

JOINT LAND USE BOARD

REGULAR MEETING MINUTES

September 5, 2013

Chairman Schwager called the meeting to order at 7:01 pm.

Adequate notice of this meeting had been provided in accordance with the Open Public Meetings Act.

Chairman Schwager led all present in the Pledge of Allegiance.

Roll was as follows:

John Casella – Present, Frank Costantini – Present, John Descano –Present, Blair Hannigan – Present, John Juliano – Present, Paul Lott – Present, Mayor Maccarone – Present, Chief Marino – Present, Joe Maugeri – Present, Alan Schwager – Present, Bob Rushton – Present.

Also present: Mike Aimino – Solicitor and Tim Kernan – Planner.

First on the Agenda are the Minutes from the regular meeting of August 15, 2013. J. Maugeri made a motion to approve which was seconded by J. Casella. All were in favor.

Next on the Agenda under Old Business is the Wolfson Group, Inc., a Preliminary and Final Site Major Site Plan and Bulk Variance for Woolwich Commons, LLC regarding Block 57, Lots 5, 8, 9 & 10 ~ U.S. Route 322. This is for the decision regarding the subpoena of a Walmart representative and the announcement of the next meeting.

Chairman Schwager read his statement regarding if he as Chairman should issue a subpoena at the request of the objector, Frank Pagano. His decision is “no” he will not issue a subpoena nor will he require the applicant to produce the testimony of a Walmart representative regarding the stores operation. This application will be continued to the October 3, 2013 regular meeting at 7:00 pm here in the Municipal Building. No further notice of this meeting will be required or provided.

Chairman Schwager called for a 5 minute recess to prepare for the next application which is a Zoning matter and the Mayor and Committeeman Descano can excuse themselves.

The meeting reconvened at 7:13.

Under New Business is Swedesboro Animal Hospital/St. Francis Veterinary, this is an Appeal, Interpretation and Use Variance for Block 57, Lot 3.01.

Mr. Dante Parenti was present to represent the applicant. He continued with a brief overview of what they are asking the Board to consider regarding the overnight boarding of pets, pet grooming and a daily exercise program. He is asking that the Board also consider the accommodations for specialists that come to the hospital from great distances to perform surgeries here and sometimes need to stay overnight; the second floor has on-sight facilities for these specialists. He can represent that these accommodations will not be used by anyone other than the people that work at the hospital; at no time ever would these accommodations be rented. Lastly they are asking permission to put up "3" banner signs that will enhance the appearance of the hospital.

Chairman Schwager spoke about the original application from 2006, explaining to the Board the things that were asked for back then. Back then the zone was FOC and since then zoning has changed to the RC1 zone, under that zone multiple uses on a sight are permitted according to our Planner. He would like to hear from Tim Kernan and if this Board agrees that they are permitted uses then there is no reason to go in to Interpretations.

Tim Kernan continued stating that under the new zoning – RC1, personal service type establishments or uses, are principally permitted and he believes that the uses that were explained are such personal service type uses that are permitted. He is not certain that he agrees that all these uses are directly related to the animal hospital. He also stated that these additional services require the approval from the Department of Health. Mr. Parenti stated that they do have all the approvals.

J. Juliano asked for clarification of Boarding vs. a Kennel and does the Township Code allow this. Chairman Schwager stated that he read the Code and it referred to non-commercial, so kennels are prohibited in non-commercial area or residential areas and this is not residential.

P. Lott stated in his opinion this seems more of a process that wasn't filed which has prompted some of these issues to come up particular in the Construction and Zoning Code Departments.

Mr. Parenti stated from this point forward he can assure the Board that all the appropriate procedures and approvals that need to be obtained will be done.

F. Costantini made a motion to open to the public which was seconded by Chief Marino.

With no public comment F. Costantini made a motion to close public which was seconded by J. Maugeri.

J. Maugeri made a motion to agree with the Planner that the overnight boarding, grooming and the exercise program are personal services and therefore, permitted uses in the RC1. J. Casella seconded the motion. Roll was as follows:

P. Lott – yes, J. Juliano – yes, J. Casella – yes, Chief Marino – yes, J. Maugeri – yes, F. Costantini – yes, Chairman Schwager – yes.

D. Parenti continued with his witnesses, Mr. Robbie Conley, Architect; Mr. Mark Magazu, II, Swedesboro Animal Hospital; and Tiffany Cuviello, Planner were all sworn in by Mike Aimino.

Mr. Mark Magazu continued explaining the difference between Swedesboro Animal Hospital and St. Francis stating that Swedesboro Animal would be considered the “family doctor” and St. Francis would be considered the “specialist” that the family doctor sends you to. He continued to try and put everything in to perspective for the Board.

There are 19 Veterinarians on staff of about 65 medical professionals. The hospital is open 24 hours a day/7 days a week. As Mr. Magazu spoke, Mr. Conley passed out booklets for the Board to review and see exactly what Mr. Magazu is talking about. Mike Amino marked the book in to the record as A1. Mr. Magazu continued explaining all the amenities that the Animal Hospital provides and why there is a need for the accommodations for the Specialists. These accommodations are not designed for rental or income, they are not designed for anyone other than medical professional employees who have a specific purpose or need to be in that space.

P. Lott asked Mr. Magazu if he is aware of Resolution #2006-52 when his parents were in front of the Board with the application for the addition on to the hospital; on page 3 of the Resolution, this Board had as one of the conditions of the approval of that application that the 2 apartments were eliminated from the plans because it would create a “use variance” for this zone. Mr. Lott stated that he understands the zoning has changed but a variance would still be needed, and knowing that the apartments weren’t permitted they went ahead and constructed them anyway. Mr. Magazu stated that he cannot speak for his parents but he became aware that the apartments could not be used and so far they have not had a need for all the Doctors but it is coming and that is why they are here.

Extensive discussion took place over the accommodations vs. staying at one of the nearby hotels. Mr. Magazu stated that in some cases if a Doctor was called back for certain patients and they have to come from another location there is a chance that they could lose the patient before they get back so that is why they need to be on the premises.

F. Costantini asked about the access to the apartments. Mr. Magazu stated that you can only get to them from inside the hospital.

J. Maugeri asked about other 24 hour hospitals in the area. Mr. Magazu stated there is a hospital about 30 miles north of us that stays open 24 hours.

Discussion ensued over the quality of the accommodations at the hospital as opposed to accommodations at other facilities. Mr. Magazu stated that if the Board is requiring him to make the accommodations “less nice” he will do that as long as they are able to use the accommodations.

J. Juliano asked about how much of the business would require overnight stays. Mr. Magazu stated a dramatic amount. They continued to discuss the sort of cases where the Doctors would need to be on site to be able to treat the patient vs. the cases where Doctors could stay at the nearby hotels.

Ms. Tiffany Cuvillo continued stating the reasons why this site is suited for the use they are seeking along with the positive and negative criteria.

P. Lott asked when the apartments were constructed. Mr. Magazu stated that he was not here for that but he would have to say there was no extra construction since the last time his parents were here. P. Lott asked if they were built when the addition was added. Mr. Magazu stated the he can say that the space was built. Mr. Conley stated that he has been going through the building and documenting some items that are not the same as was originally approved. There is a stove and a full size refrigerator in one unit, the other unit is exactly the same. P. Lott commented that it sounds like the upstairs improvements were done at the time of the expansion. M. Magazu stated that one room was separated when he came on in 2010 and he turned it in to office space. P. Lott stated that this facility is being used and it is not in compliance with the fire codes. Mr. Conley stated that one of the reasons he is on board is to bring this building up to code.

Chairman Schwager asked what the purpose of the banner signs will be, isn't the actual sign visible enough. Mr. Parenti stated they are to add a splash of color and they will draw the eye to the building because it sits down on the site.

Tim Kernan continued with his letter. Parking spaces were discussed. Mr. Magazu stated that if they needed more spaces, they would add them.

Chairman Schwager called for a 5 minute recess at 8:54.

The meeting reconvened at 8:59.

T. Kernan continued with his letter.

J. Casella made a motion to open to the public which was seconded by Chief Marino. All were in favor.

With no public comment, F. Costantini made a motion to close which was seconded by J. Maugeri. All were in favor.

P. Lott asked if the apartment accommodations upstairs were scaled down to a smaller size unit would a zoning variance still be required. T. Kernan said "yes".

J. Maugeri stated that he has more of a problem with a long term stay, 6 months at a time with someone permanently living there. How big a portion of that is what they are looking for tonight. Mr. Magazu stated "small". Conversation continued on the length of stay for the Specialist that may come to the hospital.

With nothing further to discuss, F. Costantini made a motion to grant a variance to allow the use of the 2 apartments as temporary accommodations for medical personnel performing services, on-site, for this particular property based on those apartments being an ancillary use with respect to the primary use of the property as a specialty veterinary hospital which would allow it to offer enhanced pet medical services to be provided to the public. This would be based on testimony from the applicant and from their professionals, from documents and exhibits provided and made part of the record and from testimony from the Township Planner and lack

of testimony from the public. This would be subject to the applicant complying with and obtaining any and all necessary approvals from any other local, County, State and/or Federal Government or administrative body having jurisdiction on the building or the business. The testimony representation and stipulations of the applicant and their representatives at the time of the hearing and in their submissions any other terms and conditions as may be determined by the Joint Land Use Board Lawyer during the preparation of the memorialization. No substantial detriment to the public good since the accommodations are not externally accessible and are to be used only by medical personnel affiliated with the hospital services being provided and it does not substantially impair the intent and purpose of the zone plan or ordinance as this applies only to this particular property and its use as a specialty hospital.

Mike Aimino asked if the motion includes or excludes the Residency. F. Costantini stated that right now it would allow the Residency.

J. Casella seconded the motion. Roll was as follows:

P. Lott – yes, J. Juliano – no, J. Casella – yes, Chief Marino – yes, J. Maugeri – no, F. Costantini – yes, Chairman Schwager – yes.

Motion carries 5-2.

J. Maugeri made a motion to grant the variance for the signs but only to include the blades on the light post not the banner on the existing roadside sign.

Mike Aimino stated they should be separate motions.

J. Maugeri made a motion to grant approval of the variance to allow the two light post banner signs. Chief Marino seconded the motion. Roll was as follows:

Mike Aimino stated that this would include any of the variances that are required and that it would be conditioned upon County approval.

P. Lott – yes, J. Juliano – yes, J. Casella – yes, Chief Marino – yes, J. Maugeri – yes, F. Costantini – yes, Chairman Schwager – no.

J. Maugeri made a motion to deny the variance on the banner sign that would be attached to the main sign. J. Juliano seconded the motion: Roll was as follows:

P. Lott – yes, J. Juliano – yes, J. Casella – no, Chief Marino – no, J. Maugeri – yes, F. Costantini – yes, Chairman Schwager – yes.

Chairman Schwager stated since the use was granted and these additional ancillary services are granted does this back in to a site plan.

Mr. Parenti stated that nothing on the outside has changed but if there is a concern with the parking they can address that.

Mike Aimino stated that this may be able to be handled by the Zoning Officer.

A brief discussion took place over the parking area and if a site plan is required.

F. Costantini made a motion to waive site plan which was seconded by Chief Marino. Roll was as follows:

P. Lott – yes, J. Juliano – no, J. Casella – yes, Chief Marino – yes, J. Maugeri – yes, F. Costantini – yes, Chairman Schwager – yes.

Mr. Magazu made a few brief comments to the Board, stating from here on out this will be done in the correct order.

With nothing further to discuss J. Casella made a motion to adjourn which was seconded by Chief Marino. All were in favor.

The JLUB meeting adjourned at 9:23 pm.

Respectfully submitted,

Christina M. Marquis
Joint Land Use Secretary

***Minutes not verbatim
Audio recording on file***