

**Township of Lumberton
Land Development Board
Regular Meeting
March 20, 2013**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Wednesday, March 20, 2013 at 7:35p.m.

Chairman Bennett read the following statement:

In compliance with the Open Public Meetings Act, this is to announce that adequate notice of this meeting was provided in the following manner:

On January 4, 2013 advance written notice of this meeting was posted on the bulletin board in the main lobby in the Town Hall; was mailed to the Burlington County Times and the Courier Post; was filed with the Clerk of Lumberton Township and was mailed to all persons who requested and paid for such notice.

Please note that unless otherwise modified by Resolution of the Land Development Board, all meetings shall begin at 7:30 p.m. and no new matter shall be initiated after 11:00 p.m., except where the Land Development Board, by majority vote of those present, shall specifically authorize the extension of the meeting beyond 11:00 p.m.

Those testifying before the Board on any application are required to be sworn in. The Board's Engineer and Planning Consultant have taken an oath upon their agreement and their testimony on an application is under oath on a continuing basis.

Roll Call

Citizen Member	Robert Bennett, Chairman Nancy Bleznak Rajesh Darji (Absent) Joseph Michael Dinneen Sheldon Evans John Pagenkopf (Absent)
Representatives of Governing Body	James Conway, Jr. (Absent) Sean Earlen
Alternate #1 Alternate #2 Alternate #3 Alternate #4	William Tynon Donald Tallo Beverly Marinelli Matthew Kausch (Absent)
Solicitor Consulting Planner	Evan Crook, Esq., Capehart & Scatchard Joseph M. Petrongolo, C.L.A., R.L.A., P.P., Remington, Vernick & Arango
Consulting Engineer	Kurt Otto, PE, CME CME Engineering
Board Secretary	Catherine Borstad

Minutes

Meeting minutes for February 20, 2013.

Motion was made by Mr. Evans seconded by Ms. Bleznak to approve the February 20, 2013 meeting minutes. The vote was affirmative with the exception of Mr. Earlen, Ms. Marinelli and Mr. Tallo, who abstained, and the motion carried.

Correspondence

There was none.

Resolutions

a. 2013-05 20 Maple Avenue to continue to March 20, 2013 meeting.

Motion was made by Mr. Evans, seconded by Ms. Bleznak to approve Resolution 2013-05. The vote was affirmative with the exception of Mr. Earlen, Ms. Bleznak, who abstained, and the motion carried.

Items for Action

a. 20 Maple Ave., LLC
Block 13, Lot 3.01
Zone I-1
Site Plan Waiver

Letter dated 3/20/13 from Mr. Edward Sheehan asking for an adjournment to April 17, 2013 meeting. Mr. Crook stated that the applicant has attended a Technical Advisory Committee (TAC) meeting on March 19, 2013 and will attend another TAC meeting on April 3, 2013.

Motion was made by Mr. Evans, seconded by Ms. Bleznak to continue the application until the April 17, 2013 meeting. The vote was affirmative with the exception of Mr. Earlen and Ms. Marinelli, who abstained, and the motion carried.

Mr. Earlen stepped down at 7:50 p.m.

b. Moser, Linda & Don
329 Main Street
Block 37, Lot 2.06
Bulk Variance for ground mounted Solar Array
Conditional Use Variance for the installation of Ground Mount Solar Array

Chairman Bennett asked if anyone was present for the Moser application.

Chairman Bennett stated that there is correspondence dated March 13, 2013 from the applicant's attorney requesting a continuation until the April 17, 2013 meeting.

Ms. Carol Kardon, - resident, sworn to provide testimony.

Ms. Kardon stated that it is an extreme hardship for her to be present at tonight's meeting. She stated that she submitted a letter and was told that her letter might be read. She expressed her concerns regarding the application being postponed, and that she needs to know for sure if the application is going to be heard as she would like to be present.

Ms. Marinelli asked Mr. Crook if the applicant was informed that the case would be postponed. Mr. Crook stated that he did speak with the applicant's attorney regarding the matter with the objector.

Ms. Marinelli stated that the applicant postponed because an objector could not make it, and now they are here. She stated that she has never seen the Board grant such a request.

Ms. Marinelli asked if Ms. Kardon was on the property owners list. Ms. Kardon stated no, but is a neighbor in that community and is close enough to be impacted and would like to be heard.

Chairman Bennett asked Ms. Kardon if she would be available on April 17th, and called for a motion to carry the application to the April 17th meeting.

Motion was made by Mr. Evans, seconded by Ms. Marinelli to continue the application to the April 17, 2013 meeting. The vote was unanimous and the motion carried.

Mr. Earlen returned at 7:55 p.m.

c. Mt. Holly Garage II, LLC
1596 Route 38
Block 7, Lot 8.01
Zone B-2
Minor Site Plan

Present for this application were; Ms. Melissa Miller, Esq., Mr. Mark Miller, Vice-President of Miller Ford and Mr. William H. Nicholson, Nicholson & Associates, all sworn to provide testimony.

Chairman Bennett asked if the application is complete.

Mr. Petrongolo stated that the outstanding issues for this application are drainage calcs, an environmental impact report, landscaping and soil sediment report. Mr. Petrongolo stated that he does not have any objections with waiving these items for completeness.

Chairman Bennett called for a motion to deem the application complete. Motion was made by Ms. Marinelli, seconded by Mr. Evans to deem the application complete. The vote was unanimous and the motion carried.

Mr. Nicholson presented the site plan to the Board, which are a small addition to the existing service building and an addition to the showroom in the front. Mr. Nicholson stated that the addition will result in the loss of two (2) parking spaces. He stated that there are currently 880 parking spaces on site. He stated that the Subaru sign will be moved over.

Exhibit A-1 was marked - Plan of proposed front of building with signage

Mr. Otto asked if there is any public access near the new portion of the building. Mr. Nicholson stated that there is no new public access.

Mr. Miller explained to the Board that the manufacturer asks the dealership every 5-10 years to make changes to the facility which includes carpeting, etc. He stated that while they are making these changes they decided that it would be beneficial to make the proposed changes. He stated that they want to enclose the outside service area, so that when customers pull up to the door, it will open and they would drive in and step out into the enclosed service area.

Chairman Bennett asked if there will be a bollard near the door. Mr. Miller stated that he has no issue with installing the bollard.

Mr. Earlen asked if there was enough space for emergency access. Mr. Otto stated that there is an adequate through way.

Mr. Petrongolo stated that there may be affordable housing obligations that may need to be

satisfied.

Ms. Miller stated that there is currently a moratorium for non-residential on a state-wide basis that supersedes the township. Mr. Petrungolo stated that could change and wanted the applicant to be aware.

Mr. Petrongolo stated that the applicant has requested a waiver for the sign. Ms. Miller stated that currently there is a sign over the door to the service department. Chairman Bennett asked if the applicant would like to request a waiver for the sign, and if they would like the waiver to be part of this application. Ms. Miller stated yes.

Chairman Bennett asked if there were any public comments, there being none, this portion of the meeting was closed.

Mr. Crook stated that this is an application for minor site plan approval with signage. He stated that the applicant has requested a waiver from the variance for the signage above the bay area that reads "service/reception area" and is conditioned on details required by the professional staff regarding size, etc.

Motion was made by Mr. Evans, seconded by Mr. Earlen to approve the application. The vote was unanimous and the motion carried.

Mr. Earlen stepped out at 8:15

c. Nokhoudian, Vahan
324 Main Street
Block 42, Lot 2.01
RA/S
Bulk Variance for the construction of a 24X40 Pole Barn &
Expansion of existing 825 SF Dog Kennel with 448 SF addition
Conditional use variance for the installation of roof mounted solar panels

Mr. Vahan Nokhoudian, sworn to provide testimony.

Mr. Nokhoudian explained to the Board that he purchased the property in June of 2012. He stated that the previous property owners had an approximate 825 SF dog kennel, a 90 SF utility shed and a silo that was built in the 1700s. He stated that he has a number of vehicles and trailers he would like to store, and would like to enclose the existing 460SF dog kennel to use for storage and wood working.

Ms. Bleznak asked if Mr. Nokhoudian uses the dog kennel as a dog kennel. Mr. Nokoudian stated no.

Exhibits, A-1, A-2, A-3, A-4- A5- A-6 & A-7 marked

Mr. Nokhoudian stated that he would like to construction a 24X40 pole barn. He stated that the pole barn will match the colors of the house and will not be higher than 18'. He stated that he will use this for storage of outdoor equipment. He stated that there will be no effect on neighboring properties. Mr. Nokhoudian stated that the only neighbor who would only be affected is to the north. He stated that the only thing between his property and theirs are horses.

Mr. Petrungolo asked if the 18' is at the highest point of the structure. Mr. Nokhoudian stated yes. Mr. Petrongolo stated that this is a use variance and that the applicant is requesting relief from conditionally permitted use.

Mr. Crook stated that solar energy meets positive criteria.

Mr. Petrongolo stated that the applicant needs a setback from the northern property line. The applicant has a 15' setback where 50' is required. He stated that the facility will need to be adequately screened. He stated that the applicant is permitted to have 2 accessory structures, where he is asking to be permitted to have 4. He stated that all four structures combined are 2340 SF, where 900 SF is permitted.

Mr. Nokhoudian stated that he would like to purchase a 12KW solar system to be installed on top of the pole barn. He stated that the solar panels will reduce utility costs. He stated that some of his neighbors already have them. He stated that the panels will not be visible from the street. He stated that his back yard is entirely fenced in. He stated that he has 2 accessory structures with the kennel and shed and wants 3 with the pole barn. He stated that he did not believe the silo is considered as a structure. He stated that the pole barn will allow him to store his outside equipment and if oriented properly the solar panels will be able to be mounted on top.

Mr. Petrongolo stated that the silo is pre-existing structure but doesn't mean is not counted as an accessory structure.

Exhibit B-2 - Picture of Property to Right

Mr. Nokhoudian stated that total square footage of the existing and proposed structures is only 1.2% of the property, which is relatively small.

Mr. Evans asked if he would be keeping the dog kennel runs. Mr. Nokhoudian stated no, he would just put up walls and keep the cement.

Ms. Marinelli asked if the wood shop would be for personal use. Mr. Nokhoudian stated yes.

Mr. Otto asked if any trees would be taken down. Mr. Nokhoudian stated no, only trimming.

Mr. Petrongolo stated that if the applicant met the setback, it would require taking down trees.

Mr. Petrongolo stated that the benefit of the use is a place to store existing vehicles and equipment and preserve existing vegetation.

At this time, Chairman Bennett opened up the meeting for public comment.

Mr. Jim Scelba - 328 Main Street

Mr. Scelba gave his support and spoke in favor of the application.

There being no further public comment, this portion of the meeting was closed.

Mr. Crook gave a brief summary of the variances needed for this application.

Motion was made by Ms. Marinelli, seconded by Ms. Bleznak to approve the application. The vote was unanimous and the motion carried.

Old Business

There was none.

Public Comment

There was none.

Comments from Professionals

There was none.

Comments from the Board

Ms. Marinelli stated that

Chairman Bennett stated that the Board wishes to make a recommendation to the Township Committee to review the Ordinance. There was a brief discussion regarding criteria for conditional uses in the Ordinance.

A. Bill List

Motion was made by Ms. Marinelli, seconded by Mr. Evans to approve the bill list. The vote was unanimous and the motion carried.

Adjournment

Motion was made by Mr. Tallo, seconded by Ms. Bleznak to adjourn at 9:00 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts
Land Development Board Recording Secretary