



**Lebanon Township Board of Adjustment**  
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Mr. Flemming asked to address the board on a couple of issues. The first issue dealt with a lit sign for a business in the B2 on Route 31. Attorney Gallina informed Mr. Flemming it is not in the prevue of the board to address these types of questions. Mr. Flemming was informed that he could contact either Attorney Gallina or Planner Bolan with his questions.

Chairman Terzuolo announced that the board will take a brief recess at this time 8:40 p.m. The board reconvened at 8:50 p.m. Chairman Terzuolo announced the next application.

**NEW BUSINESS:**

JCP&L Co/First Energy  
300 Madison Ave  
Morristown, N.J. 07962

Block #6 Lot #3  
Route 31 B2

**PUBLIC HEARING Preliminary/Final Site Plan with Variance for Building Height**

Mr. Nagie informed the board that he worked for JCP&L up to his retirement 15 years ago and wanted to know if the board or the applicant had any issue with him sitting for this application. Mr. Nagie was informed by JCP&L they did not have a problem with him sitting for this hearing.

Attorney John Beyel was present along with several of JCP&L's professionals to give testimony. Attorney Gallina announced that all the notices are in order and the board can proceed with the hearing. The following items were marked into evidence: **A1**-Taxes Paid, **A2**-Ltr from H.C. Board of Health dated 12/11/08, **A3**-Ltr from H.C. Soil Conservation District dated 11/6/08, **A4**-Ltr from H.C. Planning Board dated 11/17/08, **A5**-5 Photographs of the Site, **A6**-Affadavit of Proof of Service, **A7**-Corporate Disclosure, **A8**-Notice to Property Owners, **A9**-Certified List of Property Owners, **A10**-POD Slips, **A11**-Notice in Newspaper. The board has jurisdiction to proceed with the Public Hearing.

Attorney Beyel gave a brief presentation to the board. Attorney Beyel stated the property consists of 14.3 acres in the B2 zone on Route 31. Attorney Beyel asked to have the following marked into evidence: **A12**-Ltr from D.O.T. dated 10/23/08. Attorney Beyel had Thomas Walker, Licensed Engineer and Project Manager sworn in to give testimony. Engineer Walker stated this is an unmanned facility, no water and septic on site and it is not needed. Engineer Walker said that he coordinates with the overall Project Manager in Ohio. He is the local Project Manager and is responsible for all approvals and permits necessary for this project. The applicant is proposing to install a 100 Mega-Var (MVA) capacitor bank in the existing Glen Gardner Sub-station. The goal is looking for a strong source of voltage installation for the northern region of New Jersey. In order to do this one of the locations is the Sub-station at Glen Gardner. It will solve loading issues and capacity issues during peak loads. This is a voltage reservoir. Lebanon Township and the surrounding towns will benefit from this installation. At the conclusion of Engineer Walker's testimony, the Chairman asked if the board had questions. There were questions regarding the height of the two existing towers on the site. Engineer Walker said they were 80' each. The height of the new structure will be less. There was a question regarding the boundary survey. The board Engineer and Planner had no questions. When open to the public for questions, there were none. The next witness to be sworn in was Engineer Allen Schamberger, Project Manager with Black & Veatch of Overlook Park, Kansas. The next exhibits to be marked into evidence: **A13**-Site Plan B 61348 dated 10/8/08, **A14**-Detail drawing of the Substation dated 10/8/08 and **A15**-6 Photos of the Substation along Route 31 and Rocky Run Road. Engineer Schamberger stated they are looking to do the installation in stages starting this fall and have the project completed no later then June 1, 2010. At the conclusion of Engineer Schamberger testimony, the board asked questions. Mr. Perry asked if they have ever had a problem with geese flying into the power lines considering the height. The answer was no. Mr. Nagie asked if they were going to put any type of oil catching equipment in case the cap bank explodes. Engineer Schamberger said the capacitors are smaller containers actually smaller individual capacitors, each one has 56 canisters so if there is a catastrophic failure there is a relay protection system that guards from a catastrophic failure. There is a very small amount of fluid in each of those capacitors, around 3 gallons. If one had a problem, the fluid would get trapped in the stone and the relay system would send an alarm and maintenance would come out and clean it up. Mr. Kozlowski noted that the plan shows existing foundations but no indication of new foundations. Engineer Schamberger said the reason why the showed the existing foundations was to identify where they might have a conflict, so they wouldn't place the new structure on top of

existing footage. There are foundation plans that will go to the construction department at the time they apply for permits.

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At the conclusion of the board's questions, Engineer Risse had a question regarding the Exhibit A15 photo. Planner Bolan stated that the applicant meets the positive criteria and regarding the negative, the visual impact is 4 times the setback from Route 31. Chairman Terzuolo asked if the board had any additional questions, there were none. When open to the public for questions, there were none. Chairman Terzuolo asked if the board needed to hear testimony from the Site Engineer. The answer was no.

The next witness to be sworn in was Planner Kevin O'Brien. Planner O'Brien stated the applicant is seeking a D6 Variance for the height of the principal structure which exceeds by 10' or 10% of the maximum height permitted in this zone along with Preliminary and Final Site Plan Approval. Planner O'Brien stated that for inherently beneficial uses the courts and boards have approved the use of the Secca Balancing Test. The Secca Balancing Test is a four step process that the boards go through in order to ascertain whether or not there is a negative impact or not which would be caused by the application. The four steps of the Secca balancing test are: 1) the board is to identify the public interest at stake, 2) identify the detrimental affects that would ensue from granting the variance, Planner O'Brien asked to have another item marked into evidence: **A16**-Site and area photos consisting of 3 pages taken by Planner O'Brien on February 10, 2009, 3) for the board to determine whether it can reduce the detrimental effects on imposing conditions, 4) for the board to decide the positive and negative criteria by balancing the public interest against the public detriment. Planner O'Brien said that the benefits outweigh the detriments in granting this variance application that is being requested. At the conclusion of the testimony, the board had no questions of the witness. When opened to the public, there were no questions.

Attorney Beyel gave a brief summation at this time. Chairman Terzuolo opened the hearing to the public for comments and statements. There were none. The Chairman announced that the evidence taking portion of the hearing is now closed. At the conclusion of the board's deliberations, motion by Mr. Abuchowski and seconded by Mr. Perry to grant the height variance and Preliminary and Final Site Plan with one condition:

- a. Approval from all outside agencies having jurisdiction.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Machauer	Mr. Perry	<b>No:</b> None
	Mr. Kozlowski	Mr. Nagie	
	Mr. MacQueen	Mr. Abuchowski	
	Mr. Terzuolo		

**Attorney Gallina will prepare Resolution to be placed on the Agenda of March 25, 2009**

**ITEM FOR DISCUSSION:**

- a. Applications Approved/Denied 2008 – For Annual Report

Planner Bolan will prepare the 2008 Annual Report to be on an upcoming agenda.

**CORRESPONDENCE:**

**PRESENTATION OF BILLS:**

a. John Gallina, Esq.	\$230.00 – Attend Mtg 1/28/09
b. Michael Bolan, PP	\$359.40 – Attend Mtg 10/22/09
	\$184.60 - Escrow ( <b>Sarao</b> )
	\$170.40 – Escrow ( <b>Transtar</b> )
c. Bayer/Risse Engrs.	\$358.50 – Prepare & Attend Mtg 1/28/09
	\$115.00 – Escrow ( <b>Giordano</b> )
	\$119.50 – Escrow ( <b>Sarao</b> )
	\$110.00 - Escrow ( <b>Transtar</b> )
	\$896.25 – Escrow ( <b>Edwards</b> )
d. Court Stenographer	\$200.00 – Attend Mtg 2/25/09
	<b>Total: \$2,743.65</b>

Motion by Mr. Nagie and seconded by Mr. MacQueen to approve the bills as presented.  
Unanimously approved.

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Ms. Glashoff reminded the board they have two meetings in March. The March 11<sup>th</sup> meeting will have an Extension Time for Robert Amerman whose application was for a Variance to build on a private road and the Use Variance for Irish Jacks (Susan Sarao). On March 25<sup>th</sup> the application of Patrick Allen is scheduled and there may be a completeness application on the agenda also. Ms. Glashoff asked if anyone on the board would not be attending either meeting. Mr. Kozlowski said he would not be attending the March 25<sup>th</sup> meeting, Mr. Terzuolo wasn't sure about the March 11<sup>th</sup> meeting and Mr. Eberle wasn't sure about the March 25<sup>th</sup>. Mr. Perry said he would be away and won't be attending either meeting.

Being no further business to come before the board, nor comments from the public, motion by Mr. Nagie and seconded by Mr. Abuchowski to adjourn the meeting at 9:48 p.m. Unanimously approved.

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**CHAIRMAN BRUCE TERZUOLO**

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**GAIL W. GLASHOFF, BOARD SECRETARY**