

REORGANIZATION/REGULAR MEETING

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

January 24, 2018

The Reorganization/Regular Meeting of the Lebanon Township Board of Adjustment was called to order by Board Secretary Ms. Glashoff. Present were: Mr. Maurizio, Mr. Kozlowski, Mr. MacQueen, Mr. Terzuolo, Mr. Abuchowski, Mr. Eberle, Mr. Locker, Ms. Guevara, Attorney Gallina & Planner Bolan.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Board of Adjustment will hold their Reorganization Meeting on January 24, 2018 at 7:30 p.m. At the conclusion of the Reorganization portion of the meeting, the Board of Adjustment will conduct Regular Board Business. Notice of this Meeting was published in the Hunterdon Review on January 3, 2018. Copies of the agenda were faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the website and bulletin board in the Municipal Building on January 17, 2018.

SWEAR IN:	<i>Bruce Terzuolo</i>	<i>Class IV</i>	<i>Regular Member</i>	<i>4 Year Term</i>
	<i>Wayne Eberle</i>	<i>Class IV</i>	<i>Regular Member</i>	<i>4 Year Term</i>
	<i>John Locker</i>	<i>Class IV</i>	<i>Regular Member</i>	<i>Unexpired 4 Year Term</i>
	<i>Deborah Guevara</i>	<i>Class IV</i>	<i>Alternate I</i>	<i>Unexpired 2 year Term</i>

Ms. Glashoff asked Attorney Gallina to swear in the above mentioned board members. Congratulations to all.

NOMINATIONS FOR CHAIRMAN:

Ms. Glashoff asked for nominations for Chairman. Motion by Mr. MacQueen and seconded by Mr. Abuchowski to nominate Mr. Terzuolo as Chairman. Being no further nominations, nominations are closed. Unanimously approved.

Chairman Terzuolo took over the meeting at this time.

NOMINATIONS FOR VICE CHAIRMAN:

Motion by Mr. MacQueen and seconded by Mr. Maurizio to nominate Mr. Abuchowski for Vice Chairman. Being no further nominations, nominations are now closed. Unanimously approved.

NOMINATION FOR CHAIRMAN PRO-TEM:

Motion by Mr. MacQueen and seconded by Mr. Abuchowski to nominate Mr. Kozlowski as Chairman Pro-Tem. Being no further nominations, nominations are now closed. Unanimously approved.

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APPOINTMENTS:

- a. John Gallina, Esq.
- b. Michael Bolan, PP
- c. Stephen Risse, Engr.
- d. Gail W. Glashoff, Board Secretary
- e. Lucy Grozinski, Court Stenographer
- f. Guy Wilson, Esq. (Alternate Attorney)
- g. Jim Kyle, PP (Alternate Planner)

Motion by Mr. Abuchowski and seconded by Mr. Kozlowski to appoint all of the above. Unanimously approved.

ADOPT RESOLUTIONS:

a. Authorizing Agreement for Professional Services

Ms. Glashoff briefly reviewed the Agreement for Professional Services. Motion by Mr. MacQueen and seconded by Mr. Locker to adopt the resolution for Professional Services. Unanimously approved.

b. Annual Notice Schedule 2018

Ms. Glashoff briefly went over the Meeting Dates for the 2018 calendar year. Motion by Mr. MacQueen and seconded by Mr. Kozlowski to approve the Annual Notice Schedule for 2018. Unanimously approved.

ADOPT RESOLUTION FOR PAY TO PLAY:

Motion by Mr. MacQueen and seconded by Mr. Kozlowski to adopt the Resolution for Pay to Play. Unanimously approved.

ADOPT PROFESSIONAL CONTRACTS:

- a. John Gallina, Esq.
- b. Michael Bolan, PP
- c. Stephen Risse, Engr.
- d. Guy Wilson, Esq. (Alternate Attorney)
- e. Jim Kyle, PP (Alternate Planner)

Ms. Glashoff reviewed for the board contracts a thru d. The only contract with an increase of \$2.50 per hour was for the Engineer with all the others staying the same as last year. Planner Kyle contract will be

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on the next agenda. Motion by Mr. Eberle and seconded by Mr. Locker to adopt the contracts as presented. Unanimously approved.

APPOINT APPLICATION REVIEW COMMITTEE:

Last year's committee: Bruce Terzuolo, Andy Kozlowski, John Locker (Alternate Joe Maurizio)

Chairman Terzuolo asked Mr. Kozlowski and Mr. Locker if they would like to stay on the review committee and they agreed with Mr. Maurizio as the alternate. Motion by Mr. MacQueen and seconded by Mr. Eberle to appoint last year's committee for 2018. Unanimously approved.

PRESENTATION OF MINUTES: November 29, 2017 Regular Meeting

Motion by Mr. MacQueen and seconded by Mr. Kozlowski to approve the minutes as presented. Unanimously approved by those eligible to vote with Mr. Terzuolo, Mr. Abuchowski and Ms. Guevara abstaining.

NEW BUSINESS:

Mansion Caterer's, LLC	Block #38	Lot #21
t/a Frungillo Caterer's	Route 513	R3/R5
215 Route 23 South		
Little Falls, N.J. 07424		

PUBLIC HEARING d Variance – Use to hold events on a Farm Assessed Property

Attorney John Inglesino represented Mansion Caterer's and made a presentation to the board. Attorney Gallina announced that all the notices are in order. The following items were marked into evidence: **A1-Affadavit of Proof of Service, A2-Certified List of Property Owners & Utilities, A3-Notice to Property Owners & Utilities, A4-POD Slips, A5-Proof of Publication in Newspaper, A6-Taxes Paid.** At this time, Engineer/Planner Wayne Ingram was sworn in to give testimony. Engineer Ingram had the following marked into evidence: **A7-Variance Plan, dated August 21, 2017, revised September 27, 2017, prepared by Wayne Ingram.** Engineer Ingram stated the site is 19.42 acres and has a house, pool, tennis court, pond and several outbuildings. Engineer Ingram said they are not proposing any major changes to the property. The events would be held from Spring to mid-October. The property is being used for the boarding of horses using various paddocks. The pond is at the eastern end of the property. There is a large tennis court that is over by the stream. The events will take place on the tennis court which will be the primary location. The tennis court is approximately 50' by 210'. The tent(s) will be erected seasonally. Engineer Ingram noted that they will have portable bathrooms for each event. Electricity

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has already been installed at the tennis court. The music will be directed uphill into towards the wooded area for a buffer. Valet parking will be provided. At the conclusion of Engineer Ingram's testimony, Chairman Terzuolo asked if the board had any questions of Engineer Ingram. Mr. Kozlowski asked where the drop off area would be. Engineer Ingram said the guests will walk from the area by the house using the path going up to the tennis court which will not be that far to the tennis court. As people were dropped off the cars would be taken by the valets to the parking area. Mr. Kozlowski asked how many parking spaces were being provided. Engineer Ingram said approximately 50 parking spaces. The maximum number of guest would be between 100 & 200. Mr. MacQueen asked if the tent would stay up all through the season. Engineer Ingram said yes and noted that the tent would not be seen by neighboring properties. Mr. Eberle asked about security during the events. Engineer Ingram said Mr. Frungillo would be able to answer the question regarding security. Planner Bolan asked about water supply. Water will be brought in, also there will be no washing of dishes etc. At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public for questions of Engineer Ingram. There were none.

Mr. Steward Ashton was sworn in to give testimony. Mr. Ashton said they have owned the property since 1984. Mr. Ashton said they board approximately 6 horses, they also raise chickens and have 3 donkeys. Mr. Ashton informed the board that he has entered into a lease agreement with Mansion Caterers who have exclusive rights to a portion of the property to hold events until December 31, 2027. At the conclusion of Mr. Ashton's testimony, the board had questions of the witness. When Chairman Terzuolo opened the hearing to the public for questions of the witness, there were none.

The applicant Robert Frungillo was sworn in to give testimony. Mr. Frungillo stated the business was started by his parents over 50 years ago. He is a licensed caterer. Mr. Frungillo informed the board that they currently owns and leases 11 properties for events. Mr. Frungillo said he owns properties in Hope, Ringwood and Newark. Mr. Frungillo said they have catered over 1,000 events every year since 1973. Mr. Frungillo told the board they employ 50 full-time people and 100 part-time personnel. Mr. Frungillo said there is an event manager on site for every event. Mr. Frungillo informed the board that his managers have many years of experience along with being certified in lighting and crowd control. They have a server for every 10 guests. Mr. Frungillo stated the all the food is prepared off site and transported to the site in refrigerated vans and trucks from their commissary in Little Falls. The trucks are equipped with kitchens, warming trays and grills. The china, dinnerware and linens are rented for each event. When an event is over, all garbage is removed from the site. Mr. Frungillo said the host supplies all alcohol and his company supplies the certified bartenders. Mansion Caterers carries its own liquor liability insurance. Mr. Frungillo said the tenting used for these events are approximately 40' by 60'. Mr. Frungillo informed the board that these events are scheduled on Fridays, Saturdays and Sundays with hours ranging from afternoons to evenings with evening events ending by 11:00 p.m. Also, they are working on building relationship with area hotels in order to provide shuttle service to and from the Ashton Farm. Mr. Frungillo addressed the issue of rain and said that they will have 40-50 golf umbrellas available and canopies in the event of heavy rain. For those who have trouble walking to the tennis

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court, golf carts will be provided. At the conclusion of Mr. Frungillo testimony, Chairman Terzuolo asked if the board had any questions of the witness. Ms. Guevara asked about the hours for weddings. Mr. Frungillo said those events usually last 4-5 hours, but nothing after 11:00 p.m. Mr. Maurizio asked about the refrigeration whether diesel or electric would be used. Mr. Frungillo said they use diesel. The question came up regarding the pool and fencing. Mr. Frungillo indicated this would be addressed at Site Plan. Mr. Kozlowski asked why the Ashton Farm. Mr. Frungillo said the farm has an inviting rural character, very scenic and has good access from a County Road. Mr. Frungillo informed the board they will not have any corporate events, that 99% of the events will be weddings. Mr. MacQueen felt the music should end before 11:00 p.m. Mr. MacQueen asked Attorney Gallina if the cutoff time can be addressed at Site Plan. Attorney Gallina said yes. Chairman Terzuolo asked if Planner Bolan had any questions of the applicant. Planner Bolan addressed the noise issue stating that the State has decimal levels that are used to determine noise. At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public. Mr. James Murray asked if they would be advertising for local staffing during these events. Mr. Frungillo said yes. Being no further questions from the public, Chairman Terzuolo announced that the board will take a 10 minute recess. The board recessed at 9:15 p.m.

When the board reconvened at 9:25 p.m. Wayne Ingram give testimony as a Planner. Planner Ingram stated that the applicant is seeking a d1 Use Variance and addressed the positive and negative criteria. The property in question is in the R3/R5 Residential Zone and is located on a County Road. The property to the north is in a B1 neighborhood business zone. The nearest resident is 600' away from the Tennis Court where the events will take place. Planner Ingram noted there is no increase in the impervious coverage. The property is surrounded by woods. Planner Ingram addressed the special reasons which is needed for the d1 use variance. Planner Ingram stated that allowing the use variance would allow the farm operation to continue and preserving the rural character of the area. The proposed use will provide economic support toward expenses in maintaining the farm use. Planner Ingram said in addressing the negative criteria, granting the variance relief would not impact on the surrounding properties and would not be a substantial detriment to the public good. Planner Ingram stated that the proposed use is a non-intensive activity and promotes agritourism which helps to preserve farmland in New Jersey and provides economic support toward expense in maintaining the farm. At the conclusion of Planner Ingram's testimony, the board had no questions. There were no questions of the public.

At this time, Planner Bolan was sworn in to give testimony on behalf of the Board. Planner Bolan stated that the applicant is bifurcating the application seeking a D Variance approval subject to a Site Plan Approval. Under 40:55D-2a speaks of the zoning purpose that clearly simplified the meaning of "special reasons" and that the site is particularly suited for the proposed use. Also a Use Variance requires an enhanced quality of proof to show that the proposed use is not inconsistent with the zone plan. Planner Bolan stated that this type of use requires that the site plan identify specifically the measures to reduce the impact on other properties regarding matters as lighting, traffic control, crowds, aesthetics and drainage runoff. Planner Bolan also noted that the board may impose reasonable hours of operation. At

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the conclusion of Planner Bolan's testimony, the board had no questions of Planner Bolan. Chairman Terzuolo opened the hearing to the public for questions. There were none. Chairman Terzuolo opened the hearing for comments and statements. The following people made statements, James Murray, noted that the tennis court would not be visible from neighboring properties. Lori Ann Williams stated she has no concerns regarding noise or lighting from events held at the farm. Darla Daniels stated that her wedding was held at the Ashton Farm.

Chairman Terzuolo announced that the evidence taking portion of the hearing is now closed. Attorney Inglesino gave his summation at this time. At the conclusion of the summation, the board deliberated. At the conclusion of the board's deliberations, motion by Mr. Abuchowski and seconded by Mr. Locker to grant the d1 Use Variance relief bifurcating the application permitting the hosting of events at the property with the following conditions:

- a. The applicant shall obtain all other necessary approvals from outside agencies having jurisdiction.
- b. The applicant will pay all necessary fees and escrows payable in connection with the application.
- c. Seating for the events will be held at the existing tennis court on the property.
- d. All food preparation done off site and all cleaning such as washing dishes and cleaning equipment will be done off site. All waste and recyclables generated during the event will be taken away at the conclusion of the event.
- e. The approval of the use variance shall be conditioned upon the granting of the required site plan approval as well as all required subsequent approvals by the Board of Adjustment.

ROLL CALL **Yes:** Mr. Maurizio Mr. Abuchowski **Abstain:** Ms. Guevara
 Mr. Kozlowski Mr. Eberle
 Mr. MacQueen Mr. Locker
 Mr. Terzuolo

Attorney Gallina will prepare the Resolution to be on the next Board Agenda of February 28, 2018.

PRESENTATION OF BILLS:

a. John Gallina, Esq.	\$260.00 – Attend ZBA Mtg 11/29/2017
	\$325.00 - Mansion/Frungillo Caterer's (Escrow)
b. Michael Bolan, PP	\$265.00 – Attend ZBA Mtg 11/29/2017
	\$609.00 – Mansion/Frungillo Caterer's (Escrow)
c. Court Stenographer	\$250.00 - January 24, 2018 Meeting
d. HCP&Z Admin.	\$ 15.00 – Dues 2018 (Board Secretary)
	Total: \$1,724.00

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Mr. Kozlowski stated that all the bills are in order. Motion by Mr. Kozlowski and seconded by Mr. Maurizio to approve the bills as presented. Unanimously approved.

FYI:

a. Final 2018 Budget Request for board approval.

Ms. Glashoff reviewed for the board the final 2018 budget request. Ms. Glashoff will forward the final version of the budget to Finance for the upcoming budget meetings.

CORRESPONDENCE:

a. NJPO Newsletter – Nov/Dec 2017

b. NJ League of Municipalities Article – Legal Q/A & Lebanon Twp. Resolution

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 10:10 p.m. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY