

REGULAR MEETING

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

December 1, 2015

The 895th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:02 p.m. by Vice Chair Doreen Bleck. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Piasecki, Mr. Rich, Mr. Weiler, Mr. McKee, 1st Alternate Gerlich, 2nd Alternate Skidmore, Attorney Gallina & Planner Bolan. **Excused:** Engineer Risse. Mr. MacQueen arrived at 7:15 p.m. and took over the meeting which was during the discussion on the Pennisi application.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 13, 2015, 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 November 23, 2015.

PRESENTATION OF MINUTES: Regular Meeting October 20, 2015

Motion by Mr. Rich and seconded by Mr. Piasecki to approve the minutes as presented. Unanimously approved.

Executive Minutes October 20, 2015

Motion by Mr. Rich and seconded by Mr. Schmidt to approve the Executive Minutes as presented. Unanimously approved.

REQUEST FOR AN EXTENSION OF TIME:

Darryl Pennisi Block #61 Lot #34
288 Mt. Airy Road Anthony & Mt. Airy Roads
Glen Gardner, N.J.

Extension of Time granted September 19, 2006, expired February 11, 2007 to file deeds. Enclosed is the Resolution.

Attorney Howard Apgar was present to represent the applicant Darryl Pennisi. Attorney Apgar gave a brief overview for the board on everything that has transpired since the expiration of the extension granted on February 11, 2007. Attorney Apgar said originally Attorney Martini of Clinton represented Mr. Pennisi with the application before the board. Mr. Martini's firm was going through changes at that time and the subdivision deeds were either overlooked or not done. Attorney Gallina said the deeds were submitted with no descriptions. Attorney Apgar said in August of 2006, Mr. Martini came before the Planning Board to ask for an extension of time to file the deeds. Attorney Apgar informed the board that Engineer Tom Yager who had originally prepared the subdivision plans has retired and sold his firm to a company in Connecticut. Attorney Apgar said he has been in touch with that firm regarding the descriptions for the deeds. About 2 ½ years ago Mr. Pennisi hired Attorney Wilson who did nothing and subsequently has been suspended from practicing law. Attorney Apgar said that Mr. Pennisi then hired him to take over. Mr. Gerlich, Mr. Piasecki and Mr. Milkowski expressed concerns with granting the extension since it has been so many years. During the continued discussion on granting an extension of time, Attorney Gallina quoted the section of the MLUL regarding minor subdivision with an extension of time: 40:55D-47g "The Planning Board shall grant an extension of a minor subdivision approval for a period determined by the board, but not exceeding one year from what would be the expiration date. If the developer proves to the satisfaction of the board that the developer was barred or prevented from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and the developer applied promptly and pursued the required approvals, the developer shall apply for an extension before the expiration of the minor subdivision approval or the 91st day after the developer received the last legally required approval from other outside agencies, whichever occurs later." Attorney Apgar had Mr. Pennisi sworn in to give testimony. Mr. Pennisi reviewed for the board everything that has transpired over the last 9 years. Attorney Apgar had the Resolution dated August 15, 2006 marked into evidence as **A1**. Mr. Pennisi had been informed that he would need Highlands approval. Mr. Pennisi was under the impression that his attorney back then was taking care of it. Unfortunately, that never happened.

Attorney Apgar stated he was able to track down Engineer Jim Hill who had worked for Yager Associates to get new maps and deed descriptions which would be very expensive for his client. Also, Planner Bolan would have to review for the Highlands Exemption to be able to build on a new lot once the subdivision had be approved with the deeds filed. Attorney Apgar noted that one option would be to have the board grant an extension of 4-6 months in order to have the deeds filed or they would have to refile the application for the subdivision and variance. Attorney Gallina said that all he has are the deeds with no descriptions.

At this time, the board with a motion by Ms. Bleck and seconded by Mr. Rich to close the comment portion of the meeting. Unanimously approved. The board deliberated at this time with members of the board expressing concern over granting an extension after 9 years. At the conclusion of the board's discussion, motion by Ms. Bleck and seconded by Mr. McKee to grant a 1 year extension of time.

**Lebanon Township Planning Board
December 1, 2015
Page 2**

ROLL CALL	Yes:	Mr. Milkowski Ms. Bleck Mr. McKee	No:	Mr. Schmidt Mr. Gerlich Mr. Piasecki Mr. Rich Mr. Weiler Mr. Skidmore	Abstain:	Mr. MacQueen
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Attorney Gallina will prepare the Resolution to be on the February 2, 2016 Agenda.

FYI: Letter from Malick & Scherer, Engrs. re: H.C. Structure L-116 at Trimmer Road over Teetertown Brook sent to NJDEP since some or all work being proposed is in a flood hazard area or riparian zone.

ITEMS FOR DISCUSSION:

a. Budget 2016

The board reviewed the proposed budget for 2016. After a brief discussion, motion by Mr. Piasecki and seconded by Mr. Rich to approve the proposed budget and forward to the Township Committee for consideration. Unanimously approved.

b. The following Board Terms Expire on December 31, 2015:

- Mayor 1 year term
- Committeeman, 1 year term
- Doreen Bleck, 4 year term
- E.J. Skidmore, Alternate I - 2 year term

Chairman MacQueen asked the two regular board members and Mr. Milkowski if they would like to be reappointed for another term. Both Ms. Bleck and Mr. Skidmore said yes. Mr. Milkowski is looking forward to being reappointed as the Class III Committeeman Board Member. Mr. McKee informed the board that he will not be Mayor next year and that the Township Committee will decide tomorrow night who will be Mayor for 2016. The board expressed their appreciation and contribution that Mayor McKee made over the 3 years he sat as the Class I member of the Planning Board.

c. Set date for Reorganization Meeting: January 19, 2016

The board discussed dates for their Reorganization and decided since there was no application pending for January to have the Reorganization on Tuesday February 2, 2016 at 7:00 p.m. Ms. Glashoff said in case of inclement weather she would like to add the 3rd Tuesday of February as a backup. The board agreed.

PRESENTATION OF BILLS & REPORT:

a. Michael Bolan, PP	\$1,396.00
b. Bayer/Risse Engrs.	\$ 510.00
Total:	\$1,906.00

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

CORRESPONDENCE:

- a. Ltr to Toll Bros. re: affordable housing
- b. NJ Planner – September/October 2015

The Chairman will announce that the Board will go into Executive Session at this time and asked for a motion.

Motion by Ms. Bleck and seconded by Mr. Rich to have the board go into Closed Executive Session at 8:00 p.m. Unanimously approved.

RESOLUTION NO: 04-2015

WHEREAS, Section 7(b) of the Open Public Meetings Act 1.1975 c.231 NJS 10:4-12(b)(8) permits the exclusion of the public from Planning Board Meetings where certain matters are to be discussed; 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 Lebanon Township Planning Board is desirous to meet to discuss potential litigation;

**Lebanon Township Planning Board
December 1, 2015
Page 3**

WHEREAS, the Lebanon Township Planning Board will reconvene in public session at the conclusion of the Executive Session;

NOW, THEREFORE BE IT RESOLVED, by the Lebanon Township Planning Board of the Township of Lebanon, Hunterdon County, New Jersey, that this Board met in Executive Session.

The Planning Board will return to the Public Portion of the Regular Meeting at this time.

Motion by Ms. Bleck and seconded by Mr. Piasecki to close the Executive Session and return to the Regular Meeting. Unanimously approved.

Being no further business to come before the board, motion by Mr. Milkowski and seconded by Ms. Bleck to adjourn the meeting at 8:16 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK