

## REGULAR MEETING

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

**June 5, 2012**

The 858<sup>th</sup> Regular Meeting of the Lebanon Township Planning Board was called to order by Vice Chairwoman Doreen Bleck. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Weiler, Mr. Wunder, 1<sup>st</sup> Alternate Laul, 2<sup>nd</sup> Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse. Chairman MacQueen arrived at 7:17 p.m. **Excused:** Mr. Rich

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Planning Board will hold on a regular meeting night a Joint Meeting with the Township Committee to discuss the Highlands Ordinance. Other regular business will also be conducted by the Planning Board. Notice of this meeting was published in the Hunterdon Review on May 16, 2012 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 on May 30, 2012.

**PRESENTATION OF MINUTES:** Regular Meeting May 1, 2012

Motion by Mr. Gerlich and seconded by Mr. Schmidt to approve the minutes with a minor correction. Unanimously approved by those members eligible to vote.

Special Meeting April 24, 2012

Motion by Mr. Milkowski and seconded by Mr. Laul to approved the minutes as presented. Unanimously approved by those members eligible to vote.

### **ITEM FOR DISCUSSION:**

Chairman MacQueen arrived and took over the meeting at this time.

#### a. Highlands Ordinance

Planner Bolan said he spoke with Planner Thornton after he received the letter from the Highlands Council. Planner Bolan said he thought it was somewhat conciliatory and it doesn't answer all of the board's questions. Planner Bolan informed the board that the 180 day period to do the ordinance is waived and we can take whatever time we need. We are not in a rush to get this completed this evening. Planner Bolan went on to say he wanted to go through all the items and anything the board had questions on and then meet with Planner Thornton. Planner Bolan started with Section 2.1.1 **Exclusions**- Planner Bolan said to leave that in. Planner Bolan said he went back into all the exemptions and Planner Thornton said there is a way to do a subdivision as long as it doesn't become a major development. If you create 2 lots you have to stay under the 1 acre of disturbance and the ¼ acre impervious coverage per lot. If you stay below you can do a subdivision. Chairman MacQueen asked if this is spelled out anywhere. Planner Bolan said we need to understand exactly how to do this so we can incorporate into the ordinance. Mr. Schmidt asked if this had anything to do with a family member. Planner Bolan said it has nothing to do with a family member. The board discussed this issue at length. Mr. Schmidt wanted to know the definition of a family member. Does it mean immediate family or cousins? Planner Bolan said the Highlands Act's definition of a family member is: spouse, child, parent, siblings, uncle niece, nephew, 1<sup>st</sup> cousins, grandparents, grandchildren, father & mother in-law, son & daughter in-law, step parents, step children etc. Mr. Schmidt asked if adopted children were included. Planner Bolan said yes. The board continued to discuss this issue at length. Planner Bolan noted that the 25 & 88 acres are not in the Highlands Act. It is in the DEP rules which are the problem. If the Governor got DEP in order it would be a big benefit to the people in the Highlands. The Governor has the power to change this since it is not part of the Highlands Act.

Planner Bolan referred to **Forest Impact Reports**. The board's comment was there should be some threshold established which a Forest Impact Report is not required. If the regulations are too burdensome property owners might choose to ignore them. The response was "they will consider this issue and whether some additional allowance could be provided that might retain consistency with the Regional Master Plan. Next was the **Forest Mitigation Plan**. The board felt the priorities should be specific and definitive standards should be provided so that mitigation can occur. The response was: the provisions are in keeping with the Regional Master Plan policies. The Township is welcome to set more definitive standards. The provisions provide for site-specific evaluation and determinations. In reviewing the **Steep Slope Standards**, the board felt the requirement is far too extreme for a simple driveway. The Highlands response was the standard sets a high bar, the intent being to discourage development requiring disturbance of severely 20% or more too moderately forested 15%-20% steep slope areas.

Next was **Disturbance Prohibited in Critical Habitat** areas. The board felt a blanket prohibition on the disturbance of any portion of any lands located with the designated Critical Habitat area is unreasonable given the extent and data source of the resource in the Township. Also the Council should provide municipalities with reasonable disturbance limits based upon more specific assessment of areas on a lot encompass truly critical habitat. The Council stated until the Township has adopted a Habitat Conservation and Management Plan and effectuated its provisions any disturbance of critical habitat area not approved

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by the DEP must be referred for approval to the Highlands Council. The Planning Board's comment regarding the **Carbonate Rock Drainage Area** stated the requirements for a Phase I geological investigation for the Carbonated Rock is excessive, given the Township's geology, drainage patterns and anticipated level of development. The Council said they would have no objection to a more specifically delineated area of potential impact based on information available from the Township. Next was **Agricultural Resources**. The board would like to reduce the Agricultural Resource Area to reflect the actual land under farmland assessment, preserved land and important agricultural soils, which total about half of the delineated agricultural resource area. Also, the principal applicability in this section is beyond what already exists in the Township Ordinance regarding mandatory cluster provisions on agricultural parcels of 100 acres or more. The board suggests the inclusion of a statement to that effect. The Council said they may consider changes and went into some detail on what these would entail. Other items in the response from the Highlands included: Water Use and Conservation Management and the Board notes that a Water Use & Conservation Management Plan would govern the use of water. The Council is the lead agency for preparation of such a Plan. Prime Ground Water Recharge Areas provides a standard for the percentage disturbance of a PGWRA which the board finds a reasonable approach and should also be used in other resource management regulations including those pertaining to Critical Habitat Areas and Forest Areas. Last is Scenic Resources. Planner Bolan said the Council intends to provide information and guidance to assist municipalities in development of Highlands Scenic Resource Management Plans.

At the conclusion of Planner Bolan's comments, Chairman MacQueen asked Ms. Schriver and Mr. McKee if they had any questions. Ms. Schriver said we need to have some of these rules clarified. Chairman MacQueen asked about the letter to the Governor that the board discussed at the last meeting. Asking about the 25 & 88 acres that were put in place by the DEP and since the Governor has the power to change it since it is not in the Highlands Act. Ms. Schriver asked Planner Bolan about waiting to make a determination and how does it affect the 180 days. Planner Bolan said the 180 days is waived. Chairman MacQueen said he would like Planner Bolan to stay on top of this with the Ordinance and also wants the letter to the Governor sent.

**PRESENTATION OF BILLS & REPORT:**

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|-----------------------|--|
| a. John Gallina, Esq. | \$435.00 – Escrow/Meeting Time ( <b>Gen Psych</b> )                    |
|                       | \$217.50 - Escrow – Resolution/Extension Time ( <b>Hendrick/Long</b> ) |
|                       | \$108.75 – Attend Mtg/Review Corres. Planner 5/10/2012                 |
| <b>Total:</b>         | <b>\$761.25</b>  |

Motion by Mr. Gerlich and seconded by Ms. Bleck to approve the bills for payment. Unanimously approved.

Ms. Glashoff asked to go over the dates for the upcoming Gen Psych meetings. Ms. Glashoff said she reserved the school for the following dates: Tuesday July 17<sup>th</sup>, Monday July 23<sup>rd</sup> and Tuesday July 31<sup>st</sup> and wanted to know if the board members are all available for those dates. These dates are good for our professionals and Gen Psych. Ms. Bleck said she is not available for the July 17<sup>th</sup> date. Ms. Glashoff asked about the first Tuesday which is July 3<sup>rd</sup>, she has nothing schedule for that date. The board decided to cancel the July 3<sup>rd</sup> meeting. Ms. Glashoff informed the board they will have on the June 19<sup>th</sup> Agenda a Lot Line Adjustment which will on first before the continuation of Gen Psych.

**CORRESPONDENCE:**

- a. NJLM – DEP Article 5/2012      b. Law of Land Article 5/22/2012

Chairman MacQueen asked Mr. Milkowski for an update on COAH. Mr. Milkowski said he spoke with Planner Bolan. Mr. Milkowski said we are looking to use the monies that are outstanding before the July 17<sup>th</sup> deadline. Chairman MacQueen asked Planner Bolan if he and Ms. Glashoff are working on resolving using the monies before the deadline. Ms. Glashoff said she had a few people interested in borrowing money for Rehabs. Ms. Glashoff said it is not easy getting people to take money from government. Our program is an excellent one to help people in need. They can borrow up to \$30,000.00. Planner Bolan said before we had development fees, the Township use to budget 40,000.00 to 60,000.00 to cover the loans for people. Then once we were able to collect Development Fees than another account was established. At one point the first account got merged into the new account. Planner Bolan said he met with Township Attorney Cushing to discuss a plan to cover the monies in the account. Chairman MacQueen asked if they have everything under control. Planner Bolan and Ms. Glashoff said yes.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Piasecki to adjourn the meeting at 8:17 p.m. Unanimously approved.

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**CHAIRMAN GARY MACQUEEN**

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