Copy of letter addressed to Buena Borough Land Use Board from Capizola, Pancari, Lapham & Fralinger dated May 10, 2012.
- C. Footcandle Value Plan prepared by David J. Battistini, P.E., PLS dated May 9, 2012.
- D. Amended Stormwater Management Report For the As-Built Basin, "Giuseppe's Italian Market", Harding Highway, Lot 19.01, Block 110, Buena Borough, Atlantic County, New Jersey prepared by Battastini Consulting Services dated May 19, 2012.

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Zoning: R-5 Residential Zone



Our office had prepared a site observation report on April 30, 2012 for the purpose of evaluating compliance of the site with the approved plans. The report included seventeen (17) items.

In his letter dated May 10, 2012, Mr. Fralinger responded to each item in our report.

The following presents the items contained in our site observation report and our comments regarding Mr. Fralinger's letter:

1. **The proposed brick island at the north corner of the building was constructed using concrete and no light pole was constructed.**

Our office takes no exception to the substitution of concrete for the brick paver patio. In addition, based upon our review of the footcandle value plan prepared Battistini Consulting Services, we take no exception to the elimination of the proposed site light in the area of the flagpole.

- 7. The attached cooler structure appears to be founded on top of the concrete driveway material. This should be reviewed.**

We defer this issue to the Construction Official.

- 8. The site grading does not comply with the approved plans.**

A statement should be provided from the Project Engineer stating the site grading is in substantial conformance with the original approved plans.

- 9. The plans call for utility services to be installed underground. Service was installed overhead.**

This comment was generated based upon General Construction Note No. 12 on Sheet 3 of 8 of the original Monarch Plans which states "All proposed utilities, including electric, telephone and cable television, shall be installed/constructed underground."

- 10. Inlets were added/relocated.**

Although we take no specific exception to the addition/relocation of the inlets, the grate elevations should be constructed above the spillway elevation.

- 11. The trash enclosure was constructed 4' from the property line. The variance was granted for 4.7'.**

We defer the necessity of additional variance relief to the Board Solicitor.

- 12. A detail should be provided for the proposed outflow pipes.**

The applicant had originally proposed modifications to the proposed spillway. These changes are no longer being proposed.

- 13. The as-built elevation of the basin berm does not match the proposed basin berm elevation.**

The proposed basin berm elevation does not match the elevations shown on the approved plans. In addition, the spillway elevation has been lowered 1.45'. Mr. Fralinger's letter indicates the basin berm height was modified in order to account for the additional inlet constructed in front of the site. As a result of the lowering of the

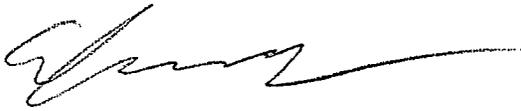
2. In addition, the infiltration rate utilized was based upon the average tested permeability rate of the three (3) described soil layers. Infiltration rates utilized to calculate basin drain times should be based upon the tested permeability rate of the most restrictive soil layer utilizing a factor of safety of 2.
3. In its current configuration, without utilizing basin infiltration, the stormwater management basin does not meet the Ordinance requirement for peak flow reduction.
4. The soil log for hand auger #2 indicates wet yellowish brown gravelly sand at 45"-115", however, the soil log indicates that groundwater was not encountered. This should be reviewed.
5. The applicant should determine the as-built condition of the spillway to verify it meets the dimensions indicated in the Amended Stormwater Report. All stormwater calculations addressing as-built conditions should utilize as-built spillway dimensions.

Any Land Use Board approval should be granted contingent upon approval from all other governmental agencies having jurisdiction.

If you should have any questions or require additional information, please feel free to contact our Pleasantville office.

Very truly yours,

**REMINGTON, VERNICK & WALBERG ENGINEERS**



Edward J. Walberg, P.E., P.P., CME

EJW

cc: Ms. Valerie Santagata, Secretary  
Mr. Frank DiDomenico, Esq., Land Use Board Solicitor  
Mr. Michael Fralinger, Esq., Applicant's Attorney  
Mr. John Frandino, Applicant  
Mr. David J. Battastini, P.E., P.P., C.M.E., Battastini Consulting Services

**RESOLUTION NO. 2012-08**

**RESOLUTION OF FINDINGS AND CONCLUSIONS AND DECISION  
OF THE BOROUGH OF BUENA LAND USE BOARD**

**WHEREAS**, John Frandino, with an address at 357 S. Brewster Road, Vineland, NJ 08360, has applied to the Borough of Buena Land Use Board for modification of preliminary and final major site plan approval in conjunction with a previously granted use variance for a retail/commercial building, located at 528 N. Harding Highway, being known as Block 110, Lot 19.01, as shown on the current tax map of the Borough of Buena; and

**WHEREAS**, the Board, having considered the presentation of Michael Fralinger, Esquire, attorney for the applicant; having considered the letter from the applicant's attorney dated May 10, 2012; having considered the sworn testimony of David Battistini, PE, PP, the applicant's professional engineer and professional planner; having considered the report of Robert J. Smith, III, PE, PP, Land Use Board Professional Engineer and Professional Planner; having considered the sworn testimony of Edward J. Walberg, PE, PP, Land Use Board Engineer and Professional Planner, made the following factual findings:

1. The property in question is located entirely within the R-5 Zone.
2. The applicant is the owner of the property in question.
3. The applicant was granted a use variance by way of Resolution 2010-14 for a retail/commercial building to be used as an Italian Market.
4. The applicant received major site plan approval, both preliminary and final by way of Resolution 2011-03 on February 22, 2011.
5. The applicant received approval pursuant to Resolution 2011-08 on June 28, 2011 granting certain waivers and waiving the requirement to post a performance guarantee.
6. The applicant now seeks modification of the previously granted preliminary and final major site plan approval to approve a site plan "as-built".
7. Specifically, the applicant seeks the following:
  - a) Approval of an as-built storm water management system not in accordance with New Jersey storm water regulations Best Management Practices but in accordance with Borough of Buena storm water management regulations.
  - b) Trash enclosure located 4' from the property line whereas a variance was granted for 4.7', as a de minimus change.
  - c) Waiver to permit storm water entering the underground storage not treated to 80% TSS removal as required.
8. The applicant's attorney noted the following:
  - a) The site has been constructed and the applicant is operating under a temporary certificate of occupancy.
  - b) The applicant cannot finalize his final financing without a final certificate of occupancy which has been denied due to certain as-built conditions.
  - c) The applicant is seeking approval from the Board for the site "as-built".
  - d) The main issue deals with the storm water management system. The applicant added one inlet between the applicant's property and the Big Apple Restaurant which was not on the original site plan. During construction, the applicant realized the water would flow to and pond at the Big Apple therefore he added an additional inlet. That inlet pipes the water back to the basin.
  - e) As a result of the additional inlet and underground piping, the basin does not meet the capacity of New

- Jersey storm water regulations, Best Management Practices.
- f) However, the Borough Land Use Ordinance does permit alternate methods of storm water management and not specifically the Best Management Practices.
  - g) The applicant used the permitted "other measures" and it does meet the ordinance standard and it does meet storm water management standards.
9. David Battistini provided the following sworn testimony:
    - a) As noted, an extra inlet was added between the applicant's property and the Big Apple Restaurant.
    - b) The original design had water flowing onto the Big Apple property.
    - c) The basin weir elevation based on BMP could handle 10 and 50 year storm but not the 100 year storm.
    - d) Plaintiff has overbuilt the basin. The bottom has stone and sand.
    - e) He used a percolation rate through the bottom of the basin and other design parameters and based upon that the basin meets the ordinance requirements and will work.
    - f) Based on his percolation rates, the outflow will be one-half the rate permitted.
    - g) The berm/spillway level was lowered to prevent water backup and then resulting in water flowing onto the Big Apple.
    - h) The basin meets the Buena Land Use Ordinance standards.
    - i) BMP does not permit consideration of percolation rates.
    - j) The Buena Land Use Ordinance specifically permits other storm water management measures may be used.
    - k) He did a soil boring and a test pit and determined that the normal high water is at 105.4' and the bottom of the stone in the basin is at 110.8'
    - l) There is a technical waiver for TSS which is total suspended solids. Both the New Jersey storm water regulations and the Borough Ordinance require the solids be screened out before going into the basin.
    - m) The reason why TSS was called out in the Robert Smith report is because there is a pipe and trench leading to the basin. The system itself is not an underground system.
    - n) However, the pipe and trench are both accessible for cleaning therefore, he does not believe TSS would apply.
    - o) The applicant has submitted a maintenance plan for the maintenance of the storm water management system and the basin and the applicant will adhere to that plan.
    - p) South Jersey engineers recently did three hand borings in the basin. One boring had a slower percolation rate. Therefore, the applicant will be removing the soil and replacing with sand in order to increase the percolation rate so that all the rates are uniform.
    - q) Dave Battistini will provide a certification that the percolation rate works and provide same to the Land Use Board Engineer.
    - r) Grading on the site is in substantial compliance with the approval.
    - s) The piping for the system is 15" throughout the site.
  10. Edward Walberg noted that he has no issue with the alternate storm water management system so long as the applicant performs maintenance as per the submitted maintenance plan.
  11. The applicant's attorney requested that final Land Use Board Engineer approval not be a condition to issuance of a certificate of occupancy.
  12. The applicant's attorney also noted that the Cape-Atlantic Soil Conservation district has issued a waiver from construction of an erosion control mattress.
  13. No members of the public appeared to speak in favor of nor against the proposed application.

**WHEREAS**, the Borough of Buena Land Use Board determined that the applicant's request for modification of the previously granted major site plan approval, both preliminary and final, so as to permit the site as-built, may and should be granted.

The Board grants the following:

- a) As-built alternative storm water management system.
- b) Variance of 4' for the sideyard set back for the trash enclosure on the south side whereas a variance of 4.7' was originally granted.
- c) Waiver from treating water into the basin to remove 80% TSS.

Approval is subject to the applicant excavating soil from the area of the basin boring which had a slow perc rate and replacing said soils with sand to provide a uniform perc rate throughout the basin.

Approval is also subject to the applicant's engineer certifying to the Land Use Board engineer that the storm water management system does in fact work and that the perc rate is appropriate.

Approval is subject to any and all outside agency approvals which may be required.

The Board finds that the as-built storm water management system is in accordance with the Buena Borough Land Use Ordinance which permits alternative storm water management systems. Additionally, based upon the applicant's engineer's testimony, the system will handle up to the 100 year storm. Additionally, the applicant did take measures to protect a neighboring property from taking water from his property.

Final approval from the Land Use Board engineer regarding the storm water management system shall not be required for the issuance of a certificate of occupancy.

Approval is also subject to the applicant adhering to the maintenance plan for the storm water management system as previously submitted.

All other provision of Resolutions 2010-14 and 2011-03 shall remain unchanged and in full force and effect except as modified by Resolution No. 2011-08 and by this resolution.

### ROLL CALL VOTE

#### THOSE IN FAVOR

SARA SAGLIA  
THOMAS DRALLE  
CHRISTINA DUBOIS  
THOMAS COSTA  
JOHN FORMISANO  
MICHAEL FEASTER

#### ABSENT

FRANK WOSHNAK  
ROBERT TETI  
RICHARD GIOVINAZZI  
CHARLES FELLENBAUM  
JOHN BRUNINI

#### THOSE OPPOSED

NONE

#### ABSTAINING

WILLIAM NIMOHAY  
ROSALIE BAKER

The foregoing is a true copy of the Resolution and decision adopted by the Borough of Buena Land Use Board at its meeting held on May 30, 2012, as reflected in the recorded minutes of the said meeting.

THOMAS COSTA, CHAIRPERSON

DATE:

ATTESTED:

VALERIE SANTAGATA, SECRETARY

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**FEBRUARY 28, 2012**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

William Nimohay  
John Brunini  
Charles Fellenbaum  
Tom Costa, Chairman  
Tom Dralle, Vice-Chairman  
Sara Saglia, Alt. # 2  
Christian DuBois, Alt. #3

The following members were absent:

Rosalie Baker  
Frank Woshnak  
Rich Giovinazzi  
John Formisano  
Robert Teti, Alt. #1  
Micahel Feaster, Alt. #4

Also present: Frank DiDominico, Solicitor and Valerie Santagata-Jones, Secretary were also present. Bob Smith, Engineer was absent.

**Minutes:**

Dispense with reading and approval January 24, 2012 minutes. M: J. Brunini S: S. Saglia.  
RCV: All in favor.

**Completeness Review and Application:**

None

**Resolutions:**

1.) Resolution No.: 2012-03 appointment of Tom Costa as Chairman, 2012-04 appointment of Tom Dralle as Vice Chairman, & 2012-05 appointment of Valerie Santagata-Jones as Secretary.  
M: J. Brunini S: B. Nimohay. RCV: All in Favor.

2.) Resolution No.: 2012-06: Bruce Bassetti- Coari & West Avenues - Block: 187 Lot: 3&10.  
Zone: R-2. Resolution approving a redivision of the property line. A motion to adopt was made by J. Brunini and seconded by C. Fellenbaum. All present voted in favor.

3.) Resolution No.: 2012-07: Resolution from the land use board recommending council adopt the pinelands ordinance. A motion was made by T. Dralle and seconded by C. Fellenbaum. All present voted in favor. Opposed: J. Brunini.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by J. Brunini and seconded by C. DuBois to adjourn the meeting at approximately 7:05 p.m. All present voted in favor

**BOROUGH OF BUENA  
LAND USE BOARD**

**REORGANIZATION & REGULAR MEETING**

**JANUARY 24, 2012**

The reorganization & regular meeting of the Buena Borough Land Use Board was called to order by Frank DiDomenico, Board Solicitor, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Solicitor, Frank DiDomenico.

**Roll Call:**

The following members were present:

Rosalie Baker  
William Nimohay  
Charles Fellenbaum  
John Brunini  
Frank Woshnak  
Richard Giovinazzi  
Thomas Dralle

Thomas Costa  
Sara Saglia, Alt. # 2  
Christina DuBois, Alt. #3

The following members were absent:

John Formisano  
Robert Teti, Alt. #1  
Michael Feaster, Alt. #4

Also present: Frank DiDomenico, Solicitor, Robert Smith, Board Engineer and Valerie Santagata-Jones, Secretary were also present.

**REORGANIZATION**

**Chairman:** Tom Costa was nominated & appointed as chairman. A motion was made by Tom Dralle and seconded by Rosalie Baker to close the nominations. All present voted in favor. Voting in favor of Tom Costa as Chairman were: R. Baker, W. Nimohay, J. Brunini, C. Fellenbaum, F. Woshnak, R. Giovinazzi, T. Dralle, T. Costa, S. Saglia, & C. DuBois.

**Vice-Chairman:** Tom Dralle was nominated & appointed as Vice-Chairman. A motion was made by Frank Woshnak and seconded by Rosalie Baker to close the nominations. Voting in favor of Tom Dralle as Vice-Chairman were: R. Baker, W. Nimohay, J. Brunini, C. Fellenbaum, F. Woshnak, R. Giovinazzi, T. Dralle, T. Costa, S. Saglia, & C. DuBois .

**Secretary:** A motion was made by Rosalie Baker and seconded by Sara Saglia to nominate Valerie Santagata-Jones as Land Use Board Secretary. Voting in favor to appoint Valerie Santagata as Board Secretary were: R. Baker, W. Nimohay, J. Brunini, C. Fellenbaum, F. Woshnak, R. Giovinazzi, T. Dralle, T. Costa, S. Saglia, & C. DuBois.

**Resolution 2012 R-1:** A Resolution directing the Land Use Board to post and file a schedule of all meetings as required by the *Open Public Meetings Act of 1975*.  
M: R. Baker S: S. Saglia. RCV: All members present voted in favor.

**Resolution 2012 R-2:** A Resolution directing the Land Use Board to designate at least *two (2) Newspapers* to receive certain notices of meetings as required by the *Open Public meetings Act*. The official newspaper being **The Daily Journal** and the secondary being **The Press**.  
M: T. Dralle S: f. Woshnak RCV: All members present voted in favor.

***Regular Meeting***

**Minutes:**

Dispense with reading and approval with corrections of the November 22, 2011 minutes. M: J. Brunini  
S: T. Dralle. RCV: All in favor.

## **Completeness Review and Application:**

1.) Application of Ralph Laks-Wheat Road & Central Avenue – Block: 207 Lot: 62. Application withdrawn at the request of the applicants attorney Christopher Baylison.

2.) Bruce & Carol Bassetti – West Avenue & Coari Avenue – Block: 187 - Lots: 3 & 10. Zone R-2. Application for lot line redivision and use variance. Attorney Michael Fralinger was present for the applicant. Mr. Fralinger gave testimony the lots in question include the Bassetti homestead and a photography business. The redivision would conform with standards of the R-2 zone. The intention of the subdivision would allow the Bassetti family to sell the home and allow Bruce to keep the garage with the photo business lot. Mr. Bruce Bassetti was sworn in for testimony. Mr. Bassetti gave testimony currently items that were in the home and have sentimental meaning to him are stored in the garage. He further stated that he would not want to be limited to just personal storage if he needed additional storage for the photography business. Further testimony was given that the garage currently already has non conforming setbacks and as a result of the redivision the setback would conform to the R-2 zone. No members from the public spoke for or against the application. A motion was made by T. Dralle and seconded by S. Saglia to close the public portion. All present voted in favor. A motion was made by J. Brunini and seconded by R. Giovinazzi to grant the applicants request. Voting in favor were: J. Brunini, C. Fellenbaum, T. Dralle, R. Giovinazzi, T. Costa, S. Saglia, & C. DuBois. Abstaining: R. Baker, B. Nimohay, & F. Woshank.

### **Resolutions:**

None.

### **New Business:**

Pinelands Comprehensive Mangement Plan. Sample ordinance to be recommended to council for adoption. A motion was made by S. Saglia to make the recommendation to council for the adopt of the ordinance and seconded by T. Costa. All present voted in favor. Abstaining were: R. Baker & B. Nimohay. Opposed were: J. Brunini.

### **Old Business:**

None

### **Public Portion:**

None

### **Correspondence:**

None

### **Adjournment:**

A motion to adjourn was made by R. Baker and seconded by W. Nimohay to adjourn the meeting. All present voted in favor

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING  
NOVEMBER 22, 2011**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Losalie Baker  
Charles Fellenbaum  
Frank Woshnak  
Richard Giovinazzi  
John Brunini

Tom Dralle, Vice-Chair  
Sara Saglia, Alt. # 2  
Christina DuBois, Alt. #3  
Michael Feaster

The following members were absent:

William Nimohay  
John Formisano  
Robert Teti, Alt. #1  
Tom Costa, Chairman

Also present: Valerie Santagata, Secretary, & Frank DiDomenico, Solicitor. Robert Smith, Board Engineer was absent.

**Minutes:**

Dispense with reading and approval of the October 22, 2011 minutes. M: R. Baker S: T. Dralle. RCV: All in favor.

**Completeness Review and Application:**

None.

**Resolutions:**

1.) Resolution No. 2011 12: Midway Holdings LLC/Falasca LLC – 744 Harding Hwy- Block: 201 Lot: 34.01. Resolution approving major site plan approval, preliminary & final site plan approval, with bulk variances for retail buildings to be constructed on the lot. Voting in favor to adopt the resolution were R. Baker, C. Fellenbaum, F. Woshnak, T. Dralle, S. Saglia, C. DuBois, & M. Feaster. Abstaining: J. Brunini.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

Pinelands draft ordinance will be discussed at the next land use board meeting.

**Adjournment:**

A motion to adjourn was made by F. Woshnak and seconded by M. Feaster to adjourn the meeting. All present voted in favor.

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING  
OCTOBER 25, 2011**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Rosalie Baker  
Charles Fellenbaum  
Frank Woshnak  
Richard Giovinazzi  
John Brunini

Tom Dralle, Vice-Chair  
Sara Saglia, Alt. # 2  
Christina DuBois, Alt. #3  
Michael Feaster, Alt. #4

The following members were absent:

William Nimohay  
John Formisano  
Tom Costa, Chairman  
Robert Teti, Alt. #1

Also present: Valerie Santagata, Secretary, Frank DiDomenico, Solicitor. Robert Smith, Board Engineer was absent.

**Minutes:**

Dispense with reading and approval of the October 25, 2011 minutes. M: F. Woshnak S: S. Saglia. RCV: All in favor.

**Completeness Review and Application:**

None.

**Resolutions:**

1.) Resolution No. 2011 12: Midway Holdings LLC/Falasca LLC – 744 Harding Hwy- Block: 201 Lot: 34.01. Resolution approving major site plan approval, preliminary & final site plan approval, with bulk variances for retail buildings. A motion was made by R. Baker and seconded by F. Woshnak to adopt the resolution. Voting in favor to adopt the resolution were: R. Baker, C. Fellenbaum, F. Woshnak, T. Dralle, S. Saglia, C. DuBois, & M. Feaster. Abstaining: J. Brunini.

**New Business:**

Pinelands draft ordinance recommendations will be discussed at the December meeting.

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by F. Woshnak and seconded by M. Feaster to adjourn the meeting. All present voted in favor.

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING  
OCTOBER 25, 2011**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Rosalie Baker  
Charles Fellenbaum  
Frank Woshnak  
Richard Giovinazzi  
John Formisano  
Tom Costa, Chairman

Tom Dralle, Vice-Chair  
Sara Saglia, Alt. # 2  
Christina DuBois, Alt. #3

The following members were absent:

William Nimohay  
John Brunini  
Robert Teti, Alt. #1  
Michael Feaster, Alt. #4

Also present: Elizabeth Battelini substituted for Valerie Santagata, Secretary, Frank DiDomenico, Solicitor, & Robert Smith, Board Engineer

**Minutes:**

Dispense with reading and approval of the September 27, 2011 minutes. M: R. Baker S: T. Dralle. RCV: All in favor.

**Completeness Review and Application:**

Midway Holdings LLC/Falasca LLC – 744 Harding Hwy- Block: 201 Lot: 34.01. Application for major site plan approval, preliminary & final site plan approval, with bulk variances for retail buildings to be constructed on the lot. The Midway inn used to sit on the lot but has since been demolished by the new owners of the property. Attorney Keith Davis represented the applicant and also sworn in for testimony were the applicants engineer Stephen Fillapone along with the borough engineer Bob Smith. Application included testimony regarding the buildings square footages for a 2084sq ft Dunkin Donuts, 9100 sq ft Dollar General, and retail pad for another 4000 square foot building. The applicants attorney and engineer gave testimony regarding variances that would be required for the site. The lot is preexisting and no other lands can be obtained to increase the lot. Therefore the applicant requested bulk variance for frontage along the roadway, rear and sideyard setbacks. Additional signage variances are also requested by the applicant. The applicant agreed to comply with the parking standards with a waiver of spaces at the end of islands. 10feet is required the applicant proposes 9 ft. Additional waivers for the site plan are requested. They included waivers for berm, top graphical survey, architectural for the 4000 sq ft retail, & front buffer strip. The applicant agrees to comply with engineer Bob Smith report and will additionally include the turn radius and template for the turn around area. Speaking from the public were Nolan Wallace and his daughter Carolyn Wallace Devilla. Mr. Wallace and Mrs. Devilla expressed their concerns on where the driveways are located. Mr. Wallace stated he currently has trouble with traffic getting out of his driveway. The applicants professionals explained to Mr. Wallace that they will be closing up some of the open driveway area that currently exist and the new driveway it not directly across from him, and additionally the driveway near his will only allow right turns. A motion to close the public portion were made by: C. Dubois and seconded by T. Dralle. All present voted in favor to close the public portion. A motion was made by R.Baker and seconded by S. Saglia to grant the applicants request. Voting in favor were R. Baker, C. Fellenbaum, F. Woshnak, R. Giovinazzi, J. Formisano, T. Costa, T. Dralle, S. Saglia, & C. DuBois. Absent were: W. Nimohay, J. Brunini, R. Teti, & M. Feaster.

**Resolutions:**

1.) Resolution No. 2011 10: Pravin & Jyotsana Patel – 1100 South Central Avenue – Block: 181 Lot: 12 ZoneB-1. Resolution denying use & bulk variance to convert existing single family home to a duplex with waiver of site plan approval. Voting in favor to adopt the resolution were C. Fellebaum, R. Giovinazzi, T. Costa, S. Saglia. Abstaining were: R. Baker, F. Woshank, J. Formisano, T. Dralle, C. Dubois.

2.) Resolution No. 2011-11: Ralph Laks – Wheat Road & Central Avenue – Block: 207 Lot: 62. Zone R-4. Resolution denying use & bulk variances, site plan approval, subdivision, & Drainage review for construction of townhouses and retail space. Voting I favor to adopt the resolution were: C. Fellanbaum, R. Giovinazzi, T. Costa, S. Saglia. Abstaining were: R. baker, F. Woshank, J. Formisano, T. Dralle & C. DuBois.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by F. Woshnak and seconded by S. Saglia to adjourn the meeting. All present voted in favor.

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**SEPTEMBER 27, 2011**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

John Brunini  
Charles Fellenbaum  
Thomas Costa, Chairman  
Thomas Dralle, Vice-Chairman  
Sara Saglia, Alt. #2  
Michael Feaster, Alt. #4

The following members were absent:

Rosalie Baker  
William Nimohay  
Frank Woshnak  
Richard Giovinazzi  
John Formisano  
Robert Teti, Alt. # 1  
Christina DuBois, Alt. #3

Also present: Valerie Santagata, Secretary. Also absent: Frank DiDomenico, Solicitor, & Robert Smith, Board Engineer

**Minutes:**

Dispense with reading and approval of the August 23, 2011 minutes. M: S. Saglia S: M. Feaster RCV: All in favor.

**Completeness Review and Application:**

None.

**Resolutions:**

1.) Resolution No. 2011 10: Pravin & Jyotsana Patel – 1100 South Central Avenue – Block: 181 Lot: 12 ZoneB-1. Resolution denying use & bulk variance to convert existing single family home to a duplex with wavier of site plan approval. A motion was made by J. Brunini to adopt the resolution and seconded by S. Saglia. RCV: All in favor.

2.) Resolution No. 2011-11: Ralph Laks – Wheat Road & Central Avenue – Block: 207 Lot: 62. Zone R-4. Resolution denying use & bulk variances, site plan approval, subdivision, & Drainage review for construction of townhouses and retail space. A motion was made by M. Feaster to adopt the resolution and seconded by J. Brunini. RCV: All in favor

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by J. Brunini and seconded by M. Feaster to adjourn the meeting. All present voted in favor.

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**AUGUST 23, 2011**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Rosalie Baker  
William Nimohay  
Charles Fellenbaum  
Frank Woshnak  
Richard Giovinazzi  
John Brunini

Tom Costa, Chairman  
Tom Dralle, Vice-Chair  
Sara Saglia, Alt. #2  
Christina DuBois, Alt. #3

The following members were absent:

John Formisano  
Robert Teti, Alt. # 1  
Michael Feaster, Alt. #4

Also present: Valerie Santagata, Secretary. Also absent: Frank DiDomenico, Solicitor, & Robert Smith, Board Engineer

**Minutes:**

Dispense with reading and approval of the July 26, 2011 minutes. M: F. Woshnak S: R. Baker  
RCV: All in favor.

**Completeness Review and Application:**

1.) Pravin & Jyotsana Patel – 1100 Central Avenue - Block: 181 Lot: 12. Zone B-1. Application for use variance to convert an existing single family home to a duplex with a waiver of site plan approval. Pravin Patel was sworn in for testimony. Assisting with Mr. Patel's translation is his son Jaydip Patel. The applicant gave testimony that the footprint of the building was not changing. The existing attached garage was converted into living area. The existing detached garage was not used or changed. The conversion will include a 3 bedroom apartment & 1 studio style apartment. Applicant stated there are several multi family units in the area. The applicant also stated that the lot size is 100 ft x 150 ft and a corner lot with horse shoe driveway which would allow adequate parking. The square footage was questioned. Testimony was given that the existing g floor plan is approximately 1200 square feet. The 3 bedroom unit is approximately 900 square feet and the studio approximately 300 square feet. Several board members questioned if the living size was adequate per unit. Also board members were concerned with the lot size and room for parking of vehicles on the lot. A motion to close the public portion was made by F. Woshnak and seconded by C. Fellenbaum. All present voted in favor. A motion to grant the applicants request was made by F. Woshnak and seconded by C. Fellenbaum. Voting in favor were: C. Fellenbaum, f. Woshnak, & T. Dralle. Opposed were: J. Brunini, R. Giovinazzi, S. Saglia, & T. Costa. Application was denied.

2.) Ralph Laks – Wheat Road & Central Avenue – Block: 207 Lot: 62. Zone R-4. Application for use & bulk variances, site plan approval, subdivision, & drainage review for the construction of townhouses & retail space. Attorney Chris Baylinson was present to represent the applicant. Application was previously approved for 2 retail structures and 24 townhouses in 2010. The application is back before the board to request an increase in the number of townhouse units and retail space. Mr. Ralph Laks was sworn in for testimony. The applicant feels that due to the real estate market the old plan is not marketable. They feel that fee simple townhouse are more appealing to the market. Mr. Laks gave testimony that the development would be maintained by a homeowners association. Each unit would be owned individually. Testimony was given regarding the variance for mixed uses and the new townhouse height and layout. The new townhouse would be 3 stories opposed to original 2 story approval in the previous application. The applicant gave testimony about the change of the plan including the increase number of buildings, parking and the location. John Pagenkopf professional planner was also sworn in to give testimony on behalf of the applicant. Additional testimony was given regarding the change in plans to the commercial buildings on the site. During the public portion neighbors Roy Gazzara, Jerry Lago & John Kline stated that would like to see the original plan be built. The neighbors all felt there was too many units for the property and three stories is not appealing to the new homes that the builder had built on the adjacent property. A motion was made by S. Saglia & seconded by F. Woshnak to close the public portion. A motion to grant the application was made by F. Woshnak & seconded by S. Saglia. Voting in favor were: F. Woshnak, T. Dralle, & S. Saglia. Opposed were: J. Brunini, C. Fellenbaum, R. Giovinazzi, & T. Costa.

**Resolutions:**

None

**New Business:**

None

**Old Business:**

None

**Public Portion:**

Elaine Geri Sorrento Plaza owner on Wheat Road. Ms. Geri just wanted to confirm with the board regarding a letter she received from the zoning officer. The letter stated to increase the paved area they would require site plan approval. The board solicitor confirmed Mr. Keenan's letter to Ms. Geri

Dawn Bernard South Nixon Street. Neighbor has been before council requesting a revision be made to the domestic pet ordinance to include goats. Council directed her neighbor to the Land Use Board to make the request. Mrs. Bernard was there just in case it was brought up at the meeting, and to put on record that she would be opposed to any such changes made to the ordinance.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by F. Woshnak and seconded by R. Baker to adjourn the meeting. All present voted in favor.

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**JULY 26, 2011**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Thomas Costa, Chairman	Charles Fellenbaum
Thomas Dralle, Vice Chairman	Frank Woshnak
Rosalie Baker	Sara Saglia, Alt. #2
John Brunini	Christina DuBois, Alt. #3
	Michael Feaster, Alt. #4

The following members were absent:

Richard Giovinazzi
John Formisano
Robert Teti, Alt.#1
William Nimohay

Also present: Valerie Santagata, Secretary. Also absent: Frank DiDomenico, Solicitor, & Robert Smith, Board Engineer

**Minutes:**

Dispense with reading and approval of the June 28, 2011 minutes. M: F. Woshnak S: R. Baker  
RCV: All in favor.

**Completeness Review and Application:**

1.) Pravin & Jyotsana Patel – 1100 Central Avenue - Block: 181 Lot: 12. Zone B-1. Application for use variance to convert an existing single family home to a duplex with a wavier of site plan approval. Application was postponed due insufficient notice being sent to the county planning board.

**Resolutions:**

1.) Resolution No.: 2011-08: John Frandino 528 North Harding Hwy. Block: 110 Lot: 19.01 Zone R-5. Resolution approving site plan waivers for previously approved site plan Resolution No.:2011-03. A motion to adopt the resolution was made by T. Dralle and seconded by M. Feaster. All present voted in favor. Abstaining were: R. Baker & F. Woshnak.

2.) Resolution No.: 2011-09 : Thomas Reese 318 Wheat Road – Block: 173 Lot: 27. Zone R-4. Resolution approving bulk & use variance with site plan approval for construction of 90' x 225' foot building. A motion to adopt the resolution was made by J. Brunini & seconded by S. Saglia. All present voted in favor. Abstaining were: R. Baker, F. Woshnak, & T. Costa.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by J. Brunini and seconded by F. Woshnak to adjourn the meeting. All present voted in favor.

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**MAY 24, 2011**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Dralle, Vice Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:  
absent:

Rosalie Baker	Richard Giovinazzi
William Nimohay	Thomas Dralle, Vice-Chairman
John Brunini	Sara Saglia, Alt. #2
Charles Fellenbaum	Christina DuBois, Alt. #3
	Michael Feaster, Alt. #4

The following members were

Tom Costa, Chairman
Frank Woshank
John Formisano
Robert Teti, Alt., 1

Also present: Valerie Santagata, Secretary. Also absent: Frank DiDomenico, Solicitor, & Robert Smith, Board Engineer

**Minutes:**

Dispense with reading and approval April 26, 2011 minutes. M: R. Baker S: S. Saglia  
RCV: All in favor.

**Completeness Review and Application:**

1.) Thomas Reese – 318 Wheat Road – Block: 173 Lot: 27 Zone R-4. Application for bulk and use variance with site plan approval for construction of 90' x 225' foot building. At the request of the applicant the application is being postponed to the June 28, 2011 meeting. Notice of the postponement was given publicly at the meeting no further notice will be given.

2.) David & Susan Romeo – 307 North Harding Hwy – Block: 115 lot; 23.03. Zone: p-R4. Application for bulk variances to construct a pole barn greater than 500 square feet as permitted by zone standards. Dave Romeo was present and sworn for testimony. Mr. Romeo stated pole barn will be used for personal storage only. There is no farmland buffering the area. Further the applicant stated the rain water run off will flow naturally into a pit owned by his family in the rear of his property. A motion to close the public portion was made by J. Brunini and seconded by R, Baker. All present voted in favor. A motion was made by J. Brunini and seconded by R. Baker to grant the application. Voting in favor were: R. Baker, W. Nimohay, J. Brunini, C. Fellenbaum, R. Giovinazzi, T. Dralle, T. Costa, S. Saglia, C. Dubois, & M. Feaster.

3.) Landmark Development No. 3 – Morris Ave/Summer Rd – Block: 202 Lot: 8.02, 10.01 & 10.02. Zone P-R4. Application for wavier of drainage review for construction of single family homes. Attorney Michael Fralinger was present for the applicant. Mr. Fralinger stated the application for subdivision was before the board a few months back lots are all more than one acre. He further stated the board has been inclined to grant such waivers in the past due to the size of the lots. A motion was made by M. Feaster and seconded by J. Brunini to grant the application. Voting in favor were: R. baker, J. Brunini, C. Fellenbaum, R. Giovinazzi, T. Dralle, S. Saglia, C. Dubois & M. Feaster.

4.) DCB Realty – Martinelli Avenue – Block: 200 Lot: 1-4 block: 16 lot: 2. Zones: B-1, R-2 & R-4. Application for bulk, use, site plan, & preliminary major subdivision approval for the construction of townhomes. Attorney Michael Fralinger was present for the applicant. Also for testimony were engineer Rami Nassar also sworn for testimony. Attorney Michael Fralinger stated the project will be built in phases and come back to the board for final approvals as they are ready to complete each phase. Testimony was further given that the units will each be on an individual lot. Items of the board engineer will be addressed as each phase comes back before the board. The applicant's attorney addressed certain waivers

and variances that would be needed to be approved as a project whole and major subdivision for the town homes. Also addressed in the application are the corner properties of the project. The small building will be remodeled as used as commercial business and the current apartment building will be updated. A motion to close the public portion was made by R. Giovinazzi and seconded by S. Saglia. All present voted in favor. A motion was made by R. Giovinazzi and seconded by S. Saglia to grant the applicants request. Voting in favor were: J. Brunini, C. Fellenbaum, R. Giovinazzi, T. Dralle, S. Saglia, C. DuBois, & M. Feaster.

**Resolutions:**

1.) Resolution No.: 2011-04: KBBM Ventures LLC –Harding Hwy & Delaware Ave - Block: 168- Lot: 1 Zone R-3. Resolution approving a minor subdivision, bulk variances, and drainage review. A motion to adopt was made by M. Feaster and seconded by J. Brunini. All present voted in favor.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by J. Brunini and seconded by R. Baker to adjourn the meeting. All present voted in favor.

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING  
APRIL 26, 2011**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

The following members were absent:

Rosalie Baker

Thomas Costa, Chairman

Richard Giovinazzi

William Nimohay

Thomas Dralle, Vice-Chairman

Sara Saglia

John Brunini

John Formisano

Robert Teti, Alt. #1

Charles Fellenbaum

Christina DuBois, Alt. #3

Frank Woshnak

Michael Feaster, Alt. #4

Also present: Valerie Santagata, Secretary. Also absent: Frank DiDomenico, Solicitor, & Anthony Cavallo, Board Engineer

**Minutes:**

Dispense with reading and approval March 22, 2011 minutes. M: R. Baker S: F. Woshnak

RCV: All in favor.

**Completeness Review and Application:**

DCB Realty – Martinelli Avenue – Block: 200 Lot: 1-4 Block: 196 Lot: 2 - Zone B-1, R-2 & R-4.

Application for bulk variance with preliminary site plan and major subdivision approval. Application postponed at the request of the applicant no further notice will be given.

KBBM Ventures LLC – Harding Hwy. & Delaware Ave – Block: 168 Lot: 1. Zone R-3. Minor sub-division application, bulk variances, & drainage review. Attorney Michael Fralinger was present for the applicant. Mr. Fralinger gave testimony that the lot was subdivided in 1992 leaving an oversized odd shaped lot. Mr. Fralinger gave testimony that the lot would conform to all standards. He further has no issues with the items in the review letter prepared by Bob Smith of Remington & Vernick. Bill Nimohay (Road Department Supervisor) added that the applicant will need approvals from mayor and council in regards to opening the road. Delaware Avenue was recently repaved and there is a 5 year moratorium on such roads. No one from the public spoke for or against the application. A motion was made by R. Baker and seconded by J. Formisano to close the public portion. RCV: All in favor. A motion was made by J. Brunini and Seconded by R. Baker. Voting in favor were: B. Baker, J. Bruini, C. Fellenbaum, J. Formisano, T. Dralle, T. Costa, C. DuBois, & M. Feaster. Abstaining: W. Nimohay & F. Woshank. Absent: R. Giovinazzi, & S. Saglia.

**Resolutions:**

1.) Resolution No.: 2011-03: John Frandino-528 North Harding Hwy - Block: 110 - Lots: 19.01 Zone R-5.

Resolution approving for preliminary and final major site plan approval. A motion to adopt was made by

T. Dralle and seconded by B. Nimohay. All present voted in favor.

Abstaining were: R. Baker, J. Brunini, M. Feaster, & F. Woshnak.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by J. Brunini and seconded by J. Formisano to adjourn the meeting. All present voted in favor

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**MARCH 22, 2011**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Rosalie Baker	Thomas Costa, Chairman
William Nimohay	Thomas Dralle, Vice-Chairman
John Brunini	Sara Saglia, Alt. #2
Charles Fellenbaum	Christina DuBois, Alt. #3
Frank Woshnak	Michael Feaster, Alt. #4

The following members were absent:

Richard Giovinazzi  
John Formisano  
Robert Teti, Alt. #1

Also present: Valerie Santagata, Secretary. Also absent: Frank DiDominico, Solicitor, & Anthony Cavallo, Board Engineer

**Minutes:**

Dispense with reading and approval February 22, 2011 minutes. M: R. Baker S: S. Saglia  
RCV: All in favor.

**Completeness Review and Application:**

None

**Resolutions:**

1.) Resolution No.: 2011-03: John Frandino-528 North Harding Hwy - Block: 110 - Lots: 19.01 Zone R-5. Resolution approving for preliminary and final major site plan approval. A motion to adopt was made by T. Dralle and seconded by B. Nimohay. All present voted in favor. Abstaining were: R. Baker, J. Brunini, M. Feaster, & F. Woshnak.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by F. Woshnak and seconded by R. Baker to adjourn the meeting at approximately 7:05 p.m. All present voted in favor

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**FEBRUARY 22, 2011**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Rosalie Baker	Thomas Costa, Chairman
William Nimohay	Thomas Dralle, Vice-Chairman
John Formisano	Richard Giovinazzi
Charles Fellenbaum	Sara Saglia, Alt. # 2
Frank Woshnak	Christina DuBois, Alt. #3

The following members were absent:

John Brunini
Robert Teti, Alt. #1
Michael Feaster, Alt. #4

Also present: Frank DiDominico, Solicitor, Anthony Cavallo, Board Engineer and Valerie Santagata, Secretary were also present.

**Minutes:**

Dispense with reading and approval January 25, 2011 minutes. M: R. Baker S: S. Saglia  
RCV: All in favor.

**Completeness Review and Application:**

1.) John Frandino-528 North Harding Hwy - Block: 110 - Lots: 19.01 Zone R-5. Application for preliminary and final major site plan approval. Attorney Michael Fralinger was present to represent the applicant. Also sworn in for testimony were the applicant John Frandino and his engineer Bruce Mckenna. The applicant proposes to build a 7810 square foot building. The applicant has prepared cross easement with the neighboring Big Apple for driveway access between the two sites. The building will have an 10 -12 foot overhang to protect picnic tables for the ice cream window. There will be no indoor seating. The building will require variances for setbacks. Further discussion included buffers, screening & lighting the borough engineer Tony Cavallo has no objection to the setback variances. The applicant's attorney reviewed the borough engineers concern in the review letter and will be taking care of the said items. The applicant's attorney also requested a wavier from fencing around the basin area. Wavier of fence will allow for better maintenance of the basin. No members from the public spoke for or against the application. A motion was made by R. Giovinazzi and seconded by T. Dralle to close the public portion. The board voted all in favor to close the public portion. A motion was made by T. Dralle and seconded by J. Formisano to grant the applicants request. Voting in favor were: C. Fellenbaum, R. Giovinazzi, J. Formisano, T. Dralle, T. Costa, S. Saglia & C. DuBois. Opposed: none. Abstaining: F. Woshnak, R. Baker, & B. Nimohay.

**Resolutions:**

1.) Resolution No.: 2011-01: Albert Lolli - 2032 Weymouth Road-Block: 112 Lot: 2. Zone A-1. Resolution providing a bulk variance relief from 75 ft farmland buffer to new construction of a pole barn. A motion to adopt was made by R. Baker and seconded by T. Dralle. All present voted in favor.

2.) Resolution No.: 2011-02: Conte's Pasta - Wheat Road-Block: 173 Lot: 29. Zone: R-4. Resolution approving amended site plan approval for as built conditions. A motion to adopt was made by T. Dralle and seconded by R. Giovinazzi. All present voted in favor.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by R. Baker and seconded by T. Dralle to adjourn the meeting at approximately 8:10 p.m. All present voted in favor

**BOROUGH OF BUENA  
LAND USE BOARD**

**REORGANIZATION & REGULAR MEETING**

**JANUARY 25, 2011**

The reorganization & regular meeting of the Buena Borough Land Use Board was called to order by Frank DiDomenico, Board Solicitor, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Solicitor, Frank DiDomenico.

**Roll Call:**

The following members were present:

Rosalie Baker  
William Nimohay  
Charles Fellenbaum  
Frank Woshnak  
Richard Giovinazzi  
Thomas Dralle

Thomas Costa  
Sara Saglia, Alt. # 2  
Christina DuBois, Alt. #3

The following members were absent:

John Formisano  
John Brunini  
Robert Teti, Alt.#1  
Michael Feaster, Alt.#4

Also present: Frank DiDomenico, Solicitor, Robert Smith, Board Engineer and Valerie Santagata, Secretary were also present.

**REORGANIZATION**

**Chairman:** Tom Costa was nominated as chairman. A motion was made by Tom Dralle and seconded by Rosalie Baker to close the nominations. All present voted in favor. Voting in favor of Tom Costa as Chairman were: R. Baker, W. Nimohay, C. Fellenbaum, F. Woshnak, R. Giovinazzi, T. Dralle, T. Costa, S. Saglia, & C. DuBois.

**Vice-Chairman:** Tom Dralle was nominated as Vice-Chairman. A motion was made by Frank Woshnak and seconded by Rosalie Baker to close the nominations. Voting in favor of Tom Dralle as Vice-Chairman were: R. Baker, W. Nimohay, C. Fellenbaum, F. Woshnak, R. Giovinazzi, T. Dralle, T. Costa, S. Saglia, & C. DuBois .

**Secretary:** A motion was made by Rosalie Baker and seconded by Sara Saglia to nominate Valerie Santagata as Land Use Board Secretary. Voting in favor to appoint Valerie Santagata as Board Secretary were: R. Baker, W. Nimohay, C. Fellenbaum, F. Woshnak, R. Giovinazzi, T. Dralle, T. Costa, S. Saglia, & C. DuBois.

**Resolution 2011 R-1:** A Resolution directing the Land Use Board to post and file a schedule of all meetings as required by the *Open Public Meetings Act of 1975*.

M: F. Woshnak S: R. Baker. RCV: All members present voted in favor.

**Resolution 2010 R-2:** A Resolution directing the Land Use Board to designate at least *two (2) Newspapers* to receive certain notices of meetings as required by the *Open Public meetings Act*. The official newspaper being **The Daily Journal** and the secondary being **The Press**.

M: R. Baker S: F. Woshnak RCV: All members present voted in favor.

***Regular Meeting***

**Minutes:**

Dispense with reading and approval November 23, 2010 minutes. M: R. Baker S: F. Woshnak RCV: All in favor.

## **Completeness Review and Application:**

1.) Albert Lolli – 2032 Weymouth Road – Block: 112 Lot: 2. Application for a bulk variance from 75 foot farmland buffer to new construction of a pole barn. Mr. Lolli was sworn in for testimony. Mr. Lolli stated there is a residence under construction on the Franklin Twp portion of the property. Mr. Lolli purposes to build a 2900 square foot post and beam accessory structure for his personal use in conjunction with his residence. Mr. Lolli location for the building is for security purpose. Due to the area being mostly wooded and farm he would like the building in site view to avoid vandals. Bob Smith of Remington and Vernick made a request that an as built survey be submitted to ensure the building is in it's correct location. A motion was made by F. Woshank and seconded by R. Baker to close the public portion . The board voted all in favor to close the public portion. A motion was made by T. Dralle and seconded by F. Woshank to grant the application. Voting in favor were: R. Baker, W. Nimohay, C. Fellenbaum, F. Woshnak, R. Giovinazzi, T. Dralle, T. Costa, S. Saglia, & C. DuBois.

2.) Contes Pasta - Wheat Road - Block:173 - Lots: 29 Zone R-4. Application for amended site plan approval for installation of solar panels and factory addition. Member Tom Costa is a neighbor within 200 feet so he has to abstain for this application. Attorney Charles Gabage and Engineer Rami Nassar were present to give testimony for the applicant. Mr. Gabage stated they were there to address concerns of the board engineer. Concerns included the raised grading under the solar panels compressor along side building, sign still not moved , storage trailers, . The applicants professional gave testimony regarding the grade due to the solar panels and wiring no water can lay on the surface area, sign will be taken care of, and trailers are storage of equipment that is not ready to be moved into the building. The applicant requested at least 2 year time frame on trailers. Mr. Conte stated that placing the equipment will be a lengthy process, it needs to be placed in the building and operated for a short time before they can proceed forward. In regards to the compressors Mr. Conte stated that Atlantic County Board of Health had been out to measure the noise level and will be back to test it again. Mr. Conte stated he has added a stockade fence and will cooperate with the county to be in compliance. Mr. Conte further still request a wavier of trees or shrubs around solar panels. Panels need as much natural sunlight as possible. Mr. Conte stated that even the smallest tree with the sun on the angle could shadow the panels by a few feet. Public portion: Chris Curcio neighbor to the south east property line. Mr. Curcio stated he is still waiting for tree line along his property to be planted and the compressors can be heard from his property. Thomas Reese neighbor also sworn in for testimony. Mr. Reese stated the berm and the raised grade helped is property not to get flooded out anymore. Tom Costa was sworn in as a member of the public. Tom stated he could hear the compressors at his residence across the street, & took a ride in his car to see where it was coming from. He found it was the compressors. Mr. Nassar stated the applicant will comply with the state noise regulations. Borough engineer stated he will conduct a site visit once all vegetation in place. A motion was made by F. Woshnak and seconded by S. Saglia to close the public portion. The board voted all in favor to close the public portion. A motion was made by F. Woshnak and seconded by S. Saglia to grant the applicants request. Voting in favor were: C. Fellenbaum, F. Woshnak, R. Giovinazzi, S. Saglia, & C. DuBois. Abstaining: R. Baker, B. Nimohay, & T. Costa.

## **Resolutions:**

2010-17: Andre Sinou – 106 Park Avenue – Block: 132 Lot: 1 – Resolution approving use variance. A motion was made by R. Baker and seconded by F. Woshnak to adopt the resolution. All present voted in favor.

## **New Business:**

None

## **Old Business:**

None

## **Public Portion:**

None

## **Correspondence:**

None

## **Adjournment:**

A motion to adjourn was made by T. Dralle and seconded by F. Woshnak to adjourn the meeting at approximately 9:40 p.m. All present voted in favor

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING**

**November 23, 2010**

The regular meeting of the Buena Borough Land Use Board was called to order by Tom Costa, Board Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Tom Costa.

**Roll Call:**

The following members were present:

Rosalie Baker  
William Nimohay  
John Brunini  
Charles Fellenbaum  
Frank Woshnak  
John Formisano

Christina DuBois, Alt. #4  
Tom Dralle, Vice-Chairman  
Tom Costa, Chairman

The following members were absent:

Richard Giovinazzi  
Robert Teti, Alt. #1  
Sara Saglia, Alt. #2  
Michael Feaster, Alt. #3

Also present: Frank DiDomenico, Solicitor, Robert Smith, Board Engineer and Valerie Santagata, Board Secretary.

**Minutes:**

A motion was made by F. Woshnak & seconded by R. Baker to dispense with reading and approval of minutes from the October 26, 2010 meeting. RCV: All in Favor.

**Completeness Review and Application:**

1.) Andre Sinou – 106 Park Drive - Block: 132 Lot: 14. Zone R-2. Application for use variance and waiver of site plan. Attorney Michael Fralinger was present for the applicant. Board member John Brunini had to abstain due to a family member owning the property in question. Mr. Fralinger stated along with Edward Brunini he would be taking some testimony from John Brunini as well about the past uses of the building. Mr. Fralinger gave testimony as to the characteristics of the building. Mr. Fralinger stated it is a 1 story masonry building with a small office inside. John Brunini was sworn in for testimony. John gave a history of the building. John stated his father owned and operated a concrete masonry business from the building. John stated some prefab work was done inside the building and some equipment was stored outside the structure. All the houses that surround the property have been there as long as the building. After his father his brother Ed took over the building. Mr. Ed Brunini was sworn in for testimony. Ed stated that he has conducted a carpentry business for several years out of the building. The building could not be used as residential due to its construction block walls on a concrete slab. Ed further stated most recently the building has been vacant. Prior to that he would build cabinets inside and then install onsite and had at the most 6 employees at a time. Mr. Sinou was sworn in and gave brief description of his work. Mr. Sinou does light metal manufacturing, creating armor shields for renaissance festivities. Mr. Sinou gave testimony regarding the low noise hours of operation, he will be the only employee on site and no large truck deliveries to the site. A motion was made by T. Dralle and seconded by J. Formisano to close the public portion. All present voted in favor to close the public portion. A motion to grant the application was made by T. Dralle, and seconded by J. Formisano. Voting in favor were: C. Fellenbaum, J. Formisano, T. Costa, T. Dralle, & C. DuBois. Abstaining: J. Brunini.

**Resolutions:**

1.) Resolution No.: 2010-16: Buena Borough MUA –Plymouth Street - Block: 121 Lot: 11 & 17. Zone P-R4 - 653 Forest Grove Road. Resolution approving a lot line adjustment. A motion was made by T. Dralle and seconded by C. Fellenbaum to adopt the resolution. All present voted in favor.

**Public Portion:**

None.

**New Business:**

December 2010 meeting is cancelled.

**Old Business:**

None

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by F. Woshank and seconded by T. Dralle at approximately 8:00 p.m. All present voted in favor

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING**

**November 23, 2010**

The regular meeting of the Buena Borough Land Use Board was called to order by Tom Costa, Board Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Tom Costa.

**Roll Call:**

The following members were present:

Rosalie Baker  
William Nimohay  
John Brunini  
Charles Fellenbaum  
Frank Woshnak  
John Formisano  
Christina DuBois, Alt. #4  
Tom Dralle, Vice-Chairman  
Tom Costa, Chairman

The following members were absent:

Richard Giovinazzi  
Robert Teti, Alt. #1  
Sara Saglia, Alt. #2  
Michael Feaster, Alt. #3

Also present: Frank DiDomenico, Solicitor, Robert Smith, Board Engineer and Valerie Santagata, Board Secretary.

**Minutes:**

A motion was made by F. Woshnak & seconded by R. Baker to dispense with reading and approval of minutes from the October 26, 2010 meeting. RCV: All in Favor.

**Completeness Review and Application:**

1.) Andre Sinou – 106 Park Drive - Block: 132 Lot: 14. Zone R-2. Application for use variance and waiver of site plan. Attorney Michael Fralinger was present for the applicant. Board member John Brunini had to abstain due to a family member owning the property in question. Mr. Fralinger stated along with Edward Brunini he would be taking some testimony from John Brunini as well about the past uses of the building. Mr. Fralinger gave testimony as to the characteristics of the building. Mr. Fralinger stated it is a 1 story masonry building with a small office inside. John Brunini was sworn in for testimony. John gave a history of the building. John stated his father owned and operated a concrete masonry business from the building. John stated some prefab work was done inside the building and some equipment was stored outside the structure. All the houses that surround the property have been there as long as the building. After his father his brother Ed took over the building. Mr. Ed Brunini was sworn in for testimony. Ed stated that he has conducted a carpentry business for several years out of the building. The building could not be used as residential due to its construction block walls on a concrete slab. Ed further stated most recently the building has been vacant. Prior to that he would build cabinets inside and then install onsite and had at the most 6 employees at a time. Mr. Sinou was sworn in and gave brief description of his work. Mr. Sinou does light metal manufacturing, creating armor shields for renaissance festivities. Mr. Sinou gave testimony regarding the low noise hours of operation, he will be the only employee on site and no large truck deliveries to the site. A motion was made by T. Dralle and seconded by J. Formisano to close the public portion. All present voted in favor to close the public portion. A motion to grant the application was made by T. Dralle, and seconded by J. Formisano. Voting in favor were: C. Fellenbaum, J. Formisano, T. Costa, T. Dralle, & C. DuBois. Abstaining: J. Brunini.

**Resolutions:**

1.) Resolution No.: 2010-16: Buena Borough MUA –Plymouth Street - Block: 121 Lot: 11 & 17. Zone P-R4 - 653 Forest Grove Road. Resolution approving a lot line adjustment. A motion was made by T. Dralle and seconded by C. Fellenbaum to adopt the resolution. All present voted in favor.

**Public Portion:**

None.

**New Business:**

December 2010 meeting is cancelled.

**Old Business:**

None

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by F. Woshnak and seconded by T. Dralle at approximately 8:00 p.m. All present voted in favor

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING**

**OCTOBER 26, 2010**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Tom Costa.

**Roll Call:**

The following members were present:

Charles Fellenbaum  
Richard Giovinazzi  
John Formisano  
Tom Costa, Chairman  
Tom Dralle, Vice-Chairman

The following members were absent:

Rosalie Baker  
William Nimohay  
John Brunini  
Frank Woshnak  
Robert Teti  
Sara Saglia  
Christina DuBois  
Michael Feaster

Also present: Frank DiDomenico, Solicitor, Robert Smith, Engineer and Valerie Santagata, Secretary were also present.

**Minutes:**

Dispense with reading and approval September 28, 2010 minutes. M: J. Formisano S: T. Dralle RCV: All in favor.

**Completeness Review and Application:**

1.) Buena Borough MUA – Plymouth Street - Block: 121 Lot: 11 & 17. Application for lot line adjustment. Attorney Michael Fralinger was present for the application. Mr. Fralinger put on the record that he has spoken with the pinelands commission as well as MUA Chairman Mr. Brunini and will be issued a Certificate of Filing very soon. The board Secretary, Engineer, and Solicitor have all either spoken with the pineland commission and/or Mr. Fralinger about proceeding with the application this evening and the Certificate of Filing being a condition of approval. A motion was made by T. Dralle, and seconded by R. Giovinazzi to proceed with the condition. All present voted in favor. J. Formisano abstained. Mr. Fralinger stated the application is a lot line adjustment. The redvision will allow the MUA to obtain an additional 2 acres to their property. Mr. Fralinger stated there are no variances on the application and will conform with the view letter completed by Remington & Verrick Engineers. Walter Loschenko property owner with in 200 feet wanted to know if the application is just obtain property or any new construction. Mr. Fralinger explained it's just to obtain more land. A motion was made by T. Dralle and seconded by R. Giovinazzi to close the public portion. All present voted in favor. A motion was made by T. Dralle and seconded by J. Giovinazzi to grant the application. Voting in favor were C. Fellenbaum, R. Giovinazzi, T. Costa & T. Dralle. Abstaining: J. Formisano.

**Resolutions:**

1.) Resolution No.: 2010-15: Landmark Development No. 4 LLC- Morris Avenue/ Summer Road – Block: 202 Lot: 8.01 & 10. Resolution approving minor subdivision approval. A motion was made by R. Giovinazzi and seconded by T. Costa to adopt the resolution. All present voted in favor. Abstaining: T. Dralle & J. Formisano.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

Rich Marolda appeared before the board regarding Conte's Pasta Solar project. Mr. Marolda stated that the area intended for solar panels grade has been raised and causing a flooding issue in the rear of the property. The board asked for the board secretary to make note of the complaint and forward to the zoning officer.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by J. Formisano and seconded by R. Giovinazzi to adjourn the meeting. All present voted in favor.

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING**

**AUGUST 24, 2010**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Tom Costa.

**Roll Call:**

The following members were present:

Rosalie Baker  
William Nimohay  
John Brunini  
Charles Fellenbaum  
John Formisano  
Thomas Costa, Chairman  
Thomas Dralle, Vice-Chairman

The following members were absent:

Frank Woshnak  
Richard Giovinazzi  
Robert Teti, Alt. #1

Also present: Frank DiDomenico, Solicitor, Anthony Cavallo, Engineer and Valerie Santagata, Secretary were also present.

**Minutes:**

Dispense with reading and approval July 27, 2010 minutes. M: R. Baker S: T. Dralle RCV: All in favor.

**Completeness Review and Application:**

1.) John Frandino – 528 North Harding Hwy - Block: 110 Lot: 19.01. Application for use variance for the construction of a retail/commercial building. Attorney Michael Fralinger was present for the application. Mr. Fralinger gave testimony that even though the area is currently zoned an R-5 it is proposed as a business zone in the master plan. The building would be approximately 7490 square feet with a 1500 square feet storage area in the rear. Further he stated that it's best use would be commercial since the neighboring properties both have businesses on or proposed. The business will be Italian market/deli, sandwiches for take out and an ice-cream window. There will be no indoor tables for waitress service. Some outside picnic tables will be outdoors for the ice-cream window customers. Anthony Cavallo from Remington and Vernick has no issues with the applications feels it's consistent with the master plan. The board thought it would be best to handle any bulk variances at the time of site plan. A motion was made by T. Dralle and seconded by J. Formisano to close the public portion. All present voted in favor. A motion was made by T. Dralle and seconded by J. Formisano to grant the application. Voting in favor were R. Baker, C. Fellenbaum, F. Woshnak, J. Formisano, T. Dralle, T. Costa, S. Saglia, & C. DuBois.

**Resolutions:**

1.) Resolution No.: 2010-11: Hansbury-Dickinson Co. LLC – 118 East Wheat Road – Block: 201 Lot: 34.02. Resolution approving a bulk variance and site plan approval for an addition to an existing 1 story office building. A motion was made by R. Baker and seconded by T. Dralle to adopt the resolution. All present voted in favor. Abstaining: J. Brunini.

2.) Resolution No.: 2010-12: Hilario Hernandez – Auburn Street - Block: 142 Lot: 1.02. Zone: PR-3. Resolution approving drainage review for construction of a single family home A motion to adopt the resolution was made by R. Baker and seconded by T. Dralle. All present voted in favor. Abstaining: J. Brunini.

3.) Resolution No.: 2010-13: Resolution recommending to mayor and council to charge an escrow fee to the applicant for tax map changes due to a minor subdivision. A motion to adopt was made by T. Dralle and seconded by S. Saglia. All present voted in favor. Abstaining: R. Baker and J. Brunini.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by J. Brunini and seconded by S. Saglia to adjourn the meeting. All present voted in favor.

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING**

**JULY 27, 2010**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Tom Costa.

**Roll Call:**

The following members were present:

Rosalie Baker  
William Nimohay  
Charles Fellenabum  
Frank Woshnak  
Tom Costa, Chairman  
Tom Dralle, Vice-Chairman

Sara Saglia, Alt. #2  
Christina DuBois, Alt. #3  
Richard Giovinazzi

The following members were absent:

John Brunini  
Richard Giovinazzi  
John Formisano  
Robert Teti, Alt. #1  
Michael Feaster, Alt. #4

Also present: Frank DiDomenico, Solicitor, Bob Smith, Engineer and Valerie Santagata, Secretary were also present.

**Minutes:**

Dispense with reading and approval May 25, 2010 minutes. M: F. Woshnak S: R. Baker RCV: All in favor.

**Completeness Review and Application:**

1.) Hilario Hernandez – Auburn Street - Block: 142 Lot: 1.02. Zone: PR-3. Application for drainage review for construction of a single family home. Attorney Anthony Buonadonna was present for the applicant. The plan submitted notes a building height of 28 ft. The board and the applicant's attorney had some discussion regarding this matter and whether it would require a variance. It was determined that the Uniform Construction Code measures the height to the pitch of the roof and the height on this plan would conform. Applicant agrees to conform to the height requirement. Engineer Bob Smith stated he spoke with the engineer and the applicant's attorney and they agreed to the items of his review letter to be submitted on a perfected plan. A motion was made by R. Baker and seconded by S. Saglia to grant the application. Voting in favor were R. Baker, C. Fellenbaum, F. Woshnak, J. Formisano, T. Dralle, T. Costa, S. Saglia, & C. DuBois.

2.) Hansbury-Dickinson Co. LLC – 118 East Wheat Road – Block: 201 Lot: 34.02. Application for bulk variance and site plan approval for an addition to an existing 1 story office building. Attorney Anthony Buonadonna was present for the applicant. Also present for testimony on behalf of the applicant was Engineer Stephen Fillapone. Their attorney and engineer have both spoken with the borough engineer and have agreed to comply with the items in the review letter. Additional testimony was given regarding the bulk variance for lot size. The current lot is an existing lot of record. This past year they have experienced some flooding in the basement of the building and not being able to conduct daily duties. The addition would allow them to move the offices to ground level and basement used strictly for storage only. It was decided that the parking will not be an issue due to the fact there is mainly 4 full time employees. Other employees come in during the height tax season or work from home. Also the applicant stated they work on a by appointment only schedule to keep parking and people waiting to a minimum number. Alan Dickinson part owner of the firm was sworn in and stated they have been at the location for 21 years and never had an issue with parking. A motion to close the public portion was made by F. Woshnak and seconded by R. Baker. All present voted in favor. A motion was made by R. Baker and seconded by F. Woshnak to grant the application. Voting in favor were: R. Baker, C. Fellenbaum, F. Woshnak, T. Dralle, T. Costa, S. Saglia & C. DuBois.

**Resolutions:**

1.) Resolution No.: 2010-10: Richard & Laura Dapp - 113 West Arbor Avenue - Block: 140 Lot: 1. Zone: R-2. Resolution approving a 720 Square foot addition to existing Laundromat and waiver of site plan. A motion to adopt the resolution was made by F. Woshnak and seconded by S. Saglia. All present voted in favor. Abstaining were: R. Baker & B. Nimohay.

**New Business:**

Draft ordinance was reviewed by the board for fees to be charged to the applicant if tax maps need to be changed due to a minor subdivision. A motion to make the recommendation to council was made by F. Woshnak and seconded by S. Saglia. All present voted in favor.

Donald Lesile – letter requesting a revision to 568 Forest Grove Road – Block: 113 Lot: 6.01. Mr. Lesile was sworn in for testimony. Mr. Lesile was requesting a waiver of installing an asphalt apron and driveway. The board and engineer determined that the drive could be revised to asphalt millings per the applicant request. The apron would still have to be constructed of concrete or asphalt to keep from the millings going onto the roadway.

**Old Business:**

None

**Public Portion:**

None

**Correspondence:**

Memo from Tax Assessor Dennis DeKlerk to Councilman Frank DeStefano was reviewed regarding tax map fees.

**Adjournment:**

A motion to adjourn was made by F. Woshnak and seconded by R. Baker to adjourn the meeting. All present voted in favor.

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING**

**MAY 25, 2010**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Dralle, Vice Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Vice-Chairman, Thomas Dralle.

**Roll Call:**

The following members were present:

Rosalie Baker  
William Nimohay  
John Formisano  
Frank Woshnak  
Tom Dralle, Vice-Chairman

Sara Saglia, Alt. #2  
Chrisitna DuBois, Alt. #3  
Michael Feaster, Alt. #4

The following members were absent:

John Brunini  
Charles Fellenbaum  
Richard Giovinazzi  
Thomas Costa, Chairman  
Robert Teti, Alt. #1

Also present: Frank DiDomenico, Solicitor, Bob Smith, Engineer and Valerie Santagata, Secretary were also present.

**Minutes:**

Dispense with reading and approval April 27, 2010 minutes. M: R. Baker S: B. Nimohay RCV: All in favor.

**Completeness Review and Application:**

1.) Richard & Laura Dapp - 113 West Arbor Avenue - Block: 140 Lot: 1. Zone: R-2. Application for 720 Square foot addition to existing Laundromat and wavier of site plan. Richard Dapp was sworn in for testimony. Mr Dapp stated that he and his wife are the owners of the property in question. Mr. Dapp stated their request is to expand a existing non conforming use to allow the laundromat to be more customer friendly. Mr. Dapp stated currently they do not have enough dryers or a bathroom in the facility. The addition would allow them to incorporate more dryers, folding area and a ADA complaint restroom. The applicant further stated that the customers are all local and good amount of them walk to the laundromat. Therefore he feels the existing parking is adequate and to date they have no problems with the parking. Mr. Dapp stated he will also provide a copy of his survey, indoor storage of trash, and parking bumper placement as requested by the engineer. A motion was made by F. Woshnak and seconded by J. Formisano to close the public portion. All present voted in favor. A motion was made by F. Woshnak and seconded by J. Formisano to grant the application. Voting in favor were F. Woshnak, J. Formisano, T. Dralle, S. Saglia, C. DuBois & M. Feaster. Abstaining:: R. Baker and B. Nimohay. Absent: J. Brunini, C. Fellenbaum, R. Giovinazzi, T. Costa Chairman, R. Teti, Alt. #1.

**Resolutions:**

None.

**New Business:**

Linda Gazarra - Block: 130 Lot: 5 - 402 West Arbor Avenue. Ms. Gazzara was previously before the board and received approval for the construction of a single family home. Board solicitor informed the board that there are no standards in the code book for turn around area and the request could be granted. Voting in favor to grant the request was R. Baker and seconded by M. Feaster. Voting in favor were: R. Baker, B. Nimohay, F. Woshank, J. Formisano, T. Dralle, S. Saglia, C. DuBois, & M. Feaster.

**Old Business:**

None

**Public Portion:**

None

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by F. Woshnak and seconded by R. Baker to adjourn the meeting. All present voted in favor

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING**

**APRIL 27, 2010**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Rosalie Baker	Thomas Costa, Chairman
William Nimohay	Thomas Dralle, Vice-Chairman
John Brunini	Robert Teti, Alt. #1
Charles Fellenbaum	Christina DuBois, Alt. #4
Frank Woshnak	
Richard Giovinazzi	

The following members were absent:

John Formisano  
Sara Saglia. Atl. #2  
Michael Feaster. Alt. #4

Also present: Frank DiDominico, Solicitor, and Valerie Santagata, Secretary were also present. Absent was Bob Smith, Board Engineer.

**Minutes:**

Dispense with reading and approval March 23, 2010 minutes. M: R. Baker S: J. Formisano RCV: All in favor.

**Completeness Review and Application:**

None.

**Resolutions:**

1.) Resolution No.: 2010-08: Italian Cultural Foundation - Harding Hwy - Block: 110 Lot: 18 Zone R-5. Resolution approving site plan with conditional use permit to construct a 10,578 sq. ft building. A motion was made by J. Brunini and seconded by B. Nimohay to adopt the resolution. All present voted in favor. Abstaining was R. Baker.

2.) Resolution No.: 2010-09: Falasca, LLC - 119 West Pacific Avenue - Block: 178 Lot: 17 - R-3. Resolution Approving minor subdivision and bulk variance to create 2 separate lots for existing townhouse on the lot. A motion was made by F. Woshnak and seconded by J. Brunini to adopt the resolution. All present voted in favor. Abstaining was R. Baker.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None

**Correspondence:**

None

**BOROUGH OF BUENA  
LAND USE BOARD  
REGULAR MEETING**

**MARCH 23, 2010**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Costa, Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Chairman, Thomas Costa.

**Roll Call:**

The following members were present:

Rosalie Baker	Thomas Dralle, Vice-Chairman
John Brunini	Richard Giovinazzi
John Formisano	Sara Saglia, Atl. #2
Charles Fellenbaum	Christina DuBois, Alt. #3
Frank Woshnak	Michael Feaster, Alt. #4
Thomas Costa, Chairman	

The following members were absent:

William Nimohay  
Robert Teti, Alt. #1

Also present: Frank DiDominico, Solicitor, Bob Smith, Board Engineers and Valerie Santagata, Secretary were also present.

**Minutes:**

Dispense with reading and approval February 23, 2010 minutes. M: R. Baker S: J. Formisano RCV: All in favor.

**Completeness Review and Application:**

1.) Italian Cultural Foundation - Harding Hwy. - Block: 110 Lot: 18. Zone R-5. Application for site plan with a conditional use permit to construct 10578 square foot building. Attorney Michael Gruccio was present for the applicant. Mr. Gruccio stated they are a non profit corporation. Mr. Gruccio stated that philanthropic groups are a conditional use of the R-5 zone. Mr. Gruccio wished to review the engineers report and agreed to several items that the engineer made mention of in his report. Further it was stated that the architectural drawing submitted was conceptual only. The group has no plans or intentions of being a catering hall or banquet facility. Mr. Vincent Marolda club president was present and sworn in to testify regarding that matter. Therefore the plan will meet all parking requirements and items of the engineers report. He further stated the hall will not be rented out, only private club functions will be held on site. Joe Maeffi project engineer was also sworn in for testimony. A waiver request of fencing around the basin is being requested. Basin will only have the depth of 1.3 feet. No fence will allow the property owners to easily care for the lawn and basin area. The applicants also request a variance of the farmland buffer to the building. All signs will conform with zoning requirements. Further testimony was given that there will no full time employees on site. A motion was made by F. Woshnak and seconded by J. Formisano to close the public portion. The board voted all in favor to close the public portion. A motion was made by J. Brunini and seconded by M. Feaster to grant the application. Voting in favor were: J. Brunini, C. Fellenbaum, F. Woshank, R. Giovinazzi, J. Formisano, T. Dralle, T. Costa, S. Saglia, C. DuBois, & M. Feaster. Abstaining: R. Baker. Absent: W. Nimohay & R. Teti.

2.) Falasca, LLC - 119 West Pacific Avenue - Block: 178 Lot: 17- Zone R3. Application for minor subdivision and bulk variance approval to create 2 separate lots for an existing townhouse on the lot. Attorney Dante Parenti was present for the applicant. Mr. Parenti stated that the property was previously approved for use and site plan for the construction of the duplex. The property was placed on the market as condo's and perspective buyers can not secure a mortgage because they are not on separate lots. The application is to divide the property into two separate lots and be sold as townhouses. Mr. Parenti stated the property currently has separate utilities hooked up to the units. A motion was made by F. Woshank and seconded by J. Formisano to close the public portion. The board voted all in favor to close the public motion. A motion was made by J. Brunini and seconded by S. Saglia to grant the application. Voting in favor were: J. Brunini, C. Fellenbaum, F. Woshnak, R. Giovinazzi, J. Formisano, T. Dralle, S. Saglia, C. DuBois, & M. Feaster. Opposed: T. Costa. Abstaining: R. Baker. Absent: W. Nimohay & R. Teti.

**Resolutions:**

1.) Resolution No.: 2010-07: Ralph Laks - Wheat Road & Central Avenue - Block: 207 Lot: 62 Zone R-4. Resolution approving a use variance for construction of commercial property mixed with multi family residential buildings. A motion was made by T. Dralle and seconded by S. Saglia to adopt the resolution. All present voted in favor.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

Explanation of Bill S-82 (Decision of time rule) was given by Frank DiDomencio, some discussion took place. No action was deemed necessary.

**Adjournment:**

A motion to adjourn was made by F. Woshnak and seconded by J. Brunini to adjourn the meeting at approximately 8:40 p.m. All present voted in favor

**BOROUGH OF BUENA  
LAND USE BOARD**

**REGULAR MEETING**

**FEBRUARY 23, 2010**

The regular meeting of the Buena Borough Land Use Board was called to order by Thomas Dralle, Vice Chairman, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Vice-Chairman, Thomas Dralle.

**Roll Call:**

The following members were present:

Rosalie Baker  
William Nimohay  
John Formaisano  
Charles Fellenbaum  
Frank Woshnak  
Thomas Dralle, Vice-Chairman

Richard Giovinazzi  
Robert Teti, Alt. #1  
Sara Saglia, Atl. #2  
Christina DuBois, Alt. #3  
Michael Feaster, Alt. #4

The following members were absent:

Thomas Costa, Chairman  
John Brunini

Also present: Frank DiDomenico, Solicitor, Anthony Cavallo & Bob Smith, Board Engineers and Valerie Santagata, Secretary were also present.

**Minutes:**

Dispense with reading and approval January 26, 2010 minutes. M: R. Baker S: F. Woshnak RCV: All in favor.

**Completeness Review and Application:**

1.) Ralph Laks - Wheat Road & Central Avenue - Block: 207 - Lots: 62 Zone R-4. Application for use variance for construction of commercial property mixed with multi family residential buildings on the site. Attorney Christopher Baylinson was present to represent the applicant. Also sworn in for testimony for the applicant were John Pagenkopf and the property owner Ralph Laks. Mr. Baylinson gave testimony the area is purposed in the boroughs master plan to be part of a business overlay zone. The applicant also brought exhibit of the purposed lay out and look of the area. Both the planner & attorney for the applicant gave testimony that the application follows the uses purposed in the master plan. The front portion along Wheat Road would be commercial and be consistent with the 500 foot commercial overlay purposed and the rear would be residential. The residential units would consist of 6 buildings 4 units in each. Each unit would contain 2 bedrooms. The applicant further testified that these units would be built to be sold to be owner occupied he has no interest in being a landlord. Testimony was also given regarding the density of the units and how they are transitional to the new homes behind them. The applicants engineer stated that across the street wheat manor is approximately 22 units per acre and the townhouses would be approximately 4.5 units per acre. The board engineer followed up with comments stating the applicant would still need site plan approval and the plan could change and also county approval are needed. From the public Mr. Roy Gazzara spoke and questioned if the units could be aged restricted. Board solicitor Frank DiDomenico informed Mr. Gazzara that due to a state bill age restriction can not be placed on housing. A motion was made by F. Woshnak and seconded by J Formisano to close the public portion. The board voted all in favor to Close the public portion. A motion was made by R. Giovinazzi and seconded by F. Woshnak to grant the applicants request. Voting in favor were: C. Fellenbaum, F. Woshnak, J. Formisano, T. Dralle, R. Giovinazzi, R. Teti, & S. Saglia. Opposed: none. Abstaining: none Absent: J. Brunini & T. Costa.

**Resolutions:**

1.) Resolution No.: 2010-03: Resolution approving the appointment of Thomas Costa as Chairman to the Land Use board. A motion to adopt was made by R. Baker and seconded by F. Woshnak. All present voted in favor.

2.) Resolution No.: 2010-04: Resolution approving the appointment of Thomas Dralle as Vice

Chairman to the Land Use Board. A motion to adopt was made by R. Baker and seconded by F. Woshnak. All present voted in favor.

3.) Resolution No.: 2010-05: Resolution appointing Valerie Santagata as Secretary to the Land Use Board. A motion to adopt was made by R. Baker and seconded by F. Woshnak. All present voted in favor.

4.) Resolution No.: 2010-06: Conte's Pasta Inc.- Block: 173 Lot: 30 - 310 Wheat Road - Resolution approving use variance and site plan approval for solar panels to be installed in the rear of the property. A motion was made by F. Woshnak and seconded by R. Giovinazzi to adopt the resolution. All present voted in favor.

**New Business:**

None

**Old Business:**

None

**Public Portion:**

None.

**Correspondence:**

None

**Adjournment:**

A motion to adjourn was made by F. Woshnak and seconded by R. Baker to adjourn the meeting at 8:30 p.m. All present voted in favor

**BOROUGH OF BUENA  
LAND USE BOARD**

**REORGANIZATION & REGULAR MEETING**

**JANUARY 26, 2010**

The reorganization & regular meeting of the Buena Borough Land Use Board was called to order by Frank DiDomenico, Board Solicitor, at 7:00 p.m., followed by a Flag Salute.

**Open Public Meetings Act:** Read by Solicitor, Frank DiDomenico.

**Roll Call:**

The following members were present:

Rosalie Baker  
William Nimohay  
John Brunini  
Charles Fellenbaum  
Frank Woshnak  
Thomas Dralle  
Richard Giovinazzi

Thomas Costa  
Robert Teti, Alt. #1  
Sara Saglia, Atl. #2  
Christina DuBois, Alt. #3  
Michael Feaster, Alt. #4

The following members were absent:

John Formisano

Also present: Frank DiDominico, Solicitor, Anthony Cavallo, Board Engineer and Valerie Santagata, Secretary were also present.

**REORGANIZATION**

**Chairman:** Tom Costa was nominated as chairman. A motion was made by Rosalie Baker and seconded by Frank Woshnak to close the nominations. All present voted in favor. A motion was made by Frank Woshnak to appoint *Tom Costa as Chairman*. Voting in favor were: R. Baker, W. Nimohay, J. Brunini, C. Fellenbaum, F. Woshnak, T. Dralle, R. Giovinazzi, R. Teti, S. Saglia, C. DuBois & M. Feaster.

**Vice-Chairman:** Tom Dralle was nominated for Vice-Chairman. A motion was made by Rosalie Baker and seconded by Frank Woshnak to close the nominations. All present voted in favor. A motion was made by R. Baker and Frank Woshnak to appoint *Tom Dralle as Vice-Chairman*. Voting in favor were: R. Baker, W. Nimohay, J. Brunini, C. Fellenbaum, F. Woshnak, R. Giovinazzi, T. Costa, R. Teti, S. Saglia, C. DuBois & M. Feaster.

**Secretary:** A motion was made by Tom Dralle and seconded by Rosalie Baker to nominate Valerie Santagata as Land Use Board Secretary. Voting in favor to appoint Valerie Santagata as Board secretary were: R. Baker, W. Nimohay, J. Brunini, C. Fellenbaum, F. Woshnak, T. Dralle, R. Giovinazzi, T. Costa, R. Teti, S. Saglia, C. DuBois, & M. Feaster.

**Resolution 2010 R-1:** A Resolution directing the Land Use Board to post and file a schedule of all meetings as required by the *Open Public Meetings Act of 1975*.

M: F. Woshnak S: R. Baker. RCV: All members present voted in favor.

**Resolution 2010 R-2:** A Resolution directing the Land Use Board to designate at least *two (2) Newspapers* to receive certain notices of meetings as required by the *Open Public meetings Act*. The official newspaper being **The Daily Journal** and the secondary being **The Press**.

M: R. Baker S: T. Dralle. RCV: All members present voted in favor.

## *Regular Meeting*

### **Minutes:**

Dispense with reading and approval November 24, 2009 minutes. M: R. Baker S: F. Woshnak  
RCV: All in favor.

### **Completeness Review and Application:**

1.) Contes Pasta - Wheat Road - Block:173 - Lots: 29 Zone R-4. Application for a use variance and site plan for installation of solar panels on a vacant tract of land combined with a commercial use on the property. Member Tom Costa is a neighbor within 200 feet so he has to abstain for this application. Attorney Charles Gabage and Engineer Rami Nassar were present to give testimony for the applicant. The applicant wishes to clear the rear portion of the property for solar panels. The total area would be 3.5 acres. Panels would be placed approximately 60 from the property lines. Therefore the applicant is requesting a variance from the farmland buffer requiring 75 feet. Mr. Nassar gave testimony that he would show a landscaping detail, current building dimensions, and the additional parking spaces on a perfected plan. The proposed construction area of solar panels will be cleared and the solar energy will be used for Contes only, no energy will be sold to the neighbors. There will no impact on the area. The panels will not generate traffic or noise. Additionally a service road will be constructed, a cabinet, and all utilities will be underground. Also the application is contingent upon county approval. Applicant is requesting a wavier to fence in the basin and fence will be provided around the panels. The plan and engineer both refer to 25-30 foot vegetation that will remain as a buffer. The meeting was opened to the public. Joseph Marandino was sworn in. Mr. Maradino stated that it was agreed in depositions that there would be 100 foot buffer surrounding the property, and the entire property has been cleared. Attorney for the applicant stated the agreement was no construction of low income or multi family housing in 100 foot area. Neighbor Chris Curcio was also sworn in for testimony and stated the plan shows a tree line around the rear of the property. Mr. Curcio stated the property has been completely cleared. Thomas Reese also sworn in during the public portion. Mr. Reese does not have an issue with the solar panels. His concern is sunlight reflection onto his home and property. The engineer stated a fence with slats can be placed to block any reflections onto his property. Richard Marolda also sworn in from the public in favor of renewable energy but feels the borough adopted a 75 foot farmland buffer and they should enforce it. The applicant Mike conte addresses the public comments. Mr. Conte commented on the 100 foot buffer. That the agreement was no high rise, low income housing, or multi family housing would be constructed in the 100 foot area. There was no agreement that the trees could not be removed. Mr. Conte further commented it his legal right to remove the trees and his request is to have no vegetation around the panels. Mr. Conte further stated the panels need all the sunlight they can get and fallen branches could damage the panels. The board engineer request the cleared area also be shown on a perfected plan. A motion was made by J. Brunini and seconded by S. Saglia to close the public portion. The board voted all in favor to Close the public portion. A motion was made by J. Brunini and seconded by S. Saglia to grant the applicants request. Voting in favor were: J. Brunini, C. Fellenbaum, F. Woshnak, T. Dralle, R. Giovinazzi, R. Teti, & S. Saglia. Opposed: none. Abstaining: T. Costa. Absent: J. Formisano.

### **Resolutions:**

None

### **New Business:**

None

### **Old Business:**

None

### **Public Portion:**

Richard Marolda addressed the board regarding Minotola Estates. One home sold and occupied would like to know when his trees have to be planted. The board solicitor explained that he is bonded with the borough for the entire project so no bond will be released until all site improvements are complete, and no time line when trees must be planted.

### **Correspondence:**

None

### **Adjournment:**

A motion to adjourn was made by J. Brunini and seconded by F. Woshnak to adjourn the meeting at 8:30 p.m. All present voted in favor