

**Township of Lumberton
Land Development Board
Regular Meeting
September 18, 2008**

The regular meeting of the Lumberton Township Land Development Board was called to order by Chairman Morton on Thursday, September 18, 2008 at 7:41 p.m.

Chairman Morton 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, 2008 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	(Absent)
	Sheldon Evans Robert Morton Bradley Regn John Pagenkopf	(Absent)
Representatives of Governing Body	James Conway, Jr. Beverly Marinelli	(Absent)
Alternate #1	Nancy Bleznak	
Alternate #2	Craig Potter	
Alternate #3	Doug Alba	
Alternate #4	Mike Petty	
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

- a. Regular Meeting Minutes for August 21, 2008

Ms. Marinelli stated that there was a minor correction to a sentence in the Minutes under Ordinance. The sentence was changed from Ms. Marinelli suggested to It was suggested.

Mr. Ammerman stated that on Page 11, second to the last paragraph, the word complete should be changed to incomplete.

Motion was made by Mr. Evans, seconded by Mr. Potter to approve the Regular Meeting Minutes of August 21, 2008 with corrections as stated. The vote was affirmative with the exception of Mr. Bintliff, Ms. Bleznak and Mr. Alba who abstained, and the motion carried.

Correspondence

There was none.

Resolutions

- a. 2008-36 Murphy, Francis, 6 Cameron Drive, Block 33.03, Lot 24 & 25. Conditional Use Variance for home Occupation (Psychiatrist Office). Denied

Ms. Marinelli stated that there were ten people who spoke against the application not nine. Mr. Emmons stated that there were only nine. After checking everyone was agreeable that there were nine.

Ms. Marinelli stated that on page 2 it should state Psychiatrist not Psychologist.

Motion was made by Mr. Evans, seconded by Mr. Regn to approve Resolution 2008-36 with corrections. The vote was affirmative with the exception of Mr. Bintliff, Ms. Bleznak and Mr. Alba, who abstained and the motion carried.

- b. 2008-37 Ferrell, Donald, 6 Point Street, Block 12.01, Lot(s) 1,2,3 & 4. Bulk Variance for construction of detached garage. Application deemed incomplete.

Motion was made by Mr. Regn, seconded by Mr. Potter to approve Resolution 2008-37. The vote was affirmative with the exception of Mr. Bintliff, Ms. Bleznak and Mr. Alba, who abstained, and the motion carried.

- c. 2008-38 STA Seal, 13 Maple Avenue, Block 14, Lot 2.01. Site Plan with Variances. Denied.

Motion was made by Mr. Evans, seconded by Ms. Marinelli to approve Resolution 2008-38. The vote was affirmative with the exception of Mr. Bintliff, Ms. Bleznak and Mr. Alba, who abstained and the motion carried.

- d. 2008-39 Thomas Alberto (T/A ATW), 1609 Route 38, Block 18, Lot 1.04. Site Plan Waiver. Continued to September 18, 2008.

Motion was made by Mr. Regn, seconded by Ms. Marinelli to approve Resolution 2008-39. The vote was affirmative with the exception of Mr. Bintliff, Ms. Bleznak and Mr. Alba, who abstained, and the motion carried.

- e. 2008-40 Radwell International, Blue Rock Construction, 111 Mount Holly Bypass, Block 15.04, Lot 2.05. Amended Preliminary and Final Major Site Plan. Approved Preliminary Major Site Plan only.

Motion was made by Ms. Marinelli, seconded by Mr. Ammerman to approve Resolution 2008-40. The vote was affirmative with the exception of Mr. Bintliff, Ms. Bleznak and Mr. Alba who abstained, and the motion carried.

- f. 2008-41 Franklin Machines, J. Grato Enterprises LLC, 101 Mount Holly Bypass, Block 15.04, Lot 2.04. Amended Preliminary and Final Major Site Plan. Approved Preliminary and Final Major Site Plan.

Motion was made by Mr. Ammerman, seconded by Ms. Marinelli to approve Resolution 2008-41. The vote was affirmative with the exception of Mr. Bintliff, Ms. Bleznak and Mr. Alba, who abstained, and the motion carried.

Items for Action

***Radwell International
111 Mt. Holly Bypass
Block 15.04, Lot 2.05
I-2 Zone
Final Major Site Plan for a 36,000 SF Addition***

Mr. Sullivan reported to the Board that the application is still incomplete. He stated that revised plans have been submitted but they are awaiting additional borings.

Motion was made by Ms. Marinelli, seconded by Mr. Evans to continue the application until the October 16, 2008 meeting. The vote was unanimous and the motion carried.

***Alberto, Thomas t/a ATW Associates
1609 Route 38
B-2 Zone
Block 18, Lot 1.04
Site Plan Waiver and Change of Use. Continuance until October 16, 2008.***

Motion was made by Mr. Evans, seconded by Mr. Ammerman to continue the application until the October 16, 2008 meeting. The vote was unanimous and the motion carried.

Ms. Marinelli asked why this application was being continued. Ms. Borstad stated that the attorney for the application is on vacation and was not able to attend tonight's meeting.

***Bank of America
1520 Route 38
Block 15.03, Lot 7
Minor Site Plan for Placement of ATM Kiosk Building in Lowe's Parking Lot. (7:46-8:17)***

Exhibits marked: Aerial (A-1), Colorized Version of Site Plan (A-2), Colored Elevations (A-3)

Mr. Scott Collins, Esq. present for applicant.

Mr. Collins stated that this application is not requiring any waivers or variances.

Mr. Robert Streker, Professional Engineer, sworn to provide testimony. The Board accepts Mr. Streker as an expert witness.

Chairman Morton asked if the application can be deemed complete.

Mr. Sullivan stated that there is an issue of the site survey. He stated that the survey submitted is from Langan Engineering and is dated 2003 and is not signed or sealed.

Mr. Strecker stated that the kiosk is less than 21 SF and is very small area that is impacted by the development. He stated that they used a survey that was prepared previously by Langan that Lowe's had on file. He stated that if the Board is willing to accept it as a condition of approval, an updated survey could be provided. Mr. Sullivan stated that would be acceptable.

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

Mr. Strecker stated that the area is located in a B-2 district. He stated that the physical structure is entirely in Lumberton Township. Mr. Sullivan asked if the utilities would be in Hainesport. Mr. Strecker stated yes. Mr. Sullivan stated that part of this application is in Hainesport due to the underground utilities.

Mr. Emmons stated that if there is a jurisdictional issue it is the applicant's responsibility to satisfy.

Ms. Marinelli stated that she has a concern about the location of the proposed kiosk. She stated that the entrance of the gas station becomes a bottle-neck. She suggested that the location of the kiosk be away from that area. Mr. Strecker stated that the kiosk is proposed to sit behind the Wawa store and gas station. Ms. Marinelli stated that the driveway for Wawa occasionally gets blocked from people waiting to get gas. She stated that it is a concern to have more cars in the same location waiting to come in and out of the proposed kiosk.

Mr. Strecker stated that there is an agreement between the Bank to have a kiosk located in an area that is visible. He stated that the location of the kiosk was chosen because of the visibility. Mr. Strecker stated that the only advertising for the kiosk would be a band of signs around the top of kiosk. He stated that there is no placement of freestanding signs out on the highway to direct people on site. Mr. Strecker stated that the location needs to be accessible to the customers. Mr. Strecker stated that they are concerned about vehicles entering and exiting this location safely. He stated that they are located south of the congestion that is associated with the Wawa and gas station and the movements on and off of that location. Mr. Strecker stated that the location is off of the main drive isle, so that customers using the ATM would not back up and interfere with the congested location. He stated that there are other routes that can be circulated to get to the kiosk location.

Mr. Strecker stated that Bank of America has provided a study of queuing at a site that is constructed in Bergensville. He stated that during Saturday peak hours there are less than 2 cars stacking at the ATM and an average transaction time of less than 2 minutes. He stated that there is a quick turnover.

Ms. Marinelli asked if a study was done of the traffic in and out of the gas station. Mr. Strecker stated no.

Mr. Strecker stated that the parking lot has 1,261 spaces. He stated that there will be a reduction of less than half a percent of the total amount. He stated that kiosk would only use 4 parking spaces. He stated that they are providing enough space for 2 cars stacking which Bank of America has identified as operationally required. He stated that if it does exceed 2 cars, there is still enough room.

Mr. Strecker stated that there is no impact to drainage. He stated that lighting is per the State standards for ATMs. He stated that the ATM is unmanned. He stated that there is no walk up traffic. Mr. Strecker stated that the lights for the ATM stay lit all night long.

Mr. Strecker stated that the sign is internally illuminated. He stated that the total of signs on all 4 sides is 31 SF.

Mr. Strecker stated that they have no issue complying with the engineer's comments.

Chairman Morton asked if there is a light pole proposed on the plan. Mr. Strecker stated that they are proposing 2 light poles to comply with State regulations.

Chairman Morton asked if someone comes in from Route 38 would they have to drive past the kiosk and back around to get to it. Mr. Strecker stated yes. Chairman Morton stated that this is not a good location for the kiosk with all the existing in and out movement already existing. Chairman Morton suggested moving the kiosk to another location.

Ms. Marinelli stated that this is the worse spot that the kiosk could be located. She stated that she would like to see it moved more towards the Bypass.

Chairman Morton recommended moving the location to the 2nd isle from the end of the parking lot.

Mr. Strecker stated that the lane that is being used for the ATM is a former parking stall. Chairman Morton stated that parking stall gets used maybe 10 times per year if at all. Chairman Morton stated that if the location was moved a couple isles to the right or to the left it would make a difference and be a better location.

Mr. Evans asked if this is a 24 hour operation 365 days per day. Mr. Strecker stated yes. Mr. Evans asked what the number of transactions per day would be through the ATM. Mr. Strecker stated that they do not have a 24 hour figure. He stated that the Saturday peak hour is from the hours of 10 a.m. to 1 p.m. Mr. Sullivan asked if those hours were based on Bergensville. Mr. Strecker stated yes. Mr. Sullivan stated that location has a totally different character than this location. Mr. Evans stated that it is currently difficult for someone to come out of the shopping center and exit back onto Route 38. He stated that he does not think this location will work.

Mr. Emmons asked if there is a problem moving the kiosk over to the right. Mr. Strecker stated that the problem is that there is an agreement between Lowe's and Bank of America. Mr. Strecker stated that he is not authorized to make the decision. Mr. Emmons asked if the location could be moved in the other direction. Mr. Strecker stated that then they would fall behind the existing bank.

Mr. Collins stated that they would have to go back and discuss the issue with the client.

Mr. Strecker stated that this location was the result of extensive negotiations between Lowe's and Bank of America. He stated that this is the only location that they have approval for.

Mr. Sullivan stated that it may be the best location from Lowe's and Bank of America's perspective but it may not be the safest.

Ms. Marinelli stated that she would like to see it moved over to the right.

Chairman Morton stated that if it was moved over to the right it would be visible from Route 38 and the Mt. Holly Bypass. Chairman Morton stated that where it is proposed now it only has room for two vehicles. He stated his concern for a third car waiting and blocking the entrance.

Chairman Morton asked if the applicant could provide a plan including turning radius. Mr. Collins stated that the engineer would provide this information.

Mr. Emmons asked the applicant if they would like to seek an adjournment. Mr. Collins stated that would be best.

Mr. Sullivan asked if the Board could mark up a plan so that the applicant could leave with a plan showing the specific locations. Chairman Morton stated that 2nd isle from the end looks like the best location. Ms. Marinelli agreed.

Mr. Strecker stated that the only concern he has with the location is that Lowe's stacks their trucks out there.

Mr. Emmons asked if there were any other issues the Board has.

Mr. Strecker asked if they could work the location out with the professionals before they come back to the Board. Mr. Emmons stated that they would be taking a risk since it is a Board's approval not the Planners approval.

Mr. Evans stated that he would like to see a traffic study.

Mr. Regn suggested that the applicant go before the Technical Advisory Board.

Ms. Marinelli stated that she would not suggest TAC for just the issue of location.

Chairman Morton stated that the location and flow of traffic is the main concern.

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

Mr. Sullivan stated that a COAH contribution may be required. Mr. Collins stated that they were agreeable.

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

AAA Pharmaceutical
Block 16, Lot 1.01, 1.02
Change of Use. No Site Work Proposed. (8:18-

Mr. Charles Rizzi, Esq., Capehart & Scatchard, 681 Main Street, present representing applicant.

Mr. Rizzi stated that the applicant is making a determination if it is feasible to buy the property. He stated that they have appeared before the Township Council. He stated that

present this evening are the family that owns AAA Pharmaceutical.

Mr. Taj Shetts, Vice-President of AAA Pharmaceutical, sworn to provide testimony.
Mr. Neil Shetts, Vice-President of AAA Pharmaceutical, sworn to provide testimony.
Raymond L. Worrell, Professional Engineer, Lord, Worrell & Richter, sworn to provide testimony.

Mr. Sullivan stated that the applicant is requesting a site plan waiver. He stated that there are no completeness issues.

Exhibits marked.

Mr. Rizzi stated that this application is for a Change of Use. Ms. Marinelli stated that the Township Council had no issues with the use.

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

Mr. Neil Shetts stated that AAA Pharmaceutical was started 20 years ago by his father. He stated that they are a generic over-the-counter manufacturer of pharmaceuticals. He stated that they do supply local suppliers. Mr. Shetts stated that they manufacture the pharmaceutical product, package it and ship it out. He stated that they are currently located in Paulsboro, NJ. He stated that their current building is 13,000 SF. Mr. Shetts stated that they currently have 35 employees. He stated that they are successful in light manufacturing.

Mr. Rizzi asked if the use that was described is the exact use that would be at this location. Mr. Shetts stated yes. Mr. Rizzi asked if there are any external changes proposed. Mr. Shetts stated there were none except lettering on the sign. Mr. Shetts stated some interior changes would be made. He stated that it would be approximately 4,000 SF of office, 15,000 SF for manufacturing and the remainder being warehouse use. Mr. Rizzi asked how many parking spaces are on the proposed facility. Mr. Shetts stated 110 parking spaces. Mr. Rizzi asked if that would be sufficient for this business. Mr. Shetts stated yes. Mr. Rizzi asked if there would be deliveries to the facility. Mr. Shetts stated that they would have trucks in and out. Mr. Shetts stated 3-4 trucks at the most per day. He stated that they are not a distribution center.

Chairman Morton asked if there was any type of chemical discharge in the manufacturing of the products. Mr. Shetts stated that all of their products are common products and relatively safe. He stated that they are a very clean operation and are mandated to be so by the FDA.

Mr. Ammerman asked if there is any chemical reaction at the site. Mr. Shetts stated no. He stated that chemical reaction is done at chemical plants.

Mr. Regn asked if there is negative air in the laboratory. Mr. Shetts stated no. Mr. Regn asked if there is a need for roof stack or venting. Mr. Shetts stated no.

Chairman Morton asked on a typical day how many tractor-trailers would be coming to the site. Mr. Shetts stated 3-4.

Chairman Morton asked how many shifts will there be. Mr. Shetts stated one.

Mr. Bintliff asked if there is any type of fencing required for this type of site. Mr. Shetts stated nothing is required.

Mr. Bintliff asked if the outside of the building would remain the same. Mr. Shetts stated yes.

Ms. Marinelli stated that this property is part of the redevelopment plan and that sidewalks and historic lighting are part of the plan.

Mr. Rizzi stated that they are amendable to some improvements that are mentioned in the Redevelopment Plan. He stated that they are willing to consider some sidewalk and lighting if that is going to be required. He stated that they went out and took a close look at the site regarding the sidewalk and the problems that may be created.

Mr. Worrell stated that sidewalks on the Mt. Holly Bypass will not be a problem. He stated that the problem comes when they get to the berms on Main Street. He stated that the elevation is raised in that location. He stated that the berms were required by the previous owner as part of the site plan approval.

Ms. Marinelli asked if there could be a retaining wall. Mr. Worrell stated that retaining walls are a maintenance problem. He stated that some type of retaining wall could be installed if required. He stated possibly block retaining wall.

Mr. Regn stated that is an elevation change. He stated that was originally created as a buffer. Mr. Regn stated that there is also a drainage easement in that location.

Mr. Rizzi stated that the applicant would like to do something good for the town. He stated that they would like to continue the sidewalk along the bypass. He stated that side is unsightly. He stated that they would like to clean up that side and make it look presentable. He stated that they were hoping they would not have to put a sidewalk in the front of the building. Mr. Rizzi stated that it currently does not look bad. He stated that the Board required those existing berms as part of a site plan approval years ago. He stated that the cost of putting the sidewalk in the front is considerably higher than putting the sidewalk in on the Bypass side. Mr. Rizzi stated that cost is an issue. He stated that it is going to be a rather expensive project to do the entire sidewalk along Main Street.

Mr. Shetts stated that they would like to work with the township. He stated that they are a family owned operation. Mr. Shetts stated that they may reside in the area at some point. He stated that they contribute to the volunteer fire company and police departments were they are currently located.

Ms. Marinelli asked what they propose to do. Mr. Rizzi stated that they are proposing to do the sidewalk on the bypass side, landscape the side and clean up the vegetation that is there. Ms. Marinelli stated that she is agreeable. Ms. Marinelli asked if the applicant would consider contributing the linear foot cost of the sidewalk along the entire frontage of Main Street to be placed in the township Sidewalk Trust Fund. Ms. Marinelli stated that a sidewalk would normally be required of an applicant.

Mr. Shetts stated that part of the process is determining whether this building would be optimal for them. He stated that based on what they found; the cost of the sidewalk is extremely high.

Mr. Rizzi asked if there were going to be any other requirements. Ms. Marinelli stated that normally the redevelopment plan calls for lighting.

Ms. Marinelli asked the Planner how many historical lights would be required. Mr. Shett stated that there is some street lighting already.

Mr. Regn stated he does not agree with asking the applicant to be responsible for putting up all of these costs. He stated that he would not want to discourage this applicant from coming into town.

Mr. Sullivan stated 2-3 lights would be required per the redevelopment plan.

Mr. Shetts asked if the sidewalk along the bypass and a trust fund of 1 or 2 of the lights be sufficient. Mr. Petty stated that he would rather see the applicant put his money into the building. Mr. Potter does not want to see the applicant discouraged from coming into town.

Mr. Regn stated that the parking lot lights were done last year. Mr. Shett stated that they spoke with the previous owner and the lighting was done last year.

Mr. Evans suggested the dead Maple tree be removed. Mr. Shett was agreeable.

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

Chairman Morton stated that the applicant is agreeable to the sidewalk along the bypass. He stated that the question is in front of the building do they want the applicant to put the sidewalk in, or put the money into a trust, or do nothing to the front of the building.

Ms. Marinelli asked what the applicant would be willing to contribute. Mr. Rizzi stated that they would be willing to contribute the cost of two lights that the Board Engineer suggested and put into a trust fund.

Mr. Rizzi asked if there was an idea of what the light poles would cost. Mr. Sullivan stated that the cost of a historic light pole is around \$6,000 per pole including installation. Mr. Shett stated that it has been his experience that installation is twice the cost of materials. He suggested \$6,000 for the cost of two light poles. He asked if that would be sufficient to the Board.

Chairman Morton stated that this application is for a Change of Use application with sidewalks on 541 Bypass and instead of sidewalks in front of the building and \$6,000 contribution.

Motion was made by Ms. Marinelli, seconded by Mr. Regn to approve the Change of Use application, which includes the placement of sidewalk along the By-pass and a contribution of \$6,000, which is equivalent to the cost of 2 light poles, to be placed in a trust fund. The vote was unanimous and the motion carried.

Chairman Morton stated that the applicant should go through the construction office for the sidewalk approval.

Mr. Shetts asked if this property would still remain part of the redevelopment zone. Mr. Emmons stated that it would remain part of the redevelopment zone.

Old Business

There were no changes.

Public Comment

There were none.

Comments from Professionals

There were none.

Comments from the Board

a. Bill List

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

Adjournment

Motion was made by Mr. Evans, seconded by Ms. Marinelli to adjourn at 9:00. The vote was unanimous and the motion carried.

Respectfully Submitted,

Caryn L. Cutts, Recording Secretary
Land Development Board