

CITY OF BURLINGTON

LAND USE BOARD MEETING MINUTES

July 23, 2014

The City of Burlington Land Use Board held their regular monthly meeting on Wednesday, July 23, 2014 in the City Hall Building, 525 High Street, Burlington, New Jersey.

Members present: Officer Matthew Mercuri, Charles Johnston, Victor Carnivale, David Tishler, David Ballard, Ernest Turner, Vice-Chair Samuel Richter.

Absent: Councilwoman Helen Hatala, Raymond Schobert, Chairwoman Claudine Conaway

Also present: Solicitor – M. Lou Garty
Engineer – Bob Manix

APPLICATIONS:

Application # 694-14 – Raymond & Lisa Foster

Mr. & Mrs. Foster present, Scott Williams-Engineer on behalf of the applicant

All parties sworn by Solicitor Garty

Solicitor Garty questioned Mr. Williams regarding his professional qualifications

Solicitor Garty suggested the board allow Mr. Williams be qualified as an expert in the field of engineering

Motion – Mr. Ballard

2nd – Officer Mercuri

All in favor of the motion to qualify Mr. Williams as an expert

Applicant/Expert Testimony

Mr. Williams reviewed the proposed plan for the construction of the new garage; testified as to current site conditions that would require a variance: as to the Side Yard, Height of the building

Mr. Williams reviewed the site plan presented to the board with the application.

Ms. Garty asked about the height of the structure, it was represented that the height not be exceed 20'

The Applicant asked that the property survey and photos be entered into evidence

A-1 – Survey

Mr. Williams ask to enter aerial photos into evidence

A-2 – Aerial Photos (presented to the board today)

All evidence was marked by the Board Secretary

Mr. Williams stated he believes the aerial photos are circa 2013 and identified properties on the aerial photo that had similarly constructed garages in the neighborhood

Solicitor Garty asked Mr. Williams if it is his opinion that the construction of this garage would not detract from the character of the neighborhood & whether there would be any negative impact to the neighborhood. Mr. Williams testified that he did not believe there would be a negative impact.

Mr. Williams mentioned that the Fosters plan to re-side there home to match the siding of the proposed garage.

Mr. Williams mentioned that asking for a setback variance is so that they can utilize the existing garage pad, thereby reducing the impervious coverage on the property.

Mr. Williams stated there would be only (1) over sized door would be utilized rather than the typical (2) door garage

Planning/Engineering Review

Bob Manix-LUB Engineer reviewed the application & provided his professional comments

Mr. Manix stated the updated design meets all of the Engineers recommendations

Mr. Manix asked about that the drainage from pitch issues with the existing driveway and the overall impervious coverage, Mr. Manix believes the new garage would add 91 square feet of impervious coverage.

Mr. Williams said there would be no additional run off of water to the neighboring property.

Board Member Questions

The applicant represented that there would be no living quarters utilized, sink would be just for hand washing & agreed to that limitation as a condition for approval

Applicants agreed to these stipulations

Ms. Garty asked about the shop area that is proposed for a portion of the garage

Mr. Foster stated the shop in rear portion of garage would be utilized to work on old cars which is his hobby

Mr. Foster stated the area would be heated by Propane heat.

Garage to be constructed consistent with the design provided to the City by Mr. Williams

There are to be no living quarters & the height is not to exceed 20'

Public Portion

Public Comment-open

--Charles Corbezzolo-209 Fernwood Ave.

Lives on the side the garage would be located on. He stated that he has no objection to the proposed Construction

Public Comment-closed

Solicitor Review

Solicitor Garty summarized the application before the board & the proposed conditions and standard for approval.

Officer Mercuri – ***Motion***

Mr. Schobert – ***Second***

All in Favor

Application # 697-14 - Burlington General Store, LLC (Amended to Burlington Trading LLC)

Attorney George Hulse on behalf the applicant

Mr. Hulse explained there was an issue with the name on the application, asked that the application be verbally amended to correct the name of the Applicant to Burlington Trading LLC rather than Burlington General Store LLC

Solicitor Garty recommended to the board to permit the application to be amended to reflect the corrected name.

Ballard – ***Motion***

Carnivale – ***Second***

All in Favor of permitting the amendment of the application.

Mr. Hulse gave board members an overview of proposal and introduced Adrian Thomas, the Applicant owner/principal of Burlington Trading LLC to the board.

Mr. Thomas was sworn by Solicitor Garty

Applicant/Export Testimony

Mr. Thomas summarized his proposal for the property.

Restaurant would be called Riverview, breakfast to dinner service 1st floor, also over 18mnths have fine dining on 2nd floor, the facility would be operating 7am-1am-7days a wk.

Mr. Thomas went over his plan to potentially purchasing more property in the City of Burlington.

Mr. Hulse asked Mr. Thomas about the intended uses for the property.

Mr. Thomas testified regarding the potential coffee roasting operation & describing the equipment location & size.

The applicant testified that changes to the building
Mr. Thomas testified the upgrades would be in the interior

Mr. Thomas testified as to the similarities of the Cafe operation & to his proposed restaurant operation, that it would potentially employ 45 total employees with around half to be full time employees

Mr. Thomas testified as to anticipated deliveries & shipping from the property, and use of trucks to distribute coffee or pastries, that in the future there might be some exterior improvements made but they were not being presented in this application, Mr. Hulse went over signage requirements

The Applicant was advised HPC approval would be required for exterior renovations & any signage
Mr. Thomas agreed to the stipulation regarding HPC approval

Further testimony was provided regarding deliveries, the Applicant doesn't expect any greater level of deliveries than what occurred under prior ownership.

Mr. Thomas stated there would be potential delivery of coffee/pastries would be handled by small vans/trucks

The Applicant to the stipulation that all deliveries to rear of Bldg
Will be having all fresh product delivered but doesn't believe

Mr. Hulse stated the current Application is just a change of use. Any application for site plan approvals would be applied for in the future.

Planning/Engineering Review

Bob Manix-LUB Engineer, indicated that he had no further comments concerning the application

Board Member Questions

Officer Mercuri-asked the Applicant what other restaurants does Mr. Thomas own, Porter's

Vice-Chair Richter-question regarding the name of the restaurant

Member Tishler-asked how many delivery trucks would be used & Mr. Thomas was not able to provide a specific # of trucks to be used

Public Portion

--James Fisher-Cafe Gallery - spoke regarding the similarities of the operations, spoke regarding there tractor trailer deliveries. Also spoke about the potential for the new business idea, spoke regarding the down fall of fine dining and that the proposed restaurant could fill the void.

--Murrey Sonstein-Lilly Inn - spoke in favor of application, believes the city is dying for an opportunity like this

Solicitor Review

Ms. Garty summarized the application before the board, the scoop of proofs & requirements for the board to approve the application

Motion – Mr. Ballard

2nd – Mr. Carnivale

All in Favor of change of use application

NEW BUSINESS

None

OLD BUSINESS

None

PUBLIC COMMENTS

None

NEXT SCHEDULED MEETING

August 27, 2014

APPROVAL OF MINUTES

June 25, 2014 Meeting Minutes

Mr. Ballard – **Motion**

Mr. Carnivale – **Second**

All in Favor of minutes being approved

APPROVAL OF PENDING RESOLUTIONS

Resolution No. 24-2014 Resolution granting the application for a Certificate of Pre-Existing Non-Conforming Use for a Two Unit Dwelling with respect to Block 34, Lot 49. Commonly known as 526 Wood St.

Resolution No. 25-2014 Resolution granting approval of a minor site plan & an amendment of a previously granted change of use with respect to Block 12, Lot 59. Commonly known as 6 W. Pearl St.

All in favor of memorializing the resolutions.

ADJOURNMENT

Upon the motion of Member Carnivale, seconded by Member Ballard, this meeting of July 23, 2014 was adjourned.