

**Township of Lumberton
Land Development Board
Regular Meeting
August 17, 2016**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Wednesday, August 17, 2016 at 7:30 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 23, 2016 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 (Absent) Sheldon Evans William Tynon Audrey Winzinger
Representatives of Governing Body	James Conway (Absent) Sean Earlen (Absent)
Alternate #1 Alternate #2 Alternate #3 Alternate #4	Donald Tallo Matthew Kausch Roseanne Tullio-Kwiatkowski (Absent) Christopher Ciorlito
Solicitor Consulting Engineer Consulting Planner	Mr. Crook, Esq., Capehart & Scatchard Mr. Kurt Otto, PE, CME Engineering Joseph M. Petrongolo, C.L.A., R.L.A., P.P. Remington, Vernick & Arango

Minutes

Regular Meeting minutes for July 20, 2016.

Motion was made by Mr. Evans, seconded by Ms. Borstad to approve the Regular meeting minutes of July 20 2016. The vote was affirmative, with the exception of Mr. Bennett, Mr. Tynon, Ms. Winzinger and Mr. Kausch, who abstained, and the motion carried.

Correspondence

There were none.

Resolutions

- a. 2016-12 Creek Properties, LLC 114 Ark Road, Block 36, Lot 12.02. Dismissing Appeal without Prejudice. Approved

Motion was made by Mr. Tallo, seconded by Mr. Bennett to approve Resolution 2016-12. The vote was affirmative with the exception of Ms. Borstad, Mr. Evans, Ms. Winzinger and Mr. Kausch who abstained, and the motion carried.

- b. 2016-13 Key, Francis S., Ark Road, Block 38, Lot 4.02. Granting extension of time for approval for one (1) year from July 20, 2016 to July 20, 2017. Approved.

Motion was made by Mr. Evans, seconded by Ms. Borstad to approve Resolution 2016-13. The vote was affirmative with the exception of Mr. Bennett, Mr. Tynon, Ms. Winzinger and Mr. Kausch who abstained, and the motion carried.

- c. 2016-14 McCarthy, Henrietta, Eayrestown Road, Block 20.17, Lot 27. Minor Subdivision. Approved.

Motion was made by Mr. Evans, seconded by Mr. Tallo to approve Resolution 2016-14. The vote was affirmative with the exception of Mr. Bennett, Mr. Tynon, Ms. Winzinger and Mr. Kausch, who abstained, and the motion carried.

- d. 2016-15 Frontier Mount Holly, LLC 1537 Route 38, Block 14.03, Lot(s) 4.01, 4.02 and 4.03. Preliminary and Final Major Site Plan Approval with Variances and Waivers. Approved.

Motion was made by Mr. Evans, seconded by Mr. Tallo. The vote was affirmative with the exception of Mr. Bennett, Mr. Tynon, Ms. Winzinger and Mr. Kausch who abstained, and the motion carried.

Items for Action

- a. HLM Enterprises, Inc. (Highway Garage)
1807 Route 38
Block 23, Lot 4.01, GB Zone
Use Variance to permit the placement of an Office Trail on site

Mr. Mitchell T. Grayson, Esq., Applicant's Attorney

Mr. Henry J. Haley, P.E., Consulting Engineer Services, Applicant's Engineer was present and

sworn to provide testimony.

Mr. Petrongolo stated that the application is complete and can proceed.

Mr. Grayson presented the application to the Board. This property is the former Highway Garage site. The operation will remain the same as it has for the past 65 years. The present owner, HLM Enterprises, is requesting permission to lease out the front portion of the site for used car sales. The NJ State requires a second building for the additional entity on site. The owner is requesting permission to continue to keep an existing 8x20 trailer on site to use as an office for paperwork to be done involving the car dealer. The car lot will not be expanded, no additional spaces, etc. Site will remain as it has for the past 65 years. The present owner has cleaned up the site and will install landscaping.

Mr. Petrongolo stated that the ordinance does not allow for two separate entities on one site. The site has been operating for the past 65 years. Nothing on site is changing other than landscaping. HLM Properties owns the entire property and will be leasing the front portion to a separate entity. The applicant will need a D-2 Variance to expand the business to allow for the trailer. Mr. Petrongolo asked for testimony on why the trailer was necessary.

Mr. Mesh with HLM Enterprises, present, sworn to provide testimony. Mr. Mesh stated that he will be leasing out the front portion of the building for the used car sales. He stated that he does not currently have the time to run that portion of the business, as he will be focusing on the used car part sales. The existing 8'x20' trailer is on wheels and he will place wherever it is preferred by the township. The purpose of the trailer will be for used car sales paperwork. New Jersey Motor Vehicle requires that there be separate buildings for the different sales. Mr. Petrongolo asked if the applicant was willing to use the trailer as a temporary fix and readdress the issue in a two year time frame. Mr. Mesh stated that he was willing to do so.

Mr. Petrongolo stated that this application is a pre-existing non-conforming use. The business has been running for the past 65 years. There is little record known on the site. Applicant has improved the site.

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

Mr. Crook summarized the application. The application is for approval of an expansion to the pre-existing non-conforming use. There is no impact on the Master Plan or Zoning. The business has been in existence for 65 years. There are no known prior records of the site. Applicant has testified to the positive and negative criteria and meets requirements necessary to warrant the D-2 Variance. The applicant has agreed to a temporary use of the trailer and to come back before the Board in two years to re-evaluate. A waiver from site plan approval is also required with this application.

Motion was made by Mr. Kausch, 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 Mr. Evans, seconded by Mr. Tynon to approve the bill list. The vote was unanimous and the motion carried.

Adjournment

Motion was made by Mr. Evans, seconded by Mr. Tynon to adjourn at 8:10 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts
Land Development Board Recording Secretary