

REGULAR MEETING

**Lebanon Township Planning Board
Municipal Bldg 530 West Hill Road Glen Gardner, N.J.**

February 3, 2015

The 888th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:06 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Weiler, Mr. McKee, 1st Alternate Gerlich, 2nd Alternate Skidmore, Attorney Gallina and Planner Bolan. **Excused:** Mr. Rich, Ms. Bleck & Mr. Piasecki.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 13, 2015, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on January 28, 2015.

PRESENTATION OF MINUTES: January 13, 2015 Reorganization/Business Meeting

Motion by Mr. Gerlich and seconded by Mr. McKee to approve the minutes as presented. Unanimously approved.

RESOLUTION:

N.J. Conservation Foundation	Block #16	Lots #20 & 20.02
Extension of Time to file Deeds	Hoffmans Crossing Road	RC

Motion by Mr. Milkowski and seconded by Mr. Weiler to approve the Resolution for N.J. Conservation Foundation for an Extension of Time.

ROLL CALL

Yes: Mr. Milkowski	Abstain: Mr. Skidmore	Absent: Mr. Schmidt
Mr. Gerlich		Mr. Rich
Mr. MacQueen		Mr. Piasecki
Mr. Weiler		Ms. Bleck
Mr. McKee		

ADOPT PROFESSIONAL CONTRACTS:

- a. James Kyle, PP (Alternate Planner)
- b. Jess Symonds, Engr. (Alternate Engineer)

Ms. Glashoff reviewed for the board both contracts, noting that there is no increase in hourly rate in either contract. Motion by Mr. Gerlich and seconded by Mr. Skidmore to adopt both professional contracts. Unanimously approved.

ITEMS FOR DISCUSSION:

a. COAH (Oral Arguments) Jan 6th Update – Planner Bolan

Planner Bolan said he wanted to give the board an update. The Supreme Court heard Oral Arguments on January 6th and because COAH didn't adopt their rules back in October because they stalemated on the vote. The group that brought the original lawsuit (Fair Share Housing Center) made a motion to the Supreme Court stating that COAH has done nothing, they have defied the court order and wanted to know what the Court was going to do about it. Planner Bolan said it is unlikely that the Court will penalize towns for COAH's rule making failures and expose them to a Builders Remedy lawsuits, exclusory zoning challenges without providing towns with reasonable grace periods. The majority of the Court is fed-up with COAH and is not confident that COAH can adopt reasonable sustainable 3rd Round Rules even if they remanded it back to COAH. Planner Bolan went on to say that the Fair Share Housing Center asked to have the Trial Court Judges take over responsibility to insure 3rd Round Rule compliance. If towns pull out of the COAH process and it is very likely that could happen, then the Trial Court Judges would take over. Right now that is up in the air, but then what would happen to those municipalities that don't pull out from COAH. Also, who will established what the fair share obligations will be and how long will it take for the Supreme Court to come up with that decision and who will provide guidance. Planner Bolan said he doesn't even know what rules are in affect at this point.

Mr. Weiler asked if the development fees are still being collected. Planner Bolan said yes. Ms. Glashoff said all development fees go to the municipalities. Mr. Weiler referred to the fees for commercial development. Planner Bolan said those fees have been suspended for quite a while. Mr. Weiler said those fees were reinstuted. Planner Bolan said yes, but very briefly, just for a few months. Mr. Weiler noted that a customer of his had to pay it. Planner Bolan said they got caught in a 3 month time period and said originally the commercial development fees were suspended in 2008 for 4 years. It was then extended for another period of time. Planner Bolan said it is the Legislators that have to suspend those fees, but nothing has happened as yet and right now the staff at COAH has nothing to do, they are doing work for other departments in the DCA and because of all this, towns are not filing for substantive certification.

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b. Highlands Plan – Jan. 14th –Review Process – Planner Bolan

Planner Bolan said he and Tom went to a meeting on January 14th up in Chester. Planner Bolan said under the Highlands Act the Highlands Council is required to reexamine the Highlands Plan every six years. The Council refers to it as a monitoring program. They referred to this as a stakeholders meeting. This is very similar to what we do with our reexamination report, the process they are doing will lead to a report. They are having stakeholder meetings and technical advisory meetings and if there is any outrage then they will have a monitoring program and a recommendation report. Planner Bolan said from that any recommendations they will need to revise their Master Plan. There were two Mayors at this meeting from Union & Holland Townships with extreme opinions regarding the Highlands. Planner Bolan said he asked about the Grants for the Housing Plan Element & Fair Share Plan and he was informed that yes there will be grants once the Supreme Court acts.

Planner Bolan went on to say one of the things on their agenda was that they are meeting with State Agencies. Planner Bolan asked the Highlands Council if they are meeting with DEP because you have the 25 & 88 acre zoning in the Preservation Area and in our case they had come up with 9 acres in the Conservation Zone and 23 acres in the Protection Zone. Planner Bolan said no one knows where the DEP came up with the 25 & 88 acres and wanted to know if they were talking to DEP about this discrepancy in the numbers. It was obvious they were not going to answer questions. Planner Bolan asked if the Highlands Council was evaluating their own performance. There was no response. Planner Bolan said we have Grant money that we don't have access too. The Township has been in a pilot program for the Water Use and Conservation Management Plan which has been going on for the past 2½ years. The Council had selected nine sub-watersheds as part of the pilot program. Until the Council comes up with a management plan we can't get access to the grant that would fund our Water Use and Conservation Plan. Planner Bolan said our Environmental Commission was also interested in this. Planner Bolan stated there is the Habitat Conservation and Management Plan that he started to work on because it was in the work program and the Council informed him they had to come up with a guidance document before they will give us money to work on this which also includes the Stream Corridor Protection & Restoration Plan. During their presentation they talked about the Fiscal Impact Analysis which they didn't give any details. Mr. McKee said the overview of the Fiscal Impact Analysis they plan on doing will be done as a region in the Highlands and then do a comparison throughout the state. Mr. McKee said they also had a portion of southern New York and Eastern Pennsylvania as a comparison for the region. Mr. McKee asked if they would look into the region as a whole to see if all the components of the region are working which wasn't in the scope of this Fiscal Impact Analysis. Mr. McKee said it sounds like a good thing, but doesn't know if it will help us for where we are today versus where we were in 2004/2008. Mr. McKee noted he thought a lot of the towns are behind the curve or we are just so far ahead. He felt he gain his knowledge from working with this board and our professionals.

Mr. McKee informed the board he went back that evening to see what the public portion was all about. It was very benign and the Council didn't speak to anyone. Mr. McKee said they have 5 phases to this study: research, consult, the plan, engagement and an update. We are in the research and consult stage. We are stakeholders, but whether they engage us anymore or this could be our only time in this study. Mr. McKee said he didn't know. Planner Bolan said the first results of the presentations on the Fiscal Impact Analysis will be in March. Mr. McKee asked who our Liaison at the Highlands. Planner Bolan said Planner Judy Thornton. Mr. McKee informed the board in talking with her, if the Township is so inclined to continue with a Quarry Ordinance, there may be funding from the Highlands for an Ordinance. Chairman MacQueen asked if the board had questions. The board in general discussed the Highlands and how the housing market and land sales have changed since the Highlands Act went into effect.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 253.75
b. Michael Bolan, PP	\$1,367.60
c. Bayer/Risse Engrs.	\$ 255.00
Total:	\$1,876.35

Motion by Mr. Gerlich and seconded by Mr. Milkowski to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

OPEN TO THE PUBLIC No public present.

Being no further business to come before the board, nor comments from the public, motion by Mr. Milkowski and seconded by Mr. Weiler to adjourn the meeting at 7:33 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK