

**Township of Lumberton
Land Development Board
Regular Meeting
November 17, 2011**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Thursday November 17, 2011, 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 20, 2011 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 Sheldon Evans Beverly Marinelli Robert Morton John Pagenkopf, Vice- Chairman Craig Potter
Representatives of Governing Body	Mayor James Conway, Jr. Lewis Jackson Nancy Bleznak, Absent Thomas Bintliff Ed Borm Sean Earlen, Absent
Alternate #1	
Alternate #2	
Alternate #3	
Alternate #4	
Solicitor	Chris Vanette, Esq.
Consulting Engineer & Planner	Thomas Cundey, P.E. Remington, Vernick & Arango
Consulting Planner	Joseph Petrongolo, L.L.A., R.L.A., P.P. Remington, Vernick & Arango
Board Secretary	Catherine Borstad

Minutes

Meeting minutes for the October 20, 2011 Regular Meeting:

Motion was made by Mr. Evans, seconded by Mr. Pagenkopf to approve the October 20, 2011 Regular Meeting minutes. The vote was affirmative with the exception of Mr. Conway, Ms. Marinelli, Mr. Morton, Mr. Potter and Mr. Bintliff who abstained and the motion carried.

Correspondence**Resolutions**

a. 2011-21 Radwell International, Inc., 111 Mt Holly Bypass, Block 115.04, Lot 2.05. Preliminary and Final Major Site Plan for Use Variance. Continued to November 17, 2011 meeting.

Motion was made by Mr. Evans to approve Resolution 2011-21, seconded by Mr. Morton. The vote was affirmative with the exception of Mr. Conway, Mr. Jackson, Ms. Marinelli, Mr. Pagenkopf, Mr. Potter and Mr. Bintliff abstained and the motion carried.

b. 2011-22 Ark Road Storage Service of Creek Properties, LLC, 108 Ark Road, Block 36 Lot 12.01. Amended Final Site Plan, application deemed INCOMPLETE. Continued to the November 17, 2011 meeting.

Motion was made by Mr. Evans to approve Resolution 2011-22, seconded by Mr. Pagenkopf. The vote was affirmative with the exception of Ms. Marinelli, Mr. Morton, Mr. Potter and Mr. Bintliff abstained and the motion carried.

c. 2011-23 Roman, Leanna, 3 Hopewell Ave, Block 53.01, Lot 3. UseVariance for Keeping of Farm Animals. Continued to November 17, 2011 Meeting.

Motion was made by Mr. Pagenkopf to approved Resolution 2011-23, seconded by Mr. Evans. The vote was affirmative with the exception of Mr. Conway, Mr. Jackson, Ms. Marinelli, Mr. Morton, Mr. Potter and Mr. Bintliff who abstained and the motion carried.

d. 2011-24 Ferry, John, Main Street, Block 2, Lot(s) 1,2,3,4,5.01,7,8,9 and 10. Minor Subdivision. Board lacks Jurisdiction. Continued to November 17, 2011 Meeting.

Motion was made by Mr. Evans to approved Resolution 2011-24, seconded by Mr. Conway. The vote was affirmative with the exception of Ms. Marinelli, Mr. Morton, Mr. Potter and Mr. Bintliff who abstained and the motion carried

Items for Action

- a. **Roman, Leanna**
3 Hopewell Road
Block 53.01 Lot 3
RA/S Zone

At this time Mr. Conway and Mr. Jackson stepped down.

Mr. Piazza attorney for applicant stated that this application was for a Use Variance to permit the raising of chickens.

Chairman Bennett asked the professionals if they have reviewed the application, Mr. Petrongolo stated that they have reviewed the application.

Mr. Piazza stated that he has three exhibits that he would like to present to the board at this time. A-1 Common Backyard Chicken Objections, A-2 Survey of Property indicating location of chicken coop and A-3 Pictures of typical chicken coops, material were distributed to board members.

Ms. Leanna Roman-Gonzalez was sworn in to provide testimony.

Mr. Piazza stated that the property is located in a rural district that does permit the keeping of farm animals for properties with at least six acres, this property and approximately 4.8 acres or 70% of the required six acres for this use. The applicant requested to keep 10 to 12 chickens at one time. Mr. Piazza stated that they believe that given the small amount of chickens the applicant intends to raise and the district that they are in, that they meet the intent of the Master Plan and the Township's Ordinance. Mr. Piazza stated the chickens are not in open view and they will be well cared for and that there is no detriment to the public good.

At this time Mr. Piazza referred to Exhibit A-1 which discusses several issues that are raised with the raising of chickens. Simply stated Mr. Piazza stated that the raising of chickens will not be a detriment to the public.

Mr. Piazza referred to the review letter from R & V in regards to the setback for the chicken coop, Mr. Piazza stated that instead of requested a variance for the setback they choose to move the chicken coop, which is shown on the revised plan, Exhibit A-2.

Mr. Vanette asked Mr. Piazza to provide the board with more information in regards to Exhibit A-1, where in particular did he get this information. Mr. Piazza stated that he did extensive researched. Mr. Vanette referred to the handout and asked if he any background about the website that he located the information from. It was determined that the Exhibit A-1 refers to locations outside of New Jersey. Mr. Petrongolo outlined the need to address both the negative and positive criteria for a Use Variance.

After a lengthy discussion it was determine that the applicant must return and be prepared to address both the negative and positive criteria to receive approval for a Use Variance.

A motion was made by Mr. Potter and seconded by Mr. Pagenkopf to continue this application to the December 15, 2011 meeting. The vote was unanimous and the motion carried.

b. Radwell International
111 Mt. Holly By Pass
Block 15.04, Lot(s) 2.01, 2.05
I-2 Zone

Mr. Pagenkopf stepped down at this time.

Mr. Anthony Chwastyk attorney for applicant, stated that the application before the board was for a Use Variance to install a 117 stall parking lot on lot 2.01. They are doing this to accommodate the growth of the company located on lot 2.05. Radwell International anticipates relocating their headquarters in the future to Lot 2.01 but until that time they are seeking a Use Variance to permit the parking lot only. The I-2 Zone only allows parking lots as accessory uses and in addition the I-2 Zone permits parking lots on the same lot as the primary use, also there are parking buffers that are required that they will be seeking a variance for.

Mr. Williams and Mr. Buehler were sworn in to provide testimony. Mr. Williams outlined his credentials as an engineer.

Chairman Bennett asked the professionals if this application can be deemed Complete, Mr. Petrongolo stated that the applicant has several submission items that have not been provided and that the applicant has requested waivers for some and that the applicant will provide testimony to address these issues. Mr. Petrongolo stated that he has no objection to the board deeming the application complete.

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

Mr. Williams continued with his credentials as an engineer, he stated that Mr. Nicholson was the primary engineering for this application but he was unable to appear tonight. Chairman Bennett deemed Mr. Williams an expert.

Mr. Chwastyk presented his first Exhibit marked as A-1 which is Site Plan dated 09/26/11, Mr. Williams outlined the site plan outlining the existing conditions and what is proposed. Also shown on the plan but not part of this application is a proposed future building for Radwell. The driveway apron was already installed by the prior owner.

Mr. Morton asked if Radwell owns both parcels why don't they consolidate the lots and avoid having to request a Use Variance. Mr. Chwastyk stated that Radwell International ultimate plan is to expand onto this site but they are uncertain if they would expand the existing building onto this lot or if they would build a separate building. The intent is to build a Radwell building on that lot but if they do not they want to keep the lots separate if they decide to sell that lot separately. Mr. Petrongolo stated that they should address why a Use Variance should be approved if an easy solution is presented. Mr. Buehler stated that they discussed consolidating the lots but decided it would be best to keep them separate if in the future they become too big for this site they would be more marketable if the buildings were separate.

At this time the professionals discussed the review letter dated October 12, 2011. Mr. Williams stated that the hardship is that Radwell International is growing and that they no longer can accommodate the number of employees. The existing site is built out and has no space left to expand parking. The parking lot is proposed as a temporary use. The positive criteria is that the parking lot is needed because the business has expanded beyond their current parking. The parking lot will not be a detriment to the public good. The parking lot will appear to be an extension of the current site.

Mr. Petrongolo stated that a Use Variance would be appropriate although a condition would be appropriate that if Radwell decides that they are not going to build on Lot 2.01 and they would like to sell it that a building would need to be built. The applicant was in agreement with that condition. A cross easement is also recommended for these two lots.

Mr. Chwastyk asked at this time to go over the review letter. Mr. Petrongolo stated that they have complied with most of the items in the review letter, but that they would like to waive the requirement for sidewalks at this time, Mr. Petrongolo stated for safety reasons they have no objection to this request. In regards to lighting they request that they match the lighting on the existing parking lot and that a waiver has been requested to the foot candle. Mr. Petrongolo stated that would be appropriate. A landscape waiver has been requested in regards to the spacing of the planting and street trees, they are a little further apart, they have no objection to this waiver, additional plantings would be provided.

Chairman Bennett asked if the board had any questions, there being none, he asked if anyone from the public had any questions. No public comment this portion of the meeting was closed.

Motion was made by Ms. Marinelli to approve the Use Variance, with the conditions that will be outlined by Resolution, seconded by Mr. Evans. The vote was affirmative and the motion carried.

c. Ark Road Storage
108 Ark Road
Block 36, Lot 12.01
RI Zone

Mr. Conway, Mr. Jackson and Mr. Pagenkopf returned to the meeting. Mr. Bennett and Mr. Bintliff stepped down. Mr. Pagenkopf will now be the Chairman.

Mr. McAndrew attorney for applicant, asked that Mr. Mike Higgins, project manager and environmental consultant, be sworn in. Mr. Higgins outlined his credentials and was deemed an expert. Mr. Higgins stated that this is an application for an Amended Final Site Plan for Phases 3 & 4, Phases 1 & 2 have been completed. Mr. Higgins stated that Phases 3 was originally approved for flex warehouse and mini storage and today they would like less flex warehouse and more storage building. A market analysis has determined that the demand for storage buildings is in more demand than flex warehousing. Phase 4 is just for flex warehouse and they are proposing to build a 12,000 sq bldg opposed to the original approval of 16,000 sq ft building. The existing tree service, Richard May Tree Service, that is located on the site in another barn will relocate to this building. The flex warehouse will be a two story building.

Mr. McAndrew asked to Mr. Higgins what the building would look like. Mr. Higgins stated the elevations are indicated on the site plan that was submitted to the board. Mr. Higgins stated that the architect will be identical to what is already existing on the site. The flex warehouse in Phase 3 will be limited to small businesses, but they will first address the storage building. Mr. McAndrew asked if there were any variances needed for this application, Mr. Higgins stated no.

Mr. Cundey wanted to clarify that they would not be seeking approval for any additional residential uses, Mr. McAndrew stated no.

Mr. Petrongolo stated that in regards to the review letter the applicant has addressed all the submission requirements of their letter dated November 4, 2011. Mr. Petrongolo stated that a waiver is necessary for parking and loading standards, and they have no objection to granting this waiver. Mr. Petrongolo stated that a waiver is necessary for landscaped islands, they have no objection to that waiver. Mr. McAndrew stated that the waiver is for landscaped islands at the end of the stalls and that they would provide additional plantings elsewhere onsite. Landscaping will match what is existing. Mr. McAndrew stated that they are not requesting a new signage at the site, when they have tenants for the flex warehouse they will come back before the board.

Chairman Pagenkopf asked if anyone from the public would like to be heard, there being none this portion of the meeting was closed.

Motion was made by Mr. Conway to approved the Amended Final Site Plan for Phase 3 & 4, seconded by Mr. Potter. The vote was affirmative and the motion carried.

- d. Ferry, John**
Main Street
Block 2, Lot(s) 1,2,3,4,5.01,7,8,9 & 10
B1 Zone

Applicant has request a postponement until the December 15, 2011 meeting.

Motion was made by Mr. Potter to continue until December 15, 2011, seconded by Ms. Marinelli. The vote affirmative and the motion carried.

Old Business

Comments from Professionals

Comments from the Board

- 1. Bill List

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

Adjournment

At 9:40 p.m. a motion was made to adjourn. The vote was unanimous and the motion carried.

Respectfully submitted,

Catherine A. Borstad
Land Development Board Secretary