



LEBANON BOROUGH  
PLANNING BOARD & BOARD OF ADJUSTMENT  
MINUTES  
Tuesday, April 13, 2021

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.

**MOMENT OF SILENCE**

Chairman Saharic called for a moment of silence for our fallen soldiers.

**ROLL CALL:**

Members Present: Alexander Saharic, Dr. Christopher Uchrin, Henry Hopkins, David Abeles, Councilman Berger, Mayor Pittinger, Joseph Hauck Robert Weingart and James Newman

Absent: William Wilson and William Skene

Also present: Karen M. Romano Planning Board Sec., Jonathan Drill Esq

**The motion passed with the following roll call vote:**

**Ayes:** Saharic, Hauck, Uchrin, Abeles Weingart, Newman Pittinger, Hopkins, and Berger

**Absent** Skene and Wilson

**Abstain:**

**EXPENDITURE APPROVAL:**

**No Expenditure**

**ROLLN FAST CYCLE (Lebanon Reality II) BLOCK 5 LOT 39.01 Informal**

John Costa owner of Rollin Fast Cycle presented the idea of selling firearms with the potential of a firing range located at Block 5 Lot 39.01. Chairman Saharic stated the store would fit the COMROM zone. Rollin Fast Cycle must present go to Council for a letter to the FCC.

**TOWN CENTER LLC BLOCK 4 LOTS 1.03 AND 1.04 Preliminary Site Plan  
400 and 500 Corporate Drive Lebanon, NJ 08833**

Declaratory Action filed July of 2015.  
Settlement agreement September 2019  
MOV October 2019  
New Multifamily ordinance 2020-08 adopted October 2020

Henry Kent Smith attorney on the behalf of Town Center at Lebanon LLC

**Witnesses Sworn:**

**Applicant:**

Steve Patron managing member of Town Center at Lebanon LLC  
John Hanson , PE  
Kelley O'Such. PE- Stormwater  
John Harter, PE -Traffic  
Lawrence Appel, AIA  
Martin Mortinque, AIA  
David Roberts, PP

**Borough:**

Bob Brightly, PE  
Stan Slachetka, PP  
Harold Maltz, PE -Traffic

Steve Patron Testimony:

Town Center at Lebanon LLC will need deed restriction giving the court assigned affordable housing units.

The project needs local approval before going before State agencies for approval.

October 1st 2021 is the goal for shovel in the ground for phase one on the West side of the site.

October 1st 2022 is the goal for shovel in the ground for phase two on the East side of the site.

Town Center will compile with the redevelopment plan and abide by all requests if they want to take advantage of the provisions.

A pedestrian circulation plan will be present for approval. Town Center owns 90% of Corporate Drive.

John Hansen, PE Testimony:

- I. Qualifications
  - A. BSCE from Virginia Tech-1992
  - B. NJPE for 21 years
  - C. License in good standing

Exhibits Presented:

John Hansen PE:

- A1 Existing Conditions
- A2 Proposed Office Building Number 3
- A3 Proposed Office Building Number 4
- A4 Town Center at Lebanon Phase 1
- A5 Town Center at Lebanon Phase 1
- A6- Utility Plan Sheet 11 of 34
- A7-Utility Plan Sheet 12 of 34
- A8 Grading Plan Sheet 7 of 34
- A9 Grading Plan Sheet 8 of 34
- A10 Lighting Plan Sheet 15 of 34
- A 11 Lighting Plan Sheet 16 of 34

Lawrence Appel, AIA

- A12 Artistic Conceptual Rendering
- A13 Sign Companion Sheet PB-2
- A14 Height Analysis PB-3
- A15 Unit Plan PB 1-2,2
- A16 Unit Distribution

- II. Existing conditions (**introduced Aerial Photo Exhibit (God)**)
  - A. Block 4, Lots 1.03 and 1.04, located on Corporate Drive (Private Road). Both lots are located in the RF-MF-12 District. The lots are bordered by Route 78 to the north, lot 1.02 on the west (Marriot property) and lot 1.05 on the east. There is public water that runs along the tract frontage and sanitary sewer mains on the east and west sides of the tract.
  - B. Lot 1.03 consists of 12.2 acres and is irregular in shape. A small appendage of the property is located on the south side of Corporate Drive. The lot contains a paved parking area in the western portion of the lot, the gravity sanitary sewer line (which serves the Marriot) in the western portion, and a modular block retaining wall of varying height along the easterly portion of the lot. The property slopes in an easterly direction and currently farmed. There is a conservation easement along the stream corridor in the easterly portion. The stream is known as the tributary to the South Branch of the Rockaway Creek and is classified by the NJDEP as a Category One stream. The stream has a flood hazard area and a 300-foot riparian

- buffer. There are some freshwater wetlands that exist along the stream corridor and they are considered “exceptional value” and carry a 150-foot transition area.
- C. Lot 1.04 consists of 10.0 acres and is also somewhat irregular in shape. It also has a small portion on the west side of Corporate Drive, and it also contains a modular block retaining wall of varying height. It has exceptional value wetlands along the same stream corridor and is subject to the streams flood hazard area and 300- foot riparian zone. There is also a pocket of isolated wetlands in the northwesterly corner of the property. The property has some impervious coverage on it which is the drive aisle for adjacent lot 1.05.
  - D. Lastly, both properties are located in the Highlands Planning Area and subject to Highlands’s review since the Borough opted in for Highlands Plan Conformance in 2010. The properties are in the Highlands Town Center designation. All the wetlands and the stream are subject to the 300-foot Highlands Open Water Buffer.
  - E. Along the stream corridor of both properties contains an irregular shaped conservation easement that was required per the previous approvals. The vegetation within the conservation easement has deteriorated over time and the ecological value of the vegetation is of low value.

### **III. History of Property- Previous Approval (Introduce Previously Approved Site Plan Exhibits)**

- A. Each lot was to be developed with an office building structure, served by public water and sewer.
- B. The environmental features at that time (wetlands, stream), were less restrictive. The wetlands transition area was 50 feet and work adjacent to the stream was subject to a stream encroachment permit application.
- C. There was no Highlands Act at the time and the stormwater management regulations were much less cumbersome than they are today.
- D. The NJDEP Permit was issued in October of 2001. It included a wetland transition area averaging and the conservation easement was required by DEP as a condition of the permit.
- E. Both properties were then disturbed to construct the modular block retaining walls just outside of the conservation easement and raise the grade behind each of them with fill in order to satisfy the DEP permit and set each site up for one office building and associated parking area on each.

### **IV. Pre-application meetings**

- A. Since the regulations had changed since the prior approvals, and Highlands was now a factor, we started setting up pre-application meetings with the following:
  - 1. NJDEP Land Use Section- June 2018
  - 2. Highlands Council Representatives-

It was determined that we would need a hardship exception from the NJDEP. The pre-application determination as that the project would be looked at favorably if the

majority of the development and land disturbance could be kept in the outer 150 feet of the 300-foot riparian buffer, and we removed the retaining walls systems, the fill behind them, and re-established that portion of the stream corridor.

**V. Proposal (Introduce Color Site Plan Exhibit)**

1. Preliminary Major Site Plan application to construct a total of 280 apartment units on the tract in 2 Phases.

**Phase I** will consist of the construction of 155 units on lot 1.03 between 2 buildings (Buildings 1 and 2). A leasing office, club room, yoga room, a conference room, and gym will also be included in building 1. There will be on site amenities located in the courtyard between the buildings consisting of a pool, outdoor patio and sitting areas, pickle ball courts, and play equipment for toddlers.

**Phase 2** will consist of the construction of 125 units on lot 1.04 between the two buildings (Buildings 3 and 4). There will be on site amenities on lot 1.04 consisting of a outdoor patio and sitting areas, a dog park, a pocket park, and play equipment for toddlers.

Of the 280 units, 56 of the units will be deed restricted for affordable housing. Each building will be a total of four stories in height. In both phases, the proposed buildings and site improvements have been designed to be as far from the existing stream as possible. Our project architect will talk about the building in further detail later in the presentation.

2. The project has been prepared in accordance with the RF-MF-12 District (with some variance relief requested) and the Residential Site Improvement Standards (with some de minimis exceptions requested- we will talk about both later in the presentation).
3. **Parking**-Lot 1.03 has been designed to have 2 driveway access points from Corporate Drive. Parking is proposed both on grade and inside each structure on the first floor of each building. The proposed parking for the site slightly exceeds the RSIS requirements at the moment (327 parking stalls provided, where 303 are required). Twelve of the stalls in each building are designed as tandem stalls, with each tandem stall to be dedicated to a specific two-bedroom unit. ADA parking is available both inside and outside the structure. Parking inside the building will be assigned parking with the exception of the ADA stalls.
4. **Parking**-Lot 1.04 has been designed to utilize the common driveway access point from Corporate Drive that was designed under the previous approval.

This site also has parking both on grade and inside each structure on the first floor. The proposed parking for the site slightly exceeds the RSIS requirements at the moment (245 parking stalls provided, where 254 are required). Eight of the stalls in each building are designed as tandem stalls, where each tandem stall will be dedicated to a specific two-bedroom unit. ADA parking is available both inside and outside the structure. Parking inside the building will be assigned parking with the exception of the ADA stalls.

5. **Circulation-** Each site has been designed so that a fire truck can enter each site, circulate through the driveway aisles, and exit back on to Corporate drive. Each driveway is a 2-way drive aisle, 24 feet in width.
6. **Solid Waste-** Each building has been designed with trash chutes so that residents can dispose their trash into the chute, so they are stored in a separate room on the ground floor. Recyclables will be collected in bins on each floor and taken down daily to the trash room. Trash will be compacted. Both trash and recyclables will be wheeled out by the building maintenance staff on rollouts and picked up by a private hauler on a scheduled pick-up (once per week).
7. **Grading & Drainage-** Each site will be graded with positive pitch away from the structures and a maximum grade in the parking areas of 5%. All ADA stalls will have less than 2% grade and our accessible routes into the buildings are shown on the plans. Retaining walls will be necessary to make the grade transition between the developed areas and the areas of the property that will be left undisturbed.
8. **Utilities-** Each building will be served by public water, public sewer, gas and electric.

**Water** is supplied by the Town of Clinton Water Dept

Meter pits will be located underground, and 1 pit will serve each building.

Backflow preventers will be installed inside each building.

So, not above ground hot boxes will be required.

Hydrant flow tests performed today to confirm that adequate pressure exists in the line for the project.

**Sewer** is treated by the Readington Lebanon Sewerage Authority. The existing main that serves Marriot runs through lot 1.03 and will be relocated to accommodate the new building #1.

**Gas** will be provided by Elizabethtown Gas. Meters will be installed on the face of each building at a location not facing Corporate Drive. The meters will be screened by wooden fencing and/or landscaping.

**Electric** will be provided by JCP&L. We expect 1 transformer will be required for each building. Each transformer will be situated on a 10' x 10' pad. The locations of the transformers will be worked out with JCP&L and shown on revised plans.

All other mechanical equipment will be constructed within each building with the exception of 5 small exterior condenser pads for each building. The condenser pads will be 3'x3' pads. They will be shown on revised plans.

9. **Stormwater Management-** each phase is considered a major stormwater development and a system has been designed in each lot to address the requirements of rate reduction, runoff infiltration and water quality. Further detail will be provided by my associate.

10. **Landscaping-** A mix of foundation plantings and shade trees have been designed for each phase. The goals of the landscaping are to provide appropriate foundation plantings to soften the building and a mix of ornamental trees and shade trees to beautify the parking areas and provide shade. Evergreens have been added to screen where necessary.

In addition to the conventional landscaping proposed, an extensive amount of mitigation plantings are proposed between the areas disturbed for site improvements and the stream. Included in this work is the removal of invasive species plants that currently exist in these areas, which limit the ecological value of the stream corridor.

11. **Lighting-** Lighting will be provided with conventional site lights designed throughout the parking area and supplemented with building mounted fixtures and lighting within the courtyard areas. The Walpack units will be replaced with more decorative wall mounted lighting. The courtyard and sidewalk areas will be supplemented with bollard type lighting as necessary. All lighting will be LED lights and designed to provide safe areas for vehicles and pedestrians. Revisions will be performed to the lighting design to comply with the Board Professionals comments.

12. **Signage-**

Free standing- there will be one free standing monument style sign at each site with a maximum height of 5 feet. The signs will be compatible to the building architecture and lighted with ground mounted lighting. The sign board will be 26 SF on each side which will meet the requirements of the ordinance at less than 40 SF. The stone pillars supporting the sign are not included in the ordinance measurement of the sign We believe we can comply with the setback requirement to right of way of 10 feet and all other ordinance requirements.

Building mounted- each building will have a wall mounted sign of 33.7 SF which will serve as a display of the building number and unit numbers in each building.

13. **Road names-** We intend to create road names for each site “Town Center East” and Town Center West” so that visitors and emergency services can identify where to go within the site.
14. **Sidewalks-** sidewalks along Corporate Drive will be designed in both directions east and west from the project site to Route 22. This sidewalk will be designed with input from the Borough and the Borough professionals. We expect some minor realignment and narrowing of Corporate Drive will be included in the sidewalk design in order to reduce impervious coverage and provide for sufficient turf strip between the Corporate Drive curb line and the proposed sidewalk.

**Variations Required:**

The Applicant is requesting variance relief pursuant to N.J.S.A. 40:55D-70(c) for the following:

295-115D(6)-maximum building façade length for Buildings on lot 1.03. 354 feet is proposed and 350 feet maximum is required. The additional 4 feet is due to the cantilevers on the building which we feel adds architectural interest.

§295-115D(9)- Building Height: maximum 55’. Proposed Building height variance per N.J.S.A. 40:55D-70(c)(2): Building 1=58.28’; Building 2= 57.64’; Building 3= 58.88’; Building 4= 57.16’. further testimony will be provided on this, but the minor deviation is due to the roof pitch, which we feel creates a more desirable looking structure.

§295-115 F (2) – Parking lot lighting height: 20’ maximum required: 25 feet proposed for both phases. The 25-foot height is consistent with the surrounding developments.

§295-115 G (1) and (6) –Compact parking spaces less than 9 X 18, exceeding the 4% cap on compact stalls. Fifty-six (56) compact parking stalls proposed with dimensions 8.5’ X 16’. We will add in on future revisions.

§295-115 G (4) – Hairpin striping for parking spaces. Conventional striping proposed. Less paint on the pavement, more residential feel.

§295-115 G (5) – Off-street parking to prohibit vehicles from backing up into any access driveway within fifty (50) feet of the curb line of an intersecting street. The southeasterly most parking stall on lot 1.03 (Phase 1) is located on an access driveway for which the point of back up is 42 feet from the curb line of Corporate Drive. We believe the minor deviation still provides safe maneuvering.

§295-115 K (3) – Specific landscaping required is not located within a designated area of 162 square feet on and (3) c – Parking areas visible from Corporate Drive shall be screened by landscaping at least 4’ high at the time of planting, except within sight triangle easements: less than 4’ proposed. This ordinance section allows the requirement to be met with perimeter landscaping within 5 feet of the parking area. we noticed for this out of an abundance of caution. Our intent is to meet this requirement on the perimeter of the parking area, relief would only be required if cannot meet the 5-foot distance or the volume of plantings due to retaining wall and safety fencing.

§295-115 K (5) a – Street trees at an average of fifty (50) feet on center. Spacing requirement is not met along the entire frontage of lot 1.03 or lot 1.04. we noticed for this out of an abundance of caution. Our intent is to meet this requirement, relief would only be required if removal of vegetation was required in order to comply.

§295-115 O (1) – Fences and walls between the building facade and Corporate Drive exceed maximum 4’ height: Proposed retaining wall on lot 1.04 (phase 2) is 12.50 feet in height, as measured from finished grade to top of wall, plus an additional 4-foot height for safety fence mounted directly behind the top of wall, for a total height of 16.50 feet. This is due to the unique topographic condition. we will add some landscaping to soften the wall.

§295-115 Q – Groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §252-4.

**Jonathan Drill Esq. requested a chart of all Zoning Ordinance variances and RSIS exceptions requested with reasons warranting granting of relief requested. Henry Kent-Smith Esq. state Dave Robert PP would honor the request.**

**Attorney Drill reviewed trash disposal confirming all trash and recycling is stored in the parking garage. No exterior trash dumpsters. Dumpsters will be brought outside on scheduled pick-up days.**

**Two Electric charging stations per building placed inside the garage.**

**Planning Board will retain jurisdiction over lighting for one year.**

Kelly O’Such, PE Testimony

Education – BS in Civil Engineering from VT in 2012

License – NJ PE in good standing since 2018

Testified before –

Hunterdon County

Union Twp. Land Use, Delaware Twp. BOA, Milford Borough Land Use, Town of Clinton, Readington BOA, Holland Twp. BOA

Elsewhere in NJ

Somerville BOA, Old Bridge Planning Board,  
Employment – 8+ years in NJ working on Site Plans, Land Use, grading drainage, SWM,  
utilities, etc.

Background:

Stormwater management system has been designed with coordination from the Highlands Council and NJDEP Division Land Use Regulation. The Highlands Council has reviewed the plan set and issued a consistency determination on January 22, 2021. NJDEP Land Use Permits and Stormwater Management review is pending, but to date the NJDEP has been in agreement with the methodology and the design proposed for the project.

1. LB SWM ordinance requirements
  - a. Rate Reduction, Water Quality, Infiltration/Groundwater Recharge, Utilization of Green Infrastructure and Low Impact Development
2. Rate reduction-requirements and how we achieve.

Lot 1.03

The proposed design includes 4 porous pavements and 1 large scale bioretention basin system. The proposed porous pavement systems capture surface “dirty” runoff from proposed driveway and surface parking areas, as well as clean runoff from the proposed apartment building roof areas, treat, infiltrate, detain and attenuate the 2, 10, and 100-year storm events. The porous pavement systems discharge into a system pipe networks along with additional “clean” surface runoff from the proposed courtyard area, which ultimately lead to the large scale bioretention basin. The bioretention basin treat, detain and attenuate the 2, 10, and 100-year storm events and ultimately discharges into the stream.

When analyzing the rate reductions achieved through the use of the various basins on site, Drainage area A has rate reductions that exceed 50, 75 and 80% rate reductions noted in the ordinance, Drainage Areas B, C, and D all have proposed runoff rates that are at or below the existing runoff rates at all points.

Lot 1.04

The proposed design includes 5 porous pavements and 1 large scale bioretention basin system. The proposed porous pavement systems capture surface “dirty” runoff from proposed driveway and surface parking areas, as well as clean runoff from the proposed apartment building roof areas, treat, detain and attenuate the 2, 10, and 100-year storm events. The porous pavement systems discharge into a system pipe networks along with additional “clean” surface runoff from the proposed courtyard area, which ultimately lead to the large scale bioretention basin. The bioretention basin treat, infiltrate, detain and attenuate the 2, 10, and 100-year storm events and ultimately discharges into the stream. When analyzing the rate reductions achieved through the use of the various basins on site, Drainage areas E & F have rate reductions that exceed 50, 75 and 80% rate reductions

noted in the ordinance, Drainage Area G has proposed runoff rates that are at or below the existing runoff rates at all points.

3. Water quality-requirements and how we achieve through multiple BMPs.  
Portions of the project discharge from the site directly into the 300' riparian zone, these discharge locations require 95% TSS removal from new "dirty" impervious coverage. The design accomplishes the required TSS removal through the use of multiple BMPs series, as there are no recognized BMPs that can meet the required TSS removal singularly.

#### Lot 1.03

The proposed porous pavement systems each treat the water quality storm volume in their respective contributory surface "dirty" runoff drainage areas for an 80% TSS removal, these systems are then piped to the Terrestrial forested community Bioretention basin, which further treats the stormwater for an additional 90% TSS removal. In accordance with the NJ BMP formula for TSS removal of BMPs series this results in a 98% TSS removal for the "dirty" runoff directly discharging into the 300' riparian zones.

#### Lot 1.04

The proposed porous pavement systems each treat the water quality storm volume in their respective contributory surface "dirty" runoff drainage areas for an 80% TSS removal. In addition to the porous pavement systems, an MTD rated for 80% TSS Removal is also proposed in one location that soil conditions would not allow for a porous pavement section. The porous pavement sections and the MTD are then piped to the Terrestrial forested community Bioretention basin, which further treats the stormwater for an additional 90% TSS removal. In accordance with the NJ BMP formula for TSS removal of BMPs series this results in a 98% TSS removal for the "dirty" runoff directly discharging into the 300' riparian zones.

4. Infiltration-requirements and how we achieve.  
In accordance with the NJ GWR Spreadsheet, the proposed development creates a groundwater recharge deficit of 350,064 cf. Due to soil tests with limited permeability and shallow seasonal high groundwater observed on site, there are only really a few areas within the boundary of lots 1.03 and 1.04 where a BMP can be designed to infiltrate stormwater. On Lot 1.03 two porous pavement sections (A2 and A3) are proposed to infiltrate stormwater up to and including the water quality storm volume. On lot 1.04 the large scale bioretention basin is proposed used to infiltrate stormwater up to and including the water quality storm volume. These three infiltration BMPs result in the groundwater recharge deficit being exceed and the requirements being satisfied for the overall project area.
5. SWM is currently under review by NJDEP with old regs.
6. Details of variance relief and why (use exhibits)

The proposed stormwater management design is seeking waiver/variance relief from a few sections of the Borough's Stormwater control Ordinance:

§252-4.L If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §252-4. subsections P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

§252-4.O Green Infrastructure Standards – Only GI shall be used to satisfy GWR and Quality

§252-4.P Groundwater Recharge Standards -

§252-4.Q Stormwater Runoff Quality Standard

§252-4.R Stormwater Runoff Quantity Standards

Subsections P, Q and R shall be met in each drainage area. This requirement is not met in each drainage area of both project phases due to existing subsurface soil conditions. Groundwater recharge and stormwater runoff quality standards at §252-4. P and Q, The strict details of this requirement are not met, because the groundwater recharge and stormwater runoff quality requirements are met through larger bioretention basins than the ordinance permits for both project phases.

§252-4.D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity requirements of §252-4. subsections O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

(1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means.

(2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of

§252-4. subsections O, P, Q and R to the maximum extent practicable.

Lawrence Appeal, AIA Testimony

Presented the following exhibits.

A12 Artistic Conceptual Rendering

A13 Clubhouse Leasing Office PB-2

A14 Building 1-4 Partial Height Analysis PB-3

A15 Market Bedroom with Loft Unit Plan PB 1-2,2

A16 Unit Distribution Areas

All indoor space will be assigned.

All outdoor materials are maintenance free.

**Being 10:05, Chairman Saharic stated the meeting would continue April 27, 2021 at 7 pm.  
No need to notice.**

**PUBLIC COMMENT:**

Chairman Saharic opened the floor for public comment. There being none the floor was closed.

**MISCELLANEOUS:**

**ADJOURN**

**Councilman Berger 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 10:15 p.m.

Respectfully submitted,

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Karen Romano  
Planning Board Secretary













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