

**Township of Lumberton
Land Development Board
Regular Meeting
November 19, 2009**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Thursday, November 19, 2009 at 7:30p.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	
Representatives of Governing Body	James Conway, Jr. Lewis Jackson	
Alternate #1	Nancy Bleznak	(Absent)
Alternate #2	Craig Potter	
Alternate #3	Doug Alba	
Alternate #4	Ed Borm	
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

Regular Meeting minutes for October 15, 2009.

Mr. Morton stated that he had a change to a statement he made under the Jones application. He stated that the word "wide" should be changed to "long".

Motion was made by Mr. Evans, seconded by Mr. Morton to approve the October 15, 2009 meeting minutes as stated. The vote was affirmative with the exception of Mr. Conway and Mr. Potter, who abstained, and the motion carried.

Correspondence

Resolutions

- a. 2009-18 20 Maple Avenue, LLC, 20 Maple Avenue, Block 13, Lot 3.01. Continued to November 19, 2009

Motion was made by Mr. Morton, seconded by Ms. Marinelli to approve Resolution 2009-18. The vote was affirmative with the exception of Mr. Potter, who abstained, and the motion carried.

- b. 2009-19 Frontier Development, LLC (Auto Zone), Route 38, Block 15, Lot 5 & Block 6.01, Lot 1.01. Minor Subdivision. Approved.

Mr. Sullivan stated that there was commitment from the applicant to remediate the site. He suggested removing that condition from the minor subdivision. Ms. Borstad stated that the Board has the revised resolutions tonight.

Motion was made by Ms. Marinelli, seconded by Mr. Jackson to approve Resolution 2009-19. The vote was affirmative with the exception of Mr. Conway and Mr. Potter, who abstained, and the motion carried.

- c. 2009-20 Frontier Development, LLC (Auto Zone), Route 38, Block 15, Lot 5. Preliminary and Final Major Site Plan with Variance. Approved.

Motion was made by Ms. Marinelli, seconded by Mr. Morton to approve Resolution 2009-20. The vote was affirmative with the exception of Mr. Conway and Mr. Potter, who abstained, and the motion carried.

- d. 2009-21 Cella, Linda, 57 Bella Road, Block 45, Lot 1.02. Use Variance for keeping of Farm Animals. Denied.

Motion was made by Mr. Morton, seconded by Ms. Marinelli to approve Resolution 2009-21. The vote was affirmative with the exception of Mr. Conway, Mr. Jackson & Mr. Potter, who abstained, and the motion carried.

- e. 2009-22 Jones, Cynthia, 131 Harrogate Drive, Block 19.29, Lot 11. Conditional Use Variance for Home Occupation. Approved.

Motion was made by Mr. Morton, seconded by Ms. Marinelli to approve Resolution 2009-22. The vote was affirmative with the exception of Mr. Conway, Mr. Jackson & Mr. Potter, who abstained, and the motion carried.

Items for Action

a. Hordis, Robert
531 Main Street
Block 14.02, Lot 4
H/A District
Historic District – Replace Roof, Paint & Porch Railing

Mr. Robert Hordis, sworn to provide testimony.

Mr. Hordis stated to the Board stated that he resides at 154 Country Club Drive. He stated that he wants to replace the existing asphalt roof with an architectural shingle in the color of Harvard Slat.

Mr. Hordis submitted a sample to the Board.

Mr. Hordis stated that they would also be installing a decorative wood railing. The railing would be stain on top with painted wood slats.

Mr. Hordis stated the house would be yellow w/ white trim w/ an accent color (he provided samples of all the colors).

Mr. Sullivan asked where the accent color would be. Mr. Hordis stated that the front, side and two back doors. He stated that they may use the accent color on the railing.

Ms. Marinelli asked if the railing would be on the two sides and on the front. Mr. Hordis stated yes. He stated that they would be installing about 16" on the front.

Chairman Bennett asked the applicant if they would be installing shutters. Mr. Hordis stated that they are not sure, but they have considered it. He stated that they did not want to look to similar to another home in the area. He stated that they would like to try one shutter to see how it looks before he decides to do the whole house with them.

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 Mr. Jackson, seconded by Ms. Marinelli.

Mr. Evans asked to amend the motion by including the installation of shutters if the applicant wishes to do so.

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

Mr. Pagenkopf joined the Board at 7:41 p.m.

b. O'Hara, Michael
3 Marriott Drive
Block 34, Lot 5.08
RA/S
Bulk Variance of Setback for Accessory Structure, Height of Accessory Structure.
Variance for more than one garage either attached or unattached. (7:41-7:59)

Deborah Anderson, Licensed Architect in the State of New Jersey & Licensed Professional Planner.

Mr. Michael O'Hara, applicant, sworn to provide testimony.

Mr. O'Hara stated that he is proposing to build a detached garage.

Ms. Anderson gave the Board photos. Photos marked as Exhibit A-1. Ms. Anderson stated that there are three variances requested for this application. She stated that the setback on the side yard is 43' where 50' is required. She stated that the second variance would be for the height. She stated that they are proposing a 24' variance for height where as the Ordinance states 18'. Ms. Anderson stated that the third variance needed is for the detached garage. She stated that the garage is 24' x 30' and 24' high.

Mr. Emmons asked the applicant why the additional garage is needed. Mr. O'Hara stated that his current garage is for only one car. He stated that he would like to park another car in a garage and also for storage of pool furniture.

Chairman Bennett asked Mr. Sullivan if he needs further information on this application. Mr. Sullivan stated that he did have a question about the survey dimensions. Mr. Sullivan asked if the survey dated 1999 is the current survey. Mr. O'Hara stated yes.

Chairman Bennett asked Mr. Sullivan if the application can be deemed complete. Mr. Sullivan stated yes.

Ms. Marinelli asked where the current garage is. Mr. O'Hara stated that it is on the side of the house.

Ms. Marinelli asked if the garage will be placed where the evergreens end. Mr. O'Hara stated yes.

Mr. Emmons asked how big the lot is. Mr. O'Hara stated that his lot is 200' x 400', which is about 2 acres.

Chairman Bennett asked what the dimensions of the shed are. Mr. O'Hara stated approximately 10 x 12 or 8 x 12.

Ms. Marinelli asked what the purpose of the height is. Mr. O'Hara stated he wanted to match the house. He stated that he would use the extra space for storage.

Chairman Bennett asked if the color would match the home. Mr. O'Hara stated yes.

Mr. Emmons stated that no one will be permitted to live inside the garage. Mr. O'Hara stated that he has no intention of doing so. Ms. Marinelli stated that no business will be permitted to operate out of the garage. Mr. O'Hara stated that he has his own business and owns four buildings outside of Lumberton and has no need to run a business outside of his home.

Mr. Ammerman asked if the doors will face the street. Mr. O'Hara stated yes. Mr. Ammerman asked if the driveway would be extended to the structure. Mr. O'Hara stated yes. Mr. Emmons asked what kind of driveway exists now. Mr. O'Hara stated asphalt. Mr. Emmons asked if there was an impervious coverage issue. Mr. Conway stated no.

Mr. Pagenkopf asked the applicant if he is not proposing any new impervious pavement between the driveway and lot 5.7. Mr. O'Hara stated that he may put landscaping in that area.

Mr. Evans asked how close the proposed garage is to the pool. Mr. O'Hara stated it is approximately 40' away.

Mr. Morton asked could the garage be moved 7' to avoid the setback variance. Mr. O'Hara stated that he did not want the garage too close to the house or to the pool.

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 the applicant is requesting bulk variances to build a detached two car garage. He stated that the applicant requires a side yard setback variance of 7' where 50' is required applicant is proposing 43'. He stated that applicant requires a variance for number of accessory structures. He stated that the applicant requires a variance for height.

Mr. Pagenkopf stated that the Ordinance states that the setback for an accessory structure is 15'. He stated that if he interprets the Ordinance a variance for the setback will not be needed. Mr. Sullivan stated that is correct.

Chairman Bennett stated that the applicant will only need two variances.

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

c. *Mt. Holly Assembly of God/Lighthouse Tabernacle Church*
716 Main Street
Block 19.08, Lot 43 & 44
R-75 Zone
Bulk Variance for Height-Pre-existing Non-Conforming Use & Structure (8:00-8:17)

Mr. Conway & Mr. Jackson stepped down.

Mr. Potter & Mr. Alba will be taking their seats for this application.

Mr. Joseph L. Kriegel, Esq., Lippincott & Kriegel, present representing applicant.

Chairman Bennett asked Mr. Sullivan if the application can be deemed complete. Mr. Sullivan stated yes.

Mr. Kriegel stated that this is an application to replace an existing roof and install an elevator to improve handicap access. He stated that the highest point of the roof will be 39', which would require a variance. He stated that the church is located in a very large depression, which will make it street level.

Mr. John O'Neil, Representing the Church, sworn to provide testimony.

Mr. O'Neil stated that the roof was replaced 15 years ago and now has many leaks. He stated that it has been continually patched. He stated that they have done a lot of work on the inside of the church, with upgrading carpet, pews, lighting, etc. He stated that now there is a leaking problem where it is coming through the sanctuary during service time. He stated that they are looking to prevent the leaking problem and to add to the esthetics of the church.

Mr. Emmons stated that replacing the roof does not require any activity from this Board.

Mr. O'Neil stated that they are also proposing to install an elevator structure onto the

church. Mr. O'Neil stated that there is currently a ramp off the back of the church which is not user friendly. He stated that to get up to the sanctuary you have to go up two flights of stairs. He stated that they have people who are wheelchair bound or elderly and to get up to the sanctuary you have to go up two flights of stairs. He stated that some of their members are wheelchair bound or elderly and just cannot make the trip up the flights of stairs, therefore cannot come to church.

Reagan Young, Architect, sworn to provide testimony.

Mr. Pontiff asked how many roofs are on the building currently. Mr. O'Neil stated each part of the building has its own roof.

Mr. Young stated they are proposing to build the addition higher than the slope of the roof to solve the leaking problems.

Mr. Emmons asked if the height would infringe on any neighboring properties. Mr. Kriegel stated no. Mr. Young stated that the only house that is near is the parsonage which is located on the property.

Mr. Pagenkopf asked about how far a distance from the elevator to the nearest property line. Mr. Young stated approximately 100'.

Mr. Morton asked if the steeple would be metal or aluminum. Mr. Young stated that it is pre-manufactured fiber glass type structure.

Mr. Sullivan asked if the church was a charitable use. Mr. Kriegel stated yes. Mr. Sullivan stated that charitable use meets the conditions of the conditional use in the Ordinance.

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

Mr. Emmons stated that a variance for height is required. The applicant is proposing 39' where 35' is permitted. He stated that a church is an inheritable beneficial use. He stated that the applicant has expressed that the seams and valleys of the original roof have created leaking problems. He stated that the applicant has testified that there will be no detriment to the public and will not infringe on neighboring properties.

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

Mr. Conway & Mr. Jackson returned to the Board.

d. 20 Maple Avenue, LLC (Cave Holdings)
Block 13, Lot 3.91
I-1 Zone
Minor Site Plan and Use Variance Application

Ms. Borstad stated that she received plans yesterday.

Mr. Emmons stated that he received a letter from the applicant's attorney requesting a continuation to the December meeting. He stated that the applicant is on the docket for Municipal Court on November 30, 2009. Mr. Emmons stated that it is his opinion that the Judge would most likely give the applicant another opportunity to come before this Board. He stated that if the Board says no, the applicant will go to Municipal Court on November 30th.

Motion was made by Mr. Conway, seconded by Mr. Morton to continue the application to December's meeting. The vote was unanimous and the motion carried.

Old Business

Ms. Marinelli stated that she had spoken with David Frank, the guest speaker from a previous meeting regarding the Right-to-Farm act. She stated that Mr. Frank indicated that he did not receive a copy of those minutes.

Mr. Emmons stated that he sent them to Mr. Frank. He stated that he will get in touch with him to make sure he is okay with the minutes. Mr. Emmons stated that those minutes can go back on the agenda until Mr. Frank has had a chance to review them.

Public Comment

There were none.

Comments from Professionals

There were none.

Comments from the Board

Ms. Marinelli asked if the Board should look into the Ordinance regarding detached garages. Mr. Sullivan stated that a consistent pattern should trigger the Board to look into the Ordinance.

Mr. Emmons stated that he will be doing the Annual Review Report that will show the Board exactly how many variances for detached garages there have been. He stated at that point the Board can decide if they need to look into the Ordinance.

A. Bill List

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

Adjournment

Motion was made by Mr. Jackson, seconded by Mr. Conway to adjourn at 8:30 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts
Land Development Board Recording Secretary