

**TOWNSHIP OF BURLINGTON
BURLINGTON COUNTY, NJ 08016
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING, JULY 28, 2011**

The regular meeting of the Burlington Township Zoning Board of Adjustment was held on Thursday, July 28, 2011, at 7:30 P.M. at the Township Municipal Complex.

PRESENT: Mr. Harris; Mrs. Painter; Mr. Butler; Mr. Gillespie; Mr. Ransom; Mrs. Craig; Mr. Mullen; Mr. Farr; Mr. DiGiovanni; Chairman Jung; Mr. Aberant, Esq., Board Solicitor; Mr. Hatfield, Board Engineer; Mr. Rijs, Board Planner and Mr. Witkowski, Board Traffic Engineer

ABSENT: Mrs. Horner

Chairman Jung 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 5, 2011;
- (b) Mailing written notice to the Courier Post and Trenton Times on January 6, 2011 by certified mail, return receipt requested; hand delivered notice to the Burlington County Times on January 5, 2011, hand receipt obtained; and Legal Ad in the Burlington County Times on January 7, 2011;
- (c) Filing written notice with the Clerk of the Township of Burlington on January 5, 2011.

Nomination/Appointment of Zoning Board Solicitor

MOTION made by Mrs. Painter and seconded by Mr. DiGiovanni to nominate Kevin Aberant, Esq. as Zoning Board Solicitor. On roll call the following vote was recorded:

AYES: Mr. Harris, Mrs. Painter, Mr. Butler, Mr. Gillespie, Mr. Ransom, Mrs. Craig, Chairman Jung

NAES: None

ABST: None

Chairman Jung declared the Motion carried.

Correspondence

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

RW Real Estate – Block 99, Lot 8.01, BL-1 & B2 Zones. 4500 Route 130 South.

Applicant is requesting Amended Final Major Site Plan approval.

Victoria Fannon, Esq. was present for the application. She introduced Robert Stout, PE, and Mr. Hileman, Owner. (both sworn in)

This application proposes the construction of a 22,687 SF building, which represents a 17 SF increase over the prior approvals and is also making certain modifications to the building access and parking areas.

Mr. Stout gave a site plan overview of the original design and compared it to the new proposed site plan.

Exhibit A-1 is the Original Site Plan Approved in 2007. Exhibit A-2 is the Proposed Site Plan.

Mr. Stout stated that the amount of parking spaces will remain the same, the impervious coverage will increase 600 SF.

Mr. Hatfield reviewed his report of July 19, 2011. He questioned the status of the easements.

Mr. Stout stated that the easements have all been filed and he will provide copies of each. He confirmed that a loud speaker system will not be used. A signage package will be proposed once they receive it from Volkswagen Corporation. The DOT access permit and utility permit have been received.

Mr. Rijs reviewed his report of June 16, 2011.

Mr. Hileman stated the hours of operation for service are Monday-Friday 7:30am-8pm and Saturday 8am-4pm and sales are Monday-Friday 9am-9pm and Saturday 9am-5pm.

Mr. Witkowski reviewed his report of July 19, 2011. He stated that there are no concerns from a traffic standpoint with the minimal changes being made.

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

MOTION made by Mr. Harris and seconded by Mr. Gillespie to grant Amended Final Major Site Plan approval contingent upon Mr. Hatfield's report of July 19, 2011. On roll call the following vote was recorded:

AYES: Mr. Harris, Mrs. Painter, Mr. Butler, Mr. Gillespie, Mr. Ransom, Mrs. Craig, Chairman Jung

NAES: None

ABST: None

Chairman Jung declared the motion carried.

BRCI Properties, LLC – (Steven Kettelberger) Block 124, Lot 3.03, 1712 Hancock Lane, Zone R-20.

This application proposes to amend an existing Use Variance to allow the continued use of a storage building as office space.

Chester Luszcz, Esq. was present for the application. He introduced Steven Kettelberger, Owner. (sworn in)

Mr. Kettelberger offered testimony of the Blue Rock Construction Company. The staff consists of Engineers, Architects and field personnel. The hours of operation are Monday-Friday 8-5. There are 4 fulltime employees and 3 part time employees. Deliveries consist of UPS and FedEx. There is no equipment delivered to

this location. The parking area now consists of 7 spaces in the front of the building and 7 stone spaces behind the building.

Mr. DiGiovanni questioned the amount of visitors.

Mr. Kettelberger stated that most of the visitors they would have at one time would be for large meetings which have occurred 2-3 times in the past 5 years.

Chairman Jung questioned any construction to convert the storage space to office space.

Mr. Kettelberger stated that no construction is necessary. Their business is currently very slow so they have more field personnel in the office than usual.

Mr. Harris questioned the neighbors.

Mr. Kettelberger stated that he bought the property across the street and is currently leasing the house on it to a family. He explained that they are currently utilizing their Deptford location for storage. That location is up for sale but they are looking to lease the basement to maintain that storage area if sold.

Mrs. Painter questioned why the applicant ignored three different notices from the zoning officer.

Mr. Luszcz stated that he takes responsibility for not responding to the notices He apologized and stated that he should have addressed it with a sense of urgency.

Mr. Aberant questioned how many employees the original farm house can accommodate.

Mr. Kettelberger stated that they can accommodate 10 employees comfortably.

Chairman Jung questioned the maximum employees at the farm house and carriage house.

Mr. Kettelberger stated 8 employees plus 3 employees.

Mr. Rijs reviewed his report of June 16, 2011.

Mr. Witkowski stated he has no concerns from a traffic standpoint.

Mr. Hatfield recommended paving the stone area. He would like to review the site plan and visit the site to determine the proper parking that is needed.

Mr. Harris questioned the intent of the Board to keep the site looking like a residential dwelling and not requiring additional paving at the time of the original approval.

Mr. Hatfield stated that based on the testimony given that portion of the parking was not requested to be paved because it was designated as overflow.

At this time Chairman Jung 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. Ransom to grant an amended Use Variance, contingent upon Mr. Rijs' report of June 16, 2011. On roll call the following vote was recorded:

AYES: Mr. Harris, Mr. Gillespie, Mr. Ransom, Mrs. Craig, Chairman Jung

NAES: Mrs. Painter, Mr. Butler

ABST: None

Chairman Jung declared the motion carried.

Long Investments, Inc. – Block 102, Lots 1.06 & 1.12, B-3 Zone. 902 Sunset Road

Pat McAndrew, Esq. was present for the application. He introduced Mr. Long, owner; Rob Consalvo, and Joe Butak. (all sworn in)

Applicant submitted photos to the Board with a brief description that included vehicles not permitted by the Ordinance. They also submitted a document in support of the requested use variance which consisted of photos of their lot as well as Frito Lay, the letter to the tenants, storage bin parking lot rules and regulations, List of vehicles, agreement to maintain gravel lot to Township standards, parking lot maps and photos, landscaping species and growth rate and new idea implemented by the company.

An extensive discussion occurred regarding the different types of construction vehicles.

Mr. Long stated that they have removed about 50% of the non-compliant vehicles since April.

Chairman Jung questioned several specific vehicles that are not in running condition, have flat tires, and have no license plates.

Mr. Farr questioned if there are any new vehicles that have been added that are not in compliance.

Mr. Long stated that no additional non-compliance vehicles have been added. He explained that they have taken measures to remove the vehicles currently not in compliance. He explained their process.

Mr. Consalvo explained the Division of Motor Vehicle process to obtain the vehicles that have been abandoned.

Mr. Rijs stated that the vehicles have to be moveable, drivable, titled and insured.

Mr. Witkowski excused himself from the meeting at this time.

Mr. DiGiovanni expressed his concern with applicants knowledge of the Boards desire to have all vehicles in working condition but failed to make it a provision in their rules and regulations.

An extensive discussion occurred at this time regarding the specific types of commercial vehicles that would be acceptable.

Mr. Gillespie questioned the measures that are going to be taken to assure this situation doesn't happen again.

Mr. Long stated that there are better rules put in place with the new management company.

Mr. Farr questioned paving the gravel parking lot.

Mr. Long stated that it is not economically feasible to pave the gravel lot. They maintain the gravel on a consistent basis.

Mrs. Painter questioned the process to ensure all vehicles have up-to-date registrations and insurance.

Mr. Consalvo stated that they send notifications to the tenants to update anything expired on the vehicle.

An extensive discussion occurred regarding commercial vehicles.

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

Mr. Aberant reviewed all acceptable vehicles, provisions and contingencies.

MOTION made by Mrs. Painter and seconded by Mr. Ransom to grant an amended Use Variance contingent upon Mr. Rijs' report of March 17, 2011 and Mr. Witkowski's report of March 17, 2011 and reviewed conditions of approval. On roll call the following vote was recorded:

AYES: Mrs. Painter, Mr. Butler, Mr. Gillespie, Mr. Ransom, Mrs. Craig, Mr. Mullen, Chairman Jung

NAES: None

ABST: None

Chairman Jung declared the Motion carried.

Approval of Minutes

Chairman Jung requested a motion to approve the minutes of the June Regular meeting.

MOTION made by Mr. Farr seconded by Mr. Butler to approve the minutes of the June 23, 2011 meeting. On roll call the following was recorded:

AYES: All NAES: None

Chairman Jung declared the motion carried.

Adjournment

There being no further business, **MOTION** made by Mr. Gillespie and seconded by Mr. Farr, 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 Jung adjourned the meeting.

Respectfully submitted,

Debbie Painter, Secretary

APPROVED: _____
/kaa