

REGULAR MEETING

Lebanon Township Board of Adjustment

July 8, 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 Vice Chairman Abe Abuchowski. Present were: Mr. Machauer, Mr. Kozlowski, Mr. MacQueen, Mr. Perry, 1st Alternate Eberle, 2nd Alternate Maurizio, Attorney Gallina and Engineer Risse. Planner Bolan arrived at 7:45 p.m. **Excused:** Mr. Terzuolo

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 News, Star Ledger and posted on the bulletin board in the Municipal Building on July 1, 2009.

PRESENTATION OF MINUTES: June 24, 2009 Regular Meeting

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

RESOLUTION:

Lebanon Twp Volunteer Fire Dept. Block #29 Lot #32.04

Variance for internally illuminated sign West Hill Road R 1½

Variances for front & side yard with conditions

Motion by Mr. Kozlowski and seconded by Mr. Maurizio to approve the Fire Department Resolution for Bulk Variances with conditions.

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

Susan Sarao Block #10 Lot #21
Denial for a D Variance for a Rocky Run Road R 1½
commercial use in a residential zone

Motion by Mr. Kozlowski and seconded by Mr. MacQueen to approve the Sarao Resolution for a Denial as corrected.

ROLL CALL **Yes:** Mr. Machauer **No:** Mr. Maurizio **Abstain:** Mr. Perry
Mr. Kozlowski Mr. Eberle
Mr. MacQueen **Absent:** Mr. Terzuolo
Mr. Abuchowski Mr. Nagie

Before the start of the Public Hearing, Ms. Glashoff informed the board that she now has received the balance of the Certificates for those members who took the Planning & Zoning Class. The Certificates were passed out to those board members.

UNFINISHED BUSINESS:

Transtar Autobody & Truck Inc. Block #41 Lot #4
c/o Dominick Tranquilli Route 513 I5

514 Route 513

Califon, N.J. 07830

CONTINUATION OF A PUBLIC HEARING

Site Plan and Use Variance

Attorney Harvey Gilbert announced to the board that he has the following people present this evening to give testimony: Mr. Danzis, expert on Self Storage Units, Engineer Stephen Parker and Planner David Zimmerman. It was noted that Mr. Danzis and Engineer Parker had previously been sworn in.

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Attorney Gallina stated that a few of the board members had not been present at the last hearing for Transtar. If this application continues past this evening, those board members will need to listen to the tapes in order to vote. Ms. Glashoff stated Mr. Machauer, Mr. MacQueen and Mr. Nagie will need to listen to the tapes from the May 27th meeting. Since Mr. Nagie is absent this

evening he will need to listen to tonight's tapes in order to vote. Ms. Glashoff said for the record that if this application is voted on this evening there are only 5 members eligible to vote. Attorney Gallina stated that since Engineer Risse will not be available for the July 22nd meeting, in the event we don't conclude tonight, he will need to give his testimony on behalf of the board this evening.

Engineer Risse asked that at the last meeting there had been discussion on bifurcating the application and wanted to know if this was still being considered doing the use portion first then the site plan. Attorney Gilbert said he wasn't sure what the board wanted. Attorney Gallina said it was at the applicant's discretion. Attorney Gilbert said at the last meeting there had been some concerns from the board regarding the site plan. Attorney Gilbert stated that Engineer Parker is here this evening and can answer any concerns the board has.

At this time, Attorney Gilbert at the request of the Vice Chairman did a recap of the prior proceedings. Attorney Gilbert noted that Mr. Tranquilli had gotten Site Plan approval for Phase I in 1991 for the Truck Body and Welding business which was for a much larger build out of the site at that time. Mr. Tranquilli wishes to expand the building that is used for fabricating of truck bodies. The compressor equipment and paint equipment will be enclosed in the addition making less noise. In addition he would like to have Self Storage Units which would occupy the front portion of the property. The Storage Units are not a permitted use in the I5 zone which is why Mr. Tranquilli is before this board.

At this time, Mr. Danzis continued with his testimony from the prior meeting. Mr. Danzis stated that he had made the recommendation for the reconfiguration of the layout for the Self Storage Units. The new layout of the buildings and the road now are greatly improved and it makes for a cleaner traffic flow. Planner Bolan interjected asking which plan Mr. Danzis was referring to. Mr. Danzis stated the plan is dated May 15, 2009. Attorney Gilbert said he also has a plan which he would like to have marked which shows the new layout. The following was marked into evidence: **A16**-Layout Plan of property prepared by Engr. Stephen Parker dated July 8, 2009. Layout is not signed or sealed. Mr. Danzis stated that he had recommended to the applicant regarding the Self Storage Units that each customer have a code to get into the storage area. He also recommended the following hours of operation 6:00 am to 10:00 pm. Mr. Danzis said he does not recommend 24 hr access to the storage units. The gate for entrance will either be a slider or will lift. Since entrance will be controlled by a key pad, if the customer is not current with his monthly payments, the system is set up that entrance to the units is denied. Regarding lighting, there will be wall lights, lighting will be soft and shining down. At the conclusion of Mr. Danzis testimony, the board asked many questions. Questions related to lighting, security, and cameras. It was noted that cameras will be placed around the site for security purposes. Each person will have a background check and will be issued a government ID. Planner Bolan and Engineer Risse asked about fencing and if the lighting will be motion activated. Mr. Danzis responded stating there will be fencing around the compound with the units and the lighting will not be motion activated. There are no dumpsters purposed for the enclosed area of the storage units.

When opened to the public for questions, there were none. Engineer Parker continued with his testimony from the prior meeting at this time. With the reconfiguration of the buildings and drive area, the aisles have increased in width to 24' from 20' and 30' from 25'. Previously shown on the plans the aisles were 20'. The impervious coverage is now at 41.6% which is only 1.6% over what is allowed by ordinance of 40%. This means an additional 3500 square feet of coverage. At the conclusion of Engineer Parker's testimony, the board asked many questions. Questions consisted of the fencing, building height for the units. The height of the buildings will be 9'. There was lengthy discussion on the fencing. The board asked even with increasing the width of the driving area, can the largest fire truck maneuver. The answer was no. All the buildings will be metal. At this time, the following was marked into evidence: **A17**-Layout Plan showing area of fencing for the compound highlighted in blue prepared by Parker Engineering dated July 8, 2009. Vice Chairman Abuchowski suggested putting balusters in the corners of each of the buildings. Mr. MacQueen asked about the turning radius for the fire trucks and suggested putting on the plan what emergency vehicles will fit on the site where the storage units will be located. Planner Bolan had questions for Engineer Parker. Engineer Risse asked about the location of the fire tank.

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Engineer Parker stated the tank will be located north of the most northern storage building. Mr. MacQueen asked about the fire trucks being able to pass each other within the area of the storage units and suggested speaking with Mr. Gabriel and Mr. Kneasfsey of the Fire Dept to make sure the location of the fire tank is suitable and workable. Mr. Perry expressed concern with run off from heavy rains affecting the neighbors. Engineer Parker stated the detention basin will be located in the front of the property. The detention basin was designed for the site plan that went before the Planning Board back in 1991. The site basically drains down into the inlets. The water flows forward into the detention basin. The water goes through the detention basin before it reaches Route 513.

At the conclusion of the board's questions, Vice Chairman Abuchowski opened the hearing to the public for questions. Nancy Wolfe asked several questions of the engineer. During the questions, the following item was marked into evidence: **A18**-Layout Plan highlighting in purple the proposed use and red indicates what presently exists on the property. Jim DeGaetano of Route 513 also had questions of Engr. Parker. At the conclusion of the public questions, Vice Chairman Abuchowski announced the board will take a recess at this time 8:50 p.m. When the board reconvened at 9:00 p.m. the board decided to have Engineer Risse give his testimony since he would not be available for the next meeting. Engineer Risse was sworn in to give his testimony. Engineer Risse stated the revised plan shows a better layout of the buildings and the circulation pattern is a good one. The proposal to enclose the operations that were performed outside like the welding, fabrication will be an improvement to the site. It is cleaning the place up and bringing it in tighter reducing the impervious coverage. Engineer Risse expressed concern that the fire tank will not be impaired by the retaining wall. Vice Chairman Abuchowski asked if the board had questions for Engineer Risse. Mr. Perry questioned the comment about the fire tank. Engineer Risse said the fire tank is right off the edge of pavement of the driveway coming into the site at the northwest corner of the northern building. There is a 3' high retaining wall and he wants to make sure that the footing for the retaining wall does not bear on the fiberglass tank.

Since there were no further questions by the board, nor questions from the public, Vice Chairman Abuchowski recalled Engineer Parker for additional questions. Several board members asked questions regarding the fire tank and the white portable tents. The question was asked if you need a construction permit. Attorney Gallina answered yes, a permit is needed. Ms. Glashoff noted that a Zoning Permit is also needed. The board asked what the white portable tents are used for. Attorney Gilbert said the tents are being used for storage only and will continue to be used for storage of materials. Attorney Gilbert stated that the applicant has not used the tents for work. Even with the relocation of the tent, it will only be used for storage. The question was asked if the applicant got permits. Attorney Gilbert said that Mr. Tranquilli did not know that he needed permits. Planner Bolan asked why the tent is being relocated. Engineer Parker stated the reason for the relocation is that vehicles will be stored where the tent is presently. This is the reason for relocating the tent. The tent has steel piping with a canvas cover. Mr. Perry asked about the second tent. Engineer Parker said the second tent is being removed. There will

only be one tent. Planner Bolan asked about **A18**. Engineer Parker said **A18** is marked up to show where the proposed impervious limits are going to be and where the existing impervious limits are now. Engineer Parker reviewed for the board what is presently within the purple line verses the red line. Planner Bolan said if you overlay the red on the purple it would continue all the way around to Route 513. Attorney Gallina stated that Engineer Parker is amending Exhibit **A18** to show existing impervious coverage in red. At the conclusion of the board questions, Vice Chairman Abuchowski opened the hearing to the public.

The following people asked questions: Nancy Wolfe and Jim DeGaetano had additional questions. At the conclusion of the public questions, Planner David Zimmerman was sworn in to give testimony on behalf of the applicant. Planner Zimmerman made a presentation to the board. Planner Zimmerman stated the newly purposed facility is of low and modest intensity use regarding the Self Storage. Planner Zimmerman referred to Sheet 1 which was enlarged to show properties in the neighborhood. The following was marked into evidence: **A19**-Sheet 1 enlarged with overlay dated 3/14/2007 with revision dated 5/15/2009 prepared by Parker Engineering. Planner Zimmerman reviewed the plans from a planning standpoint. Planner Zimmerman noted that many municipalities allow Self Storage Facilities in industrial zones. This use is appropriate for this zone. It is on a well traveled road with easy access. It is not a detriment to the public good. Planner Zimmerman referred to the negative impact stating this is a very modest use for the property. There will be no impact to the public good. In referring to the Master Plan and Ordinances, this will not have an impact on the Zoning in the Industrial zone. It is an appropriate use for the front yard area. Planner Zimmerman said this use will not have an impact on the

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Industrial Zone. Lastly, the applicant is requesting a very modest increase in the impervious coverage. The limit is 40% and the increase is only 1.6% over what is allowed. The impervious coverage will decrease from what is on the property at the present time. Planner Zimmerman stated in terms of the Site Plan Approval the applicant is asking the board to recognize the improvements that are being made to the site and the landscaping improvements. When everything is completed it will be an asset to the Industrial Zone and the neighborhood. Planner Zimmerman asked that the board approve the D1 Variance along with the Site Plan. At the conclusion of the testimony, Vice Chairman Abuchowski asked if the board had any questions of the witness. The board asked many questions referring to number of vehicles accessing the site, landscaping, the 1.6% overage of the impervious coverage and topography/elevations regarding the neighbors, headlights during evening hours and asked how long have storage units been around. Planner Zimmerman answered 25 years. Mr. MacQueen asked Planner Zimmerman to explain why going over the 40% is okay. Planner Zimmerman stated the overage is extremely minor, 1.6%. Mr. MacQueen asked what the square footage was for 1.6%. Planner Zimmerman stated about 3200 sq. feet. Planner Zimmerman said they are trying to retrofit an existing use on the property with a new use which is contributing to the overage of the coverage. Mr. MacQueen questioned having a time limit on the new use. Example: hours of operation from 6:00 am to 10:00 pm or 7:00 am to 5:00 pm., taking into

consideration the neighbors. Planner Zimmerman said at most you will have between 5 to 10 vehicles coming to the site daily. Planner Zimmerman did not think the neighbors would even know the vehicles were on site.

Mr. Maurizio said in respect to the impervious coverage, asked about the parking spaces and the portable tent. The parking spaces are over 50' long and asked about shorting the spaces up considering the legal length of a truck is 40' and eliminate the portable tent, then the impervious coverage would not be an issue noting the tent is 1200 sq. feet. Mr. Maurizio felt it was doable if the parking spaces are recalculated in respect to the impervious coverage. Planner Zimmerman stated the spaces are designed for what is needed. At this time, Vice Chairman Abuchowski announced due to the late hour, we need a date for a continuance. Ms. Glashoff offered July 22, 2009. Everyone agreed. Attorney Gallina announced to the public that the public hearing on Transtar will be carried to Wednesday July 22nd at 7:30 p.m.

PRESENTATION OF BILLS:

- | | |
|------------------------|---|
| a. John Gallina, Esq. | \$258.75 – Attend Mtg 6/24/2009 & phone conf. Bd Sec. |
| | \$ 57.50 - Escrow (P. Allen) |
| b. Court Stenographer | \$200.00 |
| Total: \$516.25 | |

Ms. Glashoff stated she had one additional bill to add to the list. A voucher from Attorney Gallina for **\$575.00** for escrow on the Sarao application. This brings the new total to **\$1,091.00**. Motion by Mr. MacQueen and seconded by Mr. Perry to approve the bills as amended. Unanimously approved.

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

VICE CHAIRMAN ABE ABUCHOWSKI

GAIL W. GLASHOFF, BOARD SECRETARY