

**Township of Lumberton
Land Development Board
Regular Meeting
June 19, 2008**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Thursday, June 19, 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 (Absent) Sheldon Evans Robert Morton (Absent) Bradley Regn John Pagenkopf
Representatives of Governing Body	James Conway, Jr. Beverly Marinelli
Alternate #1 Alternate #2 Alternate #3 Alternate #4	Nancy Bleznak (Absent) Craig Potter Doug Alba Mike Petty
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

- a. Regular Meeting Minutes for May 15, 2008

Motion was made by Ms. Marinelli, seconded by Mr. Conway to approve the Regular Meeting Minutes of May 15, 2008. The vote was unanimous and the motion carried.

Correspondence

There were none.

Resolutions

- a. 2008-21 Sta-Seal, 13 Maple Avenue, Block 14, Lot 2.01. Continued to June 19, 2008 agenda.

Motion was made by Mr. Evans, seconded by Mr. Ammerman to approve Resolution 2008-21. The vote was unanimous and the motion carried.

- b. 2008-22 Canton, John, 532 Main Street, Block 15.02, Lot 1. Continued to June 19, 2008 agenda.

Motion was made by Ms. Marinelli, seconded by Mr. Ammerman to approve Resolution 2008-22. The vote was unanimous and the motion carried.

- c. 2008-23 Executive Session

Motion was made by Ms. Marinelli, seconded by Mr. Conway to approve Resolution 2008-23. The vote was unanimous and the motion carried.

Items for Action

Sta Seal

13 Maple Avenue

I-1 Zone

Block 14, Lot 2.01

Minor Site Plan for placement of Scale House and 2 Scales with Variances.

Mr. Emmons stated that they have submitted a letter requesting a continuance.

Mr. Regn asked how long the Board could keep continuing this application. Mr. Emmons stated that the Board can say no right now and start issuing summonses.

Mr. Pagenkopf suggested making a motion to approve one additional extension. Mr. Emmons stated he could write a letter to the applicant's attorney stating this will be the last extension.

Motion was made by Mr. Pagenkopf, seconded by Ms. Marinelli to carry the application to the July 17, 2008 meeting. The vote was unanimous and the motion carried.

Weller, Ernie
479 Main Street
HA Zone
HARC Application for placement of 10x12 shed. (7:35-7:36)

Exhibits marked.

Mr. Ernie Weller, Applicant, sworn to provide testimony.

Mr. Weller stated that he would like to install a 10' x 12' wooden shed in the back yard of his property.

Ms. Marinelli asked if the shed will be placed in the back yard inside of the fence.

Mr. Weller stated yes.

Chairman Bennett asked what color the shed would be. Mr. Weller stated that it would be similar to the house color.

Ms. Marinelli stated that you cannot see the back of the property from Main Street.

Mr. Weller stated that the property had two sheds that were taken down in the back of the property. He stated that the new shed would be located in between where the previous two sheds were located.

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 Ms. Marinelli, seconded by Mr. Regn to approve the HARC application. The vote was unanimous and the motion carried.

Rossell, James & Janet
4 Ross Street
Block 9.01, Lots 12 & 13
HA Zone
HARC Application for fence (Replacement) (7:37-7:41)

Exhibits marked.

Mr. James Rossell, Applicant, sworn to provide testimony.

Mr. Rossell stated that he would be removing an existing fence and replacing with a 4' green vinyl chain-link fence on the sides and front of his property.

Ms. Marinelli asked if the type of fence that currently exists is still available. Mr. Rossell stated no.

Ms. Marinelli stated that the fence is comparable to the neighborhood. She stated that there were several chain link fences in the historic district and one directly across the street from this property. Ms. Marinelli asked how high the existing fence is. Mr. Rossell stated 3 ½' high.

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

Adams, Jane and Murphy, Donald
Stacey Haines Road
Block 38, Lots 5 & 8.01
Informal Review/Conceptual Plan for Major Subdivision (7:41-8:02)

Exhibits marked.

CMX Engineers, representing applicant.

Mr. stated that they are proposing four acre lots for single family dwellings. He stated that the lots would be over five acres each. He stated that one lot is in the I-3 zone.

Mr. Stated that the applicant is not proposing anything in the I-3 zone. He stated that there is a residential structure that is located in the airport hazard zone. He stated that they have checked the Ordinance to be sure that it is an allowable use.

Mr. Stated that the proposed lot lines are perpendicular except portion to the right of the site.

Mr. went over Mr. Sullivan's report. He stated that the applicant will comply with the COAH obligation.

Mr. Stated that the driveway would be pushed to the right away from the existing property line so that it does not encroach into the 50' buffer.

Mr. Emmons stated that the one lot in the I-3 zone is still included in a residential lot and will require a use variance.

Mr. Pagenkopf stated that the I-3 lot, which is Block 38, Lot 5, is a stand alone lot.

Mr. Sullivan asked if Ms. Adams owns both proposed and existing lots. Mr. Stated yes. Mr. Sullivan suggested that the lot lines be moved so residents are out of the flight hazard zone area. Mr. Sullivan recommends that the Board not permit any residential use in this area.

There was discussion regarding the lot lines and making them conform to the Ordinance.

Mr. Evans stated that if a building was placed in the flight zone it should be stated in the deed. Mr. Sullivan stated that he recommends that if the Board approves anything in the flight zone it should be expressed to perspective buyers and deed restricted. Chairman Bennett stated that could be a condition.

Mr. Conway asked how lot 5 would be handled. Mr. Sullivan suggested that the Board recommend that there be no residential use in lot 5.

Mr. Emmons asked what the property surrounding the lot 5 is.

Mr. Ed Adams, sworn to provide testimony.

Mr. Adams stated that the surrounding area is farmland at present. Mr. Adams stated that they tried to take lot 5 out of the subdivision. Mr. Emmons made a suggestion to Mr. Adams that an option would be to ask surrounding property owners if anyone would be interested in buying lot 5.

Mr. Emmons stated that the subdivision would be 4 house lots with the industrial lot carved off for a 5th lot. He stated that would be the preference to subdivide this way.

Mr. Pagenkopf asked if there were borings were taken for septic. Mr. Adams stated that there were suitable locations for septic sites. He stated that they have not done all the locations of yet. Mr. Pagenkopf stated that new water quality regulations may take into effect.

Ferrell, Donald
6 Point Street
Block 12.01, Lots 1, 2, 3 & 4
Variance for Height for Detached Garage (8:03-8:20)

Exhibits marked.

Mr. John Pagenkopf stepped down at 8:03. Mr. Petty took his place.

Mr. Donald Ferrell, sworn to provide testimony.

Mr. Ferrell stated that he needs a variance for a height restriction for a detached two-story garage that will be approximately 25' tall.

Mr. Emmons asked Mr. Ferrell if he has seen the Planner's report. Mr. Ferrell stated yes. Mr. Emmons stated that the applicant is requesting the building to be 25' 6 1/4". Mr. Ferrell stated yes.

Mr. Ferrell stated that this Board gave him approval to remove the old building. He stated that during the roof design, the roof style that he picked is about one foot higher than the old building roof. Ms. Marinelli asked if the old building roof was 24' high. Mr. Ferrell stated yes.

Ms. Marinelli asked how high the highest point of Mr. Ferrell's house is. Mr. Ferrell stated that the highest point of the house would be higher than the roof of the detached garage.

Ms. Marinelli asked if this is a new foundation. Mr. Ferrell stated yes. He stated that when the old building was demolished the foundation was too poor to build on.

Mr. Conway stated that if the building is going on new foundation can it be done without any permitting. Mr. Sullivan stated that the dimensions appear to be slightly off from the old building. Mr. Sullivan stated that the two different plan documents that he is looking at have conflicting locations of the building.

Mr. Emmons asked Mr. Ferrell if he went to DEP before the foundation was replaced. Mr. Ferrell stated no that he didn't think he had to since he was replacing an existing foundation. Mr. Emmons asked if Mr. Ferrell was in a flood hazard zone. Mr. Ferrell stated yes. Mr. Emmons asked if this application can be deemed complete without the DEP approval. Mr. Sullivan stated no.

Mr. Conway stated that if the elevation of the first level is below eleven then it is in the flood plain. He stated that once the foundation is removed and replaced, it is considered a new building in a flood plain.

Mr. Regn asked if Mr. Ferrell approached DEP when he put the addition on his house. Mr. Ferrell stated yes.

Mr. Sullivan asked if they can see the paperwork from DEP. Mr. Sullivan stated that based on the dimensions that he has in front of him, the foundation appears to be in a slightly different location. He stated that the applicant may or may not have moved it, but he needs more information before making a determination.

Mr. Ferrell asked what the next step is. Mr. Conway stated that the Board needs to see the documents from DEP from the addition. He stated that once they see the documents and where the garage sits on the property then they can determine if any further permits will be needed before any approvals granted.

Mr. Ferrell stated that the Board previously gave him permission to demolish and existing structure. He stated that he is replacing the previous structure with a new one.

Chairman Bennett stated if Mr. Ferrell can get the Board the DEP documents then he can be placed on the next meeting.

Mr. Pagenkopf asked if there is open public comment. Mr. Emmons stated there is not public comment on completeness of an application.

Mr. Pagenkopf asked if the applicant could receive a conditional approval. Mr. Conway stated that the application has not been deemed complete yet.

Mr. Petty asked if these documents are just for checklist purposes. Mr. Emmons stated that it is for a variance request for this application. Chairman Bennett stated that he cannot address the variance until the application is deemed complete.

Motion was made by Mr. Alba, seconded by Ms. Marinelli to deem the application incomplete. The vote was affirmative with the exception of Mr. Regn who voted no, and the motion carried.

Mr. Pagenkopf returned to the Board at 8:28

Stott, Victor
1 Cameron Lane
Block 33.04, Lot 11
Bulk Variance for Detached Garage (8:29-8:40)

Exhibits marked.

Mr. Victor Stott, sworn to provide testimony.

Mr. Stott stated that he would like to build a detached garage on his property. Chairman Bennett asked if Mr. Stott had a chance to look at the Planner's report. Mr. Stott stated that he has received it this evening. Chairman Bennett stated that the Planner is requesting a letter of Interpretation or easements.

Mr. Sullivan stated that a letter from DEP is required.

Mr. Stott stated that he will have to send a survey to DEP and request that they provide the proper language to the easement. Mr. Sullivan stated that the applicant may have that letter with the language of the easement may be sufficient.

Mr. Sullivan stated that if the appropriate language is in the deed, a DEP permit may or may not be required.

Mr. Emmons stated that the only variance that he can see is for more than one garage and the area.

Chairman Bennett asked what the garage would be used for. Mr. Stott stated for storage of lawnmowers, lawn equipment, a car, etc.

Mr. Regn asked what the Board is requesting the applicant to do. Mr. Conway stated that on the plan it says that DEP approval is required for any development on the property. He stated that there is no wetland reference. Mr. Conway stated that if they can see where the wetland and buffer is, and if the applicant is outside of the area, then this Board can proceed with the variance application.

Mr. Sullivan asked how long Mr. Stott has been in the home. Mr. Stott stated 8 years. Mr. Sullivan stated that if there is letter from DEP it may have expired since the approvals are only valid for five years, but he would need to see the documents if it exists to determine.

Chairman Bennett stated that Mr. Stott can be on next months agenda if he can provide a possible Letter of Interpretation from DEP and/or his deed showing the easement.

Mr. Petty asked if Mr. Stott could get the paperwork before the meeting was over.

Motion was made by Mr. Potter, seconded by Mr. Regn to table the application until the end of the meeting. The vote was unanimous and the motion carried.

Mr. Emmons asked Mr. Stott that if he does not have the documents, could he please come back and let the Board and the public know. Mr. Stott stated yes.

Mr. Pagenkopf stepped down at 8:44, Mr. Petty took his place.

Canton, John
Block 15.02, Lot 1
HA Zone
Minor Subdivision (8:45-9:04)

Exhibits marked.

Mr. Fred Hardt, Esq., present for applicant

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

Mr. Hardt stated that this is a minor subdivision application for property on the corner of Main and Church Streets. Mr. Hardt stated that the applicant would like to subdivide into two lots. He stated that the applicant lives in the existing dwelling shown on the plan.

Mr. Hardt asked Mr. Canton if he is agreeable to the \$34,000 COAH obligation. Mr. Canton stated yes.

Mr. Hardt stated that the application will be filled by a deed.

Mr. Hardt stated that although it is an existing structure, they may need a variance for the existing garage on lot one for the distance to the road.

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

Mr. Conway asked if any trees would be removed. Mr. Canton stated no.

Ms. Marinelli stated that in the future, any new building would have to come before the Land Development Board, even though there is no Historic Board.

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

Mr. Richard Young – Church Street

Mr. Young stated that the applicant is a builder and has been trying to sell his house for some time and has boarders there now. Mr. Young expressed his concerns against constructing a new home on this lot. He stated that this property floods and would put potential buyers at risk. He expressed his concerns for the esthetics of the neighborhood that another house. He stated that there are safety issues with parked cars on Edwards Street.

Mr. Hardt stated that the subdivision application is in accordance with the Master Plan and Ordinance.

Mr. Canton stated that he lives in the home with his girlfriend and his 19 year old daughter, who goes to BCC. He stated that it is not a boarding home. He stated that Mr. Young does not know his financial status.

Mr. John Pagenkopf – 1 Church Street

Mr. Pagenkopf stated that the applicant may wish to remove the tree closest to the railroad track so that a driveway could be further away. Mr. Hardt stated that the applicant could meet with the neighbor. Mr. Emmons stated that the condition will be that the applicant will meet with the Planner regarding any tree removal.

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

***Whitesell Construction Co., Inc.
150 & 152 Mt. Holly Bypass
Block 15, Lot 6.01
Third One Year Extension for Resolution #2004-36***

Exhibits marked.

Mr. John Pagenkopf, sworn to provide testimony.

Mr. Pagenkopf stated that they are requesting a third one year extension.

Mr. Emmons stated that this will be the last extension permitted.

Motion was made by Ms. Marinelli, seconded by Mr. Conway to approve the third one year extension. The vote was unanimous and the motion carried.

Mr. Pagenkopf returned to the Board at 9:09

***Stott, Victor (Continued)
1 Cameron Lane
Block 33.04, Lot 11
Bulk Variance for Detached Garage (9:10)***

Mr. Stott returned with his deed. Mr. Sullivan stated that unfortunately the deed does not reference any easements or restrictions.

Chairman Bennett stated that Mr. Stott will have to go to DEP for interpretation. Mr. Stott stated yes. Mr. Sullivan stated that Mr. Stott should go to the court house to research the original subdivision plan.

Mr. Emmons stated that the Board can continue the application until next months meeting. He stated that Mr. Stott will have to notify the Board if he is not ready by the next meeting either in writing or in person, or the Board will deny the application and Mr. Stott will have to start all over again with noticing, etc. Mr. Stott agreed.

Motion was made by Mr. Ammerman, seconded by Mr. Potter to deem application incomplete and continue until next months meeting. The vote was unanimous and the motion carried.

Ordinance

a. 013-2008 Ordinance of the Township of Lumberton to Establish Design Standards for the Historic/Architectural District (H/A).

Ms. Marinelli stated that the Township Committee has had two readings for abolishing of the Historic Architectural Review Committee. She stated that some design standards have been placed into Ordinance No. 130-35.

Mr. Pagenkopf handed to the Board a marked up copy of the Ordinance 130-35 for the Board to review. Mr. Pagenkopf suggested incorporating more wording as to what this Board would want to see and not want to see. He suggested that possibly the Construction Office could handle some applications administratively.

Ms. Marinelli stated that she would agree that applicants that are replacing in-kind would not have to come before the Board.

Mr. Emmons will merge the comments together and have something by the next meeting for the Board to review.

It was discussed that the Sub-Committee would meet to review the revisions.

Old Business

a. 20 Maple Ave, LLC, (Cave Holdings)

Ms. Borstad stated that there nothing has changed with this application and does not know how to proceed. Ms. Marinelli asked if there is any work going on at the site now. Mr. Regn stated that two of the mounds of material are gone. Ms. Marinelli asked if the applicant is in violation of storing things on site and can the Board do something about it if it continues. Mr. Emmons stated that summons and stop work orders can be issued through the Municipal Court.

c. Philly Soft Pretzel

Ms. Borstad stated that they have received approval for the Letter of Credit.

Public Comment

There were none.

Comments from Professionals

There were none.

Comments from the Board

a. Bill List

Mr. Conway asked that the bill for the cemetery and the massage therapy be pulled.

Motion was made by Ms. Marinelli, seconded by Mr. Conway to approve the bill list with the exception of the two bills that were pulled. The vote was unanimous and the motion carried.

Executive Session

Motion was made by Mr. Regn, seconded by Mr. Conway to adjourn to Executive Session at 9:45 p.m. The vote was unanimous and the motion carried.

Adjournment

Motion was made by Mr. Ammerman, seconded by Mr. Evans to adjourn at 9:48. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts, Recording Secretary
Land Development Board