

REORGANIZATION AND BUSINESS MEETING

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

January 8, 2008

The 805th Reorganization & Business Meeting of the Lebanon Township Planning Board was called to order at 7:00 p.m. by Board Clerk Gail Glashoff. Present were: Mr. Weeks, Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Rich, Mr. MacQueen, Ms. Bleck, Mr. Piazza, Mr. Weiler, Attorney Gallina, Planner Bolan and Engineer Risse.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Planning Board has scheduled their Reorganization & Business Meeting for Tuesday January 8, 2008 at 7:00 p.m. prevailing time in the Main Meeting Room in the Municipal Building. The Business portion of the meeting will start at the conclusion of the Reorganization Meeting. Notice of this meeting was published in the Hunterdon Review on December 26, 2007 and January 2, 2008 and in the Hunterdon County Democrat on December 27, 2007. Copies of the agenda were sent 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 2, 2008.

SWEAR IN:	George Piazza, Mayor	Class I	1 Year Term
	Jay D. Weeks Committeeman	Class III	1 Year Term
	Art Gerlich	Class II	1 Year Term
	Doreen Bleck	Class IV	4 Year Term

Attorney Gallina did the honors and swore in the above members for their perspective terms. Congratulations to everyone.

NOMINATIONS FOR CHAIRMAN:

Ms. Glashoff asked for nominations for Chair. Motion by Ms. Bleck and seconded by Mr. Rich to nominate Gary MacQueen as Chairman. Unanimously approved. Being no further nominations, motion by Ms. Bleck and seconded by Mr. Piazza to close the nominations. Unanimously approved. Congratulations to Mr. MacQueen. Chairman Mr. MacQueen took over the meeting at this time.

NOMINATIONS FOR VICE CHAIRMAN:

Chairman MacQueen asked for nominations for Vice Chair. Motion by Mr. Piazza and seconded by Mr. Weiler to nominate Ms. Bleck. Unanimously approved. Being no further nominations, motion by Mr. Piazza and seconded by Mr. Gerlich to close the nominations. Unanimously approved. Congratulations to Ms. Bleck.

NOMINATIONS FOR SECRETARY:

Motion by Ms. Bleck and seconded by Mr. Piazza to nominate Mr. Gerlich as secretary. Unanimously approved. Being no further nominations, motion by Ms. Bleck and seconded by Mr. Rich to close the nominations. Unanimously approved.

NOMINATIONS FOR ASSISTANT SECRETARY:

Motion by Ms. Bleck and seconded by Mr. Rich to nominate Mr. Weiler as the assistant secretary. Unanimously approved. Being no further nominations, motion by Ms. Bleck and seconded by Mr. Piazza to close the nominations. Unanimously approved.

Chairman MacQueen announced that Omnipoint Communications will not be heard this evening. Ms. Glashoff read into the record the letter received by Attorney DelVecchio for Omnipoint which asked to be rescheduled to the February 19th Planning Board Meeting with an extension granted until March 31st. Attorney Gallina announced to the public present that Omnipoint will be placed on the February 19th agenda for their public hearing.

Chairman MacQueen announced that before the appointments are approved, the board will go into Executive Session. Chairman MacQueen asked for a motion. Motion by Mr. Piasecki and seconded by Mr. Schmidt to go into Executive Session. Unanimously approved. At this time, the public was asked to leave the meeting.

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 Lebanon Township Planning Board Meetings where certain matters are to be discussed; and

WHEREAS, the Lebanon Township Planning Board is desirous to meet to discuss personnel issues;

NOW, THEREFORE BE IT RESOLVED, by the Lebanon Township Planning Board of the Township of Lebanon, Hunterdon County, New Jersey, that the Planning Board met in Executive Session at 7:00 p.m.

At this time, Chairman MacQueen asked for a motion to reopen the public portion of the meeting. Motion by Ms. Bleck and seconded by Mr. Gerlich. Unanimously approved.

**Planning Board Reorganization and Business Meeting
January 8, 2008
Page 2**

APPOINTMENTS:

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

Chairman MacQueen asked for a motion to approve all the approve appointments to the board. Motion by Mr. Rich and seconded by Mr. Gerlich. Unanimously approved.

ADOPT RESOLUTIONS:

a. Annual Notice Schedule

Ms. Glashoff reviewed for the board the date changes for 2008. The November meeting will be held on November 4th and the December meeting will be held on December 16th. The board will meet on the 3rd Tuesday of each month with the 1st Tuesday as backup when needed. The board and professionals all agreed. Motion by Ms. Bleck and seconded by Mr. Piazza to adopt the Annual Notice Schedule as presented. Unanimously approved.

b. Authorizing Agreement for Professional Services

Motion by Mr. Gerlich and seconded by Mr. Piasecki to adopt the Agreement for Professional Services. Unanimously approved.

ADOPT RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR BOARD PROFESSIONALS:

Motion by Mr. Gerlich and seconded by Mr. Rich to adopt the resolution authorizing the award of a non-fair and open contract for board professionals. Unanimously approved.

ADOPT PROFESSIONAL CONTRACTS:

- a. John Gallina, Esq.
- b. Michael P. Bolan, AICP, P.P.
- c. Bayer/Risse Engrs. (Stephen Risse, Engr.)
- d. Mark Blount, Esq. (Letter of Intent)
- e. Jess Symonds, Engr. (Letter of Intent)

Motion by Ms. Bleck and seconded by Mr. Weeks to approve all the professional contracts as presented noting that Planner Bolan and Attorney Gallina's fees will remain the same as 2007 and Bayer/Risse Engrs. Fees increased \$10.00 per hour from 2007. Unanimously approved. Planner Bolan thanked the board for wanting him to stay on as the Planner for the board. The board told Planner Bolan that they have been very happy with him and would not want to lose him as our Planner.

APPOINT REVIEW COMMITTEE:

Chairman MacQueen asked Ms. Glashoff who was on the Review Committee for 2007. The following people served: Mr. MacQueen, Mr. Weeks, Mr. Rich and Ms. Glashoff. Since Mr. Rich will be out of the country until mid-June, Mr. Weiler agreed to cover and being the alternate member. The committee will stay the same as 2007 with Mr. Weiler being added to the committee. Everyone agreed.

PRESENTATION OF MINUTES: December 11, 2007 Regular Meeting

Mr. Rich noted that the discussion regarding the Highlands at the end of the last meeting wasn't included in the minutes. Ms. Glashoff apologized stating that the tape was blank for the last half hour of the meeting and she had nothing to rely on. Mr. Schmidt stated that the discussion centered on not getting involved with the Highlands and DEP and what does it entail. Planner Bolan agreed. Mr. Schmidt added that the board wanted to know how we can opt out. Planner Bolan stated that if you receive a Planning Grant does it make you obligated to go through the process to comply or conform with the Highlands. Planner Bolan also noted that there is a provision that states in the preservation areas if they are totally in the preservation area or a portion that you do not comply then the Highlands Council they can exercise the Municipal Land Use Law. Essentially the Highland Council can become the Planning Board. During the board's discussion, it was noted that the Council doesn't want to do that because it would become an administrative nightmare. We need to see what the process is going to be as we more forward, what it will mean if we have to accept, if we are offered Planning Grants to do the compliance.

Chairman MacQueen stated there is a lot of discussions going around with everyone talking about the

**Planning Board Reorganization and Business Meeting
January 8, 2008
Page 3**

Highlands and how horrible it is and how horrible it's going to be for businesses which is absolutely correct. Eileen takes a lot of abuse about it, but is very dedicated to whatever she puts her mind to whether it has been for this township or anything else. Chairman MacQueen said that the Highlands isn't the way to go. It is overbearing and is hurting a lot of people and with the economy the way it is this will only be a disaster. It's not Eileen in the Highlands, it's the Highlands and the whole thing about it. When people start selling their houses and/or putting an addition on and find out they have a problem because of the impervious cover, it will be too late. A lot of the members on this board are not happy with the Highlands and anything about it. Planner Bolan stated that if we are going to make comments, the February 19th meeting is when we have to review them because of deadline for comments is February 28th. The board agreed that they wanted to make comments and Planner Bolan said that he will have something prepared for the 19th meeting in advance. Mr. Rich noted that with all the discussions and comments that have been made by this board, in no way should these comments lock us into being in favor of Highlands. Mr. Piazza stated he is not in favor of the Highlands, people who own property have been affected by this. Someone with an acre or two of land thinks this is a great thing. The comment was made that even with a small piece of property if you want to put an addition on or build an accessory building with the impervious coverage you wouldn't be able to.

The subject of COAH came up and Planner Bolan stated that the new COAH rules will kill the economy in New Jersey. Getting back to the minutes, Chairman MacQueen asked for a motion to approve the minutes. Motion by Mr. Rich and seconded by Ms. Bleck. Unanimously approved.

RESOLUTION:

- | | |
|---------------------------------------|------------------------------|
| a. James Butters | Block #16 Lot #20 |
| 1 Lot Minor Agricultural Subdivision. | Hoffmans Crossing Road RC 7½ |
| w/remaining lands with conditions | |

Mr. Rich asked about Condition #3 and also stated that Attorney Gallina has done a very good job. Mr. Rich felt that the Construction Official should be involved under #3 in addition to Engineer Risse. Attorney Gallina stated the Engineer will be reviewing and approving the lot development plan. Mr. Weeks asked what the advantage is to having an agricultural lot. Planner Bolan said there is no advantage. Planner Bolan stated that it is a bad provision in the MLUL and there has been a lot of discussion on this and the drafting committee for the MLUL is aware of this but nothing has been done. It makes no sense. Ms. Glashoff said that in testimony, the applicant will flip this over eventually. Planner Bolan said that under the MLUL it states that an agricultural subdivision is not a subdivision. During the board's discussion it was noted that when the Zoning Officer signs off this tells the Construction Official that everything has been met. Mr. Gerlich stated that when the group meets with the Zoning Officer, that it has to be made clear that the Zoning Officer is the one responsible and look through all the ordinances. You can not make the Construction Official look through all our ordinances before issuing any permits. The Zoning Official needs to be flagged on this. Mr. Rich said that this needs to be a policy that all our Resolutions reflect the Zoning Official. Planner Bolan said in many municipalities they site all the outside agencies approvals that are needed. The amendment to Condition #3 will read as follows: In the event a residence is proposed on the new lot in the future, an individual lot development plan will be submitted for review and approved by the Board Engineer **prior to the Zoning Officer and/or Construction Official issuing any permits.**

Chairman MacQueen asked for motion to approve with the amendment. Motion by Mr. Rich and seconded by Mr. Weiler to approve the Resolution of James Butters as amended.

- | | | | |
|------------------|-------------------------|----------------------|-----------------------------|
| ROLL CALL | Yes: Mr. Schmidt | No: Mr. Weeks | Abstain: Mr. Gerlich |
| | Mr. Rich | | Mr. Piasecki |
| | Mr. MacQueen | | Mr. Piazza |
| | Ms. Bleck | | |
| | Mr. Weiler | | |

FYI:

- a. Highlands Update.
- b. H.C. Planning Board hosting Municipal Informational Roundtable re: Highlands

Ms. Glashoff noted that there are several items before them on the table, the New Jersey Planner, several COAH articles from the League of Municipalities, also from ANJEC is a seminar on the Highlands and what it means for your municipality on January 15th at Morris County Cultural Center. If anyone is interested in attending please let her know.

NEW BUSINESS:

- | | | |
|--------------------------|-----------|--------|
| Omnipoint Communications | Block #12 | Lot #5 |
| 4 Sylvan Way | Route 513 | RC 7½ |
| Parsippany, N. J. 07054 | | |

PUBLIC HEARING **Conditional Use for Co-location of a Cell Tower**

Announcement was made at the beginning of the meeting.

Planning Board Reorganization & Business Meeting
January 8, 2008
Page 4

ITEMS FOR DISCUSSION FOR THE FEBRUARY MEETING:

- a. Fire Protection Ordinance
- b. Master Plan

Board decided since Omnipoint is scheduled for the February meeting, the Fire Protection Ord. and Master Plan will be scheduled for the March Meeting date of March 18th.

- c. COAH
- d. Highlands

Because of the deadline for comments on the Highlands of February 28th and the deadline on COAH comment period is March 22nd the board will discuss these items at the February Meeting before the hearing for Omnipoint.

PRESENTATION OF BILLS & REPORT:

- a. John Gallina, Esq. \$ 770.00
- b. Bayer/Risse Engrs. \$2,152.50
- Total: \$2,922.50**

Mr. Gerlich stated that all the bills are in order. Motion by Mr. Gerlich and seconded by Mr. Piasecki to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

- a. NJ Site Improvement Advisory Board Minutes 8/23/07 (FYI)

Ms. Glashoff stated that these minutes included more discussion on the Cul-de-sacs and thought the board would like an update.

- b. Zoning Practice 12/2007 re: TDR's
- c. Law Bulletin 12/2007 re: several interesting articles.

OPEN TO THE PUBLIC

Nancy Darios asked about pre-existing approved building lots. Ms. Darios also asked about the roof for the library. Mr. Gerlich stated that they have revised specs for the roof and that he will be speaking with Ms. Sandorse regarding going out for bid within the next couple of days.

Board Member Darryl Schmidt asked about the letter that Planner Bolan will be writing regarding the Highlands. Mr. Rich said that we shouldn't get involved with the Master Plan because we don't know enough about this to get involved and how it will end up. The more we get involved the more trouble we will have. Planner Bolan noted that he knows exactly how the board feels. Planner Bolan suggested that we put in the letter that there are some good changes. Mr. Schmidt suggested that the Highlands eliminates the 88 acres for forested, the 1 acre of disturbance, .25 acres of impervious coverage and just have the 25 acres. Planner Bolan stated that some of it is legislative and some is planning. Mr. Rich said that the impact that this letter will have is null. The action the board takes is going to have meaning or no-meaning depending on how the board feels. This is where the board should be focused on. What this board decides whether they opt in or out or do a Master Plan or not. That is where our voice will be heard. Chairman MacQueen asked what happens if we don't do our Master Plan. Planner Bolan stated that we only have about 7 acres in the Planning Area. The Highlands can assume the responsibilities per NJSA 40:55d-1. They would become the Planning Board. If that were to happen then this would be a complete failure. Planner Bolan noted that it is important to get the towns into conformance. The question that came up before about the funding, if we use their funding are we obligated to complete the process. The question was asked how many municipalities are in the preservation area. Planner Bolan said besides Lebanon Township, Ringwood, Califon Boro, Boro of High Bridge, Hampton Boro and Glen Gardner Boro.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Piazza to adjourn the meeting at 9:15 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK