

**Township of Lumberton
Land Development Board
Regular Meeting
February 20, 2013**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Wednesday, February 20, 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	
Representatives of Governing Body	James Conway, Jr. Sean Earlen	(Absent)
Alternate #1	William Tynon	
Alternate #2	Donald Tallo	
Alternate #3	Beverly Marinelli	(Absent)
Alternate #4	Matthew Kausch	
Solicitor	Evan Crook, Esq., Capehart & Scatchard	
Consulting Planner	Joseph M. Petrunolo, C.L.A., R.L.A., P.P., Remington, Vernick & Arango	
Consulting Engineer	Kurt Otto, PE, CME CME Engineering	
Board Secretary	Catherine Borstad	

Minutes

Regular & Reorganization Meeting minutes for January 16, 2013.

Motion was made by Mr. Evans seconded by Mr. Bennett to approve the January 16, 2013 meeting minutes. The vote was affirmative with the exception of Ms. Bleznak, who abstained, and the motion carried.

Correspondence

There was none.

Resolutions

a. 2012-14 Sventy, Kimberly & Brian, 22 Thistle Lane, Block 33.10, Lot 13. Application for variance for Lot Coverage to allow for installation of Paver Patio. Approved.

Motion was made by Mr. Evans, seconded by Mr. Bennett to approve Resolution 2012-14. The vote was affirmative with the exception of Mr. Conway, Ms. Bleznak, Mr. Darji, Mr. Dinneen, Mr. Pagenkopf and Mr. Tynon, who abstained, and the motion carried.

Items for Action

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

Mr. Edward G. Sheehan, Esq., present to represent applicant.

Mr. Sheehan explained to the Board that the applicant is seeking site plan waiver to allow the applicant to move forward with the installation of one (1) handicap parking space for a 1,000 SF existing office space that was renovated several years ago for use by the office staff of Riverfront Recycling.

Chairman Bennett asked Mr. Petrunolo if the application is complete. Mr. Petrunolo stated that a waiver will be needed on multiple items.

Mr. Sheehan stated to the Board that the site was purchased by Riverfront Recycling in July of 2005 from Allied Rach, LLC. He stated that in 2006 the applicant came before the Board for site plan approval to convert the existing building into a multi-tenant building with the intent to lease out, and to convert some of the outside area landscaping business along with the operation of Riverfront Recycling. Mr. Sheehan stated that site plan was approved on 10/11/06.

Resolution No. 2006-85 was presented and marked as Exhibit A-1.

Mr. Sheehan stated that the applicant was not able to proceed with the site plan approval of 2006 due to the economy. He stated that the applicant then came back to the Board in 2009 to amend the site plan approval of 2006 for approval of a rental lift business and to continue the Riverfont Recycling operation. He stated that the applicant received approval with conditions on April 15, 2010. Subsequent to the 2010 approval, the lift business was terminated and removed from the site.

Resolution No. 2010-07 was presented and marked as Exhibit A-2.

Mr. Sheehan stated that the applicant would like to abandon the 2006 and 2009 approvals.

Mr. Sheehan stated that the applicant had attended a TAC meeting on December 12, 2012.

Ms. Sheehan stated that the applicant would like to install a 440 SF concrete handicap parking space and request a site plan waiver based on Section 130-16A pg. 177 and Section 130-3, page 152 of the Land Use Ordinance.

Mr. Mark Shrouds professional engineer with the firm of Taylor, Wiseman & Taylor, 124 Gaither Drive, Engineer for applicant & Mr. Aaron Cave, Applicant, both sworn to provide testimony.

Mr. Cave provided testimony regarding the existing use of the Riverfront Recycling Business. He stated that Riverfront Recycling operation is located in Camden & Atco, NJ. Mr. Cave stated that the recycling part of the business is run out of these two locations. He stated that the only employees at the Lumberton site are Riverfront Recycling employees, currently there are 10-12 and will add an additional 4. There is adequate parking on the site for the all equipment and employees. The normal operating hours are 7a.m. until 5 p.m. The office staff hours will remain the same. He stated that the 2006 approval of the multi-tenant area was never pursued due to the economy. He would like to abandon his rights from the 2006 and 2010 approvals.

Mr. Petrungolo asked how many employees were at the site prior to Mr. Cave obtaining the property. Mr. Cave stated that he would say they were about the same, but really was not sure. Mr. Petrungolo asked what the hours were from the prior owner. Mr. Cave stated that he was not certain.

Mr. Petrungolo stated that it is hard to determine if a site plan waiver can be given. The presentation of the application given tonight is for abandonment of past prior approvals. The application that he received for tonight's meeting was for a handicap parking space and site plan waiver. He stated that he will need to see prior conditions at the site in order to determine if a site plan waiver is applicable.

Exhibit A-3 was marked, - a plan of the existing conditions of the site highlighted with different cross hatching.

Mr. Petrungolo asked if the hatched marking on the plans are proposed or existing today. Mr. Shourds stated both.

Mr. Petrungolo stated that the application presented tonight is for a waiver of site plan and to utilize the site based on the prior use. Mr. Sheehan stated that there has been no change since 2005 by the applicant except during the time period when a building permit was issued by the township to refurbish the existing 1,000 SF of office space. Mr. Sheehan stated that what they are doing now on the site is the same as what was going on at the site when they acquired it in 2005.

Mr. Petrungolo asked if the prior use of the site is the same as the current use. Mr. Sheehan stated yes and that the prior owner was Allied-Rach, LLC.

Mr. Petrungolo stated that it is hard to determine if a site plan waiver is warranted based on the fact that they just received existing conditions tonight. He will need further documentation of prior conditions of the site to determine if the site is site plan worthy.

Mr. Conway suggested the application be tabled until next month.

Mr. Conway asked what types of equipment will be stored at the site. Mr. Cave stated excavators, dozers, heavy-equipment, truck and five scissor-lifts that belong to Riverfront Recycling. Mr. Conway stated that heavy equipment was not part of the prior use of the site.

The professionals stated that there are concerns regarding the plan from 2005 as opposed to the current plan with this application. Mr. Conway stated that the applicant needs to present what the uses were when he purchased the property, as well as after he bought the property to determine if there is a similar purpose. Mr. Shourds stated that the applicant's testimony is that his use is the same as

when he purchased the property. Mr. Conway stated that the plans need to show what was there prior to this applicant.

Mr. Shourds stated that the applicant bought the property in 2005, came in with the application in 2006 and continued to operate his existing business. Mr. Shourds questioned whether or not the applicant would have been required to come in for a site plan approval to occupy it when he acquired the property since the testimony given by Mr. Cave is stating that there is no change in use in the site.

Mr. Petrunolo stated that the plan needs to show what was at the site prior to 2005 to compare what is there now to determine if it is a similar use. Mr. Sheehan stated that at the TAC meeting they did make it clear what they wanted to do.

Motion was made by Mr. Pagenkopf, seconded by Mr. Conway to table 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. Evans to approve the bill list. The vote was unanimous, with the exception of Mr. Conway abstained from bill #1 and Mr. Darji abstained from ERI's bill, and the motion carried.

Adjournment

Motion was made by Mr. Conway, seconded by Mr. Pagenkopf to adjourn at 8:50 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts
Land Development Board Recording Secretary