

Lebanon Township Board of Adjustment
July 25, 2018
Page 2

was granted per Attorney Gallina. Mr. Marquardt said that this board has taken 6 months of their year and ruined every weekend by permitting weddings and whatever else the board approved. Vice Chair Abuchowski said there is nothing the board can do. Attorney Gallina stated that if the members of the public wish to pursue this, it is up to them to hire Council. Mr. Marquardt said why should he hire an Attorney when the board didn't follow the process. At this point, Attorney Gallina told the Chair to take a recess. The board recessed at 7:43 p.m. with a motion by Mr. MacQueen and seconded by Mr. Kozlowski. Unanimously approved. Vice Chair Abuchowski said if they have too they will clear the room out and call the police. When the board reconvened at 7:48 p.m. Vice Chair Abuchowski announced the next item on the agenda.

NEW BUSINESS:

Gerish Realty, LLC	Block #59	Lot #17, 34 & 34.02
2 York Ave	Mountain Top Road	RC 7½
West Caldwell, N.J. 07006		

PUBLIC HEARING

Preliminary & Final Site Plan

Attorney Michael Selvaggi was present to represent the applicant Gerish Realty. Attorney Selvaggi referred to items in the resolution from the public hearing on the Use Variance. At the conclusion of his comments, Attorney Gallina announced that all the notices are in order and the board can proceed with the public hearing. The following items were marked into evidence: **A1**-Affadavit of Proof of Service, **A2**-Certified List of Property Owners & Utilities, **A3**-Notice to Property Owners, **A4**-POD Slips, **A5**-Certified copy of notice in Hunterdon Review.

Joe Gerish was sworn in to give testimony. Mr. Gerish informed the board that he manages the farm taking care of all the animals, consisting of 20 steers, 2 horses, 10 sheep, 2 Lamas and chickens to name a few. Mr. Gerish said he is also involved with the events held on the property noting that holding these events helps supplementing the income to run & maintain the farm. Mr. Gerish stated the farm consists of 5 lots totaling approximately 130 acres. Three of the lots will be used for the events and parking. During the week the hours for prep & event will be from 9:00 am to 5:00 pm. On weekends they will start at 10:00 am with the event ending no later than 10:00 pm. Parties will be held in the tents, one tent being 40' x 100' and the other 40' x 80'. The number of people attending these events will average from 120-140 people. Mr. Gerish said they will also be using golf carts to shuttle people to the tent area. Mr. Gerish went on to say they will not be having valet parking. At this time, the following was marked into evidence **A6**-Sheet 3 of 5 colored rendering with a date of June 25, 2018.

Mr. Gerish said for wedding events they have 4-5 people (family members) working the event. There are two golf carts, one is electric and one uses gasoline. Attorney Selvaggi asked Mr. Gerish to go over

Lebanon Township Board of Adjustment

July 25, 2018

Page 3

the details of how everything is handled, for example a wedding. All cooking is done by the caterers and all food comes already prepared to the site. The client hires the caterer, the DJ or band, takes care of all the flowers for the event. Regarding the music, all the speakers are contained in the tent. Porti-potties are also provided by the client. They will also have a handicap porta potty. The bride and groom will have access to the bathroom in the main house. Also, garbage would be disposed of offsite. Mr. Gerish said either he would take care of the garbage off site or would have the caterer take care of it. At the conclusion of Mr. Gerish's testimony, Vice Chair Abuchowski asked if the board had any questions. Mr. Kozlowski asked about the wedding that will take place in July. Mr. Gerish said the wedding is scheduled for July 7th. Mr. Eberle asked about the monitoring of the music. Mr. Gerish said that he will be monitoring to make sure that it is not overly loud where the neighbors would have a problem. Ms. Guevara was concerned with the liquor and any monitoring with it. Mr. Kozlowski asked about public safety, would there be fire extinguishers which is required by law. Mr. Gerish said yes that would be fire extinguishers and in answer to Ms. Guevara's question regarding the liquor, they will make every effort not to let anyone drive that has had too much to drink. At the conclusion of the board questions, Vice Chair Abuchowski opened the hearing to the public for questions of Mr. Gerish, there were none.

At this time, Ken Dykstra, Engineer/Planner was sworn in to give testimony on behalf of the applicant. Engineer Dykstra passed out to the board & professionals a small version of the site layout. Attorney Gallina had the following marked into evidence: **A6**-Colored small version of sheet 3 prepared by Kenneth Dykstra date June 25, 2018. Mr. Dykstra stated the only proposed site improvements are the 62 proposed parking space and 6 proposed pole mounted lights. Mr. Dykstra said they are requesting a waiver from the 24' aisle width and proposing a 20' aisle width and explain the reason for the waiver. Mr. Dykstra referred to the lighting being proposed stating that the lighting would be low level lighting mainly for safety for the events occurring after dark. The light fixtures would be LED fixtures directed toward the property and shielded. There is existing lighting at the gate entrance and on the farmhouse. The new proposed lighting will be powered from the underground wiring that serves the existing farmhouse.

Mr. Dykstra informed the board that under 40:55D-76(2)b that the Site Plan approval may not be granted unless it can be granted without substantial detriment to the public good or to the intent and purpose of the zone plan and zoning ordinance. Since this is a large site there would not be any substantial detriment to the public good. Also, the tents, lighting, and gravel parking area will have a minimal impact on the site because of the size of the property. Attorney Selvaggi referred to Planner Bolan's report with the concerns for water usage, caterer responsible for shielding for the light fixtures and using low level lighting. It was noted that the property will continue to be used for farming activities. Referring to page 13 of the Use Variance Resolution, there will be little impact to the farming operations. At the conclusion of Mr. Dykstra's testimony and comments by Attorney Selvaggi, Vice Chair Abuchowski asked if the board had any questions. The following board members asked questions: Ms. Guevara, Mr. Eberle, Mr. MacQueen, Mr. Kozlowski, Mr. Maurizio and Mr. Abuchowski.

Lebanon Township Board of Adjustment
July 25, 2018
Page 4

At the conclusion of the board's questions, Vice Chair Abuchowski opened the hearing up to the public for questions. There were none.

At this time, Planner Bolan was sworn in to give testimony on behalf of the board. In referring to his report of July 23rd, the parking aisle width is not a problem since it would be a single loaded parking area. Planner Bolan also referred to the request for a waiver from the minimum parking space size which is also not a problem. In the ordinance 400-46H(3) the parking areas are to be paved and curbed except as otherwise approved by the Planning Board. Since this is a Board of Adjustment application the approval would substitute for the Planning Board. Also, the unpaved parking area would serve to maintain the agricultural appearance of the property. At the conclusion of Planner Bolan's testimony the board had a few questions of Planner Bolan. When opened to the public, there were no questions. Attorney Gallina asked if Engineer Bayer had any testimony. Engineer Bayer said no.

Vice Chair Abuchowski opened the hearing to the public for comments and statements. There were none. At this time Attorney Selvaggi gave his summation. At the conclusion of his summation, motion by Mr. MacQueen and seconded by Mr. Maurizio 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. MacQueen and seconded by Mr. Kozlowski to grant Preliminary & Final Site Plan Approval 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 will comply with the provisions of the Township Lighting Ordinance 400-43(i). A night-time lighting test/inspection will be completed prior to the issuance of any certificate of occupancy and the Board shall retain jurisdiction for one year from the date of the issuance of the certificate of occupancy.
- d. During the entertainment at events, sound speakers will be turned inward toward the site, so as to minimize noise impacts to off neighboring lots.
- e. During events held at the site a member of the Gerish family will be present to monitor noise levels at the property.
- f. This approval is subject to all terms and conditions as set forth in the prior Resolution which granted the Use Variance approval.

ROLL CALL	Yes: Mr. Maurizio	Mr. Abuchowski	Absent: Mr. Terzuolo
	Mr. Kozlowski	Mr. Eberle	Mr. Locker
	Mr. MacQueen	Ms. Guevara	

Lebanon Township Board of Adjustment
July 25, 2018
Page 5

Attorney Gallina will prepare the Resolution to be on the Agenda of August 22, 2018.

PRESENTATION OF BILLS:

- | | |
|-----------------------|--|
| a. John Gallina, Esq. | \$617.50 – Memo to Atty Battista, attend ZBA Meeting 6/27/18, prepare resolution. (Mansion Caterers-Escrow) |
| | \$ 65.00 – Attend ZBA Meeting June 27, 2018 |
| b. Michael Bolan, PP | \$ 43.50 – ZBA Meeting 6/27/2018 |
| | \$ 43.50 – Discuss Private Roads with PB Clerk |
| | \$ 58.00 – Review/prepare comments on Engr. Risse Letter (Gerish-Escrow) |
| | \$841.00 – Review application, prepare review memo, prepare Memo to applicant’s engr. (Mansion Caterers-Escrow) |
| | Total: \$1,668.50 |

It was noted that the Court Stenographer was present this evening for the public hearing and a voucher for **\$250.00** was included with the bills. Bringing the **new total** to **\$1,918.50**.

Motion by Mr. Kozlowski and seconded by Mr. MacQueen to approve the bills as amended for payment. Unanimously approved.

CORRESPONDENCE: NJPO Newsletter – May/June 2018

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

VICE CHAIRMAN ABE ABUCHOWSKI

GAIL W. GLASHOFF, BOARD SECRETARY