

REGULAR MEETING

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

July 27, 2021

The 937th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:02 p.m. by Chairman Gary MacQueen. Present were: Ms. Koehler, Mr. Duckworth, Mr. Schmidt, Mr. Abuchowski, Mr. Skidmore, Attorney Gallina, Engineer Bayer and Engineer Kozoh. Excused were: Ms. Bleck, Mr. Piasecki, Mr. Rich and Mr. Weiler.

Notice of this meeting was published in the Hunterdon Review on June 23, 2021. Copies of the agenda were faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News and Star Ledger and posted on the Lebanon Township website and bulletin board in the Municipal Building on June 25, 2021.

PRESENTATION OF MINUTES: June 15, 2021 Regular Meeting

Motion by Ms. Koehler and seconded by Mr. Skidmore to approve the minutes with a minor correction. Unanimously approved.

ITEMS FOR DISCUSSION:

ORDINANCES FROM TOWNSHIP COMMITTEE FOR COMMENT

a. Ordinance No. 2021-07 (Cannabis) T

The Township Committee opted out of all six marketplace classes. No comments were made by the Board. A motion was made by Mr. Duckworth and seconded by Mr. Abuchowski to send the ordinance back to the Township Committee for adoption.

ROLL CALL: Those in favor: Ms. Koehler Mr. Duckworth Mr. Schmidt
Mr. MacQueen Mr. Abuchowski Mr. Skidmore

Those opposed: None

b. Ordinance No. 2021-08 (Signs)

The Board expressed a number of concerns about the ordinance. They include 1) the proximity of signs being too close to the municipal building and on municipal properties, 2) no start date was identified, which appears to give the opportunity for signs to be posted all year long, 3) the square footage of the signs is overly generous, 4) the discrepancy in the amount of time a successful versus unsuccessful candidate should have to remove their signs, 5) whether banners are included in the ordinance and 6) clarification is needed on whose responsibility it is to remove signs. A motion was made by Ms. Koehler that the Planning Board advises the Township Committee to table the ordinance until the comments of the Planning Board can be considered. Seconded by Mr. Abuchowski.

ROLL CALL: Those in favor: Ms. Koehler Mr. Duckworth Mr. Schmidt
Mr. MacQueen Mr. Abuchowski T

Those opposed: None

Those Abstained: Mr. Skidmore

c. Ordinance No. 2021-09 (Highlands, Subdivision of Land, Zoning, Land Use Procedures)

This was initially introduced when Mr. Risse was the Engineer. At that time, the feeling of the Board was to keep the fees low. Mr. Bayer stated the Escrow fees for the more intensive geologic studies are higher because they require more time. A comment was made by Mr. Duckworth regarding a minor typo on page one and Mr. Duckworth pointed out on page two, subsection A.(2)(b.) that the Board raised the Escrow account balance to 50% while the document shows 25%. A motion was made by Mr. Duckworth and seconded by Mr. Skidmore to send the ordinance to the Township Committee for approval with the corrections.

ROLL CALL: Those in favor:	Ms. Koehler	Mr. Duckworth	Mr. Schmidt
	Mr. MacQueen	Mr. Abuchowski	Mr. Skidmore
Those opposed:	None		

MINOR SITE PLAN/BULK VARIANCES AND PUBLIC HEARING:

Brookside Farms	Block #7 Lot #3
Greg DeStefano	Route 31 B2 Zone
2027 Route 31 Glen Gardner, NJ 08826	

Attorney Galina announced that all the notices were in order and the Board could proceed with the hearing. The following items were marked into evidence: A1-Affidavit of Service, A2-Certified List of Property Owners and Utilities in Lebanon Township, A3-Certified List of Property Owners and Utilities in Union Township, A4-Notice of Hearing, A5-Certified POD Mailing Slips, A6-Notice of Newspaper Publication, A7-Certification of Taxes Paid.

Attorney John R. Lanza, Planner/Engineer Wayne Ingram and applicant Greg DeStefano were present to discuss the minor site plan and bulk variances. Attorney Lanza asked to have the following marked into evidence: A8-Variance Site Plan prepared by Engineering and Land Planning Associates, Inc. signed by Wayne J. Ingram, PE initially dated December 3, 2020 and updated April 29, 2021, A9-Photographs, A10-Greenhouse Specifications, A11-Awning Specifications, A12-Property Record and Appraisal Card.

Mr. Ingram was sworn in to give testimony. Referring to page 1 of 2 of the variance site plan, he described the property as a triangular shape, with State Route 31 on the northeastern side of the property and the Spruce Run to the south. The building is located in the southeastern corner of the lot and is not entirely on the property, but also on State of New Jersey land and in the DOT right-of-way. The property has been used by the applicant as a garden center and farm stand. The site plan depicts various areas of storage and a display that changes based on the season. There are five parking stalls adjacent to the building and ten potential stalls located in the rear of the gravel area. In the northwest corner are two existing billboards. Two road openings provide access to the site from Route 31. Seasonally installed shade structures and a greenhouse are shown on the plan. Mr. Ingram explained that the property is constrained for a number of reasons including its triangular shape and proximity to the Spruce Run. The fence, currently located in the right-of-way, is being proposed to be moved so as to be consistent with the property line. No changes to the size of the structure, utilities, lighting, access

points or regrading are proposed. The intent is to legalize what is existing and seek approval for temporary structures and legalize existing signage.

Referring to page 2 of 2, Mr. Ingram described the various signs existing on the property and listed the variances being proposed due to existing nonconforming conditions. This includes: a requirement for a 1.5 acre lot where there is 1.23 acres, a minimum front yard setback of 50 feet where zero feet exists, lot coverage is calculated to be 53.96% where 40% is permitted, two billboards exist where billboards are prohibited and for a pre-existing roof sign on the structure. Additional variances being requested are the rear yard setback for proposed greenhouse at 35 feet where 50 feet is required, front and rear yard setback for the seasonal shade structure at 6 feet proposed where 50 feet is required. A variance for maximum area of signs attached to the building currently at 55 square feet where 30 square feet is permitted, variance for three free standing signs where one is permitted, variance for permitting a changeable information sign and internal illumination of the neon "open" sign on the building. Variance for two trailers which are proposed to be relocated from out of the right-of-way to a more centralized part of the lot maintaining the setbacks as required, and a second temporary shade structure to be installed over additional stock.

Attorney Lanza asked if the material storage would impact upon the site distance at the driveways. Mr. Ingram replied no. When asked if any of the signs would impact site distance at the driveway, Mr. Ingram replied he did not believe so, that the majority of signs are attached or adjacent to the building and the free standing sign is outside of any site triangles. When asked the size of the farm market building, Mr. Ingram stated it is calculated to be about 981 square feet. When asked how this relates to parking requirements, Mr. Ingram stated that ten spaces are required where fifteen are on the site. This concluded Attorney Lanza's questions.

Chairman MacQueen asked if there were any questions from the Board. When asked by Mr. Schmidt about the approximate location of existing well and cesspool, Mr. Ingram stated these are features that are shown on historic maps, are buried and were not found during the more recent survey that was done. He could not confirm whether the well was actively being used. Attorney Lanza stated the applicant would address questions about the well and cesspool. When asked if the temporary shade structure will interfere with line of site and how it is secured, Mr. Ingram replied that it would not interfere with line of site and he defers to the applicant to answer how it will be secured. When asked if the trailers will be moved out of the right-of-way, Mr. Ingram replied they will be relocated.

When asked by Mr. Duckworth how many new temporary structures are being proposed, Mr. Ingram replied five, which include the shade structure adjacent to the building, the shade structure over the stock, the greenhouse and the two trailers. When asked whether the lot coverage amount provided includes the temporary structures, Mr. Ingram stated they would be placed over existing gravel areas so it does not result in a change. 4 When asked by Chairman MacQueen what is located in the current storage area, Mr. Ingram replied nursery stock, which changes seasonally. When asked if the equipment would be moved to one spot, Mr. Ingram deferred to the applicant. When asked if the handicap stall would be located on gravel or blacktop, Mr. Ingram replied it is broken pavement, flat and compressed.

Engineer Bayer asked about the finish of the greenhouse and shade structure and Attorney Galina stated the information is on the exhibits. Engineer Bayer said he spoke to Planner Kyle who stated that all of the signs have to be out of the NJDOT right-of-way. Mr. Ingram replied that the State sign code states that a permit is not needed if an exterior sign advertises the business. A permit is needed if a product was being advertised, for example "mulch" or "pies".

At this time, no further questions were asked of Mr. Ingram and Mr. DeStefano was sworn in to give testimony. Mr. DeStefano stated he has been operating the business since 1987 which is open from April to December, 9AM-6PM seven days a week. He stated some of the products he sells includes produce, mulch, shrubs and pottery. Attorney Lanza asked Mr. DeStefano to describe the greenhouse and shade structures. Mr. DeStefano stated their purpose, proposed location and how they would be secured. Mr. DeStefano was asked what type of health facilities are on site to which he replied a portable restroom. When asked where the water supply comes from, Mr. DeStefano replied there is a well near the building though most of the water he uses is pumped from the Spruce Run, which he has a permit to do from the Department of Agriculture. There is no running water in the building. When asked about the history of the cesspool, Mr. DeStefano replied he was told two cabins previously existed on the property which utilized the cesspool. At this time, Attorney Lanza referred to evidence A9 (Photographs), asking Mr. DeStefano to identify and describe the pictures and explain what is proposed in the various locations.

The Board asked questions of the applicant and Mr. Ingram. Engineer Bayer stated he would like to see the second shade structure identified on the site plan and confirmation that the ADA route meets the standards. Chairman MacQueen asked if any interested parties had questions or comments for Mr. DeStefano or Mr. Ingram. There were none. Chairman MacQueen asked for a motion to close the public hearing. A motion was made by Ms. Koehler and seconded by Mr. Skidmore. Unanimously approved.

The Board deliberated and site plan approval was granted subject to the following conditions: outside agency approvals, payment of necessary fees and escrows, designated storage areas and dimensions shown on the site plan, ADA parking space upgrade and accessibility route shown on the site plan, sign number six to be removed, the existing fence to be moved within the property line, any new construction must comply with the requirements set forth in Engineer Bayer's June 1st, 2021 letter and the second shade structure must be shown on the site plan. Variance relief being sought for the following includes: lot size, front yard setback, rear yard setback, two existing billboards, setbacks for greenhouse and shade structures, size of signs attached to the building, two free standing signs, a neon sign, a changeable information sign, an internal illumination sign and number of accessory structures. A motion was made by Mr. Skidmore, seconded by Mr. Duckworth to grant site plan approval with variances based on these conditions.

1. Following conditions for Bulk Variances:

- a. Pre-existing undersized lot area of 1.23 acres with a minimum lot size of 1.5 acres in the B2 zone.
- b. Minimum front yard per ordinance is 50 ft. zero exist.
- c. Minimum rear yard per ordinance is 50 ft. zero exist.

- d. Pre-existing non-conforming of 2 billboards.
- e. Proposed Greenhouses – rear yard setback per ordinance 50 ft. proposed 35 ft.
- f. Proposed front yard setback for seasonal shade structure 6 ft. per ordinance 50 ft.
- g. Proposed rear yard setback for seasonal shade structure 6 ft. per ordinance 50 ft.
- h. Pre-existing area of 55 ft. for signs currently attached to the building, only 30 sq. feet permitted per ordinance.
- i. Two freestanding signs, only one permitted per ordinance.
- j. Neon sign, not permitted per ordinance.
- k. Changeable information sign and internal illumination sign, not permitted per ordinance.
- l. To permit 6 accessory structures on a lot under 1.5 acres.
- m. Existing coverage on lot is 53.96%, only 40% permitted per ordinance.

2. Applicant also granted Site Plan and related Bulk Variance approval as followed:

- a. Applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction, including but not limited Hunterdon County Soil Conservation, NJDEP, Highlands Council, NJDOT, and any permits that may be required for the shade awnings.
- b. The Applicant will pay all necessary fees and escrows in connection with the application, including inspection fees as required under ordinance 400-54F. The Applicant shall be under a continuing duty to maintain a positive escrow account balance until all conditions have been satisfied and all charges paid.
- c. The detail of the ADA parking shall be shown on the Site Plan. The space shall be paved and the access route to the farm stand building shown on the Site Plan.
- d. The freestanding sign shown as Sign #6 on the Signage Plan will be removed.
- e. The Site Plan shall show the 6 proposed outside storage areas. The outside areas will be separated by concrete dividers. The dimensions of the areas will be shown and the general type of storage such as mulch, stone, etc. in each area identified, being noted that the Applicant storage may change with the season.
- f. The additional 20 foot by 40 foot awning to be placed in the center portion of the site will be shown on the Site Plan.
- g. Any existing fence will be moved to within the property line, if replaced with a new fence will be located within the property line and shown on the Site Plan.
- h. An amended Site Plan incorporating the required changes will be furnished and reviewed and approved by the Board Engineer.
- i. For any new structures or additions to the site, as shown on the Site Plan, the Applicant shall schedule and participate in a pre-construction meeting prior to commencement of construction. The meeting shall be attended by the Applicant, his contractor and representative of the Hunterdon County Soil Conservation District.
- j. Any necessary permits shall be obtained within 18 months of the date of the adoption of this Resolution. (The Applicant is advised that pursuant to Ordinance Section 45-20, if an extension of this time period is needed, the request must be made in writing prior to the expiration of the 18 month period.

