

REGULAR MEETING

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

March 20, 2012

The 853rd 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. Schmidt, Mr. Rich, Ms. Bleck, 1st Alternate Laul, 2nd Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Gerlich, Mr. Piasecki, Mr. Wunder and Mr. Weiler.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Planning Board will hold a regularly scheduled meeting at the Woodglen School on Tuesday March 20, 2012 at 7:00p.m. to hear the application of GenPsych. Notice of this change of location was published in the Hunterdon Review on March 14, 2012 and a copy of the agenda was 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 February 14, 2012.

PRESENTATION OF MINUTES: February 27, 2012 Regular Meeting

Ms. Glashoff brought to the board's attention a couple of corrections to the minutes. Motion by Ms. Bleck and seconded by Mr. Rich to approve the minutes with minor corrections. Unanimously approved.

February 27, 2012 Executive Session

Motion by Mr. Rich and seconded by Mr. Laul to approve the minutes as presented. Unanimously approved.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 688.75
b. Michael Bolan, PP	\$2,589.21
c. Bayer/Risse Engrs.	\$1,187.50
d. Gramco	\$1,250.00 (Mtg 2/27/2012)
Total:	\$5,715.46

Motion by Ms. Bleck and seconded by Mr. Skidmore to approve the bills as presented. Unanimously approved.

UNFINISHED BUSINESS:

GenPsych, P.C. 1065 Highway 22 W. Suite 3D Bridgewater, N.J. 08807	Block #43 Lot #1.01 Route 513 & Trimmer Road I5
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CONTINUATION OF A PUBLIC HEARING Conditional Use/Site Plan & Variance

Chairman MacQueen announced that the Court Stenographer for Gen Psych is tied up in traffic and Attorney Tubman asked for a brief recess until the Court Stenographer arrived. Chairman MacQueen announced that the board will take a recess at 7:13 p.m. When the board reconvened at 7:27 p.m. It was noted the Court Stenographer still hadn't arrived. Chairman MacQueen asked about dates for future meetings on this application. Ms. Glashoff said she reserved this room for Tuesday April 24th, Thursday May 10th and May 22nd. Attorney Tubman said the April 24th and May 10th dates were good but not the May 22nd. Ms. Glashoff said she will contact the school tomorrow and change the date to May 29th since she knows it is available. Attorney Tubman said the May 29th date was good. Chairman MacQueen announced the board will take a recess at 7:35 pm. When the board reconvened at 7:45 p.m. Attorney Tubman said she wants to continue with the hearing even though the Court Stenographer has not arrived.

Chairman MacQueen asked that all cell phones and electronic devices be turned off. Attorney Tubman had Planner Brian Slaugh present to give testimony and he was sworn in at this time. Planner Slaugh said he has been licensed since 1987 and is a principal of the firm of Clarke Caton Hintz. Planner Slaugh asked to have the following marked into evidence: **A8**-Key Map dated September 2011 and **A9**-Site Constraint Map dated February 2012. Planner Slaugh stated the property is located on the corner of Route 513 and Trimmer Road consisting of 15.02 acres. The building is approximately 8000 square feet and is a single story building. The applicant is proposing to have two free standing signs, one on Route 513 and the other at the entrance on Trimmer Road. Planner Slaugh said on the Site Constraint Map the green area shown is the wetlands and the orange area shows the 300' buffer for the C1 stream. The following was marked into evidence as **A10**-100 year flood zone map highlighted in blue dated February 2012. Planner Slaugh said in the Industrial zone the bulk requirements are as follows: 5 acres, side yard requirements are 50' each side and front & rear yard requirements 50' each. The property consists of 15.02 acres, front yard is 100' and rear yard setback is 510.8' both side yards exceed the 50' requirements. The impervious coverage in the Industrial zone is 40% and what they are proposing will be substantially under the 40% coverage allowed by ordinance.

Lebanon Township Planning Board
March 20, 2012
Page 2

Planner Slaugh had the following marked into evidence: **A11**-Minor Site Plan/Floor Plan prepared by Clarke Caton Hintz dated November 11, 2011. Planner Slaugh referred to the parking stating there are 2 parking lots. The larger lot is to the southeast side of the building consisting of 25 parking spaces and the smaller lot is on the southwest side of the building consisting of 7 parking spaces. At this time Planner Slaugh discussed the landscaping being purposed. Planner Slaugh then referred to Engineer Risse's letter dated January 26, 2012. The following was marked into evidence: **A12**-Engineer Risse letter dated January 26, 2012. Planner Slaugh referred to the Conditional Use considerations in the letter and they meet the Township's standards plus the Institutional Use standards. The applicant is proposing two free standing signs. One to be placed on Route 513 and the other at the entrance on Trimmer Road. The ordinance only permits one free standing and the applicant is requesting a design waiver for the second sign. In Engineer Risse's letter he refers to the 10 parking spaces that are located within 6' of the existing building. The ordinance requires parking spaces to be set back 12' from the building in the I5 zone. Per Engineer Risse's letter a design waiver will be required. A conservation easement is being requested. The owner of the property has agreed to the request. The driveway from the entrance on Trimmer Road will be eliminated from the easement. They are not relocating the driveway but they want to put lighting along the driveway for safety purposes. On Sheet 3 of the Site Plan they will comply with the requests in Engineer Risse's letter and on comment 5, they will remove the crushed stone for the walks. Per Engineer Risse, the walks were not included in the proposed impervious coverage calculation. They will replace it with shredded hardware mulch.

Planner Slaugh referred to Sheet 4 on page 4 of the report. The parking spaces that are in the front of the building, the two closest to the main door will be designated as Handicap Parking. Planner Slaugh said they are proposing to eliminate the 7 parking spaces on the southwest side of the building and use a small area for loading and unloading. Planner Slaugh said they don't need 25 parking spaces and Sunday is the only day that the residents are allowed to have visitors. Planner Slaugh said in comment #6 on page 4, screening for off street parking areas, the applicant has submitted a plan and additional exhibits. Planner Slaugh presented photos. The following was marked into evidence: **A14**-4 photos existing vegetation/conditions dated February 7, 2012, photos taken October, 2011. Planner Slaugh reviewed for the board the photos. The following was marked into evidence: **A15**- Site Sections consisting of 2 photos dated February 7, 2012. Planner Slaugh reviewed for the board the two additional photos. During the testimony on the landscaping and buffering, Planner Slaugh said they did not want to do a lot of buffering because of the rural character and did not want to close off all views to the site. Planner Slaugh said there is a recommendation from Engineer Risse noting that curbing has not been provided. Planner Slaugh said they are requesting not to provide curbing. Regarding solid waste, Planner Slaugh said this was covered by Dr. Odunlami in his testimony. Planner Slaugh referred to comment #11 "Meditation Labyrinth" in Engineer Risse's report. The following was marked into evidence: **A16**-photo of the Meditation Labyrinth. Planner Slaugh explained to the board via the photo what a Meditation Labyrinth is.

Planner Slaugh referred to #12 which deals with soil disturbance. The applicant will be filing an application with Hunterdon County Soil Conservation District to see if the limit of disturbance with the landscaping, gravel walkways, meditation labyrinth, entrance fence and the free standing signs is required. Planner Slaugh said the septic system will need to be enlarged for this project which is also included with the limit of disturbance application that they will be filing with County Soil Conservation District. Planner Slaugh said the applicant will be providing landscape planting bed which will surround the free standing signs. Planner Slaugh said in referring to Sheet 6-Lighting Plan said they will have the lights turned off no later than 10:00 p.m. with the lighting on the signs staying on. Planner Slaugh said there are essentially 3 lighting standards that have to be met for a lighting plan, 1) requires an average of 1.0 foot-candles with a minimum of luminance of 0.2 foot foot-candles and a ratio in between those foot candles. Planner Slaugh said they are at a 1.2 which they are exceeding the 1.0, because they can't meet the 1.0 standard. This is why they requested a design waiver. Also, they will agree to a nighttime lighting test/inspection which will be prior to a C.O. being issued. Planner Slaugh continued going through Engineer Risse's report and said they will comply with the items on Sheet 8 – Details which refer to the ADA parking.

On Sheet 1 – Architectural Plan regarding the proposed floor plan & Sheet 2 – Architectural Plan- proposed exterior elevations; Planner Slaugh said the Architect will cover those items in his testimony. Planner Slaugh concluded by saying the items listed under General which includes H.C. Planning Board, H.C. Soil Conservation, County Board of Health, NJDEP-Land Use Regulations, NJDEP-Div. Water Quality and NJDEP-Highlands Regulations they know that all these agencies they will need to comply with.

Planner Slaugh asked to have Planner Bolan's Report placed into evidence. The following was marked into evidence: **A17**-Planner Michael Bolan Report dated February 3, 2012. Planner Slaugh referred to Item #3 in the Report where Planner Bolan refers to the definition of Institutional/Public Uses clarifying that the definition of Institutional Uses covers hospitals in the I5 zone which was also testified to at the last hearing by Dr. Odunlami. Item #4 asks about the operational characteristics per Planner Slaugh which was also covered by Dr. Odunlami in his testimony at the last meeting. Item #5 Planner Slaugh referred to the Site Plan which is **A11** and the bulk variances for the two free standing signs. The new sign will be in the easterly corner and the existing sign which is in the ROW will be eliminated and the new sign will be moved from where the existing sign is located. The other sign will be located at the entrance off of Trimmer Road. The new signs will be solar powered. Planner Slaugh reviewed for the board their

Lebanon Township Planning Board
March 20, 2012
Page 3

proposal for the two signs and the buffering being proposed. Referring to Item #6, Planner Slaugh noted that this was covered earlier in his testimony. Item #7 – asks about the types of vehicles that will be providing supplies to the site. Planner Slaugh said that Dr. Odunlami testified that it would be a FedEx truck that would supply most of the supplies and any other items would be delivered by small box trucks. They would be unloading at the service entrance. Planner Slaugh said that Dr. Odunlami said they would be receiving about 2 truck deliveries per week. Item #8 refers to the screening of the parking areas. Planner Slaugh this has been addressed. Item #9 refers to the dedication of a consistent ROW half-width along Trimmer Road which was discussed at the Informal. Planner Slaugh said the property owner has agreed to the dedication. Item #10 has been addressed in Engineer Risse's letter. At the conclusion of Planner Slaugh's testimony, Chairman MacQueen announced that the board will take a short recess at 8:20 p.m. When the board reconvened at 8:31 p.m. Chairman MacQueen asked if the board had questions of the witness.

Engineer Risse asked if they could relocate the driveway away from the conservation easement and bring it closer to the intersection and put plantings around the entrance sign. Planner Slaugh said he does not know of any limitation to prevent the request. Engineer Risse said if you relocate the driveway closer to the intersection then it would possibly eliminate the second sign. Planner Slaugh said it would depend on how wide the driveway would be. Mr. Rich said he likes Engineer Risse's suggestion to relocate the driveway for safety reasons and the possibility of eliminating the variance if necessary for the second sign. Ms. Bleck asked about the lighting at the entrance. Planner Slaugh said there would be two lights at the entrance. It would be on the scale of residential lighting. Mr. Rich asked Planner Bolan about the curbing and didn't see a need for any curbing. Mr. Rich wanted to know why we require curbing in the ordinance. Planner Bolan said it is to direct water flow from the impervious cover on the site. Planner Bolan didn't see the need for curbing since this is a low intensity use. Mr. Skidmore asked why they are not having the entrance off of Route 513 instead of Trimmer Road. Planner Slaugh said there is a high point that is south of this property where the slope is 12' higher than the building. Planner Slaugh said that counties usually prefer that you have your entrance off a local road if possible.

Chairman MacQueen asked if Planner Bolan had any questions. Planner Bolan asked Planner Slaugh to elaborate on the variance for the signage. Planner Bolan noted there was testimony on the public safety benefit and asked about the negative criteria, the substantial benefit to the public good and the impairment to the zone plan. Planner Slaugh said he did mention in his testimony they wouldn't be any impairment to the zone plan. Planner Bolan asked since this is a corner lot if it had any bearing on having two signs. Planner Slaugh said no, since one sign would be down on Trimmer Road at the entrance. The lot is 15 acres in a 5 acre zone. Two signs wouldn't be a problem. Chairman MacQueen said during the site investigation was the FedEx Box was still there. Attorney Tubman said no. Chairman MacQueen referred to the Trimmer Road entrance and felt having the entrance up near Route 513 would be better, noting the County doesn't like a lot of openings off the county roads. Chairman MacQueen said the board goes by the recommendations of Engineer Risse. Chairman MacQueen noted that the parking spaces will be larger and said that was good. Also there should be shielding of all the lights on the building. Planner Slaugh said the lighting will be down cast. Chairman MacQueen asked if there would be lighting from Trimmer Road to the building. Planner Slaugh said yes. Mr. Milkowski expressed concern with the entrance being on Trimmer Road and felt it should be off a main road being Route 513. Also it would eliminate the second sign. Attorney Tubman said they will talk to the County about the driveway entrance. Chairman MacQueen noted that the entrance off of Route 513 would be a decision by the County not the Planning Board. Mr. Schmidt asked Engineer Risse about the elimination of the 7 parking spaces. Engineer Risse said it takes care of a couple of issues.

At the conclusion of the board's questions of Planner Slaugh, Chairman MacQueen opened the hearing to the public for questions. The following people asked many questions of Planner Slaugh: Marie Sydor, Jeff Thompson, Margaret Stasick, Karen Verso, John Lloyd, James Kennedy, Lisa Falkenstern and Ruth Bleming. Chairman MacQueen announced that the board will be adjourning at 10:00 p.m. At this time, Attorney Caldwell had questions of Planner Slaugh on behalf of his clients. At the conclusion of Attorney Caldwell's questions of Planner Slaugh, Attorney Caldwell asked Attorney Tubman who her next witness would be. Attorney Tubman said their Engineer. Chairman MacQueen asked Ms. Glashoff for the next meeting date. Ms. Glashoff said the continuation of this application will be on April 24, 2012 at 7:00 p.m. Attorney Gallina made the announcement to the public.

CORRESPONDENCE:

- a. AHPNJ Article – Court Ruling on COAH b. New Jersey Planner

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Milkowski to adjourn the meeting at 10:00 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK