

REGULAR MEETING

Lebanon Township Board of Adjustment
530 West Hill Road Glen Gardner, N.J.

June 28, 2017

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:34 by Chairman Bruce Terzuolo. Present were: Mr. Maurizio, Mr. Kozlowski, Mr. MacQueen, Mr. Abuchowski, 2nd Alternate Ms. Guevara, Attorney Gallina and Planner Bolan. **Excused:** Mr. Perry, Mr. Eberle and Mr. Locker.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 25, 2017, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the Lebanon Township Website on June 15th and on Bulletin Board in the Municipal Building on June 21, 2017.

PRESENTATION OF MINUTES: May 24, 2017 Regular Meeting

Motion by Mr. Abuchowski and seconded by Mr. Kozlowski to approve the minutes as presented. Unanimously approved.

NEW BUSINESS:

Aqua NJ	Block #26 Lot #34
Bunnvale Water System #1	Boulder Field Road R15
10 Black Forest Road	
Hamilton, N.J. 08691	

PUBLIC HEARING D3 Use Variance/C Variance for Height with Preliminary
& Final Site Plan for Essential Service Building

Attorney Mark Peck was present to represent Aqua NJ. Attorney Gallina announced that all the notices were marked into evidence at the May Meeting and the board has jurisdiction to proceed with the hearing. Attorney Peck stated that Aqua is looking to replace the pump house, treatment building and have a generator. One of the variances being requested is for lot area. The lot is 0.56 acre and the minimum that is required is 1.5 acres. They need a variance for front yard setback which 50' is required and they have 38.1 feet and a variance for the building height. Attorney Peck said they plan on having a 6' height chain link fence around the property for security. The front yard setback requirement is 50' and they have 38.1'. Even though the setback requirement is 50', this will be an improvement from what is currently on the property now. Also, a height variance is needed since the ordinance has a 15' limit and the new building will be 16.5' in height. Attorney Peck said the purpose is the upgrading and modernizing of the site and by removing the existing shed building and installing a 425 square foot water treatment building and a 12,000 gallon steel water storage tank. Attorney Peck said the property had been and will continue to be used for essential service as defined in ordinance 400-4. Under the

Lebanon Township Board of Adjustment

June 28, 2017

Page 2

definition of essential service and essential service building they are permitted as a conditional use in the R15 zone.

At this time Andrew Holt, Engineer/Planner of Suburban Consulting Engineers of Flanders, N.J. was sworn in to give testimony. Engineer Holt stated they would like to remove the old building and replace it with a new building. Engineer Holt produced a site plan showing the layout of what they would like to do. Engineer Holt said they applied and received a Highlands Exemption. Engineer Holt noted with the proposed improvements which included the removal of the existing gravel drives along Boulder Field Road and High View Street, there will be less impervious coverage on the site. The impervious coverage will decrease from 8.6% to 6.6%. Engineer Holt addressed the landscaping plan, which will consist of Norway Spruce and White Pine Trees. The following was marked into evidence **A9**-Landscape and Lighting Plan revised 6/9/2017. Engineer Holt testified that colored wire or fabric can be used on the fence to blend in with the surrounding landscaping. Engineer Holt submitted photographs of a similar facility, the following was marked into evidence: **A10**-photograph dated 6/1/2017 & **A11**-photograph dated 6/1/2017.

Engineer Holt stated the proposed generator is to supply power to the well pump when there is a power outage. The generator will be on a concrete pad and will comply with state and local noise ordinance. The noise standard is 65 decibels at the property line during the day and 50 decibels at night. Engineer Holt said the generator will have a noise level of 67 decibels at a distance of 23'. Since the generator will be gas powered it can run up to a total of 24 hours.

Engineer Holt gave testimony as a Professional Planner regarding the variances being requested. Regarding the Conditional Use Variance, Planner Holt testified that this site is suited for the use since the site is being use and will continue to be used as a water treatment facility. There will be no change in the activity at the site, no change in traffic and no negative impact for the surrounding area. Planner Holt said the criteria for a variance must satisfy the negative criteria and show that the conditional use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose the zone plan and zoning ordinance. At the conclusion of Planner Holt's testimony, Chairman Terzuolo asked if the board had any questions of the testimony given. At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public for questions of Planner Holt. The following people had questions: Mike Falconeri, Marlene Sturm, Theresa Hight, Greg Cahill and Anthony Purcell. During the questions, Planner Holt had the following item marked into evidence: **A12**-Topography Exhibit prepared by Andrew Holt dated May 24, 2017. At the conclusion of the public questions, Chairman Terzuolo announced that the board would take a brief recess. The board recessed at 8:45 p.m.

When the board reconvened at 8:53 p.m. Attorney Peck gave his summation. Chairman Terzuolo opened the hearing to the public for statements and comments. At the conclusion of the comments, Planner Bolan gave his testimony on behalf of the Board. Planner Bolan spoke on the differences

Lebanon Township Board of Adjustment

June 28, 2017

Page 3

between a D1, D2, D3 Use Variances. He also reviewed the Coventry Square Court Case from 1994. Planner Bolan noted that the setbacks will be more conforming. At the conclusion of Planner Bolan's testimony, Chairman Terzuolo asked if the board had any questions. There were none. He then asked if the applicant had questions of Planner Bolan, there were none. There were no questions from the public. Chairman Terzuolo asked for a motion to close the hearing.

Motion by Mr. MacQueen and seconded by Mr. Abuchowski to close the public portion of the hearing. Unanimously approved. The board deliberated at this time. During their discussion, it was noted that the proposed improvements to the site will improve the existing facility and the site continues to be appropriate for the use. Mr. MacQueen said the revised plan **A9** is well done. It shows that the fence will be in green along with the tank so it will blend in. Regarding the negative criteria, the Board decided there is no substantial detriment to the public good and the variance will not substantially impair the intent and purpose the zone plan and ordinance. The impact to the surrounding neighbors is minimal. The discussed the variance request for the proposed water tank since the height of the tank will be 16.3' and the permitted height by ordinance is 15' for an accessory structure. It was noted that the proposed water tank is for improving the service and modernizing. Also, it will not generate any nuisance or affect any surrounding properties.

At the conclusion of the board's deliberations, motion by Mr. Kozlowski and seconded by Mr. Maurizio to grant a D3 Use Variance & C Variance for Height.

ROLL CALL:	Yes:	Mr. Maurizio	Mr. Terzuolo	Absent:	Mr. Eberle
		Mr. Kozlowski	Mr. Abuchowski		Mr. Perry
		Mr. MacQueen	Ms. Guevara		Mr. Locker

Motion by Mr. Abuchowski and Mr. MacQueen to grant Preliminary & Final Site Plan approval with the following conditions:

- a. The applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction.
- b. The applicant will pay all necessary fees and escrows payable in connection with the application.
- c. The improvements to the site will be constructed in accordance with the site plan prepared by Andrew S. Holt P.E. dated 10/28/2016, revised 2/23/2017 and the Landscaping/Lighting Plan & Details, revised 6/9/2017.
- d. All necessary permits regarding the new structure shall be obtained within 18 months of the date of the Resolution. (The applicant is advised that pursuant to Ordinance

Section 45-20, if an extension of time is needed, the request must be made in writing prior to the expiration of the 18 month period).

Lebanon Township Board of Adjustment

June 28, 2017

Page 4

ROLL CALL	Yes:	Mr. Maurizio	Mr. Terzuolo	Absent:	Mr. Eberle
		Mr. Kozlowski	Mr. Abuchowski		Mr. Perry
		Mr. MacQueen	Ms. Guevara		Mr. Locker

Attorney Gallina will prepare the Resolution to be on the Agenda of July 26, 2017.

PRESENTATION OF BILLS:

a. John Gallina, Esq.	\$ 260.00 – Attend ZBA Meeting 5/24/2017
b. Michael Bolan, PP	\$ 265.00 - Attend ZBA meeting 5/24/2017
	\$ 435.00 - Review plans, prepare final draft of memo. (Aqua N.J.)
c. Bayer/Risse Engrs.	\$ 255.00 – Attend ZBA Meeting 4/26/2017
	\$ 255.00 – Attend ZBA Meeting 5/24/2017
d. Court Stenographer	\$ 250.00 – Attend ZBA meeting 6/28/2017
e. Gail Glashoff	\$ 12.49 – Reimbursement on supplies/Staples
Total:	\$1,732.49

Motion by Mr. Kozlowski and seconded by Mr. Abuchowski to approve the bills for payment as presented. Unanimously approved.

Ms. Glashoff announced that the board will have a Variance application and an Appeal on the July 26th meeting agenda.

Being no further business to come before the board, nor comments from the public, motion by Mr. MacQueen and seconded by Mr. Abuchowski to adjourn the meeting at 9:10 p.m. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY