



LEBANON BOROUGH
PLANNING BOARD & BOARD OF ADJUSTMENT
MINUTES
December 10, 2014

The Regular meeting of the Lebanon Borough Planning Board/Board of Adjustment was called to order by Chairman Saharic at 7:00 P.M.

The meeting was convened in compliance with the Open Public Meetings Act of 1975. Three local newspapers were notified and a notice is posted at Borough Hall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Alexander Saharic, Dr. Christopher Uchrin, Joseph Hauck, Councilman Sam Berger, Henry Hopkins, James Newman, David Abeles and Ron Lapcynski
Absent: William Skene, Mayor Reino and William Wilson
Also present: Clerk Karen Romano

MINUTE APPROVAL:

Dr. Uchrin moved, and Mr. Lapcynski seconded, a motion to approve the Minutes of November 2014.

The motion passed with the following roll call vote:

Ayes: Saharic, Uchrin, Abeles, Hopkins, Hauck, Berger and Lapcynski
Nays: None
Absent: Reino, Wilson and Skene
Abstain: Newman

EXPENDITURE APPROVAL:

Mr. Lapcynski moved, and Dr. Uchrin seconded, a motion to approve the Bill list of December 2014.

**List of Bills - (1410101001) CASH CHECKING
DEVELOPERS ESCROW**

Check#	Vendor	Description	Payment	Check Total
1857	46 - FERRIERO ENGINEERING	PO 6433 NOVEMBER 2014 ROLLIN FAST	1,275.48	1,275.48
1858	241 - WILLIAM SHURTS, ESQ	PO 6430 NOVEMBER 2014 LISA DEROZE	135.00	135.00
1859	241 - WILLIAM SHURTS, ESQ	PO 6431 NOVEMBER 2014-METROPOLITAN SEAFOOD	255.00	255.00
1860	241 - WILLIAM SHURTS, ESQ	PO 6432 NOVEMBER 2014 ROLLIN FAST	1,095.00	1,095.00

be constructed on site in the manner shown on the drawings.

10. The new structure will be located in the same general area as the building which will be removed. It will be sited so that it complies with side and rear yard setbacks.

11. The limitations of the number of buildings allowed on residential lots in this zone is to avoid a cluttered appearance in the neighborhood.

12. The Board is mindful of the fact that the subject property is larger than most of the lots in the immediate area. It is essentially two lots which were merged several years ago to make a larger lot.

13. The Board also notes that the addition of the second structure will not make the lot appear crowded. The applicant testified that the second structure is necessary because of all of the equipment which she has at this time and which must be stored indoors to protect it from the elements.

14. • The Board is satisfied that the larger size of this lot is a special reason which justifies the relief being requested. It is an appropriate site for the type of relief being requested.

15. The Board finds that there will be no substantial detriment to the public good if this relief is granted for this specific lot. Further, there will be no substantial detriment to the zone plan or zoning ordinance since the new structure will be used only as a normal amenity to a permitted residential use in this zone.

16. No members of the public attended the public hearing.

17. For the reasons set forth above, the Board will grant the relief requested by the applicant subject to conditions.

NOW, THEREFORE, BE IT RESOLVED by the Lebanon Borough Planning Board/Board of Adjustment (sitting as a Board of Adjustment), County of Hunterdon, State of New Jersey, that the application of Lisa DeRoze to construct a 12' by 24' shed on the premises known as Block 8, Lot 13, located at 5 Myrtle Avenue is hereby approved for the reasons set forth above and subject to the following conditions:

1. Applicant must comply with all conditions imposed by the Construction Official.
2. The building shall be located in such a manner that it will not violate the side yard or rear setback requirements in this zone.
3. No final certificate of occupancy for the new structure shall be issued until such time as the existing 10' by 10' shed has been demolished and the remains of same has been removed from the site.
4. If any conditions imposed by the Construction Official require changes to the plan which has been submitted to the Board, such changes will not require any further appearance before this Board unless the changes necessitate further variance relief. If any questions shall arise, the zoning officer shall determine if a further appearance is required.
5. The applicant shall have a continuing duty to replenish all necessary escrow funds upon written notification. Neither the Board nor its employees will perform any services in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The applicant will have a continuing duty to maintain a positive balance in all accounts until all conditions have been satisfied and all charges have been paid.

ALEX SAHARIC, Chairperson

ATTEST: KAREN ROMANO, Secretary

DATE MEMORIALIZED: December 10, 2014

The motion passed with the following roll call vote:

Ayes: Saharic, Abeles, Uchrin, Hopkins, Hauck, Berger, Newman and Lapcynski

Nays: None

Absent: Reino, Wilson and Skene

Abstain:

LEBANON REALTY II BLOCK 5 LOT 39.01: MEMORIALIZATION

Chairman Saharic called for a motion to memorialize the following resolution.

**LEBANON BOROUGH PLANNING BOARD/BOARD OF ADJUSTMENT
RESOLUTION NO. 2014-03**

**ROLLIN' FAST CYCLE SPORTS
VARIANCE and SITE PLAN WAIVER APPROVALS
BLOCK 5, LOT 39.01**

WHEREAS, Rollin' Fast Cycle Sports has filed an application with the Lebanon Borough Planning Board/Board of Adjustment ("Board") to further develop the property known as Round Valley Industrial Park, which is owned by Thompson Holding Company (50%) and Lebanon Realty II, LLC t/a Rollin' Fast Cycle Sports (50%), known as Block 5, Lot 39.01, which is located in the COMM-ROM 100,000 square foot zone and contains approximately 3.31 acres (144,094 square feet) of land; and

WHEREAS, the applicant seeks approval to convert a portion of the existing building on the lot into a motorcycle dealership with service facilities; and

WHEREAS, the applicant has requested a determination that no variance is required even though this facility is located within 1,000' of another existing service facility in violation of Ordinance Section 8.04-7 or, alternatively, for a variance to allow the establishment of the use; and

WHEREAS, variances are also required for the front yard setback for the proposed new facade structure; for overall impervious coverage on the lot as well as overall impervious coverage in the lot's front yard area, and to allow the use of certain elements for outdoor display purposes; and for number of parking spaces; and

WHEREAS, the applicant has also requested a site plan waiver as there already is an overall site plan on file for the subject property; and

WHEREAS, the application has been the subject of hearings before the Board (sitting as a Board of Adjustment) including a public hearing on August 13, 2014 and on November 12, 2014, at which time the applicant was represented by Timothy McKeowen, Esq., and John Costa and Gregory Faiella, principals of the applicant, appeared and gave testimony under oath as did John Belle, P.E., the applicant's engineer; Joseph J. Bruno, the applicant's architect; and Art Hance, the applicant's builder; and

WHEREAS, proper notice was given to all adjoining property owners and to the general public and all other jurisdictional requirements of the applicable state statute and local ordinance have been met; and

WHEREAS, the Board of Adjustment makes the following findings of fact and conclusions of law:

1. This applicant previously received Board approval for a motorcycle dealership which is located on Main Street in Lebanon Borough. The applicant has been at that site for approximately 10 years. Mr. Costa stated that he now wishes to expand his business and also to get highway frontage to provide more exposure for his business.
2. The property in question is already developed with a large office building as shown on the drawings submitted by the applicant. Those drawings are entitled "Site Improvements for Rollin' Fast Cycle Sports at Round Valley Industrial Park, Block 5, Lot 39.01." The drawings consist of four sheets which were prepared by Kinsey Associates Consultants and are dated July 18, 2014 with revisions through November, 2014. The plans consist of four individual sheets. Sheet 1 is a title sheet. Sheet 2 shows existing conditions, site preparation and a demolition plan and notes. Sheet 3 shows proposed site plan details and notes. Sheet 4 shows construction details.
3. The revised plans, which were marked as Exhibit A-5, on November 12, 2014, also

includes three (3) sheets of architectural drawings. Sheet A-1 shows the First Floor Plan. Sheet A-2 shows the Mezzanine Plan. Sheet A-3 shows various Interior Sections. These drawings were prepared by Jon Fellgraff, AIA and dated November, 2014.

4. Thompson Holdings, LLC, then the sole owner of Block 5, Lot 39, converted the property to a condominium regime known as 1221 Rt. 22 Condominium by means of a Master Deed dated August 29, 2014. On that same day, Thompson conveyed Unit A (the Units on the northern half of the building) plus 50% of the general common elements to Lebanon Realty, II, LLC, the current applicant. Both deeds were recorded on September 24, 2014.

5. Mr. Costa confirmed that he and his partner purchased one-half of the existing building on the site on August 29, 2014. He said that they purchased the front half of the building on the site as well as one-half of the overall site improvements exclusive of the building.

6. Mr. Costa also stated that his company will be establishing a new franchise for Indian Motors, and that additional space will be needed to accommodate same. At this time, he felt that the business needs highway frontage as he has encountered many local individuals who did not know that he already has a business located in this immediate area.

7. Mr. Costa testified that the business operation will be 70% sales and 30% service. He himself was a service tech for 6 to 8 years before starting up his business in Lebanon. He advised that sales and service go hand in hand and that a dealer is required by the manufacturers to have trained service people who can do service work on the retail products which they sell.

8. In his testimony, Mr. Costa stated that there will not be any outdoor storage of motor vehicles. Any machines and equipment which are outside at any point will be moved inside at night. The work will be done on mini lifts which are air powered. The fear of theft makes outdoor storage impractical for this type of use.

9. The applicant will take over three separate units. The applicant will be the landlord for the two units located immediately to the south of his unit. The portion of the building at the front will be the applicant's portion and a new facade treatment will highlight the new use. The proposed changes should dress up the front facade. The property will be getting a face lift from the new facade treatment which the applicant contemplates and from the resurfacing of the outside parking area which Mr. Costa said has been promised by Thompson Holding Company as part of his overall agreement.

10. Mr. Costa testified that he has four employees and there will be two additional employees at the new site. There are ten parking spaces at the current location with eight or nine of these spaces used for motorcycles. The applicant has considerably more space available for parking use at this site. The parking will be shared, however, with other tenants of the building. The initial submission did not include any breakdown of parking for the remainder of the building. The applicant has provided a summary on the revised drawings which provides a breakdown of existing and proposed parking including the number of motorcycle spaces which will be provided when the parking area is restriped. The applicant will also be required to provide the appropriate amount of barrier free parking as required by statute. At the present time, there are a total of 58 parking spaces on the site serving all tenants in the building. Five (5) spaces will be lost in order to accommodate the proposed 23 motorcycle sized (4' by 10') parking spaces.

11. The applicant's parking plan and parking space calculations are shown on Sheet 1 of

Exhibit A-5. The applicant shows 53 existing striped parking spaces and a parking reserve of 19 spaces in the center of the lot. The plan removes five (5) standard and adds 23 motorcycle spaces in the northeast portion of the lot.

12. The applicant's calculation shows that 89 regulation size parking spaces are required. The breakdown of the parking space requirement is as follows:

Unit A (Applicant's area)	39 spaces;
Unit A (Remaining Tenants)	19 spaces;
Unit B (All Uses)	31.1 <u>spaces</u>
Total Spaces	89

12a. The applicant proposes to have 96 vehicle spaces; 72 standard spaces and 23 motorcycle spaces. The motorcycle spaces are 4' by 10' and are not "parking spaces" as defined by ordinance. Accordingly, there is technically a shortfall of 17 spaces and a variance is required.

13. The calculation of the mixed use parking requirements and the total number and types of parking spaces proposed are appropriate for the proposed set of uses on the site. Most of the patrons of applicant's business will either be driving motorcycles or bringing them in for servicing. Accordingly, while this combination of uses exists onsite, the parking plan as provided will be sufficient. When new uses are proposed for the facility, however, the municipality will re-review the parking plan for adequacy.

14. If any use other than applicant's motorcycle shop changes tenants, the initial review of the parking plan will be done by the Zoning Officer (ZO). If the ZO is satisfied that the parking will continue to be adequate, then no further review will be required. If the ZO is not certain that there will be sufficient parking after the proposed change of tenants, then the ZO will refer the matter to the Planning Board/Board of Adjustment (Board) for its review. Any proposed change in tenancy for the applicant's business will immediately be referred to the Board for its review. This procedure shall be a continuing condition of this approval.

15. The subject of the outdoor display of materials was discussed at some length. Mr. Costa testified that there will not be very much outdoor display of product for fear of theft. The applicant stated that it would be satisfactory to have four machines displayed at the front of the facility during business hours. At the end of the business day, all outdoor display items will be brought back inside the facility.

16. The applicant's engineer, John Belle, P.E., testified from Exhibit A-3. He noted that the rear one-half of the building would continue to be for the exclusive use of Thompson Holding Company. The front half, however, which is the half closest to Route 22, will be used by the two current tenants which are located behind the applicant's 7,500 square foot area. The front unit of the building will be converted into a motorcycle distributorship with a service operation.

17. The applicant's engineer initially testified that the middle of the parking area is available to accommodate tractor trailers, if needed. The revised plans indicate that the nineteen banked parking spaces in the middle of the lot will be striped to provide 72 standard parking spaces. It was the engineer's opinion that the existing parking will be more than sufficient.

18. The Board is satisfied that the applicant will want to provide sufficient parking spaces in order for its business and the other businesses on the site to flourish. Nonetheless, the Board will retain jurisdiction over issues involving parking for a period of one year following the issuance of a certificate of occupancy for the new motorcycle dealership. The applicant will be required to comply with any requests for additional parking if the Board determines that additional spaces are needed.

19. Mr. Belle testified that the applicant's desire was to create an attractive area that will cover the space at the front of the building and to put a truss structure between the columns. All the runoff from the front (north) part of the site will be collected and carried into an existing drainage structure. The owners of the property, as previously noted, will be redoing the parking. The applicant will be required to provide the necessary barrier free parking to comply with the current requirements.

20. The Board Attorney stated that the items involving the upgrade of the parking area are matters of contract between the applicant and the current owner of the property. Nonetheless, the modifications to the parking area, as shown on the revised plan and as testified to, will be conditions of this approval. They must be completed prior to the issuance of a final Certificate of Occupancy.

21. The engineer noted that the truss is a free standing structure with an overhang. The applicant needs a setback variance. A setback of 75' from the property line to the nearest portion of the building is required in this zone. The applicant's engineer testified that the setback to the corner of the column will be 65'8"; to the frame structure will be 71'9"; to the overhang will be 63'10". All require variance relief. The setback to the patio will be 46'. The patio does not require variance relief.

22. Art Hance, the applicant's builder, testified regarding the new facade structure to be constructed at the front of the existing building. He stated that he might use wood for part of the facade. The witnesses also testified that the portion of the building to be used by the applicant has a 7,500 square footprint. The existing mezzanine area is 1,250 square feet.

23. When the front unit is redeveloped, the total square footage on the first floor will remain at 7,500 square feet. The breakdown of the usage of this area is 5,000 square feet retail, 1,875 square feet service and 625 square feet parts.

24. The existing mezzanine area (1,250 square feet) will be increased by 2,212 square feet to a total of 3,462 square feet. The breakdown of the usage on the mezzanine area is 2,637 square feet office and 825 square feet parts.

25. The Board is uncertain if the change in the square footage of the mezzanine area will have any impact upon sewer allocation. Also, the Board Engineer has questioned the methodology used by the applicant to ascertain sewer flow assessment. The applicant shall submit its revised plan and its calculations to the Lebanon Borough Sewer Authority for an updated determination as to whether or not the Authority will required any additional action by the applicant.

26. The witnesses testified that the applicant intended to gut this entire section of the building and redo the interior as well as the front exterior portion of the building.

27. The witnesses testified that the applicant will maintain the existing water main in the middle of the building front.

28. The drawings contain some incorrect information regarding impervious cover. The actual impervious coverage on the site is 54.1% while only 40% is permitted. When the plans for the building are approved, the impervious cover will be increased to 56.6%. The proposed drive out to Main Street (discussed below) will raise the impervious cover on Lot 39.01 to 58.1%.

29. In 1984, the subject property was subdivided from the lot to the west (Block 5, Lot 39.02). The two lots had been developed as one site prior to 1984. Most of the open area on that overall site is on the lot to the west. That lot has overall impervious coverage of about 25%. Because of various site and environmental limitations on the lot to the west, it is unlikely to be built out much further. At the present time, the overall coverage for both lots is 36.9% which is within the ordinance limitation of 40%. With the proposed improvements, including the driveway to Main Street, the combined impervious surface for both lots will be 38.5%.

30. While the lot in question must stand on its own, the fact that the site was developed in conjunction with another site at least provides an answer as to why this recently created site already has significantly more than the permitted impervious cover. It also provides some assurance that the impervious cover on the two lots will not likely exceed permitted limits.

31. The concern about impervious cover is somewhat offset by the desire to have the site upgraded and made more attractive than it is at the present time.

32. Prior to the November 12, 2014 hearing, the applicant submitted a signage plan. It was prepared by Kinsey Associates, dated October 27, 2014. It consists of one sheet. It is a sketch of the northeast portion of the subject property where the proposed signs will be located.

33. Sign rendering and dimension plans were prepared by Sign Art and are dated September 9, 2014. They provide seven (7) sheets of renderings of the signs and technical information.

34. The Planning Board Engineer prepared a written report on the signage and lighting plans dated November 10, 2014. Compliance with any outstanding items in that report related to signage will be a condition of this approval. As of the date of this resolution, the following items are outstanding: A3, 133, 134, 135, B8.

35. The proposed signage will require a number of variances. The COMM-ROM zone allows one (1) permanent free standing or wall mounted sign. The applicant proposes one (1) free standing signs and four (4) wall mounted signs (following the removal of the existing ground mounted sign).

36. The proposed pylon sign is 20' high (15' is allowed); it has a setback of 10'6" (15' is required); and it is 5'2" from the existing ground sign, which is to be removed).

37. The ordinance permits each business or retail establishment within a development to have one permanent wall mounted sign not larger than 13 square feet. Four wall mounted signs are

proposed. All are larger than 13 square feet as follows:

- (1) Sign B - 26.27 square feet;
- (2) Sign C - 30.13 square feet;
- (3) Sign D - 24.21 square feet;
- (4) Sign E - 23.68 square feet.

38. There was a discrepancy as to the location of the pylon sign plan and Sheet 1 of the sign renderings. The former is correct and it is setback 10'6" from the right of way.

39. The current Clinton Car Care ground sign will be removed.

40. The existing masonry directional sign will not be changed. The pylon sign and all the wall signs will be internally illuminated as shown on Exhibit A-6. No signs will be illuminated between 11:00 p.m. and 7:00 a.m. (Ordinance Section 7.07-3).

41. There will be no permanent window signs. The Board will not require any information regarding signage for other uses on the site. No changes regarding same are approved as part of this resolution.

42. The Board is satisfied that the sign plan which has been submitted is a reasonable plan for this specific project. Several of the variance conditions are either pre-existing or are necessitated by the location of the existing improvements on the property. The size of some of the signs are justified by the fact that the property fronts on a high speed busy state highway. They must be large enough and close enough to the roadway to be read by passing motorists. Like the other bulk variances, they will promote an appropriate use of the subject property and a good civic design as detailed in paragraph 57 below.

43. The sign variances also satisfy the statutory negative criteria in the manner described in paragraph 58 below. Accordingly, the Board will approve the sign variances and the sign plan subject to the applicant providing all additional information requested by the Board Engineer in his November 10, 2014 letter.

44. The applicant submitted a lighting plan but it was deficient as per the Engineer's November 10, 2014 report. When the requested information is submitted, that report will be reviewed by the Board. If no variances are needed, no further public notice will be required.

45. The Board advised the applicant that the sight triangle area on the adjacent parcel needs to be cleared. Although the applicant does not control that parcel, this is a safety concern and the applicant will have to make arrangements with the neighboring property owner to be certain that the parcel has been cleared.

46. Mr. Costa testified that the hours of operation will be from 9:00 a.m. to 6:00 p.m. on Monday, Tuesday, Wednesday and Friday. His Thursday hours will be from 9:00 a.m. to 7:00 p.m. The Saturday hours will be from 9:00 a.m. to 5:00 p.m. It is possible that some of the hours of operation might be slightly longer at the new location but the current thought is that the hours will be as stated above.

47. The Board Engineer also submitted written reports on the site plan aspects of the application dated August 13, 2014, October 2, 2014 and November 10, 2014. There are still a number of outstanding items in those reports. The applicant testified that it would comply with all

of the items in the Board Engineer's reports. Compliance with any remaining outstanding items will be a condition of this approval.

48. The Board will grant the relief requested by the applicant which is necessary to allow for the modification of a part of the existing building on the premises to accommodate the proposed motorcycle dealership described in the application, at the public hearing and in this resolution.

49. Because the proposed dealership includes a service department which will deal with both new motorcycles sold on site as well as machines which were previously purchased at this site and from other dealerships, it technically is also a service station. The service component of this use is not insignificant as it constitutes 30% of the applicant's overall business and revenue according to Mr. Costa's testimony. The Board finds that this provision in the ordinance was not necessarily intended to apply to new motor vehicle dealerships. Section 8.04-7 is actually intended to apply to service stations which are normally affiliated with a private garage or a gasoline filling station. The Borough's intention was to require sufficient space between traditional motor vehicle service stations that its major highways would not have a string of those uses in close proximity to each other. Nonetheless, this use does fall under the ordinance definition of a "service station" and variance relief is required.

50. The look of this facility will be significantly different than a traditional gasoline service station. The use will actually dress up the facility with the proposed facade changes and the related improvements to the parking area. By the very nature of the use, all of the vehicles (motorcycles) which are being offered for sale or are being repaired will be inside during the evening hours. The threat of theft is too great to leave vehicles outside. There will be some outdoor display as discussed above and, during the course of the work day, it is possible that one or more motor vehicles will be left outside for a period of time.

51. The type of use which is under consideration here is significantly different than the average "service station" and the primary purpose of the zoning regulation is esthetic in nature. This particular application should actually improve the appearance of the subject property significantly once it has been completely constructed and becomes operational. The Board specifically approve the use variance request for a new motorcycle dealership with a "service station" component as discussed herein.

52. It can be argued, as the applicant did, that this specific use should not be considered as a service station pursuant to Section 8.04-7. The Board is satisfied that there is a service station component here but acknowledges that it is not the primary reason for the use and is only a component of same. The Board makes these findings to basically interpret the section so that there would be some understanding of what is intended if future applications involving these questions come before the Board.

53. In addition to the use, parking and sign variances, there are four other bulk variances which are being requested by this applicant. The first is a front setback variance for the new structure which will be located at the front of the building. As previously noted, there will be 63' 8"

from the right of way line to the nearest portion of the overhang of the proposed facade and 65' 8" to the column's nearest point.

54. The second bulk variance is for an increase in impervious cover. 40% impervious cover is allowed in this zone. There is presently 54.1% impervious cover on the site and it will be increased to 56.6% by the inclusion of 3,700 square feet of new impervious surface. Then the added impervious cover associated with the drive out to Main Street added to the total, the impervious cover on Lot 39.01 will be 58.1%.

55. The third bulk variance is for impervious cover in the front yard area. The ordinance allows a maximum of 20% impervious cover in the front yard area. With the changes proposed by the applicant, the total impervious cover in the front yard area will be 25%. An appropriate note regarding same and the applicant's calculations will be added to the plans.

56. The fourth bulk variance is for outdoor display. The applicant intends to have a maximum of four machines displayed outside under the canopy during business hours with the understanding that those machines will be stored inside the building at the close of the business day.

57. The Board finds that all of the bulk variances may be granted because all of them will further several of the purposes of zoning. The relief requested will help the applicant to provide sufficient space in an appropriate location for a specific type of commercial use which will help to meet the needs of all New Jersey citizens. The changes will also promote a desirable visual environment through good civic design and arrangement. These are two purposes of zoning as outlined in *N.J.S.A. 40:55D-2(g)(1)*. As a result, these particular variances meet the positive criteria pursuant to *N.J.S.A. 40:55D-70(c)(2)*.

58. All of the variance relief which has been requested also meets the negative criteria. There will be little or no negative impact and, as a result, there is no substantial detriment to the public good nor any significant impairment of the intent and purposes of the zoning ordinance. The changes will enable the applicant to provide a better zoning alternative than would otherwise be achieved under the ordinance. All of the above justifies the granting of the relief requested.

59. The applicant has discussed at length the proposed driveway to Main Street which would provide an access to and from the site via that street. The applicant has not completely engineered the driveway. Most of the needed information has been submitted, however, and the Board will approve the driveway. The current information includes use restrictions, signage and a security gate for 20' wide driveway. The Board would like to prohibit truck traffic from using this driveway to the extent possible and will want it to be gated at night. A Knox box will be installed along with weight limit signage. A pipe will be required for the drainage ditch crossing. All technical aspects of the driveway will be subject to the Board Engineer's review and approval.

54. The Board is also satisfied that there is no need for any further site plan drawings except those specifically mentioned herein or required by the Board Engineer. The primary physical changes to the site aside from the front facade will be interior changes to the unit in question and those changes will be largely under the jurisdiction of the construction official. The same is true of

the approved modifications at the front of the building which are largely aesthetic in nature. The Board has established certain parameters regarding the use which have been set forth herein. Accordingly, the Board will grant all of the relief requested by the applicant.

NOW, THEREFORE, BE IT RESOLVED by the Lebanon Borough Planning Board/Board of Adjustment, County of Hunterdon, State of New Jersey, that the applicant's request for a use variance to allow a motorcycle dealership which has a service component on the premises is hereby granted, for the reasons set forth above, subject to the conditions of site plan waiver; and

BE IT FURTHER RESOLVED that applicant's request for variances related to a front yard setback of 63' 8" to the nearest point of the overhang of the truss structure and 65' 8" to the column of the facade, both distances being measured from the right of way line of State Highway 22; for increase in impervious cover from 54.16% to 58.1% and for an increase in the impervious cover in the front yard area to 25% (note to be added to revised plans) and for allowance of the outdoor display of four motor vehicles under the canopy as discussed above is hereby granted for this use only as a motorcycle dealership as shown on the plans and as discussed at the public hearing; and

BE IT FURTHER RESOLVED that all of the variances related to signage which are more fully described in paragraphs 32 through 42 above are hereby approved for the reasons set forth above; and

BE IT FURTHER RESOLVED that the sign plan described above is hereby approved subject to compliance with any outstanding items in the Board Engineer's report dated November 10, 2014; and

BE IT FURTHER RESOLVED that the applicant's request for preliminary/final site plan approval is hereby granted, subject to the following conditions:

1. Subject to the revisions discussed herein and the submission and approval of a revised lighting plan, the Board is satisfied with the site plan submissions and will not require any further submissions of site plan documents.
2. The operating hours shall be as set forth in testimony. If the applicant intends to lengthen the hours of operation, it will be required to notify the Planning Board of same but no further public hearing will be necessary unless the Board determines that same should be required. There is no prohibition against the applicant lengthening the hours of operation.
3. The applicant will be required to address all of the issues raised in the Board Engineer's report as noted above, specifically including but not limited to the submission of revised lighting plan which will be reviewed by the Board Engineer prior to submission to the Board for its final review and approval. The plans shall also provide a breakdown of existing and proposed parking including the necessary barrier free parking as detailed in paragraphs 10, 11 and 12 above. Thereafter, these plans will be made part of the approved site plan documents which will be the basis for the construction plans.
4. Subject to the Planning Board Engineer's technical review and approval of all plan revisions and additions discussed in this resolution and at the public hearings in this matter.
5. All changes in tenancy for the uses in the building on the subject property will be reviewed and decided as detailed in paragraph 14.

6. This approval will be subject to compliance with all applicable building codes and all requirements of the construction official.

7. All of the variances granted are limited to this project and will be void and of no legal effect if this project is abandoned for any reason prior to its completion. The term of the variances shall run concurrently with the term of the site plan approval granted herein.

8. The Board will retain jurisdiction over the issues of parking and lighting for a period of one year from the date of the issuance of a certificate of occupancy for the motorcycle dealership for the limited purpose of determining whether or not further adjustments are needed.

9. Neither the Board nor its employees will perform any service in furtherance of this approval if there is a deficit in any escrow or inspection fee account. The applicant shall have a continuing duty to maintain a positive balance in all such accounts and to have paid all municipal charges including but not limited to real estate taxes until all conditions have been satisfied and all charges have been paid.

ALEX SAHARIC, Chairperson

ATTEST:

KAREN ROMANO, Secretary
DATE **MEMORIALIZED:**
December 10, 2014

OPEN PUBLIC SESSION

Chairman Saharic opened the floor for public questions. With no questions Chairman closed the floor.

MISCELLANEOUS:

None

ADJOURN

Mr. Ables moved, Mr. Hopkins seconded a motion to adjourn, there being no further business to come before the Board. The motion was passed by unanimous vote. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Karen M. Romano
Planning Board Secretary

[Type text]

LBPB
4-9-14