

**TOWNSHIP OF BURLINGTON  
BURLINGTON COUNTY, NJ 08016  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING, AUGUST 20, 2014**

The regular meeting of the Burlington Township Zoning Board of Adjustment was held on Wednesday, August 20, 2014, at 7:00 P.M. at the Township Municipal Complex.

**PRESENT:** Mrs. Painter; Mrs. Horner; Mr. Butler; Mr. Gillespie; Mr. Mullen; 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:** Mr. Farr; Mr. DiGiovanni; Mrs. Craig;

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**

There was no correspondence to be filed.

**Nelson G. Lopez** – 15 Ivy Lane, Block 104.27, Lot 31, Zone R-12.

Applicant is requesting a variance to construct a carport with a side yard setback of less than 1' where 5' is required.

Nelson Lopez was present before the Board and sworn in.

Mr. Lopez explained that he paid to have the carport installed and didn't know he needed permission to do so.

Mr. Hatfield stated that based off of the drawing from the company that constructed it, it may be larger and higher than is stated on the application.

Chairman Ransom questioned the need for the structure with a 2 car garage.

Mr. Nelson stated that he has 5 children and uses the garage for storage. He added that he has a box truck and tractor trailer truck.

Mr. VanCamp questioned if the structure is attached to the house.

Mr. Nelson stated that it is not.

Mr. Hatfield stated that it would be considered an accessory structure.

Ms. Howell questioned the reason that the inside wall was left open.

Mr. Nelson stated that it was for the safety of his small children and ability to keep it clean.

Mr. Butler questioned who owns the fence that the structure is up against.

Mr. Nelson stated that the fence belongs to his neighbor.

Mr. Hatfield reviewed his report of August 11, 2014. He stated that the application does not comply with setback requirement, height requirement and the structure has to be a certain distance from the main structure.

Mr. Aberant stated that since they don't know the exact height of the structure he asked if applicant would be willing to adjourn the meeting until the September meeting. He also suggested that applicant ask his neighbor, who is in favor of the application, be present for the meeting.

Applicant agreed.

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. Butler to grant a continuance to the September meeting. On roll call the following vote was recorded:

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

NAES: None

ABST: None

Chairman Ransom declared the Motion carried.

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

**SCSK, LLC – Optimal Sport Health Club** – 3 Terri Lane, Block 120.03, Lot 2, Zone 1-1.

Applicant is requesting a Use Variance and Site Plan waiver.

M. Lou Garty, Esq. was present for the application. She introduced Steve Koenig, Owner; Steve Kumke, Owner; Stacy Arcari, PE; and Timothy O'Brien, Leasing Director for Mack-Cali. All were sworn in.

This application proposes a Health/Fitness Club within the Bromley Commons Business Park.

Mr. Koenig explained that they are not continuing their lease at the Burlington Mall where they are currently at. They want to stay close for their members. He offered testimony on the operations. The hours are 5:30am to 10:00pm Monday through Friday; 8:00am to 6:00pm on Saturday and 8:00am to 4:00pm on Sunday. The peak hours are 8:00am and 5:00pm. There are 13 employees, most of which are instructors that only teach classes for a couple of hours.

Mr. Koenig stated that the current lighting and signage is sufficient. There is currently a monument sign and stencil sign on the door.

Mrs. Painter questioned their current lease.

Mr. Koenig stated that their currently lease actually ended 22 months ago and has been month-to-month since.

Mr. Aberant questioned if there will be a shower.

Mr. Kumke stated that they currently have one shower with one changing room that is rarely used so that is sufficient.

Ms. Arcari offered her professional credentials to the Board. She explained that the applicant's lease allows for 26 parking spaces and then there is a shared parking plan with neighboring tenants for additional parking.

Mr. Hatfield questioned the eight spaces that are not on the current site plan.

Ms. Garty stated that the site owner will address that.

Mr. Witkowski stated that he had no concerns.

Ms. Arcari reviewed the positive and negative criteria.

Ms. Howell questioned the wall being constructed for the aerobics room.

Mr. Kumke stated that it is a sound proof wall.

Ms. Arcari offered testimony on the site plan waiver that is requested.

Mr. Hatfield questioned if the lighting is adequate.

Mr. Kumke stated that he has been there at night and feels the lighting is adequate for their members and sufficient for their business.

Applicant agrees to restripe the entire lot within one year from the date of the Certificate of Occupancy.

Mr. O'Brien offered testimony on the business park. He stated that he feels this tenant will be compatible with the existing tenants. He stated that they are willing to make all the necessary improvements required. They will return to the Board to address 8 parking spaces that were added with approvals.

Mr. Hatfield reviewed his report of August 15, 2014.

Mr. Koenig stated that there are currently 1054 members.

Mr. Augustyn reviewed his report of August 15, 2014.

Mr. Koenig stated that they will have a small retail area for shirts and drinks. There will not be a daycare facility.

Mr. Witkowski reviewed his report of August 15, 2014. He stated that everything in his report has been discussed and he has no additional concerns.

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 Mrs. Painter and seconded by Mr. Butler to grant a Use Variance and Site Plan Waiver, contingent upon Mr. Hatfield's report of August 15, 2014; Mr. Witkowski's report of August 15, 2014; and Mr. Augustyn's report of August 15, 2014. On roll call the following vote was recorded:

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

NAES: None

ABST: None

Chairman Ransom declared the Motion carried.

## **Reports**

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

**Francis & Donna DeSisto** – 10 Canter Drive, Block 147.11, Lot 5. R-12 Zone.

**Jon Alan Harris (Marjorie Gonzalez)** – 16 13<sup>th</sup> Street, Block 60 Lot 24, Zone R-7.5.

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

AYES: Mrs. Painter, Mrs. Horner, Mr. Butler, Mr. Mullen, Ms. Howell, Chairman Ransom

NAES: None

ABST: 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.

**Traffic Engineer's Report** – Mr. Witkowski 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 June 18, 2014 Regular meeting.

**MOTION** made by Mr. Butler and seconded by Ms. Howell to approve the minutes from the June 18, 2014 Regular meeting. On roll call the following vote was recorded:

AYES: All                      NAES: None

Chairman Ransom declared the Motion carried.

**Adjournment**

There being no further business, **MOTION** made by Mrs. Painter and seconded by Mr. Butler 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