

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

**LAND USE BOARD
REGULAR MEETING
SEPTEMBER 21, 2022 – 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: John Haaf, Paul Lucca, Barbara Kelly, Robert E. Lowden, Jr., Mayor Randy H. Miller, Ronald Paice, Cynthia Robertson, Richard Wolbert, Board Solicitor Chuck Petrone, Board Engineer William Kirchner, P.E, and Board Secretary Caitlin D’Alfonso. Diane Benson and Maureen Cronin were absent from tonight’s meeting.

Chairman Haaf 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 2022-1, was published in the Burlington County Times on January 23, 2022, 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.

MINUTES

July 20, 2022

Mr. Paice made note of a correction to the aforementioned minutes.

A motion was offered by Ms. Robertson and seconded by Ms. Kelly to approve the aforementioned minutes. Motion carried on a Roll Call Vote, as follows:

Aye: Kelly, Lowden, Lucca, Miller, Wolbert, Haaf

Nay:

Abstain: Paice

Absent: Benson, Cronin

OLD BUSINESS

Public Hearing: 250 Warren Street – Block 1161, Lot 1: This application proposes to renovate the first floor for 1,026SF of office space and to rehabilitate the second floor for a 4-bedroom residential unit. The application also includes an ADA ramp on the rear of the building, and an 8’ deep by 14.5’ long double-deck patio to be used as the office entrance and outdoor patio for the second floor apartment.

Matthew Zabel, Esq., was sworn in prior to providing testimony. Mr. Zabel briefly summarized the application, noting that the first floor of the structure is proposed to be a commercial use, with a residential use on the second floor. The applicant proposes a three-bedroom unit on the second floor.

Ken Justice, the applicant's engineer, was sworn in prior to providing testimony. Mr. Justice outlined the application as follows: the building is currently vacant; applicant is proposing a commercial use on the first floor, with a residential unit on the second floor; a rain garden will be installed; the parking lot will be striped; a pedestrian fence will be installed; and some impervious coverage will be removed and replaced with landscaping.

Mr. Justice, regarding the off-street loading requirements mentioned in the Board Planner's review letter dated September 8, 2022, testified that there will not be significant deliveries outside of standard delivery trucks such as FedEx, Amazon, and UPS. With this testimony, Board Engineer Kirchner recommended that the applicant be granted a site waiver for reducing the loading areas space from 45ft to 26ft.

Mr. Justice stated that the proposed lighting plan will be changed to remove the roof mounted solar LEDs from the neighboring property at 411 Cooper Street. Instead, a pole mounted solar LED light will be installed on the applicant's property within the vicinity of the parking lot.

Mr. Lucca inquired if there are plans to install a sprinkler system to maintain the landscaped areas. Mr. Justice stated that a sprinkler system has not been proposed. Regarding same, Mrs. Robertson suggests that the landscaped areas include drought proof shrubbery.

Mr. Lucca inquired about the type of fence that will be installed to secure the property. Gurinder Singh, applicant, stated that it will be a metal fence, and that the plans for same have previously received zoning approval.

Mr. Lucca expressed concern over the amount of parking available to accommodate both the commercial and residential use.

Mr. Singh stated that the plans for the second floor have since changed from a four-bedroom unit to a three-bedroom in order to increase the kitchen and living space. Chairman Haaf noted that the only plans the Board received are for a four-bedroom unit. Discussion ensued on whether or not the Board should adjourn the hearing on the application until updated plans are submitted by the applicant.

Board Solicitor Petrone stated that the application meets the parking requirements regardless if a three-bedroom or four-bedroom unit is proposed.

Mrs. Robertson stated that she is not prepared to vote on tonight's application without having reviewed updated plans as she already has concerns about the lack of closet and living space.

Mr. Haaf inquired about the placement of utilities and if the both the commercial and residential tenants would have access to same. Mr. Singh stated that the utilities will be in the basement, with access given to the tenants of both floors. Additionally, the basement will not be permitted to use as storage space.

Mrs. Robertson noted that the September 8, 2022 review letter states that the second floor of the structure was once utilized for residential purposes; however, the second floor has always been a commercial use. Additionally, Mrs. Robertson expressed concern that the first floor can easily be converted to residential use with the proposed full kitchen and bath. Mr. Lowden reflected these concerns. In response, Mr. Zabel stated that the bathtub and the stove can be removed from the first floor.

Discussion ensued on whether the proposed residential units on the second floor must be affordable units. As it has been determined that the second floor was never utilized for residential purposes, it was determined that the proposed units must be affordable per the zoning ordinance in place of the time the application was made.

Board Engineer Kirchner recommended that, if the applicant agreed to comply with the stipulations in the September 8, 2022 review letter, a site plan waiver be granted even if there are changes to the number of bedrooms proposed on the structure's second floor.

Mrs. Robertson expressed her concern that the plans, as submitted, for the second floor do not meet the requirements for habitability in terms of living space. Board Solicitor Petrone stated that though the applicant will have to abide by other habitability codes outside of the Board's jurisdiction, the plans as currently submitted do meet the requirements under the Zoning Code.

Mrs. Robertson inquired if there was an oil tank on premise. Mr. Singh responded that the oil tank had been previously removed.

Mr. Wolbert expressed his concern that solar LED lighting will not be sufficient, as the same will require routine maintenance to ensure its proper operation, and recommended that the applicant contact PSEG to have a standard LED light pole installed instead. Additionally, the installation of a rain garden will prove to be an issue for the City, as the City will then be responsible under State law to inspect the garden on an annual basis for compliance. Accordingly, Mr. Wolbert recommended that the rain garden be removed and replaced with basic landscaping. The applicant agreed to both recommendations.

Mr. Lucca recommended that a washer and dryer be installed in the residential unit.

Mr. Paice noted that, per the submitted plans, there is a designated egress window on the second floor of the structure, but the window is not connected to a fire escape to use during an emergency. Mr. Justice explained that the only requirement of an egress window is to meet the particular size requirement for a person to escape and a fire truck ladder to utilize during an emergency.

Mr. Wolbert inquired about the storage of trash and recycling containers. Board Engineer Kirchner noted that the plans indicate that the dumpsters will be serviced from Cooper Street. Mr. Wolbert expressed his concern that, if the containers are serviced from Cooper Street, large trucks will need to back out into a busy intersection which may cause traffic and safety hazards.

Mayor Miller stated that he prefers to view updated plans before voting on the application.

Chairman Haaf opened the public hearing on the application for 250 Warren Street.

Sergio Cargitlado, 1 Walnut Street, inquired about affordable housing requirements and if there is a maximum amount of affordable housing units allowed in the City. Board Solicitor Petrone explained the State's regulations on affordable housing and how the same relates to tonight's application.

There being no further comments, a motion was offered by Mr. Paice and seconded by Ms. Kelly to close the public hearing on the 250 Warren Street application. Motion carried.

A motion was offered by Mr. Wolbert and seconded by Mayor Miller to adjourn the 250 Warren Street application to the meeting of October 19th until proper, updated plans are filed and without the requirement for the applicant to re-notice. Motion carried on a Roll Call Vote, as follows:

Aye: Kelly, Lucca, Miller, Paice, Robertson, Wolbert, Haaf

Nay: Lowden

Abstain:

Absent: Benson, Cronin

Mrs. Robertson inquired about the status of Family Dollar's site improvements. Mr. Wolbert noted that a letter was sent to the company's headquarters requesting that the landscaping be replaced per the approved site plan as discussed at the previous Board meeting. To date, a response has yet to be received.

Regarding the Family Dollar site, Chairman Haaf inquired about the status of the basin. Mr. Wolbert stated that the County performed an inspection of the site and determined that the basin is properly functioning.

NEW BUSINESS

No new business was presented.

CORRESPONDENCE

No correspondence was presented at this time.

BOARD/PROFESSIONAL COMMENTS

Mr. Lowden noted that laundromats are a permitted use in the C-2 zoning district.

PUBLIC COMMENT

David Dougherty, 241 Second Street, inquired if there were plans to establish a laundromat in the City. Mr. Wolbert noted that there are no filed applications for same, but that it is in the Zoning Code to permit laundromats in the C-2 zone. Mr. Lowden expressed his belief that a laundromat would be beneficial for the community as there is a large amount of rentals in the City that do not have washers and dryers available in unit. Mr. Dougherty noted his concern of an abundance of rental properties. In response, Mr. Wolbert noted that the City has various ordinances that regulate rentals and the responsibilities of landlords.

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

ADJOURNMENT

A motion was offered by Ms. Kelly and seconded by Mr. Paice to adjourn the meeting. Motion carried. Meeting adjourned at 8:16PM.

Approved:

Respectfully Submitted By:

**John Haaf
Chairman**

**Caitlin D'Alfonso
Land Use Board Secretary**

Approved: October 19, 2022