

REGULAR MEETING

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

October 15, 2013

The 875th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:01 p.m. by Chairman Gary MacQueen. Present were: Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Ms. Bleck, Mr. Weiler, Mr. McKee, 1st Alternate Laul, 2nd Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Milkowski and Mr. Rich.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 15, 2013, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board on October 9, 2013.

PRESENTATION OF MINUTES:

October 1, 2013

Regular Meeting

Motion by Ms. Bleck and seconded by Mr. Piasecki to approve the minutes with a minor correction. Unanimously approved.

UNFINISHED BUSINESS:

Muller Toyota P.O. Box 5000 Clinton, N.J. 08809	Block #3 Route 31	Lot #5.01 B2
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CONTINUATION OF A PUBLIC HEARING Preliminary & Final Site Plan with Variances

Mr. Skidmore said due to a conflict of interest he will be recusing himself from this application. Attorney Gallina informed the board that the applicant has re-noticed since they added additional variances. The following items were marked into evidence: **A9**-Affadavit of Proof of Service, **A10-2nd** Notice to Property Owners, **A11-2nd** POD Slips, and **A12**-Notice in Hunterdon Review. Attorney Gallina announced the board has jurisdiction.

The Attorney for the applicant, Attorney Mark Winter was present along with Engineer Joe Modzelewski and Planner/Traffic Engineer Joseph Staigar. Attorney Winter gave a brief presentation. Attorney Winter spoke on the water usage, 3rd party approvals, variances and have a Traffic Engineer give testimony. At the conclusion of his presentation, Engineer Joe Modzelewski of Hatch Mott & MacDonald was sworn in to give testimony. At this time, the following was marked into evidence: **A13**-Sheet 2 of Site Plan revised October 4, 2013. Engineer Modzelewski said sheet 2 is existing conditions. Property is 6+ acres on the corner of Route 31 and Buffalo Hollow Road which is connected to the service road. The property had been used for a great number of years by Rudl Fence for fencing, retail and production. In the blue area on the plan are the existing structures on the site. The green areas are wetlands that have been re-delineated and the impervious areas are outlined in dash brown lines which are pavement with hard packed gravel surface areas. The uncombed area is the project area which is the wetlands transition area or riparian zone imposed by the small stream and pond and the Spruce Run Creek that is across the highway. The blue lines outlined the stream and the pond which shows the 100 year floodplain. East of the site is the Solar Farm. All the current improvements on the site will be removed because of this project. Engineer Modzelewski said there is some existing drainage on the south side of the site that ties into the highway drainage. It will all be redone and still tie into the highway drainage. On the north side there is existing runoff. There is a culvert that passes under the highway and the drainage goes into the Spruce Run Creek.

The next item marked into evidence was **A14**-Sheet 4 revised October 4, 2013 shows the building of 27,800 square feet. The building has slightly grown in footprint and has also grown in height by 2.5'. Engineer Modzelewski informed the board they are proposing a second floor of 2,300 square feet which will be a mezzanine area for the storage of parts. Engineer Modzelewski said they meet all the required setbacks. They have two types of parking on the site, employee/visitors parking which are 10' x 18' parking spaces. The other parking is parking for inventory with the spaces being 9' x 20'. All will conform to the ordinance setbacks. The property across Route 31 doesn't have the room for additional inventory for new cars at the dealership. Per the ordinance parking is not permitted in the front yard setback. The ordinance states that the parking is to be on the principal use unless it is within 300' of the other site. From the main entrance across the road to the entrance at the former Rudl site it is 195'. What the inventory for the cars on the new site doesn't meet in the ordinance is stack parking and there are no islands in-between. If we provided islands in between it would reduce the number of cars we could have. It would probably be less than half.

Engineer Modzelewski noted the property is in the Highlands Preservation Area but was issued an exemption for re-development. For the exemption they can not create any more than 1/4 acre additional impervious coverage. It was noted that the applicant hasn't filed for their access permit as yet with the D.O.T. With the discussions they have had with the DOT and wanting to have everything fine tuned, this way when they submit their application everything should go smoothly. It will be a right turn in and a right turn out onto Route 31. From the northern driveway it will be in only and the southern driveway is an exit only. Regarding the parking, the ordinance doesn't specify for the parking and the approach they took is the maximum number of employees will be 35. They assumed a peak hour for visitors/customers would be 6 and they provided 49 spaces with 3 ADA spaces in the front. The parking on the side is for inventory only. Regarding the operation of the building, they will have service, parts and new car prep.

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Under the previous building design, there were 15 service bays and in the new design they will have 18 service bays per Engineer Modzelewski. There was also a car wash bay and when they came in for completeness, Engineer Modzelewski said they didn't have anything at that time regarding the water usage but know has some numbers from the manufacturer. To update the board on the water usage, the septic flow is based on the number of employees and number of service bays with a certain amount of vehicle turnover. With 18 service bays and 35 employees comes out to 1065 gallons per day for septic flow. With the car wash, they will be using a reclamation car wash. You can reuse water for the wash but not for the rinse cycle. It comes out to 6-12 gallons per car and with up to an average of 9 gallons. This would be approximately 450 gallons that would be used per day bringing the total up to 1500-1600 gallons of water per day.

Engineer Modzelewski referred to the solid waster storage area which was a concern. At the lost of 4 inventory storage spaces, the enclosure area will be 12'x16' which is the size of a tractor trailer they feel would be adequate. Engineer Modzelewski said the revised location will be a better site. In the ordinance there is a criteria that states, that a driveway can not be located within 50' of an intersecting street. We have a little bit of a situation; we have the highway, service road and the intersecting Buffalo Hollow Road. If we assume Buffalo Hollow is the intersecting road, the measured distance along the ROW line and to the ROW point is 150' more or less. If the board's professionals agree with that interpretation then we meet that criteria for a driveway location. Engineer Modzelewski said we meet all the bulk loading criteria with reducing the impervious coverage currently on the site.

Engineer Modzelewski said there were comments regarding the head on parking adjacent to sidewalks and the ordinance has two different meanings, one says if you have 18' long parking space that abuts a sidewalk you have to have a 2' area between the sidewalk and the curb line that is either stone, grass or some other cover. Then further down in the ordinance it states that if a parking space abuts a sidewalk, then the sidewalk has to be 2.5' wider to accommodate it. They will make the sidewalks 6.5' wide to accommodate the overhang. They have also provided an emergency access drive at the northeasterly end of the site. At the conclusion of Engineer Modzelewski testimony, Chairman MacQueen asked if the board had questions regarding **A14, Sheet 4**.

Mr. Schmidt asked about the dualizing of Route 31 and car carriers coming in unloading. There was concern by the board that the tractor trailers delivering cars and the garbage truck would not be able to make a left out on to Route 31. Mr. Laul referred to the washing of 50 cars per day and the 6 visitors per day. Engineer Modzelewski said that would be peak hours. Mr. William Muller was sworn in to answer the questions. Mr. Muller said on an average of 10 hours they approximately take care of 60 cars which comes out to 6 per hour. Mr. Piasecki's question was regarding the service bays. Mr. Muller said they have 9 bays now and 3 bays up on the hill (Davara) and the plan to increase it from 12 to 18 bays. Ms. Bleck asked about the area of disturbance that they will be restoring to its nature vegetation and asked if that wasn't a positive. Engineer Modzelewski said yes but until they talk with the DEP they don't want to propose anything and then find it will change. Mr. Weiler asked about the stacking of the cars three deep and does it really work. Engineer Modzelewski said it's like valet parking and they haven't had a problem in doing it that way. There are only certain employees that take care of this type of parking.

Engineer Risse asked, with this inventory and classification, will there be people coming to test drive cars that are in this location. Mr. Muller said the stacking is for the excess of cars only. Engineer Risse referred to the display area that was on a previous plan which is now gone. Engineer Modzelewski said the intent of the display area was when people came in it would draw their attention to buying a new car. Since this would require a variance it was decided not to have a display area and just how valuable would it be. Engineer Modzelewski said by eliminating the area, it allowed for them to relocate the fire storage tanks and puts them in a better position and relocate the draw hydrant. Engineer Risse said in the zoning table 49.7% coverage is listed. Engineer Modzelewski said when he recalculated there is a section of pavement and gravel that was neglected on the original plan and is within the property line and they plan on restoring it to its natural condition. Engineer Risse said on the revised plan the coverage is shown under 40%. Engineer Modzelewski explained the drop to under the 40% impervious coverage. Chairman MacQueen referred to the fire tanks and expressed concern if the fire trucks would be able to access the property without a problem and if they would be contacting the Fire Department. Engineer Modzelewski said yes. Engineer Modzelewski said in speaking with the architect they were thinking about putting in a sprinkling system and if they did the volume would be greatly reduced which would be a win win for the Fire Department. They are still in the talking stage regarding the sprinkling system. Engineer Modzelewski said for the building that is there now 80,000 gallon storage tank would be required but since they will have a larger building it would be increased to 100,000 gallons with the storage tanks. Chairman MacQueen asked about the height of the building and was told it would be 26.5' to the peak of the building.

Chairman MacQueen asked if they would be providing paperwork for the exemption for redevelopment for the lot. Engineer Modzelewski said they provided the exemption from the Highlands and will need to provide the exemption for the redevelopment of the lot for the transition area and the riparian area. Chairman MacQueen referred back to the circulation plan for vehicles especially the car carriers considering the size of these carrier vehicles. Engineer Modzelewski said the length of the carrier is 40' which includes the truck and if a carrier was 60' in length and needed to access the site, they would be

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informed that a 60' would not be able to maneuver the site and would have to unload across the street. Planner Bolan asked about the driveway entrance and its 2 way traffic in front of the building. Noting it was a tight radius turn. Engineer Modzelewski said it was a tight site when you are limited to the footprint. Planner Bolan asked about the water supply. Engineer Modzelewski said there is one well on site as far as he knows. At this time, he doesn't have any information of the well. Engineer Modzelewski said within the 500' there are two wells on the industrial site across Buffalo Hollow Road, one at the restaurant, one at the Fish & Game Office across the road south of the site an the one that services the existing dealership directly across the road. Planner Bolan said he brought this up in the event they needed it for an aquifer test and an observation well. At the conclusion of the questions by the board and professionals, Chairman MacQueen opened the hearing to the public for questions on testimony given on exhibits **A13 & A14**. There were none.

The next exhibit to be marked was **A16-Landscape & Utility Plan** on Sheet 6 dated October 4, 2013. Engineer Modzelewski said per the suggestion of Planner Bolan, plantings will be extended all along the curb-line and additional plantings along where the emergency access is located. There are some significant trees that will remain because the state will not allow them to remove any, all the existing vegetation/buffering will remain. There is gas service to the site and there are utilities currently to the site which is not an issue. Engineer Modzelewski said there were some issues with the Lighting Plan which was prepared by an outside lighting consultant. Engineer Modzelewski said the intent is to substantially comply with the Lighting Ord. Engineer Modzelewski reviewed the lighting plan for the board. The plan is to have only a certain amount of security lighting on site. Chairman MacQueen noted that over the years the Observatory has expressed how they feel about having too much lighting. Engineer Modzelewski said he plans on having the lighting consultant reduce the number foot candles throughout the site and reducing the wattage in the units.

Engineer Risse didn't have any questions on the landscaping but asked about the GP25 General Permit. Engineer Modzelewski said they will be obtaining that permit which is a permit to install a septic system within a transition area. Mr. McKee asked about having the septic moved to the south and are there any limits and with the setbacks. Engineer Modzelewski said no. Mr. McKee said if moving the septic to the south it would make things easier since it is a tight fit in that area. Planner Bolan noted that the issues haven't been address with the landscaping. Regarding the lighting you would need a design exception in order to have the lights on overnight. The ordinance states the lights are to be off a $\frac{1}{2}$ hour after closing. Engineer Modzelewski said there will be a new drawing for the lighting plan. Mr. Piasecki asked how the lighting was going to correlate with the traffic on Route 31. The light at the intersection is not lit very well. Engineer Modzelewski said it is up to the board if they want them to have lighting on the site at night. Chairman MacQueen asked if the State would want the extra lighting at night.

Engineer Modzelewski said the last thing he wants to address this evening is the drainage calculations. The State will do a full review on the drainage and they will need to totally comply with the state stormwater rules, if they don't they won't have a project. They will need to provide water quality on site, but at the present time there is no water quality on site. For redevelopment the State says you only have to comply with 50% reduction but if you are recharging within a transition area or a special resource area then you have to comply at 90% which is a big difference. Chairman MacQueen asked if the grading they will be doing that nothing will get into the pond. Engineer Modzelewski said that is correct. With the board not having any additions questions, Chairman MacQueen opened the hearing up to the public for questions of the witness. The following person, Victor Hoffman of Buffalo Hollow Road had many questions of Engineer Modzelewski. At the conclusion of the questions, Chairman MacQueen announced that the board will take a short recess at 8:15 p.m.

When the board reconvened at 8:23 p.m. Planner/Traffic Engineer Joseph Staigar was sworn in to give testimony. Planner Staigar referred to the sign variances being requested. The ordinance has 5 stipulations for signage for commercial advertising signs. Planner Staigar went through the 5 requirements for the board. At this time the following was marked into evidence: **A16-Construction Details** on Sheet 10. Attorney Gallina asked that today's date 10/15/2013 be marked on the exhibit. On one of the signs will be the Toyota Logo sign that will be on the southerly side of the front face of the building. Another sign will be over the service entrance entitled Service. The Toyota Emblem covers an area of 30.35 sq. feet. The Service sign is 4.76 sq. feet and the word Toyota covers 18.19 sq. feet bringing the total combining everything to 53.3 square feet which is 1% of the total facade of the building. Planner Staigar said they can have a free standing sign out by the highway not to exceed 30 sq. feet which is allowed by ordinance. We can also have a 30 sq. foot sign on the building which gives them a total of 60 sq. feet. Planner Staigar said they choose not to have a free standing sign so not to have any confusion because of the free standing one across the road. Planner Staigar said they felt it would be a lot safer not to have the free standing and only have the ones on the building. Planner Staigar said one other deviation from the ordinance is to have the signs illuminated internally which will not produce any glare. Planner Staigar said the positive criteria with the signs they are purposing is traffic safety and public safety. There will not be any negative impact on the neighborhood or the zone plan they are in compliance with the intent and spirit of the zone plan. At the conclusion of Planner Staigar testimony, Chairman MacQueen asked if the board had any questions. Planner Bolan asked about the internal illumination and would it be on 24 hours per day. Planner Staigar said Mr. Muller would have to answer. Mr. Muller said probably. Planner Bolan referred to the detail on the plan and the overall perimeter is 10.5 sq. feet by 7.5 sq. feet which is a total of 78 square feet and wanted to know what would actually be lit. Planner Staigar said the logo and the lettering. Planner Staigar

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said the background would be white and the lettering and logo would be red and only the red would be lit. Planner Staigar said on the Service sign only the lettering would be lit. Chairman MacQueen confirmed with the applicant, there will be no free standing signs and directional signs. Chairman MacQueen stated they need to have directional signs. Planner Staigar agreed and they can put them on their property not on State property. Chairman MacQueen at this time opened the hearing to the public for questions of Planner Staigar. There were none. Attorney Winter informed the board that the Engineer and Planner are the only two witnesses for this evening. Attorney Winter noted that they will need to address a few items before returning to the board. Attorney Gallina asked Ms. Glashoff for the next available date. Ms. Glashoff said November 5th. Attorney Gallina announced to the public that Muller Toyota will be carried to the November 5th meeting at 7:00 p.m. with no further notice to be given.

Chairman MacQueen stated that the applicant has heard questions by the board, one being the circulation plan. Attorney Winter said that DOT has had input on the circulation plan and this is what they have come up with. There was discussion over the circulation plan with Engineer Risse and his recommendation. Engineer Risse also referred to the water usage and asked that the applicant check with the County Board of Health. They will also need to see if they will have to do any aquifer testing. At the conclusion of the discussion, Chairman MacQueen asked if there were any public questions. There were none.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 290.00
b. Michael Bolan, PP	\$1,798.00
Total: \$2,088.00	

Motion by Mr. Gerlich and seconded by Mr. Schmidt to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

- a. Law of the Land Article on NJ Supreme Court/Mt. Laurel

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 8:54 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK