

**REGULAR MEETING**

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

**August 15, 2006**

The 789<sup>th</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:00 p.m. by Board Clerk Gail Glashoff. Present were: Mr. Gerlich, Mr. Schmidt, Mr. Piasecki, Mr. Rich, Ms. Schriver, 1<sup>st</sup> Alternate Weiler, Attorney Gallina and Planner Bolan. Mr. Spatz arrived at 7:05 p.m. and Engineer Risse arrived at 7:15 p.m.

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 17, 2006, mailed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on August 9, 2006.

Ms. Glashoff stated in the absence of the Chairman and Vice Chairwoman, she asked for nominations for Chairman. Motion by Ms. Schriver and seconded by Mr. Piasecki to nominate Mr. Rich as Chairman. Being no further nominations, nominations were closed. Unanimously approved.

Chairman Rich took over the meeting at this time.

**PRESENTATION OF MINUTES:** June 6, 2006 Regular Meeting

Motion by Mr. Gerlich and seconded by Ms. Schriver to approve the minutes as presented. Unanimously approved.

**RESOLUTIONS:**

Country Valley Inc. Block 338 Lot #27  
Exemption from Site Plan Approval Route 513 B1  
with conditions

Motion by Ms. Schriver and seconded by Mr. Schmidt to approve the resolution for Exemption from Site Plan with conditions

**ROLL CALL** Yes: Mr. Gerlich No: None Abstain: Mr. Piasecki Absent: Mr. Weeks  
Mr. Schmidt Mr. Spatz Mr. MacQueen  
Mr. Rich Ms. Bleck  
Ms. Schriver  
Mr. Weiler

Cingular Wireless Block #17 Lot #29  
Conditional Use for Cell Tower Califon-Cokesbury Road RC 7½  
Co-location, Preliminary/Final  
Site Plan Approval with conditions

Motion by Mr. Schmidt and seconded by Ms. Schriver to approve the resolution for Conditional Use/Preliminary & Final Site Plan with conditions.

**ROLL CALL** Yes: Mr. Gerlich No: None Abstain: Mr. Piasecki Absent: Mr. Weeks  
Mr. Schmidt Mr. Spatz Mr. MacQueen  
Mr. Rich Ms. Bleck  
Ms. Schriver  
Mr. Weiler

**EXTENSION OF TIME TO FILE DEEDS:**

Darryl Pennisi Block #61 Lot #34  
1 Lot Minor Subdivision Anthony & Mt Airy Roads R5  
Variance with conditions

Attorney Michael Martini was present to discuss the Extension of Time for Filing the Deeds on the Pennisi subdivision. Attorney Martini stated that the ROW Deed has never been prepared. Attorney Martini informed the board that he has prepared a site triangle easement deed and a minor subdivision deed to prefect the new lot and the remaining land lot and asked the board for an extension of time to file the deeds. Attorney Gallina informed the board and Attorney Martini that in speaking with his former firm and reviewing the file metes and bounds descriptions of the lots and easements were never actually submitted.

Attorney Martini stated the metes and bounds descriptions of the lots were submitted to Engineer Risse for review and Engineer Risse raised the issue of the ROW and he went back to Engineer Tom Yager to do the ROW easement. Attorney Gallina informed Attorney Martini that since the time the subdivision was approved and between then and now, the Highlands Act has gone into affect and the applicant may have that issue to resolve. Attorney Gallina asked how much time will be needed to take care of the deeds. Attorney Martini informed the board the deeds have been prepared and he will have the ROW easement prepared and can have them out in the mail for review by this Friday and asked for a period of 60 days.  
Chairman



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**d. Liaison Environmental Commission – Art Gerlich**

Mr. Gerlich gave an update during the brief discussion on the Tree Ordinance that will be on the next agenda.

**ITEMS FOR DISCUSSION:**

**a. Draft of Amended Fee Schedule Ordinance – Attorney Gallina**

This item is carried over to the September 19<sup>th</sup> agenda.

**b. Memo from Twp Committee requesting PB to address request for zoning change**

Chairman Rich referred to the memo from the Township Committee dated June 9, 2006 regarding the request for a zoning change. Chairman Rich asked Attorney Gallina for some legal guidance on this request. Attorney Gallina stated the board should entertain comments from the public regarding the zone change request. Chairman Rich asked Planner Bolan for his comments. Planner Bolan referred to the letter and suggested that a presentation should be made to give us the jest of what the issue is and what the suggestions are to address it. Chairman Rich asked who represented the group on this request. Andy Kozlowski from Old Readingsburg responded and stated he would make the presentation on behalf of the group of residents from Old Readingsburg Road.

Mr. Kozlowski stated that the residents heard rumors that there could possibly be a recreation facility built on Old Readingsburg Road a private road. In reviewing the ordinances they found that the only restrictions were about amplified sounds (noise). The ordinance leaves for this type of recreation wide open. They would like to see recreational facilities not allowed in the RC zone, but if the board chose to have them in the RC zone that tighter restrictions be placed. One restriction would be larger acreage. Mr. Kozlowski suggested 75 acres because you would want noise to be isolated from the surrounding neighbors. Chairman Rich asked the size of the tract in question. Mr. Kozlowski stated 40+ acres. Mr. Kozlowski stated that any private recreation is going to draw traffic and noise and it doesn't seem appropriate since the Master Plan calls for a quite rural area.

Chairman Rich asked Planner Bolan for his thoughts at this time and asked what the board contemplated when the board worked on the Master Plan. Chairman Rich asked if this was something the board overlooked and now needs to be reexamined. Planner Bolan informed the board that these types of uses are Conditional Uses in Residential zones. In the Master Plan you don't deal with Conditional Uses because you are looking at broader issues, like specific uses within a zone. The board looks at all the zones for principal and primary uses in either a residential zone, commercial or industrial zone. In all the years Planner Bolan has been with the board, they have never looked at this particular conditional use other than when the board has had applications from the camps. Planner Bolan reviewed for the board all the uses that are permitted in a residential zone that refer to recreational. Planner Bolan stated that he would be concerned with the definition of private recreation because you don't know what someone would try and shoehorn it in. Mr. Kozlowski had pointed out the conditional uses standards are relatively weak. They work well on the existing camp sites because the camps are on 100-250 acres. Planner Bolan made the following suggestions per Mr. Kozlowski's letter, 1) take out private recreational facilities and country clubs from the permitted conditional use and leave in camps. Unfortunately we do not define camps but we have all these recreational facilities definitions but no camp definition. We should put something in the ordinance defining camps, 2) in changing the conditional use standards by eliminating those use standards or be done with eliminating the uses but by putting those conditional use standards in for camps. Planner Bolan suggested both. Also the suggestion of having these facilities being accessed from a public road makes a lot of sense and the larger size of the lot makes sense. With noise restrictions, that is state standards. In our ordinance book it refers to the state standards for noise.

Planner Bolan read the definition of private recreational facilities: Section 18-3.7.2. Chairman Rich asked if the board had any questions of the Planner. The board expressed concerns regarding acreage, parking, being on a public road and tightening the definitions. At the conclusion of the board's comments, Chairman Rich asked that Planner Bolan prepare a draft amendment to the ordinance for discussion at the September 19<sup>th</sup> meeting and to get it out to Ms. Glashoff for distribution and to send a copy to Mr. Kozlowski. Chairman Rich opened the discussion to the public for comments. The following people made comments: Doug Sergeant and Nancy Darjos.

**c/d. Monuments/Pillars on residential properties & Fence Ordinance – Planner Bolan**

Planner Bolan stated this deals with people who want to put in gated entrances to their homes and have pillars and walls to define the entrance way. Planner Bolan noted that the Board of Adjustment at their next meeting have an Interpretation regarding monuments & pillars. Planner Bolan stated there are standards that the board can adopt regarding the height of the wall, setbacks, length of wall etc. Pillars

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could be limited to 8', fences to 5' and have a setback of at least 25'. This way when someone drives up to a gated entrance they are not in the ROW. The reason why this is coming before the Board of Adjustment is the Zoning Officer doesn't know how to deal with fences, monuments or pillars. The applicants were denied a Zoning Permit to have entrance monuments with lights. Planner Bolan stated that he thought it would be valuable to have an ordinance to deal with these types of issues. Planner Bolan reviewed for the board the Fence Ordinance from Clinton Township. The board discussed these issues at length. In conclusion, the board decided to continue there discussion on this subject at the September 19<sup>th</sup> meeting for input from the 3 board members who were not present this evening.

**e. Letter from COAH dated July 10, 2006**

Planner Bolan informed the board that he has been working on the requested information that COAH is asking for. Several of the items are done, other items will be completed by Bernstein's office, Gail & Karen and he is working on the other items that have to be addressed. Planner Bolan stated that he does not recommend that we amend the Housing Plan at this time but just respond to the items listed in the letter from COAH.

**PRESENTATION OF BILLS & REPORT AS REVISED:**

|                       |                                     |
|-----------------------|-------------------------------------|
| a. John Gallina, Esq. | \$1,106.30 – July 18 <sup>th</sup>  |
| b. Banisch Associates | \$1,361.60 - July 18 <sup>th</sup>  |
|                       | \$ 839.10 - August 15 <sup>th</sup> |
| c. Bayer/Risse Engrs. | \$6,918.50 – July 18 <sup>th</sup>  |
|                       | <b>Total: \$10,225.50</b>           |

Motion by Mr. Spatz and seconded by Mr. Gerlich to approve the bills as presented. Unanimously approved.

Ms. Glashoff stated before the board this evening is a copy of the proposed amendments/recommendations to the Tree Ordinance from the Environmental Commission. This ordinance will be on the agenda for the September 19<sup>th</sup> meeting. This gives everyone enough time to review and prepared for the next meeting. Mr. Gerlich stated that the Environmental Commission has made some very good suggestions since this is a very tough issue.

**CORRESPONDENCE:**

**OPEN TO THE PUBLIC**

Chairman Rich opened the meeting to the public. Committeeman George Piazza was present and asked to address the board regarding the issue of the Road Garage. Mr. Piazza stated that he and Engineer Risse walked his family property as a potential site for the new Road Garage. The property is located on Anthony Road and consists of 40+ acres. Mr. Piazza wanted to know if the property was still in the running or had it been dismissed. Ms. Schriver stated that Mr. MacQueen had planned on discussing it tonight. Ms. Schriver asked if the committee that was working on this had gone over to the present Road Garage. Planner Bolan answered not recently. Engineer Risse informed the board that he had received a phone call from Road Supervisor Paul Jones asking if he could come up to the garage. Ms. Schriver stated that Paul is very frustrated because he has been trying to get something accomplished for the past 10-15 years. Paul asked if they torn everything down at the present site, would there be enough room to rebuild. Ms. Schriver did not think it was feasible. Engineer Risse stated they had a wetlands expert come out to take a look at the site and they were informed that the DEP would make them reclaim everything first then maybe get some type of permit to fill it back in. Ms. Schriver noted that a committee had been formed to work on this and they should be moving ahead but at this time nothing has happened. The committee consisted of: Mr. Weeks, Mr. Monahan, Mr. Gerlich, Mr. Piasecki, Paul Jones, Planner Bolan and Engineer Risse. At the conclusion of the board's discussion, Planner Bolan will make an aerial map of the Piazza property. The committee will meet before the next Planning Board Meeting and report back at that time.

Being no further business to come before the board, nor comments from the public, motion by Ms. Schriver and seconded by Mr. Gerlich to adjourn the meeting at 8:48 p.m. Unanimously approved.

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**CHAIRMAN JOSHUA RICH**

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