

**Township of Lumberton  
Land Development Board  
Regular Meeting  
February 15, 2012**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Wednesday, February 15, 2012 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 4, 2012 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  
Nancy Bleznak  
Sheldon Evans  
Beverly Marinelli  
Robert Morton  
John Pagenkopf  
Craig Potter

Representatives of Governing Body

James Conway, Jr.  
Sean Earlen

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

Thomas Binliff  
Edward Borm  
Mr. Vidal, Absent  
Mr. Tynon

Solicitor  
Consulting Engineer

Mark Roselli, Esq.  
William Long, PE  
Alaimo Group

Consulting Planner

Joseph Augustyn, PP, AICP (Absent)

### **Minutes**

Meeting minutes for Reorganization Meeting January 18, 2012

Motion was made by Ms. Marinelli, seconded by Mr. Evans to approve the January 18, 2012 Reorganization and Regular Meeting minutes. The vote was affirmative with the exception of Mr. Conway, Mr. Earlen, Ms. Bleznak and Mr. Borm who abstained and the motion carried.

### **Correspondence**

#### **Resolutions**

a. 2011-29 Roman, Leeanna, 3 Hopewell Ave, Block 53.01, Lot 3. Use Variance for Keeping of Farm Animals. Dismiss without Prejudice.

Motion was made by Mr. Evans to approved Resolution 2011-29, seconded by Ms. Marinelli. The vote was affirmative with the exception of Mr. Conway, Mr. Earlen, Ms. Bleznak and Mr. Morton who abstained and the motion carried.

b. 2011-30 Ferry, John, Main Street, Block 2, Lot(s) 1,2,3,4,5.01,7,8,9 and 10. Minor Subdivision. Board lacks Jurisdiction. Continued to January 18, 2012 Meeting.

Motion was made by Ms. Marinelli to approved Resolution 2011-30, seconded by Mr. Pagenkopf. The vote was affirmative with the exception of Mr. Conway, Mr. Earlen, Ms. Bleznak, Mr. Morton and Mr. Potter who abstained and the motion carried

### **Items for Action**

- a. ***Moser, Linda***  
***329 Main Street***  
***Block: 37, Lot: 2.01***  
***Zone R/A***

Mr. Conway and Mr. Earlen stepped down for this Use Variance application. Mr. Bintliff and Mr. Borm are eligible to vote.

Ms. Moser was sworn in by Mr. Roselli to provide testimony. Chairman Bennett asked Ms. Moser what she was proposing. Ms. Moser stated that she would like to open a Pet Grooming business in the existing barn, chemical free pet grooming products, one customer at a time, small business with perhaps one employee until she receives her training.

Chairman Bennett asked Mr. Long if he has had an opportunity to review the application and the plan. Mr. Long stated that he had and referred to his letter dated February 8, 2012. Chairman Bennett asked Ms. Moser if she had received a copy of the letter, Ms. Moser stated no she had not.

Mr. Long stated that in regards to completeness for the Use Variance, he would recommend that the application be deem complete with regards to the Use Variance only not the site plan.

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

Chairman Bennett asked Ms. Moser if she had any witnesses, Ms. Moser stated no.

Chairman Bennett asked if any animals would be staying here, Ms. Moser stated no. Ms. Marinelli asked if there were any horses there, Ms. Moser stated yes that the horses would be to the left of the building and the grooming area would be to the right. Chairman Bennett asked if they would sell any products, Ms. Moser stated that perhaps she would be selling all natural products but has not really decided on that. Ms. Marinelli asked if that would be considered a separate use, Mr. Roselli stated that it would be considered auxiliary to the Grooming Use.

Mr. Roselli outlined what testimony would be required by the applicant to determine if the Use would be permitted in this particular Zone, and that the applicant needs to address both the positive and negative criteria.

Ms. Moser stated that she feels that the use is animal related and that in order to keep small farms viable there should be ways to earn a living on a small farm. Ms. Moser feels that she would be providing a service to Lumberton and that there is several grooming business in the surrounding towns.

Chairman Bennett stated that he understands that Ms. Moser did not receive the review letter prior to meeting, and perhaps Ms. Moser does not understand that she must meet certain criteria for a Use Variance. Chairman Bennett asked Ms. Moser if you should like to request a continuance to the March Meeting so that she could have an opportunity to review the letter and consult with counsel. Mr. Pagenkopf suggested that we table the application, hear the second application and give Ms. Moser some time to look at the review letter and decide if she wants to be heard tonight or asked for a continuance. Chairman Bennett stated that after she had time to review the letter and would like to consult with an attorney that we could continue the application. Ms. Moser stated that she would like to review the letter and that her husband is an attorney and he should be arriving shortly.

Motion was made by Mr. Pagenkopf, seconded by Ms. Marinelli to table the application. The vote was affirmative and the motion carried.

**b.     Lumberton Plaza**  
**Bottom Dollar**  
**1636 Route 38**  
**Block: 19.50, Lot: 13 & 14**  
**Zone B-2**

Mr. Conway and Mr. Earlen returned to meeting.

Mr. Roy, attorney for applicant introduced Mr. Quay Professional Planner and Engineer, and Mr. Gary Sharp architect were sworn in to provide testimony.

Chairman Bennett asked if this application can be deemed complete. Mr. Long stated yes. Mr. Roselli stated that the applicant has requested several waivers and that board would have to vote on granting those waivers. Chairman Bennett asked Mr. Roselli if the board should take a vote to grant the waivers, Mr. Roselli stated yes.

Chairman Bennett asked for a motion to grant the waivers.

A motion was made by Ms. Marinelli, seconded by Mr. Morton to grant the waivers. The vote was affirmative and the motion carried.

Chairman Bennett asked for a motion to deem the application complete.

A motion was made by Mr. Conway, seconded by Mr. Earlen to deem the application complete. The vote was affirmative and the motion carried.

Mr. Roy stated that this application was to use approximately 21,200 sq ft at a former Super Fresh store as a Bottom Dollar store. Mr. Roy stated that they have reviewed the letter from the board engineer and they agree to everything with the exception of one item. Item #7 in the review letter which refers to stormwater inlets.

Engineer for applicant, Mr. Quay outlined his qualifications and was deemed qualified and was sworn in to provide testimony.

Mr. Quay referred to the site plan dated 01/20/12 and was marked as exhibit "A-1", outlining the site. Mr. Quay stated that they are proposing a demising wall to separate the existing Super Fresh into two spaces. They will be installing another transformer so that they will have two separate utilities for the spaces. The plan outlines the changes to the site for ADA compliance. Buffering will be provided as per the engineer's recommendations.

Testimony was provided in regards to the loading dock. Mr. Quay stated that the operations for Bottom Dollar typically requires just one truck be docked at any one time, although the proposed compactor is vertical and that space will be enough to have two trucks docked if needed.

Mr. Roy asked Mr. Quay about Item #7 on the review letter that refers to the Stormwater Intets. Mr. Quay stated that according to the review letter it states that all stormwater inlets on subject parcel should be modified. Mr. Quay stated that they would modify those inlets that are in the general vicinity to the proposed use. Mr. Quay stated there are four or five that they would bring up to standard. Mr. Quay stated that if they were required to modify the whole center that they would have to reach out to the owner and is not sure what the outcome would be. Mr. Conway asked Mr. Long what the intent was of that item. Mr. Long stated that stormwater management mandates that, although if the applicant is willing to modify those inlets adjacent to their location that should satisfy that requirement. Mr. Quay stated that they would indicate on the site plan which inlets would be modified when they submit the final plan for approval.

Mr. Roy asked Mr. Quay if they are asking the board for any signage approval tonight. Mr. Quay stated no, but that he has an elevation drawing, which was marked as exhibit "A-2" and another plan for highway signage which is marked as exhibit "A-3".

After a lengthy discussion in regards to the proposed signs for the site it was determined that the applicant will have to re-appear before the board with their sign application prior to any signs being installed at the site.

Chairman Bennett asked if the board had any further questions, there being none asked if the board professionals had any further questions. Mr. Long asked about the buffering along Route 38. Mr. Quay stated that they would have no objection to adding additional landscaping and they would indicate that on the final plans.

Mr. Roselli stated that a condition will be placed on the Resolution of Approval that the applicant will be required to re-appear before the board with their sign package.

A motion was made by Mr. Morton, seconded by Ms. Marinelli to approve the application with conditions. Vote was affirmative and the motion carried.

- c. **Moser, Linda**  
**329 Main Street**  
**Block: 37, Lot: 2.01**  
**Zone R/A**

Chairman Bennett asked Ms. Moser if she is ready to be heard or would she like to be continued to the March 21, 2012 meeting. Ms. Moser stated that she would like to be continued to the March 21, 2012. Ms. Moser asked if she should amend her application to include the sign on the building. Mr. Roselli suggested that she wait to notice for the sign application until she is heard before the board in regards to the Use Variance. Ms. Moser agreed that she will wait to see if she is approved and then she will move forward with the sign application.

A motion was made by Mr. Evans, seconded by Mr. Potter to continue the application to the March 21, 2012 meeting. The vote was affirmative and the motion carried.

### **Old Business**

### **Public Comment**

### **Comments from Professionals**

There was none.

### **Comments from the Board**

- a. Bill List

A motion was made by Mr. Morton, seconded by Ms. Marinelli to approve the bill list. The vote was unanimous with the exception of Mr. Pagenkopf who abstained on the Radwell bill and the motion carried.

### **Adjournment**

At 7:48 p.m. a motion was made by Ms. Marinelli, seconded by Mr. Morton to adjourn. The vote was unanimous and the motion carried.

Respectfully submitted,

Catherine A. Borstad  
Land Development Board Secretary