

**TOWNSHIP OF BURLINGTON
BURLINGTON COUNTY, NJ 08016
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING, MARCH 24, 2011**

The regular meeting of the Burlington Township Zoning Board of Adjustment was held on Thursday, March 24, 2011, at 7:30 P.M. at the Township Municipal Complex.

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

ABSENT: Mr. Harris, Mrs. Horner;

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 Professionals

Mr. Ferri swore in the Board Professionals.

Correspondence

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

Restoration Station Interdenominational Fellowship Church - Block 145 Lot 2.03 & 34, B2 Zone. 1204 North Route 130. Variance application submitted to allow a place of worship in a Business Zone.

Applicant is requesting a continuance to the April 28, 2011 meeting.

MOTION made by Mrs. Painter and seconded by Mr. Gillespie to grant a continuance to the April 28, 2011 meeting. On roll call the following vote was recorded:

AYES: 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.

Long Investments, Inc. – Block 102, Lots 1.06 & 1.12, B-3 Zone. 902 Sunset Road.

Applicant is requesting an amendment to an existing Use Variance and a Site Plan waiver.

Patrick McAndrew, Esq. was present for the application. He introduced Mr. Long and Rob Consalvo, owners. (both sworn in)

This application is requesting approval to expand the categories of vehicles allowed to be stored at the existing facility located at the intersection of Campus Drive and Sunset Road.

Mr. McAndrew explained that applicant was granted a Use Variance in 2004 to store recreational vehicles in the back. They have had more of a demand since then so they have now returned before the Board to expand that variance.

Mr. Long explained that he had a management company running this business for a year but wasn't satisfied so he has recently taken back control. In the last 6 months he has noticed a need for additional space for recreational vehicles as well as a bigger category of vehicle types. The hours of operation and number of employees will not change.

Mr. DiGiovanni questioned the reason that control of the business was taken back from the management company.

Mr. Long stated that he was not pleased with the way the property was being kept. The maintenance was not being done on the property and there were things being stored that are not permitted.

Chairman Jung stated that there is currently commercial type vehicles stored on the lot which was not the intent when the variance was granted in 2004.

Mr. Long stated that since he has taken control back they have made a conscious effort to get rid of those vehicles but has run into a legal problem with legitimate leases that the customer has made with the prior management company.

Mr. Consalvo explained that the only recourse they have with the leases of commercial vehicles is to evict the customer if they do not pay their rent on time. They are bound to the lease until the time has elapsed in the notice given to those customers with vehicles that are not in compliance with the variance.

Mr. Long explained that they are looking to expand the types of vehicles allowed because of this situation they are currently in. They can in fact terminate the leases but are having difficulty with those customers.

Mr. Hatfield stated that he has visited the site and noticed 4 buses on the property, 2 of which have been sitting there for months and are filled with debris.

Chairman Jung suggested applicant clean the property and abide by the variance before asking to expand it.

Mr. Farr expressed his feelings that the lease should have reflected the variance approved by the Board to prohibit vehicles that are not permitted.

Mr. DiGiovanni agrees with Mr. Farr and expressed that it is the applicant's responsibility to make sure they comply with the variance no matter who is running the business.

Mr. Gillespie questioned if applicant happens to be successful with the lease terminations if they would then be in compliance with the current variance.

Mr. Consalvo stated that they would be in general compliance after the leases in question are terminated but would still like the opportunity to have those types of vehicles on the property.

Mr. Long stated that he does take responsibility for the violations as being the owner and is taking the proper steps to getting back in compliance.

Mr. Ferri questioned if there will be designated sections for specific vehicles.

Mr. Consalvo stated that there is no set plan; they fill the spaces as they become available based on the size needed for the vehicle.

Mr. Rijs reviewed his report of March 17, 2011.

Mr. Consalvo stated that the gate access hours are 6am-10pm. The largest vehicles they would propose would be the size of a tour bus which is around 30 feet.

Mr. Hatfield questioned the dump truck filled with tires that is currently on the lot.

Mr. Consalvo stated that particular customer has been given several eviction notices. He added that storing of vehicles like this is not their intent.

Mr. Hatfield stated that he has identified a couple of areas that need to be addressed on the property including screening on Campus Drive, debris around the drainage inlet, stone surfacing that requires maintenance, a dumpster that was not approved, and a clothing donation bin that needs to be removed in accordance with the Township ordinance. He suggested approval of the site plan waiver contingent upon the issues being addressed.

Mr. Witkowski reviewed his report of March 17, 2011. He questioned applicant's intent to develop the side parking lot noted on the 2005 plans.

Mr. Long indicated the side lot was not necessary at this time.

Mr. Witkowski stated that daily businesses, such as landscapers, do increase traffic so he suggested a limit be put on the types of spaces for those businesses.

Mr. Consalvo agreed to a limit of 14 spaces to be allowed for daily business type uses.

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

Chairman Jung questioned if the applicant could have all the issues resolved in 90 days. Applicant agreed.

Mr. Ferri requested that applicant submit a list of specific vehicles that they are looking to have approved for this site.

Mr. Farr suggested applicant request a continuance to allow time to create the list and clean up the site according to the professional's recommendations. Mr. DiGiovanni expressed that he agrees with Mr. Farr's suggestion.

MOTION made by Mrs. Painter and seconded by Mr. DiGiovanni to grant a 60 day continuance. On roll call the following vote was recorded:

AYES: 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.

Mr. Witkowski excused himself from the Board at this time in the meeting.

Mr. Mullen excused himself from the Board for the next application.

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

Applicant is requesting a Conditional Use Variance and Waiver of Site Plan to permit a House of Worship on a property zoned light manufacturing.

Samuel Reale, Esq. was present for the application. He introduced Pastor Dwayne Kemp, applicant; Frank Valenziano and Vito Massa, landlords. (all sworn in)

Pastor Kemp offered testimony on the operations. He stated that Sunday worship starts at 11:30am and Wednesday evening worship starts at 7:30pm. They do not have Sunday school and only have two special events per year. There will be no weddings or funerals at this location. Their outreach programs consist of a Christmas drive during set hours. He explained that they started their congregation 3 years ago and currently have 25 members.

Mr. Valenziano gave an overview of the tenants that currently occupy the building.

Mr. DiGiovanni questioned if applicant will be utilizing the space when worship is not in service.

Pastor Kemp stated that the space may be utilized by him for office work on rare occasions.

Mr. Gillespie questioned the maximum occupancy for that building.

Mr. Reale stated that they have not received a response from the fire marshal yet regarding occupancy.

Mr. Valenziano gave an overview of the amount of desks and rooms that are currently in that suite to give the Board an idea of the occupancy.

Mr. Rijs reviewed his report of March 17, 2011. Applicant will comply with the report.

Mr. Hatfield stated that he has conducted a site inspection and has suggestions for the landlords. He explained that there are minor issues with the paving that should be address and offered to revisit the site to point out those areas. He suggested a buffer be put up to screen the homes adjacent to the site and requested that the outdoor storage area be cleaned up. Mr. Hatfield stated that he will be performing additional site inspections and will direct attention to areas that need to be addressed.

Mr. Ferri suggested that Mr. Hatfield provide applicant with a punch list of items to be addressed.

Mr. Hatfield suggested that a condition that the punch list items must be satisfied before a Certificate of Occupancy is given.

Mr. Massa stated that the punch list is their responsibility and not the applicant's. He explained that their business has taken a hit this year and the rent from Past Kemp would help with the requested repairs to the property.

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

Arlene Williams – 32 Lardner Street (sworn in)

Ms. Williams questioned gate access.

Mr. Massa explained that the gate is locked and only the tenants have a key. He does not think it will be necessary to open it for parking from the Temple.

Ms. Williams expressed concern with the limited spaces and proper snow removal so parking does not spill over into her development.

Megan Alarid – 38 Lardner Street (sworn in)

Ms. Alarid expressed concern with the back parking lot and the gate being left open during evening hours.

An extensive discussion occurred at this time regarding safety of the lot and nearby residences.

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

Mr. Ferri recommended giving the landlords 60 days to address the issues on the site and move forward with the application. Mr. Massa and Mr. Valenziano both agreed.

MOTION made by Mr. Gillespie and seconded by Mr. Butler to grant a Conditional Use Variance and Site Plan Waiver contingent upon Mr. Rijs' report of March 17, 2001 and a punch list of items on the property to be addressed by the landlords. On roll call the following vote was recorded:

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

NAES: None

ABST: Mr. Mullen

Chairman Jung declared the Motion carried.

Miscellaneous

A. Presentation of Certificates of completion of the Land Use Law and Planning Course

Chairman Jung presented Certificates of completion of the Land Use Law and Planning Course to Mr. Farr and Mr. DiGiovanni.

B. Review of Rules & Regulations.

MOTION made by Mr. Farr and seconded by Mr. DiGiovanni to approve the Rules and Regulations. On roll call the following vote was recorded:

AYES: All NAES: None

Chairman Jung declared the Motion carried.

Solicitor's Report

Mr. Ferri requested approval of the following resolutions:

Vincent & Grace Saba, Block 144.15, Lot 5, Zone R-12, 44 Lardner Road.

Marcella Center - Block 119, Lot 9, I-1 Zone. 2305 Rancocas Rd. Site Plan Waiver request.

MOTION made by Mr. Farr and seconded by Mrs. Craig to approve the above resolutions and make them part of the February 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. Rijs 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 February Regular meeting.

MOTION made by Mr. Farr seconded by Mr. Butler to approve the minutes of the February 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. DiGiovanni and seconded by Mr. Farr, 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