

REGULAR MEETING

Lebanon Township Board of Adjustment

May 27, 2009

Municipal Bldg 530 West Hill Road Glen Gardner, N.J.

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:34 p.m. by Chairman Bruce Terzuolo. Present were: Mr. Kozlowski, Mr. Abuchowski, Mr. Perry, 1st Alternate Eberle, 2nd Alternate Maurizio, Attorney Gallina and Engineer Risse. Planner Bolan arrived 7:37 p.m. **Excused:** Mr. Machauer & Mr. MacQueen.

Notice of this meeting was noticed in the “Annual Meeting Notice Schedule” adopted by this board on January 28, 2009, mailed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier New, Star Ledger and posted on the bulletin board in the Municipal Building on May 20, 2009.

PRESENTATION OF MINUTES: May 13, 2009 Regular Meeting

Motion by Mr. Kozlowski and seconded by Mr. Maurizio to approve the minutes with minor corrections. Unanimously approved.

REMINDER: Planning Board Meeting on June 2nd 7:00pm Highlands Presentation

NEW BUSINESS:

Lebanon Township Volunteer Fire Department

Block #29 Lot #32.04

532 West Hill Road

West Hill Road R 1½

Glen Gardner, N.J. 08826

PUBLIC HEARING

Section 400:13.E14 for a sign internally luminated

& Section 400: Attachment 4:1 Schedule I Sign

within front yard and side yard setbacks

Mr. Perry announced that due to a conflict of interest he will be stepping down from this application. Present to discuss the application were: President John Kneafsey, Jay Harkins, Fire Chief and Lieutenant Joe Pezzuti. Attorney Gallina announced that all the notices are in order and the board can proceed with the hearing. The following items were marked into evidence: **A1**-Taxes Exempt, **A2**-Zoning Denial, **A3**-Certified List of Property Owners & Utilities, **A4**-Notice to Property Owners, **A5**-POD Slips, **A6**-Affadavit of Proof of Service, **A7**-Notice in Newspaper.

Mr. Kneafsey made a presentation to the board. During the presentation, the following was marked into evidence: **A8**-Survey from Eldon Allen Land Surveyor dated April 1, 2009 and **A9**-3 pages of stretches showing the proposed sign, picture of a sign in front of a church, aerial view photo of the property. Mr. Kneafsey informed the board the present sign is old and in disrepair and the Fire Department wanted to upgrade the sign including having the sign being illuminated. Being able to have the sign lit after dark will benefit the public with any announcements, events the Fire Department is having and any notices that would need to be posted for the public. Attorney Gallina asked if the old sign is removed will the new sign go in the same spot. Mr. Kneafsey answered yes. Mr. Kneafsey said the Fire Department consists of volunteers that serve the community. Attorney Gallina asked if the sign is illuminated would it cause problems with the neighbors. Mr. Kneafsey said the sign will be lit internally and did not feel it would be a problem with the neighbors. Mr. Kneafsey noted the house next to the Fire Department has a heavy thick hedge row. Attorney Gallina asked how long the existing sign has been in its present location. Mr. Kneafsey stated that he has been a member of the Fire Department for 13 years and the sign was there long before him. The sign has been repaired several times but it has gotten to the point that now it needs to be replaced. At the conclusion of the Mr. Kneafsey testimony, the board asked questions. Mr. Kozlowski asked about the color scheme for the sign. Fire Chief Harkins said they will probably use the same color scheme as the photo which was shown to the board. The sign will have red poles, white background with black lettering. At this time the following was marked into evidence: **A10**- color photo of the sign. Chairman Terzuolo asked how long the Fire Department has been at their location. Mr. Kneafsey said since 1973. Chairman Terzuolo asked Ms. Glashoff if it predated our ordinances. Ms. Glashoff said the ordinances started around 1965 and the lot would have been subdivided sometime before 1973.

Planner Bolan noted the sign ordinance was done in 1998. Chairman Terzuolo opened the hearing to the public for questions. There were none.

Transtar Autobody & Truck Inc.

Block #41 Lot #4

514 Route 513

Route 513 I5

Califon, N.J. 07830

CONTINUATION OF A PUBLIC HEARING

Use Variance and Site Plan

Attorney Harvey Gilbert was present to represent the applicant. Since the applicant had to do additional notices, Attorney Gallina reviewed for the board and applicant Exhibits **A1-A8**. The following additional items were marked into evidence: **A9**-Affadavit of Proof of Service, **A10**-Updated Certified List of Property Owners and Utilities, **A11**-Notice to Property Owners, **A12**-POD Slips, **A13**-Notice in Newspaper. Ms. Glashoff noted for the record she has an affidavit that Mr. Eberle has read the transcript from October 22, 2008.

Attorney Gilbert informed the board he had 3 witnesses this evening to give testimony, Mitchell Danzis, Self Storage Expert, Engineer Steven Parker and Planner David Zimmerman. Mr. Danzis was sworn in to give testimony. Mr. Danzis qualifications were marked into evidence as **A14**. Mr. Danzis stated he reviewed the site plan which has been presented to the board. Mr. Danzis said that Self Storage has become a large industry. Mr. Danzis said he did a demographic study which covered a 5 and a 7 mile area. Mr. Danzis said the self storage market varies due to the location. An urban market is block by block, a less dense urban area would be a 1 mile area a suburban area would be a 3 to 5 mile area, a semi rural area would be a 5 to 7 mile area and in very remote areas it would be 10 to 12 miles. In the 5 to 7 mile range are the number of households. Mr. Danzis stated they used the 2000 household numbers which is a more conservative approach. Mr. Danzis had a 5 page study which consists of a demographic study, a competition map which shows the 5 to 7 mile from the proposed site and the actual demand breakdown of which the estimated need for self storage would be in this market. Mr. Danzis did say the study was prepared within the past several days but is not dated. It is based on household numbers. Attorney Gilbert had the 5 page study known as Easy Analytical Software Inc. (EASI) marked into evidence as **A15**. In using the map from the study, Mr. Danzis said the proposed site is in the center of the map, the markers are at 3, 5 and 7 miles. He reviewed the self storage areas that are within the 5 and just outside the 7 mile area. There are 6713 households within a 5 mile market. Within this 5 mile range this would give you a need of 177 units. Currently there are no units within this range. This suggests that there is 10 times as much of a need for self storage then the self storage facility that Mr. Tranquilli is proposing. There is no competition for this proposed self storage. The owner of the storage units carries the liability/building and fire

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insurance. The customers using the storage units have to provide insurance coverage on their personnel items within the units. This site is on a heavily trafficked road, good visibility, easy egress and ingress, self storage is a very good neighbor and is considered a quiet use per Mr. Danzis. These units are used primarily by individual homeowners for storage of household items. At the conclusion of Mr. Danzis testimony, Chairman Terzuolo asked if the board had any questions of the witness. The board and the professionals asked many questions of the witness. Some of the questions asked were on lighting, highlands, hours of operation, traffic patterns and the storage of flammables. During the questions, Planner Bolan noted the floor plan dates back to July 11, 2008 and asked if the applicant is looking to have this approved because the questions being asked by the board would suggest that this application be bifurcated. This means that the board was to deal with the Use aspects first and then come back for Site Plan. The board discussed this issue at length with the applicant. At the conclusion of the discussion, Chairman Terzuolo opened the hearing to the public for questions, there were none.

Chairman Terzuolo announced the board will take a recess at this time, 9:00 pm. When the board reconvened at 9:10 pm, Attorney Gilbert informed the board that in speaking with his client, they will bifurcate the application and just deal with the Use at this time. Their Planner will testify after the conclusion of the Engineer's testimony. Attorney Gilbert had Engineer Steven Parker sworn in to give testimony. Engineer Parker referred to the revised plan dated May 15, 2009 noting that a substantial decrease in the impervious coverage has been dealt with. Originally the plan showed coverage of 51%. The ordinance permits 40% coverage. The plans now show total impervious coverage of 41.4%. The variance now is for the relief of 1.4% of additional coverage. Engineer Parker addressed the fire tank, buffering along the property line adjoining the residential houses, stormwater management system, detention basin and installing an 8' high fence around the self storage unit area. The changes made are substantial per Engineer Parker. At the conclusion of Engineer Parker's testimony, Chairman Terzuolo asked for questions of the board.

The board asked about the fire tank, the buffering and the detention pond. Engineer Parker stated they will have 33 pine trees which will cover the buffered area year round. The detention basin will drain to the property next door. Regarding the fire tank, Engineer Parker referred to Sheet 4 and the tank will be along the driveway to the right side. Chairman Terzuolo asked about the revisions made to the center building was there consideration given standard unit radius to get a fire truck in there. Engineer Parker noted they made the building shorter but you will not be able to get a fire truck in that area. Planner Bolan asked about the impervious coverage that is shown on the plans and asked where the difference of 51% to 41% is taken. Engineer Parker explained to the board how they configured the impervious coverage to basically comply with the ordinance. Planner Bolan asked about the lighting and would it be on 24/7. Engineer Parker stated that the lighting would not be on 24/7 but only during the hours of operation. Engineer Risse asked about the elimination of the 5 parking spaces. Engineer Parker said it had to do with the impervious coverage. Chairman Terzuolo asked when this was being designed was any consideration given to the inclusion of pervious hard surfaces; this is a new technology and gave some examples. Chairman Terzuolo said the road actually becomes a filter bed and asked if this would be

a. A3062 Bill on Inherently Beneficial Uses

b. NJ Supreme Court Ruling - tree removal

Being no further business to come before the board, nor comments from the public, motion by Mr. Abuchowski and seconded by Mr. Perry to adjourn the meeting at 9:35 p.m. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY