

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

**LAND USE BOARD  
REGULAR MEETING  
OCTOBER 19, 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: Diane Benson, Maureen Cronin, John Haaf, Paul Lucca, Barbara Kelly, Robert E. Lowden, Jr., Ronald Paice, Richard Wolbert, Board Solicitor Chuck Petrone, Board Engineer William Kirchner, P.E, and Board Secretary Caitlin D’Alfonso. Cynthia Robertson and Mayor Randy Miller 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 and Roll Call.

**MINUTES**

***September 21, 2022***

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

Aye: Kelly, Lowden, Paice, Wolbert, Haaf

Nay:

Abstain: Benson, Cronin

Absent: Lucca, Miller, Robertson

**APPLICATIONS**

***Minor Subdivision: 601 Bentley Avenue – Block 843, Lots 2.01, 2.02 and 3***

*The application proposes to consolidate existing Lots 2.01, 2.02 and 3 and to re-subdivide the same into two (2) lots. The subdivision will result in the school building and playgrounds to be located on proposed Lot 2, and the baseball field and concession stand to be located on proposed Lot 3. Proposed Lot 2 will require bulk variances for front yard setbacks, side yard setbacks, and lot coverage to accommodate existing conditions.*

Thomas Coleman III, Esq., presented the above minor subdivision application on behalf of Beverly City and the Beverly City School District. Mr. Coleman explained that the application is

to correct property lines between the entities, as currently, certain improvements that belong to the School District sit on what the tax map show as City property. Furthermore, this subdivision will require three bulk variances for the front yard setback (35 feet required, but 9.9 feet proposed), side yard setback (25 feet required, but 23.4 feet proposed), and impervious coverage (maximum coverage of 50% permitted, but 63% proposed.)

Chairman Haaf opened the public hearing on the minor subdivision application for Block 843, Lots 2.01, 2.02, and 3. There being no comments, a motion was offered by Mr. Paice and seconded by Ms. Cronin to close the public hearing. Motion carried.

A motion was offered by Ms. Cronin and seconded by Mr. Paice to approve the minor subdivision application with the aforesaid bulk variances. Motion carried on a Roll Call Vote, as follows:

Aye: Benson, Cronin, Paice, Haaf

Nay:

Abstain: Kelly, Lowden, Wolbert

Absent: Lucca, Miller, Robertson

**Resolution 2022-7: Resolution of the City of Beverly Land Use Board Concerning the Application of the City of Beverly and the Beverly City Board of Education for Variance and Minor Subdivision Approval**

A motion was offered by Ms. Cronin and seconded by Mr. Paice to adopt Resolution 2022-7. Motion carried on a Roll Call Vote, as follows:

Aye: Benson, Cronin, Paice, Haaf

Nay:

Abstain: Kelly, Lowden, Wolbert

Absent: Lucca, Miller, Robertson

Mr. Lucca arrived to the meeting at 7:10PM.

***Public Hearing Continuation: 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 3-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.*

Board Solicitor Petrone stated that the witnesses sworn-in to provide testimony at last month's meeting, Mr. Gurinder Singh (applicant) and Mr. Kenneth Justice (applicant's engineer), remain under oath for tonight's testimony. Furthermore, Ms. Cronin, who was absent from last month's meeting, provided written certification that she listened to the entire tape recording from said meeting and reviewed the presented exhibits in order to be eligible to vote on the application for 250 Warren Street.

Mr. Matthew Zabel, Esq., applicant's attorney, stated that the proposed residential unit on the second floor will be made affordable units per the discussion at the previous board meeting.

Mr. Justice provided testimony as it relates to outstanding matters outlined in the Board Planner's final review letter dated October 18, 2022:

*Affordable units:* the second floor of the structure was never used for residential purposes; therefore, the proposed residential unit will be made affordable.

*Off-street parking requirements:* Mr. Justice noted that the recommendation in the Board Planner's review letter is to make it a requirement for the applicant to reconstruct and repave the parking lot within five (5) years of any board approval. Mr. Justice testified that the parking lot is not in bad condition, and believes that the requirement to repave within five (5) years is excessive. Instead, Mr. Justice proposed that the applicant only be required to sealcoat and stripe the parking lot and reevaluate the possible need to repave in five (5) years.

After discussion with the board, it was determined that the applicant will be required to sealcoat and stripe the parking lot with proper, quality materials by June 2023. Furthermore, it will be a condition of approval that the parking lot be continuously sealed and corrected as necessary and that this provision will extend to any successors of the property.

*Off-street loading:* Board Engineer Kirchner stated that, per the previous meeting's testimony, it was recommended that the applicant be granted a design waiver for reducing the loading area space from 45 feet to 26 feet. There was no opposition from the board.

*Pedestrian circulation:* Board Engineer Kirchner noted that there is a discrepancy between the architectural plans and the exterior plans regarding the chimney and proposed ADA ramping. At the previous meeting, the applicant provided testimony that the chimney will be removed as part of a plumbing/HVAC upgrade, the same of which will allow for the ADA ramping to abut the existing structure. While the exterior plans are consistent with this testimony, the architectural plans are not. Mr. Justice reconfirmed the testimony provided at the previous meeting, and stated that the architectural plans will be revised to reflect same.

Additionally, Board Engineer Kirchner stated that it was recommended that the applicant remove unnecessary concrete along the walking path leading to the basement door along Bridge Street to decrease impervious coverage. The total amount of recommended concrete to be removed is under 20sqft. The applicant, Mr. Singh, noted that the subject area has already been fenced in. Mr. Kirchner stated that, if that area was already enclosed with fencing, the same does not match the proposed fence location on the exterior site plan. After slight discussion, it was determined that the excess concrete surrounding the walking path will not be removed, and that the exterior plans will be updated to reflect the change in fence location.

*Drainage:* Board Engineer Kirchner stated that per last meeting's discussion, the rain garden will be removed and a grassy area will be installed in its place.

*Lighting:* Board Engineer Kirchner stated that a nighttime illumination inspection should be a condition of any board approval. The applicant agreed to same.

*Solid waste and recyclables management:* Board Engineer Kirchner stated that a design waiver will be required if the applicant does not provide for a masonry trash enclosure per the 2007

Redevelopment Plan. Currently, the applicant is proposing an eight (8) foot fence with slats and landscaping. Mr. Wolbert expressed the following concerns: eight (8) foot fences are not permitted per the City's zoning regulations; the selected landscaping will not be tall enough to conceal an eight (8) foot fence; and that the installation of a chain-link fence does not conform to the City's adopted urban design guidelines. Ms. Cronin and Mr. Lowden stated that they are comfortable with the proposed fence enclosure and landscaping. After slight discussion, it was determined that a design waiver will be granted to the applicant, as the majority of the board is in favor of the applicant's proposed fence enclosure and landscaping plan for same. Mr. Wolbert requested the replacement of dead landscaping be a condition of any approval. The board agreed with this recommendation.

Board Engineer Kirchner stated that the applicant has revised the plans in accordance with the board's comments from the previous meeting, and that the requirements presented by the board's professionals have been satisfied.

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

A motion was offered by Mr. Paice and seconded by Ms. Kelly to approve the application for a change in use, waiver of site plan, and certain design waivers (rain garden removal, trash/recycle enclosure, commercial loading space), and subject to: the submission of revised plans relating to the fence and ADA ramp; the residential unit being made affordable; compliance with Fire Marshal requirements; obtaining the proper approvals and permits from appropriate agencies; landscaping is replaced when necessary as a continuous requirement; the completion of sealcoating and striping the parking lot by June 2023; the completion of a nighttime illumination test; and, as the property sits on a county-owned road, an application to be submitted to the Burlington County Planning Board for review.

Motion carried on a Roll Call Vote, as follows:

Aye: Cronin, Kelly, Lowden, Lucca, Paice, Wolbert, Haaf

Nay:

Abstain: Benson

Absent: Miller, Robertson

### **OLD BUSINESS**

No old business was presented.

### **NEW BUSINESS**

No new business was presented.

### **CORRESPONDENCE**

No correspondence was presented at this time.

### **BOARD/PROFESSIONAL COMMENTS**

Ms. Cronin thanked the board's secretary for assisting her in listening to the recording from the previous meeting so she would be eligible to vote on tonight's application for 250 Warren St.

Mr. Lowden stated that he was recently made aware of a new type of parking lot that is constructed of brick and contains a drainage system. If same is feasible and cost effective, it may be an improvement that the board consider for future applications for stormwater control.

**PUBLIC COMMENT**

Edward Eckert, 500 Broad Street, notified the board that the improvements approved for 503 Laurel Street in 2019 have caused his property to flood. Mr. Wolbert explained that a letter was sent to the property owner informing the individual that the property does not comply with the drainage plans submitted as a condition of variance approval for the property. If the violation is not corrected, the City can take enforcement action.

There being no further comments, a motion was offered by Ms. Cronin 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 8:08PM.

**Approved:**

**Respectfully Submitted By:**

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**John Haaf**  
**Chairman**

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

**Approved: November 16, 2022**