

REGULAR MEETING

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

June 4, 2019

The 922nd Regular Meeting of the Lebanon Township Planning Board was called to order at 7:00 p.m. by Chairman Gary MacQueen. Present were: Mr. Wunder, Mr. Duckworth, Mr. Darryl Schmidt, Mr. Piasecki, Mr. Rich, Mr. Weiler, Mayor Schmidt, 1st Alternate Skidmore, Attorney Gallina, Planner Kyle and Engineer Risse.
Excused: Ms. Bleck

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 15, 2019, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the Lebanon Township Website and the Bulletin Board in the Municipal Building on May 29, 2019.

PRESENTATION OF MINUTES: March 5, 2019 Regular Meeting

Motion by Mr. Duckworth and seconded by Mr. Rich to approve the minutes as presented. Unanimously approved.

COMPLETENESS & WAIVERS:

a. VC Social Enterprises, LLC Block #7 Lot #6
Preliminary/Final Site Plan Route 31 B2

The applicant Mr. Vazquez, Attorney Thatcher and Engineer Templin were present to discuss completeness and waivers. Chairman MacQueen had Engineer Risse go over the checklist and the requested waivers. Engineer Risse stated that the Administrative Consent Order placed on the property by the DEP April of 1988 was satisfied on August 20, 1997 and the site plan has been modified and approved by the Planning Board in 1985. Engineer Risse said the plan also identifies the expanded pavement beyond what was approved in 1985 with a tabulation of approved, unapproved areas to be removed and to remain. Engineer Risse went on to say that a conversion of the former restaurant is now to a private social club. The applicant is doing interior modifications and to legitimize the enclosed porch which has never been approved by the Planning Board.

In reviewing the checklist, the applicant has indicated that Item #24 is not applicable which we disagree and ask that the applicant provide a breakdown of partners with VC Social Enterprises, LLC. This needed to be provided before the completeness hearing on June 4th. Engineer Risse referred to the checklist items as follows: Items #33, 35,45,57,58, 64 and 71. Engineer Risse said these waivers can be granted for completeness only with testimony being provided during the public hearing. Engineer Risse also recommended that any approval of the site plan required that the continued use of the septic system be approved by the Hunterdon County Board of Health. It was noted Item #50, since no new septic system is being proposed, then approval for use of the existing septic system will need approval from the County Board of Health. At the conclusion of the board's questions and comments, motion by Mr. Piasecki and seconded by Mr. Schmidt to grant the waivers only for completeness.

ROLL CALL Yes: Mr. Wunder Mr. MacQueen **Absent:** Ms. Bleck
Mr. Duckworth Mr. Weiler
Mr. Schmidt Mayor Schmidt
Mr. Piasecki Mr. Skidmore
Mr. Rich

NEW BUSINESS:

VC Social Enterprises, LLC Block #7 Lot #6
P.O. Box 210 Route 31 B2
Succasunna, N.J.

PUBLIC HEARING Preliminary & Final Site Plan

Attorney Thatcher gave a brief presentation. Engineer Robert Templin was sworn in to give testimony. Attorney Gallina had the following marked into evidence: **A1**-Affadavit of Proof of Service, **A2**-Certified List of Property Owners and Utilities Lebanon Township, **A3**-Certified List of Property Owners & Utilities Bethlehem Township requiring notice, **A4**-Certified List of Property Owners Union Township requiring notice, **A5**-POD Slips, **A6**-Notice to Property Owners, **A7**-Public Notice in Hunterdon Review.

Attorney Thatcher had Engineer Templin give a brief description of his qualifications. Attorney Thatcher had Engineer Templin describe the first several pages of the Preliminary Site Plan. **A8**- Site Plan Prelim/Final Sheet 1 –

Lebanon Township Planning Board

June 4, 2019

Page 2

displays the owners & utilities, Sheet 2 – is the overlay, Sheet 3- shows the site as it exists and how it will remain. The initial dates are: July 24, 2017 & revised March 22, 2019. Engineer Templin said the property is located in Block #7 Lot #6 in the B2 zone of Highway Office. Engineer Templin noted the original approval was 1985. There was a patio area in front of the existing structure. The patio area was roofed over and then closed in. Engineer Templin referred to the paved parking lot with the pavement being extended over by 14' to the southeast. The proposed site plan shows they will cut back the parking lot and be 2' from the property line. On the original Site Plan it showed 3 driveway entrances on to the site. The site now will have one (1) major entrance. Right now there are 5-6 parking spaces that back out on to Route 31. These parking spaces were never built and now have been eliminated. They have no intentions of having or needing those extra parking spaces. The impervious coverage from 1985 was approximately 63,000 square feet. The existing impervious coverage is now 56,800 square feet. The zoning allows for 40% coverage which would be 63,396 square feet. It is now 55,935 square feet. The dumpster area is located in front of the parking area which is going to be moved to the southwest side of the property and will be shielded with fencing.

Engineer Templin stated there is lighting on the site and Engineer Risse has made a site inspection regarding the lighting. Engineer Templin said he wasn't sure if they will need additional lighting. If Engineer Risse wants any additional lighting they will add it. The landscaping on site has mature trees. There is a patio area. The plan has 94 parking spaces and in 1985 there were 103 parking spaces. On the plan they show 111 parking spaces. They have removed the parking out by Route 31. Engineer Templin said they are providing additional signage. They will have a dumpster area which originally hadn't been proposed. Engineer Templin said the fencing is shown on Sheet 3 of the Site Plan and stated the fencing will be vinyl fencing described where the fencing will be on the property. Attorney Thatcher had the following marked into evidence: **A9**-Correspondence to Attorney Howard McGinn dated May 28, 1991 from the NJDEP, **A10**-correspondence to J.J. Merrand from the NJDEP dated August 20, 1997. Engineer Templin said that Hunterdon County Soil Conservation has reviewed the plan and since this project is under the 5,000 square feet of any disturbance this said they don't have a problem with the project. The Hunterdon County Planning Board noted that it does not impact any county facility so any approval is not required. Engineer Templin said the DEP has no problem with the site at this time.

Chairman MacQueen asked if the board had any questions of Engineer Templin. Darryl Schmidt asked about the concrete smoking pad and asked if there was anything there currently. Engineer Templin said there is a little step out pad 4x4 but nothing is there currently and it is at ground surface level. Chairman MacQueen asked if there was blacktop or dirt there now. Engineer Templin said it is concrete when you walk out the door and then grass. Chairman MacQueen asked what the size of the actual area is. Engineer Templin said around 12x20, 240 square feet. Chairman MacQueen stated that it would be nice to know what is being built there before we approve and plans. Chairman MacQueen was told a smoking area. Mr. Schmidt asked if they have to abide by the smoking laws since it is a private club. The response was they didn't know. Mr. Duckworth said in their packets was a memo from the Fire Official Gary Apgar which stated the number of persons/capacity was 120-150. Mr. Duckworth asked if we have addressed occupancy levels. This question would be answered by the Architect. Planner Kyle said what is shown on these plans is 20x20 which is different from the testimony given. Chairman MacQueen said he did not like that two different figures were being shown, one on the plans and the other in testimony. This will definitely need to be addressed. This will increase the impervious coverage. Planner Kyle said they are moving things around but not increasing the impervious coverage.

Planner Kyle noted that the impervious coverage is not increasing, some things are being moved around, but ultimately the coverage is not increasing. Mr. Schmidt asked does the DEP need to know what areas are being changed are being changed and does it affect those areas because when the DEP approved the site plan the areas that are being shown have changed since the original approval. Planner Kyle said what is not being shown on the plan is the flood area. Chairman MacQueen said there is nothing on the site plan indicating where the flood area and wetland areas are located. Engineer Templin said they will check with the NJDEP to make sure they don't have any issues with what is on the plan. Chairman MacQueen asked if Engineer Risse had any questions. Engineer Risse said they are cutting back a piece of the pavement to be 2' within the property line of Block 7 Lot 5. In the B2 zone parking has to be 20' from the property line and asked if that would be considered a design waiver or variance. Engineer Risse said on Sheet #2 it shows what was approved. **(There was too much noise to hear clearly what was being said by the professionals).**

Engineer Templin was asked if he had surveyed the property or was this from the original survey from 1985. Engineer Templin said it was from the original survey. Engineer Templin informed the board that he does not know who expanded and paved the parking lot. Engineer Templin stated that if the parking area is pushed back to comply with the ordinance, it would require relocating parking spaces to other environmentally sensitive areas on the property. At the conclusion of Engineer Templin testimony and questions by the board, the Chairman opened the hearing up to the public for questions, there were none. The following professional on behalf of the applicant

Lebanon Township Planning Board

June 4, 2019

Page 3

was sworn in to give testimony. Architect Mark Christman made a presentation to the board. Mr. Christman stated that the building can hold 228 occupants under the IBC-International Building Codes. The existing building has a floor area of 7,400 square feet. Mr. Christman said he would provide a calculation under the IBC code standards to determine the maximum occupancy. It was again noted that the Fire Official had designated a maximum occupancy of 120 people. Mr. Skidmore stated that the Fire Official said the maximum would be 120 not 228 occupants. The difference would mean more parking. The board will base the number of occupancy on what our Fire Official tells us. At the conclusion of Mr. Christman testimony, there were no questions by the board. When opened to the public, there were no questions. Chairman MacQueen announced that the board will take a recess at this time at 8:20 pm.

When the board reconvened at 8:35 pm, the next person to give testimony was the applicant Edward Vazquez. It was noted that Mr. Vazquez was still under oath. Mr. Vazquez said the purpose use is for a private social club for members only. Mr. Vazquez stated a new member would fill out a membership form and pay annual dues. There would be a cover charge when an event is held at the club. Mr. Vazquez said that they don't need to hire security since the members would police their own club. Regarding alcohol, it will be BYOB. The members would volunteer to help with an event. They would have a disc jockey to provide music and food would be catered. Mr. Vazquez noted the hours of operation would be 7:00 am to 3:00 am. Also, they would start with Friday and Saturday events and there could also be events on Thursdays through Sunday. Mr. Vazquez said that most times people would use, a car service, limousines and usually don't drive their own vehicles.

Mr. Vazquez informed the board that he has been working on this site for over 3 years especially cleaning up the site. Mr. Vazquez said when speaking with the Fire Official regarding the maximum occupancy, he asked the Fire Official to come back once everything is done to see if the number of occupancy would change. Mr. Vazquez stated that he plans on holding charity events for cancer and Alzheimer's. He also plans on having an area with stadium seating for watching sports events. He also stated that a friend would like to open a clothing boutique. There will be a few offices. Mr. Vazquez testified that the hours of operation would include having a cleaning service come first thing in the morning when the building opens at 7:00 a.m.

When asked about membership, Mr. Vazquez stated that an applicant could fill out an application on line or come into the club to fill out an application. Membership would be on a yearly basis. He is expecting to have up to 150 members. At the conclusion of Mr. Vazquez testimony, the board asked questions of the applicant, the board asked the applicant to remove 16 parking spaces so as to comply the 20' setback from the property line. In doing this it would bring the total parking to 95 spaces. Engineer Risse referred to the lighting since the site is lower than the highway. The board referred to the lighting ordinance stating that a night time lighting test would need to be completed prior to the issuance of a certificate of occupancy. In the ordinance it states that the board will retain jurisdiction of the application for one year regarding the lighting. Planner Kyle noted that the applicant could avoid the need for a variance/exception from parking by removing the additional parking spaces on the southeast corner of the lot to comply with the 20' parking setback. Planner Kyle stated that if that portion of the parking area is removed and the proposed concrete pad eliminated, there would be no need to resubmit an application to the NJDEP.

At the conclusion of the board's discussion, Chairman MacQueen opened the hearing to the public for questions, there were none. Chairman MacQueen asked Attorney Thatcher to give his summation at this time. Chairman MacQueen opened the hearing to the public for comments or statements, there were none. Chairman MacQueen asked for a motion to close the public hearing. Motion by Mr. Rich and seconded by Mr. Skidmore to close the public portion of the hearing. The board deliberated at this time.

At the conclusion of the board's deliberations, motion by Mr. Darryl Schmidt and seconded by Mr. Rich to approve the application for Preliminary and Final Site Plan with the following conditions:

- a. The applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction. This will include, but not be limited to approval of the existing septic system by the Hunterdon County Board of Health Department.
- b. The applicant will pay all necessary fees an escrows payable in connection with the application.
- c. The proposed concrete smoking area pad located outside the building will be removed from the Site Plan.
- d. The paved parking area located on the southeast side of the site will be removed, so that the parking area is located 20' from the property line in accordance with Ordinance 400-46.
- e. The applicant shall comply with the Township Lighting Ordinance, Section 400-43. The Board will retain jurisdiction of the application for one year from the date of issuance of the issuance of the Certificate of Occupancy.

