

REORGANIZATION AND REGULAR MEETING

**Lebanon Township Planning Board
Municipal Building 520 West Hill Road Glen Gardner, N.J.**

January 12, 2010

The 824th Reorganization and Regular Meeting of the Lebanon Township Planning Board was called to order at 7:00 p.m. by Board Clerk Ms. Glashoff. Present were: Mr. Weeks, Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Rich, Mr. MacQueen, Ms. Bleck, Mr. Weiler, Mr. Piazza, 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 scheduled their Reorganization and Business Meeting for Tuesday January 12, 2010 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 30, 2009 and in the Hunterdon County Democrat on December 31, 2009. Copies of the agenda were 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 January 5, 2010.

Ms. Glashoff asked Attorney Gallina to swear in the following board members.

SWEAR IN:	Jay Weeks, Mayor	Class I	1 Year Term
	Art Gerlich	Class II	1 Year Term
	George Piazza, Committeeman	Class III	2 Year Term
	Gary MacQueen	Class IV	4 Year Term
	Rick Weiler	Class IV	4 Year Term
	Chris Piasecki	Class IV	4 Year Term
	Darryl Schmidt	Class IV	4 Year Term

Congratulations to all appointees.

NOMINATIONS FOR CHAIRMAN:

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

NOMINATIONS FOR VICE CHAIRMAN:

Motion by Mr. Rich and seconded by Mr. Weiler to nominate Ms. Bleck as Vice Chairwoman. Unanimously approved.

NOMINATIONS FOR SECRETARY AND ASSISTANT SECRETARY:

Motion by Ms. Bleck and seconded by Mr. Piazza to nominate Art Gerlich as Secretary and Rick Weiler as assistant secretary. Unanimously approved.

APPOINTMENTS:

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

Mr. Schmidt questioned the appointment of Engineer Symonds since he has represented people that had come before the Planning during 2009. The board briefly discussed this and decided to reappoint Engr. Symonds as an alternate and felt that if there were a conflict, then Ted Bayer from Bayer/Risse Engrs would cover the board meeting in Engr. Risse's absence. Motion by Ms. Bleck and seconded by Mr. Piasecki to appoint all of the above. Unanimously approved.

ADOPT RESOLUTIONS:

- a. Authorizing Agreement for Professional Services*
- b. Annual Notice Schedule 2010*

Ms. Glashoff reviewed for the board the two resolutions for adoption. Motion by Ms. Bleck and seconded by Mr. Piasecki to adopt both resolutions as presented. Unanimously approved.

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ADOPT RESOLUTION FOR PROFESSIONALS ON PAY TO PLAY:

Motion by Mr. Rich and seconded by Mr. Gerlich to adopt the resolution on Pay to Play for the board professionals. Unanimously approved.

ADOPT PROFESSIONALS CONTRACTS:

- a. John Gallina, Esq.*
- b. Michael Bolan, PP*
- c. Bayer/Risse Engrs. (Stephen Risse, Engr.)*
- d. Mark Blount, Esq. (Alternate/Letter of Intent)*
- e. James Kyle, PP (Alternate Planner)*
- f. Jess Symonds, Engr. (Alternate/Letter of Intent)*

Ms. Glashoff informed the board that she has not received the Letter of Intent from Engineer Symonds and will call him tomorrow to check on the status of the letter. Ms. Glashoff also stated that she has not received a formal contract from Planner Kyle but was informed by him that one was forthcoming. The hourly rate for Planner Kyle is \$3.00 less an hour that Planner Bolan. She hopes to have the contract on the next agenda along with Engineer Symonds for approval.

Ms. Glashoff informed the board that all the other contracts are the same as 2009 with no increase in hourly rate. Motion by Mr. Gerlich and seconded by Mr. Rich to approve all the other contracts as presented. Unanimously approved.

APPOINT REVIEW COMMITTEE:

After a brief discussion the following people were appointed to the review committee: Ms. Bleck, Mr. Weiler along with Ms. Glashoff and Mr. Schmidt and Mr. Rich will be alternates when Ms. Bleck or/and Mr. Weiler are unable to attend a review meeting.

Motion by Mr. Rich and seconded by Mr. Schmidt to approve the minutes with a minor correction. Unanimously approved.

FYI: Article regarding Highlands from Josh Rich

ITEMS FOR DISCUSSION:

a. Finalizing Ordinance on Alternative Energy- Planner Bolan

Planner Bolan said the issues the board had from the last review of this ordinance were the maximum amount of kilowatts that were permitted. The board changed the name from Wind Mills to Small Wind Energy Systems. The board discussed sound, abandonment, signs and color. Planner Bolan stated that he went through about 7 different documents that Ms. Glashoff had collected last year. A lot of the information came from the NJ Model Ordinance from the NJ Clean Energy Program. The other was document that came from the American Wind Energy Association. Also ordinances from several municipalities that Planner Bolan said he reviewed in the process of putting our ordinance together. Most of the municipalities besides the NJ Clean Energy Program Model Ordinance all had 100 kilowatts.

Under the Solar Energy portion, Planner Bolan said he added the maximum height for a ground mounted solar energy facility at 15'. Under Small Wind Energy Systems, 3 items were added, "wind generator and the tower shall remain painted or finished in the color or the finish that was applied by the manufacturer, there shall be no signs that are visible from any public road or neighboring property posted on a small wind generator system, sound levels of the wind energy system shall not exceed 50dBA at a common property line". Under the Abandonment provision, if a system is out of service for a continuous 12 month period it will be deemed to be abandoned. The Zoning Officer will issue a Notice of Abandonment. The property owner has 30 days of receipt to respond. If the owner provides information to prove the system has not been abandoned, the notice will be withdrawn. If the Zoning Officer determines that the system has been abandoned, the property owner will be noticed to remove the system. If the owner fails to remove the system within the time allotted the Township will remove the system and the property owner will be billed for the cost with a lien on the property. Also the system shall not cause flickering shadows on adjoining properties. The board discussed this issue at length. During the discussion, Planner Bolan stated the standards for the solar energy are specific enough that the zoning officer can sign off on them, but the small wind energy systems should have a minor site plan application per Chairman MacQueen. Mr. Gerlich concurred stating that the neighbors should be notified because of the flickering and the decimals. The board decided regarding the wood burning furnaces that the zoning officer should be able to handle them also.

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Mr. Rich brought up the subject of the lot sizes and setbacks based on comments Ms. Bleck has made at the last meeting and asked to revisit this. The board agreed and discussed this issue at length regarding the lot size and setbacks for the wood burning furnaces. In the second draft of the ordinance it states 7.5 acres with 200' setbacks. The board discussed whether to change the lot size from 7.5 acres to 5 acres and the 200' setback to 150' setback. At the conclusion of the discussion, motion by Mr. Piazza and seconded by Ms. Bleck to change the lot size to 5 acres and keep the setbacks at 200'. Unanimously approved.

The board decided to have Planner Bolan make the changes and have it on the next agenda of February 2nd for final approval.

b. Application for Tier II Home Occupation for review

Ms. Glashoff informed the board that she had received a phone call from Mr. Weiler regarding the applications for Tier II. Ms. Glashoff contacted Planner Bolan and also forwarded to him copies of applications for Conditional Use and Site Plan to create a separate application for Tier II. Planner Bolan passed out to the board copies of the application for their comments and review. Planner Bolan noted on page 2 the first nine items are what is in the minor site plan. Ten through nineteen are specific to the standards. Planner Bolan said another change that has to be made is strictly a technical change. The way the standards read now the second two types of Home Occupation are under the Conditional Use section. They shouldn't be there but under the Accessory Use standard since they are not Conditional Uses anymore. After a brief discussion, Planner Bolan will make the corrections per the board's request. It was noted that applications are internal and are not done by ordinance. Motion by Mr. Rich and seconded by Mr. Weiler to approve the application to be used for Tier II Home Occupations with a few corrections. Unanimously approved.

c. Update on Highlands Council

Planner Bolan informed the board that the application was filed on time (December 8th). Planner Bolan said the Highlands Council has 45 days to declare it incomplete if it is incomplete. Then they have 60 days to review it and then the board has 90 days to respond and then they (Highlands) have 45-60 days to respond. This whole process will probably take up to early summer. The Highlands had received an extension from COAH until June 8th for the submission of the Housing Plan.. We need to have our Housing Plan done and submitted to the Highlands by June 8th. According the Highlands schedule, we have to send a draft of the Fair Share Plan and Housing Plan by March 1st. The board will need to review it at the next meeting on February 2nd and then finish up on March 2nd in order to send it to the Highlands. The number we will be shooting for is 12 units. Our obligation as of this moment is a least 8 units based on the CO's that were issued from 2004 to 2008. The COAH number was 35. In the submission that the board made in December, we will take the highest number rather than the COAH number. We had also submitted the Excel spread sheet that they needed that showed the documentation of those numbers and the differences between the two.

Planner Bolan said that he and Ms. Glashoff had a meeting with the owner of a residential care facility in the Township and he has offered to work with us in developing the housing plan using existing bedrooms in the residential care facility and said he thought it was an excellent idea. Planner Bolan asked to have this on the February 2nd agenda and hopefully we can get 8 units of credit out of the residential care facility. Mr. Piazza asked that before we adjourn this evening he would like to discuss the accessory apartment ordinance regarding COAH units and credits. Mr. Piazza noted that he had Ms. Glashoff make copies of that ordinance which everyone has in front of them this evening.

d. Resolution for Planning Board review from Township Committee - Highlands

Chairman MacQueen noted this is the second resolution that will be sent to the Highlands. All our comments have been incorporated from the December 1st Planning Board Meeting. Chairman MacQueen referred to the comments by Peter Melick who had all the correct terminology and asked if those comments had been incorporated into the resolution. Planner Bolan said that was not what the instructions had been to him. Planner Bolan said the instructions of what was to be in the resolution was based on the comments made on December 1st and December 2nd by the Planning Board, Township Committee and Peter Melick. But the comments Mr. Melick made on December 2nd did not include all the items that he had in his memo. Planner Bolan said that all the comments are in the resolution. Mr. Rich said the comments on septic systems was not addressed at the Township Meeting on December 2nd. Mr. Piasecki asked about the resolution and did the Township Committee asked Planner Bolan to draft it. Answer was yes. Mr. Piasecki asked why the board is looking at this resolution. Mr. Piasecki was informed that the Township Committee wanted the Planning Board to review this resolution before it was forwarded on to the Highlands Council. The cover memo came from Peter Melick who had attended the Township Meeting on December 2nd along with Mr. Rich, Mr. Schmidt and Chairman MacQueen.

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Planner Bolan reviewed for the board the resolution and the comments that were made. Mr. Rich said in reviewing both the memo from Peter Melick and the resolution by Planner Bolan that Peter Melick did a very good job and Planner Bolan did a very good job on the resolution. Mr. Rich said he felt that the board could tweak Planner Bolan's resolution as follows: #5 should read "The Highlands Council should encourage the Legislature to re-instate the period for dual appraisals", #6 what is missing is "funding for property losses" a dedicated source of funding should be established to compensate the land owners. There had been discussion on funding but it never made it into the law and it was said it would come later, which it did not. Mr. Rich said putting it into the Resolution as a concern is certainly reasonable. Planner Bolan will make the changes and email it to Ms. Glashoff before the next Township Committee Meeting.

e. NJLM Legislative Alert – "Time of Decision"

Ms. Glashoff stated that this was also given to the Zoning Board as an FYI and since Time of Decision affects both boards and asked Attorney Gallina to explain to the board what this will mean to municipalities if it becomes law. Attorney Gallina said this is part of the lame duck legislature, the League of Municipalities has asked all the towns to say that this infringes upon home rule. Attorney Gallina said you apply law that is in affect at the time an application is filed and during the process the town changes an ordinance that would affect the application. What they want to do is have it when an application is filed, they would not be affected by any changes in the ordinances, only what was in affect at the time of filing. The League said it infringes on home rule, if an ordinance is lacking in certain areas, the applicant should have to comply with the amended ordinance. The board asked if this law will pass, Attorney Gallina did not think so.

CORRESPONDENCE:

The board asked for the next meeting date. Ms. Glashoff said February 2nd and told the board what would be on the agenda. Mr. Rich said he would be away and not attending.

Mr. Piazza asked to discuss the COAH ordinance on Supplementary Apartments. Mr. Piazza noted that lot sizes are not required in the Home Occupation Ordinance. Mr. Piazza said when he settled his parents estate he sold the property to his son. There is a barn on the property and it would be perfect for a small apartment. He asked his son if he would be interested because the Township could get a COAH credit for low or moderate income. Mr. Piazza stated he contacted the County Board of Health to see if it would be feasible. The property consists of 1.5 acres in the RC zone. Planner Bolan said that the COAH ordinance was created before the Township changed the zoning. Mr. Piazza said that the County told him he had to have a letter from a certified septic engineer. He was given 3 names and Engineer Risse was one of them. Mr. Piazza said if he can't get approval for a septic, he would be unable to pursue it.

Planner Bolan noted that what happens when people actually find out what the restrictions are and particularly older people. They did not want to restrict their property, a 10 year lean to them is like death. They spend their whole life paying off their house and when the time comes to sign the papers, it all falls apart. It doesn't fall apart on acreage, it is on the amount of money they are getting and the terms of the restrictions. Planner Bolan said we need to be doing something else and that he and Ms. Glashoff will be talking about it.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 490.00
b. Michael Bolan, PP	\$ 2,285.40
c. Bayer/Risse Engrs.	\$ 657.25
Total:	\$3,432.65

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

Ms. Glashoff said that she handed out to everyone an updated copy of the 2010 Budget as a FYI but for Chairman MacQueen to have for when we go to a budget meeting in February.

Mr. Rich said he wanted to discuss something from our previous conversation on COAH. Mr. Rich said it butts the board in an awkward position for Mr. Piazza to be discussing an COAH apartment for his son's property. Mr. Piazza said he has argued this issue several times with the Township Attorney and that we should not do anything with COAH or the Highlands. The Township Attorney informed him that as a Committeeman you don't have that option. Mr. Piazza said he is trying to come up with some COAH units to help for fill our obligation and if my personal thing comes into it so be it. He has brought this up on several occasions. If we can get a couple of people to create some COAH apartments to help off set our obligation and my son is one of them so be it. Mr. Rich felt when someone on the board wants to discuss this they should be sitting in the public section. Mr. Piazza noted that when he brought this subject up before on several occasions he was sitting in the public.

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Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Weiler to adjourn the meeting at 9:10 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK