

**Township of Lumberton
Land Development Board
Regular Meeting
May 15, 2013**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Wednesday, May 15, 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	(Absent)
Representatives of Governing Body	James Conway, Jr. Sean Earlen	(Absent) (Absent)
Alternate #1	William Tynon	
Alternate #2	Donald Tallo	(Absent)
Alternate #3	Beverly Marinelli	
Alternate #4	Matthew Kausch	
Solicitor	Evan Crook, Esq., Capehart & Scatchard	
Consulting Planner	Joseph M. Petrongolo, C.L.A., R.L.A., P.P., Remington, Vernick & Arango	
Consulting Engineer	Kurt Otto, PE, CME CME Engineering	
Board Secretary	Catherine Borstad	

Minutes

Meeting minutes for March 20, 2013.

Motion was made by Ms. Marinelli, seconded by Mr. Evans to approve the March 20, 2013 meeting minutes. The vote was unanimous with the exception of Ms. Bleznak, Mr. Dinneen and Mr. Kausch, who abstained, and the motion carried.

Meeting minutes for April 17, 2013.

Motion was made by Mr. Evans, seconded by Ms. Marinelli to approve the April 17, 2013 meeting minutes. The vote was unanimous with the exception of Ms. Bleznak, Mr. Dinneen and Mr. Kausch, who abstained, and the motion carried.

Correspondence

There was none.

Resolutions

a. 2013-10 Young, Richard 31 Church Street, Block 27, Lot 4.02. Application for Bulk Variances. Continued to the May 15, 2013 meeting agenda.

Motion was made by Mr. Evans, seconded by Ms. Marinelli to approve Resolution 2013-10. The vote was affirmative with the exception of Ms. Bleznak, Mr. Dineen and Mr. Kausch, who abstained, and the motion carried.

b. 2013-11 20 Maple Ave, LLC, 20 Maple Ave, Block 13, Lot 3.01. Application for Site Plan Waiver. Continued to the May 15, 2013 meeting agenda.

Motion was made by Ms. Marinelli, seconded by Mr. Evans to approve Resolution 2013-11. The vote was affirmative with the exception of Ms. Bleznak, Mr. Dineen and Mr. Kausch, who abstained, and the motion carried.

c. 2013-12 Moser, Linda and Donald 329 Main Street, Block 37, Lot 2.06. Application for Conditional Use Variance and Bulk Variance for the installation of ground mounted solar panels. Approved.

Motion was made by Ms. Marinelli, seconded by Mr. Evans to approve Resolution 2013-12. The vote was affirmative with the exception of Ms. Bleznak, Mr. Dineen and Mr. Kausch, who abstained, and the motion carried.

d. 2013-13 Yesterwear Productions, 705 Smithville Road, Block 23, Lot 6.01. Application for Minor Site Plan and Change of Use. Continued to the May 15, 2013 meeting agenda.

Motion was made by Mr. Evans, seconded by Ms. Marinelli to approve Resolution 2013-13. The vote was affirmative with the exception of Ms. Bleznak, Mr. Dineen and Mr. Kausch, who abstained, and the motion carried.

e. 2013-14 Lumberton Township Board of Education, 33 Municipal Drive, Block 19, Lot 2.04. Application of waiver of site plan for placement of 15' wide LED sign. Approved.

Mr. Evans will amend the resolution to show the sign dimensions to be

Motion was made by Ms. Marinelli, seconded by Mr. Evans to approve Resolution 2013-14. The vote was affirmative with the exception of Ms. Bleznak, Mr. Dineen and Mr. Kausch, who

abstained, and the motion carried.

Items for Action

Mr. Darji stepped down at 7:43

- a. Young, Richard
23 Church Street
Block 27, Lot 4.02
New Single Family Dwelling

Mr. Richard Young, applicant, sworn to provide testimony. Mr. Young stated that he is seeking a variance for 31 Church Street which is next door to where his current home is.

Chairman Bennett asked Mr. Petrongolo if the application can be deemed complete. Mr. Petrongolo stated that there are some minor outstanding issues such as; the 200' property owners being on the plan. He stated that the issues are minor and has no objections to continue with the application.

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

Mr. Young gave the Board a description of the property and location. He stated that his home was built in the late 80s and he moved into the home in 1991. He stated that there is a septic system on the property where his home is and that the utilities are underground. He purchased this property in 1969 and three years ago in 2010 purchased adjoining lot 4.02. He stated that the lot had a summer cabin on it that burned down 40 years ago. Currently there is a 2-part cinder block garage, and 2 other wood buildings on the lot. Mr. Young stated that he is taking down the tool shed and the 2-car garage. He stated in place of the 2-car garage he would like to build a new garage with small living quarters on the second floor. Mr. Young stated that the reason for this is because his home on lot 6 is in need of repairs by FEMA. He stated that the survey where the old garage is has a 14' setback from the property line, and would like to move that back to 30'. The lot size is 3.63 acres where 5 acres is required. Mr. Young stated that the total surface area of the three dwellings is 735 SF and he would like to replace these dwelling with a 778 SF carriage house.

Chairman Bennett asked Mr. Otto if the application can be deemed complete. Mr. Otto stated yes, but there is no indication of DEP approval. Chairman Bennett asked if that would be a condition of approval. Mr. Otto stated yes.

Mr. Young stated that his hobby in life is landscaping and working on his property. He stated that he wants to consolidate the three buildings into one building, which will be perpendicular and match his existing house.

Ms. Marinelli asked Mr. Young what were his intentions for the structure. Mr. Young stated that due to the floods in 1991, 2004 & 2007 his basement filled and his living room had 2' of water in it. He stated that his living room is 4' lower than the rest of the house. He stated that FEMA is going to elevate his home by removing the floor in his living room. Mr. Young stated that they will be adding a basement and then raising the living room to meet the rest of the house. He stated that this process will take approximately 8-12 months to complete. Mr. Young stated that he and his wife will need a place to stay while the construction is taking place and that his intentions are for them to live in the second floor of the garage.

Ms. Marinelli asked if he would be selling the carriage house after his home is complete. Mr. Young stated no, that it would be a place for his family to stay when they visit.

Mr. Petrongolo stated that the applicant will remove all buildings on the lot and build a small single-family home. The home will consist of a garage on first floor and the second floor will consist of a bathroom, bedroom and kitchen. He stated that the lot is only 2.63 acres, where the Ordinance requires 5 acres. According to Section 130.39A the lot is undersized and non-conforming lots that are the same ownership are considered merged. Mr. Petrongolo stated that the setback is a minimum of 50', but for undersized lots, the setback can be reduced, which the setback requirement would be 25' and the applicant is requesting 30'. Mr. Petrongolo stated that the applicant will need outside agency approvals, such as Board of Health, DEP, etc.

Chairman Bennett asked if Mr. Young has sought any other agency approvals. Mr. Young stated no, but will comply with what is required by the construction office. He stated that he is building in the same footprint as the garage that is there. He stated that the current garage is 6" higher than the current base flood elevation. He stated that this property has flooded the same three times as his house did. He stated that when he builds the new garage/carriage house he will raise the floor. Mr. Young stated that one of his hobbies is woodworking and he kept most of it in his basement, and when his home flooded he lost everything. He stated that the new garage will be used to store his garden tractor and his woodworking tools and will build the floor 1' above the new base flood level.

Mr. Petrongolo stated that the ordinance requires a driveway and asked Mr. Young if he is requesting a waiver. Mr. Young stated that a driveway has existed for over 80 years, he stated that he would just put grass seed down, as he will not be using as a driveway. Chairman Bennett asked if a driveway would be required for emergency purposes. Mr. Petrongolo stated that a driveway is required for emergency access and that any stand-alone residential unit would require access. Mr. Young stated that he has no use for a driveway and that it would distract from the natural appearance. Mr. Petrongolo stated that if the Board considers the variance, that a condition may be if Mr. Young ever plans to sell this property, a driveway would have to be installed prior to the sale.

Discussion regarding driveway and easement took place. Mr. Young stated that there has never been an issue. Mr. Petrongolo stated that if a driveway had to go in it would need to go in the easement.

Mr. Young stated that the contractors are scheduled to start construction on his home in June. He stated that he needs to get the carriage house built now.

Mr. Petrongolo stated that it usually takes approximately 90 days for a DEP approval. He stated that flood hazard may be a problem. He stated that the new garage door will be at 4' above the flood plain and the living quarters will be 10' above that.

Mr. Young asked if the total of all his lots which is 8 acres, would be in compliance with the 5 acres minimum. Mr. Petrongolo stated for two homes, 10 acres would be required. Mr. Petrongolo stated that a copy of the easement showing that a driveway existed will be needed. He stated that the ordinance requires that lots front on an approved street. He stated that the applicant will need a waiver. Mr. Crook stated that a waiver is necessary in terms of the requirement that a driveway front on an approved street and a condition of approval that the Fire Marshall approves the private drive.

Ms. Marinelli asked if Mr. Young considered placing a small trailer on his property while the house was being raised. Mr. Young stated no, he wants to take the existing three structures down and replace with a new one. He stated that the list of requirements so far puts a burden on his wife and himself. He stated that it has already cost him a lot of money just for him to stand in front of the Board. He stated that all the requirements are putting a burden on him and his wife. He stated if he has to comply with everything that is required he is looking at spending more money than he intended to, which is becoming close to being unfathomable for him to do.

Chairman Bennett asked if there were any requirements for a private driveway or roadway. Mr. Petrongolo stated that this would have to conform to a driveway similar to one fronting on an

approved roadway. Mr. Petrongolo stated that he would not have an objection to a waiver for the driveway providing that if the property was sold, a driveway would have to be put in. Chairman Bennett asked where Mr. Young would park. Mr. Young stated he would park at his existing house. Mr. Petrongolo stated that a gravel driveway can be an option.

Ms. Bleznak asked if the lots are not merged, can there be two septic's on one lot. Mr. Young stated that he has spoken with the Health Dept. and was told that the new septic would be 50'-60' away from his current septic and as long as the percolation test passes, there shouldn't be any issues.

Mr. Petrongolo stated that waivers will be needed for the lot area where 5 acres are required. A waiver is necessary to relieve the applicant from all requirements that combined lots automatically merge. A waiver is necessary from the requirement that the lot must front on an approved street. A setback variance, the setback automatically reduces due to lot size. Mr. Petrongolo stated that another condition of approval would be other agency approvals, such as Burlington County Board of Health, Soil Conservation District and Department of Environmental Protection.

Mr. Young asked if it matters that a driveway has been there for eighty years. Mr. Otto stated that it would need to be shown on the survey.

Discussion took place regarding merging lots. Mr. Young asked if the request for lot size variance would go away if lot 7 which is continuous of this lot could be added and then would become more than 5 acres. He stated that Lot 6 and Lot 4.02 are continuous. Mr. Petrongolo stated not necessary, but would it eliminate the setback variance. Mr. Crook stated that the applicant is proposing to merge Lot 7 with 4.02. Mr. Young stated not merge just that they are continuous but separate. Mr. Petrongolo stated that they would have to be merged not continuous, lot 7 is approximately 3.5 acres, which if merged would eliminate the variance for lot size. Mr. Young asked if he would need any variance if he merged the lots. Mr. Petrongolo stated that a setback variance would be a requirement then.

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

Mr. Crook gave a summary of what a motion would be for. In that, he stated that the application is for a new family dwelling on Block 27, lot 4.02. Issues with the application include that it is in a R/S district which requires 5 acres, where lot 4.02 is 2.63 acres. A variance for lot size is required. There are several options available based on recommendations by the Board. Due to the hardship of the existing condition, the Board finds testimony presented by the applicant justifies a variance for lot size in connection with that there is also a request from the requirement that the property fronts a private driveway rather than a public street. According to the Ordinance the property has to front on an approved paved street, a waiver is requested based on the hardship configuration of the site conditioned upon the applicant providing an approved coverage of the easement. The conditions in terms of the side yard setback, the Ordinance requires 50' setback, and however reduced lot sizes require 25' where the applicant is proposing a 30' setback. An approval would be conditioned on all necessary approvals including; Department of Environmental Protection, Board of Health, Burlington County Soil District and Fire Marshall. A waiver of section 130.39F regarding lots merged is required. And requirement for the driveway that it can be gravel.

Chairman Bennett asked if there was a motion to approve the application with waivers and driveway to be installed consistent with code and the Board will accept gravel and a variance for lot size.

Motion was made by Mr. Evans, seconded by Mr. Dineen to approve the application based on requirements established by the Board, the vote was unanimous, with the exception of Ms. Bleznak and Ms. Marinelli, who voted no, and the motion carried.

Mr. Darji returned to the Board at 9:17

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

Applicant had a transcriber present for this portion of the meeting.

Mr. Edward Sheehan, Esq., attorney representing applicant.

Chairman Bennett asked Mr. Petrongolo if the application can be deemed complete. Mr. Petrongolo stated that the applicant is requesting waiver of outstanding items lined in his letter, but has no problem with waiving.

Chairman Bennett asked if there was a motion to waive the requirements.

Motion was made by Ms. Marinelli, seconded by Mr. Darji. The vote was unanimous, and the motion carried.

Mr. Sheehan gave the Board a brief history of the property. He stated that the application is for a preliminary and final site plan approval to include the construction of a 6' high wall in the rear of the property, a handicap parking space and landscaping to front of the property.

Mr. Sheehan gave a history on the approvals from 2007-2009. He stated that the applicant purchased the property in 2005 from Alli-Rach, LLC. He stated in 2006 the applicant came before the Board. From 2007-2009 office space was renovated but never occupied. In 2009 the applicant came back to Board to amend 2006 approval to continue Riverfront Equipment storage and repair and to add a lift rental business which was approved on 4/15/10 by Resolution #2010-7 with conditions. In 2010 applicant removed lift rental business from property.

Mr. Sheehan stated that the applicant would like to abandon all prior approvals. Mr. Sheehan stated that the applicant is requesting a waiver from Item #3 which involves that a 15' wide buffer be provided and item #4 shade trees, of the planner's review letter. He stated that the applicant is requesting a waiver of item #4A from Mr. Otto's review letter concerning the delineation of striped parking, as the parking lot is gravel.

Mr. Mark Shourds, P.E., P.P. with the engineering firm of Taylor, Wiseman & Taylor, 124 Gaither Drive, Mt. Laurel, NJ and Mr. Aaron Cave, applicant, 60 Fostertown Road, Medford, both sworn to provide testimony.

Exhibits marked A-1 & A-2

Mr. Shourds gave his credentials to the Board. The Board accepted Mr. Shourds as an expert witness.

Mr. Shourds stated that exhibit A-1 is a site plan that was submitted showing the block wall along the back property line. The block wall is a 6' masonry wall on the inside of the existing chain-link fence. He stated that the wall will be from property line to property line along the back of the property. He showed where the handicap space would be located and landscaping. Mr. Shourds stated that in the northwest corner of the property there is a small area that continues to have erosion problems, which they will clean the area up and riprap it properly so that it can handle potential erosion from the existing drainage shed. Mr. Shourds stated that the proposed plan is consistent with the Boards professionals. Mr. Shourds explained the proposed landscaping in the area in front of the building shown on exhibit A-2.

Mr. Sheehan questions Mr. Cave regarding the property. Mr. Cave stated that the type of equipment Riverfront owns and operates are; tractor-trailers, excavators, dozers, dumpsters, and that it is the same type of equipment that has been on the property since the prior owner. Mr. Cave stated that the equipment is stored in the yard space along the fence. He stated that they have four (4) small snow plows and during winter months store approximately 20 snow plows for State of NJ that are stored outside in designated areas. Mr. Cave stated that he has nine mechanics, and fifteen drivers of tractor-trailers. Mr. Cave stated that they have bins on site used for construction debris from job sites such as; concrete, wood, iron, steel drywall, etc. from job sites. Once they are filled they take the bins to the landfill. He stated that a full bin would not be on the property for more than 48 hours. Mr. Cave stated that they have nine mechanics and fifteen drivers. When the drivers report to the site they pick up their tractor-trailers and go to the job site. The normal working hours are 5am to 7pm, and will have 4-6 employees as office staff. Mr. Cave stated that there will be no changes to signage.

Ms. Marinelli asked if they crush concrete. Mr. Cave stated that not on this site.

Mr. Darji asked if the handicap parking space is to serve the office staff. Mr. Shourds stated that yes.

Mr. Evans asked where the 30 employees would park. Mr. Shourds stated along the fence out front.

Mr. Petrongolo stated that there will be a maximum of 20 bins on site, 9 tractors, 15 trailers, 4 loaders, 20 maximum plows during Nov-April when DOT stores plows.

Mr. Otto asked about the concrete wall. Mr. Shourds stated that it is a 6' high concrete wall and will certify, inspect and prepare a report.

Mr. Darji asked if the parking spaces would be delineated. Mr. Petrongolo stated that it was not necessary due to the current existing condition.

Mr. Evans asked about the sanitary sewer line. Mr. Petrongolo stated that landscaping was not able to go back there because of sewer line.

Mr. Crook stated that a confirmation of area easement would be needed. Mr. Sheehan stated that a copy of the easement would be provided.

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

Mr. Crook summarized what a motion would include. In that he stated that this application is for a minor site plan. The applicant is requesting to abandon all prior approvals per Resolutions #2006-85 and 2010-7. Testimony by the applicant has been provided that is consistent with the prior use. Applicant has testified that the hours of operation are from 5 a.m. until 7 p.m. Types of vehicles on site are; 9 tractors, 15 trailers, bulldozers, excavators, and plows. A total of 30 employee vehicles. Nine (9) mechanics, fifteen (15) employees doing driving, and four employees to work in the office. Approval is based on proposed landscaping, handicap parking space, and shall be consistent with prior use.

Motion was made by Mr. Darji, seconded by Mr. Evans to approve the application per testimony provided. The vote was unanimous and the motion carried.

c. Yesterwear Productions
705 Smithville Road
Block 23, Lot 6.01
Zone GB
Minor Site Plan and a Change of Use

Present for this application were:

Mr. Thomas Dipilla, Esq., attorney for applicant

Mr. Anthony Shemente, Jr., Yesterwear Productions and Mr. Jeff Fazler, P.E., Architect,
both sworn to provide testimony.

Chairman Bennett asked the professional's if the application can be deemed complete.

Mr. Petrongolo stated that there is no objection to waivers

Motion was made by Mr. Evans, seconded by Ms. Marinelli to deem the application complete. The vote was affirmative with the exception of Mr. Tynon, who abstained, and the motion carried.

Mr. Dipilla stated that this is an existing 44,000 SF warehouse which is the site of the former Lazy Boy furniture warehouse. He stated that the applicant is looking to convert the warehouse into three areas; assembly, warehouse & office. The site is on approximately 10.5 acres. And the applicant will be a single occupant. He stated that the type of business is manufacturing of silk screening which is primarily focused on children's sportswear. Mr. Dipilla stated that they have satisfied all professional's requirements except for one existing non-conforming. He stated that the building is 70' from the road, where the setback requirement is 75' from road.

Mr. Petrongolo stated that this is a pre-existing condition and a variance is not required.

Mr. Fazler gave the Board his credentials. The Board accepts Mr. Fazler as an expert witness.

Mr. Fazler explained to the Board that this is an existing approximately 44,000 SF warehouse with the installation of an office space, production portion and storage portion. He stated that due to the addition of the office space, they will need to increase the parking spaces. He stated that they will be increasing to 49 with 2 handicap spaces. He stated that they will be abandoning one of the doors along the back of the building. Mr. Fazler stated that the impervious coverage will not increase as the additional parking spaces will be on existing asphalt. He stated that they will be adding additional landscaping. He stated that there will be no new signs. Mr. Fazler went over the landscaping. He stated that the applicant will be bringing in gas. Shade trees were discussed. He stated that sidewalk will be installed.

Discussion of the dry well took place.

Mr. Shemente stated that he has been in business for 25 years. He stated that he runs a warehouse in Winslow Township which he ran out of room. He stated that there will not be any sewing or embroidering, only screen printing. He stated that he ships the merchandise out to department stores, etc. He stated that he has 6 printing machines and would like to have 10-12. Mr. Shemente stated that gas is need for the dryers. He stated that the ink goes through dryers that cure the ink to the material. He stated that he has 6 dryers. Mr. Shemente stated that there will be one trailer in and one trailer out per day. The hours of operation are from 8 a.m. until 6 p.m. Monday thru Thursday and 8:00 a.m. until 4:30 p.m. on Fridays and very rarely work on weekends, only when there is a special need for shirts, like the Super bowl, etc. He stated that there are 35-45 employees. Mr. Shemente stated that it is a seasonal business with the busiest time being now through September. Hours of operation are from 8:00 a.m. until 4:30p.m. from October to December. The southwest bay will stay and the northwest bay will be abandoned and will be covered up and siding will match.

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

Mr. Crook gave a summary of what a motion would be for. In that he stated that this is an approval for a minor site plan/change in use. Applicant has testified that they will remove existing white pines and replace with shade trees, landscaping and sidewalk will be provided, and applicant will conform to review letters and recommendations by the Professionals. Also, the dry well to be removed.

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

d. Saul Centers, Inc.
Big Lots
1636 Route 38
Block 19.50, Lot 13
Design Waiver for Parking Lot Spaces

Mr. Tyler Prime, Esq., present for applicant

Mr. Prime stated that the applicant is here for approval to restripe 2 parking spaces in the parking lot in front of the proposed Big Lots store located in Lumberton Plaza. The 2 parking spaces will be cart corrals for shopping carts.

Chairman Bennet asked the professionals if the application can be deemed complete.

Mr. Petrongolo stated that the applicant is removing two (2) parking spaces and placing them in the back of the store.

Motion was made by Mr. Darji, seconded by Mr. Dineen to deem the application complete. The vote was unanimous and the motion carried.

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

Mr. Crook stated that the application is for a waiver of a site plan for the removal of 2 parking spaces that will be replaced in the back. The parking spaces will be restriped and used for cart corrals for the Big Lots store.

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

Adjournment

Motion was made by Mr. Darji, seconded by Ms. Bleznak to adjourn at 10:55 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts
Land Development Board Recording Secretary