

**Township of Lumberton
Land Development Board
Regular Meeting
December 18, 2008**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Thursday, December 18, 2008 at 7:30 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
Representatives of Governing Body	James Conway, Jr. Beverly Marinelli
Alternate #1	Nancy Bleznak
Alternate #2	Craig Potter
Alternate #3	Doug Alba
Alternate #4	Mike Petty (Absent)
Solicitor Consulting Engineer & Planner	Peter Emmons, Esq., Gibbs, Gregory & Emmons Gregory J. Sullivan, P.E., P.P., (Arrived 7:35) Remington, Vernick & Arango
Board Secretary	Catherine Borstad

Minutes

- a. Regular Meeting Minutes for November 20, 2008

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

Correspondence

Letter from Mr. McAndrew dated December 3, 2008 with regards to 1586 Route 38, B & R Properties (Toyota) in reference to storage trailers.

Mr. Pagenkopf asked if the should just sit and wait until the applicant decides what to do. Ms. Marinelli stated that they have had over a year. Mr. Pagenkopf suggested responding with a time frame. Mr. Emmons suggested sending out a Violation Notice to inform the applicant. Ms. Borstad will do a cover letter with the Violation Notice.

Resolutions

- a. 2008-52 Executive Session

Motion was made by Mr. Morton, seconded by Ms. Marinelli to approve Resolution 2008-52. The vote was unanimous and the motion carried.

- b. 2008-53 Bank of America, 1520 Route 38, Block 15.03, Lot 7. Minor site plan for placement of an ATM kiosk building. Approved.

Motion was made by Ms. Marinelli, seconded by Mr. Morton to approve Resolution 2008-47. The vote was unanimous and the motion carried.

- c. 2008-54 Sclaroff, Richard, 90 Creek Road, Block 31, Lot 4.02. Accessory structure bulk variance and other variances. Approved.

Ms. Marinelli stated that on the 2nd page should read complete. Mr. Emmons agreed that the resolution should read that the application was declared complete.

Motion was made by Ms. Marinelli, seconded by Mr. Conway to approve Resolution 2008-54 as amended. The vote was unanimous and the motion carried.

- d. 2008-55 Young's Landscaping, 323 Main Street, Block 37, Lot 2.01 & 2.03. Use Variance for Landscaping Business. Approved.

Motion was made by Ms. Marinelli, seconded by Mr. Pagenkopf to table Resolution 2008-55 until after Executive Session. The vote was unanimous and the motion carried.

Approved after Executive Discussion

Items for Action

COAH Presentation by Brian Slaugh, Township Planner

1. Resolution 2008-56 Adopting the Housing Element and Fair Share Plan presented at the December 18, 2008 Land Development Board Meeting.

Mr. Slaugh gave a presentation to the Board regarding the Housing Element. He stated that this is the last of the eight public hearings on the Master Plan Housing Element that has to be

submitted to the Council on Affordable Housing by the end of the calendar year. He stated that this is a Master Plan Hearing on the Housing Element and an adoption of the Fair Share Plan that is the implementing portion of the Housing Plan. Mr. Slaugh stated that this has been going on since 2005 due to COAH reviewing plans to see if they were accurate and a lot of litigation taking place during this time.

Mr. Slaugh stated that some of the rules from the 2005 plan have been overturned. He stated that it took up until October 20 of this year for the new rules to take effect. He stated that it has given a short time frame for municipalities to produce an Affordable Housing Plan. Mr. Slaugh stated that municipalities have complained to Affordable Housing and their Legislatures. He stated that to date no extensions are being granting unless you are in the highlands. Mr. Slaugh stated that he does not see any reason not to file at this time. He stated that some legislation that took place has affected Lumberton's plan. He stated that there is some talk legislatively for the municipalities that actually have an agreement to be able to complete that agreement, which means that the plan before the Board this evening may get amended. He stated that the plan before the Board tonight addresses a much larger affordable housing obligation. He stated that the state-wide number went from 56,000 housing units to 115,000 housing units.

Mr. Slaugh stated that the number Lumberton has to address in the third round housing obligation increased significantly. He stated that the numbers went from 149 units to 368 units. Mr. Slaugh stated that there are three components that the Housing Plan has to address.

Ms. Marinelli asked if money is an enticement for an owner to want to deed restrict. Mr. Slaugh stated yes. He stated that if a roof is bad and a heater is gone, money would be available on a loan basis to fix up the property. He stated that there would be a lean on the property until the loan is paid back or after 10 years. Mr. Slaugh stated that there is forgiveness built into the program.

Mr. Pagenkopf questioned the TDR receiving area.

Mr. Conway stated that this has to be in by December 31st. He stated that the rules are going to change. Mr. Conway stated that they are not doing anything right now. He stated that the vote is to push this through and see if the rules change. He stated that there is nothing the Township can do right now. Mr. Conway stated that the Committee has looked at the areas and have determined where they can build out and want to give the State the schedule looking at 2018, which they do not even know what will happen by then.

Mr. Regn asked if they would be penalized. Mr. Conway stated that they will submit the plan now, and wait and see how the rules change.

Mr. Slaugh stated that the spending plan and a map of the TDR receiving area will be included with the application. Mr. Slaugh stated that the next process would be if the Board acts favorably, then the Township Committee would pass two resolutions; one stating their intent to Bond and the other resolution would be the endorsement of the plan that this Board would pass and an authorization to submit the plan to the Council on Affordable Housing.

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

Motion was made by Mr. Pagenkopf, seconded by Mr. Morton to adopt Resolution 2008-56. The vote was unanimous and the motion carried.

Old Business

There were no changes.

Public Comment

There were none.

Comments from Professionals

There were none.

Comments from the Board

Mr. Pagenkopf asked Mr. Sullivan about the Canton Subdivision. Mr. Sullivan stated that he checked with Ms. Borstad and no deeds have been submitted to date. Mr. Pagenkopf asked if there was a time frame. Mr. Sullivan stated that there is 190 days from approval for filing.

a. Bill List

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

Executive Session (8:40-9:20)

a. Young's Landscaping

Motion was made by Ms. Marinelli, seconded by Mr. Morton to move out of Executive Session. The vote was unanimous and the motion carried.

d. 2008-55 Young's Landscaping, 323 Main Street, Block 37, Lot 2.01 & 2.03. Use Variance for Landscaping Business. Approved.

Mr. Pagenkopf stated that the resolution should indicate limiting the sale of concrete pavers. He stated that he does not want the sale of pavers to be a dominant use.

Mr. Conway stated that the applicant stated that the pavers are not stored on the Lumberton site.

Mr. Emmons suggested removing 8C and adding to paragraph 7d that the applicant further testifies that no pavers are distributed from the site.

Ms. Bleznak stated that she went out to the property and found a pile of stone dust. She stated that it would be great if this applicant sold the stone dust. She stated that it is an agricultural product.

Motion was made by Ms. Bleznak, seconded by Mr. Evans to approve Resolution 2008-55 as amended and to exclude the site plan condition. The vote was unanimous and the motion carried.

Adjournment

Motion was made by Mr. Morton, seconded by Mr. Pagenkopf to adjourn at 9:30. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts, Recording Secretary
Land Development Board

Executive Session – December 18, 2008 (8:40-9:20)

Ms. Bleznak stated that if you are farm assessed then you have proven that you have a farm. She stated that horses are a secondary use unless you have a breeding stock. She stated that once you are farm assessed you are forwarded all right to farm. She stated that breeding, training and selling qualifies. She stated that the sale of hay can be the first use and horses can be second.

Mr. Prickett – Chairman of the County Agricultural Board present to explain to the Board about the Township and County Agricultural Boards

Mr. Prickett informed the Board that there is a Township and County Agricultural Board. He suggested to the Board to let the Agriculture Boards take care of applications that involve farming. He stated that is what they are there for. He stated to keep the applications out of the court systems. Mr. Prickett stated that there is a Township Agriculture Board as well.

Ms. Marinelli asked if there was a percentage that had to be raised or sold. Mr. Prickett stated that it is a case-by-case basis.

Ms. Bleznak stated that the Right To Farm Act is to help keep farmers costs down.

Mr. Pagenkopf stated that the Board might not have known enough to recommend the applicant to the County Agriculture Board.

Mr. Conway asked if the Township Agriculture Board can make a determination of use. Mr. Prickett stated yes. He said that if the applicant does not like the Township Ag Board decision they can go the County and then the State.

Mr. Evans asked who would approve hours of operation, lighting and signs, etc. Mr. Prickett stated that the Township Agriculture Board first then the County Agriculture Board.

a. Young's Landscaping

Mr. Emmons stated that the litigation will be dismissed.

Chairman Bennett asked if Young's has agreed to dismiss the litigation. Mr. Emmons stated yes. Chairman Bennett asked if it was contingent on the resolution. Mr. Emmons stated no. Mr. Emmons stated that the previous litigation would be dismissed.

Ms. Marinelli stated that the site plan requirement should be taken out of the resolution.