

**Township of Lumberton
Land Development Board
Regular Meeting
December 16, 2015**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Darji on Wednesday, December 16, 2015 at 7:30 p.m.

Chairman Darji 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 23, 2015 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. Pursuant to the Board's adopted procedure, no new application will be started, or witness testimony taken after 11:00 p.m. All such matters will be continued until the next available Board meeting. If the time limit of the Board for action is not extended by the Applicant the matter will be voted upon in the evidence setting the Board finds itself at the time action is taken.

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 Members	Robert Bennett Catherine Borstad Rakesh Darji Sheldon Evans Bob Healey Audrey Winzinger William Tynon	(Absent)
Representatives of Governing Body	James Conway Sean Earlen	(Absent) (Absent)
Alternate #1	Donald Tallo	
Alternate #2	Matthew Kausch	
Alternate #3	Roseanne Tulio-Kwiatkowski	
Alternate #4	Christopher Ciorito	
Solicitor	Mr. Evan Crook, Esq., Capehart & Scatchard	
Consulting Engineer	Mr. Kurt Otto, PE, CME CME Engineering	
Consulting Planner	Joseph M. Petrongolo, C.L.A., R.L.A., P.P. Remington, Vernick & Arango	

Minutes

Regular Meeting minutes for November 30, 2015

Motion was made by Mr. Evans, seconded by Mr. Tynon to approve the Regular meeting minutes of November 30, 2015. The vote was unanimous, and the motion carried.

Correspondence

There was none.

Resolutions

There was none.

Items for Action

- a. Quaker Steak and Lube Restaurant
1632 Route 38
Block: 18, Lot: 9
Preliminary & Final Major Site Plan with Design Waivers

Chairman Darji stepped down for this application

Mr. Paul Detrick, Esq. present representing applicant.

Mr. Detrick explained to the Board that this is an application for preliminary and final major site plan approval with design waivers.

Mr. Petrongolo stated to the Board that this application can be deemed complete.

Mr. Gregory B. Fusco, P.E., P.P. with Key Engineers was sworn and the Board accepted Mr. Fusco's credentials.

Mr. Fusco stated that the proposed application is located in Mt. Holly and Lumberton Townships. The applicant is proposing to demolish the existing vacant dwelling and constructing a Quaker State & Lube restaurant. The proposed restaurant will have 320 seats which includes 86 seasonal-outdoor seating. The frontage on Route 38 is the portion located in Lumberton Township. He stated that there are two existing access locations. One access is joint use with the adjacent bicycle shop. The applicant is proposing to clean-up the parking lot. There will be a 98' freestanding sign which is 0' from the right-of-way and a 50' sign on side of the dwelling. The existing dwelling (formerly Ichiban Restaurant) will be demolished and proposed restaurant constructed.

Mr. Petrongolo went through his letter dated December 7, 2015. He stated that a majority of the improvements are located in Mt. Holly Township. The sidewalk adjacent to the parking spaces is recommended to be 6' to accommodate vehicular overhang. The outdoor seating area in the front and alongside of the building shall be protected by a guiderail. Mr. Petrongolo stated that there are waivers needed. Section 130-44.K(1) requires parking spaces to be 20' from building and 15' from right-of-way where there is 15' from building and 0' from right-of-way. There are no objections to this waiver as it is a preexisting condition. Section 130-26 regarding parking buffer - the applicant will work with professionals. Section 130-55.C (2) the sign setback shall be 10' from the right-of-way, whereas 3' is proposed and 0' exists. Section 130-44.D - curbed parking area. Section 130-44.H-Parking lot landscaping. Mr. Petrongolo stated that the curb and landscaping on the north side will be worked out with the applicant. Section 130-55.C (2) – waiver needed for sign area and setback. Each business is permitted one facade sign and one freestanding sign. The applicant is reducing the square footage of

the existing free-standing sign. A waiver is needed for 96SF for a total of 148 SF where 115 SF is permitted. Variances are needed from section 130-71.O (5) for lot area and lot width. Mr. Petrongolo recommended that the combined land between Lumberton and Mt. Holly would make it well within the Ordinance. Mr. Petrongolo stated that an approval would be for three (3) waivers; one for sign setback, one for parking lot setback, and one for the sign area, two (2) variances and 2 conditions.

Mr. Petrongolo stated that he has no objection to the waivers, as they are pre-existing conditions.

Michael T. Colby, applicant, sworn to provide testimony.

Mr. Evans asked is the deliveries would be made off of Route 38 and off hours. Mr. Colby stated yes.

Mr. Otto discussed his review letter of December 9, 2015. There were no discrepancies and the applicant will comply.

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 the application. The application is for a minor site plan for the construction of a Quaker Steak and Lube Restaurant. Testimony is on record that conditioned upon approval the applicant is to install 6' Sidewalk to accommodate vehicular overhang. Guardrail is to be indicated on the plans. Curbing and landscaping on the north side of the property is to be worked out with the Professionals. A waiver from section 130-44K(1) regarding parking spaces requires parking spaces to be 20' and existing parking spaces are 15', which is a pre-existing condition. Landscape buffer/shade tree and cross easement will be provided on the plan. Pertaining to the signage; there is one free standing sign as well as a facade sign. The area on the side of the building is 50 SF and a freestanding sign that is 98 SF. A waiver is needed from Section 130.55.C(2) regarding freestanding sign setback. Also a waiver is needed for the area of the sign in the right-of-way. Currently there is 0' and 3' is proposed where 10' is required. Variances are needed for the lot size and width. The lot size and lot area will be combined with the area located in Mt. Holly Township to accommodate the variance.

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

Chairman Darji returned at 8:05 PM'

Ms. Winzinger left at 8:05 PM

- b. A Better Lumberton, LLC
111 & 121 Municipal Drive
Block: 19.58, Lot: 1 & 2
Bulk Variance w/Increase Density
25 Lot Subdivision

Mr. Richard Luchian, Esq. was present representing the application.

Mr. Luchian stated that the applicant is seeking approval for density & bulk variances. He stated the property is the former Nike Base with 14 acres located in an R-2 Zone. The property fronts Eayrestown Road and Municipal Drive. The existing structures are being demolished and the applicant will propose a 25 lot subdivision. A deviation from the setback from the zoning is required. The proposed lots will be 10,000 SF, a lot width of 80 feet, a front yard of 30' and a minimum side yard of 10' and rear yard of 40'. The applicant is seeking a proposed aggregate side yard of 20 feet, where the existing development requirements mandate a minimum aggregate setback of 25 feet.

Mr. William H. Nicholson, PE & Mr. James A. Miller, PP, both sworn to provide testimony. The Board accepts both as expert witnesses in this matter.

Mr. Petrongolo stated that the application can be deemed complete.

Mr. Nicholson stated to the Board that the proposed application will be for a 25 single family lots with 1 open space lot in the north-east corner. He stated that there will be one entrance that will line-up with Holgate Drive. The proposed application will be one big cul-de-sac.

Mr. Otto went over his letter dated November 20, 2015. The current proposed right-of-way is 28'. Mr. Otto recommends limiting parking to one side which will make the right-of-way 30'. Further discussion will take place when proposed subdivision comes in for formal approval.

Mr. Miller gave testimony on the requested bulk variance with increased density. He stated that the proposed subdivision will be similar to surrounding area neighborhoods.

Mr. Evans asked if there would be walking trails. Mr. Nicholson replied that would be addressed in the subdivision phase.

Mr. Petrongolo discussed his review letter of November 13, 2015. The applicant is seeking a D-5 variance for density to permit a 26 lot subdivision. In addition the applicant is seeking a bulk variance for lot area, lot width, setbacks for front yard, side yard and rear yard. The property is located in an R-2 Residential zone which is medium-density district. There are issues with side yard setback.

Mr. Miller stated that the setback proposed is to allow for bigger houses. The side yard setback is to allow for more attractive properties.

Mr. Bruce Paparone of Paparone Housing, sworn to provide testimony. Mr. Paparone stated to the Board that the proposed lot widths allow the opportunity for housing width options. Housing widths ranging are proposed to range from 55' wide to 72' wide. He stated that the concept is to have each home look different from the other. He stated that the lots with 81' wide would have the 60' wide homes.

Mr. Petrongolo stated that they are asking for a density variance and utilize bulk standards of the R-2 single family cluster standard with the exception of the side yard aggregate.

Mr. Kausch stated that larger lots would provide the appropriate side yard set-back. Mr. Paparone stated that the number of lots proposed created the value of the subdivision. Chairman Darji asked how many of the larger width homes will fill up the entire building envelope. Mr. Paparone stated approximately one quarter. Mr. Kausch stated that what is being proposed doesn't seem consistent with the adjacent properties.

At this time Chairman Darji opened the meeting up for public comment.

Karen Kramer - Canterbury Court

Ms. Kramer stated that she resides behind the proposed development. She stated that her development has 80' wide lots and the homes are 30' apart. Her major concern is the density of houses. She stated that this development will not be comparable to the neighboring subdivisions. She had concerns regarding the rear yard setback.

Mr. Nicholson stated that the lots vary from 160'-180'. The lots on Canterbury Court he believes are 130' deep each that back up to this property.

Mr. Derek Finch - Canterbury Court

Mr. Finch stated that he has lived at his residence for 15 years and that his property has the smallest back yard and there is 50' from his back door to the back property line. He stated one of his concerns is that he does not want to feel like he is living in a condominium complex. Mr. Finch stated that this property is being monitored by DEP and is concerned about the contamination coming onto his property.

Chairman Darji stated that the setback requirement for this development is 40' which is the same as the development that Mr. Finch lives.

Mr. Finch stated his concern for a plan for a sidewalk in this development. Chairman Darji stated that if this D Variance gets approved, the sidewalk would be addressed with the subdivision submission.

Ms. Borstad stated that the issue with the monitoring is the jurisdiction of the DEP.

Mr. Finch stated that he is not opposed to the houses, just doesn't want to feel like he is living in a condominium complex.

Debbie Mackow -Canterbury Court

Ms. Mackow expressed her concern regarding the 8' fence that was put up in her development.

At this time the public comment portion of the meeting was closed.

Mr. Lucian stated that they would like to amend their application. Mr. Miller stated that they would like to adhere to the bulk standard with the cluster option with side yard setbacks as discussed.

Mr. Petrongolo stated that the application with the cluster option makes this project compliant with the zoning and reduces the impact of the requested D Variance. It is consistent now with adjacent properties and permitted uses of the zone. He recommends that if the Board deems appropriate the D Variance that it be conditioned on the applicant obtaining subdivision approval. He stated that there are some environmental concerns on site. He stated that the property would have to be compliant for residential use and would require a letter from the State DEP to deem the site for residential use.

Chairman Darji stated that as far as the density variance goes there is no guarantee of 25 lots. If the variance is to be approved, it will be for up to 25 lots. He stated that it should be stipulated in the resolution that should there be any bulk variance requirements after the approval, that it is forwarded to the future applicant at that time.

Mr. Crook gave a summary of the application. This is application for use variance for Better Lumberton, LLC. There is testimony on record that the original application is for a density variance as well as a bulk variance. That application has been modified by the applicant for a D-5 variance with an understanding that all requirements of a cluster development apply. The applicant has given support and testimony to the positive and negative criteria for the D-5 Variance. There is testimony on record that this is comparable to adjacent areas. This property functioned previously as a Nike Base. The D Variance is conditioned on the applicant obtaining subdivision approval and a certification of RAO from a licensed certified professional. There is no guarantee of approval of 25 lots; however, it will be up to 25 lots. The applicant will comply with the R-2 cluster standards. The rights forwarded by the municipal land use law will be an option for a bulk variance if necessary.

A motion was made by Mr. Tallo, seconded by Mr. Tynon to approve the application. The vote was unanimous and the motion carried.

Public Comment

There was none.

Comments from Professionals

There was none.

Comments from the Board

A. Bill List

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

Executive Session

There was none.

Adjournment

Motion was made by Mr. Bennett, seconded by Mr. Evans to adjourn at 9:40 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts
Land Development Board Recording Secretary