

**TOWNSHIP OF BURLINGTON  
BURLINGTON COUNTY, NJ 08016  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING, JANUARY 21, 2015**

The regular meeting of the Burlington Township Zoning Board of Adjustment was held on Wednesday, January 21, 2015, at 7:00 P.M. at the Township Municipal Complex.

**PRESENT:** Debbie Painter; Toni Horner; Matthew Farr; Joseph Butler; David Gillespie; Jeff Mullen; David Vancamp; Daniel Carducci; Varinder Bal; Richard Ransom; Kevin Aberant, Esq., Board Solicitor; Scott Hatfield, Board Engineer; Joseph Augustyn, Board Planner;

**ABSENT:** Joseph DiGiovanni;

The presence of the Board Traffic Engineer was not required at this meeting.

Chairman Ransom 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 December 31, 2013;
- (b) Mailing written notice to the Courier Post and Trenton Times on December 30, 2013, by certified mail, return receipt requested; delivered notice to the Burlington County Times on December 31, 2013, hand receipt obtained; and Legal Ad in the Burlington County Times on January 3, 2014;
- (c) Filing written notice with the Clerk of the Township of Burlington on December 31, 2013.

**Correspondence**

The correspondence was read by Mrs. Painter and filed.

**Laura & Michael Cannon** – 11 Whitford Drive, Block 129.16, Lot 1, Zone R-20 MPRD.

Applicant is requesting the construction of a single story addition to an existing single family dwelling with a front yard setback of 15' where 25' is the minimum required, rear yard setback of 35' where 40' is minimum required and building coverage of 28.6% where a maximum of 25% is permitted.

Laura Cannon, Michael Cannon and Piero Girmaldi, Architect were all present and sworn in.

Mrs. Cannon stated that they are looking to add a bedroom, bathroom and sitting area to their home to accommodate her elderly parents. They are on a corner property so the front yard setback that they are requesting is what they consider their side yard.

Mr. Cannon submitted a copy of the architectural plans that include the direction of the downspouts for the water runoff.

Mr. Hatfield stated that the plans are not adequate and it appears the property is graded towards the right rear of the property. He stated that additional information will be required to be submitted if the application is approved.

Mr. Cannon stated that they have looked at other areas of the property to put the addition and the proposed plan was the most logical for them.

Mr. Hatfield reviewed his report of January 13, 2015. He is concerned with the drainage because of the additional lot coverage. He also expressed concern with the 4' fence that is located within the Utility Easement, which a fence permit was granted for in 2002. He made the applicant aware that the utility company is not responsible for the fence if they were to access that area.

Mr. Augustyn reviewed his report of January 13, 2015. He reviewed the section of the Land Use Law that applicant must address.

At this time Chairman Ransom opened the meeting to the public.

Ken Randall and Ann Duggan – 16 Whitford Drive. Both sworn in.

Mr. Randall stated that they live directly across the street and concerned about the size of the addition.

Mrs. Duggan expressed that she feels the addition is massive and does not see the need for 6 additional rooms. She expressed concern that if there is a new home owner that the addition will be rented out since it is an actual separate living space.

Alexander Jones – 6 Woodstone Drive. Sworn in.

Mr. Jones expressed concern with the size of the addition and it being rented out.

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

Mr. Cannon stated that they have considered other locations of the home for the addition and they chose this because there is no neighbor on that side and it was most logical. He added that the shape of their lot limits them to the options of location of the addition.

Mr. Farr questioned if there are provisions set forth by the Township that does not allow for just a portion of the house to be rented.

Mr. Aberant stated that the Township allows for the whole residence to be rented, but not just a portion.

Mrs. Horner expressed that she does not see the addition being a detriment.

Mr. Hatfield requested a report addressing the drainage and applicant to demonstrate that no part of the addition will be located in a sight triangle. He stated that both requests will be contingencies of approval.

**MOTION** made by Mrs. Horner and seconded by Mr. Gillespie to grant construction of a single story addition to an existing single family dwelling with a front yard setback of 15' where 25' is the minimum required, rear yard setback of 35' where 40' is minimum required and building coverage of 28.6% where a maximum of 25% is permitted. Contingent upon Mr. Hatfield's report of January 13, 2015, Mr. Augustyn's report of January 13, 2015, applicant to submit a report addressing the drainage and demonstrate that no part of the addition will be located in a sight triangle. On roll call the following vote was recorded:

AYES: Mrs. Painter stated that it is not a detriment to the neighborhood or Burlington Townships Master Plan.  
Mrs. Horner stated that it is not a detriment to the neighborhood or Burlington Townships Master Plan.  
Mr. Farr stated that the plans were well done and feels that it will fit in with the neighborhood.  
Mr. Butler stated that it is with the understanding that the drainage will be addressed.  
Mr. Gillespie stated that he feels that it is not a detriment to the neighborhood.  
Mr. Mullen stated that he feels that it will be a compliment to the neighborhood.  
Chairman Ransom stated that he feels that it will be a positive for the neighborhood.

NAES: None

ABST: None

Chairman Ransom declared the Motion carried.

Mr. Gillespie excused himself from the Board at this time in the meeting.

**Terri Realty Associates, LLC** – 3 Terri Lane, Block 120.03, Lot 2, Zone I-1.

Applicant is requesting a Minor Site Plan approval to add 8 parking spaces to an existing site.

Ryan Schaffer, Esq. was present for the application. He introduced Tim O'Brien from Terri Realty Associates, who was sworn in.

Mr. Aberant explained that this application is in relation to Optimal Health Club that received a Site Plan Waiver in August 2014. There was a question raised regarding what appeared to be unapproved parking spaces shown on the plan at that time. The application was approved contingent upon the landlord filing an application with the Board requesting approval for those 8 parking spaces.

Mr. Hatfield reviewed his report of January 13, 2015. He reviewed the items in the Preliminary Minor Site Plan Review Checklist that still needed to be addressed.

Mr. O'Brien stated that Terri Realty Associates, LLC is the owner and that there are no protective covenants, easements or deed restrictions on the site.

Mr. O'Brien requested that the recommended signage be located on the building.

Mr. Hatfield agreed and stated that he would work with the applicant on that issue.

Mr. Hatfield questioned the need for those additional parking spaces when there are so many that are not currently being utilized.

Mr. O'Brien stated that 2 years ago the building was completely utilized and all the spaces were used at that time. He hopes that the health club grows and doesn't want to run into an issue with there not being enough parking.

Mrs. Painter questioned the rear parking and their intent to be used for employees.

Mr. Hatfield stated that it is more for convenience and safety of gym members being able to park so close to the building.

Mrs. Painter suggested that the area be striped.

Mr. Hatfield agreed with Mrs. Painter's suggestion.

Mr. Muller questioned if other buildings have parking in the rear.

Mr. O'Brien stated that 5 Terri Lane has parking in the rear but the lot is shaped differently.

At this time Chairman Ransom opened the meeting to the public. There being no public comment that portion of the meeting was closed.

**MOTION** made by Mr. Farr and seconded by Mr. Butler to grant a Minor Site Plan approval to add 8 parking spaces to the existing site; waiver from all buildings, structures, wooded areas, lights and paving within 100 feet of the site; and names of owners, lot lines and block/lot number of lands within 200 feet of the site. Contingent upon Mr. Hatfield's report of January 13, 2015; a minimum 25' wide clear zone to be provided around the spaces to permit adequate two-way vehicular circulation; and striping will be provided instead of signage. On roll call the following vote was recorded:

AYES: Mrs. Painter; Mrs. Horner, Mr. Farr, Mr. Butler, Mr. Mullen, Mr. Vancamp, Mr. Carducci, Mr. Bal,  
Chairman Ransom

NAES: None

ABST: None

Chairman Ransom declared the Motion carried.

**Miscellaneous**

A. Johnson's Transportation request to be heard at the February 18, 2015 meeting.

Mr. Hatfield stated that he has not received anything from the applicant since the approvals were granted.

Mrs. Liss stated that the applicant tows vehicles for the Burlington Township Police Department and questioned if would be able to continue to do so.

Mr. Aberant stated that the applicant is not in compliance and should not be on the towing list for Burlington Township.

**Reports**

**Solicitor's Report** – Mr. Aberant requested a motion to approve the following resolutions:

**Kristin & Christopher Pastor** – 1 Horseshoe Drive, Block 147.04, Lot 1, Zone R-12.

**Florence M. Saylor** – 1504 Burlington-Mt. Holly Road, Block 114, Lot 1, Zone R-12.

**Gadoury Holdings, LLC** – 206 Sunset Road, Block 114.01, Lot 12.01, Zone R-12.

**MOTION** made by Mr. Farr and seconded by Mr. Mullen to approve the above resolutions and that they be made part of the December 2014 minutes. On roll call the following vote was recorded:

AYES: Mrs. Painter; Mrs. Horner, Mr. Farr, Mr. Butler, Mr. Mullen, Mr. Vancamp, Chairman Ransom

NAES: None

ABST: None

Chairman Ransom declared the Motion carried.

**Engineer's Report** – Mr. Hatfield stated he had no report. He thanked the Board for the reappointment.

**Planner's Report** – Mr. Augustyn stated he had no report. He thanked the Board for the reappointment.

**Traffic Report** – Jay Cruz from the Dewberry firm was present and thanked the Board for reappointing his firm for 2015.

**Zoning Report** – Mrs. Liss stated that she had no report.

**Approval of Minutes**

Chairman Ransom requested a Motion to approve the minutes of the December 17, 2014 Regular meeting.

**MOTION** made by Mr. Farr and seconded by Mrs. Horner to approve the minutes from the December 17, 2014 Regular meeting. On roll call the following vote was recorded:

AYES: Mrs. Painter; Mrs. Horner, Mr. Farr, Mr. Butler, Mr. Mullen, Mr. Vancamp, Chairman Ransom

NAES: None

ABST: Mr. Mullen

Chairman Ransom declared the Motion carried.

**Adjournment**

There being no further business, **MOTION** made by Mr. Farr and seconded by Mr. Butler carried unanimously, that this meeting be adjourned.

On roll call the following vote was recorded:

AYES: All                      NAES: None

Chairman Ransom declared the Motion carried.

There being no further business, Chairman Ransom adjourned the meeting.

Respectfully submitted,

\_\_\_\_\_  
Debbie Painter, Secretary

APPROVED: \_\_\_\_\_  
/kaa