

CITY OF BURLINGTON
LAND USE BOARD MEETING MINUTES

SEPTEMBER 25, 2013

The City of Burlington Land Use Board held their regular monthly meeting on Wednesday, September 25, 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 and Raymond Schobert (7). Absent: Messrs. Johnson, Johnston and Tishler (3).

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

APPLICATIONS – Continuation:

Application #678-13

Lisa A. Caplan

539 Rutgers Avenue (Block 193, Lots 13 & 14)

Variance – 6' fencing

Board Member Ballard stated he is able to participate in the application as he has listened to the September tape and personally visited the property. Planner Perry reviewed the updated survey with Board Members which he feels is fine. Both fences will tie into existing fences. Mr. Ballard stated he feels there are no issues. No public comment. Being no further discussion Mr. Ballard moved to approve the fencing project per the updated survey and discussions, second from Mr. Carnivale. Roll call vote. Recusing Themselves: Mr. Schobert (1). All in favor

Application #681-13

Cecchi Partnership

415 St. Mary Street / AKA 340 E. Broad Street (Block 145, Lot 60)

Use variance & site plan waiver for multi-tenant, office, warehouse, light manufacturing, light industrial, office and distribution, separately and in combination

Attorney George Hulse represented the application along with Christina Cecchi, 10 Riverbank, Beverly, NJ, who runs the partnership was sworn in by Solicitor Garty. Attorney Hulse stated they are present this evening to establish the uses that this building has housed in the past 100 years. He continued by stating the building still has continued uses in the various portions of the property consistent with the uses through the years. He noted the applicant seeks a site plan waiver since it is not proposing any new site improvements that would impact upon the site plan. Also sworn in was witness William Baird of 315 Wood Street, Burlington, NJ. Ms. Cecchi stated the site was used for office, warehouse, light manufacturing and distribution by the Olivetti Company in 1964. The uses continued after the property was purchased in 1973 by Mirafoam and American Foam Rubber, the seller, manufacturer and warehouse of designer pillows. In 1980, when Ms. Cecchi's parents obtained ownership of the property, pillow manufacturing continued to operate at the site but on a smaller scale and portions of the building were leased to other tenants for the same office, warehouse, light manufacturing and distribution uses. Since that time, the light pillow manufacturing has continued as have all the other uses by different tenants. William Baird, who has been a resident of Burlington for 70 years except for his first five years of life, stated he lived most of those years at 312 E. Union Street and is very familiar with the property. Mr. Baird reviewed various owners and a variety of uses such as storage, sales, warehousing, shipping and offices in this building. He stated around 1946 through the 80's Olivetti / Underwood was making ribbons for business machines and manufactured parts for type writers and other business machines. He stated he remembers no changes through the years to the building but notes the building has been well maintained. Property Manager Christina Cecchi stated the building has been in the family since 1972 when Mirafoam utilized the entire building for producing pillows and bedding for high end designer department stores and continued to do so to about 1980. In the early 80's Mirafoam downsized due to competition; but, still remains. Attorney Hulse and Ms. Cecchi briefly reviewed the submitted documentation and photographs submitted with the application. The property is registered with the State and City and pays fees and taxes on an industrial building. When questioned, Ms. Cecchi stated yes to her knowledge the property has always been occupied. Ms. Cecchi stated visitors to the property, as well as inspectors, always compliment the upkeep of the building which is excellent for its age. When questioned, she stated she receives no code violations of any kind. Board Planer Perry stated this is what was spoken

about at Screening when she was advised to make application to the Board so she doesn't have to keep coming back in an effort to make it easier. Attorney Hulse agreed they are appearing to create a record for the uses and in the alternative an application for a use variance which he doesn't feel needs to be addressed per the testimony. Solicitor Garty summed the testimony for light industry and other uses such as offices, shipping, etc. per the ordinance requirements that may not fit. Planner Perry recommended the approved uses be based on the buildings history which was reviewed this evening. Attorney Hulse stated there is no history of food or beverage being manufactured or processed in the building or vehicle manufacturing or repairs. Board Member Ballard stated Volks Tech received a use variance several years ago which was abandoned. Ms. Cecchi agreed. A brewery would be excluded. No public comment. Solicitor Garty stated the Board on the testimony given this evening could grant a Certificate of Pre-Existing Nonconforming Use. Being no further discussion Board Member Carnivale moved to grant the Certificate of Pre-Existing Nonconforming Use as discussed, second from Vice Chairman Richter. Roll call vote. All in favor. Dave Ballard left the meeting.

BOARD MINUTES

Board Member Carnivale moved to accept the minutes of the August 28, 2013 meeting, second from Mr. Schobert. All in favor.

BOARD BUSINESS

Board Solicitor Garty announced the Board has been asked to review a Street Vacation Application (a portion of) Williams Street request submitted by Ingerman Development Co., Inc. per Council's request. Planner Perry and Ms. Garty briefly reviewed the request. Planner Perry stated the Board has already granted 2012 development approval to Ingerman. No public comment. Solicitor Garty stated she has already prepared a resolution for Council if there are no objections. Officer Mercuri moved to recommend approval to the Governing Body, second from Mr. Carnivale. Roll call vote. Not Voting: D. Ballard (1). Recusing Themselves: Councilwoman Hatala (1). All in favor.

PENDING RESOLUTIONS

1). Board recommending approval to the City of Burlington Governing Body for an Application to vacate a 485 foot wide portion of Williams Street. 2). Daniel Perro and Dino Zavalucci / 115

W. Union Street (Block 8, Lot 10) – Certificate of Valid Nonconforming Use approved for 2 units. 3). Phillip and Mary Anne Augustyn / 307 High Street (Block 135, Lot 3) – change of use approved. 4). Lisa A. Caplan / 539 Rutgers Avenue (Block 193, Lots 13 & 14) – 6’ fencing approved. Mr. Carnivale moved for approval, seconded by Officer Mercuri. Roll call vote. Not Voting: Ballard and Schobert (2). All in favor.

There being no further business the meeting was adjourned at 7:48 PM.

Respectfully submitted,

DIANE BURNS, Secretary to the Board