

CITY OF BURLINGTON
LAND USE BOARD MEETING MINUTES

MARCH 27, 2013

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The City of Burlington Land Use Board held their regular monthly meeting on Wednesday, March 27, 2013 in the City Hall Complex, 525 High Street, Burlington, New Jersey.

Members present: Chairwoman Claudine Conaway, Vice Chairman Samuel Richter, David Ballard, Victor Carnivale, Officer Matthew Mercuri, Councilwoman Helen Hatala, Charles Johnston and David Tishler (8). Absent: Messrs. Johnson and Schobert (2).

Also present: Board Solicitor M. Lou Garty, Planner Robert Perry of Remington & Vernick and Board Secretary Diane Burns.

APPLICATIONS

Estate of Patricia R. Webb c/o Frank J. Volpe, Jr.

Application #664-13

307 Farner Avenue (Block 66, Lot 39)

6' fencing project

Board Secretary Burns stated the applicant's attorney had submitted a request for continuation so as to allow time for a proper survey to be submitted. Councilwoman Hatala moved to carry the application to the next agenda, second from Mr. Carnivale. Roll call vote. All in favor.

Rhonda Brown

Application #665-13

185 Glenwood Avenue (Block 103, Lot 16.06)

Variance to construct a deck

Board Solicitor Garty swore in Mr. and Mrs. Brown. Mrs. Brown explained the proposed rear deck with run the length of the house. When a shed was pointed out on the survey, Mrs. Brown testified the shed was in this location when they purchased the home and they plan to

remove the shed when the deck is constructed. Planner Perry stated he believes the applicant's are seeking a rear yard variance as this property is located in the R-2 residential zone. No public comment. Being no further questions Board Member Carnivale moved to approve the application as submitted, second from Mr. Tishler. Roll call vote. All in favor.

Dolores Robb

Application #666-13

302 Jones Avenue (Block 150, Lot 2)

Application for a Certificate of Pre-Existing, Nonconforming Use or, in the Alternative, a Use Variance to permit two (2) units

Solicitor Garty swore in Ms. Robb of Eastampton, NJ and Thomas Butler of 100 Dugan Drive, Burlington, NJ. Solicitor Garty stated additional documentation had been received and distributed to the Board. Ms. Robb stated she owned the property since January 2013. She bought the property as an investment property to rent. She stated she will not live in the property. Ms. Robb stated she attempted to register the property with the City consistent with the landlord registration requirements but was told to go through this process first because the unit is a 2-unit property. Ms. Robb stated that she understands that the property has been registered as a two unit property. Submitted by the applicant was CO information back to 1993. Ms. Robb stated this information was submitted to show a consistency and to show the City has acknowledged it as a two unit dwelling because it accepted fees and there were CO's up until 2009. Mr. Butler stated he had not been able to obtain the ordinance back to 1959; but, obtained the 1964 ordinance. Planner Perry stated that two units are not allowed in the R-3 zone and stated the applicant needs to demonstrate that the two units existed back to 1964. Solicitor Garty stated, since the time the applicant appeared at Screening, she had further reviewed when the first Zoning ordinance was enacted and it was enacted in September 1964 and that Ordinance allows two unit properties in the R-3 zone. Planner Perry questioned if the applicant received a denial from the Zoning Officer in writing. Ms. Robb answered no. There was further discussion about whether the dwelling was a non-conforming use because the Ordinance did not appear to prohibited dwellings of this type, in this (R3) zone because the Ordinance appeared to allow certain types of multi-unit dwellings. Public Comment: Floyd DuPont of 210 Jones Avenue stated he was present this evening to hear the procedure as he feels the property is conforming. Public portion closed. There was further discussion about whether the property was a conforming use based upon the Zoning Ordinance. Solicitor Garty asked to hear a motion to deem the two unit property as a conforming use. Board Member Ballard moved to deem the two unit property as conforming, seconded from Mr. Carnivale.

Roll call vote. Recusing Themselves: Councilwoman Hatala and Officer Mercuri (2). All others in favor.

BOARD BUSINESS

Chairwoman Conaway asked to hear a motion to accept the minutes of the January 23 and February 27, 2013 minutes. Mr. Carnivale moved to accept the minutes January and February 2013 minutes, second from Mr. Tishler. Roll call vote. Not Voting: Councilwoman Hatala (1). All in favor.

PENDING RESOLUTION

1). Nancy Naftulin / 303 Wood Street (Block 13, Lot 2) – Application for issuance of a Certificate of Pre-Existing, Nonconforming Use for two units was approved. Officer Mercuri moved for acceptance, second from Mr. Carnivale. Roll call vote. All in favor.

Chairwoman Conaway suggested scheduling a special meeting to discuss possible software for tracking apartment units. Brief discussion ensued. Mr. Tishler suggested re-doing the Tax Collector's form. Officer Mercuri commented Mr. Lowrie already has a tracking system in place.

Solicitor Garty stated she will continue to research zoning/ordinance changes thru the years on 1 and 2 units. Councilwoman Hatala noted the City had a separate zoning board for many years.

PUBLIC COMMENT

Samuella Cohen of 180 Riverbank spoke of her knowledge of the landlord registration fees over the years. She briefly commented on her own experience and stated she has been attempting to research case law. Mrs. Cohen asked to receive a copy of the 1964 ordinance. Secretary stated she will e-mail it to Mrs. Cohen. Public comment closed.

Chairwoman Conaway asked Solicitor Garty to look into the Woodbury ordinance concerning Landlord registration requirements as Woodbury's ordinance may be helpful to Burlington.

Councilwoman Hatala spoke of statutes relating to the official/local newspaper of the town. She feels the official newspaper of the Board should be the Burlington County Times.

Councilwoman Hatala stated the January 23, 2013 minutes should reflect that she voted to

name the Burlington County Times the official newspaper of the Board due to its high circulation numbers. Both the Board Solicitor and Chairwoman stated the January 23 vote was called to name the secondary newspaper. Councilwoman Hatala disagreed and stated the Board should follow the same statutes as the Governing Body has to follow. Board Member Ballard noted Burlington Township uses three papers: Courier Post, BCT and the Trenton Times which cover all areas. Councilwoman Hatala stated she wants the record clarified to reflect that she did not move or vote for the Burlington Times as the secondary paper. She will listen to the tape of the January 23 meeting. Board Chairwoman Conaway directed the Secretary to schedule a date and e-mail that date and time to all members that may be available to listen to the section of the January tape that deals with the vote for the secondary newspaper.

There being no further discussion the meeting was adjourned at 7:50 PM.

Respectfully submitted,

DIANE BURNS, Secretary to the Boards