



**Lebanon Township Planning Board**  
**August 3, 2010**  
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meeting is now closed. Motion by Mr. Rich and seconded by Ms. Bleck to approve the Exemption from Site Plan Review.

**ROLL CALL**    **Yes:** Mr. Schmidt            Mr. MacQueen            **Absent:** Mr. Weeks  
                         Mr. Gerlich                Ms. Bleck  
                         Mr. Piasecki               Mr. Weiler  
                         Mr. Rich                    Mr. Piazza

**Attorney Gallina will prepare the Resolution to be on the Agenda for the September 7, 2010.**

Since the attorney for the objectors still hadn't arrive the board decided to take care of the bills and if there was time to talk with Zoning Officer John Flemming.

**PRESENTATION OF BILLS & REPORT:**

a. John Gallina, Esq.	\$ 630.00
b. Michael Bolan, PP	\$ 1,334.80
	\$ 7,785.64 – Grant 50K
c. Bayer/Risse Engrs.	\$ 2,449.75
<b>Total:</b>	<b>\$12,200.19</b>

Ms. Glashoff said she had one additional bill to add. It was for **\$35.00** to cover copies of the Preliminary & Final Morrow Manor Section II and Preliminary Section I of Morrow Manor. She explained to the board was copies had to be made. Motion by Mr. Gerlich and seconded by Mr. Piasecki to approve the bills as amended with the new total of **\$12,235.19**. Unanimously approved.

**ITEMS FOR DISCUSSION:**

**a. Memo from Zoning Officer – John Flemming**

Mr. Flemming reviewed for the board his Memo dated July 28, 2010. Mr. Flemming started with the Butler Park properties. Over the years many of the properties have had additions and accessory structures built without any approvals. Since these lots are in the R 1½ zone, Mr. Flemming said he review the zone to see if it might be changed to a more realistic zone due to the size of the lots constraints. Mr. Flemming said he wanted to suggest to the board that they would consider changing the zones to be more consist with the lots in that area. None of these lots are conforming to the zone and can't meet the Bulk Requirements. The zoning for this area doesn't fit. Everyone in Butler Park would have to go to the Board of Adjustment because they can not meet any of the Bulk Requirements for the R 1½ zone. He has had several complaints from neighbors that proper zoning approval and building permits have not been issued.

Mr. Flemming said he wanted to bring this issue to the board to see if it might be changed to a more realistic zone due to the size constraints. The board said they will look into the possibility of changing the zoning in that area.

Mr. Flemming said that Section 400-46B.2 was recently modified to allow the Zoning Officer to approve the storage of Recreation equipment. Unfortunately, this section was rarely if every enforced and numerous violations exist through out the township. Mr. Flemming said that before he goes out to enforce this Section, he would request a review of this ordinance by the Planning Board.

The board thanked Mr. Flemming for bringing these issues to there attention.

At this time the board will listen to the next application before them.

Frank's Pizza of Califon	Block #38	Lot #28
c/o Carmine Pellegrino	Route 513	B1
31 Koclas Place		
Netcong, N.J. 07857		

**EXEMPTION FROM SITE PLAN REVIEW**

Present to represent the owner Carmine Pellegrino was Attorney Peter Pfaffenroth and Engineer Robert Lorentz. Engineer Lorentz made a presentation to the board. The property in question is the A&P Shopping Center. The space in question was the Video Store which is now vacant. Mr. Pellegrino would like to put an Italian Restaurant which would also serve pizza. There would be seating for 94 for those who would prefer to have a sit down meal. There will also be takeout. Engineer Lorentz said they plan on relocating the back door to the corner of the building to avoid the door opening to the parking area. The water consumption for the shopping center is 3875 gallons per day which is well beyond what is needed. Engineer Lorentz stated they have obtained an approval for a T1 permit from DEP. There will only be a Slight increase in water usage overall. At this time a photo of the Shopping Center was introduced into Evidence. **A1-Photo of Shopping Center spaces at the Video Store dated August 3, 2010.** Engineer

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Lorentz said there will be no changes to the parking layout. There has been a slight reduction in parking because the Bank took parking spaces away from the parking lot because of the drive up window. It was noted that the A&P Shopping Center was built in 1973. The item to be marked was **A2**-existing parking conditions at Shopping Center from Route 513 and Sliker Road prepared by Robert Lorentz, Engr. Other items to be marked into evidence: **A3**-Photo of A&P, **A4**-Photo of PNC Bank. At the conclusion of Engineer Lorentz testimony, Chairman MacQueen opened the hearing to the public. Attorney William Caldwell was present to represent the objectors/concerned business owners. Attorney Caldwell questioned the capacity of parking spaces with having seating for 94. Engineer Lorentz said that at 6:45 pm This evening the parking lot was not full and has never been full at any time during the day or evening.

The subject of water consumption was discussed. Engineer Risse said the water readings of the meters were 1,500 gallons per day. Engineer Lorentz said the Video Store and PNC Bank averaged 75 gallons per day with the balance to the A&P of 1,425 gallons. Engineer Lorentz said with the T1 Permit there will be monthly inspections with the DEP. Planner Bolan questioned the door in the rear of the building by the kitchen area and if it would be a secondary emergency exit. The answer was yes. The main issue is the parking. During the discussion, Planner Bolan said he felt the exemption was appropriate. It was noted that the construction office would handle the fire code. Also the Fire Code Official would be involved. Mr. Piasecki asked if we need a traffic plan. Engineer Lorentz said that traffic volume is related to the uses at the Shopping Center. Also the main entrance to the center is very large. It is separated by a divider with one lane for entering and one for existing. At the conclusion of the testimony, Chairman MacQueen opened the hearing to the public. Attorney Caldwell informed the board that he represents three business owners in the area. Chairman MacQueen asked for the names of his clients. Attorney Caldwell said the following are his clients: Frank Casola, Anthony Cirianni, James De Serio and John Perna. Mr. Piasecki said he will have to set down do to a conflict of interest since one of the business owners is one of his clients.

Attorney Caldwell said that this application should be coming before the board as a Site Plan with variances. There was a lot of discussion on the water usage and parking. At this time, Chairman MacQueen opened the hearing to the public for questions. There were none. Chairman MacQueen asked Planner Bolan for his comments. Planner Bolan said that all the necessary documents were filed and granted approval by the outside agencies having jurisdiction in this matter and agreed that the use was adequate for the site. Engineer Risse noted that all the flow figures have been reviewed and approved by the DEP. Mr. Piazza commented on the Hunterdon County Board of Health letter. Mr. Schmidt referred to the Hackettstown Piazza which had been used an example to the DEP that the Hackettstown Restaurant is always filled and definitely a sit down restaurant. Chairman MacQueen opened the hearing to the public for statements and comments. Attorney Michael Wade questioned the grease trap and stated with 100 sets the grease trap should be 1000 gallon. Regarding the parking, the plan shows 173 existing parking spaces and 178 parking spaces are proposed. Attorney Wade stated that the applicant needs a variance. Attorney Caldwell asked to have Attorney Michael Wade sworn in. Attorney Gallina sworn in Attorney Wade.

Engineer Lorentz reiterated that the DEP TI permit that was approved will have monthly inspection of the septic system. This will cover whoever is occupying the portion of the Shopping Center. Engineer Lorentz said they used the water use data from a similar facility in Hackettstown that seats 105. Attorney Pfaffenroth stated Bogart & Assoc. designed the septic system for this Shopping Center in 1973. There have been no violations or complaints on file with the County Board of Health regarding any malfunction. Attorney Pfaffenroth informed the board that they provided all the information required by the DEP. Chairman MacQueen referred to the letter from DEP dated June 4, 2010. Attorney Pfaffenroth stated the septic tank is cleaned out twice a year. Ms. Bleck noted the letter from the DEP states seating for 100. At the conclusion of the board questions, Chairman MacQueen opened the hearing to the public for questions of Engineer Lorentz. The following people asked questions: Anthony Casale and Attorney Caldwell. Chairman MacQueen opened the hearing for statement and comments. There were none. Chairman MacQueen asked for a motion to close the public portion. Motion by Ms. Bleck and seconded by Mr. Rich to close the public portion of the hearing. Unanimously approved.

Chairman MacQueen asked for summations from Attorney Pfaffenroth and Attorney Caldwell. The board deliberated at this time. During the discussion, the board said the applicant has acquired all the approvals necessary in order to proceed with the restaurant. Motion by Mr. Rich and seconded by Ms. Bleck to grant the request for Exemption from Site Plan.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Schmidt	Ms. Bleck	<b>Abstain:</b> Mr. Piasecki
	Mr. Gerlich	Mr. Piazza	<b>Absent:</b> Mr. Weeks
	Mr. Rich	Mr. Weiler	
	Mr. MacQueen		

**Attorney Gallina will prepare the Resolution to be on the Agenda for September 7, 2010.**

Mr. Piasecki returned to the board for the balance of the meeting.

**ITEMS FOR DISCUSSION: Cont'd**

**b. Alternative Energy Ordinance – Planner Bolan**

