

**TOWNSHIP OF BURLINGTON  
BURLINGTON COUNTY, NJ 08016  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING, SEPTEMBER 16, 2015**

The regular meeting of the Burlington Township Zoning Board of Adjustment was held on Wednesday, September 16, 2015, at 7:00 P.M. at the Township Municipal Complex.

**PRESENT:** Debbie Painter; Toni Horner; Matthew Farr; Joseph Butler; Jeff Mullen; Davis Vancamp; David Gillespie; Daniel Carducci; Varinder Bal; Scott Hatfield, Board Engineer; Joseph Augustyn, Board Planner; Joseph Fishinger, Board Traffic Engineer

**ABSENT:** Richard Ransom; Joseph DiGiovanni; Kevin Aberant, Esq., Board Solicitor;

Dennis Germano, Esq. was present for Kevin Aberant, Esq., Board Solicitor.

Chairman Ransom's absence was due to a conflict of interest.

Vice-Chairman Gillespie called the meeting to order. He opened the meeting by reading The "Statement of Minutes" as follows:

PUBLIC NOTICE of this meeting pursuant to the Open Public Meetings Act has been given by Zoning Board of Adjustment in the following manner:

- (a) Posting written notice on the official bulletin board at the Township Municipal Complex on January 6, 2015;
- (b) Mailing written notice to the Courier Post and Trenton Times on January 8, 2015, by certified mail, return receipt requested; delivered notice to the Burlington County Times on January 6, 2015, hand receipt obtained; and Legal Ad in the Burlington County Times on January 8, 2015;
- (c) Filing written notice with the Clerk of the Township of Burlington on January 6, 2015.

**Correspondence**

There was no correspondence.

**FLDSJ at Burlington City, LLC** – Block 144.04 Lots 1.01, 7 and 8.01. Elma Avenue and Neck Road.

Applicant is seeking a use Variance to demolish existing structures and proposes to construct 2 single family detached homes on Elma Ave. and 5 townhouses fronting on Neck Road. The property is split-zoned being located partially in the B-3 Business Zone and partially in the R-12 Residential Zone.

Gary Zanger, Esq. was present for the application. He introduced Fernando Pinho, Applicant and William Nicholson, PE. Both were sworn in.

This application proposes 5 townhomes and 2 single-family detached homes. The tract has frontage on Elma Avenue and Neck Road.

Mr. Pinho explained that the current structures on the site are vacant and in poor condition. He is proposing 2 single-family homes and 5 townhomes on the property.

Mr. Bal arrived at this time in the meeting.

Mr. Nicholson gave an overview of an architectural rendering showing 2 single-family homes, marked as Exhibit A-1, and an architectural rendering showing 5 townhomes, marked as Exhibit A-2.

Mr. Pinho stated that he resides 75 yards from the site so it is in his best interest to make sure this project is done right and aesthetically pleasing.

Mr. Nicholson gave an overview of the site plan, marked as Exhibit A-3.

Mr. Gillespie questioned if the townhomes will have an association.

Mr. Pinho stated that he is not looking to have a homeowners association for the townhomes.

Mr. Gillespie questioned the homes being proposed as fee-simple.

Mr. Hatfield requested a copy of the Phase I.

Mr. Nicholson reviewed the subdivision sketch, marked as Exhibit A-4.

At this time Vice-Chairman Gillespie opened the meeting to the public.

Karin Shinn – 1102 Neck Road. Sworn in.

Ms. Shinn stated that she is in full support of the application.

Giovanni Parlato – 12 Pleasantview Drive. Sworn in.

Mr. Parlato stated that he is against the application and would like to see less townhomes proposed.

Albie Perry, PE – 23 Cromwell Road, Jackson. Sworn in.

Mr. Perry stated that he represents the adjacent property owners at 7 Elma Avenue. He expressed concern with the townhomes and feels the driveways will bring too much asphalt to the area. He requested a buffering between the 2 single-family homes and existing residential homes.

John Matthews – 3 Kingsway Drive. Sworn in.

Mr. Matthews stated that he has lived in that area for 26 years and works at Luigi's. He feels it is a huge improvement to the area and is in support of the application.

Mark Porzuc – 15 Pleasantview Drive. Sworn in.

Mr. Porzuc stated that he is opposed to the application and feels that the 2 single-family homes are too large and the backyards for the townhomes are too small.

Michael Donahue – 9 Elma Avenue. Sworn in.

Mr. Donahue stated that he is opposed to the application. He made reference to the price he thinks applicant paid for the property and his profit.

Mr. Germano stated that applicant's profit is not a relevant land use issue.

Joann Maclane – 8 Falcon Lane. Sworn in.

Ms. Maclane stated that she is opposed to the application.

Dennis Mazar – 32 Centre Avenue. Sworn in.

Mr. Mazar stated that he is opposed to the application and feels there should be a home owners association for the townhomes to keep them looking nice years down the road.

Mr. Zanger stated that applicant is willing to consider a homeowners association.

There being no other public comment, that portion of the meeting was closed.

Mr. Augustyn reviewed his report of July 13, 2015. He submitted pictures of the site to the Board and reviewed the criteria of the Master Plan.

Mr. Hatfield reviewed his report of July 28, 2015.

Mr. Fishinger stated he has no report at this time and that his concerns would be handled at site plan.

Mr. Zanger offered a summary of the application for the Boards review.

**MOTION** made by Mrs. Horner and seconded by Mr. Butler to deny the application. On roll call the following vote was recorded:

- AYES: Mrs. Horner – stated that 5 townhomes are too many.
- Mr. Butler - stated that 5 townhomes are too many.
- NAES: Mrs. Painter - stated she is in favor of the application.
- Mr. Farr – stated he feels it is a good fit for the area.
- Mr. Mullen – stated he feels the site is suitable.
- Mr. Vancamp – stated he feels the site is suitable and there is no detriment to the Master Plan.
- Vice-Chairman Gillespie – stated he feels applicant has met the criteria.

Vive-Chairman Gillespie declared the motion denied.

**MOTION** made by Mr. Farr and seconded by Mrs. Painter to approve the application for a Use Variance. On roll call the following vote was recorded:

- AYES: Mrs. Painter, Mr. Farr, Mr. Mullen, Mr. Vancamp, Vice-Chairman Gillespie
- NAES: Mrs. Horner, Mr. Butler
- ABST: None

Vice-Chairman Gillespie declared the Motion carried.

**Reports**

**Solicitor’s Report** – Mr. Germano stated that he had no report.

**Engineer’s Report** – Mr. Hatfield reported on Johnson’s Specialized Transportation. He stated that he has not received plans from the applicant.

**Planner’s Report** – Mr. Augustyn reported on the TJC Development, LLC v. Township of Burlington Zoning Board of Adjustment hearing before Judge Harrington.

**Traffic Engineer’s Report** – Mr. Fishinger stated that he had no report.

**Approval of Minutes**

Vice-Chairman Gillespie requested a Motion to approve the minutes of the July 15, 2015 Regular meeting.

**MOTION** made by Mr. Butler and seconded by Mrs. Painter to approve the minutes from the August 19, 2015 Regular meeting. On roll call the following vote was recorded:

- AYES: All      NAES: None
- ABST: Mr. Farr

Vice-Chairman Gillespie declared the Motion carried.

**Adjournment**

There being no further business, **MOTION** made by Mrs. Horner and seconded by Mr. Butler carried unanimously, that this meeting be adjourned. On roll call the following vote was recorded:

- AYES: All                      NAES: None

Vice-Chairman Gillespie declared the Motion carried.

There being no further business, Vice-Chairman Gillespie adjourned the meeting.

Respectfully submitted,

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Debbie Painter, Secretary

APPROVED: \_\_\_\_\_

/kaa