

REGULAR MEETING

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

August 4, 2015

The 892nd Regular Meeting of the Lebanon Township Planning Board was called to order at 7:02 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Piasecki, Mr. Rich, Ms. Bleck, Mr. McKee, 1st Alternate Gerlich, 2nd Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Bayer. **Excused:** Mr. Weiler.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 13, 2015, 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 July 29, 2015.

PRESENTATION OF MINUTES: June 2, 2015 Regular Meeting

Motion by Mr. Piasecki and seconded by Ms. Bleck to approve the minutes as presented. Unanimously approved.

June 2, 2015 Closed Executive Session with Township Committee

Motion by Ms. Bleck and seconded by Mr. Piasecki to approve Executive Session minutes as presented. Unanimously approved.

FYI:

Applicant applied to DEP for a "Treatment Works Approval" for malfunctioning septic disposal systems for 8 apartments on Route 513 Block #12 Lot #14 B1 zone.

Chairman MacQueen asked why this was on the agenda. Ms. Glashoff said since the applicant applied to the DEP, a copy of the application was sent to the Planning Board.

Adopted Highlands Resolutions for the RMP Conformance Modules 2, 3, & 7 and Plan Performance Grant Program.

The following items were filed with the Superior Court on or before July 8, 2015:

- a. Complaint for Declaratory Judgement & Motion for Temporary Immunity
- b. Certification of Professional Planner Bolan in Support of Declaratory Judgement

Ms. Glashoff stated with everything that is going on with Affordable Housing and the Court, if any board members are approached they have all the information that was sent to the Court back before July 8th in order to answer any questions.

Ms. Glashoff informed the board that Mr. Newman has withdrawn his application and will not be pursuing a minor subdivision, instead he will be filing for an exemption for a single family house only.

INFORMAL:

James Newman	Block #10 Lot #41
2246 Ivy Road	Buffalo Hollow Road RC 7½
Charlottesville, VA 22901	

Discuss creating a 1 lot Minor Subdivision with an existing 50' ROW.

APPLICATION FOR COMPLETENESS W/WAIVERS:

Muller Toyota	Block #4	Lot #1
Minor Site Plan w/variances	Route 31	B2

Attorney Winter and Engineer Modzelewski were present to discuss completeness and the waivers being requested. Attorney Winter said the 3 waivers being that had been requested were from Items #13, 14, & 15. Attorney Winter said they have submitted applications to the County Planning Board, Soil Conservation and County Board of Health. Per Attorney Winter, Ms. Glashoff has copies of these applications for her file. Chairman MacQueen asked Engineer Bayer since the applications have been submitted does everything else look good for the board to deem the application completed. Engineer Bayer said yes. There were no questions from the Board. Motion by Mr. Piasecki and seconded by Mr. Rich to deem the application for a minor site plan and variances complete.

ROLL CALL	Yes: Mr. Milkowski	Mr. Piasecki	Ms. Bleck	No: None
	Mr. Schmidt	Mr. Rich	Mr. McKee	Absent: Mr. Weiler
	Mr. Gerlich	Mr. MacQueen	Mr. Skidmore	

Lebanon Township Planning Board
August 4, 2015
Page 3

said yes. Engineer Modzelewski said they are going to repave the parking lot, also the dumpsters are going to be located where the sheds use to be. Planner Bolan asked about the elevations because it was only showing partials. Engineer Modzelewski said it's because of where the signs will be. Planner Bolan noted the doorway to the showroom in the front, there are two and asked if one was going to be eliminated. Engineer Modzelewski said yes and there will only be the one doorway under the façade.

The next witness to be sworn in was Traffic Engineer/Planner Joseph Staigar. Planner Staigar stated there are 2 variances that are being requested. One being the size of the sign and the other being the illumination. Planner Staigar addressed the positive criteria referring to the C1 & C2. The C1 being an exceptional situation with this property and related to this property would result in exceptional difficulties if the ordinance standards were upheld. The C2 criteria and the benefits from the deviations from the ordinance standards outweigh any detriments that would be created by the deviation. The negative criteria is that the variance can be granted without substantial detriment to the public good and the intent and purposes of the ordinances. Pertaining to the C1 criteria, this site is a relatively large site. The lot is 3.35 acres and the zone requires 1.5 acres which this lot is more than double the size required for this zone. The building size and the setbacks are larger than what is required by ordinance. The setback from Route 31 is 102.6' and required is 50' and the lot width is 916.9' and required by ordinance is 200'.

Planner Staigar noted this property has two frontages, one being Route 31 and the other Van Syckle's Road. Route 31 is a high speed high volume road at 50 mph and noted the annual daily traffic is 30,000 vehicles per day that travel Route 31. All these factors play into the size of the sign that is appropriate for this site. Planner Staigar stated that this site has a more demanding visual requirements to the motorists. This is the reason why they are requiring the size of the sign. The sign package is coordinated with the size of the building. Planner Staigar went over the signage needed for the site. At the conclusion of Planner Staigar testimony, Chairman MacQueen asked if the board had any questions. There were none. Planner Bolan nor Engineer Bayer had any questions of Planner Staigar.

Attorney Winter said this concludes their testimony. Chairman MacQueen opened the hearing to the public for questions or testimony. There were none. The Chairman then opened the hearing for comments or statements. There were none. Chairman MacQueen asked Planner Bolan if he had any comments. Planner Bolan noted that Muller got a Highlands Exemption #4 from the State a while ago for the project across the road before the Township had the ordinance in place to do the Exemptions. Planner Bolan stated that Muller should not have to apply for an exemption for this property and asked that Attorney Gallina address this in the Resolution under findings of fact by saying item #7 is consistent with Exemption #4. Planner Bolan stated that the applicant has provided the information and we need to have it acknowledged in the Resolution. Engineer Modzelewski said there will be no increase in the impervious coverage on the site. Planner Bolan referred to the Highlands regulations noting on Sheet 4 of the site plan Note 10 indicates the building renovation and associated site improvement upgrades will disturb less than one acre of soil and will create less than ¼ acre of new impervious cover. Planner Bolan stated since this is a minor site plan it is exempt from Highland rules. Under Exemption #4 it permits an increase of ¼ acre of impervious coverage and up to 125% of the existing impervious surfaces and the proposed development is consistent with Exemption #4. The impervious coverage in this case is being reduced per Planner Bolan. At the conclusion of Planner Bolan's testimony, there were no questions from the board. Chairman MacQueen opened the hearing to the Public for questions of the Planner, there were none.

At this time, Chairman MacQueen asked for a motion to close the public portion of the hearing. Motion by Ms. Bleck and seconded by Mr. Rich to close the public portion of the hearing. Unanimously approved. The board deliberated at this time. Motion by Mr. Piasecki and seconded by Mr. Gerlich to grant the Minor Site Plan/Variations and Design Waivers with the following conditions:

- a. Proof of Taxes being current for third quarter.
- b. Approval from all outside agencies having jurisdiction.
- c. All fees and Escrow monies are current

ROLL CALL	Yes: Mr. Milkowski	Mr. Piasecki	Ms. Bleck	No: none
	Mr. Schmidt	Ms. Rich	Mr. McKee	Absent: Mr. Weiler
	Mr. Gerlich	Mr. MacQueen	Mr. Skidmore	

Attorney Gallina will prepare the Resolution to be on the Agenda for September 1, 2015.

GREEN TEAM DOCUMENTS:

Enclosed are the Green Team Documents that I had originally emailed to all of you. Per Committeeman Laul the Planning Board needs to acknowledge receiving them for future consideration. Township Committee has already approved these Documents.

Ms. Glashoff will forward the agenda and minutes to Committeeman Marc Laul.

Lebanon Township Planning Board
August 4, 2015
Page 4

ITEMS FOR DISCUSSION:

- a. 2 Memos from Attorney Cushing re: Affordable Housing Dated: July 1st & July 13th, 2015.
- b. Update on Affordable Housing from Fair Share Housing Center

The board acknowledged the memos and update on Affordable Housing with no discussion.

PRESENTATION OF BILLS & REPORT:

a. Gebhardt & Keifer	\$ 217.78
b. John Gallina, Esq.	\$ 145.00
c. Michael Bolan, PP	\$2,759.20
d. Bayer/Risse Engrs.	\$1,020.01
Total:	\$4,141.99

Ms. Glashoff stated there was one additional bill that was listed on the Agenda Addendum from Planner Bolan for **\$326.60** bringing the grand total to: **\$4,468.59**. Motion by Mr. Gerlich and seconded by Mr. Rich to approve the bills as amended. Unanimously approved.

CORRESPONDENCE: a. Law of the Land Articles b. NJPO Newsletter

Being no further business to come before the board, nor comments from the public, motion by Mr. Rich and seconded by Ms. Bleck to adjourn the meeting at 8:12 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK