

**TOWNSHIP OF BURLINGTON
BURLINGTON COUNTY, NJ 08016
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING, JANUARY 28, 2010**

The regular meeting of the Burlington Township Zoning Board of Adjustment was held on Thursday, January 28, 2010, at 7:30 P.M. at the Township Municipal Complex.

PRESENT: Mr. Harris, Mrs. Wisnewski, Mrs. Painter, Mrs. Horner, Mr. Butler, Mr. Gillespie, Mr. Ransom, Mrs. Craig, Mr. Gollnick, Chairman Jung, Mr. Ferri, Board Solicitor, Mr. Hatfield, Board Engineer, Mr. Rijs, Board Planner, and Mr. Witkowski, Board Traffic Engineer

ABSENT: Mr. Mullen

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, 2010;
- (b) Mailing written notice to the Courier Post and Trenton Times on January 5, 2010 by certified mail, return receipt requested; hand delivered notice to the Burlington County Times on January 5, 2010, hand receipt obtained; and Legal Ad in the Burlington County Times on January 8, 2010;
- (c) Filing written notice with the Clerk of the Township of Burlington on January 5, 2010.

Correspondence

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

Innovative Staffing and Business Concepts, LLC – Block 109.31, Lot 4.01, Zone R-20

Applicant is requesting a use variance to operate a Staffing Business in a residential zone.

Mark Fury, Esq. was present for the application. He introduced Paul Porter, Owner of Innovative Staffing. (sworn in)

Mr. Fury gave an overview of the application. The applicant has been renting the property and under contract to purchase it. The business proposed is very small and he is the only employee but added that if the opportunity came about he would hire his wife as a second employee. There will be 3-4 applicants that will visit the office on a daily basis. The hours of operation are 8:00am-5:00pm and deliveries would only consist of a FedEx truck on a rare occasion. There is no sign proposed with this application. He stated that the parking is adequate for 3-4 cars. He does not expect more than 2 cars at any given time. He added that Mr. Porter would be the only person residing there.

Mr. Harris questioned the applicant's residence.

Mr. Porter stated that he lives at 35 Taisley Lane but stays at this residence as well. He does not own this property but would like to purchase it.

Mrs. Wisnewski questioned the applicant's other business'.

Mr. Porter stated that he has a daycare in Willingboro and a lawn care business.

Mrs. Wisnewski questioned the equipment used for the lawn care business.

Mr. Porter stated that he was storing the equipment at this location but has since moved it to the location of the daycare.

Mr. Butler questioned the hours of operation. The application mentions walk-ins.

Mr. Porter stated the hours of operation are 8:00am-5:00pm. No appointments will be made after 5:00pm.

Mr. Rijs requested confirmation of the actual business name. The application states different business names.

Mr. Porter stated that the business is Innovative Staffing & Business Concepts. He will only handle permanent placements of candidates.

Mr. Gillespie questioned the need for the whole residence if this is proposed to be such a small business.

Mr. Porter stated that the remainder of the house is for residential use.

Mr. Witkowski suggested that applicant consult the County regarding the parking since the business is proposed on a County Road.

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

Walter Spiehs – 601 Sunset Road (sworn in)

Mr. Spiehs stated that he is opposed to the application. He stated that the lights are on all night long, the property is not maintained, the lawn care service is being operated from the property and the debris from the property has caused flooding on his property.

Lorraine Bittner –5 Bloomer Drive (sworn in)

Mrs. Bittner stated that she is opposed to the application. She is concerned with the proposed change in zoning to a business use and the eventual expansion of the applicant's business.

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

Mr. Porter stated that he has no control over the flooding on the neighbor's property.

Mrs. Horner expressed that she is opposed to the application due to testimony that he will not be staying at this residence on a regular basis.

Mr. Rijs questioned the applicants proposed methods to mitigate potential negative impacts to neighboring residential properties.

Mr. Porter stated no mitigation is proposed as no impacts are anticipated.

MOTION made by Mrs. Horner and seconded by Mr. Gillespie to deny the application. On roll call the following vote was recorded:

AYES: Mr. Harris expressed that there are other actual business locations in the Township that are currently vacant that could be utilized for this business.

Mrs. Wisnewski stated that there are many other locations available that are not residential.

Mrs. Painter stated that she concurs with Mr. Harris and Mrs. Wisnewski, and expressed her concern that once the zoning is changed to business it can then be sold as a business.

Mrs. Horner expressed her concern that only a small portion of the house will be used for business and the rest for residential but applicant will not be staying here on a regular basis.

Mr. Butler expressed his concern with changing the zoning to business when there are currently other business locations available.

Mr. Gillespie expressed that applicant has not demonstrated hardship or a reason that this property is particularly well-suited for this use.

Mr. Ransom expressed his concern that once a variance is granted it then runs with the property.

Mrs. Craig expressed that she would like to see the property stay residential.

Mr. Gollnick expressed his concern that precedence would be set and will carry through the Township in residential areas.

Chairman Jung expressed that the applicant has not proven a special reason for the change in zone.

NAES: None

ABST: None

Chairman Jung declared the motion carried. Application is denied.

Solicitor's Report

Mr. Ferri requested a Motion to approve the following resolution:

Authorizing the Award of Contracts for Professional Services for 2010.

MOTION made by Mrs. Painter and seconded by Mr. Harris to approve the above resolution and. On roll call the following vote was recorded:

AYES: All NAES: None

Chairman Jung declared the motion carried.

Mr. Ferri requested a Motion to approve the following resolution:

Timothy Stout – Block 114, Lot 8.01, Zone R-12.

MOTION made by Mr. Butler and seconded by Mrs. Craig to approve the above resolution and that it is made part of December 2009 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 has no report.

Planning Report

Mr. Rijs stated he has no report.

Traffic Report

Mr. Witkowski stated he has no report.

Miscellaneous

Mrs. Liss informed the Board that Kevin McLernon will be here next month with a presentation for the Board members that is required as part of the Insurance fund. The Board agreed to attend the presentation at 7:00pm prior to the February meeting.

Approval of Minutes

MOTION made by Mr. Gillespie seconded by Mr. Butler to approve the minutes of the December 17, 2009 regular 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. Harris and seconded by Mr. Gillespie, 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