

REORGANIZATION & REGULAR MEETING

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

February 7, 2017

The 903rd Regular Meeting of the Lebanon Township Planning Board was called to order at 7:00 p.m. by Board Clerk Ms. Glashoff. Present were: Mr. McKee, Mr. Duckworth, Mr. Schmidt, Mr. Piasecki, Mr. MacQueen, Mr. Weiler, Mr. Wunder, 2nd Alternate Skidmore, Attorney Gallina, Planner Bolan & Engineer Risse. Also in attendance: Deputy Mayor Schmidt & Committeewoman Kohler. **Excused:** Mr. Rich, Ms. Bleck & Mr. Gerlich.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Planning Board will hold their Reorganization/Business Meeting on February 7, 2017 at 7:00 p.m. At the conclusion of the Reorganization portion of the Meeting the Planning Board will conduct Regular Board Business and will also meet with the Township Committee. Notice of this meeting was published in the Hunterdon Review on January 11, 2017. Copies of the Agenda were faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the Lebanon Township Website and Bulletin Board in the Municipal Building on February 1, 2017.

SWEAR IN:	Brian Wunder	Class I	Mayor Designee	1 Year Term
	Adam Duckworth	Class II	Liaison w/ECOS	1 Year Term
	Tom McKee	Class III	Committeeman	1 Year Term
	Gary MacQueen	Class IV	Regular Member	4 Year Term
	Chris Piasecki	Class IV	Regular Member	4 Year Term
	Art Gerlich	Class IV	Alternate I	2 Year Term

Attorney Gallina did the honors of swearing everyone in except for Mr. Gerlich who will be sworn in at the next Planning Board Meeting on March 7, 2017. Congratulations to all.

NOMINATION FOR CHAIRMAN:

Motion by Mr. McKee and seconded by Mr. Wunder to nominate Mr. MacQueen for Chairman. Being no further nominations, motion by Mr. McKee and seconded by Mr. Weiler to close the nominations. Unanimously approved. Congratulations to Mr. MacQueen who took over the meeting at this time.

NOMINATION FOR VICE CHAIR:

Motion by Mr. Weiler and seconded by Mr. Piasecki to nominate Ms. Bleck for Vice Chair. Being no further nominations, motion by Mr. Wunder and seconded by Mr. McKee to close the nominations. Unanimously approved.

NOMINATION FOR SECRETARY:

Motion by Mr. Schmidt and seconded by Mr. Duckworth to nominate Mr. Weiler for Secretary. Being no further nominations, motion by Mr. McKee and seconded by Mr. Piasecki to close the nominations. Unanimously approved.

NOMINATION FOR ASSISTANT SECRETARY:

Motion by Mr. Schmidt and seconded by Mr. Weiler to a nominate Mr. Gerlich as Assistant Secretary. Being no further nominations, motion by Mr. Piasecki and seconded by Mr. Wunder to close the nominations. Unanimously approved.

APPOINTMENTS:

- a. John Gallina, Esq.
- b. Michael Bolan, PP
- c. Stephen Risse, Engr. (Bayer/Risse Engrs.)
- d. Gail W. Glashoff, Planning Board Clerk
- e. Mark Blount, Esq. (Alternate Attorney)
- f. James Kyle, PP (Alternate Planner)
- g. Jess Symonds, Engr.(Alternate Engineer)

Motion by Mr. Piasecki and seconded by Mr. Wunder to appoint all of the approve. Unanimously approved.

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ADOPT RESOLUTIONS:

- a. *Authorizing Agreement for Professional Services*
- b. *Annual Notice Schedule 2017*

Ms. Glashoff reviewed the Resolutions for the board. Motion by Mr. Piasecki and seconded by Mr. Duckworth to adopt both Resolutions as presented. Unanimously approved.

ADOPT RESOLUTION FOR PROFESSIONALS ON PAY TO PLAY:

Attorney Gallina reviewed the resolution on Pay to Play. Motion by Mr. Piasecki and seconded by Mr. Schmidt to adopt the Resolution for Professionals on Pay to Play. Unanimously approved.

ADOPT PROFESSIONAL CONTRACTS:

- a. *John Gallina, Esq.*
- b. *Michael Bolan, PP*
- c. *Bayer/Risse Engrs.- Stephen Risse Engr.*
- d. *Mark Blount, Esq. – Alternate Attorney*
- e. *James Kyle PP – Alternate Planner*
- f. *Jess Symonds, Engr. – Alternate Engineer*

Ms. Glashoff reviewed for the board the contracts. The two contracts that had increases were the Attorney and the Planner. These were the first increases in over 10 years. Ms. Glashoff said, at this time she has not received Jess Symonds contract. It will be on the next agenda. Motion by Mr. Schmidt and seconded by Mr. Piasecki to adopt those contracts as presented. Unanimously approved.

APPOINT APPLICATION REVIEW COMMITTEE:

Ms. Glashoff said the following people served last year: Mr. Rich, Mr. Gerlich and Ms. Bleck with the alternates of Mr. Weiler and Mr. Skidmore. Motion by Mr. Duckworth and seconded by Mr. Weiler to have the same board members serve on the Review Committee for 2017. Unanimously approved.

PRESENTATION OF MINUTES:

December 6, 2016 Regular Meeting

Motion by Mr. Piasecki and seconded by Mr. McKee to approve the minutes as presented. Unanimously approved with Mr. Wunder abstaining.

ITEMS FOR DISCUSSION:

a. Green Acres Application - Mt. Lebanon Road & Turkey Top Road – Deputy Mayor Mike Schmidt

Mr. Schmidt informed the board that he is the Open Space Coordinator. Late last year Green Acres announced that a funding round was available until February 15, 2017 which the Township would like to apply. The Township is applying for a Planning Incentive Grant. The property that the Township is interested in is the Pelio property which is 244 acres on Mt. Lebanon Road which consists of multiple lots. The property is being offered for sale again. In 2009 the Township had Green Acres money, the County also had money. There was a contract but it fell through and it never worked out. Since then it has been sitting and now the owners are looking to sell it again. The Township is looking to get 50% funding from Green Acres. The asking price is \$1,857,000.00. The Township is asking for \$928,500.00 of Green Acres money. Then look for County money and money from other sources. Pelio's asking price back in 2008-2009 was \$3,300,000.00.

Mr. Schmidt stated that part of the Green Acres application are two items that need to be addressed by the Planning Board. The first one is the Open Space and Recreation Plan dated 2002 & 2012 which has been adopted as part of the Township's Master Plan and is certified as part of the Township Open Space Plan. Per Green Acres this will need to be updated. The Pelio property is shown as being part of the Open Space Plan. Mr. Schmidt went on to say he has discussed with Planner Bolan the colored maps showing the brown areas which are the preserved priority areas and the Pelio property is in that area. Because we are applying for a Green Acres incentive grant and if we get awarded the money from Green Acres and if this transaction doesn't go through the money stays with the Township to work on open space for other projects/priorities in the plan. Mr. Schmidt noted the money is not site specific.

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Mr. Schmidt said he sent Ms. Glashoff a draft letter because Green Acres requires a letter from the Planning Board. Mr. Schmidt said he is happy to answer any questions the board may have. Chairman MacQueen asked when the Highlands came into play again. Planner Bolan said August 10, 2004.

b. Master Plan Update on the 2002 Open Space/Recreation Plan

c. Letter to Green Acres from PB

Planner Bolan said as part of the application, when we adopted the Highlands Master Plan Element, part of that in 2012 was the Land Conservation Plan & Land Stewardship Plan. We readopted the Open Space and Recreation Plan in 2012. Also in 2012 we did a Reexamination Report as part of the Highlands update which also referenced all of the Plan Elements we had. Planner Bolan said when we sent Green Acres the application and map, the map had a date of 2002. Green Acres informed us that they need the map updated and we are in the process of doing that now. Chairman MacQueen asked if the board had any questions. Mr. Duckworth said the Environmental Commission totally supports this transaction. It has a lot of preservation value from a trail activity perspective. This is really a key piece to connect Point Mountain to Teetertown and eventually get us down to the Columbia Trail. If you read the forwarding guiding principles of the Master Plan this is our vision for the Township. Mr. Schmidt said the project name that we have given it in our application is the Teetertown to Point Mountain link. Mr. Schmidt said we have preserved from Teetertown preserve to Crystal Springs. Now we have the Pelio property of 244 acres which goes to Camp Bernie (which is considered private open space land) to the Musconetcong/Point Mountain preserve. Also across Anthony Road which connects to a large tract of farmland to the Miquin Woods. If we get the 244 acres preserved we will then have 2600 acres preserved in the northern portion of the Township. It also links across the border into Morris County Washington Township which is another 500 acres of preserved land. This 244 acres straggles the Musconetcong watershed to the Spruce Run Reservoir.

Mr. Schmidt said we have gotten over a dozen letters of support. Mr. Schmidt went through the list organizations etc that support this project. Board Member Darryl Schmidt suggested the NJ Water Supply Authority. Committeeman Schmidt responded noting that they had also sent a letter of support. Mr. Piasecki said as to preservation strategy and getting these contiguous properties this seems like a win win for the Township. Mr. Weiler asked if the sellers are amenable to this. Mr. Schmidt said if someone comes along with the cash before we have settled then we will lose the opportunity to preserve this property. This is why this is a Planning Incentive Grant. It will be 8 months minimal before the money comes from the state. If we lose it we will still have the money to use on another parcel for preservation. This will put the Township back in the game for preserving land. The last time we preserved any land was in the early 2000's. Mr. Skidmore said he is always for preserving land and asked if this goes through will the Township own the land. Mr. Skidmore said he went up to look at the property in question along with the maps and noticed there are two houses on the one property on Sharrer Road. Mr. Schmidt said there is one fire damaged house and the other one is not part of the Pelio property. Mr. Skidmore asked since one of those houses is part of this parcel is it possible to use it for affordable housing. Mr. Schmidt said the house in question is the fire damaged house it will have to be demolished. Mr. Schmidt said unless you put an exception on the property you would not be unable to use for that purpose. You can't mix housing and preservation together. Mr. Wunder thanked Mike Schmidt and Adam Duckworth for all their hard work with this project.

Chairman MacQueen asked how many lots are involved with the project. Mr. Schmidt said 5 lots. The largest lot being 94 acres with the smallest lot being 5¼ acres. The 5¼ acre lot is a narrow strip along Camp Bernie was thought to have been purchased a long time ago and it wasn't. At this point the draft letter will need to be signed. Ms. Glashoff said everyone has a copy to review and if the board approves it, she has the original for the Chairman to sign. At the conclusion of the board's discussion, Chairman MacQueen opened the meeting to the public. Mr. David Shope addressed the board. Mr. Shope said it looks like the Township is offering \$7,000.00 per acre for the Pelio property. Back in 2001, Toll Bros. had a major subdivision before this board with no variances being required and the board turned Toll Bros. down and when the board was sued, the board won the lawsuit and the appeal. Mr. Shope wished the Pelio family well. At this time, Chairman MacQueen asked for a motion. Motion by Mr. Darryl Schmidt and seconded by Mr. Piasecki to approve the letter for signature and to have the 2002 map updated to reflect the additional properties that have been preserved.

ROLL CALL	Yes: Mr. McKee	Mr. MacQueen	Absent: Mr. Gerlich
	Mr. Duckworth	Mr. Weiler	Mr. Rich
	Mr. Schmidt	Mr. Wunder	Ms. Bleck
	Mr. Piasecki	Mr. Skidmore	

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d. Any other updates or items you wish to discuss.

Mr. McKee informed the board that Verizon Wireless has approached the Township Committee and wants to install wireless node network on 8-9 poles along Route 513. This all started back in November with discussions with a lot of concerns with Tellison Technology Management Corp. Mr. McKee said in their discussions with Tellison the Committee felt that they should come in to the Planning Board. At present Tellison is looking to install 8-9 nodes which was in their testimony. Mr. McKee said that they may want to put in new poles. They need power and grounding, there may be a lot more to this. Mr. McKee said if the board is interested we could invite them to the next Planning Board meeting on March 7th. We have a legal obligation to have these but we need more information. There are gaps along Route 513 which they are looking to close. Committeeman Schmidt said there are no guarantees that other cell companies won't want to do the same as Verizon. If we do this with Verizon we will have to do the same for other cell companies. Mr. McKee said we need to know what poles they are interested in and hold them to it. Even though they said 8-9 poles, if they need more than that then it would become an issue. Mr. McKee said there are two parts, the antennas and the nodes and then you have a meter for power for grounding. The whole point of this is to fill the gaps. The Township Committee joined in on the discussion regarding these nodes and expresses concerns.

Ms. Glashoff informed the board that she has sent an informal application packet to their attorney and they look forward to coming in before the Planning Board at their March 7th meeting. Mr. McKee asked if this would be a joint meeting with the Township Committee. Ms. Glashoff said if you decide to make this a joint meeting, she will let Karen know to put the notice in the newspaper. The board agreed with the Committee to have this as a joint meeting. Planner Bolan referred to the articles that Ms. Glashoff gave the board on Cell Towers.

Chairman MacQueen asked Planner Bolan for an update on affordable housing. Planner Bolan referred to a Case Management Conference next Friday February 17th. All the municipalities that are in the vicinage 13, which is Judge Miller's area of Hunterdon, Warren and Somerset. They will be setting a trial date for the affordable housing allocation which is to set the numbers. There is a trial going on now in Mercer County. The trial that is in South Brunswick with Judge Jacobson who is a Mt. Laurel Judge. There are 6 municipalities that are in the trial and Judge Jacobson at the conclusion of that trial she will set the allocation that will be set in Mercer County. That will have a state wide methodology. Judge Jacobson's trial was to conclude in March but it will now conclude in May. Judge Miller will probably have his trial in the fall. There are discussions going on now for settlements between municipalities and Fair Share Housing Corp. along with any interveiners. Planner Bolan said that the Judge Buchsbaum is our Special Master and he understands the circumstances with the Highland municipalities completely. At the conclusion of the board's discussion, Mr. Piasecki asked Ms. Glashoff for an update with the lights on the Cell Tower on the Melick property. Ms. Glashoff said that Crown Castle is to be filing an application to come before the Planning Board. She stated that she has not received anything as yet. Ms. Glashoff said that Attorney Judy Fairweather will be representing Crown Castle. Mr. Piasecki noted that this is ridiculous and the Zoning Officer won't issue a summons and is making legal interpretation that he shouldn't be making. Mr. Piasecki said since the Township Committee is present, Mr. Piasecki said this is something that the Committee should be handling. Mr. Piasecki stated that Melick decided to put a red flashing light on the top of the Cell Tower and did it without Board approval. The resolution is very clear in stating no lights on the tower and the ordinance also states no lights. Our Zoning Officer has said you can't turn them off. He has totally misinterpreted what the law said. Mr. Piasecki said he needs some direction from the Township Committee and tell him that he has to do his job. Crown Castle needs to be fined until they appear before the Planning Board. The board discussed this issue at length. Chairman MacQueen said the Township Committee needs to talk to the Zoning Officer with the Township Attorney present to advise him regarding taking down the lights. Chairman MacQueen said the Zoning Officer needs some guidance on this matter. Mr. Piasecki said it is a voluntary light from what the letter said from Crown Castle.

Chairman MacQueen opened the meeting to the public. Mr. David Shope asked to address the board. Mr. Shope spoke to the board on the lack of cell service up in the Penwell area. Mr. Shope also spoke on land preservation.

PRESENTATION OF BILLS & REPORT:

a. Michael Bolan, PP	\$ 127.80 – Highlands Exemption – Escrow (Alt)
	\$ 312.40 - Highlands Exemption – Escrow (Distinctive Builders)
	\$ 269.80 - Highlands Exemption - Escrow (5 Sidney Lane LLC)
	\$1,058.50 – additional bills from Addendum – Planner Bolan
Total:	\$1,768.50

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In the absence of Mr. Gerlich, Mr. Weiler will review the bills. Motion by Mr. Weiler and seconded by Mr. Skidmore to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

- a. Fair Share Housing Articles - 2*
- b. Affordable Housing Articles - 2*
- c. Articles Part 1 & 2 re: Cell Towers – League Municipalities*

Mr. McKee along with other board members said these articles on Cell towers was very interesting. Mr. McKee asked Ms. Glashoff to make copies for the other Committee members.

- d. NJPO Newsletter – Nov/Dec. 2016*

Being no further business to come before the board, nor comments from the public, motion by Mr. Skidmore and seconded by Mr. McKee to adjourn the meeting at 8:15 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK

AGENDA

**Lebanon Township Planning Board
March 7, 2017
7:00 p.m.**

CALL TO ORDER

FLAG SALUTE

ROLL CALL

ANNOUNCEMENT:

In compliance with the "Open Public Meetings Act" the Lebanon Township Planning Board and Township Committee will have a joint meeting on Tuesday March 7, 2017 at 7:00 p.m. The purpose of this joint meeting is to review an application presented by Cellco Partnership, d/b/a Verizon Wireless seeking the Township's consent pursuant to N.J.S.A. 48:3-19 to use utility poles and occupy space located within the public right-of-way in the Township. The meeting will be held in the Main Meeting Room in the Municipal Building. The notice of this meeting was published in the Hunterdon Review on February 22, 2017 and faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building and on the website on March 1, 2017.

SWEAR IN: Art Gerlich Class IV Alternate I 2 Year Term

ADOPT PROFESSIONAL CONTRACT:

a. Jess Symonds, Engr. – Alternate Engineer

INFORMAL:

1. Cellco Partnership d/b/a Verizon Wireless Antenna nodes or ODAS nodes in ROW
c/o Greg Meese, Esq. Route 513
50 Tice Boulevard
Woodcliff Lake, N.J. 07677

Discussion on Antenna nodes along Route 513

ITEMS FOR DISCUSSION:

- a. Any updates on Affordable Housing – Planner Bolan
- b. Ltr from Community Options, Inc. re: affordable housing

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq. \$300.00 – Attend Mtg 2/7/2017
b. H.C. Planning/Zoning Admin \$ 25.00 - Luncheon/Seminar G. Glashoff
Total: \$325.00

CORRESPONDENCE:

OPEN TO THE PUBLIC

ADJOURN