

**Township of Lumberton  
Land Development Board  
Regular Meeting  
February 18, 2010**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Morton on Thursday, February 18, 2010 at 7:34p.m.

Chairman Morton 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, 2010 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	(Absent)
	Sheldon Evans Beverly Marinelli Robert Morton, Chairman John Pagenkopf Craig Potter	(Absent)
Representatives of Governing Body	James Conway, Jr. Lewis Jackson	(Absent)
Alternate #1	Nancy Bleznak	
Alternate #2	Thomas Bintliff	
Alternate #3	Doug Alba	(Absent)
Alternate #4	Ed Borm	(Absent)
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**

Reorganization Meeting minutes for January 21, 2010.

Motion was made by Ms. Marinelli, seconded by Mr. Ammerman to approve the January 21, 2010 Reorganization Meeting minutes. The vote was affirmative with the exception of Mr. Evans, who abstained, and the motion carried.

Regular Meeting minutes for January 21, 2010.

Motion was made by Mr. Ammerman seconded by Mr. Potter to approve the January 21, 2010 meeting minutes. The vote was affirmative with the exception of Mr. Evans, who abstained, and the motion carried.

### **Correspondence**

- a. Email received from Mr. Filler in regards to 744 Main Street, Dadz Bar and Grill, requesting an extension of approval of Resolution 2006-79.

Mr. Emmons stated that he would respond to this.

- b. Letter dated February 18, 2010 from Doug Alba resigning from the Land Development board.

Chairman Morton asked for a motion to thank Mr. Alba for his services to the Board.

Motion was made by Mr. Evans, seconded by Ms. Marinelli, the vote was affirmative and the motion carried.

### **Resolutions**

- a. 2010-4 Roger, George 78 Ark Road, Block 37, Lot 10. Application for Bulk Variance for side yard setback. Approved.

Motion was made by Ms. Marinelli, seconded by Mr. Potter to approve Resolution 2010-4. The vote was affirmative with the exception of Mr. Evans, Ms. Bleznak and Mr. Bintliff, who abstained, and the motion carried.

- b. 2010-5 20 Maple Avenue, LLC (Cave Holdings), 20 Maple Avenue, Block 13, Lot 3.91. Amended Site Plan. Continued to February 18, 2010

Motion was made by Mr. Ammerman, seconded by Ms. Marinelli to approve Resolution 2010-5. The vote was affirmative with the exception of Mr. Jackson, Mr. Evans and Mr. Bintliff, who abstained, and the motion carried.

### **Items for Action**

- a. ***Moser, Linda and Donald***  
***329 Main Street***  
***Block 37, Lot 2.06***  
***Use Variance/Minor Site Plan (7:35-8:02)***

Linda & Donald Moser, sworn to provide testimony.

Mr. Sullivan stated that the issue of completeness is determining if a use variance is needed.

Ms. Bleznak stated that in reading that the Moser's did not meet the Right to Farm requirements under the **(listen)** She stated that the Moser's do have a farm assessment on that property. She stated that because they do not fall under a commercial farm does not mean that they are not farm accessed. She stated that to her knowledge, there has been a history of equine practices on this property for decades. She stated that the owners may have changed but the equine practices and riding have continued. Ms. Bleznak stated that she was an instructor on the property next door, which is now the Scelba Farm. She stated while she was an instructor, she witnessed first hand the equine practices. Ms. Bleznak stated that the property was known as the "sex farm".

Ms. Bleznak stated that she has her own farm assessment application, which is a contractual agreement between herself and the State of NJ that states that she must conduct farming business off of her farm earning at least \$5, and that farm business can be in compliance with the State of NJ. She stated that a farm is a business simply by its own designation. She stated that she does not understand how this Board can ask for a variance to do what the property owners are required to do by the State of NJ. She stated that just because they are a small farm, doesn't mean that they are not a commercial farm. She stayed that if they are not allowed to earn their money, how can they be in compliance with what they are contractually obligated to do. She asked how they can ever become a commercial farm, if the Board is not going to let them earn the money to become a commercial farm.

Ms. Bleznak stated that it is a vicious cycle that is not working. She stated that she has been trying to explain this for several years. Ms. Bleznak stated that a farm is a business that must earn money. She stated that they have to earn money and conduct some type of business to be in compliance with the State. Ms. Bleznak read her own

Ms. Marinelli stated that she agrees with Ms. Bleznak. She stated that there are other farms in this town that give lessons. Ms. Bleznak stated that she hates to use this word, but it is an "embarrassment" for Lumberton, of how farms are treated.

Mr. Emmons stated that there are several activities the applicant is proposing to do on this property that are not considered farm related. He stated that the 4H Club and individual riding lessons for children and adults are considered farm related. He stated that the pony parties, horse camp and fieldtrips for preschoolers are well beyond the scope of farming activities.

Ms. Marinelli stated that the applicant was told to put down everything on the application. Ms. Marinelli stated that it is all pony and horse related. She stated that she does not agree that this Board can say that they cannot have a birthday party with pony rides.

Mr. Emmons stated that in the past, they have told other business applicants that have wanted to do more than one use on the property, that the township does not permit more than one use on the property. Ms. Marinelli stated that these uses are permitted under the farmland assessment. Mr. Emmons stated that he disagrees. Ms. Marinelli stated that the equine activity has been going on this property for decades. Mr. Emmons stated that they may be grandfathered in for the many uses regarding horses. He stated that this is the first time, as far as he is aware, that these specific uses are to be performed on the property. Mr. Emmons stated that it is up to the applicant, if they want the burden of proving to this Board that before the Ordinance was active, that these activities were taken place. Ms. Marinelli asked how this

Board can prove that they were not. Mr. Emmons stated that it is not up to this Board to have the burden of proving otherwise.

Ms. Bleznak stated that it is typical for kids to learn how to clean a stall, feed horse, etc., when you spend the day at the barn. She stated that the word camp, she agrees with Mr. Emmons, she is not sure why they are using the word "camp". Ms. Moser stated that is what the Recreation Department gave her to use.

Mr. Sullivan stated that the issue in question is that the Ordinance defines a farm as 6 acres. He stated that it is possible that the Board can make a determination relative to the Ordinance. He stated that the Board has the ability to go back and interpret and correct the Ordinance. He stated that the activities are associated with a farm. He stated that the Board could look and have a farmland assessment determination, which is done by another agency.

Mr. Emmons stated that the activities that they are proposing are not farm activities. Mr. Emmons stated that this Board has already determined that this property is a farm. He stated that there is a resolution dated in 2003 determining that the property is a farm.

Ms. Marinelli stated that she grew up with horses, and these are all related horse activities. She stated that farms have horse shows; she stated that the cars park on the grass. She stated that this is all perfectly natural for a horse farm. She stated that she appalls how horse people are treated in the township. She stated that horses are an asset to the community and children.

Mr. Sullivan stated that if the previous Board has determined that this property is a farm, then that solves the issue with the Ordinance requirement of 6 acres. Mr. Emmons stated that an interpretation will be needed for the applicant to determine if they require a use variance.

Mr. Emmons stated that a motion will be to determine that the Ordinance can be interpreted and that the applicants do not have to be here tonight and can go home and do what they want to do.

Ms. Borstad stated that as the Zoning Officer, she has one concern, while she was at the County mediation, she stated that it was discussed that a site plan would be appropriate due to the fact that they are open to the public.

Mr. Evans asked if something were to happen at that farm, would it come back on this Board. Mr. Emmons stated no.

Motion was made by Ms. Bleznak, second by Ms. Marinelli that a use variance is not needed for this application. The vote was unanimous, and the motion carried.

Mr. Emmons stated that now the Board needs to determine if the applicant needs to provide a site plan.

Ms. Marinelli stated that she does not feel a site plan is needed. Ms. Bleznak stated that she testified before the Board for an agricultural use, and it was determined by this Board that she did not need a site plan. Ms. Marinelli stated that horses are a natural thing for New Jersey.

Ms. Bleznak stated that it is not her understanding that this applicant would have the public parking on the road. She stated that the applicant knows that they cannot cause a traffic hazard. She stated that if they cause a traffic hazard, the township has every right to do something about it. Ms. Bleznak stated that if the uses are farm related, the applicant has every right to do it.

Mr. Emmons stated that if the Board is willing to accept the survey dated November 24, 2009, revised January 21, 2010 as an appropriate document necessary to proceed then a motion will be needed to determine that a site plan is not needed.

Mr. Emmons stated that as the Board's council he stated that he disagrees with the Board's decision. He stated that a use variance and a site plan are appropriate for safety reasons. He stated that it is the Board's decision. He stated that a motion would be that the applicant needs a site plan or that the applicant does not need a site plan and is not required to be here.

Chairman Morton called for a motion determining if a site plan is not needed.

Motion was made by Ms. Marinelli, seconded by Ms. Bleznak, that a site plan is not required. The vote was affirmative with the exception of Chairman Morton, who voted no, Mr. Evans, who abstained, and the motion carried.

**b. *Lumberton LLC***  
***1624 Route 38***  
***Block 19.50, Lot 9.06***  
***B-2 Zone***  
***Amended Major Site Plan with Waivers (8:03-8:22)***

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

Mr. Robert R. Stout, P.E., sworn to provide testimony, offices located on Route 130 in Cinnaminson, NJ

Mr. Stout gave the Board his qualifications. The Board accepted Mr. Stout as an expert witness.

Mr. Costa stated that this is a development behind the Lucas Auto group dealership. He stated that this application was previously approved. He stated that the applicant is modifying the floor plan of the building which affects the site plan in minor way.

Mr. Stout stated that they have added a 20' expansion. He stated that the number of employee's will stay the same. He stated that the parking has been reduced from 301 spaces to 289 spaces, where 262 are required. He stated that they have taken out 12 spaces, extended the building and continued the sidewalk around. Mr. Stout stated that the square footage has been increased to 47,200 between Phase I & Phase II. He stated that all the parking setbacks and lighting standards have not changed. He stated that the landscaping stays the same. He stated that no variances are required. Mr. Stout stated that this is an expansion of an existing proposed building.

Mr. Emmons asked what the square footage of the building is. Mr. Stout stated that the building is going from a 19,999 SF to a 22,199 SF building.

Mr. Sullivan stated that the impervious coverage is the same.

Mr. Stout stated that they have seeked all necessary outside agency approvals.

Mr. Emmons stated that the green space be permitted around all of the buildings. Mr. Stout stated that the green space that is proposed is exactly the same as previously approved. He stated that it was approximately 5' in width and facing the building. He stated that they moved it 20' and flip-flopped the parking with the building.

Chairman Morton opened the meeting up for public comment.

*Mr. Richard Mitchell – Maple Wood Estates*

Mr. Mitchell asked if the landscaping can be done first. He stated that his home is directly behind this property. He has concerns regarding if the landscaping will be done before the construction starts.

Mr. Bill Young, Techna-Systems, sworn to provide testimony.

Mr. Young stated that the detention basins are established and will have grass growing as quickly as possible.

Mr. Emmons asked if a buffer is there. Mr. Young stated yes.

Mr. Mitchell asked if a privacy fence could be installed so that he cannot see any of this.

Mr. Sullivan stated that there are proposed 10 trees to be located to the south of the basin.

Mr. Mitchell asked if he is going to have to wait several years for the trees to cover the area. Mr. Sullivan stated that the trees will start out at 5'-7'.

Mr. Mitchell stated that his concern is if he were to resell his home, he stated that when he purchased his home, he had a nice treed area lot between his home and the businesses. He stated that he feels the resale of his home may go down because of the view of the chain link fence with a bobbed wire fence on top of it.

Mr. Emmons asked if the applicant would consider putting up a privacy fence. Mr. Young stated that it is well over 1,000' of fence which is pretty substantial. He stated that they would repair the fence and take the bobbed-wire off the top.

Mr. Young stated that the fence that separates the fence from the property owners does not have the bobbed wire on it. He stated that the bobbed wire fence is between the Goodwill Store and the Daycare center. He stated that from the back of the property owner's house, the basin is approximately 700 feet between the back property and the bobbed wire fence.

Mr. Emmons asked for a time frame on the landscaping in the rear. Mr. Young stated as soon as the weather permits him. Mr. Emmons asked if it could be done by March 30<sup>th</sup>. Mr. Young stated yes. Mr. Sullivan stated that be subject to the landscaped architect review. Ms. Marinelli suggested that they extend the planting to be done by April 30<sup>th</sup>. Mr. Stout stated that would be more than adequate time.

Mr. Emmons stated that this is an amendment to the preliminary and final site plan approval to expand the Phase I building.

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

**c. 20 Maple Avenue, LLC (Cave Holdings)**  
**Block 13, Lot 3.91**  
**I-1 Zone**  
**Minor Site Plan and Use Variance Application(Continued to February 18, 2010)**

Mr. Edward Sheehan, Esq., 511 Cooper Street, Camden, present to represent

applicant.

Mr. John Cave, applicant, sworn to provide testimony.

Mr. Mark V. Shourds, P.E., P.P., with Taylor, Wiseman & Taylor, present to provide expert testimony, sworn to provide testimony.

Mr. Sheehan stated that at the previous meeting the applicant was required to make revisions to the plans, prepare and submit an existing conditions plan and to address the use issue in writing. He stated that they met on February 3, 2010 with the Technical Advisory Committee. He stated that as a result of that meeting, they were asked to make further revisions to the plans, which were done on February 4, 2010.

Mr. Emmons asked if the application is complete. Mr. Sullivan stated that he has the updated plans and feels that he has enough information to continue with the application.

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

Exhibits marked (A-2)

Mr. Shourds stated his credentials to the Board. The Board accepts Mr. Shourds qualifications.

Mr. Shourds stated that additional landscaping has been added to the plan to the north of the proposed driveway. Mr. Shourds stated that the dimensions of the cantilever gate have been offset 4' in front of the building, and they have proposed a protective fence in front of the building. He stated that the ramp on the side of the building is stone and gravel with blocks. He stated that they have designated the parking spaces for vehicles, construction equipment and dumpsters. He stated that the location of the parking spaces allow for adequate movability through the site. He stated that they have met with the Fire Marshal and have adequately accommodated emergency vehicles on the site. Mr. Shourds stated that the plan is marked out for signage for emergency access. Mr. Shourds stated that the Fire Marshal had no objection to the signage proposed.

Mr. Shourds stated that the proposed site plan will show the wall all the way across the back. He stated that the wall was initially installed without a stone foundation, which is why the wall can not be leveled. He stated that the wall is not in danger of falling, the blocks are very heavy. He stated that they have specified on the plan a stone foundation that will be placed under the wall. He stated that the wall will be installed plumed and is detailed on the plans. Mr. Shourds stated that the wall will be in the same location that it is today, but will extend all the way to the limits of the property.

Mr. Shourds stated that the Board had previously asked that the existing chain-link fence have slats be placed in to screen the activity of this property from the adjoining neighbors. He stated that there is a vegetated buffer along the fence. He stated that the vegetation is through, over and around the fence. He stated that in order to install the slats, the vegetation and trees would have to be removed. He stated that the installation of the wall and keeping the existing chain link fence with the vegetation would be better to keep the noise down.

Chairman Morton asked how high the concrete wall will be. Mr. Shourds stated 8'. Chairman Morton asked how high the fence is. Mr. Shourds stated the fence is 6'.

Mr. Sullivan stated that the existing foundation wall needs a certification by an architect or structural engineer. Mr. Shourds stated that could be a condition of approval.

Mr. Emmons asked about the parking. Mr. Sullivan stated that the extent of the parking is for the nature of the business.

Mr. Evans asked how much space is between the rear wall and the fence. Mr. Cave stated 2'—3'.

Mr. Sheehan stated that in regards to the uses, the Board needs to interpret if the three different uses that they have proposed are permitted uses.

Mr. Emmons stated that previously it was mentioned that the 2006 approval be rescinded. Mr. Sheehan stated that he does not recall that. Mr. Emmons stated that the 2006 approval grants the heavy equipment. Mr. Sheehan stated that the only thing that is different from that approval is the lifts.

Mr. Sheehan stated that the storage of the lifts is the issue. He stated that he has not found anything referencing that warehousing or storage has to be inside or outside. He stated that there is nothing requiring them to store the equipment either inside or outside. He stated that the lift business is warehousing shipping and receiving. He stated that they are storing these lifts until they are shipped out to customers who are leasing them, and then they receive them back to store until further leasing. He stated that the plans that were approved in 2006, there were 26 designated truck/equipment spaces designated in 26 different stalls throughout the property.

Mr. Emmons stated that he disagrees with Mr. Sheehan's determination. He stated that he is not sure if storing lifts can be fit under warehouse shipping and receiving. He stated that he understands that it could fit under auto and truck repair. He stated that the problem is that these lifts were extended up into the air. Mr. Sheehan stated that some are stored inside, but most are stored outside of the property. He stated that when a lift comes back you maintain it, and get it ready to ship it out again. He stated that they are stored simply waiting shipping to another customer. Mr. Emmons asked if the applicant is selling the lifts from the site. Mr. Sheehan stated no. Mr. Emmons asked why they were extended up into the air. Mr. Cave stated that they are stored up in the air, because of their booms. He stated that it allows for better storage to have the booms up in the air. Mr. Emmons stated that now the applicant is infringing on the height and air and space of the neighbors. Mr. Emmons stated that if the lifts are warehousing, they are limited to a certain height.

Mr. Cave stated that the lifts will be stored next to the concrete wall. Mr. Emmons stated that may need to be indicated on the plan. Mr. Cave stated that there is not a view obstruction. He stated that right next door to him is the sewage plant and the other side is the moving and storage company. He stated that behind the property, there are trees that are the size of the lifts. He stated that they have lowered the booms lower than 40'. Mr. Emmons asked if that was acceptable. Mr. Cave stated that if they are lowered under 40' allows him to park another machine underneath that.

Chairman Morton stated that the applicant would be stacking the lifts. Mr. Cave stated yes. Mr. Cave stated that he is probably only going to have about a half dozen machines there. Mr. Sheehan asked Mr. Cave if the lifts can be arranged so that they stay within the equipment parking spaces shown on the south side of the wall that is shown on the plan. Mr. Cave stated that yes.

Mr. Cave stated that he keeps the booms up about 25'. Mr. Emmons asked how safe is it for the booms to be up and trucks driving under them. Mr. Cave stated that the boom is in an elevated position.

Mr. Sullivan asked how long the lifts are. Mr. Cave stated that from the back to the front of the wheel is approximately 14'. Chairman Morton asked why these lifts cannot be parked in the 25' parking spaces as opposed to 40' parking spaces. Mr. Sullivan stated that if the booms

are extended down there is a concern. Mr. Cave stated that in this kind of a business this is how it is done. Mr. Cave stated that there are other businesses on Route 206 where you can see that the lifts are stacked. Mr. Emmons stated that the difference is that they are selling the lifts. Mr. Cave stated that he rents/leases the lifts. Mr. Emmons asked Mr. Cave if he owns the lifts. Mr. Cave stated yes. Chairman Morton stated that the applicant has indicated that they are stored like this because that's how it is done, but has not explained why they can't be stored in the 25' spaces. Mr. Cave stated that he had a previous business on Route 206, where he ran 1300 machines out of a 4 acre site. He stated that these types of things are stored that way to save space on site. Mr. Cave stated that the booms are elevated so allow for trucks to drive around through the area. He stated that there is not a safety issue.

Mr. Cave stated that it is his interpretation that it is all equipment. He stated that he has stopped doing the rental business. He stated that the machines that are left on site are going to be used for River Front Recycling Demolition and Clearing Business.

Mr. Emmons stated that it his interpretation of the Ordinance is that leasing and selling the lifts off site requires a use variance.

Mr. Sullivan stated that the question is if Mr. Cave needs a use variance or an interpretation. Mr. Emmons stated that if Mr. Cave is witnessing another business doing this type of stuff, he could go to the code enforcer and complain.

Mr. Sheehan stated that they are asking for an interpretation.

**Ms. Marinelli stated that it was mentioned at TAC that put on record this evening. Mr. Cave stated yes.**

Mr. Sheehan stated that they have advertised as a continuation of existing heavy equipment repair business with related office space, storage of lifts, while not leased to customers, and storage of heavy equipment for River Front and its related businesses.

Chairman Morton asked for testimony on River Front. Mr. Cave stated that his son has a recycling facility in Camden. He stated that this property is the maintenance facility for River Front Recycling. He stated that it is maintenance, vehicle and equipment storage and dumpsters for River Front Recycling.

Mr. Emmons asked if River Front is the only office. Mr. Sheehan stated yes.

Mr. Emmons asked how many trucks spaces are determined on site. Mr. Sullivan stated 87 truck spaces.

Mr. Potter asked if the lifts on site are owned by River Front or by another. Mr. Cave stated that by the end of the next quarter they will be owned by River Front.

Mr. Cave stated that he will be selling the lifts off and will only have about half a dozen machines left that will be part of River Front Recycling.

Mr. Cave stated that the lifts will be used to cut trees, etc. Mr. Sullivan stated that River Front Recycling could probably go out to bid large projects

Mr. Sheehan stated that the interpretation request could be recalled since there is no retail business.

Mr. Cave stated that the first auction will be in March. Mr. Emmons asked how many machines are on site. Mr. Cave stated roughly 30 on site currently. Mr. Emmons stated that Mr. Cave has informed us that by the end of the auction process there will only be 6 lifts. Mr. Cave

stated that is correct.

Mr. Sullivan asked if there were front end loaders on site. Mr. Cave stated yes. Mr. Sullivan asked if trailers were on site. Mr. Cave stated yes. Mr. Sullivan asked if there were trommel screens on site. Mr. Cave stated yes. Mr. Sullivan stated that there is a large variety of potential machines that are on site.

Mr. Emmons stated that he believes that the use variance can be withdrawn, since Mr. Cave is not performing retail functions rather than running a business. Mr. Cave stated that was correct. Mr. Emmons stated that Mr. Cave ran into a problem in the past due to exceeding the limits. Mr. Cave stated that he did not have an office at the site. He stated that it is an interpretation of how the Board looks at it. He stated that he ran his business out of Medford office. Mr. Cave stated that he is trying to simplify his life. He stated that he has already auctioned off several machines. Mr. Emmons stated that the property is not for retail sales. Mr. Cave stated yes. Mr. Cave stated that this property is a maintenance facility for River Front Recycling.

Chairman Morton asked if the heavy equipment repair is owned by River Front. Mr. Cave stated that it is River Front's equipment and River Front's employees. Chairman Morton asked if everything on this property is owned by River Front. Mr. Cave stated yes.

Mr. Sullivan advised Mr. Cave that if any other business comes in or River Front shrinks in size that they are to come back to the board. Mr. Cave stated he understood.

Mr. Emmons stated that the Board should consider a change of use per testimony. Mr. Sheehan stated that River Front's equipment was there before. Mr. Emmons stated that the problem was that they were not sure what was there.

Mr. Sullivan asked about the timing of the site plan improvements. Mr. Cave stated that he will start in the spring. Mr. Sullivan asked when he would finish. Mr. Cave stated as fast as they can get them done. Mr. Emmons stated that an inspection will be required. Mr. Cave stated that he understood.

Chairman Morton stated that the 2006 Resolution regarding the snow plows will still be in place.

Chairman Morton asked what the total amount of parking spaces is. Mr. Sullivan stated 87 for the equipment/trucks spaces and 30 for the warehouse and office. Chairman Morton expressed concern for a number of equipment pieces that would be on site. Mr. Potter stated that if the applicant uses the designated spot, it is hard to dictate the number of pieces of equipment that is out at the site. Mr. Potter stated that as long as the equipment belongs to River Front and nothing else, they shouldn't be telling the applicant how many pieces of equipment to have as long as they are using the designated spaces.

Mr. Evans asked what the hours of operation are. Mr. Sullivan stated that the previous resolution indicated the hours of operation are 7-8 Monday-Saturday excluding internal operations. Mr. Cave stated that they have no intent working until midnight banging equipment outside; he stated that it is all done inside.

Mr. Emmons stated that a junk yard is not permitted. Mr. Cave asked to define junk yard. Mr. Emmons stated if there equipment or machinery that are not repairable on site and are sitting with debris around them.

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

Mr. Emmons stated that a motion would be for a change of use permitting the applicant to continue repair & storage for Riverfront Recycling vehicles and office space for River front recycling. Dumpster storage for eight dumpsters, in which no two may be filled with debris at anyone time. Truck parking for Riverfront Recycling with restrictions on snow plows from prior approval. He stated that the applicant has requested to store lifts associates with Riverfront Recycling. Applicant has stated that the lifts that are not part of Riverfront Recycling will be removed by the end of April. Mr. Emmons stated that on-site improvements to be done. The wall to the rear of the property is going to dismantled and stone foundation placed and wall reassembled properly. The existing wall running parallel to the side property line is to be certified by a structural engineer. Lifts shall not be extended over 25'. Applicant has testified that the auction process will be completed by the end of April and no more than 6 lifts will be stored on site. He stated that the applicant has testified that they will not crush concrete.

Motion was made by Mr. Evans, seconded by Ms. Marinelli to approve the application as stated. 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**

Ms. Marinelli asked Mr. Emmons how the year end review was coming along. Mr. Emmons stated that he should have it ready by next month's meeting.

**A. Bill List**

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

**Adjournment**

Motion was made by Mr. Evans, seconded by Ms. Marinelli to adjourn at 9:50 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts  
Land Development Board Recording Secretary