

**REGULAR MEETING**

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

**May 15, 2007**

The 799<sup>th</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:03p.m. by Chairman Gary MacQueen. Present were: Mr. Weeks, Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Weiler, Mr. Piazza. Attorney Gallina, Planner Bolan and Engineer Risse.

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 16, 2007, mailed to the Hunterdon Review, Hunterdon County Democrat, Courier News, Express Times, Star Ledger and posted on the bulletin board in the Municipal Building on May 8, 2007.

**PRESENTATION OF MINUTES:** April 17, 2007 Regular Meeting

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

**RESOLUTION:**

a. David Klipstein Block #24 Lot #17  
Extension of Time on Route 513 & Doefield Road  
3 Lot Minor Subdivision/  
remaining lands with conditions

Motion by Mr. Gerlich and seconded by Mr. Piazza to adopt the Resolution of David Klipstein for an Extension of Time as presented.

**ROLL CALL** Yes: Mr. Weeks Mr. MacQueen **Absent:** Mr. Rich  
Mr. Schmidt Mr. Piazza Ms. Bleck  
Mr. Gerlich Mr. Weiler  
Mr. Piasecki

**FYI:**

Chairman MacQueen announced that Darryl Schmidt & Rick Weiler were appointed by the Township Committee at their May 2, 2007 Meeting to be our Cross-Acceptance Representatives. Planner Bolan suggested having a meeting with Darryl and Rick before the Cross-Acceptance Meeting at the County Planning Board. The board agreed.

**UNFINISHED BUSINESS:**

Omnipoint Communications Block #11 Lot #43  
c/o Robert Del Vecchio, Esq. Route 513 R3  
P.O. Box 561  
405 Lafayette Ave  
Hawthorne, N.J. 07507

Ms. Glashoff read into the record the letter received from Attorney Del Vecchio requesting a continuance until the June 19<sup>th</sup> Planning Board Meeting with an extension of time through July 31, 2007.

**NEW BUSINESS:**

Eric & Donna Whiston Block #49 Lot #50.01  
77 Sliker Road Sliker Road R5  
Glen Gardner, N.J. 08826

**PUBLIC HEARING** Conditional Use/Site Plan for Home Occupation

Attorney Gallina announced that all the notices are in order, but questioned the Taxes. Ms. Glashoff informed Attorney Gallina that the taxes are paid and current, but she did not have a receipt from the Tax Collector. Attorney Gallina accepted the conformation from Ms. Glashoff. 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**-Notice in Newspaper.

Ms. Whiston was sworn in at this time. During Ms. Whiston's testimony, the following was marked into evidence: **A6**-Set of 4 Photos. Ms. Whiston stated that she has been licensed by the State of New Jersey as a Hair Stylist for 10 years. The Salon will be approximately 600 square feet. Ms. Whiston stated that she will be seeing customers by appointment only. Ms. Whiston informed the board that she would like to work from home since their children are in school. Her hours would work around the children's school hours and she might have customers into the early evening but no later than 8:00 p.m. Also, would probably see some customers on Saturdays. There will be a private entrance from the outside next to the garage that will lead to a loft area above the garage for the Salon. There will be a small sign which will conform to the sign ordinance. There will be no lighting

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Attorney Gianos had the following marked into evidence: **A7**-4 Sheets from the Architectural drawing for the addition dated June 26, 2006 prepared by Edward O'Brien consisting of 1528 square feet. **A8**-Survey prepared by Studer & McEldowney dated December 29, 2006 with latest revision date of April 17, 2007. At the conclusion of Ms. Whiston's testimony, Chairman MacQueen asked for questions from the board. Questions were asked about the placement of the sign, the site distance, screening, UPS deliveries and water usage. Ms. Whiston stated she doesn't expect deliveries more than once every two weeks, regarding screening, the property is wooded on both sides, and they are working on the site distance which will be greatly improved from what they have now. Ms. Whiston said she doesn't foresee using more than 120 gallons of water per day. The septic has been designed for the extra usage of the Salon. Planner Bolan asked how many customers per day. Ms. Whiston answered 3-4 people per day at most. Planner Bolan reviewed for the board all the conditions of the Conditional Use for a Home Occupation.

Attorney Gianos went through all the conditions for the Conditional Use for Home Occupations with Ms. Whiston. Ms. Whiston stated that she will not have more then 1 employee. Regarding off-street parking, they plan on having 4 parking spaces for her clients per Ms. Whiston. The State Board of Health will do inspections periodically per Ms. Whiston. The applicant will supply a copy of the inspection report to the Township. Engineer Risse responded to a question from Mr. Piazza Note #7 on the plan deals with the site distance and the posted speed limit of 35mph with the grading that they are purposing and the clearing, the applicant is able to attain the site distance standards for safe stopping distance in both directions. Mr. Piazza asked the Planner about the addition for a small business but the whole house being added too. Planner Bolan stated that the applicant could put the addition on without any board approval and the only reason the applicant is before the board is for the Home Occupation since it is a Conditional Use and the board needs to know that all the conditions have been met. Chairman MacQueen asked about the septic system and whether the applicant has received a permit as yet from the County Board of Health. Attorney Gianos had Mr. Whiston sworn in at this time since he will be able to answer the question asked by Chairman MacQueen. Mr. Whiston stated that Engineer Joe Modzelewski of Studer & McEldowney did the design for the septic and the testing for the approval of the expansion of the septic system. The perc tests have been done and submitted to the County Board of Health. At this point in time they have not drafted the design. Mr. Piasecki asked Engineer Risse if the well is adequate for the additional water usage for the Salon and the addition. Mr. Whiston stated that there will be just 4 bedrooms. Engineer Risse stated that the total flow is less than a 5 bedroom house. Mr. Whiston said they have 3 bedrooms now and are only adding one additional bedroom plus the Salon. At the conclusion of Mr. Whiston's testimony, Chairman MacQueen opened the hearing to the public for questions. The following people asked questions of Mr. Whiston: Mr. John Zecca, adjoining property owner asked many questions of Mr. Whiston, also and Nancy Darios asked a question.

With the conclusion of the applicant's witnesses, Chairman MacQueen asked Engineer Risse for his testimony. Engineer Risse noted that the County Health Department will play a big roll with this application and recommended any approvals be contingent on County Board of Health Approval. Engineer Risse suggested that the County have a copy of this application, Chairman MacQueen agreed. Chairman MacQueen questioned the site distance and asked if the lighting proposed is within our ordinances. Engineer Risse stated the site distance will be improved in both directions, regarding lighting, there will be a 100 watt bulb over the garage door and there will be no lighting beyond the property line. Chairman MacQueen stated he would like a list of chemical products sent to the County Board of Health. Mr. Piazza expressed concerns with the chemicals and asked if we could have a list of chemicals that will be flushed down the toilet. Attorney Gianos stated that they will send a list of chemicals to Engineer Risse for review before it goes to the County Board Health.

At the conclusion of Mr. Whiston's testimony and questions by the board, Chairman MacQueen opened the hearing to the public for questions. There were none. Chairman MacQueen then opened the hearing to the public for statements and comments. The following people were sworn in: Mr. Zecca & Mr. Moran. At the conclusion of the statements, Chairman MacQueen announced that the public taking portion of the hearing is now closed. Attorney Gianos gave his summation at this time.

During the board's deliberations, the board agreed that the applicant has satisfied the conditions of the Conditional Use for Home Occupations. The board heard testimony regarding chemicals, the septic system and the potential impact on neighboring wells. These items will be addressed by the Hunterdon County Board of Health. At the conclusion of the board's deliberations, motion by Mr. Gerlich and seconded by Mr. Weeks to grant the application for Conditional Use/Site Plan with the following conditions:

- a. The applicant shall obtain all other necessary approvals from all outside agencies having jurisdiction.
- b. The applicant shall furnish a copy of the Hunterdon County Board of Health Department septic system application to the Board Engineer for review and approval prior to submission of the application to the County Board of Health. The application to the County Health Department shall clearly indicate that a hair salon operation is proposed in part of the addition.

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- c. Business hours in the hair salon will end no later than 9:00 p.m.
- d. The applicant shall furnish copies of any State inspection reports of the Salon operation to be on file with the Township Clerk.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Weeks Mr. Schmidt Mr. Gerlich Mr. Piasecki	Mr. MacQueen Mr. Piazza Mr. Weiler	<b>No:</b> None	<b>Absent:</b> Mr. Rich Ms. Bleck
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**Attorney Gallina will prepare the Resolution for the next meeting agenda on June 19, 2007.**

**ITEMS FOR DISCUSSION:**

- a. **Properties for Public Works Complex – Darryl Schmidt**

Mr. Schmidt referred to a comment made by Planner Bolan at the last meeting that there is a piece of land in the Township that is not in the Preservation Area. The property is on Route 31 and is a 5 acres parcel. Planner Bolan

stated that the property is not located in Lebanon Township. Mr. Schmidt asked if there was a time frame on this project. Mr. Weeks informed Mr. Schmidt that this has been discussed for many years. Mr. Schmidt stated that we should look for a 5 acre parcel on a main road without development next to it. because finding up to 100 acres isn't going to happen. Chairman MacQueen felt that everyone should look because eventually it is going to be a real problem and it is a problem now because the building is falling apart and it would be crazy to spend money on the present location since it is a problem site. Mr. Weeks asked about the property across from Hickory Run Farm on Route 513 and asked if the Township still owned that 4 acre parcel. Mr. Gerlich answered yes. It was noted that the property is landlocked and that the surrounding property is owned by the State of New Jersey. Mr. Schmidt suggested that we apply to the Highlands Commission for a hardship. At the conclusion of the board's lengthy discussion, Chairman MacQueen suggested that everyone work on this project.

**b. Fire Tank at Mohawk Site – MacQueen/Glashoff**

Chairman MacQueen stated that in giving this issue of the tank some serious thought since it will be located on a small piece of property, he thought maybe the tank could be relocated to another property close by. Chairman MacQueen stated that he asked Ms. Glashoff to contact Mr. Salisbury, the Library and the Church to see if there was any interest in moving the tank to another location. Ms. Glashoff informed the board that Mr. Salisbury did not have a problem relocating the tank and in speaking to Mr. Gerlich, Chair of the Library Committee did not have a problem relocating the tank to the Library site. Ms. Glashoff also spoke to Fire Chief Warren Gabriel and to Engineer Risse to have them check out the Library.

Engineer Risse reviewed for the board the meeting that took place back in 2001 before the Fire Protection Ordinance went into affect with Fire Chief Gary Milkowski, and Gary Apgar Fire Official to see what would be the best location for a Fire Tank. They decided that the back northwest corner of the property with the hydrant going under the fence and coming up behind the fence would be the best location for the tank and the fire trucks would be back off the side road and be able to hook up and run the hoses where they would need them. Engineer Risse stated that they did look at the Library property at that time and there was a big depression in the front in the lower area by the road but that it floods a lot. Engineer Risse reviewed for the board the different locations that they looked at and found they were limited to where the tank could be located at the Library. Engineer Risse stated that where they decided to have the tank seems to be the best location.

**c. & d. Minor Subdivisions/Fire Protection/Fire Protection Ordinance – Warren Gabriel, Fire Chief and John Kneafsey**

Mr. Gabriel expressed concerns over a subdivision down on West Hill Road (Sturbridge Estates) near the border that was approved by the board, now has Highlands's approval and construction has started because a fire tank will not be installed in this subdivision and four new houses will be built. Mr. Gabriel stated that since there will be 4 new houses why will there not be a fire tank installed. Planner Bolan informed Mr. Gabriel that this subdivision is a minor subdivision which does not require a fire tank. Mr. Gabriel asked for the definition of a minor and major subdivision. Planner Bolan informed Mr. Gabriel that a minor can be 3 lots and plus remaining lands. Engineer Risse interjected saying that the fire protection ordinance states 3 or more lots when classified as a major subdivision. Mr. Gabriel said the builder is considering his subdivision as a major. Ms. Glashoff stated that the original subdivision was 7 lots, but the developer scaled down since he had to apply to the DEP Highlands.

Chairman MacQueen asked the board if they wanted to work on the ordinance to protect this issue a little better and help the Fire Department in the process. Chairman MacQueen asked Mr. Gabriel if he had any other opinions on the Fire Protection Ordinance. Mr. Gabriel stated that houses are being built before the tank in being installed and the ordinance is very clear on this issue. Mr. Kneafsey stated that it is falling through the cracks and the proper procedure is not being followed. The tanks are to be in and operational

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before construction starts. As an example, the approved signage for General Morgan is not in place and cars have been parked in front of the fire hydrant connection. Mr. Weeks suggested asking the applicant to put in a tank. Mr. Gabriel stated that he was going to talk to the builder to see if he would put in a tank, since there is no water down in that area of the Township. Mr. Gabriel referred to the tank that was installed up off of Penwell Road and that a great job down but the developer had someone come in to extend a drainage ditch and now the Fire Department can not get to the tank. Chairman MacQueen asked if the job can be shut down. Engineer Risse said they met with the developer last week and he is waiting to hear back on how the problem is going to be corrected. Chairman MacQueen said this is an unsafe situation since the Fire Department can not get to the tank. Chairman MacQueen stated that we have 5 problems now which he asked Ms. Glashoff to speak to the Zoning Officer about and he went to the Township Committee and told him the wrong this and got people into trouble and he (Zoning Officer) is not following through on stuff and something needs to be done.

Back to the fire tanks. Chairman MacQueen stated we need to change the ordinance to reflect that 3 houses and you need a tank. Planner Bolan said that we can change the definition of minor subdivision or change the Fire Protection Ordinance. Mr. Piasecki said that we don't need to say major or minor subdivision, just the number that would trigger the tank being installed. Chairman MacQueen asked what the Fire Department wants, 1, 2 or 3 lots. Mr. Kneafsey stated 3 lots. Mr. Kneafsey said there are a few other items in the ordinance that need to be addressed. Mr. Gabriel said he would like to see the pond option taken out. Mr. Gerlich said you can't get to the pond because the fire truck would sink. Chairman MacQueen agreed with taking out the pond option. Having a pond on site is a plus, but not to have it as an option. Everyone agreed. Mr. Weeks excused himself at 9:00 p.m. and left the meeting at this time. Engineer Risse suggested having a drawing of the fire tank and what it should look like along with the fittings listed. Chairman MacQueen stated he had gotten one from Washington Township for our Engineer. Engineer Risse asked for another copy. Chairman MacQueen asked Mr. Gabriel and Mr. Kneafsey to put a list together with their recommendation and come back to the next Planning Board Meeting in June. Ms. Glashoff asked to have the list a week prior to the meeting to send to the board. Mr. Kneafsey asked how we can make sure the process is followed properly. Mr. Gerlich stated that procedure needs to start here with the Zoning Officer. Chairman MacQueen suggested to Mr. Gabriel and Mr. Kneafsey to attend a Township Committee Meeting. They said they plan on attending tomorrow evening. The Board thanked Mr. Gabriel and Mr. Kneafsey for their input.

**PRESENTATION OF BILLS & REPORT:**

a. John Gallina, Esq.	\$ 630.00
b. Banisch Associates	\$ 3,950.00
c. Bayer/Risse Engrs.	\$ 1,050.00
d. Membership Dues NJAPZA	\$ 40.00
<b>Total:</b>	<b>\$5,670.00</b>

Ms. Glashoff noted with the additional bills from Banisch Associates from the Agenda Addendum and her membership dues, the new total is \$5,670.00. Motion by Mr. Gerlich and seconded by Mr. Weiler to approve the bills as amended. Unanimously approved.

Ms. Glashoff informed the board that she had mailed out 45 letters regarding the Highlands comments and that Chairman MacQueen had contacted her regarding the newspapers and asked that she do a follow-up. She also followed up with our legislators. Assemblywoman Karrow and Senator Lance informed her they would respond and she received an email from Assemblyman Doherty complementing the board on a job well done.

Mr. Schmidt asked about the Cross-Acceptance. He is willing to participate but needs to learn all about it. Planner Bolan suggested that he, Darryl and Rick meet before they have there meeting at the County to go over everything. Board agreed with the suggestion.

Being no further business to come before the board, nor comments from the public, motion by Mr. Piasecki and seconded by Mr. Piazza to adjourn the meeting at 9:15 p.m. Unanimously approved.

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**CHAIRMAN GARY MACQUEEN**

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**GAIL W. GLASHOFF, PLANNING BOARD CLERK**