



LEBANON BOROUGH
PLANNING BOARD & BOARD OF ADJUSTMENT
MINUTES
June 10, 2015

The Regular meeting of the Lebanon Borough Planning Board/Board of Adjustment was called to order by Chairman 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, Ron Lapczynski, Councilman Sam Berger, David Abeles, William Wilson and Henry Hopkins
Absent: Mayor Reino, William Skene, James Newman and Councilman Berger
Also present: Lisa Saharic, Deputy Clerk and William Shurts Esq.

MINUTE APPROVAL:

Mr. Hopkins moved, and Mr. Dr. Uchrin seconded, a motion that Minutes of April 2015.

The motion passed with the following roll call vote:

Ayes: Saharic, Uchrin, Hauck, Lapczynski, and Hopkins

Absent: Skene, Berger, Reino, and Newman

Abstain: Abeles, Wilson

EXPENDITURE APPROVAL:

Mr. Hauck moved, and Mr. Abeles seconded, a motion that Expenditures of June 2015.

The motion passed with the following roll call vote:

Ayes: Saharic, Uchrin, Hauck, Lapcynski, Abeles, Wilson, and Hopkins

Absent: Skene, Berger, Reino, and Newman

Abstain:

FREEDMAN SITE PLAN WAIVER: BLK1 LOT 5 FORMAL

A Site Plan has never been approved for this property.

Attorney Shurts labeled the Application Exhibit A1, the Affidavit of Service Exhibit A2 and the Plan Exhibit A3.

Attorney Shurts then swore in Jeff Freedman property owner

Jeffrey Freedman has made application to the Lebanon Borough Planning Board/Board of Adjustment (hereafter Board) for a site plan approval to allow a new commercial tenant, Industrial Zombie, to occupy its existing facilities on the applicant's property known as Block 1, Lot 5 located in the Commercial ROM 100,000 square foot zone at 7 Prostack Lane, a private road, located just to the west of Cokesbury Road.

This applicant has been before the Board on a number of occasions dealing with this lot but the Board did not have an actual site plan for the subject property.

The applicant has now submitted a site plan as part of the current review process.

On June 10, 2015, the applicant, Jeffrey Freedman, and a principal of his prospective tenant, Matthew Quilty, appeared at the public hearing on this matter and both gave testimony under oath.

Members of the public were given notice of the hearing as required by law and were given an opportunity to participate in the hearing.

All procedural requirements of the local ordinance and the state statute have been met.

The Planning Board makes the following findings of fact and conclusions of law:

1. The subject property is shown on a drawing entitled, "Final Site Plan for Jeffrey Freedman" prepared by RBZ Enterprises, Inc. The plan consists of one sheet dated April 2, 2015 with revisions through June 15, 2015.

2. The applicant had received various approvals from predecessor Boards through the years without ever submitting a site plan. The most recent approval was memorialized in this

Board's Resolution No. 3-2005 and the First Amendment to that resolution.

3. In pertinent part, the First Amendment to Resolution No. 3-2005 reads as follows:

"Any further changes to the subject property will require the applicant to submit a professionally prepared and certified site drawing. The applicant has agreed in writing that such drawings will be provided when changes are requested."

4. The applicant appeared before the Board several months earlier for site plan approval for a tenant known as Collis Crane Works. Those parties did not ultimately agree to final terms and Collis Crane Works did not occupy the site. That applicant did not proceed to a final decision. Nonetheless, most of the site plan issues involving the subject property which were discussed by the Board at the earlier hearing remain relevant to the current review.

5. When Mr. Freedman began discussions with Industrial Zombie, he filed a new application for site plan approval and submitted the revised map mentioned above. This initial revisions to this map were based on a review letter which the Board's Engineer had written for the Collis Crane Works application. All of the issues which dealt with the site plan, however, were still relevant for the current tenant. The resulting site plan is the first actual site plan document which any Board has reviewed for this particular property.

6. The subject property is located on the north side of Interstate Route 78. Prostat Lane, a private road, provides access to the subject property from Cokesbury Road.

7. A large commercial building is shown on the drawing along with seven paved parking spaces. The applicant will revise the map in order to show ten parking spaces which is the amount required for this tenant. It is apparent that there is sufficient space on site for more spaces if they are needed.

8. The applicant will be required to stripe the seven paved spaces. The applicant will revise the plan to show three (3) additional spaces required for the current use. The applicant will not be required to construct those spaces at this time because the testimony indicates that they will not be needed at this time.

9. The tenant described his operation as an architectural design and manufacturing company. He also has an office in Bernardsville, New Jersey and a facility in Hillsborough, New Jersey.

10. The process normally begins by acquiring containers used to move goods to another site, often an airport or dock. After the primary cargo has been removed from the container, Industrial Zombie acquires the container and either rehabs it for future use transporting industrial goods or, in some cases, reworks the containers to crate a very different finished product, a product needed by a client for a specialized purpose.

11. The company primarily does metal working and fabricating of containers used to transport industrial materials from place to place. Generally, most of the fabrication work will be done off site. Most of the work done at this site will be assembly of the units, primarily by bolting or welding. The deliveries and the pick ups will be via flat bed and trailers. There is sufficient room on site to allow the necessary maneuvering of the larger vehicles.

12. The Board Engineer, Robert Brightly, prepared a memo dated April 8, 2015. Although that memo was prepared at a time when the Board was considering another application, essentially all of the issues raised in that report deal with ongoing site plan issues which required.

answers from the applicant as part of the hearing process.

13. Mr. Freedman acknowledged that there is a C-1 stream very close to the subject property. There is a ditch and a swampy area on site which is sometimes wet but often does not have a large amount of water in it. No additional approvals are required regarding the water on site.

14. Mr. Quilty will have a dumpster. There will be no outside storage and there is a gate shown on the outside fence.

15. Mr. Quilty stated that there will be approximately 20 to 40 containers on the site. There is some assembling and some welding but primarily bolting of the component parts will take place at this site.

16. The containers will not be sit out for a long time. They will be moved into the

building as soon as possible after their arrival. When the work has been completed, they will be shipped to their destination as soon as possible. No container will remain outside for any significant amount of time. Outdoor storage for more than seven (7) calendar days is prohibited. Any scrap materials will be placed in the dumpster.

17. The applicant will use approximately 7,200 square feet of the building as a shop with an additional 400 square feet for an office. There will be two or three employees on the site. The hours will be Monday through Friday from 7:00 a.m. to 5:00 p.m.

18. Mr. Quilty testified that there is normally a constant amount of work throughout a calendar year. There is no "busy" season as a result.

19. Based on floor area, the tenant requires 9.5 parking spaces (rounded off to 10

spaces). The Board Engineer and the zoning officer determined that the entire building would require 23 parking spaces at full occupancy. Additional parking spaces may be added to the plan

to demonstrate that there is sufficient parking for other tenants. The Board will not require the applicant to show any of the additional thirteen spaces until the owner has a new tenant. Any additional tenant will require Board review since multiple tenants are not permitted. If the plan is amended to show the additional spaces, the zoning officer might be able to administratively review an application for a new tenant if or when Industrial Zombie leaves the site. The applicant has the option to make the modification to the site plan but it is not required.

20. The applicant did not submit a request for signage at this time. As a result, there is no approval of any sign. In the future, the applicant can deal with sign issues as anyone else would. If the proposed sign conforms to ordinance requirements, its approval can be handled administratively by the zoning officer. If not, the applicant will come back before the Board.

21. The Board felt that construction permits and even a CO could be issued prior to the adoption of a written resolution for this approval. As a result, the secretary will be directed to write a letter to the construction official advising him of this finding by the Board.

22. The applicant will of course have to comply with all conditions imposed by the construction official and, if of those conditions require changes to the plan, the applicant will not have to come back before this Board unless such change will require a variance.

23. There are no variances required to approve this application. The Board is willing to grant site plan approval subject to a final review of the most recent plan by the Board Engineer. Prior to the public hearing, Mr. Brightly had very little time to review the revised plan. If Mr. Brightly requires any additional information, he will contact the applicant as well as the Planning Board. Any such changes will be incorporated into the final plan which will become the approved site plan. If the Engineers cannot work out any issues raised by Mr. Brightly, the matter will be brought back to the Board for a final determination. Accordingly, the Board will grant preliminary and final site plan approval, subject to conditions.

The Lebanon Borough Planning Board/Board of Adjustment, County of Hunterdon, State of New Jersey that the application of Jeffrey Freedman for preliminary and final site plan approval allowing the use of the premises known as Block 1, Lot 5 by an architectural and manufacturing company is hereby approved, subject to the following conditions:

1. This approval is generally limited only to the specific use requested by the applicant at this time. The zoning officer will determine whether or not any future tenant must apply to the Planning or Zoning Board.

2. Any future sign plan will be reviewed and approved by the Borough Zoning Officer for compliance for ordinance requirements.

3. The applicant will make any additional changes to the site plan required by the Borough Engineer. When the Board Engineer has approved the plan, it will become the approved site plan.

4. Outdoor storage of containers for more than seven (7) calendar days is prohibited. All scrap materials will be stored in the dumpster.

5. All terms and conditions of prior approvals which do not conflict with this resolution will remain in full force and effect.

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.

OPEN PUBLIC SESSION

Chairman Saharic opened the floor for public questions. There being no comment the floor was closed.

MISCELLANEOUS:

None

ADJOURN

Dr. Uchrin moved, Mr. Abeles 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 8:45 p.m.

Respectfully submitted,

Karen Romano
Planning Board Secretary

LBPB
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