

REGULAR MEETING

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

October 18, 2016

The 901st Regular Meeting of the Lebanon Township Planning Board was called to order at 7:03 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, , Mr. Piasecki, Mr. Rich, Mr. Weiler, 1st Alternate Gerlich, 2nd Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. McKee, Ms. Bleck.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on February 2, 2016, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin in the Municipal Building on October 12, 2016.

PRESENTATION OF MINUTES: September 20, 2016 Regular Meeting

Motion by Mr. Gerlich and seconded by Mr. Piasecki to approve the minutes as presented with Chairman MacQueen abstaining. Unanimously approved.

AMENDED ORDINANCE: Chapter 400 Section 400-A Definitions (delete: indigenous and/or) Introduced at Township Committee on October 5, 2016 Public Hearing on November 2, 2016 **(Any comments or changes?)**

After a brief discussion, motion by Mr. Rich and seconded by Mr. Weiler to send the Amended Ordinance back to the Township Committee for a public hearing on November 2, 2016. Unanimously approved.

FYI: Per Ordinance Section 400-10E Home Occupation Block #17 Lot #30.01 RC
Stan O'Rear Califon-Cokesbury Road
Stan O'Rear Carpentry/Home Improvements

The board reviewed the application from the Zoning Officer. The Board did not have a problem with the approval granted by the Zoning Officer.

NEW BUSINESS:

Fred & Ryann Westphalen Block #49 Lot #1
688 Woodglen Road Woodglen & Anthony Roads RC
Glen Gardner, N.J. 08826

PUBLIC HEARING Preliminary & Final Site Plan Sections #400-25 & #400-31
8 Stall Horse Barn & Indoor Riding Arena **(Revised Barn plans will be handed out at meeting per Engr. Risse)**

Present to represent the applicant was Engineer Chris Nusser from E&LP. 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-Certified List of Property Owners & Utilities, A3-POD Slips, A4-Affadavit of Proof of Service, A5-Notice of hearing to property owners, A6-Notice in the Newspaper, A7-Letter from H.C. Board of Health dated August 4, 2016.**

Engineer Nusser & Ryann Westphalen were sworn in at this time to give testimony. Engineer Nusser asked to have the following marked into evidence: **A8-Site Plan** prepared by E&LP Engr. dated February 16, 2016 and revised September 15, 2016. Engineer Nusser noted that the property is in the RC 7½ zone and complies with the Bulk Requirements. The property at present consists of 14.04 acres with a home, in-ground pool & 1 story block building. Engineer Nusser stated the horse barn which is 66x36 (2,376 sq. feet) will consists of 8 stalls, 1 wash stall, feed room, tack room and bathroom. The bathroom will be for personal use only. The septic system for the home can accommodate the bathroom in the barn. Engineer Nusser informed the board that the parking area has already been constructed and will accommodate 5 parking spaces. The entrance and exit for the parking area is off of Anthony Road. The in-door riding arena will consist of 12,320 square feet and the outdoor gravel riding arena will consist of 13,720 square feet. An 8x8 manure waste storage area will be located behind the horse barn and the 10x10 trash enclosure will be board on board fencing. Engineer Nusser referred to the lighting. There are 2 25' high flood lights. There will be no light spill over to the neighboring properties or on to

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the road. There will be 6-10' mounted flood lights and 3-10' mounted flood lights on the in-door riding arena. Engineer Nusser said the lighting purposed is reasonable and appropriate. The lights will come on 30 minutes prior to sunset and remain on until 9:00pm. Regarding the rest of the existing lighting on the property, the lighting poles start at 4.5' in height to 25' in height which covers the parking lot, outdoor riding arena and the horse barn. If the board has concerns with the lighting nearest to homes over 500' away, they will entertain the board's concerns to mitigate that. If necessary there will be shielding from the adjoining residences if necessary.

Engineer Nusser referred to the three items that needed to be addressed in Engineer Risse's letter and asked if the lighting layout they are proposing was satisfactory to Engineer Risse. Engineer Risse said it is up to the board. Engineer Nusser then referred to the bathroom in the barn which is connected to the septic system for the main house and has been approved by the County Board of Health. The bathroom in the barn is for the use by the family only. The wash stall is located next to the tack room. The wash stall does not have any drains in it and will not be connected to the septic system. The wash water will run out of the barn and dissipate into the ground. Engineer Nusser stated they revised the stormwater management report and submitted it on September 15th and they addressed all the comments by Engineer Risse and if there are any items that still need to be addressed they will work it out with Engineer Risse. Engineer Risse said there were a couple of minor issues they can work out also the water from wash stall will just go out into the ground. Engineer Nusser said yes. Chairman MacQueen said he never heard of that happening. Ms. Westphalen said she spoke to the County Board of Health today and they were good with how they were handling the water from washing of the horses. Chairman MacQueen said he thought that the water from the washing of horses would need to go into a drainage system. Ms. Westphalen said in discussing this with the County Board of Health they did not have a problem with it. Chairman MacQueen said the board would need a letter from the County Board of Health stating that it wasn't a problem because this doesn't make any sense at all. Mr. Schmidt asked if the water from washing the horses could be directed into the stormwater catch basin. Chairman MacQueen said he has seen when it is directed into a drainage system or seepage tank opposed to it running across the lawn. Engineer Nusser said it will cross over the gravel outdoor riding ring. Chairman MacQueen asked if the outdoor riding ring was going to be gravel. Ms. Westphalen said it is sand and cori processor/dust. Mr. Gerlich asked how many horses would be bathed per week. Ms. Westphalen said an average of 3 horses per day during warm months.

Chairman MacQueen asked if they were going to be a boarding facility. Ms. Westphalen said they currently board some horses and have a few horses of her own. Chairman MacQueen asked with an indoor riding arena if they were planning on holding any horse shows. Ms. Westphalen said no. Chairman MacQueen said you could have 8-10 people per day show up for riding lessons. Ms. Westphalen said yes. Chairman MacQueen noted then you could be washing down 8-10 horses per day. Ms. Westphalen said she doesn't have the capacity to give 8-10 riding lessons per day, but that she said it would be more like 2-3 riding lessons per day and some days none.

Chairman MacQueen asked if the board had any questions of the applicant. Mr. Gerlich asked about the exterior of the barn and if they were going to paint it a neutral color. Ms. Westphalen said they would paint it a neutral color. Mr. Schmidt asked if there would be any jumping in the indoor arena. Ms. Westphalen said yes. Will you be proposing any type of viewing room for people to watch. Ms. Westphalen said there will be an area in the tack room for people to watch. Mr. Skidmore asked if there are horses on the property now and asked how many. Ms. Westphalen said currently 11 horses. There is an existing barn on the property now which has 5 horse stalls and with the new barn they will be able to house 13 horses. Ms. Westphalen said about 3 horses are ridden per day. Mr. Skidmore said his concern is businesses grow and wanted to know what the game plan would be down the road. Ms. Westphalen said she would be willing to put a cap on the number of horses that she would have on the property. Chairman MacQueen asked about the overflow from the water retention area that is on the southeastern part of the property and noted there was a rip rap apron on the end of it. Response was yes. Chairman MacQueen asked if that would be in a field area. Response was yes. Ms. Westphalen said it would not be in a fenced area. Chairman MacQueen asked if they were only looking for a once per week delivery with a horse trailer. What if 4 people show up with horse trailers for riding lessons. Ms. Westphalen stated there are no current people who do that and she was not expecting any more than once per week.

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Chairman MacQueen said that he is still not happy about the way the waste water from the wash stall is dispersed. Mr. Rich asked who could give the board guidance on it. Engineer Risse if it is an agricultural guidance practice there should be something in writing to that affect. Mr. Schmidt noted there are many indoor riding arenas in Tewksbury and asked how those facilities handle it. Engineer Risse said the wash stalls are hooked up to a septic system and it is based on 65 gallons per wash stall per day. Chairman MacQueen reiterated that the board will need a letter from the County Board of Health. Chairman MacQueen referred to the existing lighting that is shown on the plans all over the fields and asked if these were just spot lights. Engineer Nusser said there are 6 lights south of the building 2 flood lights are 25' in height and the remaining lights are 4.5' in height 80 watts which are walkway lights. Mr. Rich asked Engineer Risse if this lighting plan conforms to our ordinance. Engineer Risse said the lighting plans confirms but those lights that need shielding aren't shown. Mr. Rich said then they need to conform with the shielding. Engineer Risse said there is lighting for the outdoor riding arena that has already been built. The board continued to discuss the lighting at length. The board asked the applicant if they would agree to some reasonable timing regarding the lighting. Ms. Westphalen said yes. It was noted that the plans need to be updated to reflect what is actually on the site.

Planner Bolan noted the plan shows that lights would be off by 9:00 pm but by a switch. There is no guarantee that will happen. To guarantee the lights will be off, they need to have a timer on them. Engineer Risse stated that a light test should be done. Planner Bolan noted that the light detail on Sheet 4 of the Site Plan should be revised to show all existing and proposed lighting and that the detail for pole mounted lights should also be indicated. Engineer Nusser informed the board that no new pole mounted lighting is proposed. Engineer Risse reiterated that the Site Plan should show all existing and proposed lighting details and a light test pursuant to the Ordinance requirements should be conducted.

Chairman MacQueen asked about the parking and was there a specific amount they can have. Planner Bolan said there are no parking standards in regards to this Site Plan. Engineer Nusser said they are providing 5 parking spaces which would be totally for clients. It was noted that the applicants park their vehicles by their residence and also that the loading area and the existing barn are used only by the applicants. The board discussed with the applicant the number of horses that would be on the premises. Ms. Westphalen indicated that she would agree to place a limit of 15 horses to be on the property at any one time. When the board asked about the proposed bathroom in the barn, Ms. Westphalen stated that the bathroom would only be for their personal use. There is a portable bathroom facility on the property for clients and visiting guest. Planner Bolan referred to the horse trailers that would be coming to the property. Ms. Westphalen informed the board that only one to two trailers would be on the property at any given time, also that parking is sufficient and would not be a problem.

At the conclusion of the questions of the applicant and Engineer, Chairman MacQueen opened the hearing to the public for testimony. Mr. Robert Mickel adjoining property owner testified that the area between his property and the applicant's wooded area, lighting was his only concern. Mr. Mickel stated that the proposed barn and riding facility are an asset to the Township and would be agriculturally friendly. At the conclusion of the public testimony, Chairman MacQueen asked Engineer Nusser to give a summation. At the conclusion of Engineer Nusser's summary of the testimony, Chairman MacQueen asked for a motion to close the public portion of the hearing. Motion by Mr. Piasecki and seconded by Mr. Weiler to close the public portion of the hearing. Unanimously approved.

The board deliberated at this time. During the discussion, the board decided that Site Plan approval for an 8 stall horse barn and a connected in-door riding facility is appropriate use in the RC zone. The barn and riding arena are permitted as an agricultural use. The applicant's property consists of 14.040 acres. Also, from testimony the parking will not be an issue with 1-2 horse trailers on site daily. Referring to the H.C. Board of Health letter, the septic system does not need to be expanded. At the conclusion of the board's deliberations, motion by Mr. Piasecki and seconded by Mr. Weiler to grant the Site Plan to construct an 8 stall horse barn and in-door riding arena with the following conditions:

- a. The applicant shall obtain all necessary approvals from outside agencies having jurisdiction.
- b. The applicant will pay all necessary fees and escrows payable in connection with this application.
- c. The applicants shall provide written evidence that the manner of the water disposal in the proposed wash stall in the barn is consistent with agricultural best management practices.

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- d. The Site Plan will be revised to show existing and proposed lighting. The applicant will have a light test performed in accordance with Ordinance section 400-431 to assure there is no light trespass. Outside lighting for the barn and riding arena shall be turned off by 9:00 p.m.
- e. The architectural drawings for the proposed barn and riding arena will be updated. The roofing and siding of the barn and riding arena will be painted a neutral color.
- f. The number of horses kept on the premises shall be limited to a maximum of 15.
- g. The barn will have a total area of 2,376 square feet and the attached indoor riding arena will have an area of 12,320 square feet. The dimensions and location of the barn and riding arena shall be as indicated on the Site Plan prepared by Wayne J. Ingram, Engr. dated 2/16/2016 last revised 9/15/2016.
- h. The applicant shall transport manure to the appropriate off-site location for treatment and disposal.
- i. The details of the stormwater management plan will be finalized and submitted to the Planning Board Engineer for review and approval.

ROLL CALL VOTE:

AYES: Mr. Milkowski, Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Rich, Mr. MacQueen, Mr. Weiler, Mr. Skidmore

NAYES: None

THOSE ABSTAINING: None

THOSE ABSENT: Mr. McKee, Ms. Bleck, Mr. Duckworth

Attorney Gallina will prepare the Resolution to be on the next Agenda of December 6, 2016.

ITEMS FOR DISCUSSION:

- a. Memos & Letter sent per PB**
- b. Memos from Zoning Officer Flemming**

In reviewing the memos from the Zoning Officer, the board questioned why the Little Brook property was included in the memo, since that was not a concern of the Planning Board. Ms. Glashoff stated she didn't understand why it was included since originally the Little Brook property had been a Board of Adjustment application from many years ago. Ms. Glashoff asked Mr. Milkowski to fill the board in on what has been going on with the property. Mr. Milkowski said this property has many issues and if the Township took over the property willingly, we would be responsible for any cleanup and issues with the property. Mr. Milkowski stated that he understands that the neighbor is willing to purchase the property and have the house torn down and restore the property and that is all he knows at this time.

In regards to the Cell Tower on the Melick property, Ms. Glashoff said she had been contact with Crown Castle's representative for the Cell Tower Co. and that she sent them a Site Plan/Variance packet so they can make application to the Planning Board regarding the lighting on the Tower. The board was very concerned that the Resolution for the Cell Tower has not been enforced since lighting is not a permitted use per the Ordinance for Cell Tower. Ms. Glashoff was asked to send a letter to the Township Committee asking them to have the Cell Tower Resolution enforced by the Zoning Officer.

Ms. Glashoff said she met with the Zoning Officer and Stinger Towing. Stinger Towing will be making every effort correct the storage problems that exist on the property and will be getting back to the Zoning Officer on the progress he makes in cleaning up everything outside of the fenced area. The Zoning Officer has not made contact with Davara per his memo. Also, Ms. Glashoff informed the board that the Zoning Officer has never been to Davara to make inspections per the Resolution for the Site Plan which is no less than twice per year. Ms. Glashoff informed the board that the Zoning Officer was

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made aware of the inspections per the Resolution. The Zoning Officer told Ms. Glashoff that he does not like the way the Board's resolutions are written. Ms. Glashoff informed the Zoning Officer she totally disagreed and that the board's resolutions are well written.

c. Response from Letter to Muller Toyota

Ms. Glashoff said that Bill Muller responded quickly to her letter and will resolve the issues ASAP regarding employees crossing Route 31 and the egress from the service building. Chairman MacQueen said he noticed that the employees at Muller and not running across Route 31 as much as they used too.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$362.25
b. Michael Bolan, PP	\$387.80
c. Gail Glashoff – Staples	\$ 19.25
	Total: \$769.30

There was one additional bill for Bayer/Risse Engrs. for **\$765.00**, bringing the grand total to **\$1,534.30**. Motion by Mr. Gerlich and seconded by Mr. Rich to approve the bills as amended. Unanimously approved.

CORRESPONDENCE: a. Law of the Land Articles (3)

Mr. Schmidt said since he has been on Buffalo Hollow Road a lot, the BBQ man has a lot of flags and when you are trying to get out on to Route 31, it can make it very difficult if you are in a small vehicle vs a pickup truck. The flags are right on the highway about 3 feet off the ground. Mr. Rich asked when the next Board meeting will be. Ms. Glashoff gave the board the last two meeting dates, November 1st and December 6th. The board decided to cancel the November 1st. The next and last meeting of the year will be Tuesday December 6th.

Being no further business to come before the board, nor comments from the public, motion by Mr. Schmidt and seconded by Mr. Rich to adjourn the meeting at 8:30 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK