

better. Planner Bolan responded saying that we can not go back and make the change. Attorney Gallina noted that it complies with the Best Management Practices. Engineer Risse stated the school is below the threshold of a major development so they are not subject to the Stormwater Management Rules. Attorney Gallina stated that since it has already been approved we can not do anything but if they volunteer to change then we can change it.

Planner Bolan stated the comment that was made at the last meeting from Mr. Rich about the application for minor development. Planner Bolan didn't know if Engineer Risse has had a change to review this. One of the reasons the ordinance was done this way is because there are no quantitative Stormwater Management Standards in our ordinance. This is why we wanted to put in one that applies to minor development. Under the Stormwater Regulations, you only have to deal with major development. Planner Bolan stated this is why we set up this process of exempt which is defined as less than a 1000 square feet of new impervious coverage or less than 2500 square feet of disturbance and minor is 1000 sq. feet of impervious coverage and 2500 sq. feet of disturbance up to what the ¼ acre of impervious coverage and 1 acre of disturbance. Planner Bolan stated that we set up two categories. If the board chooses not to have a category on minors then we can just go with major development. Planner Bolan said that he and Engineer Risse thought having two standards would be better. Planner Bolan stated that 1 acre of property disturbance and 10,000 square feet of impervious coverage is a lot. It can create a lot

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of water running off a property.

Planner Bolan's other comment was putting this into an ordinance format and trying to simplify it. Engineer Risse stated that since we do not have a Stormwater Management Ordinance to begin with we thought it would be better to be thorough. Planner Bolan agreed. Planner Bolan said the format that the ordinance is in, is a good one. Mr. Piasecki asked about bumping up the exempt higher referring to Mr. Rich's comments at the last meeting. Planner Bolan agreed with the suggestion. Engineer Risse suggested 5000 square feet of impervious coverage which is half of a major development and ½ acre of disturbance which is half of a major development. The board discussed this issue and agreed with the recommendation. Mr. Schmidt referred to a problem that had come up at a Board of Adjustment regarding drainage and water runoff and the impervious coverage and if it hadn't been for the neighbors informing the board of all the problems, no one would have known about them. Once the board was informed they were able to address the issues with the board engineer.

Planner Bolan stated in the applicability section the board can say it applies to any Site Plan or Subdivision regarding any site plan review or any development that disturbs more than ½ acre use the same as in minor development or results in impervious coverage of 5000 square feet or more or disturbs more than ½ acre. It would than make it more generally applicability in general terms. Planner Bolan stated under Section I in the Ordinance Applicability it states: It shall be applicable for any Site Plan or Subdivision. If you have a Variance Application that doesn't involve a subdivision and residential then it is inapplicable. We are trying to close the loop hole by making it applicable to the same things that apply to minor development the 5000 sq. feet impervious coverage and ½ acre of disturbance. It was suggested that this be brought up at the Board of Adjustment meeting tomorrow evening. Planner Bolan informed the board that he will be at that meeting. Mr. Schmidt referred to Page 11, #1 of the ordinance and asked what is pervious paving. Planner Bolan said there is a grade of asphalt that is considered pervious paving compared to impervious paving which means there is more void space in the surface layer. Planner Bolan gave an example of pervious paving.

Chairman MacQueen asked if there were any other questions of the Planner and Engineer. There were none. Chairman MacQueen announced that the board will now hear the application of Davara Industrial Center.

NEW BUSINESS:

*Davara Industrial Center
c/o David English
2026 Route 31 North
Glen Gardner, N.J. 08826*

*Block #6 Lot #1
Route 31N B2*

**PUBLIC HEARING
(Memo from Engr Risse – 1/26/06)**

*Amend Site Plan – Request to change location of Fire
Tank and Fire Tank Requirements*

Attorney Gallina announced that the notices are in order noting that Taxes are Paid but any approval will include a copy of the certification from the Tax Collector. The following items were marked into evidence: A1-Affadavit of Proof of Service, A2-Certified List of Property Owners, A3-Notice to Property Owners, A4-POD Slips, A5-Newspaper Publication.

Attorney DeChellis was present along with Engineer Symonds to represent the applicant. Attorney DeChellis stated they are present tonight to amend the application to move the fire tank within the building envelope and to withdraw the request to install a concrete tank and to install a fiberglass tank as required by ordinance. Chairman MacQueen asked Ms. Jacobus for confirmation that taxes have been paid. Ms. Jacobus confirmed and will have written confirmation tomorrow from the Tax Collector. Attorney Gallina noted that this can be a condition of any approval granted by the board.

Attorney DeChellis stated that presently the location of the tank is on the gas pipeline easement. This is why the fire tank is being relocated. Chairman MacQueen asked Engineer Risse for his comments. Engineer Risse stated that the plans he has before him show a concrete tank to be installed. Engineer Risse was under the impression that the tank would be a fiberglass tank, not a concrete tank. Chairman MacQueen asked if the Fire Chief would be present this evening to testify. Attorney DeChellis answered stating that he did not think it was necessary. Engineer Risse stated there should be testimony as to how this location is suitable. Attorney Gallina read from the ordinance which states: "tank location for non-residential development shall be determined by the Township Fire Official, Township Fire Chief and the Lebanon Township Engineer". Planner Bolan stated from a location standpoint, the location is better then it was before. In servicing the buildings on the property, this location better meets the ordinance than the prior location of the fire tank. Attorney Gallina stated with the access road from Buffalo Hollow Road would the board need a specifically described easement or just a generally described easement. Engineer Risse stated that a general blanket description, that a fire tank is there and that it needs to remain free and clear, no parking around it etc.

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Attorney DeChellis questioned the wording for the easement. Attorney Gallina explained the wording that would be needed in the description. Mr. Piasecki expressed concern regarding future building and activates on the site. Attorney Gallina stated the fire tank would be located in proximity to an access road. Engineer Risse answered yes accordingly to the plan. Attorney Gallina said this means it has to stay opened and un-obstructive. Mr. Piasecki asked about the specifications for the tank. Attorney Gallina said that the board would need a revised set of plans since there are so many different sets as of now. Chairman MacQueen asked Attorney Gallina for his input at this time. Attorney Gallina stated the applicant has to have the Fire Official and Fire Department to agree that the location is good. The board can make this a condition of approval. Chairman MacQueen asked the board for comments. Ms. Bleck asked about the concrete tank and wanted to know if the location change was due to the gas lines. Attorney DeChellis stated the location of tank is being changed. Ms. Bleck asked if there are any plans that show where the gas line is located. Attorney DeChellis noted that the new location is not near the gas line as far as we know. Planner Bolan referred to pages 2 & 3 of the site plan. Attorney Gallina asked for the correct name of the business. Per Attorney DeChellis the name is: Davara Industrial Center, LLC.

At this time, Attorney DeChellis had the Site Plan marked into evidence. A6-Site Plan dated 12/27/05, revised 1/9/06 and prepared by Engr. Jess Symonds of Biggs Engineering and consisting of 4 pages. Engineer Symonds was sworn to give testimony. Engineer Symonds stated that the gas line is shown on sheets 2 & 3 of the Site Plan. The gas line runs through the middle of the site. On sheet 2 the gas line is shown on the lower left hand side of the page. On sheet 3 the gas line runs through the middle of the site. The new location of the fire tank is shown on the northeast corner of the site near adjacent to the pond. It is shown on the site plan as the new location of the tank. Attorney DeChellis asked if there were any utilities in the area. Engineer Symonds noted only the standpipe for the pond is near the tank location. At the conclusion of Engineer Symonds testimony, Engineer Risse asked about the gas line and the width of the easement. Engineer Symonds did not the width of the easement. Engineer Risse asked about the turning radius of the school buses based on the site plan. Will this encroach on the area of the fire tank? Engineer Symonds stated there is a gravel area around the fire tank. Attorney DeChellis announced they are resting their case.

Chairman MacQueen asked for questions from the public of the witness. There were none. Chairman MacQueen asked to have Construction Official Charlie Rogers sworn in. Mr. Rogers asked when is this going to be done if it is approved. Attorney DeChellis stated the fire tank was ordered around the end of January. Mr. Rogers asked for the date of installation. Attorney Gallina asked Attorney DeChellis for a date of installation. Attorney DeChellis stated the tank would be delivered with 4-6 weeks and as soon as the tank is delivered it will be installed. Attorney DeChellis said installation would be within 6 months. Chairman MacQueen suggested May 1st. Attorney DeChellis noted that would not be 6 months. Attorney Gallina suggested a time table and if there was a problem meeting the time, the applicant could come back to the board if something unforeseen came up. Attorney DeChellis stated they have no control over when the tank would be delivered. Mr. Piasecki asked how long would it take to install once delivered. Attorney DeChellis answered stating he did not know. Mr. Piasecki suggested a 2 week window once the tank was delivered for the installation. Mr. Rogers informed the board the building addition is considered an unsafe structure. Chairman MacQueen asked about the status of the CO. Mr. Rogers informed the board that a CO has not been issued and there is no TCO at this time. Mr. Rogers stated that once the tank is installed and approved a CO can be issued. Also, the only thing keeping Mr. English from receiving a CO is the lack of the fire tank being installed. Mr. Piasecki asked about the consequence of not having a CO. Mr. Rogers stated that a notice of violation had been issued and the applicant appeared before the Construction Board of Appeals. Mr. Rogers stated the bottom line is Mr. English has to get the fire tank installed.

Attorney DeChellis told the board that they filed this application in November and was never informed about a hearing date until the end of January. Chairman MacQueen stated that was not how it happened. Mr. Piasecki noted that the plans are dated December 27, 2005. Attorney Gallina added that the plans were requested because of the tank being moved to another location. Chairman MacQueen asked if the board had any additional questions and if Attorney DeChellis had any questions. There were none. When opened to the public there were no questions. There were no questions from Planner Bolan. Engineer Risse asked if the request is strictly for the re-location of the tank and installation. Engineer Risse noted there are different names of tenants and different features on the site that are shown on the plans. Mr. Piasecki asked if there was a procedure for the inspection of the tank installation. Engineer Risse stated that would be spelled out in the resolution. Attorney Gallina asked who oversees the installation of the tank. Engineer Risse stated his office and the Fire Official. Mr. Schmidt asked how much gravel for the bed is laid out. Engineer Risse answered pea gravel is used. It is all in the NFPA what has to be done regarding the installation of the tank.

Chairman MacQueen opened the hearing to the public for questions of the board's Planner and Engineer. There were none. The hearing was now opened for statements and comments by the public. Robert Taggart of Tree Cycle, who is a tenant at the Davara site, was sworn in to give testimony. Mr. Taggart stated that they are presently working on their Fire Plan with using the standpipe for the pond and informed his engineer that a 30,000 gallon tank was going to be installed. His engineer wanted to know if

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there were any problems that they are not aware of with the pond and standpipe from preventing Tree Cycle from using the pond in their fire plan. Attorney Gallina informed Mr. Taggert when Davara came before the board last September, they were informed that they had to install the fire tank per the ordinance and were not permitted to just have the pond as a water source. Mr. Taggert stated that during the fire they had last September, he asked the Fire Chief if there were another fire, what would he hook up to, a fire tank or the standpipe for the pond. The Fire Chief informed him he would hook up to the standpipe. Attorney Gallina stated that when Davara came back in last fall the board informed them they had to install the fire tank per the ordinance. Attorney Gallina informed Mr. Taggert that it was part of the approval of Davara regarding the size of the building that was to be constructed at the time. Chairman MacQueen stated that per our ordinance a fire tank is to be installed. Also, the standpipe that had been installed was done without any inspections. Mr. Gerlich stated that the standpipe had no approvals and because of the lack of inspections and approval, it is not recognized for being a proper installation.

The board discussed this issue at length during their deliberations. Mr. Piasecki noted that the tank was to be delivered within 4-6 weeks and the 2 weeks for installation was reasonable. Mr. Piasecki suggested having a deadline of 8 weeks to keep this on a short leash, since it has been way too long from the original approval. Mr. Gerlich felt it was critical that the tank be installed. Mr. Gerlich commented on having the fire tank so close to the pond, concentrating all the fire protection in one location, it would make more sense to separate them around on the site for better coverage, but also noting that the pond is not recognized for fire protection. Ms. Bleck noted that we have a lot of issues and that they should be spelled out very clearly. Ms. Bleck went over some of the items that need to be addressed noting Mr. Piasecki's comment regarding the serious time frame for installation. Engineer Risse stressed the importance of an updated set of plans reflecting exactly what is to take place and per the Fire Protection Ordinance. Mr. Piasecki noted that the details to the plan has never been done and the representation this evening was they would do what was originally approved before, but we never got the details that we needed from the last time. Chairman MacQueen asked the applicant how long will it take for the board to get a complete set of updated plans with the total details of the fire tank and installation of the fire tank, showing the gas line ROW, all the details and signage. Engineer Symonds stated that the ordinance conflicts with what the fire department wants. Engineer Risse suggested that Engineer Symonds meet with the Fire Chief and go over everything. Chairman MacQueen stated they have 30 days to get the plans updated/amended with all the items that were just spelled out and have it submitted to the board. Also within the 30 days we need a letter from the Fire Chief/Fire Official stating their approval of the location of the fire tank and the installation being proposed. If there is a problem with the delivery of the fire tank, the board is to be notified. Chairman MacQueen stated 8 weeks from today is April 18th and is also a meeting night for the board. Mr. Piasecki suggested that we should get something in writing from the manufacturer if there is a delay having the tank delivered. It was noted that all prior conditions are to be included in this resolution.

Motion by Mr. Gerlich and seconded by Ms. Schriver to approve the amended Site Plan for the relocation of the fire tank with the following conditions:

- a. Obtain approvals from any outside agencies having jurisdiction as required*
- b. Submit within 30 days a letter from the Fire Chief and Fire Official approving the new location of the fire tank.*
- c. Board Engineer to review topography to make sure it is appropriate and to let board know if there are any problems*
- d. Comply with the Fire Protection Ordinance including but not limited to the furnishing necessary easement document, showing the appropriate signage on the plans*
- e. Submit a revised set of plans showing the appropriate tank specifications, details and tank installation and construction details to be submitted according to the fire protection ordinance and submitted within 30 days.*
- f. Have a consultation with the Fire Official and Fire Chief regarding the tank specification and details*
- g. Submit in writing that taxes are paid and current on the property from the Tax Collector*

CORRESPONDENCE:

OPEN TO THE PUBLIC – no comments from the public.

Mr. Schmidt asked if the Fire Official Gary Apgar does inspections to see that the tank is full of water. Planner Bolan stated that it is the responsibility of the Fire Department to make sure that the tank is full of water.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Piasecki to adjourn the meeting at 8:33 p.m. Unanimously Approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK

Ms. Glashoff prepared the minutes