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indigenous and/or exotic animals. This has caused some difficulty for the Zoning Officer. The Zoning Board recommended the word indigenous be deleted from the ordinance to alleviate any difficulty. The board discussed this issue and decided to leave the word indigenous in the definition just as it is stated. In reviewing the Accessory Apartment Ordinance, Planner Bolan suggested revising it to include the specific date of July 1, 1987 in which a structure must have been in existence for an accessory apartment to be permitted. This will avoid confusion in the future, the Board agreed. Planner Bolan noted that preparing these Annual Reports have been very useful over the years. Planner Bolan will prepare the amendment to the accessory apartment ordinance.

Statement of Account - January 1st to August 6th 2013)

Ms. Glashoff said this is to bring everyone up to date on our finances. We did receive the \$10,000.00 from the Insurance Company which helped. Ms. Glashoff noted that the Township Committee received a memo from the CFO regarding balances in certain accounts and the Planning & Zoning Board accounts were on the list in their memo and she prepared a statement for the Board of Adjustment which they reviewed last week at their meeting. Ms. Glashoff said she wanted the board to see exactly where we were with our finances.

Cancel September 3rd Meeting – reschedule PB Meeting to September 17th. – covered under the Muller Toyota discussion.

Zoning for Farm Animals in the R3 District

Ms. Glashoff noted that on the addendum under Item for Discussion is zoning for Farm Animals. At this time, Chairman MacQueen turned the meeting over to Planner Bolan for the discussion on farm animals.

Planner Bolan referred to the discussion at the June meeting when the board decided to focus first on the R-3 Rural Residential District. Planner Bolan referred to the following definitions: Accessory Use or Structure, Agriculture and Horticulture and Farm. Planner Bolan noted that the R3 zone is located throughout the Township with two distinguishing land use features, either frontage development along existing road or the relatively recent subdivisions on roads such as Country Woods, Windy Heights or Rolling Hills. The remaining R3 districts are existing recognized areas like Forge Hill Road, Sliker Road, East Hill Road and Buffalo Hollow Road. Planner Bolan referred to the standards in the Clinton Township Land Use Ordinance that was used to determine the number of animals permitted on a parcel of land. Example: one animal per 2 acres and an additional animal for each additional acre. Also, at the June meeting a table from the University of New Hampshire Coop Extension Service “Housing & Space Guidelines for Livestock”, this was similar to the Clinton Township Ordinance. Planner Bolan said a 3 acre lot is a large lot and it could accommodate farm animals. Planner Bolan said a portion of the lot should be dedicated to the residence using the standard for farm assessment. Having 1 acre for the residence and calculating the difference for density for the farm animals. Another thing that has to be considered is a 3 acre lot in a subdivision versus a 3 acre lot not in a subdivision. If you are going to permit them you can not distinguished between a non subdivision lot and a lot in a subdivision.

Planner Bolan said the difficulty from a procedural prospective with a conditional use is that it requires a Site Plan to the Planning Board and if all the standards can't be met, then it would go to the Board of Adjustment as a Use Variance needing five affirmative votes. Planner Bolan said if you use a minimum of 4 acres for farm animals you would exclude the vast majority of those subdivided lots. Planner Bolan stated he compared the 4 acre minimum to the 3 acre minimum excluding the 1 acre for the residence and on the 3 acre lot 1.5 animal units and on the 4 acre you would get 2.5 animal units. Examples: 3 acre lot 1 horse and 2 sheep or 2 goats or 4 sheep or 4 goats and 25 chickens, on 4 acre lot, 2 horses and 2 sheep or 2 goats or 1 horse, 4 sheep and 25 chickens. Planner Bolan noted these are just examples of what you could do. Planner Bolan said the board needs to decide whether they want to pursue the keeping of animals as a permitted accessory use or consider the 3 or 4 acre minimum lot size to keep farm animals regardless of the zoning district. Planner Bolan said if the board decides to go with either 3 or 4 acre lots then it should be universal throughout the Township.

Planner Bolan went on to say if the board continues with this discussion, he will need to do a draft an ordinance. We have a section of the ordinance referring to accessory uses/accessory structures in 400-10 and we would need to modify it to direct people to that section. We would also need to modify the section on Use Regulations to put in permitted accessory use farm animals and reference it to Section 400-10. Then in Section 400-10 we would have the standards. At this time, Planner Bolan asked if the board had any questions. Chairman MacQueen said this will be costly, it should have never happened and this will need to be done throughout the Township. Chairman MacQueen said he agrees with Planner Bolan totally. Chairman MacQueen stated the land for the house should follow the standards for farm assessment. Chairman MacQueen asked if there was a way for those people who already have animals on less than 5 acres that they won't be penalized and will be able to keep them. Planner Bolan said yes by having a grandfather provision and noted this was one of the provisions that he had included in the Clinton Township Ordinance. Mr. Schmidt asked is it only for that animal or can you replace that animal. Planner Bolan said you can replace with the same type of animal. Mr. Gerlich asked will the grandfathering stay just with the owner or with the land. Attorney Gallina said you can go either way. Mr. Weiler asked Planner Bolan about the restrictions with the Conditional Use and subdivisions. Planner Bolan said with a

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a Conditional Use there are restrictions and all farm animals would fall under that and with accessory uses they are permitted. Conditional Uses are more of a burden because you need a Site Plan and if you can't meet all the standards to go before the Planning Board you would then go before the Zoning Board for review. With accessory uses they are permitted by right once you have the standards in place and incorporated. Accessory uses can be approved by the Zoning Officer and a Conditional Use has to go through the administrative process for review by the board that they would fall under. As an Accessory Use it makes it easier on the home owner and for the enforcement officer. Mr. Laul said you still have properties that go down to 1 acre who would like to have chickens. Mr. Laul said more and more people are looking to do homesteading. Chairman MacQueen responded saying you have to look out for the entire community. Mr. Schmidt said anyone with less than 3 acres would have to get a variance. Planner Bolan said yes. Planner Bolan said you could say on less than 1 acre you could have poultry or fur-bearing animals. Ms. Bleck said she likes having it be consistent. Ms. Bleck stated she knows people who are looking to have chickens/goats that live in the Township. Mr. Weiler asked what happens when the ordinance states 1½ units and the half unit grows up. Planner Bolan said that is the problem. Mr. McKee said when you have 1 animal and ½ animal and we have 5 acres and you need 1 acre for a house, could you have a sliding scale for the acreage and for the house, this way you would have more land for animals. Planner Bolan said it would make it more difficult. Mr. Schmidt asked would it be more acreage for the house or for the animals. Mr. McKee said you would have less acreage for the house and more for the animals. Mr. McKee said it was just a thought. Mr. McKee went on to say we need to look at the smaller lots. Mr. Skidmore said he moved from a suburb to a rural community because of the rules and said he is against creating more rules and if he is in a position to vote, he will vote no.

Planner Bolan asked if the board wants him to draft an ordinance. Chairman MacQueen told Planner Bolan he has listened to all the questions and comments by the board. Planner Bolan wanted to know if we are moving forward with this or not. It was noted that a lot of people do 4-H and this needs to be considered. Planner Bolan said he had 6 weeks to work on this before the next meeting.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$1,413.75
b. Michael Bolan, PP	\$2,943.80
c. Bayer/Risse Engrs.	\$ 750.00
	Sub-total: \$5,107.55
d. H.C. Planning/Zoning Admin.	\$ 30.00
	Total: \$5,137.55

Mr. Gerlich said all the bills are in order. Motion by Mr. Gerlich and seconded by Mr. Rich to approve the bills for payment. Unanimously approved.

Ms. Glashoff brought to the board's attention that the contract for Attorney Gallina for 2010 was approved by the board, but the contract was never sign and explained what brought this to her attention. After a brief discussion, motion by Mr. Rich and seconded by Ms. Bleck to have Chairman MacQueen sign the contract. for the record. Unanimously approved. Ms. Glashoff thanked the board.

CORRESPONDENCE:

- a. Law of the Land Articles
- b. NJPO Newsletter

OPEN TO THE PUBLIC

Chairman MacQueen opened the meeting to the public for comments. Anthony Casale mentioned the letter received from the County regarding work that would be done on Route 513 and said the work has already been done. Ms. Glashoff informed Mr. Casale the letter is dated July 9, 2013 and the Township is being advised that the County will be receiving bids for the referenced project. This is a new project by the County.

The following people made comments regarding the discussion on farms animals on 3 acres: Anthony Casale said we are taking a big step backwards and went on to make many comments. Holly Smith said she has 4 goats on a ¼ of an acre. In driving down roads in the Township there are animals on most properties and said this is a rural Township. Ms. Smith said that hobby farms are an up and coming thing with people wanting to have chickens, goats etc. Annette Lemenze noted lot sizes for animals in other states. Ms. Lemenze said she doesn't like getting blame for all this because of trying to bring home an injured horse and it blew up in her face. Ms. Lemenze asked the board where they got the definition for animal unit and said a horse doesn't need that much land when you factor in hay and grain. In referring to the information from Rutgers a horse can be maintained on less than 1 acre in using turn out time. Loriann Williams from Butternut Road stated that she does not own any farm animals but has colleagues that live in Lebanon Township that have farm animals. There are many people in this Township on properties under 2 acres with farm animals. Victor Hoffman from Buffalo Hollow Road said he has had animals and his neighbors have animals and he doesn't see a problem especially living in a rural township. Mr. Hoffman

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said if the animals bothered him he would speak to his neighbors and if they weren't taking care of the animals he would contact the County Board of Health. Mr. Hoffman express concern on the 3 acre limit and felt a 3 acre limit was unfair. Mr. Hoffman went on to say that with a 3 acre limit, if a family with less then 3 acres and young children that wanted to join 4-H they would have a problem. Mr. Hoffman expressed his many concerns with over regulating and with the 3 acre limit or possibility 4 acre limit for animals.

Mr. Schmidt said the board didn't ask for this and no one wants to deal with it. This came up 15-20 years ago and nothing was done and if we don't deal with it now, it will probably be an issue 10 years from. Mr. Schmidt asked our professionals and committee members present, if it is at all possible to design this into a ballot question and let the people of Lebanon Township decide. Attorney Gallina said that zoning issues are not resolved by public referendums. Mr. Skidmore asked if the Township Committee could ask their constituents for guidance per a referendum. Attorney Gallina said in all his years as an attorney he has never heard of that happening. Plus it would be contrary to the MLUL in his opinion. Mr. Laul informed Ms. Lemenze that he doesn't think anyone here blames her because she followed the rules that you thought were the rules and were led down the wrong path and noted that was his opinion. Ms. Lemenze asked what she should do. Chairman MacQueen said indirectly Ms. Lemenze has been told what too do by both boards. Chairman MacQueen told Ms. Lemenze to get an attorney and let him tell you what to do.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Laul to adjourn the meeting at 8:35 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK