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to have. Mr. Stryker said he was looking to have an Accountant or and Attorney maybe a Barber Shop. Mr. Gerlich asked about the upstairs and if it were going to be used since it shows an elaborate staircase which is shown on the plans and asked if it would change the parking requirements. Planner Bolan said no that the upstairs was part of the calculations for the parking. Mr. Schmidt referred to the existing well, the plans show it will be capped and a new well will be drilled. Mr. Stryker said the existing well is a hand dug well. Mr. Schmidt asked about the septic system since it is close to the river. Mr. Stryker said they tested the septic by putting die in it and nothing showed. The bathroom has plumbing but no toilet. Mr. Schmidt asked if Mr. Stryker knew when the septic was installed. Mr. Stryker said he checked with the County Board of Health and they had no record of the septic system being installed. Mr. Rich asked who was present when the die was administered. Mr. Stryker said his engineer was present. Mr. Piasecki asked how the applicant plans on regulating the traffic in and out of the lot on a daily basis. Mr. Stryker said he doesn't see that there will be a lot of traffic. Mr. Piasecki questioned the amount of traffic during the course of a day. Attorney Orr said Mr. Dean will be addressing that issue. Attorney Orr asked to have the floor plan marked. **A10-Floor Plan** prepared by Mark Zgoda, AIA dated June 2010.

At this time Engineer Gary Dean was sworn in to give testimony. At the conclusion of Mr. Dean's qualifications, Board Member Mr. Piasecki said he would have to step down due to a conflict of interest stating that Mr. Dean is doing work for one of the attorneys at his firm. Engineer Dean said he specializes in traffic engineering and transportation planning. Engineer Dean said with the size of the property there is very little room to negotiate more than 3 cars at one time. Since there is no modifications or the intensity is not magnified no permit is needed from the DOT. Per Engineer Dean in his opinion the driveway entrance has been in existence for over 35 years which makes it grandfathered. The entrance is 22' in width. The house will have a reception area, bathroom facility and an office area. At most there would be 2 cars per hour. Engineer Dean visited the property to check out the egress and ingress. Compared to a single family residence the traffic being generated for this office use is approximately 2 cars per hour which is a very low use. At this time Engineer Dean presented a colorized version of the minor site plan, dated August 27, 2010 prepared by David Stires. Engineer Dean said the entrance of 22' in width is more than enough to handle traffic in and out of the property. Engineer Dean said the applicant is supplying twice as much property then is needed per the Township Ordinances. At this time Attorney Orr asked to have Engineer Dean's report marked into evidence. **A11-Report** prepared by Engineer Dean dated December 6, 2010 along with the letter from the Department of Transportation. Engineer Dean stated there is an access permit that exists for the property and there isn't any reason that would cause this permit to expire. There is an access code that is a Master Plan for every state highway. The DOT has imposed certain restrictions on certain state highways. The second most restrictive highways is a access Level 2 and those highways with that access level can only have one access to the property for ingress and egress regardless of how much highway frontage the property has. This section of route 31 is considered Level 2.

At the conclusion of Engineer Deans testimony, Vice Chairwoman Bleck asked if the board had questions of the witness. Mr. Schmidt referred to the numbers of usage since the driveway is shared with another property and asked if this was taken into consideration. Engineer Dean said no. Mr. Schmidt said shouldn't those numbers be in that calculations since they are using the same driveway. The other property has ten trips per day and two per peak hour. The issue is the change in use and the numbers are lower for the property in question. Mr. Gerlich stated when you drive down the road looking at the front of the property; the driveway is not well defined. Basically you could enter the property anywhere along the frontage. Mr. Gerlich asked if it were possible to have a guard rail along the eastern side of the highway so there is no doubt that you can not just drive onto the property. Engineer Dean said that installing a guardrail is a very involved process with the DOT. Engineer Dean suggested some landscaping with some low level bushes. Planner Bolan asked if the landscaping could go in right away. Engineer Dean said yes. They do need a landscaping permit which is not a problem from DOT. Engineer Risse referred to the DOT letter and asked about if a permit was needed for access. Engineer Dean said no since it is a pre-existing non-conforming use. Planner Bolan asked about adding gravel and if it would be a problem. The answer was no. Mr. Schmidt asked if this parking area with gravel actually exists. Engineer Risse said yes and they probed around and found that it does exist.

Mr. Gerlich asked about the test that was done on the septic system and asked if Engineer Dean was involved. Engineer Dean said he was not. Planner Bolan asked about backing out of a parking space if there was enough room to maneuver. Engineer Dean said yes. At this time, Vice Chairwoman Bleck opened the hearing to the public for questions. There were none. Attorney Orr had Engineer George Folk sworn in to give testimony. Attorney Orr asked to have the deed marked into evidence. **A12-Property Deed** dated August 17, 1981. Engineer Folk noted that for a residential use the water usage is 350 gallons per day and for a business the usage for 2-4 people it would be 60 gallons per day. The sidewalk to the front door will be a paver and a paver will be used to the rear for the handicap to the back porch deck. Referring to the Handicap Lift, Engineer Folk said if the lift is not used regularly there is a lot of maintenance. It would be more practical to have a wooden ramp per the ADA code. They are proposing a sign in the front of the building also proposing lighting which will be about 10' in height. It will be LED lighting to save energy and will be a Colonial Post Top to look in character with the building. Also a light on the side of the building for the ramp. There will be a handicap sign for 1 parking space which will comply with the ADA. In compliance with the ADA, there will be an 8' wide van accessible area with a

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4' wide strip next to the 8' wide handicap parking space and a 4' wide paver. The improvements to the site will be the building itself. The house was built back in the 1920's. Engineer Folk said the floor of the building is above the 100' flood plain. Engineer Folk referred to Engineer Risse's letter of October 12, 2010 under Technical Review. Items #1 & 2 have been addressed by Mr. Dean. Item #3 if approved will be revised. Item #4 will be addressed per the ADA regulations. Item #5, the site is located within a flood hazard area. The improvements to the site should not trigger a flood hazard permit. They can apply to the DEP for a flood hazard permit if the application is approved.

At the conclusion of Engineer Folk testimony, Vice Chairwoman Bleck asked if the board had any questions of the witness. Mr. Weiler said he prefers the ramp over the lift for the handicap. Mr. Schmidt voiced his concern with the septic system with no attempt to camera down the septic. Also the septic system is very near the Spruce Run River. Planner Bolan noted on the plan the area that is crossed hatch next to the handicap and wanted to know if that was going to be paved. Engineer Folk said no but could include it with the pavers. Planner Bolan said it would be a good idea, especially if someone was coming to the site with a wheelchair. Mr. Schmidt asked about the septic again since Engineer Folk was the one doing the testing and since there is an open pit well and asked why a camera wasn't put down the septic to check it out. Engineer Folk said they just ran the water. Mr. Schmidt said the house has been empty for a long time. Engineer Folk said they did the test in April/May and had a pretty wet season at that point. Mr. Schmidt said the septic is right near the Spruce Run and can't believe the DEP doesn't want to get involved since we are in the Highlands. Engineer Folk said he walked the stream for over an hour and did not see any of the dye. Engineer Risse asked if there was a septic tank. Engineer Folk said no. Mr. Gerlich asked if the state would require further testing of the septic system. Engineer Risse said it is grandfathered as long as it is not malfunctioning and that it was built in accordance with the standards at that time.

Engineer Folk said he spoke with Bob Vaccarella at the County Board of Health and he said if they have a problem then they will have to deal with it. Engineer Risse said if they have a problem they will be putting in an elaborate system. Mr. Gerlich asked Engineer Risse the test that was performed was it the standard test of today. Engineer Risse said there is a guidance document that Rutgers put out that the DEP uses. Mr. Rich asked how the applicant's engineer gets to do the test with no one there on behalf of the Township. Isn't this a built in conflict. There was no one there at the site to have our best interest at heart. Mr. Rich noted that there was no one to watch out for the Planning Board. Mr. Rich asked if we require Board of Health approval. Ms. Glashoff said Board of Health approval is on our Checklist. Engineer Risse asked if the applicant has gotten anything in writing from the County Board of Health. Engineer Folk said no. Mr. Gerlich asked Engineer Risse if he was satisfied with the responses from the Key Issues in his letter. Engineer Risse referred to the gravel area for the parking and the hair pin turn that would have to be made. They had gone out and probed in the area and found there was more gravel for the parking. If they can get that back into use then you can get perpendicular to Route 31 before pulling out. Now it is a hair pin turn. Engineer Risse noted that Engineer Folk didn't mention that there is a bird bath area that collects water, a low spot. They will need a few more loads of stone. Planner Bolan referred to the wheel stops. Engineer Risse said there is no gravel where the wheel stops are to be located, it's lawn. At the conclusion of the board's questions, Vice Chairperson Bleck opened the hearing to the public. Warren Newman who is the Township Flood Plain Admin. and Chair to the Environmental Commission had questions of Engineer Folk. Mr. Newman asked Engineer Folk if he was familiar with the Township's Flood Damage Prevention Ordinance. Mr. Newman said there is a provision regarding substantial improvements. It refers to a flood hazard area. The property is within a flood zone. Mr. Newman went over the provisions in the ordinance for Engineer Folk. In the ordinance it states that he can not have a floor that is beneath a flood area. Mr. Newman stated he spoke with the Construction Official regarding this property and the Construction Official also spoke with Mr. Stryker regarding the crawl space and filling it up to be above the flood elevation. Engineer Folk said the crawl space is about 5' and they discussed filling it up to about 30" from the top of the floor ceiling. Mr. Newman also referred to the flood elevations that are shown on the site plan. On the plan it is shown as 327' and Mr. Newman felt this was inaccurate. The cross section along the Spruce Run by the bridge is 327' and goes up stream to 333' just pass the property line. This issue was discussed at length.

During the discussion Mr. Newman referred to the well and also referred to the Highlands. Engineer Folk informed Mr. Newman and the Board they have submitted a letter to the Highlands dated June 11, 2010. Attorney Orr referred to the Ordinance that Mr. Newman addressed and said they will make every effort to comply with the Ordinance. Attorney Orr said he did not know about the ordinance that Mr. Newman referred too. Attorney Orr stated that the Planning Board did not have jurisdiction over the ordinance. Mr. Newman asked if Engineer Folk returned the next day after they had put dye in the septic. Engineer Folk said no but that Mr. Stryker had been back to the property the next day. Engineer Risse said if you see dye right away it is probably a pipe connection. You don't always see the dye especially if you have a lot of water in the ground it would dilute it. At the conclusion of the discussion, Vice Chairperson Bleck opened the hearing to the public for comments. There were none. Motion by Mr. Rich and seconded by Mr. Weiler to close the public hearing. Unanimously approved.

The board deliberated at this time. During the discussion, Mr. Rich expressed concerns and felt that the plans should be revised since there are major changes that need to be made and the applicant should return for another meeting. Engineer Risse agreed that the board should see the revisions before voting on the application. Mr. Schmidt said he prefers the handicap ramp vs the lift. Mr. Schmidt also expressed concern of a 90 year old septic system just 10 feet from the river. Mr. Schmidt also agreed with Mr. Rich's

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suggestion. Mr. Gerlich also agreed with Mr. Rich regarding the revisions being done before the board votes on the application. Mr. Gerlich stated that Mr. Newman's comments were very important also. We haven't heard any real testimony on how the elevation of the flood was established. Since the applicant has to revise the site plan then he should come back with the information so we have it and it is on the record. Mr. Gerlich asked Mr. Newman if the Construction Official notifies him when there is a problem. Mr. Newman said it was the Zoning Officer and from there the Construction Official. Mr. Newman said they have to mark all lots in the Township that are or can be affected in a flood area. If that lot comes up then they will have to take a closer look at it. On this particular application the Construction Official had a very clear concern that there would be a little bit of work done under one permit and then more work done on another permit. Then it would be considered substantial improvement and then there would be other requirements that would have to be met. Mr. Newman said he looked carefully at the flood maps, flood calculations and looked at the stream cross sections. He had question in regards to the base flood elevations that are provided on the site plan. Mr. Newman said he doesn't feel it accurately depicts what is on the flood insurance maps. Mr. Newman said it is important that we comply with our ordinance because it can put us in jeopardy with having flood insurance in the Township. It would put our residents are risk.

Attorney Orr stated that the Planning Board doesn't have jurisdiction over the Flood Damage Prevention Ordinance. If the Planning Board was to invalidate the flood elevation, the board can not do that. Attorney Orr said if his client violates the ordinance he would have to appear in Superior Court. The Planning Board can not make a determination ahead of time. Ms. Glashoff noted that an applicant had appeared before the Planning Board a few years ago regarding the Flood Prevention Ordinance and had to get approval from the board. Mr. Weiler asked Mr. Rich, what are the major changes that need to be made to the site plan. Mr. Rich said the driveway, landscaping where it would go and how it would be done, get around the waivers addressing Engineer Risse's comments, knocking the waivers down to a minimum number, showing the ramp, (is it going to be in the flood plain), Attorney Gallina said the Flood Plain Ordinance is Section 220. Attorney Gallina said his recollection was the application that came before the Planning Board had been for an appeal.

Vice Chairperson Bleck said the applicant has a nice proposal for renovating this house, but the Planning Board has taken a very close look at important things and for the Planning Board to feel comfortable from what is being heard from the board, the board wants you to come back and show us where all the gravel is going to be, show us the ramp, reconfigure or push back the parking, and address the landscaping. Engineer Risse and Planner Bolan felt all the items were covered. Ms. Bleck referred to the low spots that need to be addressed. Mr. Gerlich noted the comments earlier regarding the parking with the turn around and that small cars wouldn't have a problem but larger vehicles would, so they would need to be addressed.

Attorney Orr said he would need to see the Flood Prevention Ordinance. Ms. Glashoff noted it was online. Attorney Orr said they will try and address all the items. Vice Chairperson Bleck asked Ms. Glashoff for a continuation date. Ms. Glashoff offered the January 11th Meeting which will be the Planning Board's Reorganization Meeting and asked if that would give them enough time to do the revisions needed. After a brief discussion, motion by Mr. Gerlich and seconded by Mr. Weiler reopen the public hearing. Unanimously approved. Attorney Gallina announced the public hearing on the Stryker application is carried to the February 1, 2011 at 7:00 p.m. Mr. Stryker asked to come in on the January 11th meeting. With further discussion by the board and advising the applicant that the revised plans need to be in to the Board Clerk no later than December 30th. Attorney Orr said they will plan on the January 11th meeting and if they aren't ready they will ask for the next available meeting date. Attorney Gallina announced that the previous announcement is amended and the application will be carried to the January 11, 2011 meeting with no further notice given.

Vice Chairperson Bleck announced the board will take a 5 min recess at 9:10.p.m. When the board reconvened at 9:17 pm the Items for Discussion were discussed. Mayor Jay Weeks left the meeting at 9:12 p.m.

ITEMS FOR DISCUSSION:

a. Set Date for Reorganization Meeting (propose January 11, 2010 @ 7:00 p.m.)

The Board announced they will hold their Reorganization Meeting on Tuesday January 11, 2011 at 7:00 p.m.

b. Board terms to expire on December 31, 2010: Josh Rich 4 yr. Term, the following are 1 year terms: Mayor-Class I, Committeeman-Class III, Art Gerlich – Class II

Mr. Rich and Mr. Gerlich were asked if they would like to be reappointed. Both answered yes.

c. 2011 Budget

The board reviewed the proposed budget for 2011. With a couple of corrections, motion by Mr. Rich and seconded by Mr. Gerlich to approve the budget as amended. Unanimously approved. Ms. Glashoff will make the changes and forward the boards proposed budget on to the Township Committee for consideration.

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CORRESPONDENCE:

- a. NJ Planner November 2010
- b. DEP News (2 Articles) 11/3/2010 & 11/10/2010
- c. NJ Chapter/American Planning Assoc.
- d. NJ League Re: COAH Bill
- e. Law of the Land 11/2010

Being no further business to come before the board nor comments from the public, motion by Mr. Rich and seconded by Mr. Weiler to adjourn the meeting at 9:37 p.m. Unanimously approved.

VICE CHAIRPERSON DOREEN BLECK

GAIL W. GLASHOFF, PLANNING BOARD CLERK