

REGULAR MEETING

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

June 2, 2015

The 891<sup>st</sup> Regular meeting of the Lebanon Township Planning Board was called to order at 7:04 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Piasecki, Mr. Rich, Ms. Bleck, Mr. Weiler, Mr. McKee, 1<sup>st</sup> Alternate Gerlich, 2<sup>nd</sup> Alternate Skidmore, Planner Bolan and Township Committee Members – Mr. Cryan, Mr. Wunder, Mr. Laul and Attorney Tara St. Angelo arrived at 7:09 p.m. **Excused:** Mr. Schmidt, Attorney Gallina & Engineer Risse.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Planning Board will hold a Closed Executive Session with the Township Committee before their Regular Meeting on June 2, 2015 at 7:00 p.m. Notice of this meeting was published in the May 20, 2015 issue of the Hunterdon Review. Following the Closed Executive Session the Planning Board will conduct Regular Business. Notice of this meeting was faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted May 27, 2015 on the bulletin board in the Municipal Building.

Chairman MacQueen said since Attorney St. Angelo hasn't arrived as yet the Board will take care of some housekeeping items.

**PRESENTATION OF BILLS & REPORT:**

- a. John Gallina, Esq. \$ 362.50
  - b. Michael Bolan, PP \$1,097.80
  - c. Gail Glashoff – Staples \$ 15.48
- Total: \$1,475.78**

Ms. Glashoff informed the board there are additional bills on Agenda Addendum from Engineer Risse totaling **\$2,295.00** and for a one day Planning & Zoning Conference (\$235.00) which brings the grand total to **\$4,005.78**. Mr. Rich asked if there was another bill report for those items. Ms. Glashoff said what is listed on the agenda addendum would be the same on another bill report. Mr. Gerlich stated that all the bills are in order. Motion by Mr. Gerlich and seconded by Ms. Bleck to approve the bills as amended. Unanimously approved.

**PRESENTATION OF MINUTES:** May 5, 2015 Regular Meeting

Mr. Rich commented that the minutes were well done. Motion by Mr. Rich and seconded by Ms. Bleck to approve the minutes as presented. Unanimously approved.

**IN ACCORDANCE WITH SECTION 400-10E (Home Occupation):** The following application has been approved by the Zoning Officer.

It was noted the application was for Skylands Roastery which is a coffee roaster business. The board had no issues with this home occupation.

**CORRESPONDENCE:**

- a. Mayor's Advisory NJLM – FCC Rules 5/21/2015
- b. Law of the Land Articles

Chairman MacQueen announced that the next item on the agenda is for a closed executive session with the Township Committee. Chairman MacQueen asked why this was going to be in executive session. Ms. Glashoff said this was the decision of the board at the May Meeting. Planner Bolan said it was his recommendation at the last Planning Board Meeting and it is potential litigation. Attorney St. Angelo said it is potential litigation strategy for the Township. Any official action whether to file litigation you would come out of executive session and announce to the public. Whether or not to file is a privilege litigation strategy. Chairman MacQueen said then we should keep this in executive session. Attorney St. Angelo said yes.

**The Chairman will announce that the Board will go into Executive Session at this time and ask for a motion.**

Motion by Ms. Bleck and seconded by Mr. Rich to go into Executive Session.

**ROLL CALL:**

Yes: Mr. Milkowski	Mr. Weiler	No: Mr. Piasecki	Absent: Mr. Schmidt
Mr. Gerlich	Mr. McKee		
Mr. Rich	Mr. Skidmore		
Mr. MacQueen			
Ms. Bleck			

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**WHEREAS**, Section 7(b) of the Open Public Meetings Act L.1975 C.231 NJSA 10:4-12(b)(8) permits the exclusion of the public from Planning Board Meetings where certain matters are to be discussed; and

**WHEREAS**, the Lebanon Township Planning Board & Township Committee are desirous to meet to discuss potential litigation per NJ Supreme Court Decision regarding COAH.

**NOW, THEREFORE BE IT RESOLVED**, by the Lebanon Township Planning Board of the Township of Lebanon, Hunterdon County, New Jersey that this Board met in Executive Session.

Chairman MacQueen asked the public to leave the meeting room at this time.

When the board reconvened at 8:07 p.m. Ms. Bleck had a question regarding our obligation and said there are properties with houses in the Township that have been vacant for 10-20 years mentioning different roads in the Township. Ms. Bleck asked if it would be beneficial if the Township purchased any these properties. Mr. McKee asked, does the Township want to become a landlord. Ms. Bleck said we would sell to low/moderate income families. Planner Bolan said that the Township looked into that years ago, COAH calls it a Write Down Buy Down. Planner Bolan went on to say this worked well in Towns that had Condominiums and in most cases what you paid for the property is what you ended up selling it for. Planner Bolan said the lowest price property back then when we would have been able to buy cost \$180,000.00.

Planner Bolan said that Rehabs don't count as affordable units and we have met our obligation with COAH on Rehabs. Planner Bolan noted back a while ago we had a discussion with the owner of Hunterdon Hills and they were interested in doing affordable units until they found out about the length of the deed restriction. Even with apartments people were not interested in a 30 year deed restriction. Planner Bolan asked if the board was going to make a motion to have the Township Committee file for a Declaratory Judgement. Motion by Ms. Bleck and seconded by Mr. Piasecki to recommend to the Township Committee to file a Declaratory Judgement.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Gerlich Mr. Piasecki Mr. Rich Mr. MacQueen	Ms. Bleck Mr. Weiler Mr. McKee	<b>No:</b> Mr. Skidmore <b>Absent:</b> Mr. Schmidt	<b>Abstain:</b> Mr. Milkowski
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Chairman MacQueen asked about the letter regarding Dr. Robert Burchell. The question was asked where is the money coming from to pay for Dr. Burchell's services. Planner Bolan said it can come out of our COAH monies. Motion by Ms. Bleck and seconded by Mr. Gerlich to recommend to the Township Committee to hire Dr. Burchell an expert to prepare our Fair Share Report and to represent us in Court if it became necessary.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Gerlich Mr. Piasecki Mr. Rich Mr. MacQueen	Ms. Bleck Mr. Weiler Mr. McKee Mr. Skidmore	<b>Abstain:</b> Mr. Milkowski <b>Absent:</b> Mr. Schmidt
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Chairman MacQueen suggested that the board do a Resolution so we have something in writing. Mr. Milkowski asked if we could just do a letter to the Township Committee, not a resolution. Chairman MacQueen said he would prefer a Resolution. Chairman MacQueen said that Attorney St. Angelo could dictate a resolution, then the board could vote on it and then it could be on the Township Committee's Agenda for their next meeting. Mr. Milkowski said he know how much a Resolution will cost. Chairman MacQueen said he knows the cost, but we have to have a Resolution. Chairman MacQueen said the attorney can dictate the resolution tonight and then the board can vote on it tonight. At this time, Attorney St. Angelo verbally dictated the resolution. Chairman MacQueen asked for a motion. Motion by Mr. Rich and seconded by Mr. Piasecki to adopt the Resolution as dictated.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Gerlich Mr. Piasecki Mr. Rich Mr. MacQueen	Ms. Bleck Mr. Weiler Mr. McKee Mr. Skidmore	<b>Abstain:</b> Mr. Milkowski <b>Absent:</b> Mr. Schmidt
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Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Rich to adjourn the meeting at 8:21 p.m. Unanimously approved.

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**CHAIRMAN GARY MACQUEEN**

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**GAIL W. GLASHOFF, PLANNING BOARD CLERK**