

CITY OF BURLINGTON

LAND USE BOARD MEETING MINUTES

August 27, 2014

The City of Burlington Land Use Board held their regular monthly meeting on Wednesday, August 27, 2014 in the City Hall Building, 525 High Street, Burlington, New Jersey.

Members present: Victor Carnivale, Raymond Schobert, Councilwoman Helen Hatala (7:25pm), David Tishler, David Ballard (7:15pm), Vice-Chair Samuel Richter, Chairwoman Claudine Conaway.

Absent: Officer Matthew Mercuri, Charles Johnston, Ernest Turner

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

APPLICATIONS:

Application # 698-14 - Arcadis US Inc.

Lindsay Cameron, Esq. appeared on behalf of the Applicant, Arcadis. Ms. Cameron gave the Board an overview of the project and the relief sought for the application. She noted that Arcadis had been before the board earlier this year for a similar project located at Amy's Omelet House.

Jessica Kruczek was sworn in and testified as to her educational background and professional experience.

The board determined that Ms. Kruczek is qualified to testify as an expert witness in the field of environmental engineering.

Applicant/Expert Testimony

Ms. Kruczek summarized the surrounding area and current environmental uses which necessitated the remediation.

Ms. Kruczek reviewed the proposed structure and plans for the remediation of the Gulf Gas Station @ the corner of High St & Rt. 130 S.

Photo's marked as A-1

Ms. Kruczek showed photos of Gulf Gas Station location after which she reviewed their trench layout plan.

Proposed Trench layout map marked A-2.

Ms. Kruczek explained that they intended to utilize existing trenches as much as possible, existing trenches have previous DEP approval.

Ms. Kruczek described photos of remediation already performed at Amy's Omelet House directly

across the street. These photos were used to show the board the type of system they intend to utilize.

Mrs. Kruczek stated the total Enclosure would be 12x9x8(height)

The Applicant also applied for approval of an 8Ft. Fence to enclose the structure. Structure would be in place for roughly run for 2 years but they plan for 18 months. 2 years is there rule of thumb

Planning/Engineering Review

Mr. Perry-reviewed planning questions with regard to the application.

Mr. Perry explained that under the code this building would not be considered an auxiliary bldg., but is a temporary structure. He indicated that because the structure is not an auxiliary building and the Applicant seeks to place it within the setback there must be a bulk variance to place the structure in that area.

The Solicitor believes the application can be verbally amended, if necessary, for an additional setback variance, since the Applicant is already applying for & provided notice for a bulk variance for the fence. The Applicant presented testimony of Ms. Kruczek as to the reason for the proposed location of the structure within the setback.

Mr. Perry believes the setback based on the trench layout would be 8ft from the property line

Mr. Perry asked if there proposed location would affect any of the surrounding properties.

Ms. Kruczek testified that she did not believe that the location for the structure would impact any of the surrounding properties. Mr. Perry asked if the loss of the parking space would cause any issues on the operation of the site, Ms. Kruczek stated this would not impact parking for the Gulf Station

Board Member Questions

Mr. Carnivale-asked if the structure was going to be like the one the board already approved for Amy's Omelet House & the Applicant represented it was

Chairwomen Conaway asked if they agreed to follow the same parameters & conditions. The Applicants Attorney agreed to those conditions

Mr. Manix- discussed the recommendations in his Review letter including the DEP requirements.

Ms. Garty asked if the Applicant would obtain DEP approval prior to beginning operation.

Ms. Kruczek stated that the approvals would be obtained prior to and be met during the operation.

Public Portion

Public Comment- None.

Public Comment-closed

Mr. Carnivale – Motion to Approve subject to stated conditions as placed on the record and as set for the in the Board's Engineer's review letter and the general conditions stated.

Mr. Schobert – Second

All in Favor

Application # 699-14 - Burlington Trading LLC

George Hulse, Esq. appeared on behalf the applicant. Adrian Thomas-managing partner of Burlington Trading LLC testified in support of the Application. Mr. Hulse provided an overview of the Application which is for a Change of Use and of the applicant's other recent application. Applicant's Attorney gave the Board members an overview of proposal and requested that it be marked as A-1. Mr. Thomas was sworn in.

Applicant/Expert Testimony

Mr. Thomas testified regarding his plans for this location, to open a drive thru coffee shop. He testified that no indoor seating is proposed, no public restrooms are proposed, that there would be potentially 3-4 employees. The Hours of operation would be 6am-6pm, 7 days a week. In addition to coffee, drinks the restaurant would serve sandwiches/baked goods, all food would be prepared at Riverview Restaurant. Potential outdoor seating – picnic tables potential being utilized in good weather was discussed.

Mr. Hulse advised that an application for proposed final site plan would be brought before the board at a later date, the plan is to open by Early Spring 2015.

Ms. Garty questioned Mr. Hulse regarding potential physical changes to the property that will need to be approved; because the application indicates that it is also for a minor site plan. Mr. Hulse stated the current Application is for only a Change of Use. Any site plan approvals would be applied for in the future. The Applicant stated that the extent that the Application is for site plan approval, that request for relief is withdrawn and the application is only for approval of a change of use from the former use as a bank.

Board Member Questions

Mrs. Hatala-questioned applicant as to the fact that the parking lot in rear of there lot is not a City lot. Vice Chair Richter-questioned regarding the food preparation that would take place at the Broad St location. Mr. Thomas explained that almost all of the food preparation would take place at the Riverview location.

Public Portion

There was no public comments.

Solicitor Review

Ms. Garty summarized the facts of the application before the board, which is for permission for a change of use and not for any approval of a site plan. Ms. Garty noted that any approval would be

subject to the Board's stated conditions.

Mr. Ballard – **Motion**

Member Carnivale – **Second**

All in Favor of change of use application

Application # 680-13 - Michael Machado (DBA Import Auto World)

Ms. Garty reviewed that the application has been pending, was not complete and was placed on the agenda for action. Notice of Board action had been provided in writing to the Applicant by the Solicitor. The Applicant failed to provide the required documentation and/or supplement its application for the Board to consider the application, which is still incomplete. The application remained incomplete for a substantial period of time, such that the Board determined that it was appropriate to dismiss the application.

Mr. Carnivale – **Motion**

Mr. Tishler – **Second**

All in Favor of Board dismissing application

NEW BUSINESS: None

OLD BUSINESS: None

PUBLIC COMMENTS: None

NEXT SCHEDULED MEETING: September 24, 2014

APPROVAL OF MINUTES

January 25, 2012

Member Hatala asked for the minutes to be tabled for corrections.

Chairwomen Conaway asked that the minutes be approved and corrections made

The Solicitor asked for a motion to table the minutes till next meeting.

Member Ballard – **Motion**

Member Tishler – **Second**

All in Favor of tabling the minutes

APPROVAL OF PENDING RESOLUTIONS

Resolution # 26-2014 – RESOLUTION GRANTING THE APPLICATION FOR APPROVAL OF A DESIGN PLAN FOR THE CONSTRUCTION OF A GARAGE WITH A SET-BACK VARIANCE AND BUILDING HEIGHT VARIANCE WITH RESPECT TO BLOCK 70, LOT 29, MORE COMMONLY KNOWN AS 217 FERNWOOD AVENUE

Resolution # 27-2014 – RESOLUTION GRANTING APPROVAL OF A CHANGE OF USE AND SITE PLAN WAIVER WITH RESPECT TO BLOCK 118, LOT 20, MORE COMMONLY KNOWN AS 219 HIGH STREET

All in favor of memorializing the resolutions.

ADJOURNMENT

Upon the motion of Mr. Carnivale, seconded by Mr. Ballard, the meeting of August 27, 2014 was adjourned.