

**Township of Lumberton
Land Development Board
Regular Meeting
October 14, 2013**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Bennett on Monday, October 14, 2013 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 4, 2013 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 Nancy Bleznak Rakesh Darji Joseph Michael Dinneen Sheldon Evans John Pagenkopf	(Absent) Arrived at 7:35
Representatives of Governing Body	James Conway, Jr. Sean Earlen	(Absent) (Absent)
Alternate #1 Alternate #2 Alternate #3 Alternate #4	William Tynon Donald Tallo Beverly Marinelli Matthew Kausch	(Absent) (Absent)
Solicitor Consulting Engineer	Evan Crook, Esq., Capehart & Scatchard Kurt Otto, PE, CME CME Engineering	
Consulting Planner	Joseph M. Petrongolo, C.L.A., R.L.A., P.P. Remington, Vernick & Arango	
Board Secretary	Catherine Borstad	

Minutes

Meeting minutes for September 18, 2013.

Motion was made by Mr. Tallo, seconded by Mr. Darji to approve the September 18, 2013 meeting minutes. The vote was affirmative with the exception of Mr. Dinneen, Mr. Pagenkopf and Ms. Marinelli, who abstained, and the motion carried.

Correspondence

There was none.

Resolutions

a. 2013-22 Kovacs, Joseph, 24 Fenimore Road, Block 24, Lot 5.23. Bulk Variance for the construction of a detached garage. Approved.

Motion was made by Mr. Evans, seconded by Mr. Darji to approve Resolution 2013-22. The vote was affirmative with the exception of Mr. Dinneen, Mr. Pagenkopf and Ms. Marinelli, who abstained, and the motion carried.

b. 2013-23 Lumberton LLC Lucas Chevy, 1624 Route 38, Block 19.50, Lot 9.03. Withdrawal of Site Plan Application. Approved.

Motion was made by Mr. Darji, seconded by Mr. Evans to approve Resolution 2013-23. The vote was affirmative with the exception of Mr. Dinneen, Mr. Pagenkopf and Ms. Marinelli, who abstained, and the motion carried.

c. 2013-24 Effisolar Energy Corp., Stacy Haines Road, Block 37, Lot 7. Grant of extension of time of approval. Approved.

Motion was made by Mr. Evans, seconded by Mr. Darji to approve Resolution 2013-24. The vote was affirmative with the exception of Mr. Dinneen, Mr. Pagenkopf and Ms. Marinelli, who abstained, and the motion carried.

Items for Action

a. Lumberton, LLC
Lucas Chevy
1624 Route 38
Block 19.50, Lot 9.06
Preliminary and Final Major Site Plan
Construction of Two Additions. Use Variance for the construction of an Accessory Structure

Mr. Ted Costa, Esq., was present representing the applicant. Mr. Costa stated that the application is for minor upgrades to the facade of the Chevrolet store, the addition of two bays, and to construct a butler building for detailing cars.

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

Mr. Petrongolo stated that the applicant is requesting waivers concerning contours on the plan and existing/proposed setbacks, which he has no objection to. He stated that there are two open items pertaining to solid waste & number of employees and hours. The applicant is requesting a waiver of drainage calcs and environmental impact, which Mr. Petrongolo stated that he has no objection to proceed.

Chairman Bennett asked about the comments from the Fire Marshal. Mr. Petrongolo stated there are comments from the Fire Marshall that the applicant will testify to.

Chairman Bennett asked if the applicant will need New Jersey Department of Transportation approval. Mr. Petrongolo stated that the applicant has submitted to NJDOT requesting a letter of no interest.

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

Mr. Francis J. Lucas (Hap), applicant, sworn to provide testimony.

Mr. Costa asked Mr. Lucas to explain to the Board the need for the improvements. Mr. Lucas stated that GM wants to modernize the facility. He stated that the butler building will be used for light detail, carwash and for storage, which will be used only by the dealership. He stated that there used to be a 12,000 SF building where they will place this new facility.

Mr. Costa asked Mr. Lucas to explain the parking and the everyday traffic in and out of the dealership. Mr. Lucas stated that there are approximately 70 repair orders per day, of which approximately half of those orders stay overnight and the other half are in and out. Mr. Costa asked how many employees are employed at the dealership. Mr. Lucas stated he has 50 employees. Mr. Costa asked how many customers are there on a daily basis. Mr. Lucas stated at peak time there are approximately 30 cars at one time. Mr. Costa stated that would be approximately 115 spaces.

Mr. Petrongolo stated that the ordinance requires 305 spaces, and the applicant is proposing 125 parking spaces for customers and employees.

Chairman Bennett asked where the cars that stay overnight would park. Mr. Lucas stated that they would stay in the bays or in designated areas.

Mr. Lucas stated that the display vehicles are placed in front and back of the dealership and that the employees park in the back behind the building along the fence.

Mr. Mark Malinowski, of Stout & Caldwell was sworn to provide expert testimony. The Board asked for Mr. Malinowski's credentials and accepted Mr. Malinowski as an expert witness.

Mr. Malinowski stated that the showroom would be improved and increased to 22,625 SF. He stated that presently the building is 16,843 SF. In addition to that they are proposing a butler building which will be located in the eastern portion of the property and will be 8,463SF. The building will be used for washing and detailing vehicles that is associated with the dealership.

Mr. Malinowski stated that as a result of the expansion they had to make some improvements to the parking area. He stated that the front parking area will be for display purposes. There have been 52 spaces delineated for employees, 48 spaces for service of which 11 spaces are within 13' of the Chevy dealership. Mr. Malinowski stated that they will comply with the Fire Marshal's request and relocate those 11 spaces to the rear to eliminate the Fire Marshal's concerns.

Mr. Malinowski stated that in addition to the request for parking that they are seeking a use variance for the accessory use. He stated that with the improvements to the Chevy Dealership the front entry encroaches onto the setback. The applicant is asking for a 68' setback where a 75' setback is required. They are also seeking a variance for signage. The Chevrolet sign will be updated, where the location and size will remain the same but the total SF of the sign increases to 280.06SF. He stated that with the improvements of the facade and expansion of the dealership, 4 signs are being proposed. He stated that they are exceeding the facade signs by 3. The signs will be close to what they are now, but a little larger in size to balance with the new facade. The total square footage of the facade signs is 99.36 SF. The facade signs and freestanding signs together total 379.42SF.

Mr. Petrongolo stated that the applicant is permitted 189 SF of total signs per Ordinance. There are 4 existing signs that are not changing, and no relief is required for these. He stated that the relief is for the 3 facade signs where one is permitted and for the 379.42 SF where 189 SF is permitted.

Mr. Petrongolo stated that with the previous sign application, the total square footage for the ordinance permits a total of 390 SF across the dealership. The total proposed will be less at 241.22 SF.

Mr. Malinowski stated that the current sign is 98.43 SF and proposed sign will be 103.66 SF. He stated that the height of the sign is being reduced to 25'.

Mr. Pagenkopf asked if the signs on the facade would be illuminated. Mr. Malinowski stated that the sign package is typical for a car dealership.

Mr. Malinowski stated regarding the site drainage, that the patterns would be kept the same. The applicant is proposing alternate roof drains that will tie into the Route 38 system, which will require NJDOT approval. He stated that the drainage from the Chrysler building currently drains into inlets which are deteriorated and shallow. He stated that the new system will tie into the Route 38 system.

Mr. Malinowski stated that they are proposing green areas in the front and landscaping around the proposed butler building.

Mr. Desai asked if there was an alternate drainage plan. Mr. Malinowski stated that if NJDOT denies, that it will continue as it is presently.

Mr. Otto stated that he does not foresee NJDOT denying the application. He stated that the sheet flow drains from the dealership to the drains and there is substantial stone bed with inlets.

Mr. Pagenkopf asked how many deliveries the dealership receives. Mr. Lucas stated there are approximately 5 per week and the trucks go directly to the back parking lot.

Mr. Petrongolo asked about the Fire Marshal's comments regarding the suppression system. Mr. Malinowski stated that if required they will comply and work out with the Fire Marshal and Construction Official.

A discussion regarding parking cars on the stone area took place.

Mr. James Miller, PP, sworn to provide testimony. The Board accepts Mr. Miller as an expert witness.

Mr. Miller stated that this is a B2 Zone. He stated that the applicant is seeking a use variance for the butler building and a C-Variance for the front yard set-back. He stated that the applicant is requesting relief for the parking. He stated that establishing the positive criteria for the applicant is that the use is consistent with the present use. He stated that the use will consist of the proposed butler building which will be used for car-washing and detailing which is routine with the dealership. He stated that the proposed building will occupy the existing building pad and all activities will be internal to the building. He stated that it will create efficiencies for the dealership and is completely existent with the current zone.

Mr. Miller stated that the C-Variance for the front yard setback is due to the extension of the existing building line.

Mr. Miller discussed the parking. He gave positive and negative criteria for the variances requested.

Mr. Costa stated that the accessory building to be used only for dealership purposes. He stated that there will not be an expansion of current services no any additional services associated with the butler building.

Mr. Pagenkopf asked if materials would be stored inside. Mr. Miller stated yes.

Chairman Bennett asked what color the butler building would be. Mr. Lucas stated that it would match the existing buildings.

Mr. Otto asked if the lights of the dealership stay on 24/7. Mr. Lucas stated yes, that the hours of operation are Monday-Thursday 8 a.m. until 8 p.m., Fridays - 8 a.m. until 7 p.m., and Saturdays from 8 a.m. until 6 p.m. He stated that there will not be any changes to the lighting.

At this time Chairman Bennett opened the meeting up for public comment. There being one, this portion of the meeting was closed.

Mr. Crook gave a summary of the application and what an approval would entail. In that summery he indicated that this is an approval for preliminary and final site plan to include a use variance for the butler building, a (c) variance for the front setback, and a variance for the signs. It will be noted that the butler building will be exclusive use of the dealership and that no additional services will be provided. The use is consistent with the use. There is testimony on record that has provided both positive and negative criteria. A (c) variance is required for the setback where 78' is required and 68' is proposed. The testimony on record specifies that there are a total of 131 customer, service and employee parking spaces and 820 spaces for inventory. There are 50 employees, 30 customers and 35 possible service cars staying overnight. The Ordinance allows for 1 facade sign where applicant is requesting 3 additional for a total of 4 facade signs. The total square footage of the signs is 379.42 SF where the ordinance permits 189 SF. Approval will be conditioned on fire marshal and any other entities that may require approval.

Motion was made by Mr. Darji, seconded by Mr. Evans to approve the application as stated. The vote was unanimous and the motion carried.

Ms. Marinelli stated that is it nice to have a thriving business in town.

Old Business

There was none.

Public Comment

There was none.

Comments from Professionals

There was none.

Comments from the Board

A. Bill List

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

Ms. Marinelli inquired on the status of the Amherst Building.

A discussion took place regarding the fee schedule for applications and the need to increase.

It was decided that the professionals would meet at 6:30 p.m. before the next meeting to discuss making a recommendation to the Township Committee.

Adjournment

Motion was made by Mr. Darji, to adjourn at 9:28 p.m. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts
Land Development Board Recording Secretary