

STATE OF NEW JERSEY

HUNTERDON COUNTY

.....
Jill Machado, of full age, being duly sworn upon her oath,
saith: that she is connected with **THE HUNTERDON
COUNTY DEMOCRAT**, a newspaper published in
Hunterdon County, New Jersey; that a notice of which the
annexed is a true copy, was published on the
1st day of October A.D., 2009,

in said newspaper and once a week thereafter successively,
in all week(s), viz.: upon

Jill Machado.....

Sworn and subscribed before me this

6th day of October A.D. 2009

Sheila C. Mirenda.....

Notary Public of N.J.

Sheila C. Mirenda

My Commission Expires March 11, 2014

NOTICE
The Lebanon Borough Common Council and the Lebanon Borough Planning Board will hold a
JOINT meeting on Wednesday, October 14, 2009 at 7 PM, Borough Hall, 148 Main Street,
Lebanon, NJ 08833.
(P's fee \$14.34) 10/01/09

SHEILA C MIRENDA
Notary Public
State of New Jersey
My Commission Expires Mar 11, 2014

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NOTICE
The Lebanon Borough Common Council will hold a Highlands public presentation on October 28, 2009 at 7:30 PM, Lebanon Borough School, 6 Maple Street, Lebanon, NJ 08833.
(Pr's fee \$14.34) 10/01/09

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**LEBANON BOROUGH
JOINT COUNCIL, PLANNING BOARD
AND BOARD OF ADJUSTMENT,
PUBLIC PRESENTATION
MEETING
October 28, 2009**

1. **Open Meeting**
2. **Open Public Meetings Act**
The Meeting convened in compliance with the Open Public Meetings Act. Three local newspapers were notified and a notice posted at Borough Hall.
3. **Pledge of Allegiance:**
4. **Roll Call: Mayor Paradis, Council President Quick, Councilwoman Bross, Councilman Coyle, Chairman Saharic, Mr. Skene, Mr. Hauck, Mrs. Lachenmayr, Mr. Hopkins**
5. **Highlands Presentation:** Carl E. Hintz, Lebanon Borough Planner
6. **Public Comment:**
7. **Adjournment:**



LEBANON BOROUGH JOINT COUNCIL,
PLANNING BOARD & BOARD OF ADJUSTMENT
MINUTES
OCTOBER 14, 2009

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.

ROLL CALL:

Members Present: Council: Mayor Mark E. Paradis, Council President Quick, Councilwoman Bross, Councilman Reino, Councilwoman Schmidt, Councilman Berger, Councilman Coyle. Planning Board: Chairman Alexander Saharic, Sue Lachenmayr, Dr. Uchrin, Henry Hopkins, William Skene, Matt Katzenbach and David Abeles
Absent: Estelle Butler and Joseph Hauck
Also present: Attorney William Shurts, Planners Carl Hintz, Lisa Specca, and Clerk Karen Romano

HIGHLANDS PRESENTATION:

Planners Carl Hintz and Lisa Specca presented a power point presentation of the Pros and Cons of Lebanon Borough joining the Highlands Council. (see outline of presentation below)

**New Jersey Highlands
Regional
Master
Plan Conformance**

Lebanon Borough October 14, 2009

The Highlands Region

•18% of the State State's land base ~ 1,250 sq. miles

• Supplies 65% of the State State's drinking water to
5.4 million residents.

•Extensive forests, wetlands, rivers, and streams of statewide importance. Over 70 percent of its lands are environmentally sensitive.

- The Highlands is increasingly at risk of being over developed losing land at a rate of approximately 3,000 acres every year.

The Highlands

Water Protection and Planning Act

N.J.S.A. 13:20-1 et seq. NJAC 7:38-3

Effective Date

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- The Act requires strict regulation of major development in the Preservation Area. (All non-residential, disturbance of 1 acre, ¼ acre increase in IC)

•NJ Department of Environmental Protection issues permits for major development in the Preservation Area of the Highlands Region.

- The Act created the Highlands Water Protection and Planning Council charged with developing the Highlands Regional Master Plan. This Plan was adopted September 2008.

Preservation Area and Planning Area

Conformance Voluntary in Preservation Area

- Borough is entirely
within the Planning Area

- Conformance is Voluntary

- Corresponds to Six Year Master Plan Reexamination Cycle
Approval Process

Planning Area

- Local and Highlands Council Jurisdiction

- Application Checklist identifies Highlands Resources

- Highlands Council review before deemed complete if HR present on site

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Highlands Overlay Zones

The Land Use Capability Map

- Protection Zone.** Consists of high natural resource value lands.

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Highla
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Sub-zones

- Wildlife Management Sub-Zone.** Areas managed by the United States Fish and Wildlife Service and NJDEP Division of Fish and Wildlife’s Bureau of Land Management.

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Council on Affordable Housing Obligations

- Requires COAH to consider the Regional Master Plan prior to determining third round obligation.
Conformance Issues

Pros

- COAH Deadline Extended 6/8/10
- Possible COAH Transfer
- \$ For Scenic Byway Effort
- \$ For Plans / Ordinances
- Exemptions and Exclusions for Existing Development / Approvals

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- May Limit Home Rule
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- Limitations on Exemptions:
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\$8,000 MOD 7

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Preliminary Build Out Results

- Build Out Numbers Must Be Supplemented
With Actual Growth Since 2004

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- Model Element to be modified
- Adoption as a supplement
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- Trela-Douglas Nitrate Dilution Model
- HUC designation
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- Land Use Ordinance

This ordinance requires Resource Areas to be evaluated at plan review

Policy Decision

for

Planning Area Lands

- The Governing Body must make a final decision on “opting-in” for Planning Area lands before completion of the Master Plan Element and Ordinances. (October)

- Considerations: COAH, Build Out, Public Input, Increased administrative responsibility

Deadline: December 8, 2009

- Highlands Element

- Ordinances

- Petition for Basic Plan Conformance

- Map Adjustments/Updates

MINUTE APPROVAL:

Dr. Uchrin moved, and Mrs. Lachenmayr seconded, a motion that the Regular Minutes of September 9, 2009 be passed. The motion was passed by the following vote:

AYES: Saharic, Hopkins, Lachenmayr, Abeles, Uchrin, Quick, Paradis, Katzenbach and Skene
NAYES: None
ABSTAINS: None
ABSENT: Hauck and Butler

Mr. Abeles moved, and Mr. Katzenbach seconded, a motion that the Executive Minutes of September 9, 2009 be passed. The motion was passed by the following vote:

AYES: Saharic, Hopkins, Lachenmayr, Abeles, Uchrin, Quick, Paradis, Katzenbach and Skene
NAYES: None
ABSTAINS: None
ABSENT: Hauck and Butler

EXPE
NDITURES

Dr. Uchrin moved and Mr. Hauck seconded the motion approving the list of expenditures as submitted for October 2009.

<u>ESCROW</u>			
10/21/2009	1600	Ferriero Engineering	125.00
10/21/2009	1601	Ferriero Engineering	120.00
10/21/2009	1602	Ferriero Engineering	737.50
10/21/2009	1603	Princeton Hydro	1,097.60
10/21/2009			2,080.10

41682 Aug-09 Bourbon St
41738 Aug-09 LATA LLC
41683 Aug-09
15364 Aug-09 Stream Sampling

The motion was passed by the following vote:

AYES: Saharic, Hopkins, Lachenmayr, Abeles, Uchrin, Quick, Paradis, Katzenbach and Skene
NAYES: None
ABSTAINS: None

ABSENT: Hauck and Butler

Chairman Saharic dismissed Mayor Paradis and Council President Quick

FORMAL LATA LLC Block 4 Lot 11:

Attorney Shurts mark the Application of Variance as Exhibit A-1, the Application of Site Plan Waiver as Exhibit A-2 and the Affidavit of Service and Notices as Exhibit A-3. Attorney Shurts deemed the application complete and ready for testimony.

Attorney Shurts swore in Janina Mediterranean Bistro owners Gezim Mavraj “Jimmy”, Agron Mavraj “Ronnie” and James J. Chmielak, Jr. PE, PP.

Todd Bolig Esq. stated LATA LLC. was seeking a Use Variance required for restaurant use and a Site Plan Waiver, C variance from parking standard.

Gezim Mavraj, Proprietor was asked to give an overview of his history and the project proposed. Mr. Mavraj explained LATA LLC. intended to rent the westerly unit of the building for a Mediterranean Bistro. They were proposing seating for 32. The proposed hours of operation 11 am to 10:00 pm Monday thru Friday, Saturday and Sunday they would be open from 2 pm to 10 pm having 6 to 8 employees in attendance. Mr. Mavraj stated he and his family had been in the restaurant business for approximately 18 years, mostly in Yugoslavia. He came to the Clinton area 6 years ago. The menu would be small with 6 appetizers 10 to 12 entrees and Brick Oven pizza. the brick oven would be located on the left wall behind a patron counter. The brick oven would comply will all codes and would not be able to be accessed by the patrons. There would be a small storage area under the oven for the wood that would be used that day, all other wood would be stored off site. Deliveries will be done by owner’s pickup truck on a daily basis. No large delivery vehicles. No deep fryer in the kitchen so the grease would be minimal. Grease from the grill would be stored outside, contained in the dumpster area and hauled by local individuals. Grease filters would be used to capture 3 to 4 gallons per week.

Agron Mavraj, General Manager currently works in the Clinton location, “Dora”. He has worked in the USA for 17 years. Agron lives in the Lebanon Borough Commons and looks forward to having a quick commute to work. Mr. Mavraj stated the menu would consist of fish, pasta, meat and chicken entrees. The restaurant would not have internal access to the liquor store. However the Bistro would be a BYOB. Wine would be go nicely would any entrée. The average entrée would be priced around \$16.00 and they would not serve individual pizza slices. There would be counter seating for four (4), five four tops (20), four two tops (8) and no outside dining.

Attorney Todd Bolig submitted Exhibit A-4 Restaurant schematic Floor Plan and Exhibit A-5 Hunterdon county Board of Health letter dated September 11, 2009.

James J. Chmielak, Jr. PE, PP stated LATA LLC would have 6 employees and 32 patrons. The site plan was

approved for 67 shared parking spaces for the 3 building units and the Daycare center located in Clinton Township. 1783 sq. ft. on the west side of the building would be used for the proposed restaurant. Each use has peak demands at different times of day. Total parking demand for all uses under Lebanon Ordinance is 83 spaces. Table 2 identifies peak usage for each unit.

Mr. Chmielak submitted Exhibit A-6 Engineers Report dated September 15, 2009 and Exhibit A-7 Septic design dated March 27, 2007. Septic report stated 103 gallons per day capacity still remains for the third tenant. Lebanon engineer Bob Brightly PE asked for clarification from the County Health Department on capacity for 32 seats and 8 employees. Attorney Chmielak stated he would get clarification.

Attorney Shurts requested a letter from NJDOT regarding any modification needed to the driveway entrance and exit.

Mr. Skene moved, and Dr. Uchrin seconded, a motion to approve the proposed Use Variance. The motion was passed by the following vote:

AYES: Saharic, Hopkins, Lachenmayr, Abeles, Uchrin, Quick, Paradis, Katzenbach and Skene
NAYES: None
ABSTAINS: None
ABSENT: Hauck and Butler

Mr. Skene moved, and Mr. Katzenbach seconded, a motion to approve the proposed Site Plan wavier. The motion was passed by the following vote:

AYES: Saharic, Hopkins, Lachenmayr, Abeles, Uchrin, Quick, Paradis, Katzenbach and Skene
NAYES: None
ABSTAINS: None
ABSENT: Hauck and Butler

Mr. Skene moved, and Mr. Abeles seconded, a motion to approve the proposed Parking variance. The motion was passed by the following vote:

AYES: Saharic, Hopkins, Lachenmayr, Abeles, Uchrin, Quick, Paradis, Katzenbach and Skene
NAYES: None
ABSTAINS: None
ABSENT: Hauck and Butler

Mr. Skene moved, and Mr. Hopkins seconded, a motion to approve the proposed Septic proposal. The motion was passed by the following vote:

AYES: Saharic, Hopkins, Lachenmayr, Abeles, Uchrin, Quick, Paradis, Katzenbach and Skene
NAYES: None
ABSTAINS: None
ABSENT: Hauck and Butler

MEMORIALIZE RESOLUTION 7-2009 Bourbon Street LLC Block 4 Lot 11:

Ms. Lachenmayr moved and Dr. Uchrin seconded the motion to approve Resolution #7-2009.

**LEBANON BOROUGH PLANNING BOARD/BOARD OF ADJUSTMENT
RESOLUTION NO. 7-2009
BOURBON STREET LAND CO.,LLC**

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**Country Square, Inc.)
SIGN VARIANCES
BLOCK 4, LOT 11**

WHEREAS, Country Square, Inc. originally applied to the Lebanon Borough Planning Board/Board of Adjustment (Board) for preliminary and final major site plan approval along with necessary variances to construct a two story building on the property known as Block 4, Lot 11 in Lebanon Borough and Block 3.03, Lot 1 in Clinton Township, the Lebanon Borough parcel being located in the Commercial ROM 200,000 zone on the north side of New Jersey State Highway Route 22; and

WHEREAS, the applicant's revised site plan was ultimately approved and the approved project is described in detail in this Board's Resolution No. 2007-4; and

WHEREAS, the plan which the Board originally approved showed a total of 76 proposed on site parking spaces; and

WHEREAS, the applicant subsequently prepared a revised plan with 67 parking spaces which were still more than the amount required by local ordinance; and

WHEREAS, the applicant then received approval to amend its approved site plan to reduce the number of parking spaces from 76 to 67 as is more fully set fort in this Board's Resolution No. 1-2008; and

WHEREAS, the applicant has begun construction of the project and the applicant previously provided an approved sign plan which is part of its earlier approval documents; and

WHEREAS, the applicant now seeks to modify the sign plan; and

WHEREAS, the applicant has asked the Board of Adjustment to amend its earlier approvals again to allow for a change in the signage; and

WHEREAS, the matter was considered by the Board at a public hearing on September 9, 2009, at which time the applicant's principal, Michael Wade, appeared before the Board, was sworn in and discussed the particulars of the request; and

WHEREAS, the Board has determined that all jurisdictional requirements of the applicable state statute and local ordinance have been met and that the Board has jurisdiction to consider the matter; and

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

1, Following the approval of this project, the Borough modified its sign regulations and adopted a comprehensive signage ordinance amendment during the early portion of 2009.

2. Section 7.1 7-2.02 of the Lebanon Borough Developmental Ordinance contains provisions for pylon signs and permanent wall mounted signs. At the present time, in this zone, the applicant may construct a two-sided pylon sign with 100 square feet of signage on each sign face, a total of 200 square feet of signage. In addition to that sign, each individual tenant is entitled to an individual wall mounted sign of 13 square feet or less. That would allow a total of 39 square feet of wall mounted signs. When the square footage of the permissible pylon sign and the square footage of the permissible wall mounted signs are added together, the applicant may request up to 239 square feet of signage advertising the specific uses on the site.

3. The applicant has determined that, because the building is a long structure, the individual store fronts are also relatively long. The proposed liquor store, the largest tenant, uses a portion of the building which is about 100' long. The second largest tenant uses a section of the building which is approximately 39' wide and the smallest tenant has a unit which is approximately 25' wide.

4. Michael Wade, the principal of the applicant, testified that 13 square feet facade sign will not be large enough to be easily read by prospective patrons. Mr. Wade also stated that this particular shopping center has no real need for a 200 square feet (100 square feet per side) two-sided pylon sign. Mr. Wade has asked the Board to consider allowing this applicant to make provision for a total of 239 square feet of overall signage but to grant a variance for each of the individual wall mounted signs.

5. In return for larger signs on the facade, Mr. Wade proposes to erect a one-sided pylon sign which has 88 square feet of signage on its one face. The proposed square footage of the wall mounted signs is as follows: Largest tenant - (Liquor Store) - 92 square feet wall mounted sign; Second largest tenant - 34 square feet wall mounted sign; and smallest tenant - 25 square feet wall mounted sign. The total square footage for the proposed signage is still 239 square feet.

6. In his testimony, Mr. Wade referred to two drawings which were provided along with the application for the sign variance. One of the sheets showed what the sign would look like on the front of the liquor store if the applicant was limited to 13 square feet. On another sheet, the applicant had super imposed the name of the business (Bourbon Street Wines and Spirits) on the facade with the proposed signage totaling 92 square feet. The first appears very small and difficult to read. The second sign appears to be more appropriate in terms of size and layout of the building.

7. Mr. Wade testified that the length of the building is approximately 165'. From an aesthetic point of view, a smaller pylon sign with larger wall signs will be more pleasing to the eye and more effective as signage than a plan with conforming wall mounted signs. The Board is satisfied that the proposed wall mounted signs are appropriate in terms of size for this proposed project.

8. The proposed pylon sign is 15' high from the ground to the top of the sign. The message portion of the sign is 11' high by 8' wide. This sign does not require any variance approval as it complies with all ordinance requirements.

9. The Board is satisfied that the variance relief, if granted, will not cause any substantial detriment to the public good. The signage which is proposed on the pylon sign is large enough for motorists on Route 22 to read and the signage on the facade of the shopping center is also appropriate. It is located in a business area but the signage is not offensive and does not appear to have any negative impacts.

10. The signage is question will not cause any serious impairment of the intent and purpose of the zone plan or the zoning ordinance. It provides for slightly larger wall mounted signs in a commercial area which will have no effect on any residential uses. The signs can be done in a tasteful manner. The total square footage of the signage on the site will not be any greater than the zoning ordinance anticipated. The proposed plan appears to be superior to a plan which would be entirely consistent with zoning regulations.

11. The Board will grant the variance relief requested by the applicant to allow the three wall mounted signs discussed in the body of this resolution. This relief will be conditioned upon a pylon sign with no more than 88 square feet of sign area.

N

OW, THEREFORE, BE IT RESOLVED by the Lebanon Borough Planning Board/Board of Adjustment, sitting as a Planning Board, that the application of Bourbon Street Land Co., LLC to modify the previously approved sign plan to allow for an 88 square feet one-sided pylon sign and three wall mounted signs of 92 square feet, 34 square feet and 25 square feet, respectively, is hereby approved for the reasons set forth in the body of this resolution and subject to the following conditions:

1. The applicant will provide a copy of the final approved signage plan to the Board and the construction official to be included as part of the respective files.

2. The one-sided pylon sign will be limited to 88 square feet of message

area.

3. All terms and conditions of Resolution No. 2007-4 and 1-2008 which have not been specifically modified herein shall remain in full force and effect.

4. 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: October 14, 2009

The motion was passed by the following vote:

AYES: Saharic, Hopkins, Lachenmayr, Abeles, Uchrin, and Katzenbach

NAYES: None

ABSTAINS: Skene

ABSENT: Hauck and Butler

OPEN PUBLIC SESSION

None

MISCELLANEOUS:

None

ADJOURN

Mayor Paradis moved, Mr. Katzenbach seconded a motion to adjourn, there being no further business to come before the Board. The motion was passed by unanimous vote.

The
meetin

g was adjourned at 10:40 p.m.

Respectfully submitted,

Karen Romano, RMC
Planning Board Secretary



**LEBANON BOROUGH
JOINT COUNCIL, PLANNING BOARD
AND BOARD OF ADJUSTMENT
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October 14, 2009**

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5. **Highlands Presentation:** Carl E. Hintz, Lebanon Borough Planner
6. **Minute Approval:** Meeting of September 9, 2009
Executive Meeting of September 9, 2009
7. **Expenditures for October 2009**
8. **LATA LLC: Block 4 Lot 11: Formal**
9. **Bourbon Street LLC Block 4 Lot 11:**
Memorialize Resolution # 7-2009
11. **Miscellaneous:**
12. **Executive Session**
13. **Public Comment:**
14. **Adjournment:**



**LEBANON BOROUGH COMMON COUNCIL
SPECIAL MEETING MINUTES**

October 28, 2009

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- \$ For Plans / Ordinances

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- Hassle Factor of New Programs

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\$50,000-\$100,000

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This ordinance requires Resource Areas to be evaluated at plan review

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- Considerations: COAH, Build Out, Public Input, Increased administrative responsibility

Deadline: December 8, 2009

- Highlands Element
- Ordinances

- Petition for Basic Plan Conformance

- Map Adjustments/Updates

The meeting was adjourned at 8:50 PM by unanimous vote.

Respectfully Submitted

Karen M. Romano, RMC
Borough Clerk