

**TOWNSHIP OF BURLINGTON  
BURLINGTON COUNTY, NJ 08016  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING, FEBRUARY 28, 2013**

The regular meeting of the Burlington Township Zoning Board of Adjustment was held on Thursday, February 28, 2013 at 7:30 P.M. at the Township Municipal Complex.

**PRESENT:** Mrs. Painter, Mr. Butler, Mr. Gillespie, Mr. Mullen, Mr. Farr, Mrs. Craig, Mr. DiGiovanni, Mr. VanCamp, Chairman Ransom; Kevin Aberant, Esq.; Board Solicitor; Mr. Hatfield, Board Engineer; Mr. Rijs, Board Planner

**ABSENT:** Mrs. Horner; Ms. Howell; Mr. Witkowski, Board Traffic Engineer

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

Chairman Ransom recused himself from this meeting.

Mrs. Painter 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 19, 2012;
- (b) Mailing written notice to the Courier Post and Trenton Times on December 20, 2012 by certified mail, return receipt requested; hand delivered notice to the Burlington County Times on December 29, 2012, hand receipt obtained; and Legal Ad in the Burlington County Times on December 21, 2012;
- (c) Filing written notice with the Clerk of the Township of Burlington on December 19, 2012.

**Swearing in of Chairman Ransom and the Board Professionals**

Mr. Aberant swore in Chairman Richard Ransom and then swore in Mr. Hatfield and Mr. Rijs.

**Correspondence**

Mrs. Painter read the correspondence as listed on Addendum I. All correspondence was received and filed.

**Patricia & Robert Breves** – Block 45, Lot 1. 12-15<sup>th</sup> Street, Zone R-7.5.

Application submitted for a Use Permit to permit 2 principal structures on one Lot and a side yard setback of 5 feet.

Patricia and Robert Breves were present for the application. (both sworn in)

This application is requesting a variance to allow two single-family dwellings on one lot. Two single-family dwellings presently exist on the lot, the applicant is proposing to raze one dwelling and rebuild a new single-family home (the same size) in the same location.

Mrs. Breves explained that they bought the home on December 17<sup>th</sup> 2012.

Mr. Hatfield questioned the 2 existing sheds.

Mr. Breves questioned why the issue of the shed was not brought to their attention at the time of the inspection by the Township.

Mr. Rijs explained that this Board handles land development which they are looking to do, so the shed should be addressed as part of this property being developed.

Mr. Rijs reviewed his report of February 20, 2013

Mr. Aberant explained that this application requires a "D" variance which requires 5 out of 7 votes from the Board. The pre-existing non-conforming use is grandfathered but the one dwelling that is proposed to be demolished will have to be consistent with current conditions when it is rebuilt.

At this time in the meeting a long discussion occurred regarding the moving of the rear shed onto the applicant's property.

Mr. Rijs questioned the parking

Mrs. Breves stated that they currently park on the street but may put in a driveway in the future.

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

Erica Traina – 19 – 15<sup>th</sup> Street. (sworn in)

Ms. Traina expressed concern with the possibility that damage can be done to her house during demolition and construction. She requested that the applicant deposit money in escrow to ensure that her home gets fixed in the event there is any damage to it.

Mr. Aberant explained that her concern is a civil matter and the Board cannot require the applicant to put money in escrow.

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

**MOTION** made by Mr. Gillespie and seconded by Mrs. Painter to grant a use variance; a bulk variance to permit a side yard of 5' where 8' is required; a rear yard setback of 5' where 20' is required; and a maximum building coverage of 34% where 25% is permitted. On roll call the following vote was recorded:

AYES: Mrs. Painter, Mr. Gillespie, Mr. Farr, Mrs. Craig, Mr. DiGiovanni, Mr. VanCamp, Chairman Ransom;

NAES: Mr. Butler, Mr. Mullen

ABST: None

Chairman Ransom declared the motion carried.

**MOTION** made by Mrs. Painter and seconded by Mr. DiGiovanni to allow the existing dwelling on the northwest corner plus an additional dwelling not to exceed a footprint of 1,348 SF plus

one shed not to exceed 200 SF that will comply with all setback requirements and be placed to the rear of the northwest corner dwelling. On roll call the following vote was recorded:

AYES: Mrs. Painter, Mr. Butler, Mr. Gillespie, Mr. Mullen, Mr. Farr, Mrs. Craig, Mr. DiGiovanni, Mr. VanCamp, Chairman Ransom;

NAES: None

ABST: None

Chairman Ransom declared the motion carried.

**FLDSJ at Burlington City, LLC / Fernando Pinho** – Block 144.04, Lots 1.01, 7 & 8.01. Neck Road & Elma Avenue. Zone B3 & R12.

Applicant is requesting a continuance to the March 28, 2013 meeting.

**MOTION** made by Mrs. Painter and seconded by Mr. Farr to grant a continuance to the February 28, 2013 meeting. On roll call the following vote was recorded:

AYES: Mrs. Painter, Mr. Butler, Mr. Gillespie, Mr. Mullen, Mr. Farr, Mrs. Craig, Mr. DiGiovanni, Mr. VanCamp, Chairman Ransom;

NAES: None

ABST: None

Vice-Chairman Gillespie declared the motion carried.

### **Miscellaneous**

#### 2013 Rules & Regulations

**MOTION** made by Mrs. Painter and seconded by Mr. Gillespie to accept the 2013 Rules and Regulations. On roll call the following vote was recorded:

AYES: Mrs. Painter, Mr. Butler, Mr. Gillespie, Mr. Mullen, Mr. Farr, Mrs. Craig, Mr. DiGiovanni, Mr. VanCamp, Chairman Ransom;

NAES: None

ABST: None

Vice-Chairman Gillespie declared the motion carried.

### **Solicitor's Report**

Mr. Aberant offered an update on the Johnson Transportation citation. He stated that Mr. Johnson has submitted an application.

### **Engineer's report**

Mr. Hatfield reported that the condition of the Johnson site is getting worse and encouraged the Board to visit the site before the next meeting.

**Planner's report**

Mr. Rijs stated that he had no report.

**Zoning Officer**

Mrs. Liss stated that she had no report.

**Approval of Minutes**

Chairman Jung requested a motion to approve the minutes from the January 24<sup>th</sup> Regular and Reorganizational meetings.

**MOTION** made by Mr. Farr and seconded by Mr. DiGiovanni to approve the minutes of the January 24<sup>th</sup> Regular and Reorganizational meetings.

AYES: All                      NAES: None

Vice-Chairman Gillespie 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, Vice-Chairman Gillespie adjourned the meeting.

Respectfully submitted,

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

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