

## REGULAR MEETING

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

**May 11, 2022**

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:00 p.m. by Chairman Wayne Eberle. Present were: Mr. Porcino, Mr. Terzuolo, Mr. MacQueen, Mr. Locker, Mr. Sachs, Attorney Gallina, Planner McManus & Engineer Bayer. **Excused:** Ms. Guevara & Ms. Zakita.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Board of Adjustment will hold a meeting on May 11, 2022 at 7:00 p.m. to hear applications before the board. Notice of this meeting was published in the Hunterdon Review on May 4, 2022. Copies of the Agenda was emailed to the Hunterdon Review and Courier News, faxed to the Hunterdon County Democrat, Express Times, Star Ledger and posted on the Lebanon Township Website and Bulletin Board in the Municipal Building on May 6, 2022.

**PRESENTATION OF MINUTES:** April 27, 2022 Regular Meeting

Motion by Mr. MacQueen and seconded by Mr. Sachs to approve the minutes as presented.  
Unanimously approved.

### **APPLICATION FOR COMPLETENESS/WAIVERS & SET A PUBLIC HEARING DATE:**

Wayne Ingram                      Block #51 Lot #14.05  
140 West Main Street              Heather Hill Road R1 ½  
High Bridge, N.J.

Bulk Variances & Private Road

Mr. Ingram was present along with Engineer Kurt Hoffman and made a presentation to the board. Board Engineer Bayer went over the checklist items that Mr. Ingram was asking for waivers. During the discussion, the subject of the lot was brought up by Attorney Gallina. Mr. Ingram stated, the lot is considered a building lot. The board informed Mr. Ingram that this will be an item of discussion at the public hearing since it was to be merged with lot #14.04 per the Resolution and Minutes from 1975. It was noted by Attorney Gallina that the Bond for road was no longer an outstanding condition. But the merger of the two lots #14.04 & 14.05 was never done and is an outstanding issue.

Engineer Bayer continued with his report. The following items are recommended as Waivers for completeness only: Items #25a- Highlands Exemption, #37- Lot line dimensions on survey. The following items need justification during the completeness hearing: #21, 23,24,34,36, 43, 44,46, 47, 50, 65. The following items recommended for Waivers: Items: #38-Location of all existing Structures and within 100' of the property, #73-Photographs of the property. The board discussed

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the items for justification with Engineer Bayer along with the applicant and his engineer at length. Attorney Gallina referred to the Resolution dated 1977 which stated the lot 14d was to be merged to 14e which never happened. Attorney Gallina stated that this will be discussed at the public hearing. At the conclusion of the board's discussion, motion by Mr. MacQueen and seconded by Mr. Terzuolo to grant the waivers that Engineer Bayer recommended and set a public hearing date for June 22, 2022.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Eberle	Mr. Porcino	<b>Absent:</b> Ms. Guevara
	Mr. MacQueen	Mr. Locker	Ms. Zatika
	Mr. Sachs	Mr. Terzuolo	

**NEW BUSINESS:**

Shebaa Farms, LLC	Block #38 Lot #19.03
Brook Run Farm Nursery	Route 513 R5
409 Route 513	
Califon, N.J. 07830	

**PUBLIC HEARING**                      Minor Site Plan/Bulk Variances

Attorney Robyn Wright, Tim Smith the applicant and Engineer Wayne Ingram were present to represent Shebaa Farms, LLC. Attorney Wright gave a brief presentation and stating the applicant is requesting a Minor Site Plan approval along with Bulk Variances. Attorney Gallina said the all the notices are in order to proceed with the public hearing. The following items were marked into evidence: **A1**-Affidavit of Proof of Service, **A2**-Certified List of Property Owners & Utilities, **A3**-Notice of Hearing to Property Owners and Utilities, **A4**-Certified mailing slips, **A5**-Affadavit of Publication, **A6**-Affadavit of Service and Waiver of 10 day Notice, **A7**-Brook Run Farm Screening Exhibit. Attorney Gallina stated that certification of taxes paid to date need to be furnished and will make it a condition of approval.

Attorney Gallina had the following sworn in to give testimony: Applicant Tim Smith and Engineer/ Planner Wayne Ingram. Mr. Smith he is looking to sell produce, plants, ornamental trees, nursery stock, mulch, landscaping material, along with weed killer, peat moss, garden tools, fertilizer and similar landscaping materials. Mr. Smith also stated for the holidays, Christmas Trees & Wreaths. Mr. Smith said he would also like to provide landscaping and tree service which would include delivering and installing plants, trees and landscaping materials to the customer. Attorney Wright noted that the property is located in the R3/R5 residential zone, consisting of 17.4 acres with frontage on Route 513. Since the property only has two hundred feet of road frontage and the requirement is 250 feet for the R5 zone, it would be considered a preexisting nonconforming for road frontage. Attorney Gallina referred to the approvals granted to former owner Neal Ercolano consisting of an approval for a roadside stand with the Resolution adopted on March 5, 1980 with conditions. The Resolution that was adopted on April 11, 1980 granted Site Plan approval with conditions by the Planning Board

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with the site consisting of 6.86 acres. Resolution dated July 9, 1982, the Board of Adjustment granted variances approval to add a second story to the existing one story building for an apartment. The Board of Adjustment with conditions granted an additional variance to permit use of an existing 50' ROW for use of commercial vehicles for parking of employees and also for the tenant of the apartment unit. The Board of Adjustment also denied Mr. Ercolano a variance to construct a barn for commercial storage and commercial use. The last Resolution adopted on February 2, 1983 grant Mr. Ercolano an amended Site Plan Approval.

Mr. Smith owner of Shebba Farms testified that he has been a landscape gardener for over 20 years. Mr. Smith stated that the Zoning Officer informed him that the Resolution stated that only one apartment had been approved and the second apartment is illegal. Mr. Smith stated he wants to re-establish the garden center business. The applicant said he is seeking variance relief regarding the parking spaces, 15 are required and he is only looking to have 11 spaces. Mr. Smith went on to say that he will be having outdoor storage of materials which will be on skids. The number of employees will be seasonal and estimates there will be a maximum of 10 employees during the high of the season and will not be having any employees during the winter months. Mr. Smith stated that the hours of operation will be 7:00 am to 7:00 pm year round. At the conclusion of Mr. Smith's testimony, Planner McManus had questions of the applicant.

The following board members had questions of the applicant: Mr. Sachs, Mr. Terzuolo and Mr. MacQueen. At the conclusion of the questions by the board, Engineer/Planner Ingram was sworn in to give testimony. Engineer Ingram said the property is in the R3/R5 zones. The applicant is seeking relief from a D Variance, Bulk Variances and Site Plan Approval. Engineer Ingram stated the operation will involve 2,200 sq. feet of outside display area. Engineer Ingram said the applicant is seeking Bulk Variance relief for the following: number of parking spaces, number of accessory structures. There are 6 accessory structures and 3 are allowed by Ordinance. There are 4 paved parking spaces at this time. Engineer Ingram said a dumpster will be placed on the paved portion which is located in the rear area on site. At the conclusion of Engineer Ingram testimony, the board had a few questions of Engineer Ingram. There were no questions by the public.

Board Engineer Ted Bayer gave testimony at this time. Engineer Bayer said the 11 parking spaces need to be designated on the Site Plan. Also, that a sign or directional arrows showing ingress and egress which also needs to be shown on the Site Plan. Engineer Ingram said a directional arrow will be shown on the Site Plan. Engineer Bayer stated that the employee parking area needs to be shown on the Plan. Engineer Bayer noted that the existing lighting needs to be on the Site Plan. Engineer Ingram said the existing lighting is mounted on the building. No new lighting is being proposed. Engineer Bayer went

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on to say that the ADA parking space needs to be shown and the designated accessibility route is also need on the plan. Engineer Bayer went on to say that the location of the outdoor bulk storage bins need to be shown on the Site Plan along with the calculation of impervious coverage needs to be furnished. At the conclusion of Engineer Bayer's testimony, the board had no questions of the Engineer Bayer.

Before opening the hearing to the public, Chairman Eberle announced that the board will take a 5 min. recess. Motion by Mr. MacQueen and seconded by Mr. Sachs to adjourn the hearing for a 5 min. recess. Unanimously approved. When the board reconvened Chairman Eberle opened the hearing to the public for comments and questions. Ms. Griffin of 407 Route 513 and Terry Atlas of 493 Route 513 made comments with concerns regarding traffic since this business is on a busy County Road.

At the conclusion of the public testimony, Chairman Eberle asked for a motion to close the public hearing. Motion by Mr. MacQueen and seconded by Mr. Sachs to approve the application for Site Plan, Bulk Variance and Use Variance which included relief from Ordinance 400-46 permitting 11 spaces where 15 are required and Ordinance 400-10 permitting 6 accessory structures where 3 are permitted and Variance relief regarding Nursery Stock Sale, Landscaping, Delivery/Installation Component of the Garden Center with the following conditions:

- a. Applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction.
- b. The applicant will pay all necessary fees and escrows payable in connection with the application. The applicant shall be under a continuing duty to maintain a positive escrow account balance until all conditions have been satisfied and all charges paid.
- c. The following revisions to the Site Plan shall be made and approved by the Board Engineer:
  1. The parking spaces shall be designated on the Site Plan.
  2. Directional arrows showing the direction of ingress and egress to and from the site will be shown on the Site Plan and also installed on the travel lanes on the site.
  3. The employee parking area will be designated on the Site Plan.
  4. The existing lighting for the site will be shown on the Site Plan.
  5. The site accessibility route from the ADA parking space will be Designated on the Site Plan.
  6. The impervious cover calculation will be shown on the Site Plan.
- d. The hours of operation shall be from 7:00 am to 7:00 pm
- e. The applicant will submit the necessary documentation from the Tax Collector indicating that property taxes are paid to date.
- f. All necessary permits shall be obtained within 18 months of the date of the adoption of the Resolution. (The applicant is advised that pursuant to Ordinance

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Section 45-20, if an extension of time is needed, the request must be made in writing prior to the expiration of the 18-month period.)

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Eberle	Mr. Porcino	<b>Absent:</b> Ms. Guevara
	Mr. MacQueen	Mr. Locker	Ms. Zatika
	Mr. Terzuolo	Mr. Sachs	

**Attorney Gallina will prepare the Resolution to be on the next Agenda of June 8, 2022.**

**PRESENTATION OF BILLS:**

a. John Gallina, Esq.	\$260.00 – Attend Meeting on April 27, 2022
b. Court Stenographer	\$250.00 - Attend ZBA Meeting 5/11/2022
<b>Total:</b>	<b>\$510.00</b>

Motion by Mr. Locker and seconded by Mr. Terzuolo to approve the bills as presented. Unanimously approved.

**CORRESPONDENCE: None**

Chairman Eberle asked for a motion to go into Closed Executive Session involving a board appointment. Motion by Mr. Terzuolo and seconded by Mr. MacQueen to go into Closed Executive Session. Unanimously approved.

**THE LEBANON TOWNSHIP BOARD OF ADJUSTMENT WILL GO INTO CLOSED EXECUTIVE SESSION AT THIS TIME.**

**WHEREAS,** the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS,** the Board of Adjustment finds it necessary to conduct an executive session closed to the Public as permitted by the N.J.S.A. 40: 4-12; and

**WHEREAS,** the Board of Adjustment will reconvene in public session at the conclusion of the Executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Adjustment of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic as permitted by N.J.S.A., 40:4-12:

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  x   Matters involving a board appointment.

**BE IT FURTHER RESOLVED** that the Board of Adjustment for the reasons set forth above, hereby, declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

At this time, Chairman Eberle asked for a motion to close the Executive Session and return to the public portion of the meeting. Motion by Mr. MacQueen and seconded by Mr. Locker to Close the Executive Session and return to the regular portion of the meeting. Chairman Eberle asked to have Ms. Glashoff send a Memo to the Township Committee recommending the appointment to the Board. Unanimously approved.

Being no further business to come before the board, nor comments from the public, motion by Mr. Sachs and seconded by Mr. Locker to adjourn the meeting at 9:00 p.m. Unanimously approved.

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**CHAIRMAN WAYNE EBERLE**

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**KIMBERLY JACOBUS, ACTING BOARD SECRETARY**

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**GAIL W. GLASHOFF, BOARD SECRETARY**  
**PREPARED THE MINUTES OF THE MEETING**