

**Township of Lumberton  
Land Development Board  
Regular Meeting  
April 17, 2013**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Wednesday, April 17, 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 Joseph Michael Dinneen Sheldon Evans John Pagenkopf	(Absent)     (Absent)
Representatives of Governing Body	James Conway, Jr. 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 March 20, 2013.

Minutes were tabled until the May 15, 2013 meeting.

### **Correspondence**

There was none.

### **Resolutions**

a. 2013-6 20 Maple Avenue LLC, Block 13, Lot 2.01, 20 Maple Avenue. Site Plan Waiver. Dismissed without Prejudice. Approved

Motion was made by Mr. Evans, seconded by Mr. Conway to approve Resolution 2013-6. The vote was affirmative with the exception of Ms. Marinelli, who abstained, and the motion carried.

b. 2013-7 Moser, Linda and Don, 329 Main Street, Block 37, Lot 2.06. Bulk and Conditional Use Variance for the installation of ground mounted solar panels. Continued to the April 17, 2013 Land Development Board meeting. Approved.

Motion was made by Mr. Evans, seconded by Ms. Marinelli to approve Resolution 2013-7. The vote was affirmative with the exception of Mr. Conway, Mr. Earlen and Mr. Darji, who abstained, and the motion carried.

c. 2013-8 Mount Holly Garage II, Inc., 1596 Route 38, Block 7, Lot 8.01. Minor site plan and approval of waiver for signage. Approved.

Motion was made by Ms. Marinelli, seconded by Mr. Evans to approve Resolution 2013-8. The vote was affirmative with the exception of Mr. Conway and Mr. Darji, who abstained, and the motion carried.

d. 2013-9 Nokhoudian, Vahn, 324 Main Street, Block 42, Lot 2.01. Bulk Variance for the construction of a 24x40 Pole Barn, a 448 square foot addition on an existing 825 sq. ft. dog kennels. A Conditional Use Variance for the installation of a roof-mounted solar panels. Approved.

Motion was made by Mr. Evans, seconded by Ms. Marinelli to approved Resolution 2013-9. The vote was affirmative with the exception of Mr. Conway, Mr. Earlen and Mr. Darji, who abstained, and the motion carried.

### **Items for Action**

a. Young, Richard  
23 Church Street  
Block 27, Lot 4.02  
New Single Family Dwelling

Mr. Richard Young, applicant, sworn to provide testimony. Mr. Young stated that he is seeking a variance for 31 Church Street which is next door.

Chairman Bennett asked Mr. Petrongolo if the application can be deemed complete. Mr. Petrongolo stated that the application is incomplete as he just received the plans this evening and has not been able to do a review.

Motion was made by Mr. Evans, seconded by Mr. Marinelli to deem the application incomplete and to continue to the May 15, 2013 meeting. The vote was unanimous and the motion carried.

***Mr. Conway & Mr. Earlen stepped down at 7:41***

- 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 mounted solar array

*Mr. Vincent Verdiramo, Esq. was present representing the applicant*

Mr. Verdiramo stated that the application is for two (2) solar panel arrays to be placed in the grazing pasture in the northwest corner of the property. He stated that the solar panels will be ground mounted with screening. He stated that the applicant is seeking a variance for a 16' setback from the property line where a 50' setback is required.

Chairman Bennett asked if the application can be deemed complete. Mr. Petrongolo stated yes.

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

Mr. Verdiramo stated that the applicant cannot place the solar panels on the home because; it consists of a slate roof, the pitch and direction of the roof are wrong, and it is an older home built in the 1700s which will not support the panels. He stated that the panels cannot be placed on the barn due to the fact that it has a light metal roof which cannot support the weight of the panels. Mr. Verdiramo stated that the applicant works with special needs children, and the corner would be the safest location on the property. He stated that the solar panels proposed will be boxed in with fencing and screening.

Mr. Verdiramo referred Mr. Wenger of First Power & Light of Bridgeport, PA to the Board

*Mr. Jerry Wenger, Sales Manager with First Power & Light of Bridgeport, Pa, sworn to provide testimony.*

Mr. Wenger stated that the applicant uses 28,000 KW per year of electric and that the system designed for this property will allow the resident not to have to pay an electric bill. The array will be 15' high and 70' long. Mr. Wenger stated that PSE&G encourages building solar rays. He stated that his company has been building solar arrays for PSE&G and that there is a loan program for individual's to take advantage of.

Mr. Petrongolo asked the dimensions of the arrays. Mr. Wenger stated that each array is 16 1/2' wide and 12 1/2' when tilted and will be 5' apart.

Discussion regarding the width of each solar array had taken place between Mr. Wenger and the Board.

*Lindsay McBride, Sales Manager with First Power & Light of Bridgeport, PA, was sworn to provide testimony.*

Ms. McBride stated that the solar arrays are at a 30 degree tilt and will not change the footprint.

Chairman Bennett asked how the applicant plans to install the buffering. Mr. Verdiramo stated that they plan to install a fence and plantings where the Board requires.

Mr. Petrongolo stated that the buffer should be to the height of the units. He suggested a buffer along the northern property line.

Mr. Petrongolo stated that this is a D-3 Use Variance. He stated that the solar arrays are conditionally permitted. He stated that the applicant does not conform to the setback requirements. Mr. Petrongolo stated that the solar is a beneficial use and is allowed with conditions.

Ms. Marinelli stated that last month they approved solar panels on a farm with a 15' setback, and asked if that was the same type of variance. Mr. Petrongolo stated yes.

Ms. Marinelli asked if the 2 corners of the arrays in the back are 16' from the property line? Mr. Verdiramo stated yes.

The Board discussed the possibility of a 25' setback. Mr. Verdiramo stated that it would be 25' setback from each property line which would make it closer to the surrounding properties.

Mr. Verdiramo stated that there are solar panels all over the Township.

Ms. Marinelli asked if the property is 500' from the road. Mr. Verdiramo stated yes. He stated that they will not be moving dirt or affecting drainage.

Mr. Darji asked what is on adjacent properties surrounding the property. Mr. Verdiramo submitted photos of the surrounding properties.

Mr. Crook marked exhibits as a booklet with series of photos marked A-1.

The Board discussed the photos of the surrounding properties.

*Ms. Linda Moser, Applicant, sworn to provide testimony.*

Ms. Moser explained to the Board the photos of the surrounding properties. In which, one photo shows her property in 2002 prior to her moving in.

Mr. Evans asked if there will be a rail fence in front of the array. Ms. Moser stated that it will be a 3-4 board fence.

Mr. Petrongolo stated that the applicant is willing to provide screening on the northwest side. Mr. Verdiramo stated that they would coordinate with the Board's professionals.

Mr. Petrongolo stated that a 25' setback is a substantial detriment to surrounding areas. He stated that the applicant has demonstrated that the 16' setback is needed do the nature of the property. He stated that the applicant is willing to coordinate a buffer and the 16' setback is needed for site safety as the property is used as a riding facility for special needs children.

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

*Jim & Marilyn Scelba – Main Street, Lumberton*

Ms. Scelba asked how much of an acre the array will take up and how high the shrubs would be. She stated that she has no objection with the solar array going on the roof top. Ms. Scelba had concerns regarding the effect on the drainage and had concerns if the panels will create a drainage problem. She also had concerns for the horses on the property. She stated that the property has 3 1/2 acres and about 9 horses presently. Ms. Scelba stated that it will be an eyesore. She stated that she has been at her property for over 30 years. Mr. Verdiramo responded.

Exhibits marked A-1, A-2, A-3, A-4, A-5, A-6 & A-7

Mr. Verdiramo discussed the photos with Ms. Scelba.

Mr. Petrongolo stated that the panels are considered a pervious surface and do not impact drainage and do not anticipate any impact to the drainage in that area.

Mr. Petrongolo stated that if the applicant met the setback requirements, they would not be here for approval. He stated that if the applicant were to move them further away from the property line, the Scelba's would see them.

Ms. Marinelli asked whose property has the tractor-trailer on it. Ms. Scelba stated that the tractor-trailer is on her daughter's property and is temporary and is used for storage of furniture.

Ms. Borstad stated that she has had a conversation with the Scelba's regarding the tractor-trailer.

*Mr. Jim Scelba:*

Mr. Scelba asked how many kilowatts the solar panels would be. Mr. Wenger responded that they will be 28,000 KW, and 120 panels. Mr. Scelba stated that his concern is for the size of the solar panels on the property.

Ms. Marinelli stated that what property remains is for the horses and would not affect his property.

*Ms. Kelly Croge:*

Ms. Croge stated that she lives right next door to where the solar panels are proposed and has concerns about viewing the panels from her deck. She stated that it took her five (5) years to get her approval to build her home.

A discussion took place regarding the screening and buffering. Ms. Croge stated that she will still be able to see the solar fields.

Ms. Marinelli asked how many feet from Ms. Croge's property will the solar panels be. Mr. Petrongolo stated 500'.

*Carol Kardon – Main Street*

Ms. Kardon stated that she lives across the street.

Ms. Kardon stated that 28,000 kilowatts seemed to be an excessive amount to install. Ms. Kardon expressed her concerns for a professional engineer's opinion on this application. She feels that the application is incomplete and needs further information. Ms. Kardon had concerns regarding the property owner maintaining the trees that will be used for the screening and buffer. She asked about if the Moser's were going to sell back electric. She had concerns if this application is approved, what precedent this will set for any future applications.

Mr. Petrongolo responded to the screening and buffering concerns.

Ms. Marinelli stated that it is her understanding that you cannot sell back to the grid and that each job is customized for each site.

Mr. Verdiramo stated that the Moser's are applying for a 28,000 KW array when their property requires a 32,000.

Exhibits marked A-7

Mr. Verdiramo discussed the photos with Ms. Kardon.

*Shannon Shively – 45 Adler Circle, Lumberton, was sworn to provide testimony*

Ms. Shively gave her support for the Moser application.

*Louise Dwyer - Eastampton, was sworn to provide testimony*

Ms. Dwyer stated that her children have been taking lessons for the past several years. She gave her support for the application.

*Chuck, 329 Main Street, Lumberton, was sworn to provide testimony.*

Chuck gave his support for the application. He stated that he is the Barn Manager.

*Amanda Smith, Pennsauken, NJ, was sworn to provide testimony.*

Ms. Smith stated that she boards her horse at the farm and gave her support for the application.

*Elisabeth Titus -299 Medford-Mt. Holly Road, Medford, was sworn to provide testimony.*

Ms. Titus asked how much of an acre the solar array will take up. The professionals responded that it would be 1/8 of an acre. Ms. Titus requested that she would like to view the construction plans.

Ms. Scelba stated that they are not here to bash Ms. Moser and her program. She stated that when they came to the township five years ago to give their daughters each 2 acres to build houses, they were told that they were not allowed to because they would set a precedent, so they were forced to give them each 6 1/2 acres.

At this time, the public comment portion of the meeting is closed.

Chairman Bennett asked if any additional space is required.

Mr. Petrongolo discussed the buffer and plantings. He stated that the fence will be on the interior side as close to the array as possible. Mr. Verdiramo stated that he will work with the professionals on the buffering of plantings.

Exhibit B-1 marked - plan w/sketch of buffer.

Mr. Petrongolo stated that the the fence will be a four (4) board fence on the interior side to be placed as close to the array as possible.

Mr. Crook stated that the application is for a use variance for 2 ground mounted arrays on a 5.213 acre property. The array's will be 28,000 KW and are 15' high and at angle 12 1/2' high. The arrays will be 6' in width and 16' apart. The corners of the back array will be a distance of 16' from the property line. The variance is for the 16' setback where a 50' is required. The applicant has provided testimony and positive criteria have been met and will not create any detriment to the surrounding area. Solar panels already exist in surrounding properties. Approval is conditioned on appropriate fencing and buffering, which a meeting to discuss with the professionals shall be held within 2 weeks of this date.

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

- c. Lumberton Township Board of Education  
33 Municipal Drive  
Block 19, Lot 2.04  
Installation of Electronic Sign

Present for this application were Mr. Jeffrey Bells, Esq., Attorney for School Board, Mr. Terrance Healey, Superintendent of Schools, and Gary Keifer of Signarama.

Mr. Bells stated that they are here for approval of a LED sign that will be placed in front of the Ashbrook School located on Municipal Drive. The sign will be located 125' from the entrance and 30' back. The sign dimensions are 5'4" high by 5'4" wide. The LED portion is 12.5" x 15.5".

Chairman Bennett asked if the application can be deemed complete. Mr. Petrongolo stated yes.

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

*Mr. Terrance Healey, Superintendent, was sworn to provide testimony.*

Mr. Healey stated that the sign would allow the School to enhance its ability to communicate with the community and public. He stated that they would use the sign to communicate special events, for Kindergarten Registration, emergency communication, etc. He stated that the PTA donated \$10,000 to the district to use as they see necessary. He stated that they have four (4) schools on 3 sites, and this is the best location for the community to see the messages.

*Gary Keifer of Signarama, sworn to provide testimony*

Mr. Keifer stated that his company is making the sign and will do the installation. He stated that the sign is in an aluminum box with a LED sign on 4x4 posts. He stated that the sign is 2-sided and 8" in depth. He stated that the LED can stop, scroll and that there is software that will control that. He stated that the LED portion of the sign has dimmers and timers.

Ms. Marinelli asked if there were hours planned or would the sign operate 24/7. Mr. Healey stated that it will not be 24/7, but possibly start at 7AM and shut off at 9 PM. Ms. Marinelli asked if the homes across the street were notified of the sign since it will be in their direct view. Mr. Healey stated that if they were within the 200', then yes.

Mr. Evans asked if the existing sign will be taken down. Mr. Healey stated no that the existing sign is to identify the School Board office, and this LED sign is for information and messages for the community.

Ms. Marinelli asked if they had considered a sign similar to the EMS across the street. She stated that she is not keen about having a flashing sign on the road and that LED signs are not permitted. Mr. Healey stated that type of sign doesn't suit their purposes as you have to hand-write the letters down. The LED sign allows them to input the info from laptops at any date and time, which is good in an emergency situation.

Ms. Marinelli asked how many words get across. Mr. Healey stated that there are 2 lines with 5.3" and holds 37-40 characters.

Mr. Tallo asked if the information is strictly for the school district. Mr. Healey stated yes.

Mr. Darji asked if there have been any parents expressing a need for the sign. Mr. Healey stated yes. He stated when hurricane sandy hit; their server went down and if they had the sign then they could have communicated information, for example the Halloween parade.

Mr. Darji asked where the placement of the sign would be. Mr. Healey stated that it will be placed closer to the pole to save costs with PSE&G since the transformer is on this pole.

Mr. Tallo asked if the funding for this is totally covered with the gift money. Mr. Healey stated that district cost would be the installation and closer they can get it to the transformer, the lower the costs of the installation will be.

Mr. Petrongolo stated that the application is for a waiver. He stated that the ordinance prohibits signs that flash. Mr. Healey stated that they will follow DOT standards. Mr. Petrongolo stated that a variance is relief from a zoning requirement.

Mr. Otto stated that there is no current sight triangle easement. Mr. Crook stated that the agreement is between the township and school and no need for sight triangle.

Mr. Evans stated that he feels they could find something else to do with the money.

Ms. Marinelli stated that LED signs belong on highways not in a nice community.

Mr. Crook gave a summary of the application in that the application is for a waiver of the installation of a 15' wide LED sign with 4 x 4 posts. The sign will comply with NJDOT standards. The hours of operation will be from 7 a.m. until 9 p.m., except in extraordinary circumstances.

Motion was made by Mr. Tallo, seconded by Chairman Bennett to approve the application. The vote was affirmative with the exception of Mr. Evans and Ms. Marinelli, who voted no, and the motion carried.

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

Due to the time, a motion was made by Mr. Evans, seconded by Ms. Marinelli to continue the application until the May 15, 2013 meeting.

d. Yesterwear Productions  
705 Smithville Road  
Block 23, Lot 6.01  
Zone GB  
Minor Site Plan and a Change of Use

Due to the time, a motion was made by Mr. Evans, seconded by Ms. Marinelli to continue the application until the May 15, 2013 meeting.

### **Old Business**

There was none.

### **Public Comment**

There was none.

### **Comments from Professionals**

There was none.

**Comments from the Board**

**A. Bill List**

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

Ms. Borstad informed the Board that next month's agenda was full.

**Adjournment**

Motion was made by Mr. Tallo, seconded by Ms. Marinelli to adjourn at 11:00 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts  
Land Development Board Recording Secretary