

REGULAR MEETING

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

December 16, 2010

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:35 p.m. by Chairman Bruce Terzuolo. Present were: Mr. Kozlowski, Mr. Abuchowski, 2nd Alternate Maurizio, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Machauer, Mr. Nagie, Mr. Eberle and Mr. MacQueen.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Board of Adjustment has scheduled a Special Meeting on Thursday December 16, 2010 at 7:30 p.m. to hear the continuation of a Public Hearing for Transtar Truck & Autobody in the main meeting room in the Municipal Building. Notice of this meeting was published in the Hunterdon Review on December 1st and December 8th 2010. Copies of the agenda were 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 December 1, 2010.

ITEMS FOR DISCUSSION:

- a. Set date for Reorganization Meeting** (proposed January 26, 2011 at 7:30 p.m. for Reorganization/Regular Meeting)

The board agreed to hold their Reorganization Meeting on January 26, 2011 at 7:30 p.m.

- b. Terms that expire on December 31, 2010:** William Machauer 2 yr term Alternate I

The board unanimously agreed to ask the Township Committee to reappoint Mr. Machauer for another 2 year term. Since Mr. Machauer is absent this evening, Ms. Glashoff will contact him to confirm he wants to be reappointed.

- c. 2011 Budget**

Ms. Glashoff said the monies for the updated system for the meeting room she thought was going to be paid by December, but a bill just came in and our budget will need to be adjusted to reflect the increase for 2011 by \$927.00. The amounts on the budget were adjusted to reflect the increase. At the conclusion of the discussion, motion by Mr. Abuchowski and seconded by Mr. Kozlowski to approve the budget as amended and have Ms. Glashoff forward it on to the Township Committee for their approval.

UNFINISHED BUSINESS:

Dominick Tranquilli
Transtar Truck & Autobody
514 Route 513
Califon, N.J. 07830

Block #41 Lot #4
Route 513 I5

CONTINUATION OF A PUBLIC HEARING Site Plan with Variance

Attorney Gilbert was present to continue with the public hearing. It was noted that Engineer Steve Parker had been sworn in previously. Attorney Gilbert made a brief statement and then had Engineer Parker give additional testimony.

Engineer Parker referred to Engineer Risse letter of December 10, 2010 under Key Issues. Engineer Parker said that Issue 1 & 2 have been addressed. Issue 3-the Fire Tank has been relocated away from the retaining wall. On page 3 under lot coverage, the plans have been revised to indicate compliance at 39.95% coverage with the variance being eliminated. On Sheet 1, items 1 & 2 have been corrected. On Sheet 3 which are Housekeeping Items, 2,3,4,5,6 have been corrected. Engineer Parker said 8 & 9 on the site plan show the locations of the proposed overhead doors on the self storage buildings and also include the granite block curbing along the perimeter of the parking lot to the rear of the warehouse building as requested by the board. On Sheet 4 under Grading & Utility Plan, the calculations for the runoff from the storage units to demonstrate that the collection system is sized appropriately per Engineer Risse were not provided. Engineer Parker informed the board that they will provide the calculations requested by Engineer Risse. Items 2,3 have been corrected. Item 4, has been corrected to show the arrow is pointing in the right direction and is now listed as an existing drain. Item 5, they will

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provide the information requested by Engineer Risse. Item 6, the retaining wall has been moved 7.5' away from the edge of the paved area to eliminate the conflict and a combined construction detail has been provided. Item 7 has been corrected. Item 8, grading has been modified around the building, however excessive slopes still exist along the north side of the storage unit compound between the north face of the building and the top of the retaining wall. A Turf Reinforcement Mat detail has been added to the plan. Item 9 has been corrected. Item 10 re: the self storage units and gate to provide electric service, the plans now document the electric service line to the self storage units and gate. Item 11, the fire tank has been relocated away from the wall. Item 12, a pipe trench detail in a paved area has been provided. A detail has also been provided showing the crossing of the pipe under the wall footing. Item 13 has been corrected.

Under Lighting and Landscape Plan, Items 1,2, & 5 have been corrected. Item 3, manufacture's cut sheets for the three proposed fixtures will be provided, Item 4, regarding night time lighting test to be conducted, this can be a condition of approval, Item 6, the construction staging plan indicates existing security lighting on the building is to remain operational throughout construction and will be removed upon the completion of Phase I construction. Engineer Parker said this can be a condition of approval. Under Miscellaneous – Items 1,2,3,4,5 can be conditions of any approval. At the conclusion of Engineer Parker's testimony, Chairman Terzuolo asked if the board had any questions. Chairman Terzuolo referred to Item 8, under Grading & Utility Plan and asked how excessive are the slopes? Engineer Parker said they have reduced them as much as they can and it is an area where no one will be walking or driving. Engineer Parker said once the ground is grassed and stabilized he did not see it as a concern for safety. Planner Bolan asked if there were revisions to the Landscape Plan. Engineer Parker said they made changes to the species of the trees. Planner Bolan said on Sheet 5 the changes weren't made. Engineer Parker said it was an over sight on his part and he will make the changes to the board's preferences. Planner Bolan referred to Sheet 3 on the north side storage buildings noting the doors on the self storage buildings, there is a 10' driveway that dead ends and showing garage doors. That's just the distance to the fence and it narrows down to 5' per Engineer Parker. Planner Bolan said he thought we were to get elevations of the architectural plans. Chairman Terzuolo concurred with Planner Bolan comment. Engineer Parker said they did not prepare those elevations. Engineer Parker said they don't have architectural plans yet since this application hasn't been approved. Planner Bolan stated that he thought the board was going to get elevations for these buildings; it came up because it was an application requirement. Chairman Terzuolo said the board wanted some elevations for roofs etc. Chairman Terzuolo asked Engineer Risse if he had any questions. Engineer Risse said he was satisfied with the concerns he had.

Chairman Terzuolo opened the hearing to the public for questions of the witness. Attorney Jim Knox who represents Mr. & Mrs. Grossman had a few questions of Engineer Parker. Attorney Knox said that on Sheet 8 it still shows a temporary structure and asked Engineer Parker to confirm the structure is still there and that all the temporary structures will be removed. Engineer Parker said it is an over site and it says relocated portable tent enclosure which is intended to be a permanent structure. Attorney Knox referred to the metal building, and asked if that was for storage only. Engineer Parker said yes. This storage building is for Mr. Tranquilli use only per Engineer Parker. Attorney Knox asked if all parking and all storage of materials of any type would only take place outdoors on impervious coverage. Attorney Knox referred to Section 18-4 of the Township's Ordinance which talks about Performance Standards and also talks about waste, noise, radiation, vibration and glare. Attorney Knox asked who on behalf of the Applicant is going to certify noise compliance in accordance with the Noise Ordinance. Engineer Parker said he did not know and he would have to read the ordinance. Attorney Knox noted in prior testimony Engineer Parker stated he was not a noise expert. Engineer Parker he is not familiar with what is in that section of the ordinance. Attorney Gilbert said that any noise requirements the applicant will comply with the ordinance. Attorney Gilbert as far as he knows the Noise Ordinance has not been approved by the State DEP. Attorney Gilbert said the applicant is willing to comply with all appropriate ordinances and has stated the same. Attorney Gilbert stated that their Engineer is not required to certify to the board a particular section of an ordinance which may not have the affect that the board suggests it has or doesn't have. Attorney Gilbert said the applicant will be in compliance with Municipal, County, State regulations and standards. Attorney Knox referred to the light test that everyone agrees is a good idea. We are pretty sure that the light system works and will not violate the Township Ordinance. Attorney Knox suggested that a noise test using the state noise standards be conducted. This is required, it's not optional. It's required that a certification be done and provided to this board before they can approve this application. Attorney Knox asked Engineer Parker about the Phasing Plan

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stating he did not have the most recent set of plans referring to the sandblast equipment and if it was in the first phase of construction. Engineer Parker said yes.

Chairman Terzuolo asked if there were any additional questions of Engineer Parker. There were none. Attorney Gilbert said he had no additional witnesses to give testimony. Chairman Terzuolo asked if there were any questions by the board. Mr. Kozlowski asked about Kennedy's World War II PT 109 Boat. Dominick Tranquilli was sworn in to give testimony. Mr. Tranquilli said they were hired to reassemble thousands of pieces of the boat and put it back together because it had been cut down and mangled. The Mayor of Bayonne wanted it restored to put on the waterfront as a monument.

Chairman Terzuolo opened the hearing to the public for statements and comments. Attorney Knox said he had one witness. Ms. Joan Lewerenz was sworn in. Ms. Lewerenz stated she has a residential use in the I5. She is a next door neighbor to Transtar. She has been a township resident for 15 years. Ms. Lewerenz said she has been listening to sandblasting, diesel engines running continuously, diesel trucks are on site day and night. Ms. Lewerenz stated she has had to contend with the strong smell of paint, continuous hammering. She has called the Zoning Officer on several occasions. Ms. Lewerenz stated she hears the noise in her house which is very loud. Ms. Lewerenz referred to the Resolution which states hours of operation and there was not to be any noise, odors, glare, even thou all operations are to be done indoors they are still operating outside. Ms. Lewerenz said that jack-hammering is down at 3:00 am, they work on Sundays and during the night which is not permitted per the Resolution. Ms. Lewerenz stated that Mr. Tranquilli had agreed to the conditions in the Resolution, but they are not being followed. At the conclusion of Ms. Lewerenz testimony. Attorney Knox stated that this concludes their testimony. Chairman Terzuolo asked if the board had questions. There were none.

After a brief discussion, Attorney Gilbert will give his summation first followed by Attorney Knox. Chairman Terzuolo announced that the board will take a brief recess at this time 8:35 p.m. When the board reconvened at 8:44 p.m. Attorney Gilbert gave a lengthy summation. At the conclusion of Attorney Gilbert's summation, Attorney Knox handed out to the board and professionals the recommendations for the finding of fact. Attorney Gallina had this marked into evidence as **02-Grossman's Recommendation for the Finding of Fact**. At this time, Attorney Knox gave his summation on behalf of his clients Mr. & Mrs. Grossman. At the conclusion of Attorney Knox's summation, Chairman Terzuolo announced that the evidence taking portion of the hearing is now closed.

The board deliberated at this time. The board stressed the importance of bringing this site into compliance since there have been activities illegally taking place outdoors and the construction of illegal structures. There have been many complaints regarding noise and odors, hours of operation exceeding one of the conditions in the Planning Board Resolution of August 6, 1991. Also in the 1991 Resolution it stated that there would not be any noise, odors, glare and all power equipment and air compressors would be contained within the building. It was noted that painting and sandblasting activities were to take place indoors and they have been conducted outdoors. It was also noted that the applicant had submitted applications in 2001 and 2005 which were deemed incomplete. The applicant did not proceed further with the site plan until he was faced with a Municipal Court complaint and at that point the applicant proceeded with the application. During the board's deliberations, it was noted that the applicant agreed to switch the two phases and have the construction for the office/warehouse building proceed in Phase I with the self storage buildings in Phase II of the project. Chairman Terzuolo stated the Fire Tank has to be installed and approved before any building permits can be issued. The board totally agreed that the Fire Protection Ordinance is to be followed.

At the conclusion of the board's deliberations, motion by Mr. Kozlowski and seconded by Mr. Maurizio to approval the Site Plan with the following conditions:

- a. Applicant shall obtain all other necessary approvals from outside agencies having jurisdiction.
- b. No painting activities will be performed outdoors, but will be performed in the existing painting booth.
- c. Within 270 days from the date of the Resolution (October 24, 2011), the applicant will install and complete Phase I of the project as shown on the site plan. All activities, including but not limited to painting, sandblasting and hammering will take place in the warehouse addition, except as noted in Condition #6.

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- d. As part of Phase I construction, the outdoor tent structure will be converted into a metal storage building with metal sides and a metal roof and a used only for the storage of Transtars materials and equipment.
- e. Within 30 days after completion of Phase I of the project, the applicant will submit a noise study, in compliance with applicable NJDEP regulations to the Board Engineer for review and approval.
- f. The underground Fire Tank will be installed and approved prior to any building permits being issued.
- g. The applicant shall be permitted to assemble and disassemble trucks and equipment to be worked on outside the warehouse addition in the staging area as shown on the site plan.
- h. All future operations on the property will comply with all local, county and state noise and environmental regulations.
- i. Sandblasting and hammering activities shall take place between the hours of 8:00 am and 5:00 pm Monday through Friday only. Other activities, including but not limited to painting, shall take place between 7:00 am and 7:00 pm Monday thru Friday, as previously indicated by the 1991 Planning Board Resolution.
- j. The applicant shall enter into a Developer's Agreement in insure that all improvements are installed to the satisfaction of the Township Engineer. The Agreement will also include a requirement that the underground fire tank be installed and approved prior to the issuance of any building permits.
- k. No vehicles may be parked and no impervious object may be placed or stored, except on the impervious areas of the site as depicted on the site plan after Phase I of the project is completed.
- l. The site plan will be updated as requested and as agreed to on behalf of the applicant, to include the updated information regarding landscaping, drainage and lighting cut sheets as noted in the Board Engineer's letter of December 10, 2010.
- m. Calculations regarding runoff from the storage unit compound and demonstrating that the collection system is sized appropriately will be provided to the Township Engineer for review and approval as requested in Engineer Risse's letter of December 10, 2010 (Page 4 #1)
- n. The applicant shall provide information regarding the elevations of the self storage buildings to the Township Engineer for review and approval prior to the beginning of Phase II construction of the project.
- o. A combined construction detail showing the interaction and method of construction of the trench drain and retaining wall will be provided to the Township Engineer for review and approval as requested in Engineer Risse's letter of December 10, 2010 (Page 5 #6)
- p. The turf reinforcement mat detail shall be shown on the site plan in areas where the slope exceeds 3.1.
- q. A night time lighting test shall be conducted in accordance with the Township Ordinance 400-46.1 prior to the issuance of a certificate of occupancy.
- r. Existing security lighting on the buildings may remain operational throughout construction and will be removed upon completion of Phase I construction.
- s. The applicant shall comply with Conditions 1 through 5 as set forth on Page 8 of Engineer Risse's letter of December 10, 2010. However, with regard to Condition #3, the escrow account shall stay enforced with the Board of Adjustment Secretary. Also, with regard to Condition #4, a pre-construction meeting will take place prior to the beginning of both Phase I and Phase II construction.
- t. The hours of operation of the self storage facility will be from 6:30 am to 9:00 pm Monday through Saturday and from 9:00 am to 5:00 pm on Sunday.
- u. Lighting for the self storage facility will be turned off at 9:00 pm.
- v. The details of the security lighting for the self storage facility will be discussed at the pre-construction meeting and approved by the Township Engineer.
- w. There will be no vehicle access on the north side of the northern self storage building.
- x. Phase I of the project must be completed and all approvals obtained from all relevant agencies prior to the commencement of Phase II construction.
- y. Property taxes shall be paid to date and proof of payment shall be provided to the Board Secretary prior to any permits being issued.
- z. All required fees and escrows owing to the Board of Adjustment in connection with the application must be paid.

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

Attorney Gallina will prepare the resolution to be placed on the January 26, 2011 Agenda.

PRESENTATION OF BILLS:

a. Michael Bolan, PP	\$ 359.40 – Attend Board Meeting 10/27/2010
	\$1,079.20 – Escrow (Garden Solar)
	\$ 426.00 – Escrow (Transtar/Tranquilli)
b. Court Stenographer	\$ 200.00 - Attend Board Meeting 12/16/2010
	Total: \$2,064.60

The board reviewed the addendum to the Agenda for additional bills. The amount of the additional bills are **\$1,999.10** bringing the grand total to **\$3,263.70**. Motion by Mr. Kozlowski and seconded by Mr. Abuchowski to approve the bills as amended. Unanimously approved.

CORRESPONDENCE:

a. Law of the Land - 2 Article

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

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY