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**Lebanon Township Committee  
November 3, 2021**

**Minutes of Regular Meeting**

**CALL TO ORDER**

Mayor Mike Schmidt called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

**FLAG SALUTE**

Mayor Schmidt asked everyone to please stand for the Flag Salute and for a moment of silence in honor of our Servicemen and Women and First Responders.

**ROLL CALL**

Present -                   Mike Schmidt                   Thomas McKee                   Abe Abuchowski  
                                  Beverly Koehler               Marc Laul

Absent-

Also Present -            Attorney Tara St. Angelo, Administrator James Barberio, Clerk Karen Sandorse and 19 members of the public.

**EXECUTIVE SESSION**

*Motion by Mr. McKee, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 84a-2021 and convened in Executive Session at 8:20 p.m.*

**TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 84a-2021  
RESOLUTION AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

**WHEREAS**, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

**WHEREAS**, the Mayor and Committee find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

**WHEREAS**, the Mayor and Committee will reconvene in public session at the conclusion of the executive session;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

\_\_\_\_\_ A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon:

\_\_\_\_\_);

\_\_\_\_\_ A matter where the release of information would impair a right to receive funds from the federal government;

\_\_\_\_\_ A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

\_\_\_\_\_ A collective bargaining agreement, or the terms and conditions thereof (Specify contract: \_\_\_\_\_);

\_\_\_\_\_ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

\_\_\_\_\_ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

\_\_\_\_\_ Investigations of violations or possible violations of the law;

\_\_\_\_\_ Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is): The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

  X   Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer or the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.); The general nature of the matter is: **Attorney Client Privilege**

\_\_\_\_\_ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: \_\_\_\_\_ And whereas the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.

\_\_\_\_\_ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

**BE IT FURTHER RESOLVED** that the Mayor and Committee hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Township Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity with respect to said discussion.

**BE IT FURTHER RESOLVED** that the Mayor and Committee, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

The Committee reconvened the public meeting at 8:17 p.m.

**PRESENTATION OF MINUTES -**

**Minutes of the September 15, 2021 Regular Meeting**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the September 15, 2021 Regular Meeting.*

**Minutes of the October 6, 2021 Regular Meeting**

**October 6, 2021 Executive Minutes will be tabled to the November 17, 2021 meeting.**

*Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the October 6, 2021 Regular Meeting.*

**Minutes of the October 20, 2021 Regular Meeting**

**October 20, 2021 Executive Minutes will be tabled to the November 17, 2021 meeting.**

*Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the October 20, 2021 Regular Meeting.*

**PUBLIC COMMENTS – for agenda items only.**

*Motion by Mr. Abuchowski, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 8:22 p.m.*

There were no comments from the public.

*Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 8:23 p.m.*

**ORDINANCE**

**ORDINANCE NO. 2021-12**

**Public Hearing**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-12 was opened.*

There were no comments from the public.

*Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-12 was closed.*

*Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2021-12 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2021-12  
AN ORDINANCE AMENDING ORDINANCE 2021-11 - CHAPTER 400, "ZONING" OF  
MUNICIPAL CODE OF THE TOWNSHIP OF LEBANON,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

WHEREAS, Ordinance 2021-11 – amending Chapter 400, "Zoning" of the Municipal Code was adopted on July 21, 2021; and

WHEREAS, language was omitted from § 400-54 – Permits and certificates, Fees; Section D – Application Fees; (3) – Development applications; (c) Minor site plan; [2] Final.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, that the Municipal Code of the Township of Lebanon pertaining to § 400-54 – Permits and certificates, Fees; Section D – Application Fees; (3) – Development applications; (c) Minor site plan; [2] Final, is hereby amended as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

Article VII. Administration and Enforcement.

§400-54. Permits and certificates; fees.

D. Application Fees.

(3) Development applications

(c) Minor site plan: \$350

[1] Preliminary \$450 plus \$5 per 1,000 square feet lot area, plus \$5 per 100 square feet of proposed building floor area.

[2] Final: \$300 plus \$1 per 1,000 square feet lot area, plus \$1 per *100 square feet of proposed building floor area*.

BE IT FURTHER ORDAINED that this amendment shall be effective upon the date of adoption.

## RESOLUTIONS

### **Resolution No. 84-2021 - Resolution Approving LOSAP Payments to Certain Lebanon Township Fire Company Members for the Qualified Year 2020**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 84-2021 as written below.*

TOWNSHIP OF LEBANON,  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 84-2021  
RESOLUTION APPROVING LOSAP PAYMENTS TO CERTAIN LEBANON TOWNSHIP FIRE  
COMPANY MEMBERS FOR THE QUALIFIED YEAR 2020

WHEREAS, Lebanon Township created a Length of Service Awards Program (LOSAP) for the volunteer members of the Lebanon Township Fire Company (the “Fire Company”), pursuant N.J.S.A. 40A:14-183, et seq.; and;

WHEREAS, the following members and former-members of the Fire Company are owed the LOSAP payment for the 2020 qualified year:

Pek, Robert	\$700.00
Starcher, Faustina	\$700.00
Starcher, Joseph	\$700.00
Sulpy, Brittany (maiden name Trawin)	\$700.00
Sulpy, David	\$700.00

WHEREAS, the total amount of LOSAP payments owed as set forth above is \$3,500.00;and

WHEREAS, the Local Plan Administrator has reviewed the annual list, requested supporting documentation from the Fire Company to substantiate the information provided, and is satisfied that the list is complete and accurate.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey that payment of the above referenced LOSAP contributions to the Township’s LOSAP Plan Provider is approved in the amount of \$6,300.00.

**Resolution No. 85-2021 - Township of Lebanon, Hunterdon County, New Jersey  
Resolution Regarding Application of the NAR Group to Operate a  
Medical Cannabis Cultivation Facility**

Mayor Schmidt noted that the Committee modified the title of the proposed Resolution listed on the meeting agenda. It will now read as stated above. Mayor Schmidt stated that 19 days ago the NAR Group received approval from the State for a medical cannabis cultivation license. Principals of the group own property at 62 Anthony Road and hope to establish a cultivation facility at the site. The Township Committee had asked for information from the NAR Group showing the scope of their operation.

Mayor Schmidt stated that the Committee did receive a large amount of information and has time to review it. Consequently, the Committee is not looking for a presentation but will address the request of the NAR Group in Resolution No. 85-2021. Mayor Schmidt read the resolution into the record as written below.

RESOLUTION NO. 85-2021  
TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION REGARDING APPLICATION OF THE NAR GROUP TO OPERATE A  
MEDICAL CANNABIS CULTIVATION FACILITY

WHEREAS, the medical use of cannabis is authorized in the State of New Jersey pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, N.J.S.A. 24:6I-1, *et seq.* (“CUMA”); and WHEREAS, on October 15, 2021, the Cannabis Regulatory Commission (the “Commission”) awarded The NAR Group (“NAR”) a medical marijuana cultivation permit endorsement pursuant to CUMA; and

WHEREAS, a copy of the Final Agency Decision is attached hereto; and

WHEREAS, pursuant to the Final Agency Decision, NAR is required within twenty (20) business days to provide the Commission proof that it has “local approval” to operate a cannabis business; and

WHEREAS, NAR has indicated a desire to operate a medical cannabis cultivation facility on property located at 62 Anthony Road (Block 57, Lot 23); and  
WHEREAS, the proposed location is within the Township's Resource Conservation Zoning District; and  
WHEREAS, pursuant to Township Ordinance §400-9A, agricultural uses are permitted in the Resource Conservation District; and  
WHEREAS, by letter dated August 19, 2019, the Township Attorney confirmed that agricultural uses are permitted in the Resource Conservation District; and  
WHEREAS, State regulations and guidance are unclear as to whether medical marijuana is or is not an agricultural crop; and  
WHEREAS, although the Township prohibited recreational cannabis uses pursuant to Ordinance 07-2021, such ordinance does not prohibit the cultivation of medical cannabis; and  
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, State of New Jersey as follows:

1. The Mayor and Committee confirm that agricultural uses are permitted in the Resource Conservation District pursuant to Ordinance §400-9A, where The NAR Group site is located, and that Ordinance 07-2021 does not prohibit the cultivation of medical cannabis within the Township.
2. This Resolution shall not be construed as a use variance approval, site plan approval, or a zoning permit to operate a medical cannabis cultivation facility and the proposed operation shall be subject to any required site plan or variance approval by the Township Planning Board and may be subject to approval by outside agencies, including but not limited to, the Highlands Council and NJDEP.
3. Prior to being issued a zoning permit or beginning construction, NAR shall appear before the Zoning Board and/or Planning Board for an interpretation, use variance, and / or site plan approval.
4. This Resolution may be submitted by The NAR Group to the Cannabis Regulatory Commission pursuant to the Final Agency Decision dated October 15, 2021 awarding The NAR Group a license to operate a medical cannabis cultivation facility.
5. This Resolution shall take effect immediately.

*Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the public hearing for Resolution 85-2021 was opened.*

Attorney Steve Gruenberg stated his concerns with the Resolution, as written, as it states the potential need for a Use Variance. Mr. Gruenberg stated that in August 2019 they received a letter from Attorney St. Angelo stating that an agricultural use and the proposed medical cultivation facility is not a prohibited use in the Zone. Mr. Gruenberg stated that a Resolution representing the potential need for a Use Variance or Interpretation may be a problem for his client and may have an impact on the pending license he has with the State. Mr. Gruenberg said that his client does not need an Interpretation or a Use Variance but they will go for Site Plan. Mr. Gruenberg stated that he takes issue with the Committee going into executive session and coming up with alternative language from the originally proposed resolution.

Mayor Schmidt stated that he hears what Mr. Gruenberg is stating but he does not feel that the Committee interprets his statements the same way in which they are being stated.

Attorney St. Angelo stated that the Committee could have considered the original resolution and denied it. They instead took the option to amend the resolution into a form that is believed to have enough support to pass the Committee.

Attorney Roger Marion said that he was not consulted on the amended resolution. He noted that the New Jersey Administrative Code states that if you are growing plants for commercial sale, it is an agricultural crop. Mr. Marion stated that his client intends to grow plants to sell so by law marijuana is an agricultural crop. Mr. Marion stated that the Committee might want to consider this before taking action on the resolution. Attorney St. Angelo stated that during discussions the Committee has brought up that marijuana is not specifically listed in the law and it is a different type of plant as it is a Schedule 1 Drug.

Mr. Gruenberg asked for the Committee to vote on the original version of the resolution.

Mr. Charlie Fortenbacher said that he does not like how the attorneys are “sugar coating” what the crop is. Mr. Fortenbacher questioned why the Township is discussing this again when they have opted out. Mr. Fortenbacher questioned how this would benefit the Township other than with money. He feels that it is a detriment.

Mr. Hugh Giordano, United Food and Commercial Workers Union, spoke in support of the NAR Group. Mr. Giordano noted that the NAR Group has signed a Labor Agreement with the Union. Mr. Giordano gave a summary of the positive aspects there would be for Township and the residents in having the business in the Township.

Mr. Dave Kushner, a retired State Police Officer of 25 years spoke on behalf of the NAR Group. Mr. Kushner stated that the NAR Group asked for him to create a site security plan for them. Mr. Kushner provided the Committee with an overview of his experience and knowledge in security services. Mr. Kushner stated that the plan he put together for the NAR Group is meant to protect the people. He does not support recreational use of marijuana but this company is for medical purposes. Mr. Kushner informed the Committee of the security measures that will be in place at the facility.

Ms. Lisa Rivers said that there may not be issues with burglary or robbery but the smell is very concerning. She does not want additives in the air from the cultivating. Ms. Rivers does not see why marijuana needs to be grown in Lebanon Township.

Mr. Marc Cristosable said that he is looking to be an employee for the NAR Group. He used to work in cannabis facility in Whitehouse. Mr. Cristosable provided information on that facility and the reason there is an odor in the air. Mr. Cristosable informed the Committee of ways to correct the issue.

Mr. Nitin Manglani, owner of 62 Antony Road and the NAR Group, gave the history of he and his wife purchasing the property. Mr. Manglani said that the property is bad for the environment but he is looking to clean it up. Mr. Manglani informed the Committee that the application requirements have become much stricter since 2019 due to problems at other facilities. Mr. Manglani informed the Committee of his plans with the property to be sure that it is aesthetically pleasing. Mr. Manglani reminded the Committee that this is not a recreational license it is a medical license that will help so many people. Mr. Manglani said that they worked very hard to get the license and met with Township officials before purchasing the property. Mr. Manglani noted that they have been

providing the Township with as much information as possible so they are upfront with all. Mr. Manglani stated that all employees will have a share in the company also.

Ms. Lisa Rivers advised that with operations of the State it is better to proceed slowly and cautiously. She does not think that there is a need for another facility in the area.

Mr. Dave Tullo stated that he is an owner of a property adjacent to the site and he was present to support the NAR Group in their endeavor. Mr. Tullo said that he would like the Township to stand by what they stated in August 2019. Mr. Tullo noted that, if not, it could cause a financial hardship on the Township as it is going to be a hardship on the owner. Could be a future issue for the Township.

Mr. Steve Gruenberg said he understands the public's concern. The Committee has been provided with a lot of information about the medical cultivation facility. There is no intention for a dispensary, it will be for medicinal cultivation only. Mr. Gruenberg informed the Committee of how beneficial it will be for the community to have the facility in the Township. Mr. Gruenberg encouraged the Committee to adopt the resolution they have before them. Mr. Gruenberg said that they do not think that they need to go before the Board of Adjustment as they feel that they are a permitted use. They will go before the Planning Board for Site Plan.

Attorney St. Angelo noted that the amendments to the original resolution are a result of Committee discussion in closed session. It is the up to the license holders to decide which Board they need to go before.

*Motion by Mr. Abuchowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Resolution No. 85-2021 was closed at 9:25 p.m.*

*Motion by Mr. Abuchowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 85-2021 as written below.*

Prior to casting his vote, Mr. McKee stated that in the past crops in Lebanon Township, corn, forage hay, tomatoes and pumpkins did not relate to this type of request. There was no need for security systems, lock downs, alarms or barriers. Mr. McKee said that he believes that the NAR Group has a good product and if it is interpreted by the Board of Adjustment, it will provide constructive measures for them. He feels the resolution is right for all.

## **UNFINISHED BUSINESS**

### **Sign Ordinance**

The Committee was provided with a revised draft of the proposed Sign Ordinance. Mr. Abuchowski stated that the only thing to be added is the Block and Lot number for the Memorial Park. The additions that were made are the exceptions; signs will be permitted at the Library limited to 60 feet of frontage from the corner of Bunnvale Road and County Road 513 and signs will be permitted on the Memorial Park property limited to 60 feet of frontage from the corner of Bunnvale Road and West Hill Road. No signs are permitted on the entrance road to the Park. Also, an individual sign may not exceed 4 sq. feet and may not exceed 36 inches in height.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the Sign Ordinance to be sent to the Planning Board for review and to the Board of Adjustment as a courtesy.*

### **Policy and Procedure Manual**

The Committee will provide Mr. Barberio with Policy and Procedure Manual comments by Monday.

### **NEW BUSINESS**

#### **Park Committee Request to Appoint Member**

*Motion by Mr. Abuchowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee endorsed the Mayor's appointment of Joshua Legg to the Park Committee.*

### **PRESENTATION OF VOUCHERS**

Committee Members provided a description of vouchers exceeding \$1000.00.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee approved the November 3, 2021 bill list in the amount of \$ 1,042,214.30.*

### **CORRESPONDENCE**

- a. Hunterdon County Prosecutor Press Release –  
Warren County Man Arrested for False Public Alarm
- b. Curator's Report
- c. NJ DOT–Award of Fiscal Year 2022 Municipal Aid Program -Little Brook Road  
Resurfacing
- d. Best Practices Inventory

### **PUBLIC COMMENTS**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 9:42 p.m.*

Mr. Fortenbacker thanked Mr. McKee for speaking to the Fire Department about the volunteer's medical aid invoice. Mr. Fortenbacker thanked the Committee for the volunteer picnic. Mr. Fortenbacker stated that the Township's Logo is the reason he moved to Lebanon Township. It is a beautiful farming community and does not need pot grown in it.

Ms. Sharon Petzinger commended the Committee on receiving the ANJEC Natural Resources Champion Award for 2021 and stated that the award related to the Deer Hunting Program. Ms. Petzinger thanked the Committee for their support to the EOSC.

Mr. Guy Wilson asked if there has been any consideration given to pursue the individual who sent the slanderous letters out about the Police Officer.

*Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 9:46 p.m.*

## **ADJOURNMENT**

Having no further business to come before the Committee a motion was made by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote to adjourn the meeting at 9:46 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: November 17, 2021

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Mike Schmidt, Mayor