

**Township of Lumberton  
Land Development Board  
Regular Meeting  
January 20, 2011**

The reorganization meeting of the Lumberton Township Land Development Board was called to order by Chairman Ammerman on Thursday, January 20, 2011, at 7:44 p.m.

Chairman Ammerman 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, Chairman  
Robert Bennett  
Sheldon Evans  
Beverly Marinelli  
Robert Morton  
John Pagenkopf, Vice- Chairman  
Craig Potter

Representatives of Governing Body

James Conway, Jr.  
Lewis Jackson

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

Nancy Bleznak  
Thomas Bintliff  
Ed Borm  
Sean Earlen

Solicitor  
Consulting Engineer & Planner

Peter Emmons, Esq.  
Thomas Cundey, P.E.  
Remington, Vernick & Arango  
Joseph Petrongolo, L.L.A., R.L.A., P.P  
Remington, Vernick & Arango

Consulting Planner

Board Secretary

Catherine Borstad

### **Minutes**

Meeting minutes for December 15, 2010

Motion was made by Mr. Evans, seconded by Ms. Bleznak to approve the December 15, 2010 Meeting minutes. The vote was affirmative with the exception of Mr. Jackson and Ms. Marinelli who abstained and the motion carried.

### **Correspondence**

Letter dated January 20, 2011 from Mr. Singer new attorney representing Perfection Cleaning by Max requesting the application be continued to the February 17, 2011 meeting.

Mr. Phelan owner of Perfection Cleaning by Max was present and explained that he has retained Mr. Singer as his new attorney and that Mr. Singer was unable to appear tonight but would like to continue the application to the February 17, 2011 meeting.

Motion was made by Mr. Evans, seconded by Mr. Bennett to continue Perfection Cleaning by Max application to the February 17, 2011 meeting. The vote was affirmative and the motion carried.

### **Items for Action**

- a. ***Shram, Robert***  
***23 Hemsing Drive***  
***Block 19.08, Lot 15***  
***Bulk Variance for Front Porch Roof***

Mr. Rudy Rodgers, contractor, was sworn in to testify on behalf of Mr. Robert Shram. Mr. Shram would like to construct a roof over his existing front deck. The zone requires a setback of 25' and the applicant is requesting a setback of 22'.

Mr. Petrongolo clarified that the existing deck would remain and that they would not be increasing the size of the deck. Discussion was held on the specific setback the applicant is seeking a variance for. It was determined that the setback would be 21'. The colors would match the existing colors for the house.

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

Motion was made Mr. Morton, seconded by Mr. Evans to approve the application for a bulk variance for a front yard setback of 21'. The vote was unanimous and the motion carried.

- b. ***Haddad Apparel***  
***1558 Route 38***  
***Block 6, Lot 1 and 2***  
***Preliminary and Final Major Site Plan***

Mr. DiPilla, Esq., present representing applicant.

Haddad Apparel 3.1 acre site, currently vacant, previously has a building that collapsed and has been demolished. Applicant is seeking preliminary and final site plan for new building, approximately 36,000 sq ft. The primary use will be for Haddad Apparel and their offices, with

additional offices and retail use for the remaining space. The site is located in the B2 zone and also in the Redevelopment overlay zone. The applicant was heard in front of the Township Committee for the Office use at this property and received approval from the Committee at their September 2010 meeting. The applicant is seeking preliminary and final site plan approval.

Chairman Ammerman asked the professionals if this application can be deemed complete. Mr. Cundey referred to their review letter dated January 13, 2011 page 2 under Submission Information, three items have not been provided. The applicant has requested a waiver for the Environmental Impact Report, also no test pits were done for the underground stormwater facility. Engineer for the applicant used an assumed rate for his design but will need to be confirmed at a later date. Our ordinance requires existing utilities be shown on the plan and they were not. There is a question about the location of the forced main for the sewer line. The applicant engineer was to contact Mr. Bill Dunn from the MUA office.

Mr. Jeffery Fazler, Professional Engineer and Registered Architect sworn in to provide testimony for Haddad Apparel.

Mr. Fazler was questioned about the location of the forced main, and if he was in contact with Mr. Dunn. Mr. Fazler stated that he did not contact Mr. Dunn but went out to the site and is confident that the forced main does not run parallel to the site, but if it is determined that the forced main is there they can readjust the location for stormwater management facility.

It was recommended from the board that the applicant contact the MUA and have them come out to the site and mark out the location of the forced main and if needed they would resubmit drawings. Mr. Fazler was in agreement to this.

Mr. Petrongolo stated that Mr. Fazler still needed to address the other two outstanding comments from their review letter.

Mr. Fazler is requesting a waiver of the Environmental Impact Statement because the area is not an environmental sensitive area. It is in close proximity to a residential neighborhood and the site already had a building on it.

In regards to the test pits, Mr. Fazler stated that they were not able to get them done prior to the meeting. Mr. Conway asked if they agree to the test pits and Mr. Fazler stated yes.

Motion was made by Mr. Pagenkoff seconded by Mr. Morton to deem this application Complete. The vote was affirmative and the motion carried.

Mr. Anthony Chimento, representative for Haddad Apparel, sworn in to provide testimony in regards to the internal operations for Haddad Apparel.

Mr. Chimento stated that he is a subcontractor for the applicant and he will be using the building. Mr. Dipella asked Mr. Chimento to describe the type of use. Haddad is a children's manufacturer, they work with Nike, Reebok and Levis. The site will not be used for manufacturing, the goods are brought in, mostly t-shirts, screened printed, tagged and packaged at facility. After that they are brought back to the distribution centers located in Bayonne, NJ and Dayton, NJ.

Mr. DiPilla asked about the number of employees, hours of operation and the deliveries. Mr. Chimento stated that they would employ approximately 35 to 45 employees and the hours would be Monday thru Thursday 8 am to 6 pm, Friday from 8 am to 4:30 pm. One truck trailer per day would be dropped off and the next day would be picked up. Trailer is unloaded with stock than reloaded with packaged goods and picked up the following day.

Mr. DiPilla asked about the size of the building and approximately how much Haddad

would use for their operation. Mr. Chiumento stated that the building is 36,000 sq ft and Haddad would be using approximately 24,000 total sq ft, 20,000 for warehousing use and 4,000 for office use for the business. The front of building would have 4 spaces for retail use, approximately 5,815 sq ft on the 1<sup>st</sup> floor, and 4 offices' on the 2<sup>nd</sup> floor approximately 5,815 sq ft.

Mr. DiPilla asked if they had any tenants to date. Mr. Chiumento stated that he would be using one of the offices space for his real estate business and that he would also be handling the leasing for the rest of building and that to date they had no other tenants.

Mr. Chiumento was questioned about the chemicals that are used in the screening process and he answered that everything they use is bio-degradable. They are required to use the same standards that Nike uses and what is required by State Laws.

Ms. Marinelli asked if they are required to be inspected by the State, Mr. Chiumento stated that because there is no hazardous waste products used that they are not required to be inspected. Mr. Conway asked if Nike does any inspections, Mr. Chiumento stated yes. They test air quality and sound levels. Mr. Conway asked how often they inspect; Mr. Chiumento stated that they come every six months or once a year. Mr. Ammerman asked about the inks that are used. No organics will come off the inks into the air.

Mr. Conway asked about truck traffic, Mr. Chiumento stated once a day maybe once every other day during regular business hours, they drop a trailer and pick up a trailer. Chairman Ammerman asked about UPS and FedEx. Mr. Fazler stated that a loading zone is provided for the office and retail use for those types of deliveries. A service corridor is provided for behind the retail and office space. Colored site plan is marked as A-1, colored rendering of the Architectural and sign elevations is marked as A-2.

Ms. Bleznak asked about the location of the loading zone for the retail use. Mr. Fazler stated that it is located on the side of the building and will be connected to the service corridor and it is approximately 60 x 10 and would be marked with yellow striping. The rear loading dock would be strictly used for Haddad Apparel.

Mr. Chiumento stated that Haddad Apparel office will be located on the first floor behind the retail space. Mr. Fazler stated that they have two primary entrances to the building. To access the professional office and Haddad Apparel office they would enter into the main atrium on the side of the building. There will be a set of stairs and elevator to reach the second floor. Bulk of the parking for the office use will be located on the easterly side of the building. The bulk of the retail parking will be in the front of the building. The parking for the Haddad employees will be located in the rear of the building and the balance of the parking will be for the office use.

Mr. Fazler stated that they are seeking a variance for the size parking spaces. Lighting will be pole lights, shoe box style, 20' high and a series of wall mounted fixtures along the side and rear of building. Easterly portion of the property will be utilized for utilities. Stormwater management will be placed underground. The soil testing will be completed in the future. The discharge will be going into an inlet owned by the NJDOT. Handicapped parking for office use will be placed on the eastern side of property and handicapped parking for the retail use will be provided in front. Chairman Ammerman asked about the colors. Mr. Fazler indicated that the building will be grey and red, those are the colors that Haddad uses for their logo. Red awnings will be placed above the windows in the front of the building and above the windows on the side of building.

Ms. Marinelli asked if they meet the required parking spaces. Mr. Fazler stated no that they are short. They are required to have 99 and they are proposing 94 spaces. Also, the size of the spaces are 9 x 18 and not 10 x 18 as required.

Mr. Petrongolo asked if the building that they are proposing is the building that will be built. Mr. Chiumento stated that the building will be built as proposed.

Mr. DiPilla would like to go over the review letter comments. Mr. DiPilla stated that a number of the variances were preexisting conditions and that they would eliminate a few of the variances during testimony.

Mr. Petrongolo stated that the first variance is in regards to the size of the parking spaces, they are proposing 9 x 18 and 10 x 18 is required by ordinance. Mr. Conway stated that they are short by 5 spaces using the reduced 9 x 18 calculations, how short would they be if they used the required 10 x 18 spaces. Mr. Fazler answered that they would lose approximately 10 or 11 more spaces. Mr. Conway asked about the employee parking, were they over parked for employees. Mr. Fazler stated they were at where they needed to be.

A lengthy discussion was held in regards to the number and size of the spaces for retail, office and warehouse. It was determined during testimony that Mr. Fazler misunderstood the ordinance requirement for a 20' buffer for any commercial use abutting a residential property and the applicant's engineer used that 20' buffer for the westerly side of property which abuts a commercial property and therefore would not require a 20' buffer. A five minute recess was called to review the parking submission. The board Engineer and applicant's Engineer have agreed that they will provide a plan to show the correct number of parking and correct size of 10 x 18 to eliminate two variances.

Mr. Petrongolo continued with addressing the outstanding items listed on the review letter dated January 13, 2011. Variance required for parking within 20' of building, Mr. Fazler stated that they needed to set the building back to accommodate the front yard setback requirement. Also, they needed to accommodate the turning radius in the rear of the building for emergency vehicles. Mr. Petrongolo stated that there is a hardship on site due to the width of the site, and takes no objection to this variance. Parking on east side of building is adjacent to sidewalk and should have a 6' sidewalk; Mr. Fazler will increase the sidewalk to 6' along the east side of property. The two existing drives exist and therefore a variance is not required, but the applicant has made an application to the DOT to insure that the two existing driveways are adequate. The parking requirements have already been discussed and a new plan shall be submitted showing the correct number and size of parking spaces. A cross easement has already been approved for the Auto Zone site with a defined location, this location should be shown on the plans. Mr. Fazler will obtain that information from Auto Zone and reflect both the easement and the access on the plans. Mr. Pagenkopf stated that some time ago the neighboring property to the east also showed a cross easement access through the common property; Mr. Fazler stated that they would also connect to that cross easement. Mr. Petrongolo asked about circulation signage, Mr. Fazler stated that he would work with the professionals to come up with a plan. Mr. Fazler stated that he would provide drainage and stormwater management detail. Mr. Fazler will coordinate with the board professional's in regards to grading, utilities and planting design.

Mr. Fazler asked for clarification on the lighting standards, 1 foot candle is permitted and their average is 1.2. Mr. Petrongolo does not object to this variance. Mr. Petrongolo commented that no more than 0.2 foot-candles are permitted at the property line and that this can be addressed by providing the appropriate shields on the lights, Mr. Fazler agreed to this. Along the residential properties will reduce the height but may increase the amount of lights. Mr. Fazler stated that the height of the poles will be 10'. Mr. Petrongolo asked if the lights will be reduced at night, Mr. Fazler stated that they will be reduced to security levels at night and will address this on the plans.

Mr. Fazler asked if instead of a masonry trash enclosure to match the building could they paint it instead, it was decided that they would use split face block to match the front of the

building, Mr. Petrongolo stated that would be adequate. Mr. Petrongolo stated that the trash enclosure should be moved to the other side of the site further away from the residential properties. Mr. Fazler stated that they could do this and work out the location with the board professional.

Mr. Fazler asked for clarification for the sign ordinance standards. Mr. Petrongolo will look into this matter and will recalculate and determine if they meet the standards. Mr. Emmons stated that this can be addressed when they come back for final approval. Chairman Ammerman asked if the board had any comments that they would like the applicant to take into consideration when they prepare the plans for the sign package. Mr. Evans asked if the signs will be internally lit, Mr. Fazler stated yes.

Chairman Ammerman asked if the board had any other questions. Mr. Pagenkopf stated that he likes the idea of the illuminated lighting on the side building, and asked if both sides of the building would have the lighting. Mr. Fazler stated that the lighting on the residential side would not be on, only the security lighting.

At this time Chairman Ammerman opened the meeting up for public comment.

*Christopher Donner – 1562 route 38*

Mr. Donner, sworn to provide testimony.

Mr. Donner had one question in regards to the landscaping, he asked that the board give some consideration to the visibility along Route 38 and to limit the amount of landscaping so that people traveling down Route 38 will be able to see his building.

*Margaret Ferraro – 10 Easlick Ave*

Ms. Ferraro sworn to provide testimony.

Ms. Ferraro had some concerns about the placement of the trash enclosure, number of parking spaces and lighting on property. Ms. Ferraro would like some underground testing for the dyes and the noise levels for outside of the building, would there be any testing for that. Ms. Ferraro is concerned that the original building was only one story and now it is going to be two stories. Ms. Ferraro asked if the final plan will be provided to the public and will they be noticed. Mr. Emmons stated that they would only be considering a preliminary approval and that they would have to come back to the board for final approval and that they would need to re-notice the public. Ms. Ferraro asked if the two floors would only be in the front of the building and the applicant stated yes. Mr. Chiumento stated that they do no sewing at this site, the business is open for 3 ½ days and they only manufacture children's goods. Mr. Emmons asked if they would agree as a conditional of approval to test the noise levels with only machines running, Mr. Chiumento stated that they are agreeable to that.

*James Loveland – 8 Easlick Ave*

Mr. Loveland, sworn to provide testimony.

Mr. Loveland has some concerns in regards to the water runoff, Mr. Emmons stated that they have stormwater plans that would be tested and modified according to the engineers comments. Mr. Fazler stated that their design is to keep all the stormwater on their property and stored underground and be discharged to the DOT stormwater system. Mr. Loveland asked if they have approval from DOT and Mr. Fazler stated that they are working on it. Mr. Loveland asked if the area will be fenced, Mr. Fazler stated no. Mr. Loveland asked about any night deliveries and the applicant stated no. Mr. Loveland asked about trash pickup, Mr. Chiumento stated that there will be no trash pickup at night. Mr. Chiumento stated that this use will be

generating very little noise and in fact once the building is in place and would be buffering noise from the concrete plant. A discussion was held in regards to testing the noise levels from this site, Mr. Conway stated that if we have any noise complaints and that the State of New Jersey has jurisdiction. Mr. Loveland stated that he was in favor of the applicant and would like to see something built on the site.

At this time Chairman Ammerman closed the public comment portion of the meeting.

Chairman Ammerman asked if they were any questions from the board.

Mr. Pagenkopf just wanted to make sure that any future use would be sensitive to the truck traffic at this location.

Mr. Emmons advised that any motion for approval should be for preliminary site plan only with four variances.

Motion was made by Mr. Conway to approve, seconded by Mr. Bennett to approve Preliminary Site Plan only. 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. Conway, seconded by Mr. Evans to approve the bill list. The vote was unanimous and the motion carried.

### **Adjournment**

At 10:20 p.m. a motion was made by Mr. Conway, seconded by Ms. Marinelli to adjourn. The vote was unanimous and the motion carried.

Respectfully submitted,

Catherine A. Borstad  
Land Development Board Secretary