

**Township of Lumberton
Land Development Board
Regular Meeting
September 17, 2009**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Thursday, September 17, 2009 at 7:32p.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

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| Citizen Member | Thomas Ammerman Robert Bennett, Chairman Thomas Bintliff (Absent) Sheldon Evans Beverly Marinelli Robert Morton John Pagenkopf (Absent) |
| 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 (Absent) |
| 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 August 20, 2009.

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

Correspondence

There was none.

Resolutions

- a. 2009-14 Mount Holly Garage, LLC, 1592/1596 Route 38, Block 7, Lot 8 and Block 19.44, Lot 1. Variance for an additional freestanding sign. Approved.

Motion was made by Mr. Jackson, seconded by Mr. Ammerman to approve Resolution 2009-14. The vote was affirmative with the exception of Mr. Conway, Mr. Morton, Mr. Evans and Mr. Alba, who abstained, and the motion carried.

- b. 2009-15 Lion Self Storage, 691 Main Street, Block 16, Lot 1.02. Preliminary and Final Major Site Plan. Approved.

Mrs Marinelli noted there was discussion about the architecture of the sign and that the sign shall be in keeping w/ the Historic district.

Mr. Hulse, esq., representing applicant, stated that it was his understanding that the function of the Board is to review and evaluate the proposal and then to make a recommendation to the Redevelopment Committee. He stated that it is his understanding that the Redevelopment Agency are in control.

Mr. Emmons stated that the final sentence shall be amended as: The sign shall be a nonelectric type sign, and shall conform to the historic nature of the town pending future determination by the Redevelopment agency.

Motion was made by Mr. Bintliff, seconded by Mr. Potter to approve Resolution 2009-15 as amended. The vote was affirmative with the exception of Mr. Morton, Mr. Evans and Mr. Alba, who abstained, and the motion carried.

Items for Action

- a. ***Howarth, David & Linda(7:45-7:56)
Block 32.03, Lot 19
RA/R-2 Zone
15 Brooklane, Powells Mills
Variance for In-Law Suite and Garage Door(s)***

Exhibits marked.

Mr. David Howarth, sworn to provide testimony.

Mr. Howarth stated that they are applying for a variance for a garage and an in-law suite

Mr. Sullivan asked if the proposed condition is all connected. Mr. Howarth stated yes.

Mr. Howarth stated that they currently have a three car garage and want to add an additional single car garage.

Mr. Emmons asked Mr. Howarth why he needs an extra garage.

Mr. Howarth stated that his father in-law is moving in. He stated for safety and security and convenience for his father in-law. Mr. Emmons asked how old his father in-law is. Mr. Howarth stated 70 years old. Mr. Emmons asked if he was disabled. Mr. Howarth stated no, he stated that the reason they are having him move in is because their mother in-law recently passed away. He stated that his father in-law is a fanatic about his vehicle. He stated that his father in-law washes his car twice a week and likes to keep it inside. Mr. Howarth stated the garage would also keep the vehicle out of the weather.

Mr. Emmons asked how big the current house is. Mr. Sullivan stated 2,328 SF.

Ms. Marinelli asked how many variances would be required. Mr. Sullivan stated three variances. He stated two bulk and one potential use variance. Mr. Sullivan stated that the applicant is proposing a side entry garage due to the configuration of the driveway. He stated that a variance would be needed for more than three garages, and one for the in-law suite.

Mr. Emmons asked Mr. Howarth to explain to the Board why they need a fourth garage. Mr. Howarth stated that the three existing are already taken by his son, wife and himself. He stated that due to the configuration if any of the vehicles are parked in the driveway it causes problems when someone wants to leave or come in.

Mr. Emmons asked if the addition would be single story. Mr. Howarth stated yes. Mr. Howarth stated that the improvements include a living space (600 SF), a sunroom (400 SF), and the garage (300 SF) for a total of 1300 SF. Mr. Emmons asked what the living area would be composed of. Mr. Howarth stated a living room, kitchenette, bedroom and bathroom.

Mr. Emmons stated that the house will be deed restricted. Mr. Howarth agreed.

Mr. Morton asked what appliances would be in the kitchenette. Mr. Howarth stated a refrigerator, sink and a range.

Mr. Emmons asked if Mr. Howarth's son could park outside of the garage. Mr. Howarth stated that the situation is whenever a car is positioned in the driveway, they have to constantly jockey it around. Mr. Emmons asked if the cars are always garage kept. Mr. Howarth stated yes.

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 an approval for a use variance to permit an in-law suite in this zone, to allow for a front entry garage door based on the configuration of the property, and a third variance for a fourth garage.

Ms. Marinelli stated that one kitchen shall be removed upon sale of property and that there be no business ever taken place out of the garage or rented out.

Motion was made by Ms. Marinelli, seconded by Mr. Morton. The vote was affirmative with the exception of Mr. Conway and Mr. Jackson, and the motion carried.

b. Sancoa
92 Ark Road
Block 36, Loy 13.02
I-3 Zone
Minor Site Plan for Accessory Structure (7:57-8:15)

Exhibits Marked.

Mr. George Hulse, Esq., representing applicant.

Mr. Hulse stated that this is an application to amend the site plan to include a utility shed. He stated that there are no variances or waivers required for the application.

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

Mr. Sullivan stated that everything is present for the Board to make a decision.

Mr. Scott Williams, P.E., P.P., William H. Nicholson Associates, stated his credentials to the Board. Chairman Bennett stated that the Board will accept Mr. Williams as an expert witness. Mr. Williams was sworn to provide testimony.

Mr. Chris Tulo, Property Maintenance Engineer, sworn to provide testimony.

Mr. Williams stated that the location of the shed would sit on an existing asphalt parking area adjacent to a concrete slab where the loading docks are located. He stated that the required setbacks for the shed are 80' front yard where they have 540', 20' side yard and they have approximately 195'. He stated that the distance from the principal structure is 20'. He stated that when the shed was set down it is roughly 18', but they will comply with the 20' setback. He stated that the shed is approximately 10'x20' and one story with double doors in the front to open with a ramp.

Mr. Tulo stated that they purchased the shed from a company on Route 70. He stated that when they purchased the shed, the company told them that a permit would not be required. He stated that the Fire Marshal has been in contact with them to discuss the use of the shed. He stated that they would be storing garden equipment such as; lawn tractor, snow blower, weed wacker, rakes, shovels, etc.

Mr. Hulse asked Mr. Tulo if the Fire Marshal seemed to indicate if the items being stored were acceptable to the fire department. Mr. Tulo stated yes.

Mr. Emmons asked if the applicant had seen the September 9, 2009 letter from the Fire Marshal. He stated that the letter stated that the building is not permitted in an exit egress area. Mr. Emmons asked if the location now is located in the exit egress area.

Mr. Emmons stated that if the Board would issue an approval tonight, it would be conditioned on the Fire Marshal given a formal approval of the location.

Mr. Hulse stated that the applicant has agreed to comply with the Board Engineer letter and the Fire Marshal requirements.

Mr. Sullivan had concerns if the location proposed is the best location for the shed. Mr. Hulse stated that they would comply with the setback requirements, and satisfy the Fire Marshal's concerns.

Mr. Williams stated that the location proposed does not lock in any of the loading bay doors. He stated that the owner of the property is extremely concerned about the appearance of the property.

Mr. Conway asked if the Board can dictate the location of the shed.

Mr. Ammerman stated that the shed is close to the building. He asked if the shed would be used to store spare parts that would be used inside the building. Mr. Tulo stated no, that it would be mostly used for snow removal. He stated that they try to keep the walks clear during a snow storm. Mr. Tulo stated that they go out and keep the sidewalks clear. The shed will keep the equipment and salt, user friendly.

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 an amended site plan conditioned on conforming to Mr. Sullivan's letter and the Fire Marshal.

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

Old Business

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

The applicant is required to have all necessary paperwork in by October 5, 2009 and to be on the October's agenda. Ms. Borstad stated that they are tentatively set up for October's meeting agenda.

Public Comment

There were none.

Comments from Professionals

- a. Master Plan

Mr. Sullivan stated that the Master Plan has been revised. He stated that it is ready to go to public hearing.

The Board determined that a hearing of the Master Plan would take place at next month's meeting.

Comments from the Board

A. Bill List

Mr. Conway requested that bill #021546 (Alaimo) be pulled.

Motion was made by Mr. Jackson, seconded by Mr. Morton to approve the bill list. The vote was unanimous and the motion carried.

Ms. Marinelli inquired about the Property Maintenance Code. Mr. Emmons stated that he is still looking into Mr. Pagenkopf's concerns.

Adjournment

Motion was made by Mr. Conway, seconded by Mr. Potter to adjourn at 8:26 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts
Land Development Board Recording Secretary