

REORGANIZATION/REGULAR MEEING

Lebanon Township Planning Board

January 14, 2020

Municipal Bldg 530 West Hill Road, Glen Gardner, N.J.

The 927th Reorganization and Regular Meeting was called to order at 7:00 p.m. by Planning Board Clerk Ms. Glashoff. Present were: Mr. Wunder, Mr. Duckworth, Mr. Schmidt, Mr. Piasecki, Mr. MacQueen, Ms. Bleck, Mr. Weiler, Ms. Koehler, Mr. Skidmore, Attorney Gallina, Planner Kyle and Engineer Risse.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Planning Board will hold their Reorganization/Business Meeting on January 14, 2020 at 7:00 p.m. In the event of inclement weather the Board will hold their Reorganization/Business Meeting on February 4, 2020 at 7:00 p.m. Notice of this meeting was published in the Hunterdon Review on December 31, 2019. Copies of the Agenda were faxed to the Hunterdon Review, Hunterdon County Democrat, Courier News, Star Ledger and posted on the Lebanon Township Website and Bulletin Board in the Municipal Building on January 8, 2020.

SWEAR IN:	Brian Wunder	Class I	Mayors Designee	1 Year Term
	Beverly Koehler	Class III	Committeewoman	1 Year Term
	Doreen Bleck	Class IV	Regular Member	4 Year Term

Attorney Gallina did the honors and had the three board members sworn in at this time. Congratulations to all.

NOMINATIONS FOR CHAIRMAN: Motion by Ms. Bleck and seconded by Ms. Koehler to nominate Mr. MacQueen as Chairman 2020. Being no further nominations, motion by Ms. Bleck and seconded by Ms. Koehler to close the nominations for Chair. Unanimously approved.

NOMINATIONS FOR VICE CHAIR: Motion by Mr. Schmidt and seconded by Ms. Koehler to nominate Ms. Bleck for Vice Chair 2020. Being no further nominations, motions by Mr. Schmidt and seconded by Ms. Koehler to close the nominations for Vice Chair. Unanimously approved.

NOMINATIONS FOR SECRETARY: Motion by Ms. Bleck and seconded by Mr. Wunder to nominate Mr. Weiler for Secretary. Being no further nominations, motion by Ms. Bleck and seconded by Mr. Wunder to close the nominations for secretary. Unanimously approved.

NOMINATIONS FOR ASSISTANT SECRETARY: Motion by Ms. Bleck and seconded by Mr. Weiler to nominate Mr. Piasecki for Assistant Secretary. Being no further nominations, motion by Mr. Wunder and seconded by Mr. Weiler to close the nominations for assistant secretary. Unanimously approved.

APPOINTMENTS:

a. John Gallina, Esq.

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APPOINTMENTS: Cont'd

- b. Mark Blount, Esq. (Alternate Attorney)
- c. James Kyle, PP
- d. Stephen Risse, Engr. (Bayer/Risse Engrs.)
- e. Ted Bayer, Engr. (Alternate Engr.)
- f. Gail W. Glashoff, Planning Board Clerk

Motion by Mr. Piasecki and seconded by Ms. Bleck to appoint all of the above. Unanimously approved.

ADOPT RESOLUTIONS:

- a. Authorizing Agreement for Professional Services
- b. Annual Notice Schedule 2020

Ms. Glashoff reviewed for the board the two resolutions, one for Professional Services and the other For the Annual Notice Schedule. Ms. Glashoff asked the board if they would be willing to change the February date from the 4th to the 18th and explained why. The board agreed. Motion by Ms. Bleck and seconded by Mr. Wunder to approve both Resolutions as presented with the change of the February date. Unanimously approved.

ADOPT RESOLUTION FOR PROFESSIONALS ON PAY TO PLAY:

Ms. Glashoff briefly reviewed the resolution for pay to play. Motion by Ms. Bleck and seconded by Mr. Wunder to approve the resolution for Professionals on Pay to Play. Unanimously approved.

ADOPT PROFESSIONAL CONTRACTS:

- a. John Gallina, Esq.
- b. Mark Blount, Esq. (Alternate Attorney)
- c. James Kyle, PP (Kyle/McManus)
- d. Stephen Risse, Engr. (Bayer/Risse Engrs.)
- e. Ted Bayer, Engr. (Alternate Engr.)

Ms. Glashoff went over the contracts for the board noting that there are no increases in hourly rates from anyone. Everything is status quo. Motion by Mr. Schmidt and seconded by Mr. Wunder to adopt all of the contracts a thru e. Unanimously approved.

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APPOINT APPLICATION REVIEW COMMITTEE: *After a brief discussion, motion by Ms. Bleck and seconded by Ms. Koehler to have Mr. Piasecki, Mr. Weiler, Mr. Skidmore with Mr. Rich as the alternate on the Application Review Committee. Unanimously approved*

PRESENTATION OF MINUTES: December 10, 2019 Regular Meeting

Motion by Mr. Piasecki and seconded by Ms. Bleck to approve the minutes as presented. Unanimously approved with Ms. Koehler abstaining.

UNFINISHED BUSINESS:

Old Millpond Farm, LLC Block #60 Lot #4
c/o Simone Soernsen & Edward Grannis Musconetcong River Road R 1½ zone
189 Musconetcong River Road
Washington, N.J. 07882

PUBLIC HEARING Conditional Use/Site Plan/Bulk Variances

At this time Mr. Darryl Schmidt and Mr. Adam Duckworth recused themselves from the public hearing on Old Millpond Farm.

Attorney Gallina announced that all the notices have been marked into evidence at the September 17, 2019 Planning Board Meeting with a few extensions of time and the applicant can now proceed with the public hearing. Attorney Guy Wilson represented the applicants Simone Soernsen and Edward Grannis. Mr. Grannis was sworn in at this time. Mr. Grannis said he is the owner of the farm and the President of the LLC. Mr. Grannis thanked the board for their patience with all the postponements and thank their neighbors for coming tonight to support them with this application.

Mr. Grannis said they have an acre of orchard fruit, apples, peaches, pears, plums with a quarter of an acre in berries. They also have vegetables and herbs and occasional flowers. We have beehives and also make our own honey and maple syrup. The question was asked if the honey and maple syrup was made on site. Mr. Grannis said yes. The question was asked if everything grown on site is sold on site. Mr. Grannis said yes and also sold at markets. Attorney Wilson asked Mr. Grannis to tell the board about the stand that they are looking to get approved. Mr. Grannis said they need a variance for the front yard setback and in order not to need the variance they would have to eliminate two rows of mature peach trees. Those trees were put there for sunlight, mast production and better drainage.

Mr. Grannis said they planted the fruit trees in 2013. Attorney Gallina asked what else is grown on the property. Mr. Grannis said all the items he mentioned are grown on the property. It is a

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total of 2 acres of mixed fruits and vegetables. Mr. Grannis was asked about the size of the property and said the property consists of 12 acres. The maple syrup comes for the forested portion of the property. The property does border the Musconetcong River and said the Old Millpond is also on the property. Mr. Grannis informed the board of the hours of operation which will be 9:00 am to 6:00 pm during the season from March 1st until December 20th. When asked, Mr. Grannis said they will not be selling Christmas Trees. On Sundays the Church has requested that they open later do to Church Services. Since Church Services end at 10:00 am, the hours on Sunday would be 10:00 am to 6:00 pm. They will be closed for the winter months.

Attorney Wilson had Mr. Grannis discuss the signage for the property. Mr. Grannis said they would like to have a sign on the building with their name and logo. Also, a sign out front stating what was being offered for sale. Mr. Grannis spoke about the lighting, they would have lighting on the building, facing downward. At this point, Attorney Wilson asked if the board had any questions of Mr. Grannis. Attorney Gallina asked about the size, layout and square footage of the building. Attorney Gallina noted that Architectural Plans were submitted. Attorney Wilson stated that Engineer Linda Peterson will be able to discuss the drawings. Ms. Koehler asked about the washing of the fruit, will it go into a septic. Mr. Grannis said it would be an outdoor sink & hose. There will be no plumbing to the building. Chairman MacQueen opened the hearing to the public for questions of the witness. There were none.

Planner Kyle asked about the size of the sign being 6 square feet. Mr. Grannis said this size was good. Planner Kyle asked about the number of employees, will there be someone at the stand to help people, like working the cash register. Wanted to know how the transactions would be handled. Mr. Grannis said he and his wife would be taking care of the customers. Also, there would be an honor system during the day when there were not there and would be shut down at night. Planner Kyle referred to the lighting and that he and Engineer Risse would need to review the plan since there are residential properties on both sides of the applicant's property. Planner Kyle said he just wanted to make sure there weren't going to be any problems with the neighbors over the lighting and that there would not be any lighting casted over the property. Planner Kyle said he and Engr. Risse would need to review the lighting plan to make sure that there would not be any lighting cast over the property line. Mr. Grannis said there will be one light on the porch and one light for the sign which will be on a timer. Chairman MacQueen asked Mr. Grannis where is your electric coming from. Mr. Grannis said there is a pole/with a panel which is 10' away. Engineer Risse asked if they would be in the business of Christmas Trees during the Christmas season. Mr. Grannis stated that they will not be selling Christmas Trees but they will be having Christmas Wreaths to sell. Chairman MacQueen asked if the board had any more questions of Mr. Grannis. There were none.

At this time, Linda Peterson, Civil Engr. was sworn in to give testimony. Engineer Peterson gave the board her background and noted that New Jersey only issues civil engineering licenses and has been a licensed Engineer for 38 years. Engr. Peterson referred to the Property Survey that was done by

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Eldon Allen several years ago. The following was marked into evidence: **A10**-Property Survey prepared by Eldon Allen Block #60 Lot # 4 dated August 14, 2018, also **A11**-Color Version of Site Plan dated August 14, 2019 that everything is shown.

We show the lot lines, parking and the farm stand which meets the side yard setback on both sides. Engineer Peterson said on the plan they show a 33 ROW with a total of 66' on Musconetcong River Road. When this plan was submitted the County accepted the ROW of 33' from the centerline of the County Road. The parking spaces are shown on the plan right on the ROW line which means the parking spaces are within the front yard setback for why we need the variance. There are 3 parking spaces 14 x 20 being proposed and the ordinance requires 1 parking space for every 200 sq. feet of intergraded farm stand. The farm stand's four sided enclosure is 28 x 20. It will have a standard center peak square roof with a 10' eve. Each porch is 7' wide and 20' long.

Engineer Peterson informed the board that they still need approval from the County. At this time, Engineer Peterson went over the remaining items that the County is requesting. The following was marked into evidence: **A12**-Architectual rendering consisting of 2 concept drawings, **A13**-Hunterdon County Planning Board letter dated December 24, 2019 addressed to Ms. Glashoff Board Clerk, **A14**-5 photos consisting of: 1st south side of property looking north, 2nd gravel drive - lines show expansion, 3rd photo of purposed building, 4th photo of road showing telephone pole, sign & mailbox and 5th Changewater Church looking west at T intersection with Forge Hill Road. Engineer Peterson informed the board that they have to get site easements on Lot 3 and Lot 5. They were told by the County that they have to make a good faith attempt to get these site easements from the neighbors on both sides of their lot. At the conclusion of Engineer Peterson's testimony, the board had questions of the testimony given by Engineer Peterson.

The following board members had questions of Engineer Peterson. Mr. Skidmore asked what the markups along the limits of the driveway were on the plan. Engineer Peterson said the present driveway is existing and needs to be wider per the County Planning Board. Mr. Wunder said that having the building closer to the road, it will blend in with the neighboring area and keeping with the character of the area. Ms. Koehler said she was glad that this will not be a pre-fab structure and referred to the need for at least one ADA handicap parking space.

The board discussed the following: it was noted that the County Planning Board in their letter referred to the driveway and that it needs to be wider. The board discussed the need for a handicap parking space. The parking spaces will be 16' x 15'. Planner Kyle said Engineer Risse needs to advise the board on what we will need. Engineer Risse said he will have to look into the guidelines. The board discussed having 2 regular parking spaces with 1 ADA parking space or 3 regular parking spaces and one handicap.

Mr. Weiler said he likes the plan and what the applicant is proposing to do. Ms. Bleck asked about the front porch step. Engineer Peterson said there will be only 1 step up onto the front porch. The back

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porch will be for the owners use only. Planner Kyle referred to the federal guidelines for ADA. The board discussed this issue of the ADA parking at length. It was decided that if a handicap parking space was required then there will be 2 regular parking spaces with one handicap space. The handicap space will have a striped area next to the parking space. The board discussed at length the handicap parking for this site. At the conclusion of the board's discussion, Chairman MacQueen opened the hearing to the public for questions of Engineer Peterson. There were none.

*Chairman MacQueen asked about the lighting on the building. Engineer Peterson said the lighting will be on a timer. At this time, Chairman MacQueen opened the hearing to the public for statements and testimony. Ms. Ersula Dobson of 8 Symonds Lane asked if the County were to change the number of parking spaces, would the applicant have to come back to the board. Attorney Gallina said if there were to be any amendment depending on the degree or change the number of parking spaces, then the applicant would have to come back to the board. Since no one else from the public had any statements or testimony, Chairman MacQueen asked Planner Kyle if he had anything to add. Planner Kyle wanted to point out items from his report noting the property is located in both the R5 and R 1½ zones. An integrated roadside stand is defined as "A structure from which are sold only goods produced or processed to their saleable form on the property, exclusive of packaging material and similar items incidental to the sale". **Per 400-11B(12)** which states only goods produced or processed on the property. The maximum size of an integrated roadside stand standing alone shall be 1,000 square feet. The spaces shall be designed and arranged not to create a traffic hazard or obstruction to the traveling public. No more than two signs not to exceed 6 square feet shall be permitted. The Planning Board may establish reasonable hours of operation and include regulations governing the lights. **In 400-10a** of the ordinance which governs accessory structures, requires all accessory structures not to be located in any side yard, front or rear yard setback. In the R 1½ zone the requirement for front yard is 50' and the proposed structure will be 11' from the property line. The applicant is requesting Bulk Variance relief. The Board has the power to grant a c1 or hardship variance. The Board may also consider granting a c2 variances. In order to grant either c or Bulk Variances, the negative criteria needs to be satisfied. Regarding the negative criteria, the Board should consider the size of the structure proposed along with the intensity of the use. Planner Kyle stated that there is a variance required for the parking in the front yard and*

referred to the ordinance on parking and also for the proposed shed. At the conclusion of Planner Kyle's comments there were no questions from the board and when opened to the public, there were none.

Chairman MacQueen had Engineer Risse give his report. Engineer Risse referred to the ADA parking space and that they will have to provide at least one parking space. At the conclusion of Engineer Risse's comments, Chairman MacQueen asked if the board had any questions. There were none. When opened to the public for questions or comments/statements there were none.

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Motion by Ms. Bleck and seconded by Ms. Koehler to close the public portion of the hearing. Unanimously approved. Chairman MacQueen asked the board for their input at this time. Everyone was in agreement that they are all in favor of the application. Chairman MacQueen asked for a motion. Motion by Mr. Piasecki and seconded by Mr. Wunder to grant the Conditional Use/Site Plan and Bulk Variances with the following conditions:

- a. Applicant will submit a lighting plan for review and approval by Board Engineer. Per Ordinance 400-43 the Board shall retain jurisdiction for 1 year from the date of issuance of the C.O.
- b. Approval from outside agencies having jurisdiction but not limited to H.C. Planning Board.
- c. All fees, escrows to be current.
- d. The applicant will furnish an amended site plan showing the final location of the two parking and the handicapped space. The access area from the handicapped space to the front porch of the roadside stand. The site plan will also denote the construction materials used for the access from the parking space to the front porch of the farm stand.
- e. The integrated roadside stand will be constructed completely within the building envelope as shown on the site plan and constructed in accordance with the architectural plans submitted.
- f. The integrated roadside stand will be operated seasonally from March 1st through December 20th. The stand would be open from 9:00 am to 6:00 pm Monday through Saturday and 10:00 am to 6:00 pm on Sunday

ROLL CALL	Yes: Mr. Wunder	Mr. Weiler	Absent: Mr. Rich
	Mr. Piasecki	Ms. Koehler	Abstain: Mr. Duckworth
	Mr. MacQueen	Mr. Skidmore	Mr. D. Schmidt
	Ms. Bleck		

Attorney Gallina will prepare the resolution to be on the next Agenda of February 18, 2020

ITEM FOR DISCUSSION: 2020 PB Budget – Final

Motion by Mr. Duckworth and seconded by Ms. Bleck to approve the Final 2020 Planning Board Budget. Unanimously approved.

PRESENTATION OF BILL: *John Gallina, Esq. \$300.00 – Attend December 10, 2019 PB Meeting*

Motion by Mr. Weiler and seconded by Mr. Schmidt to approve the bill for payment. Unanimously approved.

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CORRESPONDENCE:

- a. NJPO Newsletter November/December 2019 – handed out at meeting.*
- b. Letter from H.C. Planning Board dated December 24, 2019 – Old Mill Pond Farm*

Being no further business to come before the board or comments from the public, motion by Ms. Bleck and seconded by Mr. Skidmore to adjourn the meeting at 8:42 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK