

REGULAR MEETING

**Lebanon Township Planning Board
Municipal Bldg 530 West Hill Rd Glen Gardner, N.J.**

May 6, 2014

The 881st Regular Meeting of the Lebanon Township Planning Board was called to order at 7:06 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Laul, Mr. Schmidt, Mr. Piasecki, Mr. Rich, Ms. Bleck, Mr. Weiler, Mr. McKee, 1st Alternate Gerlich, 2nd Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 14, 2014, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on April 30, 2014.

PRESENTATION OF MINUTES: April 1, 2014 Regular Meeting

Motion by Mr. Rich and seconded by Mr. Laul to approve the minutes with corrections. Unanimously approved.

FYI: Quarry Letter on T.C. Agenda May 7, 2014

NEW BUSINESS:

| | | |
|--------------------------|----------|--------|
| Tuscany Grill | Block #3 | Lot #4 |
| c/o Steve Delliturri | Route 31 | B2 |
| 2014 Route 31 | | |
| Glen Gardner, N.J. 08826 | | |

PUBLIC HEARING Minor Site Plan with Bulk Variances
(Memo/Planner Bolan)

Attorney Kevin Benbrook was present to represent the applicant Steve Delliturri. Also present to give testimony was Engineer Terri Essig. Attorney Gallina reviewed the notices and announced that everything was in order. The following items were marked into evidence: **A1-Taxes Paid, A2-Affadavit of Proof of Service, A3-Certified List of Property Owners & Utilities, A4-Notice of Hearing to Property Owners, A5-POD Slips, A6-Notice Published in Hunterdon Review.**

The following people were sworn in to give testimony: Engineer Terri Essig and applicant Steve Delliturri. Mr. Delliturri stated that he had been before the board in 2003 to rebuild the restaurant. The restaurant opened 10 years ago for business. Mr. Delliturri said that he has been approached by patrons to add outside dining. Mr. Delliturri stated he is here this evening to ask the board for approval to have outside dining. He would like to have 5 tables to sit approximately 20 people. This would be seasonal. Mr. Delliturri said when looking from the back of the building to your right there is an alcove. The deck would be approximately 420 square feet over existing coverage. The A.C. units would be moved to the other side of the building. The liquor license covers the premises. The hours of operations would be from 11:00 am to 10:00 p.m. during the week and 11:00 am to 11:00 p.m. on the weekends but would be no later than midnight. At the conclusion of Mr. Delliturri's testimony and being no questions from the board, at this time Engineer Essig made his presentation to the board. Engineer Essig stated that prior bulk variances were granted along with a height variance. Engineer Essig noted that the ordinance for coverage is 40% and they are over by 6%. There will be no new impervious coverage, what will be used for the outside seating will be on existing coverage. At this time, the following was marked into evidence: **A7-2** computer generated pictures. Engineer Essig reviewed for the board 2 pictures. It was noted that no new additional lighting is being purposed. The purposed outside seating is not visible from the northbound side of Route 31 and barely from the southbound side of Route 31. At the conclusion of Engineer Essig testimony, Chairman MacQueen asked if the board had questions. Mr. Laul asked if the parking requirements are being considered for the additional tables for 20 people. Engineer Essig said the existing parking was approved with the original site plan and they are now asking for a variance for the additional parking spaces. Mr. Delliturri said he is looking to expand the lunch crowd and the dinner crowd on the weekends Friday and Saturday.

Mr. Laul asked if they have ever had parking problems during peak hours. Mr. Delliturri said no. Mr. Rich asked about the steps going out to the parking lot. Planner Bolan responded asking if they were necessary. Engineer Essig said it is necessary to have those steps as a fire exit. Mr. Laul asked about the handicap parking. Engineer Essig said there is handicap parking in the rear near the entrance and one along the side of the building where the alcove is presently. Planner Bolan noted that the driveway along that side of the building is narrow for someone using the handicap parking. Ms. Bleck asked about the need for lighting by the steps. Engineer Essig said the planter should have lighting. Along the side of the building they would enter the restaurant through the back entrance. Attorney Benbrook informed the board they have received conditional approval from the Hunterdon County Board of Health. Ms. Glashoff noted that copies of the Board of Health letter were given to the board. Attorney Benbrook stated they have received the letter from the County Planning Board which states they do not have jurisdiction since it is on a State Highway.

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Ms. Bleck questioned having lighting by the steps. Engineer Essig agreed to have lighting by the steps and said at this point the architect hasn't finalized the plans as yet and agreed that the plans should definitely show lighting. The board briefly discussed the lighting. It was decided even though there is lighting on the building; they will have lighting by the steps including the planters. Mr. Skidmore referred to the seating having a limit of 95 seats and noted that the applicant plans on additional 20 seats. Mr. Skidmore said they have been informed by our professionals that the applicant will be altering the seating to stay within the 95 seats and asked if that was correct. Attorney Benbrook stated they noticed to have the additional 20 seats and that Friday & Saturday nights would be their busiest time. If they found it would be a problem they would pull some seating out. Mr. Skidmore said in the architectural drawing it was noted that they could pull some seating out of the main dining room. Engineer Essig said it computes to additional six parking spaces in having the additional 20 seats.

Chairman MacQueen referred to moving the A.C. units to the other side of the building and wanted to know if there is enough room to accommodate the A.C. units. Engineer Essig said there is also an indentation where the generator is located and the cellar door. Chairman MacQueen asked if that was within the setback variance that was originally approved. Engineer Essig said if it becomes a problem, the units can be put on the roof from what he understands. Engineer Essig said the A.C. units are to scale and would fit along that side of the building. Chairman MacQueen asked Planner Bolan if they can move these units without having a problem to come back to the board. Planner Bolan said they did notice for additional variances if needed so it shouldn't be a problem that it would be less non-conforming. At the conclusion of the board's discussion, Attorney Benbrook gave his summation. Engineer Risse gave his comments at this time. It was noted that the plans will need to be revised to indicate the principal structure height in the B2 zone is 35'. Chairman MacQueen opened the hearing to the public for comments and statements. The following person made a statement: Mr. Heiser. Mr. Heiser said he has been a patron of the Tuscany Grill for the past 5 years and totally supports the application for outside dining. The outside dining would only be in used for 3-4 months each year per Mr. Heiser.

Chairman MacQueen asked if the board had any comments. Mr. Schmidt said he didn't have a problem with the parking. No one else had any comments. Chairman MacQueen asked for a motion to close the public portion of the hearing. Motion by Ms. Bleck and seconded by Mr. Laul to close the public portion of the hearing. Unanimously approved. At this time, Attorney Gallina reviewed for the board the conditions to be placed in the Resolution. Chairman MacQueen asked for a motion. Motion by Mr. Laul and seconded by Mr. Piasecki to grant the Variances and the Minor Site Plan with the following conditions:

1. The Applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction.
2. The Applicant will pay all necessary fees and escrows payable in connection with the application.
3. The Site Plan shall be amended to indicate:
 - a. The new location of the air conditioning units to the other side side of the building.
 - b. The Zoning Schedule will be amended to indicate that the permitted height of a principal structure in the B2 zone is 35'.
 - c. Lighting on the steps to the deck.
4. The site improvements will be constructed as shown on the Site Plan.
5. The Applicant will submit the original Affidavit of the newspaper publication to the Board Clerk.

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|------------------|---------------------------|--------------|----------------------|
| ROLL CALL | Yes: Mr. Milkowski | Mr. MacQueen | No: None |
| | Mr. Laul | Ms. Bleck | Abstain: None |
| | Mr. Schmidt | Mr. Weiler | Absent: None |
| | Mr. Piasecki | Mr. McKee | |
| | Mr. Rich | | |

Attorney Gallina will prepare the Resolution to be on the next Agenda of the Board on June 3, 2014.

Chairman MacQueen announced that the board would take a brief recess at this time 7:47 p.m. When the board reconvened at 7:58 p.m. the next application was announced. Mr. Skidmore excused himself due to a conflict of interest.

UNFINISHED BUSINESS:

| | | |
|---------------------|----------|-----------|
| Muller Toyota | Block #3 | Lot #5.01 |
| P.O. Box 500 | Route 31 | B2 |
| Clinton, N.J. 08809 | | |

CONTINUATION OFA PUBLIC HEARING Preliminary/Final Site Plan/Variances

Ms. Glashoff announced that Mr. Rich and Mr. Milkowski have listened to the transcript of October 15, 2013 and have signed the affidavit to that affect.

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Attorney Mark Winter who represents Muller Toyota was present this evening to continue with the public hearing that had been held on October 15, 2014. Attorney Winter said there were some outstanding issues that needed to be addressed. One issue was the water quality/quantity issue. They did water testing and Muller has now drilled a new well at the site and performed well testing. Attorney Winter stated they have with them this evening a Hydrogeologist who will give testimony. Attorney Winter said the Hydrogeologist's report has been submitted to the board. Attorney Winter referred to Engineer Modzelewski's testimony at the last hearing regarding outstanding issues that have now been addressed referring to the Fire Hydrant placement, showing a wheel path on the plans for the trucks coming in and out. They now have a new drawing for lighting with reducing some of the wattage and have submitted stormwater, drainage calculations and the placement of directional signs. The last thing the board was concerned with was the design and they have brought a design person with them to show how the building will look.

At this time, Attorney Winter had Dr. Ashish Daw Hydrogeologist with Uhl Associates sworn in to give testimony. Attorney Winter had the following marked into evidence: **A17-Hydrogeologist Report** prepared by Dr. Daw dated April 2014. Dr. Daw reviewed for the board his report for the new service center. Dr. Daw said they were asked to do an aquifer pumping test by the applicant per the Township's Ordinance. They presented a plan to the Township which was approved. They pumped 3200 gallons per day which comes to 2.2 gallons per minute over a 24 hour period. The average is 1.1 gallons per minute which they doubled. Dr. Daw said in conclusion they were able to run 23 gallons per minute which was significantly higher than what was required. The well was pumped for 8 hours at an average rate of 23 gallons per minute. A pumping rate of 23 gallons per minute was achieved with the first 10 minutes of pumping. There are only 4 wells within the 1000' radius of the property. Dr. Daw said at the end of the test there was a drawdown of 1.26' in the observation well and when they stopped pumping the water, at the end of the 8 hours recovery phase the water level in Observation Well 1 was 6.81' bmp and the water level had recovered to within 77% of the pre-pumping static level of 6.52'. Dr. Daw was asked how he came up with the standards of 23 gallons per minute, when the standards are 2.2 gallons per minute over a 24 hour period. Dr. Daw said if you don't see the water level decrease, you are then unable to calculate the characteristics of the aquifer which is required. They had bumped it up to 10 gallons per minute and didn't see any drawdown and the water was staying within the casing of the well. At 10 gallons a minute it would not have given them any data to analyze. Dr. Daw said in his opinion that the capability of the well can sustain 2.2 and at 23 gallons per minute it is 3 1/2 times greater than the peak demand of 2.2 and 7 times greater than the average of 1.1. At the conclusion of Dr. Daw testimony, Chairman MacQueen asked if the board had any questions of the witness. Mr. Piasecki asked why it isn't 23 times 10 over then 2.2. Dr. Daw said 2.2 is over a 24 hour period and 23 is over an 8 hour period. With no other questions, Chairman MacQueen opened the hearing to the public for questions. There were none.

Attorney Winter had David Armstrong sworn in at this time. Mr. Armstrong is a Designer with Armstrong Construction Services. The following was marked into evidence: **A18-Design Rendering**. Mr. Armstrong said this is a custom unique design and they had to follow a boiler plate of items to fore-fill based on the manufacturer and dealer requirements and at the same time and design with the limitations of the site. Attorney Winter asked Mr. Armstrong if he had prepared the rendering. Mr. Armstrong said yes. Mr. Armstrong explained to the board what went into preparing the rendering along with the design for the building. In preparing the design of the building it was to give the board a better understanding of what the building will look like. The signage was approved by Toyota. Regarding fire prevention, they will have a fire prevention sprinkler system in the building which they will want approval from the Fire Department. They found there was a large cistern designed on the site which is 80 thousand gallons. At the conclusion of Mr. Armstrong testimony, Chairman MacQueen asked if the board had questions of the witness. Mr. Weiler asked if the code requires a sprinkler system. Mr. Armstrong said no but if they have one it is subject to review by the Fire Department. Mr. Rich asked if a holding tank for water is required. Mr. Armstrong said they will use the sprinkler system and the cistern. Engineer Risse asked if they are going to tie the sprinkler system into the cistern. Mr. Armstrong said yes. Mr. Milkowski asked if they will have a separate pump and generator. Mr. Armstrong said yes it is required. Being no further questions by the board, Chairman MacQueen opened the hearing to the public for questions. There were none.

Attorney Winter had Engineer Modzelewski give testimony. Engineer Modzelewski was previously sworn in at the hearing in October 2013. The following was marked into evidence **A19-Sheet #4 of Site Plan** dated April 12, 2013 and last revised March 21, 2014. Engineer Modzelewski referred to Sheet #4, revised March 21, 2014. The building is now a little bigger up to 27,820 square feet. There were 18 service bays and now 20 service bays. 2 detailing bays and alignment of front ends. The car wash in the in the back corner. The point of ingress has been pushed to the south as much as they could to ease the acute angle coming into the reception area. Engineer Modzelewski said they opted to move the septic system to a better location and the new system is larger in size. The design flows for septic are generous because they are for septic. They have submitted an application to the DEP since the wetlands have been re-delineated and they found some wetlands to the south that are off site in part of the transition area. They also had to submit additional information that was part of the application to the Highlands which was recently. They have not heard back from the DEP. Since they had to drill a new well, the old well will be capped once demolition starts. Engineer Modzelewski informed the board that they have received Highlands Approval. Engineer Modzelewski said there are some paved areas that are not part of the project site and they plan to return the paved areas back to a natural condition. When they filed their application with the DOT, the DOT deemed it a major application as a full dealership when it is actually a half dealership consisting of Service & Parts.

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Engineer Modzelewski referred to the underground water tanks. The draft pipe has been realigned so that a fire truck can pull in and easily hook up to the water supply. They will contact the Township's Fire Official. They will also discuss with the Fire Official the sprinkler systems which would also require a generator and a pump. Engineer Modzelewski testified that the original lighting plan was designed for a dealership. The lighting plan has been significantly reduced to provide illumination less than .1 foot candles at the property line. Engineer Modzelewski noted the area outlined in blue on the plan will have less than .5 foot candle illumination and the area outlined in yellow will have slightly more lighting at the points of ingress and egress to the site. They are now proposing 18 pole mounted lights that will be 175 watts each. From the previous plan they have revised the number of wall pack lights to 6 wall pack lights at 150 watts. The overnight lights will be kept to a minimum.

Engineer Modzelewski went on to discuss the wheel path. The site has been designed based on American Association of State Highway Transportation Officials standards that a small tractor trailer can move completely around the site. The wheel path is designed for smaller delivery trucks delivering parts. Car carriers will not unload cars at the site. Engineer Modzelewski noted the Entrance Only & Exit Only signs will be posted at both driveways. They were informed by DOT that vehicles may only enter and exit the site from the northern side of Route 31. Planner Bolan stated that if the driveway is located within the DOT right of way, a design exception would be required; also it is unclear where the DOT right of way begins and ends. Engineer Modzelewski stated the applicant has applied for an access and drainage permit with the DOT. At the conclusion of Engineer Modzelewski's testimony, Chairman MacQueen asked if the board had questions. The following questions were asked by the board regarding, the board express concern over employees and customers crossing Route 31 going from Service to the new car dealership on the other side of the highway, egress and ingress signs, truck deliveries, carwash and traffic with school buses. Engineer Modzelewski addressed all the questions and concerns of the board. Engineer Modzelewski said no trucks carrying automobiles will be unloaded at this site, that they will be unloaded at the dealership across Route 31 and then driven to the site. Planner Bolan & Engineer Risse stated that the changes made to the site plan have addressed their concerns.

Chairman MacQueen opened the hearing to the public for questions. The following people asked questions: Douglas Diehl and Victor Hoffman. Attorney Winter gave his summation at this time referring to the bulk variances for the building for signage, the impervious coverage at the site will be reduced, the head to head inventory parking will require a design exception and referred to the lighting and that a design waiver would also be required for the lighting. Chairman MacQueen asked for a motion to close the public hearing. Motion by Mr. Rich and seconded by Ms. Bleck to close the public portion of the hearing. Unanimously approved. The board deliberated at this time. At the conclusion of the board's deliberation, motion by Mr. Piasecki and seconded by Mr. Laul to grant the bulk variances, design exceptions and design waivers.

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|------------------|----------------------|------------|-------------------------------|
| ROLL CALL | Yes: Mr. Laul | Ms. Bleck | Abstain: Mr. Milkowski |
| | Mr. Piasecki | Mr. Weiler | No: Mr. Rich |
| | Mr. MacQueen | Mr. McKee | Mr. Schmidt |

Motion by Mr. Piasecki and seconded by Mr. Weiler to approve the Preliminary & Final Site Plan 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. Subject to DEP permission and approval, the applicant will remove the existing fence located along the northern boundary of Buffalo Hollow Road
- d. The applicant will install a sprinkler system in the new building and will install an 80,000 gallon underground water storage tank. The sprinkler system and the underground tank and its hookup location will be inspected and approved by the Lebanon Township Fire Official, pursuant to Ordinance 330-35.
- e. Overnight lighting at the site will be limited to 3 pole mounted lights of 175 watts each on the perimeter of the site for security purposes and the 6 wall pack lights at 150 watts.
- f. A night time lighting test/inspection will be required prior to the issuance of a certificate of occupancy, pursuant to Ordinance 400-43(I)
- g. Due to restrictions in vehicle circulation at the site, cars will not be unloaded on the site, but will be unloaded at the dealership across from the site on Route 31.
- h. If the entrance and exit signs to the site are illuminated, they will be internally illuminated.
- i. The site improvements will be constructed as shown on the approved site plan prepared by Joseph Modzelewski

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ROLL CALL **Yes:** Mr. Laul Ms. Bleck **Abstain:** Mr. Milkowski
 Mr. Piasecki Mr. Weiler **No:** Mr. Rich
 Mr. MacQueen Mr. McKee Mr. Schmidt

Attorney Gallina will prepare the Resolution to be on the next Agenda of the Board for June 3, 2014.

PRESENTATION OF BILLS & REPORT:

| | |
|-----------------------|-------------------|
| a. John Gallina, Esq. | \$1,377.50 |
| b. Michael Bolan, PP | \$1,651.60 |
| c. Bayer/Risse Engrs. | \$ 466.25 |
| Total: | \$3,475.35 |

Mr. Gerlich informed the board that all the bills are in order. Motion by Mr. Schmidt and seconded by Ms. Bleck to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

- a. H.C. Board of Health Ltr Update– Tuscany Grill
- b. Muller Toyota Notice to DEP
- c. News Article – handout at meeting

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Weiler to adjourn the meeting at 9:41p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK