

**Township of Lumberton  
Land Development Board  
Regular Meeting  
August 21, 2013**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Wednesday, August 21, 2013 at 7:30p.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)
Representatives of Governing Body	James Conway, Jr. Sean Earlen	
Alternate #1	William Tynon	
Alternate #2	Donald Tallo	
Alternate #3	Beverly Marinelli	
Alternate #4	Matthew Kausch	
Solicitor	Evan Crook, Esq., Capehart & Scatchard	
Consulting Engineer	Joseph M. Petrongolo, C.L.A., R.L.A., P.P., Remington, Vernick & Arango	
Consulting Planner	Kurt Otto, PE, CME CME Engineering	
Board Secretary	Catherine Borstad	

**Minutes**

Meeting minutes for June 19, 2013.

Motion was made by Mr. Evans, seconded by Mr. Dinneen to approve the June 19, 2013 meeting minutes. The vote was affirmative with the exception of Chairman Bennett, Mr. Conway, Mr. Earlen, Mr. Darji, Mr. Tynon, Ms. Marinelli and Mr. Kausch, who abstained, and the motion carried.

### **Correspondence**

Letter dated August 1, 2013 from Sameer Patel, 99 Balsam Road, in reference to the installation of a fence within (2) drainage easements on his property.

Mr. Conway stated that the Township Committee has sent this to the Land Development Board for recommendation as fences are not allowed in easements.

Mr. Sameer Patel, 99 Balsam Road, sworn to provide testimony.

Mr. Patel stated that he has lived in the home for nine years and owns the home with no mortgage. He stated that he is a staff physician at Mt. Holly. He stated that the amount of restrictions on his property is unfair.

Ms. Marinelli asked if there was a pipe underground. Mr. Patel stated that he does not know. Ms. Marinelli stated that the issue with an easement on the property should have been made known at time of settlement for the property.

After much discussion regarding the pipe and easement, Mr. Conway stated that the recommendation for approval would be made to the Township Committee with a proposed fence location to include gates for access to the easement.

### **Resolutions**

- a. 2013-19 Jones, Herbert, 21 Stacy Haines Road, Block 36, Lot 7. Minor Subdivision. Approved.

Motion was made by Mr. Evans, seconded by Mr. Dinneen to approve Resolution 2013-19. The vote was affirmative with the exception of Chairman Bennett, Mr. Conway, Mr. Darji, Mr. Tynon, Ms. Marinelli and Mr. Kausch, who abstained, and the motion carried.

### **Items for Action**

- a. Saul Centers, Inc.  
Big Lots  
1636 Route 38  
Block 19.50, Lot 13  
Waiver for Sign

Mr. Tyler Prime, Esq., present representing applicant

Mr. Prime stated that the applicant is seeking to place an additional sign on the side of the building facing Route 38. That side is currently occupied by Bottom Dollar Foods. The original end unit store was Super Fresh Supermarket, which was divided and occupied half by Bottom Dollar Foods and the other half by Big Lots.

Ms. Tiffany CuvIELLO, Professional Planner, present representing applicant, sworn to provide testimony. The Board accepts Ms. CuvIELLO as an expert witness.

Ms. Cuiello stated that the applicant is looking to place a 2nd free-standing sign on the side of the building facing Route 38.

Ms. Cuiello stated that having a sign on the side of building provides customers better identification of the property and allows for safe driving maneuvers into the shopping center.

Ms. Cuiello stated that the sign proposed is 109.62 SF. She stated that the front facade sign is 238 SF. She stated that the two signs combined are still under the requirements.

Mr. Petrongolo asked what the height would be of the sign.

Ms. Cuiello stated that the sign will be 4' high. She stated that the side of the building is 29' high.

Mr. Petrongolo stated to the Board that this is a waiver based on the fact that it is difficult to see and he has no objection with the sign.

Mr. Evans asked if the sign would be lighted. Ms. Cuiello stated yes that it would be the same as the other shopping center signs.

Mr. Crook stated that this is an application for a sign waiver, and that testimony has been given to address the issues with visibility of the sign and safety of the traveling public.

A motion was made by Mr. Conway, seconded by Mr. Evans to approve the sign waiver. The vote was unanimous and the motion carried.

- b. Lumberton, LLC  
Lucas Chrysler  
1624 Route 38  
Block 19.50, Lot 9.03  
Facade and Sign Changes to an Existing Building

Mr. Ted Costa, Esq., present representing applicant.

Mr. Costa stated that the application is for a minor change of the facade to the existing building and a sign.

Mr. Frances J. Lucas, applicant & Mr. John, Contractor, both sworn to present testimony.

Mr. Lucas explained to the Board that the minor changes to the sign are mandated by Chrysler as part of a lawsuit. He stated that the word "Ram" needs to be added to the sign. He stated that the sign will now read Chrysler, Jeep, Dodge and Ram. Mr. Lucas stated that the current sign on the building is 61.3 SF and the stand alone sign is 124 SF. He stated that the changes will bring the signs to a total of 230 SF.

Mr. Petrongolo stated that the ordinance permits one of each type of sign (facade/freestanding). He stated that the total square foot is 230 which is under the 10%. He stated that the waiver is for the number of signs.

Exhibit A-1 marked

The contractor stated that the changes are franchise mandated. He stated that the facade is presently medium grey stucco and that it would be changed to a silver metal panel finish. He stated

that the metal panels are 5x6 panels. Mr. Lucas stated that it will look similar to Miller Ford.

Mr. Crook asked if it was accurate to say if the waiver was not granted, that would it greatly impact the business. Mr. Lucas stated yes.

Mr. Petrongolo stated that the sign proposed the total square footage is consistent with other dealerships. He stated that the waiver is for the number of signs.

Mr. Crook gave a summary of the application, in that he stated that this is an application for a waiver of signs specifically to the number of signs. He stated that the testimony is for the number of signs. He stated that conditional approval is consistent with the testimony that the changes are required by a lawsuit, there are no footprint changes and that the approval is conditioned on verification by the professionals.

Motion was made by Mr. Conway, 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**

**A. Bill List**

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

Ms. Marinelli suggested that the Board look into the Ordinance pertaining to signs for larger businesses. She feels that it doesn't make any sense to make large businesses who sell several different types of brands to have to come in for approval for the amount of signs. Mr. Petrongolo will look into the Master Plan to see what it says.

**Adjournment**

Motion was made by Mr. Darji, seconded by Ms. Bleznak to adjourn at 9:10 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts  
Land Development Board Recording Secretary