

**Township of Lumberton  
Land Development Board  
Regular Meeting  
April 17, 2008**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Thursday, April 17, 2008 at 7:35 p.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 2, 2008 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

Thomas Ammerman  
Robert Bennett, Chairman  
Thomas Bintliff  
Sheldon Evans  
Robert Morton  
Bradley Regn  
John Pagenkopf (Arrived 8:13)

Representatives of Governing Body

James Conway, Jr.  
Beverly Marinelli

Alternate #1  
Alternate #2  
Alternate #3  
Alternate #4

Nancy Bleznak  
Craig Potter  
Doug Alba  
Mike Petty

Solicitor  
Consulting Engineer & Planner

Peter Emmons, Esq., Gibbs, Gregory & Emmons  
Gregory J. Sullivan, P.E., P.P.,  
Remington, Vernick & Arango

Board Secretary

Catherine Borstad

**Minutes**

A. Regular Meeting Minutes for March 20, 2008

Motion was made by Ms. Marinelli, seconded by Mr. Ammerman to approve the Regular Meeting Minutes of March 20, 2008. The vote was unanimous and the motion carried.

**Correspondence**

A. Letter from Mr. Trobman, attorney representing Mr. Patel, in regards to 772 Eayrestown Road. (Philly Soft Pretzel location)

B. Letter from Mr. Scelba in reference to charges to his escrow account.

Mr. Emmons stated that the applicant is advised to appeal the escrow bill to the Governing Body.

**Resolutions**

a. 2008-11 Whitesell Construction, 131 & 141 Mt. Holly Bypass, Block 15.04, Lot 2.01. Extension of Preliminary and Final Site Plan. Approved.

Motion was made by Ms. Marinelli, seconded by Mr. Morton to approve Resolution 2008-11. The vote was unanimous and the motion carried.

b. 2008-12 StaSeal, 13 Maple Ave, Block 14, Lot 2.01. Continued to April 17, 2008 agenda.

Motion was made by Ms. Marinelli, seconded by Mr. Morton to approve Resolution 2008-12. The vote was unanimous and the motion carried.

c. 2008-13 StaSeal, 13 Maple Ave, Block 14, Lot 2.01. Continued to May 15, 2008 agenda.

Motion was made by Ms. Marinelli, seconded by Mr. Morton to approve Resolution 2008-13. The vote was unanimous and the motion carried.

d. 2008-14 Deckert, Susan and Donald, 2 Thornhill Drive, Block 19.33, Lot 3. Bulk Variance for lot coverage, setbacks for Inground Pool. Approved.

Motion was made by Mr. Morton, seconded by Mr. Conway to approve Resolution 2008-14. The vote was unanimous and the motion carried.

e. 2008-15 Iacometta, Joseph, 412 Main Street, Block 40, Lot 44. Bulk Variance for placement of shed. Approved.

Ms. Marinelli stated that on page 5, paragraph (h), it was her recollection that the Board decided that the screen for the shed was not to be white pines. Mr. Sullivan stated that it was discussed that it not be white pines.

Mr. Emmons stated that he will amend the resolution.

Motion was made by Ms. Marinelli, seconded by Mr. Morton to approve Resolution 2008-15 as amended. The vote was unanimous and the motion carried.

- f. 2008-16 Children's Resource Center, 3 Camp Drive, Block 45, Lot 1.18. Conditional Use for outdoor recreational equipment. Approved.

Motion was made by Mr. Morton, seconded by Mr. Evans to approve Resolution 2008-16. The vote was affirmative with the exception of Mr. Conway and Ms. Marinelli, who abstained, and the motion carried.

- g. 2008-17 Walmart, 1740 Route 38, Block 22, Lot 8.02. Amended Preliminary and Final Major Site Plan with Waiver and/or Variances. Approved.

Mr. Emmons stated that this is just for Amended Preliminary.

Ms. Marinelli stated that Mr. Emmons did a very nice job on the resolution. She asked if the Planner and Engineer look at the resolution. Mr. Emmons stated that they could if they want to. Ms. Marinelli asked if the objectors need to be stated. Mr. Emmons stated no. Ms. Marinelli asked if the height of the poles was correct. Mr. Emmons stated yes. Ms. Marinelli stated that where it states one complaint should read one complaint to the Police Department. Mr. Emmons will amend. Ms. Marinelli asked if storage trailers and pods need to be listed in the resolution. Mr. Emmons stated that it is sufficient as stated.

Mr. Morton asked if the sound wall shall be measured six months after the certificate of occupancy is granted. Mr. Morton stated that it was his recollection that they would put in landscaping when they install the sound wall. Mr. Emmons stated that they will add paragraph (R) to state that the sound wall shall be measured six months after the certificate of occupancy and that it shall be measured at the property line. Mr. Emmons stated that he will add paragraph (S) to state that the sound barrier and landscaping shall be installed as one of the first components of construction.

Motion was made by Mr. Morton, seconded by Mr. Regn to approve Resolution 2008-17 as amended. The vote was affirmative with the exception of Ms. Bleznak, who abstained, and the motion carried.

**Items for Action**

***Family Services***

***79 Chestnut Street***

***Block 15.04, Lot 2.03***

***I-2 Zone***

***Bulk Variance, Expansion of Non-Conforming Use Amendment to Site Plan for additional parking. (7:50-8:32)***

Exhibits marked.

Mr. Charles Rizzi, Esq., Capehart & Scatchard of Mt. Laurel, attorney representing applicant.

Mr. Rizzi stated that in 2003 the applicant had requested approval for a Use Variance and site plan approval with 64 parking spaces, which was deemed applicable at the time. He stated that in 2005 the building was complete and programs were instituted. Mr. Rizzi stated

that since that time the center has been extremely successful, resulting in a few additional programs being placed in the center and increased employees, which have increased the vehicles on the site. Mr. Rizzi stated that Family Services is requesting to add an additional 36 parking spaces for a total of 100. He stated that they are amending the site plan and are requesting a bulk variance due to the parking still under the limit.

Mr. Emmons asked if the original approval required banking of additional spaces. Mr. Rizzi stated yes. Mr. Emmons asked if the original approval included the additional parking spaces that are proposed now. Mr. Rizzi stated yes. Mr. Emmons stated that if the previously approved plan shows the banking of the parking spaces, a bulk variance will not be needed. Mr. Sullivan verified that the previously approved site plan dated 2/3/03 does show the additional spaces banked.

Mr. Emmons asked if the application is complete.

Mr. Sullivan stated that it is his recommendation that they go forward treating the application as a use variance. Mr. Rizzi stated that it is his understanding that a use variance does not need to be granted again because the use variance was granted for the entire site. Mr. Rizzi stated that if the applicant applied for another building, they would come back to the Board and prove the number of spaces that would be needed at that time. Mr. Emmons stated that if this application is approved tonight, one of the conditions of approval tonight would be that when they are ready to do the second building, they would have to come back for site plan review. Mr. Rizzi stated that was acceptable. Mr. Emmons stated that the testimony may proceed with this application as an amended site plan.

Motion was made by Mr. Regn, seconded by Mr. Conway to approve the application for completeness. The vote was unanimous and the motion carried.

Mr. Andrew Ott, Ott & Warren, Professional Engineer, sworn to provide testimony.

The Board accepts Mr. Ott as a professional engineer.

Mr. Ott explained to the Board where the additional parking would be located on the site.

Mr. Michael Snyder, Chief Operating Officer with Family Services, sworn to provide testimony.

Mr. Snyder stated that he has been with Family Services for two years. He stated that Family Services contracts with the Department of Human Services to provide residential and community base programs for children and adults throughout southern New Jersey. Mr. Snyder stated that they provide in-patient, out-patient and affordable housing and case management type services.

Mr. Snyder stated that the Yates Center's purpose is for early intervention programs for children with disabilities, after school programs for children with behavior challenges and programs for supervised visitation for families. Mr. Rizzi asked if the Yates Center has been successful. Mr. Snyder stated that they opened in March of 2005 with six programs funded in the center with 45 staff. He stated that they now have about 88 staff and an additional 10 programs. He stated that the programs are all community based. He stated that the programs run from 8 a.m. until 9 p.m. Monday through Friday. Mr. Rizzi asked if the type of programs that were added of the same nature that were originally. Mr. Snyder stated yes. Mr. Rizzi asked if the employees are all there at the same time. Mr. Snyder stated that the bulk use of the building is between the hours of 11 a.m. and 5 p.m.

Mr. Snyder stated that early in the morning there is not as much staff as there is from 11:00 a.m. to 5:00 p.m..

Mr. Rizzi asked if the children and families drive to the site. Mr. Snyder stated that they transport them in or occasionally bussed in for after school program. Mr. Snyder stated that the cars that are there are staff cars or agency owned vehicles. He stated that originally they had 11 agency vehicles and now they have 27. Mr. Snyder stated that the staff members use these vehicles for offsite activities such as; visit families, provide case management services, and take children to appointments. Mr. Rizzi asked if there are visitors at the site. Mr. Snyder stated occasionally for training on Saturday's. Mr. Snyder stated that visitors are limited and planned.

Mr. Rizzi asked if the 36 extra spaces are adequate. Mr. Snyder stated yes.

Mr. Sullivan asked Mr. Snyder if there were any building projections and if so would these additional spaces would be adequate. Mr. Snyder stated that they have no plans in the immediate future for the building. He feels they are at 100% occupancy at this site.

Mr. Ott explained the site plan to the Board. He stated that the parking spaces are proposed at the back of the site and in the front along Hainesport-Lumberton Road. He stated that they attach to the existing driveway. He stated that it is approximately 1500 SF of impervious area. Mr. Ott stated that the parking spaces are designed to tie into the existing storm system and detention basin. He stated that the existing lighting is adequate to handle the additional parking spaces. Mr. Ott stated that additional landscaping along the edge of the parking spaces is proposed. He stated that the existing landscaping on Hainesport-Lumberton Road will stay if the Board requests such. Mr. Ott stated that there are two oak trees that may have to come down but will work with Board and professionals.

Mr. Ott stated that there is a basin at the back of the site that handles the storm water management for this site. Mr. Rizzi asked if this basin can handle the additional parking. Mr. Ott stated yes.

Mr. Regn asked about removing the fire lane. Mr. Ott stated that the line striping that stated "Fire Lane" will only be removed, not the fire lane just the striping. Mr. Regn stated that he would like to leave as much of the existing growth as possible.

Mr. Evans asked if the three oak trees will have to be taken down. Mr. Ott stated that they would like to save and will try and work the grading around them.

Mr. Evans stated that the inlet in front of the building should be spruced up with some vegetation. Mr. Ott stated that it is a sewer pump for the building.

Mr. David Horner, Horner & Canter, sworn to provide testimony.

The Board accepts Mr. Horner as a Professional Traffic Engineer.

Mr. Horner stated that he performed a traffic study dated April 10, 2008. He stated that the peak hours are between 8:45-9:45 a.m. and 3:00-4:00 p.m. He stated that during these peak times the Level of Service was A, which indicates that there are no issues in terms of traffic capacity at this intersection. Mr. Horner stated that Level of Service A is a 10 second delay. Mr. Horner stated that the highest parking demand was 71. He stated that during the afternoon, at 26 different intervals, 9 x out of 26 the parking exceeded. Mr. Rizzi asked what was the peak number of cars observed. Mr. Horner stated 71.

Mr. Evans stated that employees and vans are using Village Green as an enter/exit to the establishment. Mr. Evans stated that there are other children in this area and the vehicles should not be using the Village Green as a cut through. Mr. Snyder stated that he will talk to the Transportation Director and re-route employees.

Mr. Bennett asked if the facility is open Monday through Friday. Mr. Snyder that they are open seven days a week. He stated that the weekend usage is very minimal. He stated that on the weekends they have visitation with families.

Mr. Emmons asked if there were any additional COAH obligations for this application. Mr. Sullivan stated no.

At this time Chairman Bennett opened the meeting up for public comment, there being none this portion of the meeting was closed.

Mr. Emmons stated that this is an application for approval to amend the site plan to expand the parking lot with 36 additional spots that will attach to the existing drive and tie into the existing storm water management system and existing lighting. The approval would include landscaping being placed around the sewer facility, and no COAH requirements are needed at this time.

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

Mr. John Pagenkopf arrived at 8:33 p.m.

***Palladino, John***  
***1555 Rout 38***  
***Block 13, Lot 4***  
***B-2 Zone***  
***Massage Therapy Practice/Change of Use (8:33-9:04)***

Exhibits marked A1-A4

John Palladino, sworn to provide testimony.

Mr. Palladino stated that he is requesting a Use Variance.

Mr. Emmons asked if the applicant was complete.

Mr. Sullivan stated that he needs further information to determine what the use is.

Mr. Palladino stated that the use is massage therapy. He stated that massage therapy is similar to a chiropractic practice.

Mr. Emmons stated that if the use is not a permitted use, then he needs to apply for a Use Variance. Mr. Emmons stated that if the application is for a Use Variance the proper notification has not been sent out.

Mr. Emmons stated that the applicant has gone to Township Committee and they have expressed no interest. He stated that it is his understanding that once the Township has expressed no interest, the application comes back before this Board for a normal application.

Mr. Emmons stated that if the application is approved as a Use Variance, then it will be recommended back to the Township Committee for a final decision on the redevelopment zone.

Ms. Marinelli stated that at the Township Committee meeting it was stated that the Committee had no objections. Mr. Conway concurred.

Mr. Palladino stated that massage therapy is similar to chiropractic. He stated that chiropractic is manipulation of bones and massage therapy is manipulation of muscles.

Mr. Emmons asked how this service relates to the Ordinance as a personal service facility. Mr. Palladino stated that it is a professional massage therapy is a personal service. He stated that he does sport massage and has many clients. Mr. Palladino stated that his daughter is certified as a massage therapist and she would be working with him at this site. He stated that it is comparable to a personal service for medical use. He stated that massage therapy is known to be very healthy.

Mr. Emmons asked what kind of qualification a massage therapist needs. Mr. Palladino stated that they need to be certified by the State with at least 560 hours of massage therapy training.

Mr. Conway asked if Mr. Palladino was certified by the State in massage therapy. Mr. Palladino stated yes.

Mr. Palladino gave the Board copies of his and his daughter's certifications.

Mr. Palladino stated that massage therapy is to get the body ready for exercise. He stated that there are different types of massage therapy. He stated there is sport massage and Swedish massage. Mr. Emmons asked what the benefit of a Swedish massage is. Mr. Palladino stated that it helps keep blood flowing.

Mr. Bennett asked if an Orthopedist would write a referral for a massage therapy. Mr. Palladino stated yes.

Mr. Emmons asked if Mr. Palladino has an office open now. Mr. Palladino stated no. He stated that he does freelance massage. He stated that his daughter has worked in a spa and gym. Mr. Palladino stated that he is looking to promote massage therapy as an athletic service.

Mr. Bennett asked Mr. Palladino if he gets referrals actively now from physicians. Mr. Palladino stated no. Mr. Bennett asked if massage therapists get prescriptions from doctors. Mr. Palladino stated that chiropractors and physical therapists will refer a person who is going to therapy to massage therapy. Chairman Bennett asked if he will take insurance. Mr. Palladino stated that he would like to. Chairman Bennett asked if insurance companies would recognize the service as something covered. Mr. Palladino stated yes.

Ms. Marinelli stated that she has been recommended to massage therapy in the past.

Mr. Pagenkopf stated that the applicant seems consistent with a medical office and suggested looking at the site plan to see if there is adequate parking for the site.

Mr. Emmons stated that the Board needs to determine if the use is permitted under the zone as a medical center.

Mr. Sullivan stated that he has heard enough to determine the application as a change in use and no Use Variance is required.

Motion was made by Ms. Marinelli, seconded by Mr. Morton to deem the application complete. The vote was unanimous and the motion carried.

Mr. Patrick McAndrew, Esq., representing owner of the lot.

Mr. McAndrew stated that the site plan was approved in 2003 with 16 parking spaces. Mr. McAndrew stated that the massage therapy site will be serviced by appointments. Mr. Palladino stated that the most parking spaces at one time would be 6. He stated that a massage takes an hour and a half. He stated that walk-ins would be uncommon. He stated that it will be only himself and his daughter giving the massages. He stated that a massage takes an hour and a half. Mr. Palladino stated that he doesn't anticipate people wanting to wait that length of time to get a massage. Therefore, it would most likely be by appointment.

Mr. Sullivan asked if this is a change in use of the entire site. Mr. McAndrew stated that it is for the 1800 SF in the front for the massage therapy office.

Mr. Conway asked what the max number of employees he would have. Mr. Palladino stated the maximum would be three.

Chairman Bennett asked how the space was going to be utilized. Mr. Palladino stated that it is shown on the plan he submitted.

Chairman Bennett stated that the plan is showing four massage rooms. Chairman Bennett asked if Mr. Palladino envisions using all rooms. Mr. Palladino stated that he didn't want people to have to wait around for their massage, so by having the four rooms, clients could go in the room and utilize the sauna or showers while waiting for their appointment. He stated that the client who may have just finished their massage wouldn't have to rush out.

Mr. Palladino stated that there are only two therapists. He stated that massage therapy is very strenuous work. Mr. Palladino stated that a therapist would need to take about 30 minute break in between each massage. Mr. Palladino stated that reason he has four rooms, is to give the person a chance to get in their room and get relaxed while he may be finishing up with a client.

Ms. Marinelli asked how long the lease is. Mr. Palladino stated that he has entered into a five year lease with another five year option.

Mr. Conway asked what the hours of operation would be. Mr. Palladino stated Monday through Friday 9:00 a.m. unto 9:00 p.m. Saturdays 10:00 a.m. to 9:00 p.m. and Sundays until 6:00 p.m. He stated that they may be open on Sundays but will not be able to determine until he sees when his clients can come.

Mr. Emmons asked Mr. Sullivan if there was a COAH obligation on this application. Mr. Sullivan stated no.

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

*Natalie Lewis - 12 Beulah Avenue*

Ms. Lewis stated that she is in favor of this application.

*Deborah Burkland - 13 Beulah Avenue*

Ms. Burkland stated that massage therapy is beneficial and she supports the application.

At this time public portion of the meeting was closed.

Mr. Pagenkopf stated that a COAH obligation would be for increase in employees or a percentage of the cost of the improvements. Mr. Emmons stated that he will advise the applicant that the COAH obligation if any will need to be met at the time the permits are pulled.

Mr. Palladino stated that he agrees.

Mr. Emmons stated that this application is for approval of a change of use for a sports massage therapy with a site plan waiver. He stated that the applicant will comply with the plans submitted. He stated that no use variance is necessary. The parking provided is appropriate for the site. He stated that the COAH obligation if any will be met.

Motion was made by Ms. Marinelli, seconded by Mr. Conway to approve the change of use application as stated. The vote was unanimous and the motion carried.

Chairman Bennett called for a five minute break.

**Evola, Joseph & Wendy**

**1566 Route 38**

**Block 6.04, Lots 3.02, 3.07 & 5**

**B-2 Zone**

**Change of Use (Restaurant), Bulk Variance for parking, Site Plan waiver requested.**

**(9:17 -11:13)**

Exhibits marked.

Mr. Brian Guest, Esq., attorney representing applicant.

Mr. Guest stated that this is an application for a Change in Use. He stated that the applicant is proposing a family style restaurant. He stated that it is a permitted use in the zone. He stated that there are currently 29 parking spaces. Mr. Guest stated that the Ordinance states one parking space for every two seats in a restaurant. Mr. Guest stated that the type of restaurant the applicant is proposing the typical clientele is coming in groups of 2, 3, 4, 5 or more. Mr. Guest stated that it is his opinion that a variance would be suitable for this situation. Mr. Guest stated that the peak hours of the restaurant do not coincide with the hours of operation of the other uses on the site, so there would actually be more parking spaces available. He stated that one exception is the tanning salon which is open on Friday evenings. Mr. Guest stated that a restaurant of this type, if the parking lot is full, most customers would just go to another restaurant.

Mr. Sullivan stated that the application is complete.

Mr. Pagenkopf stated that there is an agreement for valet parking on Sever's Garage lot. He stated that if the Board considers Sever's Lot for valet parking, the Board would need more information to determine if there is a parking variance.

Mr. Emmons stated that if the notice was not sent out to the 200' property owners by Sever's Garage, the application would need to be rescheduled.

Mr. Guest stated that the valet service is something that could be offered during peak hours if the Board desired. He stated that they could provide a letter of agreement with Sever's if needed.

Chairman Bennett asked what to do about the notice issue. Mr. Emmons stated that if it is determined that valet parking is required by the Board, the application should be continued to proper notice. Mr. Guest stated that they are not proposing any development on the Sever's lot. He stated that it is an existing site with existing parking. Mr. Pagenkopf stated that they could not determine how many cars would be on the lot. Mr. Guest stated that they will testify as to what the parking would be.

Mr. Morton asked if that would be a use on Sever's lot. Mr. Guest stated that there are vehicles that are parking there now.

Mr. Sullivan stated that we should continue with the application at this time. Mr. Guest stated that he thinks we should continue with the application, and if the Board determines there needs to be additional parking, they will find some alternate off site parking.

Motion was made by Ms. Marinelli, seconded by Mr. Conway to deem the application complete. The vote was unanimous and the motion carried.

Mr. Joseph & Wendy Evola, both sworn to provide testimony.

Ms. Evola stated that her husband's family has been in the restaurant business for years. She stated that if this restaurant were to go, it would be their 3<sup>rd</sup> restaurant. She stated that it has been their experience that customers come 3-6 persons to one car. Mr. Guest asked what type of food will be provided. Ms. Evola stated that it is family style Italian restaurant. Mr. Guest asked if there will be liquor provided or any intention to have liquor. Ms. Evola stated no. Mr. Guest asked if they are Lumberton residents. Ms. Evola stated yes. She stated that their other restaurant is in Pennsylvania and 45 minutes away and are looking for something closer to home. She stated that their peak hours would be from 6 p.m. until 9 p.m. She stated that the nail salon is closed at seven Monday-Friday and the tanning salon is open until 9. She stated that they are both open until 5:00 p.m. on Sundays. Ms. Evola stated that the only issue she sees will be on a Friday evening.

Exhibits marked.

Ms. Evola stated that there will be two dining rooms. Only one would be used during lunch which would have a maximum of 40 seats. She stated that during dinner hours they would have a maximum of 125 seats. Ms. Evola stated that they are trying to appeal to families.

Mr. Emmons asked if there were currently 29 parking spaces available. Mr. Guest stated that there are 29 parking spaces assigned to this unit. He stated that there is currently a vacant unit that was used prior as a warehouse. He stated that there were 14 spaces. Mr. Emmons asked for some testimony on the variance for the parking. Mr. Guest stated that the applicant needs 63 spaces under the Ordinance, and they are proposing one space for every four seats.

Ms. Marinelli asked if there are 15 additional parking spaces on the warehouse unit. Mr. Guest stated yes, but they do not know what type of business would come in.

Mr. Emmons asked Mr. Guest to reference the 76 Standard. Mr. Guest asked Ms. Evola what the benefits of having a restaurant of this type at this location. Ms. Evola stated that they wanted to bring something home where families could come out and sit down with their children. She stated that currently if they want to go to a restaurant they have to go to Cherry Hill or Marlton. She said that there is nothing in this town to take kids to sit down at a family style restaurant. Mr. Guest asked if there was any detriment to the community. Ms. Evola stated no.

Ms. Marinelli asked if the landlord would be willing to give up some of the other parking spots. Mr. Guest stated that the landlord has endorsed this application and he is aware of the parking issue, but they will have to approach him regarding the utilization of the additional spaces.

Ms. Marinelli asked how the tables would be. Ms. Evola stated that most of the tables that are planned are for four seats. She stated that if there were a bigger party, they could push them together. Ms. Marinelli stated that there may be 125 seats, but all seats may not be used.

Mr. Guest stated that if there are tables for four coming in, and a party of five comes in, they would push two tables together and there would be three empty seats.

Ms. Marinelli asked if there would be child portions offered. Ms. Evola stated yes and provided a copy of a sample menu from their other restaurant.

Mr. Sullivan stated that there are currently 51 parking spaces. Mr. Guest stated that was correct.

Mr. Pagenkopf stated that the requirement is for 59 parking spaces, he stated that the prior variance for parking was 50.

Mr. Emmons asked for some more testimony on the hours of operation and busy time. Ms. Evola stated that their busiest time would be Friday, Saturday and Sunday evenings. She stated that Sunday's would not be a problem because the other businesses are closed at 5 p.m. on Sunday. She stated Sexy Nails closes at 7 p.m. on Fridays which would give them an additional six spaces. She stated that Dazzle Me Bronze is open until 9 p.m. Ms. Evola stated that Dazzle Me Bronze's peak time is March, April & May, and the rest of the year they are scattered and patrons are in and out in a half hour.

Chairman Bennett asked if there will be take out. Ms. Evola stated that they will offer take-out but they are mainly focusing on sit down eating. Chairman Bennett asked if pizza would be offered. Ms. Evola stated yes.

Mr. Morton asked how many employees. Ms. Evola stated during the afternoon between 4 and 5 and in the evenings 5 to 10 including herself and her husband.

Chairman Bennett stated that between assigned parking spaces, at least nine spaces will be for employees. Ms. Evola stated that not for the whole time. She stated that at lunch time they would be busy from 12-2 and then some of the staff would go home and come back around 4 or 5 and work until 8-9 at night. She stated by that time, the other businesses would be closed.

Mr. Guest stated that Mr. & Mrs. Evola would be arriving in one car. He stated that there may be a maximum of 4-5 employee cars at the busiest time of day.

Mr. Morton stated that there is no guarantee that other businesses could change their

Mr. Regn stated that he does not feel there is adequate parking.

Mr. Evans stated that he has concerns about people cutting through the residential zone. Mr. Guest stated that the proposal would be to go up Main Street and come back using the By-Pass.

Ms. Marinelli stated that she is in favor of looking into additional parking at the Sever's Garage site.

Mr. Pagenkopf suggested that they come up with a reasonable amount of parking for the number of seats and employees. He suggested the maybe the applicant might consider lowering the number of seats to make the parking without going to the Sever's lot.

Mr. Guest stated that the minimum number of seats the applicant can go to is 110.

Mr. Regn stated that the Board was adamant when Melange's Market wanted a sit down deli.

Mr. Bintliff stated that he has full confidence that the Evola's know their business and know if it will work.

Ms. Marinelli stated that she supports the applicant. She stated that a family that has been in business knows how to run a business.

Mr. Emmons stated that the Board should be polled to see if 29 spaces are enough to fulfill 125 seats. He stated that if the Board does not think it is enough, then the applicant will have to look into off site parking and will require a re-notice.

Mr. Guest stated that regarding the previous application with a proposed deli, a deli would much more likely to get single and double customers walking in to have a sandwich for lunch as opposed to a family going into this type of restaurant. He stated that he does not think the same parking requirements should apply to this application.

Mr. Pagenkopf stated that any approval should be conditioned upon a family restaurant. Ms. Evola stated that they do not plan on going anywhere.

Mr. Sullivan stated that customers may come in increments of four per car load.

Mr. Pagenkopf stated that based on that scenerio, 125 seats at one parking space per 4 seats, with employees would be a total of 39 stalls. He stated with at 110 seats, at 4 it would be 35 stalls.

Mr. Evans asked if they approved this application and there was some kind of discrepancy between the different tenants regarding the parking, will it fall back on the Board. Mr. Emmons stated that it is something they have to consider.

Mr. Emmons asked for an informal poll to determine if parking is adequate.

Aye: Mr. Ammerman, Mr. Bintliff, Mr. Conway, Ms. Marinelli  
Ney: Chairman Bennett, Mr. Evans, Mr. Morton, Mr. Pagenkopf, Mr. Regn

Chairman Bennett stated that we need to look into alternatives.

Mr. Guest asked for a five minute break to consult with the Evola's.

Mr. Guest stated that the Evola's have determined that the maximum seat they could go with is 100 seats. He also stated that if issues arise with parking with the other users on the site, they will designate the specific spaces for the other users so that they are assured the use of their space.

Mr. Emmons stated that the off site parking is now off the table. Mr. Guest stated yes.

Mr. Emmons stated that he needs a motion for completeness.

Motion was made by Ammerman, seconded by Mr. Bintliff to deem the application complete. The vote was unanimous and the motion carried.

Mr. Emmons stated that if there is a maximum of 100 they will need 25 parking spaces for guests and five for employees. He stated that the variance request is for five additional spaces.

Mr. Guest stated that they need a variance for five additional spaces. Mr. Emmons stated that the request is for 29 spaces where 34 are required.

Chairman Bennett asked how they would designate the spaces for the other tenants. Mr. Guest stated that they will paint or sign those spaces if the problem arises. Mr. Guest stated that the landlord will not have a problem with doing this.

Mr. Ammerman stated that the parking lot stalls could be restriped to make the existing 10X18 stalls to 9 X18. Mr. Sullivan stated the applicant could pick up 3 more spaces with restriping.

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

*Peggy Ferrara - 10 Easlick Avenue*

Ms. Ferrara stated that she would welcome a family restaurant but does not think there is adequate parking. She stated her concerns regarding cars coming through the neighborhood.

*Michael Jubanyik - 18 Azalia Drive*

Mr. Jubanyik stated that he has been a Lumberton resident for 18 years and supports a family restaurant.

*Natalie Lewis - 12 Beulah Avenue*

Ms. Lewis stated that she would welcome a family restaurant but has issues with traffic coming into the neighborhood. She expressed her concerns for the children and adults in her neighborhood. Ms. Lewis had concerned regarding littering in the neighborhood and if they would have liquor or eating with open containers.

Mr. Guest asked if the through road between the proposed restaurant and the neighborhood could be closed. Mr. Emmons stated that a formal application would have to be made to the Committee. Mr. Emmons stated that the Committee could have the actual road itself go back to the adjoining owners, acquire an entrance drive just to those two properties and close off the back. Mr. Emmons stated that would be something for the Committee to decide.

Chairman Bennett asked if the restaurant would have BYOB. Mr. Guest stated there is no intension of having BYOB. He stated that it is not that type of restaurant.

Mr. Guest stated that people coming through this area is an enforcement issue.

*Don Tallo - 20 Azalea Drive*

Mr. Tallo stated that he has been a Lumberton resident for 9 years and supports a family restaurant.

*Deborah Burkland - 13 Beulah Avenue*

Ms. Burkland expressed her concerns of the traffic coming in and out of the neighborhood. She stated that it is an issue now with traffic coming onto Beulah and Ellis Avenue. She stated that she would love to have an Italian restaurant right there, but has a problem with people speeding through the neighborhood.

*Howard Davis - 1 Ellis Avenue*

Mr. Davis stated that he has no problems with the restaurant. Mr. Davis expressed his concerns regarding the traffic coming in and out of the neighborhood. Mr. Davis stated that someone is doing work inside the restaurant now. Mr. Davis stated that it is his knowledge that older residents have deeded into their mortgage from years ago that they are the owners of that street. Mr. Davis had concerns if the sewer system adequate to handle a restaurant.

*Ed Borm – Village Drive*

Mr. Borm stated that he has been a Lumberton resident for 16 years. He stated that people using that cut through road has been a problem for many years. Mr. Borm stated that he would like to have a restaurant of this type in Lumberton.

*Paul Lally - Stonebrook Drive*

Mr. Lally stated that he has been a Lumberton resident for 12 years. He stated that he is in favor of a restaurant like this in the town. He stated that he has to go out of Lumberton to go to a restaurant of this type. Mr. Lally stated that it is the municipality's responsibility to enforce the traffic issues.

*Curt Shewster - 14 Beulah Avenue*

Mr. Shewster stated that the revenue would be great for the Township. He stated that they do need a family restaurant in Lumberton.

*Maryann Regn - Beulah Avenue*

Ms. Regn stated that Easlick Estates is one of the original developments in the township. She stated that she does use the dirt road from time to time. She stated that when the ice cream stand was at Edgar's, people backed up all the way to Edgar's onto Ellis Avenue to get ice cream. She stated that she is looking forward to having this type of restaurant in the town. Ms. Regn expressed her concerns regarding the traffic onto the local roads. She asked if the Township was going to police the traffic. She expressed concerns for people using the dirt road as a parking area and blocking the road. Ms. Regn stated that she owns a rental property and has concerns about traffic parking in front of it.

*Tracy McHartland - 14 SherryAnn Drive*

Ms. McHartland stated that she is in favor of the restaurant coming into the town. Ms. McHartland stated that she disagrees with children playing in the street in a business area.

*Alison Hampton - Main Street*

Ms. Hampton stated her concerns with the additional traffic the restaurant would generate. She stated that she has 2 autistic children living in her house that do not understand traffic.

*Art Hampton - 731 Main Street*

Mr. Hampton stated his concerns regarding handicap parking. Mr. Hampton had concerns regarding the drainage from the parking lot.

At this time public portion of the meeting was closed.

Mr. Guest stated that the applicant is concerned about the traffic going into the neighborhood. He stated that the Township will need to address these issues. He stated that the police could enforce, or have the drive marked one-way, or close it off, etc.

Ms. Marinelli stated that this problem has been an ongoing problem. She stated that looking into closing the road may be a possibility.

Mr. Alba stated that whole point to redevelopment is to support this type of development.

Mr. Regn stated that if they close the driveway entrance off of Easlick Avenue, they may be able to get more parking spaces. Mr. Emmons stated that it is not this Board's decision.

Mr. Pagenkopf asked how deliveries arrive. Mr. Evola stated that he picks up his own produce, seafood, cheeses, etc. in his own truck. Mr. Evola stated that the only thing that gets delivered is soda.

Mr. Guest stated that the only issue he sees with closing the driveway access would be for emergency access only. He stated that it would make more sense to put a chain or something of that sort to allow for emergency vehicles to get through. Mr. Pagenkopf stated that could be a condition of approval to check with Fire Official.

Mr. Evans had concerns as to what would be coming into Unit 6. Mr. Pagenkopf suggested that it be a conditional of approval that the landlord would have to comply with the parking for Unit 6 and what business could come in the future.

Mr. Emmons stated that a motion to approve would be for a change in use with a site plan waiver for a family style Italian restaurant. He stated a variance is required for 29 parking spaces where 50 are required for this unit. He stated that this is approval for a 100 seat restaurant with 50 parking spaces. A condition of approval would be 4 seat tables or larger. The applicant has stated that they will only be open to 40 seats during the lunch time hours and a maximum of 100 in the evening. The applicant has testified to the hours and number of employees. The applicant has testified to the benefits of a restaurant in the town. He stated that the applicant has testified to the hardship of explaining the amount of parking on site.

Motion was made by Mr. Pagenkopf to approve the change of use for unit 4 & 5 based upon the limitations stipulated by Mr. Emmons and that the closure of the driveway with a chain to Easlick Avenue is subject to the approval of the Fire Official approval, seconded by Mr. Evans. The vote was affirmative with the exception of Mr. Conway and Ms. Marinelli, who voted no, and the motion carried.

Mr. Conway asked what would happen if the Fire Official does not approve. Mr. Emmons stated that if the Fire Official does not approve, then the conditions of approval cannot be met and the applicant would have to come back before the Board.

***Sta Seal***  
***13 Maple Avenue***  
***Block 14, Lot 2.01***  
***Minor Site Plan for placement of Scale House and 2 Scales with Variances.***

Motion was made by Ms. Marinelli, seconded by Mr. Morton to carry the application to the May 15, 2008 meeting. The motion was unanimous and the motion carried.

***Public Comment***

Pam Englund - Creek Road, Block 32.01, Lot 21

Ms. Englund was seeking some guidance with her property regarding zoning and credits that go with the property. The Board referred Ms. Englund to seek an informal conceptual application with the TAC Board to get some guidance and professional opinions. The Board also advised Ms. Englund that in order to have an informal review with the TAC Board would require escrow fees.

Ms. Marinelli suggested Ms. Englund look into finding a builder and let the builder determine what they could do with the land. Mr. Pagenkopf stated that the Township Ordinance is very difficult to follow.

Ms. Englund asked if a larger watermain would be installed down Creek Road. Mr. Emmons suggested Ms. Englund check with American Water Company.

***Comments from Professionals***

There were none.

***Comments from the Board***

Mr. Ammerman questioned regarding comments being made during the voting. Mr. Emmons stated that once the voting starts there should not be any more comments. He stated that before the voting starts they can clarify something and comment after voting.

**A. Bill List**

Motion was made by Mr. Regn, seconded by Mr. Conway to approve the bill list. The vote was unanimous and the motion carried.

Ms. Borstad stated that packets are not able to be delivered to the Board. She suggested that the Board members pick up their packets in the lobby. She stated that a box would be available with the packets in it.

**Adjournment**

Motion was made by Mr. Morton, seconded by Ms. Marinelli to adjourn to Executive Session at 11.31 p.m. The vote was unanimous and the motion carried.

**Executive Session**

Respectfully Submitted,

Caryn L. Cutts  
Land Development Board Secretary