

**Township of Lumberton  
Land Development Board  
Regular Meeting  
May 21, 2009**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Thursday, May 21, 2009 at 7:35 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, 2009 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 Sheldon Evans Beverly Marinelli Robert Morton John Pagenkopf	(Absent)
Representatives of Governing Body	James Conway, Jr. Lewis Jackson	
Alternate #1 Alternate #2 Alternate #3 Alternate #4	Nancy Bleznak Craig Potter Doug Alba Ed Borm	(Absent)
Solicitor (Absent) 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 Minutes for April 16, 2009 meeting

Motion was made by Mr. Evans, seconded by Mr. Conway to approve the meeting minutes of April 16, 2009. The vote was affirmative with the exception of Mr. Bintliff and Ms. Bleznak, who abstained, and the motion carried.

### **Correspondence**

- a. Letter from Whitesell Construction Company dated May 5, 2009, regarding 150-152 Mt. Holly By-Pass, Block 15, Lots 6.01 & 6.09.

Mr. Emmons stated that the applicant is asking to reduce the building size. He stated that the applicant is asking that it be handled administratively.

Mr. Conway stated that he advised the applicant that a minor review may be required.

Mr. Emmons stated that the Board does not have to take action on this issue as long as there are no objections.

### **Resolutions**

- a. 2009-8 Lumberton LLC, 1624 Route 38. Extension of time for improvements.

Motion was made by Mr. Morton, seconded by Ms. Marinelli to approve Resolution 2009-8. The vote was affirmative with the exception of Mr. Bintliff and Ms. Bleznak, who abstained and the motion carried.

### **Ordinances**

- a. Amendments to Chapter 221 Property Maintenance Code.

Continued until June Meeting.

- b. Proposed amendments to Sections 130-3, 130-23, 130-39 and 130-44

Mr. Emmons went over the changes he made.

Mr. Sullivan suggested on 130-39 that "accessory structure" be removed.

Mr. Emmons stated that these amendments should be sent to Mr. Slaugh for his review and to Township Committee for first reading.

Motion was made by Mr. Pagenkopf, seconded by Mr. Morton to pass this Ordinance onto Township Committee. The vote was unanimous and the motion carried.

**Items for Action**

**a. James Jambor (7:43-7:54)**  
**719 Henderson Road**  
**Block 19.44, Lot 42**  
**R-2 Zone**  
**Bulk Variance for rear addition**

Ms. Marinelli stepped down.

Mr. Potter will be voting on this matter.

Mr. James Jambor sworn to provide testimony.

Mr. Jambor stated to the Board that he would like to construct a two-story addition to his home. He stated that the addition would be for a family room and to expand the upstairs bedrooms.

Mr. Sullivan stated that the existing rear yard setback is 38' where 40' is required. He stated that the applicant is requesting to reduce the rear yard setback to 21.8'.

Mr. Jackson asked if the rear yard setback was like that when the house was built. Mr. Jambor stated yes.

Mr. Jackson asked if there was a deck there now. Mr. Jambor stated yes, but will not have one once the addition is built.

Mr. Jackson asked if there were any homes behind the property.

Mr. Jambor stated no.

Mr. Emmons asked if the property backed up to open space. Mr. Jambor stated yes.

Mr. Emmons asked if there were any height concerns. Mr. Sullivan stated no.

Mr. Emmons asked what reasons the addition is needed for. Mr. Jambor stated that they need the extra space for his family. He stated that he currently has three sons that are getting bigger.

Chairman Bennett asked if they were planning to build another deck. Mr. Jambor stated that not at this time. Mr. Jambor stated that they may install pavers.

Mr. Emmons asked Mr. Jambor if he is planning to take down the existing deck and existing pool. Mr. Jambor stated yes.

Mr. Pagenkopf asked about the trellis drawn on the plan. Mr. Jambor stated that his architect put that there. Mr. Pagenkopf asked Mr. Jambor if he wants to keep it in the plan as part of the approval. Mr. Jambor stated yes.

Chairman Bennett asked what the patio would be constructed of. Mr. Jambor stated that the patio would be built on the ground with a retaining wall against the house coming 6'-8' out from the house and step down onto pavers which would be concrete.

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

Mr. Emmons stated that this is a bulk variance application for a rear yard setback. He stated 40' is required where 38' exists. He stated that this is a nonconforming condition now. He stated that the applicant wishes to expand the condition to 21.8'. The addition is towards open space. He stated that the applicant is requesting the variance for a two-story addition. He stated that the applicant has stated that the improvement will improve the use of the rear yard by removing the deck and an above ground pool. Mr. Emmons stated that the applicant has testified that the extra room is needed for an expanding family.

Motion was made by Mr. Jackson, seconded by Mr. Conway to approve the application. The vote was unanimous and the motion carried.

Ms. Marinelli returned to the Board.

**b. Jason Peak (7:54-8:02)**  
**18 Canterbury Court**  
**Block 19.23, Lot 133**  
**R-2 Zone**  
**Bulk Variance for rear addition**

Mr. Jason Peak sworn to provide testimony.

Mr. Peak stated to the Board that he needs a variance for a rear yard setback. He stated that he needs to reduce the setback from 40' to 37.5' for an addition. He stated that he would like to build a 17'x12.5' sunroom addition with a 17'x12.5' open wood deck.

Mr. Sullivan stated that the deck shown on the plan is 19'x12.5'. Mr. Sullivan stated that according to the plans and variance request submitted the deck cannot exceed past the back of the new addition.

Ms. Marinelli asked if the property backs up to the woods. Mr. Peak stated yes.

Mr. Pagenkopf suggested the applicant request a 35' setback. Mr. Peak requested a 34' setback.

Mr. Emmons asked what was behind Mr. Peak's property. Mr. Peak stated the Midway School. Mr. Emmons asked what was on either side of the property. Mr. Peak stated houses.

Mr. Emmons asked what the purpose of the sunroom is. Mr. Peak stated that he has an expanding family and the extra room would be great.

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

Mr. Emmons stated that this is a bulk variance for a rear addition. He stated that the applicant is proposing a 17'x12.5' sunroom and an approximate 19'x12.5' deck. He stated that the applicant's current rear setback is 45' where 40' is required. He stated that the applicant is requesting a 34' setback. Applicant has testified that he needs the extra room for an expanding family.

A motion was made by Ms. Marinelli, seconded by Mr. Jackson to approve the variance. The vote was unanimous and the motion carried.

**c. Master Plan**

Mr. Conway stated that this is a re-evaluation of the existing Master Plan.

Mr. Sullivan went through Mr. Pagenkopf's comments with the Board. Mr. Sullivan will make revisions accordingly.

Mr. Conway stated that TDR 2 will be addressed with the Township Committee.

Mr. Sullivan will get Ms. Borstad copies for the Township Committee.

**Old Business**

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

Mr. Emmons stated that they have received a letter from the attorney requesting 60 days to get an application to the Board.

**Public Comment**

There were none.

**Comments from Professionals**

There were none.

**Comments from the Board**

**A. Bill List**

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

Mr. Conway stated that Dan Kennedy from the County Agricultural Board would be a guest speaker at next month's meeting to discuss the Right to Farm Act.

It was determined that the Board would start next month's meeting at 7:00 p.m. to discuss the Right to Farm Act.

**Adjournment**

Motion was made by Mr. Conway, seconded by Ms. Marinelli to adjourn at 9:12 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Lumberton Land Development Board  
May 21, 2009

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Caryn L. Cutts  
Land Development Board Secretary