

CITY OF BURLINGTON

LAND USE BOARD MEETING MINUTERS

JULY 24, 2013

The City of Burlington Land Use Board held their regular monthly meeting on Wednesday, July 24, 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, Councilwoman Helen Hatala, Michael Johnson, Charles Johnston, and Raymond Schobert (8). Absent: Officer Mercuri and David Tishler (2).

Also present: Board Solicitor M. Lou Garty, Engineer Wendell Bibbs, Board Planner Bob Perry and Board Secretary Diane Burns.

APPLICATIONS

Continuation: Arcadis

Application #670-13

24 East State Hwy. (Rt. 30 S.) Block 164, Lots 15-19)

Site plan – use variance / remediation trailer

Attorney Anthony Rainone of Brach Eichler represented the application along with Project Manager Peter Morris. The purpose of the remediation trailer is to clean up the soil as a result of former uses of the property. The site is the former Burlington Diner location at the corner of Rt. 130 S. and Lawrence Street and is now the parking lot for Amy's Omelette House Restaurant. Attorney stated the structure is permitted and meets all setbacks. Board Solicitor Garty stated the application is for a sketch review with variances. In response to the Board Engineer's review letter of June 13, 2013, members reviewed Arcadis's response letter dated July 22, 2013. Exhibits of the exact location which is the North East corner of the property reviewed. Size reviewed: 8'x15'x8' high. Representatives of the application reviewed the reasons for this location. It was explained this location is void of any ingress or egress and it is in the work zone. An exhibit of the remedial enclosure reviewed. Color will be beige. The unit

is enclosed by an 8' fence with privacy slats for safety reasons. When questioned, General Manager Morris testified the unit will be on site for a few years. When it is removed, the pavement will be repaired. Only two (2) parking spaces. Arcadis personnel will visit the site occasionally every month as the unit is self sustained. There will be no harm to pedestrians or to cars. The location will not interfere with ingress or egress or to emergency vehicles access. Engineer Bibbs stated he feels the blanks have been filled in. He will require a more detailed plan be submitted showing the fencing, showing the space around the fence and slates and gates as well. No public comment. When questioned, it was explained the proposed 8' high fence will be as tall as the unit itself. The unit will be in operation everyday for 24 hours a day. The noise is similar to a commercial air condition unit. There will be no generator running. The unit will sit 5' back from the sidewalk and only two (2) parking spots will be lost. When questioned, Mr. Morris stated he is unsure at this time if the parking spots will be marked. Solicitor Garty summed the sketch plan application with variances with conditions a detailed plan of location and nature of fence be submitted. Engineer Bibbs stated this is considered an accessory structure for two (2) years. Being no further discussion required Mr. Carnivale moved for approval of the sketch plan with variances with the stipulations discussed this evening regarding the location and a more detailed plan being submitted, second from Mr. Ballard. Roll call vote. Not Voting: Councilwoman Hatala (1). All in favor.

Andre and Ramona Davis

Application #675-13

18 Lynn Drive (Block 229.02, Lot 9)

Variance – 6' fencing

Solicitor Garty swore in Applicant Andre Davis. Mr. Davis explained he lives on a dead end of Scott Road and in this area is a local deli and liquor store. He stated he works during the night and has witnessed individuals walking through this area late at night. He feels this is unsafe for his wife and home. Location of the white vinyl fence reviewed along with the marked survey. Mr. Davis also testified the dead end area is used as a drop off location for tires, limbs, trash, etc., which he has reported to the City. Board Planner Perry reviewed the location of the fencing which will cut across to the neighboring property and run across the back and across an easement. Mr. Perry discussed the drainage easement. Mr. Perry explained the owners need to be aware that if the City needs to work on the pipes it will be at the owner's expense to replace the fence. Mr. Perry concluded his comments by stating this area is level ground. It was also noted the owner will call the "dig number" so as not to damage any pipes. Mr. Davis agreed the replacement of the fencing in case of future City repairs will be at his expense. No

public comment. Being no further questions Mr. Schobert moved for approval as discussed, second from Mr. Johnson. Roll call vote: Recusing Themselves: Councilwoman Hatala (1). All in favor.

Joe Britton

Application #: 676-13

72 Wellington Place (Block 185, Lot 35)

Variances / add on to existing garage

Board Member Ballard recused himself from the application. Applicant sworn in by Solicitor Garty. Applicant Britton explained the purpose of adding onto the existing shed/garage. The reasons for the additional space is to allow for more storage space for his family. Submitted blue prints drafted by Mr. Britton himself were reviewed. He proposes the 12'x24' garage be enlarged on the first floor which is utilized for storage of his business tools, etc. and the second floor space will be used for his family storage needs. Mr. Britton explained his four bedroom house does not have enough storage space. He has two (2) girls with a lot of sport equipment. He feels his home is just too packed. The existing garage is now used for the storage of his tools and equipment. He concluded his presentation by stating he is simply tired of being cramped and he really does not want to leave his home. Exact location reviewed. Mr. Britton explained he owns the home next door his sister lives in and owns several houses across the street from him. Edna his next door neighbor who this will affect the most is present this evening. When questioned, he explained he is adding a second level and widening the existing garage 8' towards his home. He stated there will be no plumbing in the garage; but, there is permitted electric. Planner Perry stated the applicant appeared before Screening with two options and it was suggested at that time that this plan is the best option as variances will not be increased. Mr. Perry also noted this is not be a habitable structure. It was explained to the rear of the Britton residence is woods. Mr. Britton noted the structure will be roofed and sided to match his home and noted the work is what he does for a living and assured everyone he takes pride in his work. Councilwoman Hatala questioned if the exterior steps to the second floor will be covered. Mr. Britton stated no and noted the mahogany stairs will be stained. Solicitor Garty questioned if the applicant will agree to no plumbing, no kitchen, no living area and no heating elements. Applicant agreed. Public Comment: Edna Boyer of 68 Wellington Place sworn in. Ms. Boyer stated she is clear with what is proposed and has no problems with the application. Attorney Jeff Snow, along with his client Mike Polito of 168 and 180 E. Seventh Street appeared. Mr. Snow stated they appeared as the notice indicated the applicant was applying for a use variance. Mr. Britton responded by stating he plans to enlarge the first floor garage for storage

of his business tools such as ladders, air guns, small stuff, hoses, etc. as he has been utilizing it for the past 17 years and the second floor addition will be used for family storage. Solicitor Garty explained the application is for bulk variances. Councilwoman Hatala commented a home occupation is allowed in the R-2 zone. Mr. Britton stated he has no office. Planner Perry stated this is not a commercial garage based upon his inspection of the site. He further commented there are no signs of a business being operated. Mr. Britton commented due to the layout of the property that a vehicle can't get to the garage. Public portion closed. Solicitor Garty summed the bulk variances application to enlarge the existing garage to a 20'x24' size with a second floor for personal storage items, there is to be no plumbing, no habitable space, no kitchen and no A/C or heating elements. Being no further discussion required Mr. Carnivale moved to approve the application, second from Vice Chairman Richter. Roll call vote. Recusing Themselves: Ballard (1). All in favor.

NO PUBLIC COMMENT.

BOARD BUSINESS

Chairwoman Conaway stated the Board will act on the November and December dates at the August meeting.

Mr. Carnivale moved to accept the June 2013 minutes as submitted, second from Mr. Ballard. All in favor.

PENDING RESOLUTIONS

1). Delores Robb / 302 Jones Avenue (Block 150, Lot 2) – Certificate for a Pre-existing Nonconforming Use status for 2 units approved. 2). Ryan and Laura Phillips / 749 Columbus Road (Block 206, Lot 23) - variances for a 6' fence and addition to an existing deck approved. 3). John Brady / 6 W. Pearl Street (Block 12, Lot 5) - change of use approved for a historic house museum approved. 4). Ms. Hubbard / 1115 Salem Road (Block 106, Lots 5-8, 13.01 and 45.01) – 6' fencing project. 5). Billy J. Wheatley / 16-18 East Union Street (Block 135, Lot 1) – change of use approved for a thrift shop. Board Member Carnivale moved to approve the resolutions, second from Mr. Johnson. All in favor.

There being no further business the meeting was adjourned at 8:05 PM.

Respectfully submitted,

DIANE BURNS, Secretary to the Board