

CITY OF BURLINGTON

LAND USE BOARD MEETING MINUTES

February 24, 2016

The City of Burlington Land Use Board held their regular monthly meeting on Wednesday, February 24, 2016 in the City Hall Building, 525 High Street, Burlington, New Jersey.

Members present: Det. Matthew Mercuri, Victor Carnivale, Raymond Schobert, Councilwomen Helen Hatala (7:45pm), David Ballard, Ernest Turner, Bruce Davis, Vice-Chair Samuel Richter, Chairwoman Claudine Conaway.

Absent: David Tishler, Charles Johnston

Also present: M. Lou Garty, Solicitor
Bob Perry, Planner

Oath of Office: Bruce Davis – Alternate Member #2 (oath administered by Board Solicitor M. Lou Garty)

APPLICATIONS:

Application #727-16 – 1st Way of Burlington County (500 High St.)

Leonard Schwartz, Esq. on behalf of the applicant, who is seeking a Change of Use & Site Plan Review Waiver.

Applicant/Expert Testimony:

Margret Campbell (member of 1st Way of Burlington County) was sworn for testimony. Ms. Campbell gave detailed testimony regarding the current services that 1st Way of Burlington County provides at their Willingboro, NJ location. She provided further testimony regarding the proposed services that would be provided at the proposed location of 500 High St. Ms. Garty asked Ms. Campbell how trash & recycling would be handled at the proposed location; Ms. Campbell testified that she believed it would be handled through the lease agreement with St. Katherine Drexler (the property owner) Ms. Campbell testified that the proposed hours of operations would be 10am-4pm Monday, Tuesday, Thursday & 2pm-6pm Wednesday.

Board Member Questions:

Vice-Chair Richter-Asked how they are funded, Ms. Campbell stated they are a non-profit & most of the funding is provided by donations. Mr. Richter further asked what type of services they provide to their clients if they are questioning what to do regarding the clients pregnancy, Ms. Campbell stated their organization is a pro-life organization so they encouraged the client to carry the pregnancy to term

Mr. Ballard-Asked if the rent would be paid to lease the space. Ms. Campbell stated that rent would be paid to the landlord, the St. Katherine Drexler church.

Mr. Davis-Asked if the organization has ever been picketed at their current location, Ms. Campbell stated they have not experienced any picketing.

Det. Mercuri-Asked if the property is a registered rental property, Mr. Schwartz stated they would make sure the property would be registered. He further questioned Ms. Campbell regarding the practice of keeping their doors locked; Ms. Campbell stated it was a safety issue.

Mr. Schobert-Asked if any daycare services would be provided at the location, Ms. Campbell testified that no daycare services would be provided.

Chairwomen Conaway-asked if 1st Way of Burlington County what other locations in Ms. Campbell's 40 years of service for the organization if they had any other location beside the current Willingboro location, Ms. Campbell stated they previously had a location in Burlington City.

Applicant/Expert Testimony Cont.:

Mr. Schwartz asked that the (11) photos provided to the Board this evening be introduced. The photos were identified by Ms. Campbell and marked as A1-A11 and were entered into evidence.

Board Member Questions Cont.:

Vice-chair Richter-Asked about a listing of services provided, Ms. Campbell explained that a list of services was provided with the application

Mr. Turner-asked how many clients on average are provided services currently, Ms. Campbell testified that around (20) clients weekly receive services. Mr. Turner further asked how the clients typically get to their location, Ms. Campbell testified many of their clients utilize public transportation or are dropped off by a family member

Public Comment:

Opened, none at this time

Closed

Solicitor Review:

Ms. Garty summarized the application before the Board. During her summary Ms. Garty reviewed the conditions that would be included in the approval of the application.

Motion – Mr. Carnivale

2nd – Mr. Schobert

7 affirmative, 1 abstention (Mr. Richter)

Application #728-16 – Brian Grasso (30 E. Union St.)

Brian Grasso was sworn for testimony for the application of Change of Use & Site Plan Review Waiver.

Applicant/Expert Testimony:

Mr. Grasso testified he is renting the whole building but his application is for the 1st floor commercial/mixed use portion of the building. Ms. Garty confirmed with Mr. Perry that the proposed use is a permitted use. Mr. Grasso provided the Board with detailed testimony regarding the type of services that would be provided. Mr. Grasso testified the hours of operation would be Monday-Friday 6am-9pm & Saturday-Sunday 9am-6pm. Mr. Grasso further testified he believes he will have 1-3 employees. Ms. Garty asked Mr. Grasso how the trash & recycling would be handled; Mr. Grasso testified the trash would be collected curbside. Mr. Grasso testified that he expects weekly deliveries of food & drink products which would be sold as a function of the business. Ms. Garty asked if the fitness services would be private sessions (personal training) or an open gym. Mr. Grasso testified that the fitness services would be a mix of both private & open gym membership, as well as retail fitness food sales. Mr. Grasso testified the signage he is proposing would be 18x30, he has an application before the HPC for their March Meeting, and Ms. Garty asked if Mr. Grasso would be willing to have a condition of approval

Board Member Questions:

Mr. Ballard-Asked how many food deliveries Mr. Grasso anticipated, Mr. Grasso testified a once per week food delivery. Mr. Ballard further asked if any dance style classes would offered, Mr. Grasso testified none of those types of classes would be offered.

Mr. Turner-Asked if any free weights would be used at the location, Mr. Grasso testified that there would be free weights would be offered to the clients; he provided detailed information of the type of free weights that would be available. Mr. Turner further asked if any perishable food would be sold as part of the retail food operation, Mr. Grasso testified that the retail food would all be consumer packet

goods.

Councilwomen Hatala-asked how the 2nd floor of the building is supported. Mr. Grasso stated he is not sure about the construction of the building.

Ms. Garty asked Mr. Grasso if he would agree to have the food delivery trucks limited to a certain size, the board stated they didn't feel this was necessary.

Chairwomen Conaway-asked if any group classes would be offered, Mr. Grasso testified that no group classes would be offered.

Public Comment:

Opened, none at this time

Closed

Solicitor Review:

Ms. Garty summarized the application before the Board including the conditions as agreed to by the Applicant.

Motion – Mr. Schobert

2nd – Mr. Carnivale

7 affirmative, 1 against (Councilwomen Hatala), 1 abstention (Vice-chair Richter)

NEW BUSINESS:

Mr. Ballard inquired what the Board can do concerning a Church that is renting their Church to another Church and if a Change of Use is required. Ms. Garty asked Mr. Ballard to provide her with the address for the property in question. There was discussion as to whether change of organization from one to another but same use requires an application.

Chairwomen Conaway brought up having the Zoning Ordinance reviewed again based upon concerns that there were inconsistencies and to review whether all of the designations were consistent or compatible with existing uses of existing businesses. Ms. Garty advised Ms. Conaway that this matter would have to be brought to City Councils attention. She further explained that the Board could perhaps memorialize a resolution advising Council of the request to review the Zoning Ordinance.

Motion Det. Mercuri, to have the solicitor prepare a resolution advising Council of the Land Use Boards wishes the have the Zoning Ordinance Reviewed; Motion was 2nd Mr. Davis

All in Favor

Ms. Garty brought to the Boards attention they will be receiving a resolution regarding the proposed revised format of the Land Use Board Minutes to adopt a summary format, consistent with the trend for summary format and use of electronic recording of meetings as the record of proceedings.

Chairwomen Conaway brought up 200 E. Federal St. (SS Mart) regarding the proposed laundromat that hasn't been completed, Ms. Garty advised the Board that she will get in touch with the City's Redevelopment Attorney to discuss status and will report back to the Board on the status at the 3/16/16 Board meeting.

NEXT MEETING SCHEDULED

March 16, 2016 (special meeting)

March 23, 2016 (next regular meeting)

ADJOURNMENT

Upon the motion of Victor Carnivale, seconded by Det. Matthew Mercuri, this meeting of February 24, 2016 was adjourned.