

**CITY OF BEVERLY  
BURLINGTON COUNTY  
STATE OF NEW JERSEY**

**LAND USE BOARD  
REGULAR MEETING  
MAY 19, 2021 – 7:00PM**

**MINUTES**

The Regular Meeting of the Land Use Board of the City of Beverly, County of Burlington, and State of New Jersey was held on the aforementioned date with the following in attendance: Chairman Harold Robertson, Diane Benson, Maureen Cronin, John Haaf, Vice Chair Barbara Kelly, Robert E. Lowden, Jr., Mayor Randy H. Miller, Ronald V. Paice, Richard Wolbert, Board Solicitor Chuck Petrone, Esq., City Planner Edward Fox, and Board Secretary Caitlin Midgette.

Chairman Robertson called the meeting to order at 7:00PM and read the following opening statement into the record:

*“The Provisions of the Open Public Meetings Act have been met. Notice of this meeting, Resolution 2021-1, was published in the Burlington County Times on January 31, 2021, transmitted to the Courier Post, filed with the Municipal Clerk, and was mailed to all persons who requested and paid for such notice.”*

The above was followed by the Flag Salute and Roll Call.

**MINUTES**

– February 17, 2021

A motion was offered by Ms. Cronin and seconded by Mr. Haaf to approve the above listed set of minutes. Motion carried on a Roll Call Vote, as follows:

Aye: Benson, Cronin, Haaf, Kelly, Lowden, Miller, Paice, Wolbert, Robertson

Nay:

Abstain:

Absent:

**OLD BUSINESS**

No old business was presented at this time.

**NEW BUSINESS**

*444 Cooper Street Application: This application was to allow for the development of two (2) additional residential units on the first floor to the existing one (1) residential unit on the second floor (for a total of 3 residential units), in addition to two (2) commercial units and one (1) garage in separate structure.*

Board Solicitor Petrone stated that the above application is not able to be heard at tonight's meeting due to a notice deficiency and various concerns raised by the City Planner that have since been resolved. Accordingly, the applicant has decided to appear before the Board tonight as an informal.

George Hulse, Esq., attorney for the applicant, explained that the proposed use in the above application is to have both residential and commercial units on the 1<sup>st</sup> floor of 444 Cooper Street. Mr. Hulse stated that he believed the City's Redevelopment Plan allowed for residential units on the 1<sup>st</sup> floor of structures located within the C-2 zoning district, but there are ordinances that exist to the contrary. The concerns Mr. Fox raised in regards to the submitted application relate to the provisions within the Redevelopment Plan. Finally, Mr. Hulse noted that his client has two other properties within the C-2 zoning district that have commercial and residential units on the 1<sup>st</sup> floor. Accordingly, Mr. Hulse recommended that the City Council amend the Redevelopment Plan to allow residential uses on the 1<sup>st</sup> floor of properties within the C-2 zoning district, and to allow for the Land Use Board to have authority to change permitted uses within the zone.

Board Solicitor Petrone, in response to Mr. Hulse's latter comments regarding the Board's authority to hear use variance applications, explained that though the City's 2007 Redevelopment Plan does not allow for use variance applications within the designated redevelopment zone, the recently adopted City Ordinance 2021-1, which amends the permitted uses within the C-2 zoning district, does indeed give the Board the authority to hear and approve use variance applications within same.

Mr. Hulse stated that in light of this new information, use variance applications for 444 Cooper Street and 440 Cooper Street will be resubmitted before the Board at an upcoming meeting. In addition, the applicant will work to address various concerns noted in City Planner Fox's review letter.

Mr. Wolbert noted that the applicant's other properties within the C-2 zoning district that have residential units on the 1<sup>st</sup> floor either came before the Board and were granted use variances, or had a pre-existing non-conforming use. Additionally, the City is aware of the issues with the Redevelopment Plan and was working to correct these inconsistencies by way of updates to the Master Plan, but the COVID-19 pandemic interrupted that process.

### **MASTER PLAN CONSISTENCY REVIEW**

*City Ordinance 2021-5: An Ordinance of the Common Council of the City of Beverly, in the County of Burlington, State of New Jersey Amending and Supplementing Section 20-6 and 20-28 of Chapter XX Entitled "Zoning" of the Code of the City of Beverly to Create Additional Permitted Uses in the C3 Waterfront Development District*

Board Solicitor Petrone stated that due to the recent legalization of marijuana, the State is requiring municipalities to address whether or not the City will permit cannabis related businesses within certain zoning districts.

City Planner Fox stated that as the Master Plan is silent on cannabis related operations, City Ordinance 2021-5 is not inconsistent with the Master Plan.

**Resolution 2021-7:** Resolution of the Land Use Board of the City of Beverly Finding City Ordinance 2021-5 “An Ordinance of the Common Council of the City of Beverly, in the County of Burlington, State of New Jersey Amending and Supplementing Section 20-6 and 20-28 of Chapter XX Entitled “Zoning” of the Code of the City of Beverly to Create Additional Permitted Uses in the C3 Waterfront Development District” Consistent with the Master Plan of the City of Beverly

Mr. Paice inquired as to the location of the C-3 zoning district. Mr. Wolbert clarified same.

A motion was offered by Ms. Cronin and seconded by Mr. Haaf to adopt Resolution 2021-7. Motion carried on a Roll Call Vote, as follows:

Aye: Benson, Cronin, Haaf, Kelly, Wolbert, Robertson

Nay: Paice

Abstain: Lowden, Miller

Absent:

### **CORRESPONDENCE**

No correspondence was presented at this time.

### **BOARD/PROFESSIONAL COMMENTS**

No comments.

### **PUBLIC COMMENT**

There being no comments, a motion was offered by Mr. Wolbert and seconded by Ms. Cronin to close public comment. Motion carried.

### **ADJOURNMENT**

A motion was offered by Ms. Kelly and seconded by Mr. Wolbert to adjourn the meeting. Motion carried. Meeting adjourned at 7:36PM.

**Approved:**

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**Harold Robertson, Chairman**

**Respectfully Submitted By:**

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**Caitlin Midgette  
Land Use Board Secretary**

**Approved: June 16, 2021**