

**REGULAR MEETING**

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

**April 26, 2017**

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:30 p.m. by Vice Chairman Abe Abuchowski. Present were: Mr. Kozlowski, Mr. MacQueen, Mr. Perry, 1<sup>st</sup> Alternate Locker, 2<sup>nd</sup> Alternate Guevara, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Terzuolo, Mr. Maurizio and Mr. Eberle.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 25, 2017, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the Township Website and on the bulletin board in the Municipal Building

**PRESENTATION OF MINUTES:** March 22, 2017 Regular Meeting

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

**APPLICATION FOR COMPLETENESS & WAIVERS:**

Aqua New Jersey Block #26 Lot #34  
Bunnvale Water System #1 Boulder Field Road R15  
Conditional Use/Site Plan

Attorney Brian Tipton representing Aqua NJ and Engineer Andrew Holt from Suburban Consulting Engineers were present this evening to discuss with the board the waivers and completeness. Attorney Tipton noted the 6 checklist items that they are asking for waivers from the following: Items #13,14,22,33,42,& 43. Engineer Risse said **Items #13 & #14** can be provided as a Condition of Approval, waiver for completeness only. The information is required for bonding and escrow calculations. **Item #22** – applicant to provide updated certification from Hunterdon County Soil Conservation District, **Item #33** regarding contours onsite. Engineer Risse said the waiver is reasonable based on limited disturbance proposed, **Item #42** regarding existing wells and septic within 100' of property. Engineer Risse said justification needs to be provided to board at completeness hearing, **Item #43** regarding flood hazard areas, stream corridors on the property and within 500'. Information within project limits is provided, applicant to provide justification to board a completeness hearing.

Engineer Holt stated there are no wells on the property or within 100' of the property. Engineer Holt said they are replacing the existing wooden building with a new single story building 16' in height which will be the new well house. At the conclusion of the discussion, motion by Mr. MacQueen and seconded by Mr. Kozlowski to grant waivers and set a public hearing date for May 24, 2017 at 7:30 p.m. Unanimously approved.

**NEW BUSINESS:**

Muller Toyota Block #3 Lot #5.01  
c/o William Muller Route 31 B2  
Rellum Realty, LLP  
20 Schick Road  
Milford, N.J. 08848

**PUBLIC HEARING** Waivers & Variance relief for freestanding pylon sign  
90 sq. ft. (Ordinance permits 30 sq. ft.) Internal  
Illumination, Bulk Variances

Attorney Mark Winter and Engineer Joseph Modzelewski of Mott, MacDonald and Joseph Staigar, Engineer/Planner/Traffic Expert were present on behalf of Muller Toyota. Attorney Gallina said that all the notices are in order and the board can proceed with the public hearing. The following items were marked into evidence: **A1**-H.C. Planning Board letter dated 1/23/2017, **A2**-Affidavit of Proof of Service, **A3**-POD Slips, **A4**-Certified List of Property Owners & Utilities, **A5**-Notice of Hearing, **A6**-Notice in Newspaper. Attorney Gallina noted that as a condition of approval taxes to be current in order prior to building permits.

Attorney Winter made a presentation to the board. The property is located on Route 31 in the B2 zone on 6.07 acres. Attorney Winter informed the board that the Lebanon Township Planning Board granted Site Plan approval on July 1, 2014. The applicant is asking approval to construct a 90 square foot free standing Pylon Sign with internal illumination and Bulk Variances for front yard and rear yard setback relief. At the conclusion of Attorney Winter's opening remarks, Engineer Modzelewski was sworn in to give testimony. During Engineer Modzelewski's

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testimony, the following item was marked into evidence: **A7**-Variance Plan dated August 22, 2016. The B2 zone permits a sign to be 30 square feet. The proposed sign is 90 square feet with the width of 6' and height of 15'. The setback requirements by ordinance is 50' front and rear. The proposed sign will be 20' for front yard and 40' for rear yard. Item **A8**-rendering of sign was marked into evidence. Engineer Modzelewski noted that the proposed sign will be similar to the sign at the Sales Office across the Highway. At the conclusion of Engineer Modzelewski's testimony, Vice Chairman Abuchowski asked if the board had any questions. Vice Chairman Abuchowski asked what are the limitations that require a variance for setbacks and asked why they can't meet the setbacks required by ordinance. Engineer Modzelewski said the Planner will be the one to answer that question. Vice Chairman Abuchowski opened the hearing to the public for questions. There were none.

Attorney Winter had William Muller sworn in to give testimony. Mr. Muller said they sent a survey out to their customers. The main complaint from their customers was the visibility of the entrance when traveling north on Route 31. In most cases, the customer missed the entrance and had to find a place to turn around since the entrance is not clearly marked. Mr. Muller said the only day the Service Center is open until 7:00 p.m. is Thursday. The lights at the Service Center go dim at 8:00 p.m. and turned off at night. Mr. Muller informed the board that during winter when it gets dark early the sign will be lit when the Service Center is open until 7:00 p.m. At the conclusion of Mr. Muller's testimony, Vice Chairman Abuchowski asked if the board had any questions. Ms. Guevara asked about the lighting in the evening. Mr. Muller stated that only on Thursday will the Service Center be opened until 7:00 p.m. then the lighting will be dimmed and then off during the night. Being no further questions of the board, the hearing was opened to the public for questions, there were none.

Engineer/Planner Joseph Staigar was sworn in to give testimony on behalf of the applicant. Planner Staigar noted that Route 31 is a high speed highway with approximately 25,000 vehicles that pass the Service Center on a daily basis. Planner Staigar said it is important for the sign to be illuminated in order to give the customers enough time to slow down to make the turn into the parking lot. At this time the following item was marked into evidence: **A9**-3 photos. Planner Staigar reviewed the photos for the board. The 1<sup>st</sup> photo was taken from the northbound direction showing that you need at least 750' before the entrance which will give the motorist significant time to identify the entrance to the Service Center. The sign will enhance traffic safety and being illuminated is essential. It will also be consistent with the sign on the south bound side of Route 31. Planner Staigar said if the sign were moved back to comply with the setback requirements and with the vegetation along Route 31, it would impair the visibility of the sign. Planner Staigar said the benefit of granting a C2 variance would outweigh any detriment. Attorney Gallina had the following marked into evidence: **A10**-Letter from Attorney Gallina dated January 17, 2017. At the conclusion of Planner Staigar testimony, the following board members asked questions: Mr. Perry & Mr. Kozlowski. Mr. MacQueen asked about the checklist items for waivers. Ms. Glashoff said those comments were from the Review Committee and forwarded on to Engineer Risse.

Planner Bolan said the properties along Route 31 vary in size and were from ½ acre up to the largest lot being Vice 14 acres of Davara Industrial Center which is next to Muller's Service Center. Planner Bolan also noted that the applicant does not need a rear yard variance since under the Ordinance for corner lots, the boundary line along Buffalo Hollow Road is actually a side yard instead of a rear yard. Planner Bolan said the board can grant the variance as requested. Engineer Risse said the proposed sign makes sense for traffic safety. It was also noted from a question by Mr. Perry that between Mr. Muller and the D.O.T. they had the service road paved. Vice Chairman Abuchowski opened the hearing to the public for questions. There were none. Vice Chairman Abuchowski opened the hearing to the public for statements and comments. There were none.

At this time, Attorney Winter gave his summation. At the conclusion, motion by Mr. MacQueen and seconded by Mr. Kozlowski to close the public portion of the hearing. Unanimously approved. The board deliberated at this time. At the conclusion of their deliberations, motion by Mr. Kozlowski and seconded by Mr. Perry to grant the Bulk Variance relief for the proposed free standing sign permitting a 90 square internally illuminated sign 15' x 6' and granting a front yard setback of 10' and side yard setback of 40' with the following conditions:

- a. The 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.
- c. The applicant shall furnish the necessary certification from the Tax Collector that all property taxes are paid to date before any building permits are issued.
- d. All necessary permits shall be obtained within 18 months of the date of the adoption of the Resolution. Per Ordinance Section 45-20, if an extension of time is needed, the request must be made in writing prior to the expiration of the 18 months.



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garage, asked about the alternate use on the 2<sup>nd</sup> floor and asked where the stairs are located. Mr. Levy said inside the building and the garage will be on the first floor and the office on the second floor. Ms. Guevara informed the applicant he has exceeded the garage at this point and there is already a garage on the property. Ms. Guevara noted that the applicant has created an accessory building that is more than a garage since it includes an office on the second floor. Attorney Trofimov asked Mr. Levy if the original garage had a second story. Mr. Levy said he did not know. Ms. Guevara said from the photo it looks like it was just a single story building. Mr. MacQueen referred to the photos on page 1 of 9 and page 3 where you can see the neighbor's house. Mr. MacQueen said you can clearly see the neighbor's house in the pictures on Page 1 and 2. Mr. MacQueen questioned the inspections regarding the house. Mr. Levy said when Charlie Rogers was there it was to inspect the electric for the septic system only. Mr. MacQueen said even when taking the cupola off, the height of the garage would still be over the limit. Attorney Trofimov said yes since the limit is 15'. At the conclusion of Mr. Levy's testimony and questions by the board, Vice Chairman Abuchowski opened the hearing to the public for questions. There were none.

Planner Bolan noted there was no testimony or rationale to grant the variances in terms of the shape of the property or topographical conditions or hardships, only the self-imposed hardship and have not heard anything that the variance can be granted without any detriment to the public good or without substantial impairment of the zone plan and zoning ordinance. Attorney Trofimov said he would like to have Engineer Clerico address those issues. Vice Chairman Abuchowski asked if the board had questions of Mr. Levy, there were none. When opened to the public for questions, there were none.

The board decided at this time to take a 5 minute break at 9:30 p.m. When the board reconvened at 9:35 p.m. Engineer Clerico address the issues brought up by Planner Bolan. At the conclusion of Engineer Clerico testimony, Vice Chairman Abuchowski asked if the board had any questions. There were none. When opened to the public for questions, there were none. Vice Chairman Abuchowski opened the hearing to the public for comments and statements. The following people had statements and were sworn in: Mr. Mroz of 11 Deerpath Road, Kelly Garland of 4 Twin Pines Lane. At the conclusion of the statements, Attorney Trofimov gave his summation. At the conclusion of the summation, Vice Chairman Abuchowski closed the public portion of the hearing. The board deliberated at this time.

At the conclusion of the board's deliberation, motion by Ms. Guevara and seconded by Mr. Perry to grant the bulk variance relief front yard setback and height of an accessory structure with the following conditions:

- a. The maximum height of the garage shall be 25'.
- b. The applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction.
- c. The applicant will pay all necessary fees and escrows payable in connection with the application.
- d. All necessary permits shall be obtained within 18 months of the date of the adopted Resolution. The applicant is advised that pursuant to Ordinance Section 45-20, if an extension of this time period is needed, the request must be made in writing prior to expiration of the 18 month period.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Abuchowski Ms. Guevara Mr. Perry	<b>No:</b> Mr. MacQueen Mr. Locker	<b>Absent:</b> Mr. Terzuolo Mr. Eberle Mr. Maurizio
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**Attorney Gallina will prepare the Resolution to be on the next agenda of May 24, 2017.**

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**PRESENTATION OF BILLS:**

a. John Gallina, Esq.	\$ 260.00 – Attend Board Mtg 3/22/2017
	\$ 325.00 - Review application/Ltr to Bd Sec. <b>(Escrow-Aqua)</b>
	\$ 260.00 - Review application, prepare Ltr <b>(Escrow-Muller)</b>
	\$ 130.00 – Review application, prepare Ltr <b>(Escrow-Levy)</b>
b. Michael Bolan, PP	\$ 116.00 – Review application, plans, correspondence, ordinance, prepare comments. <b>(Muller Toyota)</b>
c. Bayer/Risse Engrs.	\$ 637.50 - Phone conf. with Suburban Consulting Engrs. concerning requested plan revisions. Review of the revised Site Plan and preparation of a completeness report to the ZBA on March 21, 2017. <b>(Aqua NJ)</b>
b. Court Stenographer	\$ 250.00 – Attend meeting 4/26/2017
c. H.C. Planning/Zoning Admin.	\$ 15.00 – 2017 Dues
<b>Total:</b>	<b>\$1,993.50</b>

Including the two additional bills from the Agenda Addendum and bringing the grand total to \$1,993.50, motion by Mr. MacQueen and seconded by Mr. Locker to approve the bills as amended. Unanimously approved.

Ms. Glashoff reminded everyone about getting the Financial Disclosure Statements done.

Being no further business to come before the board, nor comments from the public, motion by Mr. MacQueen and seconded by Mr. Locker to adjourn the meeting at 10:23 p.m. Unanimously approved.

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**VICE CHAIRMAN ABE ABUCHOWSKI**

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**GAIL W. GLASHOFF, BOARD SECRETARY**