

**TOWNSHIP OF BURLINGTON
BURLINGTON COUNTY, NJ 08016
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING, APRIL 28, 2011**

The regular meeting of the Burlington Township Zoning Board of Adjustment was held on Thursday, April 28, 2011, at 7:30 P.M. at the Township Municipal Complex.

PRESENT: Mr. Harris, Mrs. Painter; Mr. Butler; Mr. Gillespie; Mr. Ransom; Mrs. Craig; Mr. Mullen; Mr. Farr; Mr. DiGiovanni; Chairman Jung; Mr. Hatfield, Board Engineer; Mr. Augustyn, Board Planner; Mr. Witkowski, Board Traffic Engineer

ABSENT: Mrs. Horner; Mr. Ferri, Esq., Board Solicitor

Denis Germano, Esq. was present for Mr. Ferri, Esq.

Chairman Jung called the meeting to order. He opened the meeting by reading the "Statement of Minutes" as follows:

PUBLIC NOTICE of this meeting pursuant to the Open Public Meetings Act has been given by Zoning Board of Adjustment in the following manner:

- (a) Posting written notice on the official bulletin board at the Township Municipal Complex on January 5, 2011;
- (b) Mailing written notice to the Courier Post and Trenton Times on January 6, 2011 by certified mail, return receipt requested; hand delivered notice to the Burlington County Times on January 5, 2011, hand receipt obtained; and Legal Ad in the Burlington County Times on January 7, 2011;
- (c) Filing written notice with the Clerk of the Township of Burlington on January 5, 2011.

Swearing in of Board Professional

Mr. Germano swore in Joseph S. Augustyn, P.P., AICP

Correspondence

Mrs. Painter read the correspondence as listed on Addendum I. All correspondence was received and filed.

Manjit Singh – Block 109.17, Lot 6, Zone R-7.5, 22 Karemark Road.

Applicant is requesting a continuance to the May 26, 2011 meeting.

MOTION made by Mrs. Painter and seconded by Mr. DiGiovanni to grant a continuance to the May 26, 2011 meeting. On roll call the following vote was recorded:

AYES: Mr. Harris, Mrs. Painter, Mr. Butler, Mr. Gillespie, Mr. Ransom, Mrs. Craig, Mr. Mullen, Mr. Farr, Mr. DiGiovanni, Chairman Jung

NAES: None

ABST: None

Chairman Jung declared the Motion carried.

Mrs. Painter excused herself from the Board for the following application due to a conflict of interest.

Restoration Station Interdenominational Fellowship Church - Block 145 Lot 2.03 & 34, B2 Zone. 1204 North Route 130.

Applicant is requesting a use variance to allow a place of worship in a Business Zone.

Dorian Morgan, Esq. was present for the application. He introduced Cliff Hoinowski, Owner of valet company; Ray Schienholtz, building owner; and David Singer, AIA. (all sworn in)

This application proposes to convert the existing Carpet One retail store building into a "church sanctuary and family recreation center".

Mr. Morgan explained that they are looking for a Use Variance to operate a house of worship in a B-2 Business Zone. They are currently renting space from the Church of Nazarene and want their own space. He gave an overview of all the activities that the church has conducted in the Township. He stated Sunday mass is 3pm-5pm and Thursday mass is 7:15pm-8:30pm. They currently have 80-90 parishioners that attend mass on the weekend and about 40 that attend on Thursday evening. They would like to have a youth center but there are no plans in the foreseeable future and they understand that they would have to comeback before the Board if the plan ever comes to fruition.

Mr. Morgan stated that they have entered into an agreement with Faith Deliverance Church, which is 2 lots away from this site, to park 60 vehicles on their lot. Faith Deliverance has over 200 parking spaces and only uses 60 of those spaces on Sunday. They are willing to allow applicant to utilize 60 of their spaces and since there is no sidewalk along Route 130 for the parishioners to walk to mass they have sought out the services of a valet company.

Mr. Singer gave an overview of the renovations to the building.

Mr. Hoinowski explained how the valet operation works. They will use cones to designate the pick up/drop off area they will be utilizing with appropriate signage.

Mr. Morgan stated that they have been in operation for 7 years with 140 members. There is currently enough parking on the proposed site to accommodate the 80 parishioners that actually attend mass.

Mr. DiGiovanni questioned if the applicant has explored any other options.

Mr. Morgan stated that they have been looking for the past 7 years and are unable to obtain a loan from the bank to build their own facility at this time.

Mr. Schienholtz explained that the emergency access route on the site and gave an overview of the site plan for the Board.

Mr. Singer gave an overview of the waivers requested.

Mr. Germano requested that applicant's Site Plan, dated April 12, 2011, be marked as Exhibit A-2 and the Study Document for Economic Feasibility be marked as Exhibit A-3.

Mr. DiGiovanni expressed concern that the applicant is asking for approval for a place of worship but also having the potential of holding events that are not of religious nature.

Chairman Jung expressed concern with the parking lease being reviewed on a yearly basis. He would like to see an agreement for parking that is for the same time period that the building is leased for.

Mr. Hatfield stated that the approvals for the Faith Deliverance Church will have to be reviewed to determine if they will still be in compliance if their parking area is reduced in order to provide the applicant with parking spaces.

Mr. Augustyn reviewed Mr. Rijs' report of April 20, 2011.

Mr. Witkowski requested that applicant submit a document showing the route that the valet drivers will use as well as the times and days of the functions at the Faith Deliverance Church to determine if there will be more traffic and the amount of actual cars currently being parked there.

At this time Chairman Jung opened the meeting to the public.

Roger Farkas – adjacent property owner (sworn in)

Mr. Farkas expressed concern with the emergency vehicle easement that the applicant has represented allows access for vehicles on their site over the adjacent Farkas property. He stated that he had agreed to the easement years ago but only for emergency vehicles.

There being no further public comment, that portion of the meeting was closed.

Mr. Germano stated that it appears they have more than doubled in growth over the past four years and looking to grow even more. Mr. Morgan confirmed this to be true.

Mr. Hatfield stated that he would like to see a site plan from the applicant which would address some of the Boards concerns.

Mr. Morgan stated that a site plan costs more money and he cannot justify that expense if they do not receive the use variance.

Mr. Germano stated that the Board does have the ability to request a site plan if they are unable to reach a decision on the use variance.

MOTION made by Mr. Harris and seconded by DiGiovanni to deny applicant's request for a use variance. On roll call the following vote was recorded:

AYES: Mr. Harris stated there is not enough parking, the valet is not a good idea and he doesn't feel it's the best location for a church; Mr. Gillespie stated he has a concern with the third party agreement being a contingency; Mrs. Craig stated she is concerned with the adaptability to the site and growth; Mr. Mullen stated that it is not a good location for a church; Mr. Farr stated that this is a redevelopment zone and this area is going to be a big part of growth for the Township when the economy gets better; Mr. DiGiovanni stated that he does not feel it will be beneficial to the Township; Mr. Ransom and Chairman Jung stated that this is not the best location for a church.

NAES: Mr. Butler

ABST: None

Chairman Jung declared the Motion carried.

Mrs. Painter returned to the Board at this time.

PSE&G / Mill Creek Solar – Block 123, Lot 5, B Zone, Irick Road.

Applicant is requesting Minor Site Plan approval and use variances to construct a solar farm.

Kevin Moore, Esq. was present for the application. He introduced Tiffany CuvIELlo, Planner; Mark Marion, Project Manager, Juwi Solar Inc.; Paul Morrison, Project Manager, PSE&G; and Jason Sciullo, PE. (all sworn in)

Mr. Moore explained that PSE&G is looking to lease 41.3 acres of the site for a solar energy system.

Mr. German requested that the Color Rendering of Site Plan be marked as Exhibit A-1 and the Site Photos with Rendering of Landscaping be marked as Exhibit A-2.

Mr. Sciullo gave an overview of the Color Rendering of Site Plan. He stated that they have submitted a request for a letter of interpretation from the DEP for the existing wetlands.

Mr. Hatfield requested a maintenance plan be submitted for the stone access driveway.

Mr. Sciullo stated that there will be less storm water runoff than what exists currently. He added that the lot coverage for the leased area will be 20.8%.

Mr. Marion offered testimony on the design of the solar facility.

Mr. DiGiovanni questioned if the transformer will be secured.

Mr. Marion stated that there is a security fence around the whole facility.

At this time an extensive discussion occurred regarding the noise generated.

Mr. Marion gave an overview of the inverters, transformers and switch gear.

Mr. DiGiovanni questioned the security from vandalism.

Mr. Morrison stated that there will be 24 hour monitoring by cameras.

Mr. Morrison gave an overview of the benefits and applicants responsibilities with regards to this application.

Mr. CuvIELlo offered testimony on the positive and negative criteria. She reviewed the balance land use.

Mr. Hatfield reviewed his report of April 20, 2011. He recommended the waiver be granted for location on-site and 500 feet there from of ponds, streams and drainage ditches.

Mr. Augustyn reviewed Mr. Rijs' report of April 20, 2011.

Mr. Morrison stated there will be no phasing of construction.

Mr. Augustyn expressed concern with fencing, screening and berming

Applicant agreed to work with the Board Planner on the concerns.

Mr. Morrison stated that they will accommodate the Boards requests.

Mr. Harris suggested applicant consider a straight fence instead of the wire at the top.

Mr. Witkowski reviewed his report of April 22, 2011. He recommended approval of the waiver for the Traffic Impact Report.

At this time Chairman Jung opened the meeting to the public. There being no public comment that portion of the meeting was closed.

MOTION made by Mr. Gillespie and seconded by Mrs. Craig to grant a Use Variance. On roll call the following vote was recorded:

AYES: Mr. Harris, Mr. Butler, Mr. Gillespie, Mr. Ransom, Mrs. Craig, Mr. Mullen, Mr. DiGiovanni,

NAES: Chairman Jung, Mrs. Painter, Mr. Farr

ABST: None

Chairman Jung declared the Motion carried.

MOTION made by Mr. DiGiovanni and seconded by Mr. Mullen to grant Minor Site Plan approval contingent upon applicant submitting a maintenance plan for the stone driveway, meeting with fire and police, transformer to be fenced, noise will meet State standard at the lease line, any offsite improvements required by PJM review to be shown on the plan, buffer on Rt.541 and Irick Road to be worked out with the Board Planner, Mr. Hatfield's report of April 20, 2011, Mr. Rijs' report of April 20, 2011 and Mr. Witkowski's report of April 22, 2011. On roll call the following vote was recorded:

AYES: Mr. Harris, Mrs. Painter, Mr. Butler, Mr. Gillespie, Mr. Ransom, Mrs. Craig, Mr. Mullen, Mr. Farr, Mr. DiGiovanni, Chairman Jung

NAES: None

ABST: None

Chairman Jung declared the Motion carried.

Solicitor's Report

Mr. Germano requested approval of the following resolution:

Empowerment Zone Deliverance Temple – Block 144, Lots 6.06, 6.12, 6.14, 6.17 & 6.18, R-12 Zone.
1208 Columbus Road.

MOTION made by Mr. Mullen and seconded by Mr. Farr to approve the above resolution and make it part of the March 2011 minutes. On roll call the following vote was recorded:

AYES: All NAES: None

Chairman Jung declared the motion carried.

Engineering Report

Mr. Hatfield stated he had no report.

Planner's Report

Mr. Augustyn stated he had no report.

Traffic Engineer's Report

Mr. Witkowski stated he had no report.

Zoning Officer

Mr. Stetz stated he had no report.

Approval of Minutes

Chairman Jung requested a motion to approve the minutes of the March Regular meeting.

MOTION made by Mr. Farr seconded by Mr. DiGiovanni to approve the minutes of the March 24, 2011 meeting. On roll call the following was recorded:

AYES: All NAES: None

Chairman Jung declared the motion carried.

Adjournment

There being no further business, **MOTION** made by Mr. Farr and seconded by Mr. DiGiovanni, carried unanimously, that this meeting be adjourned.

On roll call the following vote was recorded:

AYES: All NAES: None

There being no further business, Chairman Jung adjourned the meeting.

Respectfully submitted,

Debbie Painter, Secretary

APPROVED: _____
/kaa