REGULAR MEETING

Lebanon Township Board of Adjustment **June 25, 2008**
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 7:36 pm by Vice Chairman Abe Abuchowski. Present were: Mr. Machauer, Mr. Kozlowski, Mr. MacQueen, Mr. Perry, 2nd Alternate Maurizio, Attorney Gallina and Engineer Risse.
Excused: Mr. Terzuolo and Mr. Eberle.

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 23, 2008, mailed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on June 17, 2008.

PRESENTATION OF MINUTES: Regular Meeting May 28, 2008

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

PRESENTATION OF BILLS:

a. John Gallina, Esq.	$230.00 – Attend Mtg 5/28/08
	$115.00 - Escrow (**Hensler)**
b. Court Stenographer	$200.00 – Attend Mtg 6/25/08
Total:	**$545.00**

Ms. Glashoff informed the board that there is a Agenda Addendum regarding additional bills for approval. The additional bills are from Planner Bolan, Engineer Risse and one bill for Dues totaling **$838.50** bringing the grand total to **$1,383.50.** Motion by Mr. MacQueen and seconded by Mr. Kozlowski to approve the bills as amended. Unanimously approved.

RESOLUTION:

a. Jeffrey Brandner	Block #8	Lot #7
Site Plan/Variances Rescinded	Route 31	B2

Motion by Mr. Kozlowski and seconded by Mr. MacQueen to approve the resolution to rescind the Site Plan/Variances of Mr. Brandner.

ROLL CALL	**Yes**: Mr. Machauer	**Absent:** Mr. Terzuolo	**Abstain:** Mr. MacQueen
	Mr. Kozlowski	Mr. Nagie	Mr. Abuchowski
	Mr. Perry	Mr. Eberle	
	Mr. Maurizio		

FYI: Which Board Hears Applications per the MLUL

CORRESPONDENCE:

APPLICATION FOR COMPLETENESS/WAIVERS/SET PUBLIC HEARING DATE:

a. Transtar Truck Body	Block #41	Lot #4
D Variance/Site Plan	Route 513	I5

(Reports from Bd Engr. along with other correspondence)
(Since this is only for completeness, plans will be available night of meeting)

Attorney Gallina announced that this is not a public hearing; the applicant is present to discuss completeness and waivers. If the application is deemed complete then a public hearing date will be scheduled.

Engineer Steven Parker was present to discuss the application with the board and informed the board that he is the project engineer for Transtar Truck Body. Engineer Parker stated that he is here this evening for a completeness determination and they are asking for one reconsideration of one checklist item which is the fire protection system and are asking for a waiver from the board in order to be deemed complete and set a public hearing. Vice Chairman Abuchowski asked why the applicant was asking for a waiver from this item. Engineer Parker informed the board that Transtar has been on this site for over 20 years which is a developed property; there is no fire tank on the site at the present time. To put one on the site now would be a hardship. There is an

alternative source of water which is the river that is 1200' from the property and that he doesn't see the necessity for a fire tank on the property. Mr. MacQueen stated in our zoning ordinances why does it say you need a fire tank? Is Transtar putting an addition on the building? Engineer Parker answer yes there will be a new addition along with self storage units. Mr. MacQueen asked what triggered the need for the fire tank. Engineer Parker stated the ordinance requires it over 1000 square feet. Mr. MacQueen asked the size of the addition. Engineer Parker noted the addition with the self storage units exceeds the 1000 square feet. Mr. MacQueen asked what the hardship was. Engineer Parker said because it is already a developed property. Mr. MacQueen if there was any place on the property to put a tank in the ground. Engineer Parker answered yes and noting there are combustibles and flammables on the site. Mr. MacQueen referred to the letters from Engineer Risse dated October 10, 2007, March 20, 2008 and June 10, 2008 and asked for Engineer Risse's input at this time.

Engineer Risse reviewed for the board his letter of June 10th. The most recent checklist items that were outstanding have now been addressed: Items #16-Surface Water Management Plan, Item #17-Aquifer Testing, Item #50- Soil Logs for Septic Systems, Item #51a- Description of Operation, Products and By-Products and Item #65-Signs. Regarding Item #46, the Fire Protection Ordinance does come into play. When the Review Committee reviewed this application they felt the applicant should provide a fire tank. The applicant asked to bring this issue before the full board for a second opinion. Item #62-Architectual Plans and Elevations, the plans provided by the applicant's attorney does not provide a title block of a architect and the plans are not signed and sealed by a licensed architect. The board will need to consider whether they want to accept these plans. Engineer Risse noted that the sign which is presently on the property list Transtar Truck Body and a Lettering and Graphic Dept. The applicant is not proposing any new signs with the addition of the self storage units.

Mr. MacQueen referred back to Engineer Risse's letter of October 10, 2007 on page 2, "project appears to have to go to the Highlands". Engineer Parker informed the board that this would be classified as minor project because of the threshold, Mr. MacQueen asked if this was the opinion of the Highlands or himself. Engineer Parker stated that any increase of impervious coverage which is more than a ¼ of an acre or disturbs more than 1 acre of land is considered a major project. Engineer Parker stated that this project falls under the requirement of a major project. Engineer Risse stated the plans that have been submitted since last October document the areas of the expansion shown and it appears it will stay under the criteria of a minor project. The board could request a written exemption from the Highlands. Attorney Gallina informed the board that the Highlands question is not a completeness issue and can be discussed during the public hearing.

Mr. Maurizio questioned the square footage of the 3 storage units 3450, 4600, 2300 square feet each and addition consisting of 5525 square feet. Mr. Kozlowski noted the ordinance states over 1000 square feet and this is over 15,000 square feet. The issue of the river being 1200 feet away won't work since the fire department doesn't have hose that length. Mr. Perry stated that you can not depend on the river to be an adequate water source. The subject of the architectural plans was discussed. The discussion at this time went back to the fire tank issue. Engineer Parker stated that it would be a hardship since this is already a developed site. Vice Chairman Abuchowski noted that even though a portion of the site is already developed, the applicant now will be developing the other half of the site and the applicant will have a lot more square footage then allowed per the ordinance for a fire suppression system. Ms. Glashoff noted that the total square footage for the additional buildings comes to 15,875 square feet.

Mr. MacQueen asked about an as-built when the site was originally developed. Engineer Parker stated that what was originally approved was greater, a larger building. In note #9 on the plans, the previously approved building coverage was 28,000 square feet and now it is 7000 square feet. The proposal is for a total of 24,000 square feet. Mr. MacQueen asked if we have any records regarding original parking spaces and original disturbed areas and asked if the applicant is in compliance with what was originally purposed and approved. Engineer Risse stated that his records only start with 2001. Mr. Machauer asked about fire insurance for this type of operation, fire fighting apparatus on the property concerning the type of industrial business that is being conducted. Attorney Gallina interjected stating that these questions are not completeness issues. Mr. Maurizio stated the issue is the reason there is a requirement is not to over tax the fire department, the fire tankers only hold so much water, could create a danger to the firefighters. The board expressed deep concerns over the necessity of having a fire tank. In conclusion, the

consensus of the board was the architecturals should be shown on the site plan in its entirety and the location of the fire tank also needs to be on the plans. Motion by Mr. MacQueen and seconded by Mr. Kozlowski to deny the following waivers from the Checklist: Item #46-Fire Protection and Item #62-Architectuals Plans.

ROLL CALL	**Yes:**	Mr. Machauer	**No:** None	**Absent:**	Mr. Terzuolo
		Mr. Kozlowski			Mr. Nagie
		Mr. MacQueen			Mr. Eberle
		Mr. Abuchowski			
		Mr. Perry			
		Mr. Maurizio			

Attorney Gallina informed the board of a discussion that took place at the Planning Board regarding amending our procedural rules. When an applicant submits an application, reviewed and deemed incomplete and they do not follow through to be deemed complete. The board clerk will send a letter asking for their intentions and if they do not follow through, the application will be deemed withdrawn without prejudice. In cases where the application was referred by the Zoning Officer, the board clerk will notify the Zoning Officer who will notify the applicant and will follow through. This will keep applications from becoming dormant

Being no further business to come before the board, nor comments from the public, motion by Mr. MacQueen and seconded by Mr. Kozlowski to adjourn the meeting at 8:15 p.m. Unanimously approved.

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VICE CHAIRMAN ABE ABUCHOWSKI

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GAIL W. GLASHOFF, BOARD SECRETARY