

**TOWNSHIP OF BURLINGTON
BURLINGTON COUNTY, NJ 08016
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING, JULY 15, 2015**

The regular meeting of the Burlington Township Zoning Board of Adjustment was held on Wednesday, July 15, 2015, at 7:00 P.M. at the Township Municipal Complex.

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

ABSENT: Matthew Farr;

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 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.

LPG Properties, LLC – Block 153 Lot 21.01, 511 Neck Road.

Applicant is requesting a Use Variance and Site Plan Waiver to permit trucks to park on the site that are not affiliated with the existing business (TCM Sweeping) on the site.

Jonas Singer, Esq. was present for the application. He introduced Joseph Glassmire, Applicant, and James Miller, PP. Both were sworn in.

This application proposes two principle uses on the same lot. TCM Power sweeping is the original business approved in 2006. Applicant is now proposing a "Truck Parking" (truck and vehicle storage) business as the second principle use on the property.

Mr. Glassmire offered testimony on the business. He stated that his property is 13 acres and referred to the previously approved site plan, dated November 7, 2006, marked as Exhibit A-1.

Mr. Glassmire stated that he currently leases out a portion of his property to tractor trailer truck owners that are independent contractors. They pick up and drop off their trucks at all hours when needed. The main business, (TCM Sweeping), has trucks that come and go from the site at all hours as well.

Mr. Gillespie questioned Mr. Glassmire's interest in the company.

Mr. Singer stated that Mr. Glassmire maintains a position with both TCM and LPG.

Mr. Butler questioned security.

Mr. Glassmire stated that they have a fence and camera surveillance.

Mr. Hatfield questioned the weight of the tractor trailer trucks.

Mr. Glassmire stated that they weigh about 30-40 tons.

Mr. Hatfield stated that the road has a 10 ton weight limit.

Mr. Glassmire stated that some of his trucks are over 10 tons in weight and he was given approval to utilize the road from his driveway to Route 130.

Mr. Glassmire stated that he currently has 12 trucks that he does not own parked on his property and wants to increase it to 25. The lot can hold 50 but he doesn't want to increase to that amount because of his primary business, TCM Sweeping, utilizes the property and wants that space available in the event that all of the vehicles need to be on the lot at one time.

Mr. Gillespie questioned the schedule of the tractor trailers.

Mr. Glassmire stated that he does not know their schedule.

At this time an extensive discussion occurred regarding the number of tractors and the number of trailers to be parked.

Mr. Glassmire clarified that he is looking for 28 parking spaces, 25 for tractor and trailer, and 3 for just trailers.

Mr. Miller was qualified as an expert. He gave an overview of 2 aerial photographs of the site and surrounding area, marked as Exhibit A-2.

Mr. Miller explained that the Township Ordinance does not allow tractor trailer parking within a residential neighborhood so anybody that makes a living as a trucker has to find a place to keep it. This is an appropriate use for this site. He reviewed the positive and negative criteria.

Mr. Hatfield questioned the number of residential properties in the area.

Mr. Miller stated that there are 55 residential properties but feels that the area is predominately industrial.

Mr. Fishinger questioned Mr. Miller's opinion on the weight limit on Neck Road.

Mr. Miller stated that it is appropriate since it was zoned Industrial and will have to be worked out with the County.

Mr. Augustyn reviewed his report of June 12, 2015.

Mrs. Liss questioned the tanker trucks.

Mr. Glassmire stated that he has addressed the two tanker trucks that are currently parked on his lot with the Fire Department. They requested that the trucks be moved to the back of the property. He stated that the tanker trucks are included in the requested 28 spaces.

At this Chairman Ransom opened the meeting to the public.

Illona Brock – 602 Neck Road. Sworn in.

Ms. Brock expressed concern with the truck traffic, trucks idling, security and her property value.

Walter Pearson – 509 Neck Road. Sworn in.

Mr. Pearson expressed concern with the truck traffic, noise and turning radius of the trucks.

Diane Jackson – 403 Neck Road. Sworn in.

Ms. Jackson expressed concern with the truck traffic.

Carol Bentley – 514 Neck Road. Sworn in.

Ms. Bentley expressed concern with the truck traffic, the hours they travel and the noise.

Judy Corson – 507 Neck Road. Sworn in.

Ms. Corson expressed concern with the truck traffic, the noise they make going over the railroad tracks, the amount of trucks and the speed.

Kyle Hinkel – 10 Baird Avenue. Sworn in.

Mr. Hinkel expressed concern with the noise, diesel fumes and dust.

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

Mr. Singer stated that this site is zoned Industrial.

Mr. Gillespie expressed concern with the lack of control that the applicant has over the tractor trailer trucks and the noise of the trucks.

Mr. DiGiovanni expressed concern that it is a 24 hour 7 day a week operation and the applicants ignorance to the 2006 resolution.

Mrs. Horner expressed concern that the applicant does not know what is in the trailers that enter his site.

Mrs. Painter expressed concern that there is no formal agreement with the people that park on his property and not knowing their schedule.

Mr. Vancamp expressed concern that the applicant has taken the liberty to expand the use and business since the original approval.

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

AYES: Mrs. Painter stated that it is not consistent with the Master Plan.

Mrs. Horner stated applicant does not know what is in the trailers entering his site and has no control.

Mr. Butler stated that it is not good for the public health with the truck fumes.

Mr. Gillespie stated it does not satisfy the negative criteria and there are no hours of operation.

Mr. Mullen stated that there is no control over hours of operation and road is not big enough for trucks.

Mr. DiGiovanni stated there is a lot of concern for the overall safety of the surrounding neighborhood.

Chairman Ransom stated that it is not permitted and concerned about what is contained in the trailers.

NAES: None

ABST: None

Chairman Ransom declared the motion carried.

Reports

Solicitor's Report – Mr. Aberant reported on TJC whose application was before the Board last year and denied. They will be heard in court tomorrow at which he will be attending.

Engineer's Report – Mr. Hatfield reported on FLDSJ at Burlington City, LLC. Applicant was originally scheduled for this evening but had to reschedule. He encouraged the Board to visit this property before the next meeting.

Planner's Report – Mr. Augustyn stated that he had no report.

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

Zoning Report – Mrs. Liss reported on Johnson's Specialized Transportation. She stated that she recently conducted a site inspection for zoning issues and found that applicant has made progress since the last meeting.

Approval of Minutes

Chairman Ransom requested a Motion to approve the minutes of the June 17, 2015 Regular meeting.

MOTION made by Mr. Butler and seconded by Mr. Gillespie to approve the minutes from the June 17, 2015 Regular meeting. On roll call the following vote was recorded:

AYES: Mrs. Horner, Mr. Butler, Mr. Gillespie, Mr. Vancamp, Mr. DiGiovanni, Mr. Carducci, Mr. Bal, Chairman Ransom

NAES: None

ABST: Mrs. Painter, Mr. Mullen

Chairman Ransom declared the Motion carried.

Adjournment

There being no further business, **MOTION** made by Mr. Mullen 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,

Eileen Liss, Secretary

APPROVED: _____
/kaa