

**TOWNSHIP OF BURLINGTON
BURLINGTON COUNTY, NJ 08016
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING, MARCH 19, 2014**

The regular meeting of the Burlington Township Zoning Board of Adjustment was held on Wednesday, March 19, 2014, at 7:00 P.M. at the Township Municipal Complex.

PRESENT: Mr. Butler, Mr. Gillespie, Mr. Mullen, Mr. Farr, Mr. DiGiovanni, Ms. Howell, Mr. VanCamp, Mr. Ransom, Mr. Aberant, Esq., Board Solicitor; Mr. Hatfield, Board Engineer, Mr. Augustyn, Board Planner; Mr. Witkowski, Board Traffic Engineer

ABSENT: Mrs. Painter; Mrs. Horner; Mrs. Craig;

Chairman Ransom called the meeting to order. She 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

Mr. Gillespie read the correspondence as listed on Addendum I. All correspondence was received and filed.

Christopher R. Mozdy – 1 Braxton Lane, R-12 Zone, Block 109.14, Lot 11.

Mr. DiGiovanni stated that he needed to reclude himself from this application.

Mr. Mozdy was present for the application. (sworn in)

This application requests a setback variance to construct a 360 SF garage addition. The addition will extend to 4.9' of the property line, where a minimum of 10' is required. The existing setback for this side yard is 16.9'.

Mr. Mozdy explained that he lives on a corner so he has what is considered 2 front yards. The addition will match the existing garage and home. There are no objections from the neighbors.

Mr. Aberant questioned if applicant will be running a business from the garage.

Mr. Mozdy stated that garage is just for hobby use.

Mr. VanCamp questioned how it will be constructed.

Mr. Mozdy stated that he will probably hire a contractor but explained how he would like it built.

Mr. Hatfield reviewed his letter, dated March 12, 2014. He stated that approval will be contingent upon applicant directing any additional storm water runoff towards the street.

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. Gillespie and seconded by Mr. Farr to grant the installation of a 360 SF garage with a setback of 4.9' where 10' is required. Contingent upon the storm water runoff being directed towards the street and Mr. Hatfield's report of March 12, 2014. On roll call the following vote was recorded:

AYES: Mr. Butler, Mr. Gillespie, Mr. Mullen, Mr. Farr, Ms. Howell, Mr. VanCamp, Chairman Ransom

NAES: None

ABST: Mr. DiGiovanni

Chairman Ransom declared the Motion carried.

Mr. DiGiovanni rejoined the Board at this time.

TJC Development, LLC – 2315 Rancocas Road, Block 110, Lot 1, I-1 Zone with an Age Restricted Housing Overlay.
(Continued from the February 27, 2014 special meeting)

Applicant is requesting a Use Variance to develop a Non-Age Restricted residential townhouse development with seventy units.

Frank Petrino, Esq. was present for the application. He introduced Andrew Janiw, PP; and Scott Slagle, TJC.

This application requests a Use Variance, Building Height Variance, Lot Width Variance, and Lot Area Variance for a proposed seventy (70) unit "Non Age Restricted" residential townhouse development within Burlington's Light Industrial (I-1) Zoning District. The subject property also has an Age-Restricted (AR) Conditional Use overlay.

Mr. Petrino reviewed the New Exhibits being presented by the applicant in addition to the Exhibits from the last meeting. He submitted a list of the exhibits to the Board.

Mr. Slagle reviewed the revised As-of-Right Concept Plan, Marked as Exhibit A-15.

Mr. Hatfield questioned why the LOI has not been submitted.

Mr. Slagle stated that he is under the impression that it was to be submitted with the permits.

Mr. Slagle gave an overview of the photographs of the residential developments located in Burlington Township that are adjacent to warehouse/industrial buildings, marked as Exhibit A-20. He then have an overview of seven photographs of residential developments located adjacent to public recreation facilities and the cross walks provided to access the recreational facilities, marked as Exhibit A-17, along with the speed limits in the area of each of the photos taken.

Mr. Slagle then reviewed a photograph of the recreational facility located proximate to the TJC site, marked as Exhibit A-18, and photographs of the Keith Lane Park which is in disrepair, marked as Exhibit A-19.

At this time an extensive discussion occurred regarding the market for Age Restricted Housing. Exhibits B-1, Board Planner's Report dated February 18, 2014, and Exhibit B-2, Board Traffic Consultant's Trip Generation Comparison dated February 24, 2014, were referenced.

The Subdivision Plan of Block 110, Lot 1, dated March 26, 2012, revised September 12, 2012, was marked as Exhibit B-3 and reviewed.

Mr. Aberant questioned if any consideration was given to rezoning of the property.

Mr. Slagle stated that he remembers asking what his options were when he went before the governing body a couple of years ago.

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

Mr. Janiw referenced the 2008 Master Plan and explained his interpretation of Age Restricted Housing types. He offered testimony on why this site is suited for this use and the physical impact. He stated that the economic study that he conducted shows that the Township schools would benefit from the development.

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

At this time an extensive discussion occurred regarding the B-3 zoning.

Mr. Augustyn questioned Mr. Janiw's testimony on the Master Plan.

Mr. Janiw stated that he just referenced what the Plan stated and his interpretation.

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

Mr. Augustyn reviewed his report of February 18, 2014. He offered a presentation on the 2008 Comprehensive Master Plan, marked as Exhibit B-7, and the Master Plan Land Use Analysis & Recommendations Age Restricted Accommodations, marked as Exhibit B-6.

Mr. Petrino questioned Mr. Augustyn on his testimony.

Mr. Petrino referred to a 2010 report from Mr. Augustyn and questioned him on that report.

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

Tom Widzenas – 2315 Rancocas Road (sworn in)

Mr. Widzenas questioned Mr. Augustyn if he uses speculation.

Mr. Augustyn stated that he does not.

Mr. Widzenas asked several questions about Mr. Augustyn's testimony. He referenced Exhibit B-3, pointing out his property, and continued questioning Mr. Augustyn.

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

Mr. Hatfield (sworn in) offered testimony on water and sewer consumption. He then gave an overview of Exhibit B-8.

At this time an extensive discussion occurred regarding Exhibit B-8, Mr. Hatfield's report.

Mr. Petrino questioned several sites on Mr. Hatfield's report, Exhibit B-8.

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

Tom Widzenas – 2315 Rancocas Road (sworn in)

Mr. Widzenas questioned Mr. Hatfield's knowledge of Whitesell's tax abatement.

Mr. Hatfield explained how tax abatements work and the overabundance of industrial facilities currently in our area.

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

Mr. Witkowski (sworn in) offered testimony on the traffic.

Mr. Petrino referred the Trip Generation Chart, Exhibit A-13, and asked Mr. Witkowski several questions.

Mr. Witkowski stated that he would have to conduct his own study to give a precise answer.

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

At this time Chairman Ransom opened the meeting to the public for general comment.

Tom Widzenas – 2315 Rancocas Road (sworn in)

Mr. Widzenas stated that he is the property owner and has marketed the property for some time now. He feels that denying this application would be a hardship to this family.

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

Mr. Petrino offered a closing summary on the application.

Chairman Ransom requested the opinion of each of the Board Member.

Mr. DiGiovanni stated that we need to keep focus toward the Master Plan.

Ms. Howell stated that she understands the testimony on both parts but we have to look at the Master Plan and if it's good for Burlington Township overall.

Mr. Butler stated that he wonders about the need for additional non-age restricted as well as age-restricted housing.

Mr. Mullen stated that we need to follow the Master Plan and also not cause undue hardship.

Mr. Gillespie stated that there is a need to follow the Master Plan but this application is compelling. He understands the position of the owner as well.

Chairman Ransom stated that we have to consider what is best for Burlington Township now and in the future

Mr. Farr stated that we need to look at the long term planning of the Township and what is best for us.

Mr. VanCamp stated that the application is compelling.

MOTION made by Ms. Howell and seconded by Mr. Gillespie to grant a Use Variance. On Roll call the following vote was recorded:

AYES: Mr. Butler, Mr. Gillespie, Mr. Mullen

NAES: Mr. Farr stated that he feels in the long term Burlington Township doesn't need residential housing and there are many houses presently on the market.

Mr. DiGiovanni stated that the Master Plan is clear. It's zoned for Light Industrial.

Ms. Howell stated that it will discourage additional industrial uses on this site.

Chairman Ransom stated we should stick with the Master Plan and look long term.

ABST: Mr. VanCamp

Chairman Ransom declared the application denied.

Chairman Ransom stated that below applications have been continued to the April 16, 2014 meeting:

New Life Cathedral Primitive Baptist Church

The Dolan Group XV, LLC

Reports

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

Lara & Allan Schwager – 68 Equestrian Drive, R-12 Zone. Block 147.12, Lot 1.

Fran Dungo (5 Points Auto Body) – 1415 Route 130, B-2 Zone, Block 146, Lot 3.01.

RW Real Estate Company, LLC – 4428 Route 130, Zones 130 Zones BLI-1 and B2.

MOTION made by Mr. Gillespie and seconded by Mr. Butler to approve the above resolutions and made them part of the February 2014 minutes. On roll call the following vote was recorded:

AYES: Mr. Butler, Mr. Gillespie, Mr. Mullen, Ms. Howell, Chairman Ransom

NAES: None

ABST: Mr. Farr, Mr. DiGiovanni, Mr. VanCamp

Chairman Ransom declared the Motion carried.

Engineer's Report – Mr. Hatfield stated he had no report.

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

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

Approval of Minutes

Chairman Ransom requested a Motion to approve the minutes of the February 19, 2014 Special and February 27, 2014 Regular meetings.

MOTION made by Mr. Farr and seconded by Mr. DiGiovanni to approve the minutes from the February 19, 2014 Special and February 27, 2014 Regular meetings. On roll call the following vote was recorded:

AYES: Mrs. Painter, Mr. Butler, Mr. Gillespie, Mr. Mullen, Mr. Farr, Ms. Howell, Mr. VanCamp, Chairman Ransom

NAES: None

ABST: None

Chairman Ransom declared the Motion carried.

Adjournment

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

On roll call the following vote was recorded:

AYES: All

NAES: None

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

Respectfully submitted,

Debbie Painter, Secretary

APPROVED: _____
/kaa