

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

**LAND USE BOARD
REGULAR MEETING
MARCH 15, 2023 – 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, John Haaf, Barbara Kelly, Councilman Robert Lowden Jr., Paul Lucca, Mayor Randy Miller, Ronald Paice, Ariel Piña, Cynthia Robertson, Richard Wolbert, Board Solicitor Chuck Petrone, and Board Secretary Caitlin D’Alfonso. Maureen Cronin was 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 2023-1, was published in the Burlington County Times on January 24, 2023, 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.

OATH OF OFFICE

Ariel Piña – Alternate II

Two-Year Term to Expire December 31, 2024

Chairman Haaf noted that the oath of office was administered to Mr. Piña by Board Solicitor Petrone prior to the start of the meeting.

MINUTES

Reorganization Meeting: January 18, 2023

Ms. Robertson requested a correction to the aforesaid minutes for a typographical error.

A motion was offered by Mr. Wolbert and seconded by Mr. Lucca to approve the minutes of January 18, 2023 with the aforementioned correction. Motion carried on a Roll Call Vote, as follows:

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

Nay:

Abstain: Kelly, Lowden

Absent: Cronin

RESOLUTION

Resolution 2023-6: Resolution Finding City Ordinance 2023-1 “An Ordinance Repealing and Replacing the City’s Current Development Fee Ordinance (Chapter 126, Sections 1 Through 9) with an Updated Development Fee Ordinance to Comply with Current State Affordable Housing Regulations” Consistent with the Master Plan

Board Solicitor Petrone explained the purpose of the above resolution, noting that City Ordinance 2023-1 updates provisions that already exist as part of the City’s Housing Element. Mr. Petrone noted that the fees to be collected for new development will solely be used by the City to complete its affordable housing obligations.

Chairman Haaf questioned the section in the ordinance that excluded development fees from being collected on lots within a .5 mile radius from the NJ Transit Riverline Station. Mr. Wolbert clarified that said provision is a requirement.

Mr. Paice inquired if this ordinance has been publicly advertised as the same concerns residential development. Mr. Wolbert confirmed same, and noted that most developers are aware of the potential for imposed fees.

A motion was offered by Ms. Robertson and seconded by Ms. Kelly to adopt Resolution 2023-6. Motion carried on a Roll Call Vote, as follows:

Aye: Benson, Kelly, Lucca, Paice, Piña, Robertson, Wolbert, Haaf

Nay:

Abstain: Lowden, Miller

Absent: Cronin

OLD BUSINESS

Master Plan Reexamination: Public Hearing Scheduled for April 19, 2023

Chairman Haaf noted that the Master Plan Reexamination Report will be heard before the Board at the next scheduled meeting.

NEW BUSINESS

Interpretation of Ordinance 2019-10 (Accessory Structures) as it relates to decks/porches attached to principal structures that are non-conforming to the zoning district.

Chairman Haaf summarized a letter received by the Zoning Secretary requesting an interpretation of City Ordinance 2019-10 as it pertains to decks/porches as accessory structures. The letter reads as follows:

“At the request of the Zoning Officer, I am writing to request a Letter of Interpretation from the Board regarding the setback requirements for the construction of decks or porches attached to principal structures that are non-conforming to the zoning district, specifically duplex homes.

To give a specific example, we received a zoning permit application for the construction of a deck to be attached to the house, which is a duplex. This property is located in the R-2 zoning district, in which duplexes are not a primary residential use per the Zoning Code. This

makes this structure non-conforming, though it is pre-existing as it was built before the current zoning standards. The current zoning regulations adopted by Ordinance 2019-10 establish that decks or porches that are detached are considered accessory structures; therefore, the construction of same must abide by the accessory structure setback requirements established in the Schedule of Area and Bulk Requirements.

However, this same ordinance also specifies that decks or porches that are attached to the principal structure shall be constructed according to the principal structure setbacks. For duplexes in the R-2 zoning district, meeting the setbacks for principal structures is not possible as two residences are directly connected along the party wall. Consequently, any property owner who owns a duplex in the R-2 zone requesting to construct an attached deck will be required to come before the Land Use Board for a variance.

Accordingly, the matter has been referred to the Board for its opinion on whether the zoning regulations should be amended to accommodate pre-existing, non-conforming residential structures looking to construct attached decks or porches.”

Board Solicitor Petrone explained that the Board may recommend to the City Council to amend the ordinance to revise the setback requirements solely for non-confirming properties, revise the required setbacks for attached decks/porches for both conforming and non-conforming structures, or the Board can choose to make no recommendations for amendments in favor of entertaining variances for such situations.

Slight discussion on the matter ensued.

A motion was offered by Mr. Paice and seconded by Ms. Kelly to recommend to the City Council to revise City Ordinance 2019-10 to allow attached decks and porches for both conforming and non-conforming residential structures in residential zoning districts to be constructed in accordance with accessory structure setbacks. This recommendation does not pertain to mixed-use or commercial structures. Motion carried on a Roll Call Vote, as follows:

Aye: Benson, Kelly, Lucca, Paice, Piña, Robertson, Wolbert, Haaf

Nay:

Abstain: Lowden, Miller

Absent: Cronin

CORRESPONDENCE

No correspondence was presented at this time.

BOARD/PROFESSIONAL COMMENTS

No comments.

PUBLIC COMMENT

Chairman Haaf opened public comment.

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

BOARD TRAINING

Board Solicitor Petrone conducted liability training for the Board members as required by the BURLCOJIF.

ADJOURNMENT

A motion was offered by Ms. Kelly and seconded by Ms. Robertson to adjourn the meeting. Motion carried. Meeting adjourned at 9:00PM.

Approved:

Respectfully Submitted By:

**John Haaf
Chairman**

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

Approved: April 19, 2023