

REGULAR MEETING

**Lebanon Township Board of Adjustment
530 West Hill Road Glen Gardner, N.J. 08826**

September 22, 2010

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:30 p.m. by Chairman Bruce Terzuolo. Present were: Mr. MacQueen, Mr. Perry, Mr. Abuchowski, Mr. Maurizio, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Nagie, Mr. Machauer, Mr. Eberle and Mr. Kozlowski.

This meeting was noticed in the "Annual Meeting Notice Schedule" adopted by this board on January 27, 2010, 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 September 15, 2010.

At this time, two members of the Planning Board were sworn in. Attorney Gallina swore in Josh Rich and Art Gerlich. Attorney Gallina stated there was concern that this board would not have a quorum to proceed with the Transtar application. Since this application is for Site Plan the board only needs a quorum of 4 to vote. There are 5 board members present this evening which constitutes a quorum of the board. Chairman Terzuolo thanked Mr. Rich and Mr. Gerlich for being available this evening, but with a quorum they were excused.

PRESENTATION OF MINUTES: July 28, 2010 Regular Meeting

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

July 28, 2010 Executive Session

Motion by Mr. Maurizio and seconded by Mr. Abuchowski to approve the minutes as presented. Unanimously approved.

RESOLUTION:

- a. Transtar Truck & Autobody Block #41 Lot #4
Extension of Time on Condition #3 Route 513 I5

After a brief discussion, motion by Mr. MacQueen and seconded by Mr. Abuchowski to approve the Resolution for Transtar Truck & Autobody with corrections.

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

NEW BUSINESS:

Dominick Tranquilli	Block #41 Lot #4
Transtar Truck & Autobody	Route 513 I5
514 Route 513	
Califon, N.J. 07830	

PUBLIC HEARING Site Plan with Variances
(2 Reports from Engr. Risse)

Attorney Harvey Gilbert was present to represent the applicant Dominick Tranquilli. 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/Notice to Property Owners/Certified List of Property Owners & Utilities, **A2**-POD Slips, **A3**-Newspaper Notice.

It was noted that Property Taxes were not current, could be made a condition of any approval granted. The board expressed concern over the unpaid taxes and escrow monies not being paid and up to date. The board discussed this issue at length and in conclusion decided to vote on whether or not to continue with this application. Chairman Terzuolo asked for a motion to decide whether the board will continue with the public hearing or to deny without prejudice. Motion by Mr. MacQueen and seconded by Mr. Maurizio to move forward with the application and to have the property taxes as part of any condition of approval with a time limit.

Lebanon Township Board of Adjustment
September 22, 2010
Page 2

ROLL CALL

Yes: Mr. MacQueen
Mr. Maurizio
Mr. Abuchowski

No: Mr. Terzuolo
Mr. Perry

At this time Engineer Steven Parker for the applicant was sworn in to give testimony. Engineer Parker said that the plans were revised per Engineer Risse's letter dated August 5, 2010 and September 9, 2010. Engineer Parker asked to have the revised plans marked into evidence. Attorney Gallina had the revised site plan marked as **A4**-Revised Site Plan prepared by Engineer Parker dated May 27, 2010 consisting of 9 pages with revision dated August 31, 2010. Engr. Risse Letter dated September 9, 2010 was marked into evidence as **A5**. Engineer Parker reviewed for the board the site plan which shows the storage units in the front portion of the board. Even though these are revised plans, they are basically the same as before. Engineer Parker went over the key issues listed in Engineer Risse's letter. The existing facility is proposed to remain operational during construction. Engineer Risse suggested the applicant provide a construction staging plan that designates the locations of employee parking, customer parking, equipment and materials storage and the means of segregating these elements from the proposed construction activities. Engineer Parker noted the staging plan is on the current site plan on page 6. There is a lot area variance requested. The ordinance allows 40% coverage, at the present time there is 52.4% and the proposed coverage is 41.4%. The fire tank has been moved to the opposite side of the driveway. It is now on the northern side of the entrance driveway away from the retaining wall. Engineer Risse questioned the site lighting and pedestrian access for patrons and employees during construction. Engineer Parker stated there will be a sign to indicate where the patrons will go and also for the employees. There is a proposed addition to the warehouse in the back of the shop to house the welding and sandblasting operations which will be enclosed. Engineer Risse recommended a developer's agreement as a condition of any approval to ensure that all improvements are installed to his satisfaction. Engineer Parker said the applicant agrees to the agreement and that the fire tank will be installed prior to any construction.

Engineer Parker referred to Sheet 3 of the layout plan. The first three items have been addressed. Item #4, the plan proposes 6' thick reinforced concrete pad constructed adjacent to the new warehouse addition. Per Engr. Risse's letter the plans still do not show how the new slab is to be tied into the existing slab. During Engineer Parker's testimony, Planner Bolan interjected that instead of going through every sheet, the board should deal with the key issues. In Engineer Risse's letter he still has the key issue of the staging plan which was provided but is not adequate. Planner Bolan stated that the board still has no building elevations and still doesn't know how the internal circulation works and asked how you access the building. At this point, Chairman Terzuolo suggested to Attorney Gallina to have Planner Bolan and Engineer Risse sworn in to give testimony. Both professionals were sworn in at this time. Engineer Risse noted the staging plan is basically there, but there are no details for the barriers and signage for construction entering with two places on the plan and there are no details. Engineer Parker said that construction access will be along the northern side of the existing building. Both the construction vehicles and employees will come in the driveway, they will drive around the building to the south side, employees will be able to park and construction can store equipment and stage the materials needed for that day. Engineer Parker said they will do whatever the board engineer wants for barricades. Engineer Risse stated that details should be put on the plan.

During the discussion, it was noted that the portable tent is 1,275 square feet and the additional impervious coverage is 3,200 square feet over what is allowed by ordinance. Planner Bolan said in all the years he has been with the board, he has never seen the board approve a portable tent on a site plan. The purpose of the site plan is to bring the conditions on the site up to date. Planner Bolan stated that he doesn't understand why the applicant is using a tent for storage of materials and equipment. It doesn't seem appropriate having a tent as an industrial use in an Industrial Zone. The board discussed this issue at length and in conclusion it was suggested to the applicant to build another building for the storage of materials and equipment.

At this point, Chairman Terzuolo asked to go back for discussion on the fire tank and asked to have the fire tank installed first. Engineer Risse noted the ordinance requires that prior to issuance of a building permit the fire tank is to be installed. Mr. MacQueen referred to Planner Bolan's letter regarding the standards. Planner Bolan said that all of the standards should be gone through by the applicant since there has been no testimony about the performance standards which he referred to in his letter. Also, there should be testimony about the operation and nothing is shown in the site plan regarding the operation. Attorney Gilbert asked Engineer Parker to go through the site plan with what the applicant is looking to do. During Engineer Parker's

Lebanon Township Board of Adjustment
September 22, 2010
Page 3

testimony, he stated the site was designed for a much larger impervious coverage than what is there now. Sheet 2 illustrates what is going on at the site right now. The amount of impervious coverage which includes gravel area is shown and it exceeds 52%. Engineer Parker said they are proposing as part of the application is to clearly define the limits of the operation where the storage materials are going to be, where the driveways, buildings are to be located. This site plan provides a new layout, an efficient use of the property and allows for the operation of the business in a satisfactory manner.

The proposed addition will be located to the south of the existing building; there will be an increase in parking. The storage area is in the back of the building and is really for a staging for where trucks that are waiting to be worked on or waiting to be picked up are parked. Engineer Parker stated the excess gravel area will be removed. It will be seeded and stabilized and planted as lawn. Attorney Gilbert asked Engineer Parker to address the lighting. The lighting for the Transtar business will be on timers and they will coincide with the hours of operation for the business per Engineer Parker. Attorney Gilbert referred to the concrete pad. Engineer Parker said the pad is directly behind the proposed addition. Once the addition is in place, there is going to be a sandblasting booth installed inside the addition. The booth will be contained entirely inside the building along with the painting booth.

Attorney Gilbert asked about the noise element. Engineer Parker said he has been out to the site and walked the site and said the noise he heard sounded like a riding lawnmower. Engineer Parker said he is not an acoustical engineer and doesn't have sound equipment to measure noise levels. Attorney Gilbert asked Engineer Parker about the landscaping. Engineer Parker stated there will be landscaping along the northerly and westerly sides of the self-storage area with Evergreens, also along the rear property line which will include some street tree type vegetation.

Chairman Terzuolo announced that the board will take a break at this time. The board recessed at 9:00 pm. When the board reconvened at 9:09 pm. Engineer Parker continued with his summary of his testimony. During his summary, the following items were marked into evidence: **A6-** Rendering of the Self-Storage Buildings, **A7-** Set of Elevations consisting of 3 pages prepared by Wedgcor Inc. Building Systems dated April 21, 2008. Mr. Abuchowski noted the big issue at the beginning of all this was the noise that came from the work being done on the property. Mr. Abuchowski asked if there was anything that can be done to mitigate the sound along with the sand from the sandblasting. Attorney Gilbert said that everything will be done inside of the building. Mr. MacQueen asked for all the specifications regarding the dust and its removal, the reusing of the sand along with the junk and asked for the length, width, height. Chairman Terzuolo asked if the board had questions of Engineer Parker. Several board members asked questions. At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public for questions. Attorney James Knox who represents the Grossmans had questions of Engineer Parker.

At the conclusion of Attorney Knox's questions, Chairman Terzuolo asked if there were any other questions by interested parties. There were none. Chairman Terzuolo took the questions back to the board professionals. Engineer Risse spoke on the landscaping and suggested the retaining wall be put on the landscaping plan. Planner Bolan questioned the employee parking area during construction. Planner Bolan also questioned the elevations on the sheets regarding the front elevation, which doesn't match up with the current site plan. The right elevation as you face the building is where the garage doors are shown. There was lengthy discussion on this issue. Planner Bolan noted the plan states this rendering is not for reproduction and doesn't know whether the board can use this to review the self-storage buildings. Mr. MacQueen said the same with the proposed building/warehouse in the rear; the board needs to know all the correct elevations. Planner Bolan questioned Engineer Parker regarding the sandblasting booth and if it will accommodate the maximum building and the maximum vehicle that will be utilized. Engineer Parker said when they come back they will submit more information, more detailed information on the sandblasting booth. Planner Bolan asked Engineer Risse about the lighting. Engineer Risse said even though the presentation of the lighting met the ordinance; the board will still need the cut sheets to be added to the plan to show the actual light fixtures and will need to show a schematic of each of the light fixtures. Planner Bolan said since the applicant will be returning, his letter identified sections of the ordinance that have performance standards for non residential uses, air pollution, specifically dust, fumes, odors, waste, glare and noise. They can also address these items in reference to the sandblasting booth and painting booth.

Lebanon Township Board of Adjustment
September 22, 2010
Page 4

Mr. Abuchowski asked if the storage buildings had metal or are the roof trusses wood. Attorney Gilbert said they are all metal. Mr. MacQueen said that everything that is in Engineer Risse's letter and Planner Bolan's letter needs to be addressed with revisions to the plan. Mr. Maurizio asked where the compressor that will power the sandblasting area going to be. Engineer Parker said they will have all that information for the board at the next meeting. Chairman Terzuolo asked for dates. Ms. Jacobus offered the October 13th date. This date did not work for everyone. After going over several dates, everyone agreed on Tuesday October 19th. Attorney Gallina announced to the public, the Transtar public hearing will be continued to the October 19th meeting date at 7:30 p.m. No further notice will be given.

PRESENTATION OF BILLS:

a. John Gallina, Esq.	\$ 258.75 – Attend Bd Mtg 7/28/10 & Prepare Resolution
	\$ 508.75 - Time Spent on Litigation
	\$ 143.75 – Escrow (Transtar)
b. Michael Bolan, PP	\$ 213.00 – Attend Bd Mtg 7/28/2010
	\$ 170.40 – Escrow (Transtar)
c. Bayer/Risse Engrs.	\$ 239.00 – Attend Bd Mtg. 7/28/2010
	\$ 776.75 - Escrow (Transtar)
	\$1,434.00 – Escrow (Transtar)
	\$1,493.75 - Escrow (Garden Solar)
d. Court Stenographer	\$200.00 – Attend Bd Mtg 9/22/2010
	Total: \$5,438.15

Motion by Mr. MacQueen and seconded by Mr. Maurizio to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

- a. N.J. Planner
- b. Law of the Land Articles - 4
- c. Law Bulletin 8/2010 (pass out at meeting)

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 9:53 p.m. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

KIM JACOBUS, Acting Board Secretary

Minutes prepared by Gail W. Glashoff