

**REORGANIZATION & REGULAR MEETING**

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

**January 17, 2006**

*The 781<sup>st</sup> Regular Meeting of the Lebanon Township Planning Board was called to order a 7:09 p.m. by Board Clerk Gail Glashoff. Present were: Mr. Weeks, Mr. Rich, Mr. MacQueen, Ms. Bleck, Mr. Spatz, Ms. Schriver, 1<sup>st</sup> Alternate Piasecki, 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 January 17, 2006 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 28, 2006 & January 4, 2006 issue of the Hunterdon Review also in the Hunterdon County Democrat on December 29, 2005 & January 5, 2006. 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 10, 2006.*

**Ms. Glashoff had Attorney Gallina swear in the following board members:**

<b>Patricia Schriver, Mayor</b>	<b>Class I</b>	<b>1 Year Term</b>
<b>Gary MacQueen</b>	<b>Class IV</b>	<b>4 Year Term</b>
<b>Paul Spatz</b>	<b>Class IV</b>	<b>4 Year Term</b>
<b>Chris Piasecki</b>	<b>Class IV</b>	<b>1 Year Unexpired Term, Alt I</b>

***Congratulations to all the board members reappointed and Mayor Schriver. Mr. Gerlich will be sworn in at the February 7<sup>th</sup> Board Meeting.***

**NOMINATIONS FOR CHAIRMAN:**

*Ms. Glashoff asked for nominations for Chairman. Motion by Mr. Rich and seconded by Ms. Schriver to nominate Gary MacQueen as Chairman. Being no further nominations, motion by Ms. Schriver and seconded by Ms. Bleck to close the nominations for Chairman. Unanimously approved. Congratulations to Mr. MacQueen.*

***At this time Chairman MacQueen took over the meeting.***

**NOMINATIONS FOR VICE CHAIRMAN:**

*Motion by Ms. Schriver and seconded by Mr. Spatz to nominate Ms. Bleck as Vice Chairperson. Being no other nominations, motion by Ms. Schriver and seconded by Mr. Rich to close the nominations for Vice Chairperson. Unanimously approved. Congratulations to Ms. Bleck*

**NOMINATIONS FOR SECRETARY:**

*Motion by Mr. Rich and seconded by Ms. Schriver to nomination Mr. Spatz as Board Secretary. Being no other nominations, motion by Ms. Schriver and seconded by Ms. Bleck to close the nominations for secretary. Unanimously approved.*

**NOMINATIONS FOR ASSISTANT SECRETARY:**

*This appointment will be carried over to a future meeting.*

**APPOINTMENTS:**

*Motion by Ms. Bleck and seconded by Ms. Schriver to appoint the following people:*

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

Unanimously approved.

**ADOPT RESOLUTIONS:**

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

Ms. Glashoff reviewed for the board the Annual Notice Schedule noting the changes for January, May, July, November and December 2006. Motion by Mr. Rich and seconded by Mr. Spatz to approve both resolutions as presented. Unanimously approved.

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**ADOPT RESOLUTIONS FOR PROFESSIONALS ON PAY TO PLAY:**

Motion by Ms. Schriver and seconded by Ms. Bleck to adopt all the resolutions for the following professionals on pay to play:

- a. John Gallina, Esq.
- b. Mark Blount, Esq. (Alternate Attorney)
- c. Planner Michael Bolan, Banisch Associates
- d. Stephen Risse, Engr. Bayer/Risse Engrs.
- e. Jess Symonds, Engr. (Alternate Engineer)

Unanimously approved.

**APPROVE PROFESSIONAL CONTRACTS:**

- a. John Gallina, Esq
- b. Mark Blount, Esq. (Alternate Atty)
- c. Banisch Associates
- d. Bayer/Risse Engrs.
- e. Authorizing Award of Non-Fair & Open Contracts for Professionals

Ms. Glashoff reviewed for the board the contracts received. The only outstanding contract to be approved is for Engineer Jess Symonds. This will be placed on the next agenda. The only contract without any increases was the Engineer's contract from Bayer/Risse. Ms. Glashoff also reviewed for the board the contract for Non-Fair & Open Contracts for Professionals. Motion by Ms. Bleck and seconded by Mr. Rich to approve all contracts presented. Unanimously approved.

**APPOINT APPLICATION REVIEW COMMITTEE:**

*After a brief discussion, the following people will be on the Application Review Committee: Ms. Glashoff, Mr. MacQueen, Mr. Weeks and Mr. Rich. Mr. Piasecki will be the alternate. Motion by Ms. Bleck and seconded by Ms. Schriver to appoint the Review Committee as presented. Unanimously approved.*

**APPOINT VOUCHER REVIEW COMMITTEE:**

*After a brief discussion, motion by Mr. Rich and seconded by Ms. Schriver to appoint Ms. Glashoff, Mr. Spatz and Mr. MacQueen to the Voucher Review Committee. Unanimously approved.*

**PRESENTATION OF MINUTES:**                      *December 1, 2005    Regular Meeting*

*Motion by Ms. Bleck and seconded by Mr. Spatz to approve the minutes with minor corrections. Unanimously approved.*

*December 13, 2005    Regular Meeting*

*Motion by Ms. Bleck and seconded by Mr. Rich to approve the minutes as presented. Unanimously approved.*

**ANNOUNCEMENT:**

*Board Member Josh Rich has completed 35 years of service to the Lebanon Township Planning Board and served in the capacity of Chairman for 30 years. Josh is starting his 36 year as a Planning Board Member in 2006. We wish to thank Josh for his dedication, knowledge and expertise that he has brought to the Planning Board over the past 35 years and we look forward to many more years of the same.*

*Chairman MacQueen thanked Mr. Rich for all the dedication and expertise he has brought to the board over the past 35 years. Mr. Rich received a round of applause.*

**FYI: NJDEP- Highlands Update**

*Chairman MacQueen referred to a grant summary and asked Planner Bolan if he could explain how some of these municipalities got the amount of money they got. Planner Bolan stated that he did not know what the "Municipal Partnership Planning Pilot Assistance" is. The Round 3 for towns that had already had substantive certification which we have, the maximum grant for COAH compliance is \$7,500.00. If you didn't have substantive certification you could get \$12,500.00. Planner Bolan stated that he did not understand the logic of why municipalities would get more money for not being in compliance.*

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*Ms. Glashoff stated she would like to thank Planner Bolan for his help in putting together the Grant Application and the Grant Agreement. Planner Bolan gave the information needed for her to put this whole packet together for the Highlands Commission. Ms. Glashoff informed the board that she would not have been able to complete everything without his help. Ms. Glashoff stated that she has a copy of all the paperwork if anyone is interested in reviewing the documents.*

**NEW BUSINESS:**

*Anthony Hendra*

*Block #65    Lot #19*

91 Red Mill Road  
Glen Gardner, N.J. 08826

Red Mill Road RC 7½

**FORMAL APPLICATION**

*1 Lot Minor Subdivision with Conservation Easement*

*Mr. Hendra owner of the property and Paula Dees from the N.J. water Supply Authority were present to discuss the application.*

*Ms. Dees from the Water Supply Authority made a presentation to the board. The survey of the property was marked into evidence as AI-Survey prepared Carroll Engineering dated 1/5/2006 and revised 1/9/2006. Ms. Dees stated that the cost to Green Acres is \$210,000.00-50%, NJ Water Supply Authority with the funding coming from the Environmental Infrastructure Trust \$105,000.00-25% with the balance of \$105,000.00-25% being paid by Lebanon Township.*

*Engineer Risse stated the property consists of 52+ acres. The applicant proposes to subdivision the property into 2 lots. Lot #19 will consists of 27.067 acres and Lot #19.03 will consist of 23.956 acres with a 3 acre portion being set aside for development of a single family dwelling unit. Ms. Schriver stated that this project started long before the Highlands Act went into effect also, that Eileen Swan sends her apologies for not being able to attend tonight on behalf of the applicant and NJ Water Supply Authority as the Open Space & Farm Preservation Coordinator. Engineer Risse stated that the new dwelling unit can only be used by the applicant or a family member. At this time the following was marked into evidence: A2- Highland Letter dated October 24, 2005 stating Highlands Act-Exempt & Water Quality Management Plan-Consistent. Also marked into evidence: A3-Taxes Paid.*

*At the conclusion of the board's discussion, motion by Mr. Spatz and seconded by Ms. Schriver to approve this 1 lot minor subdivision to conserve almost 49+ acres with an 3 acre exception for a single family house with the following conditions:*

- a. Deeds to be filed and reviewed and approved by the Board Attorney and Board Engineer.*
- b. Approval of all outside agencies having jurisdiction*
- c. Plans to be revised to reflect correct Lot numbers on the parcel being subdivided.*
- d. Once plans are revised, they are to be reviewed by the Board Engineer.*
- e. Before building permits are issued, compliance with the NJDEP- Highlands*

**ROLL CALL**

<b>Yes:</b>	<i>Mr. Weeks</i>	<i>Ms. Bleck</i>	<b>No:</b>	<i>None</i>
	<i>Mr. Piasecki</i>	<i>Mr. Spatz</i>		
	<i>Mr. Rich</i>	<i>Ms. Schriver</i>		
	<i>Mr. MacQueen</i>			

*Mr. Rich made a statement at the time that he voted saying that this subdivision meets all the legal requirements but does not understand why taxpayer money is being used to purchase property that can not be development and with the Highland laws and regulations there would never be development on this property beyond the one lot the board is granting. Chairman MacQueen echoed the same sentiment as Mr. Rich, but since this has been in the works before the Highlands Act went into effect he also voted yes.*

**Attorney Gallina will prepare the resolution for the February 7, 2006 meeting.**

**ITEMS FOR DISCUSSION:**

- a. Stormwater Ordinance – Planner Bolan**

*In speaking with Engineer Risse, Planner Bolan stated that our Stormwater Ordinance has to be completed by March 31<sup>st</sup>. Planner Bolan has a model ordinance that had been prepared by DEP. Planner Bolan informed the board that he and Engineer Risse will meet and work on the Ordinance. Planner Bolan suggested having it on the agenda at a meeting in February. Ms. Glashoff informed everyone what she has scheduled for February. On*

February 7<sup>th</sup> the Hunterdon Learning Center is scheduled for a Public Hearing. February 21<sup>st</sup> is open with nothing scheduled at this time. Planner Bolan suggested having the ordinance on the agenda for February 7<sup>th</sup> following the public hearing.

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**ITEM FOR DISCUSSION: Cont'd**

**b. Planning Board Report - 2005**

*Ms. Glashoff noted that this is a yearly report that she prepares and asked if there were any comments. She will be sending this report on to the Township Committee. There were no comments from the board.*

**c. Master Plan Update**

*Planner Bolan asked why it was on the agenda. Ms. Glashoff stated that she didn't know if there was anything that needed to be done at this time and just included it. Planner Bolan stated at this time there isn't anything we need to do and said that right now probably the most important will be the Highlands. Their Master Plan is due out in June 2006. Then we have between 9-15 months to conform to their Master Plan. Planner Bolan noted the Re-examination Report would normally be due this year based on a 6 year increments based on when the MLUL was first adopted in 1976. We did a re-exam in 2002. We should be good until 2008*

**d. COAH**

*Planner Bolan stated we submitted everything in time to COAH and received a letter back the end of December 2005 that there was one item missing, the Township Resolution and they took care of it and readopted the resolution and have since sent it to COAH. Once COAH has deemed our application complete we will publish a notice which starts a 45 day comment period. After the 45 day comment period, then COAH will do a substantive review of plan. This can take up to 60 days and then we have 90 days to respond. Planner Bolan said that we won't have anything to act on until summer or early fall.*

**e. Growth Share Ordinance**

*Planner Bolan stated when we had a public hearing on December 1<sup>st</sup> we had a version of the ordinance before us. The ordinance was introduced by title and amended substantially when it was adopted on December 7<sup>th</sup>. We had comments regarding this ordinance from our discussion at our December 1<sup>st</sup> meeting. Once the Township Committee adopted the ordinance it was then sent to COAH. At this point we have sent COAH a complete package.*

**f. Tree Ordinance**

*Ms. Glashoff informed the board that last year two members of the Environmental Commission (Sean Kelly & Nancy Lawler) had been working on the ordinance for amendments. At this time, Ms. Glashoff stated that she did not know the status of the ordinance and until we know the status of the Environmental Commission, it is all up in the air. It was put on the agenda to keep it visible and not to have it fall through the cracks. The Environmental Commission felt there were several items that needed to be addressed for amendments.*

**PRESENTATION OF BILLS & REPORT:**

a. John Gallina, Esq. \$470.00

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

**CORRESPONDENCE:**

Chairman MacQueen referred to the correspondence specifically item g, letter from Engineer Risse regarding Davara Industrial Center. Chairman MacQueen asked for an update. Ms. Glashoff stated that the last contact she had from Mr. English was when he dropped off revised plans and he was informed at that time his Escrow Account only had \$180.00 in the Black and that she would need more money before having him appear before the board even if the Engineer stated the application was ready to come before the board, she would still have him considered incomplete because of escrow monies be extremely low. Ms. Glashoff sent a copy of the plans to Engineer Risse for review because of how important this issue is and to keep it moving along. Mr. English is very much aware that in order to appear before the board, more escrow money is needed.

Mr. Spatz referred to the letter from Engineer Risse and stated that Mr. English wants to go from a fiberglass tank to a concrete tank. Mr. Spatz stated he would be very leery about him building anything unless he gets it pre-cast. A structure of this magnitude needs a permit. It also needs reinforcement detail and it has to be at least H20 loaded. Engineer Risse noted that the ordinance requires fiberglass. Mr. Rich questioned why we would want to start changing the ordinance. It was questioned why the Zoning Officer isn't slapping daily fines because he is in violation. Per Mr. Rich this needs to be shut down.

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Chairman MacQueen stated that he had contacted the Zoning Officer regarding this situation because he had seen a truck load of stumps going into the site and was informed by the Zoning Officer not to worry about it that it was not his business, meaning Chairman MacQueen. The Zoning Officer informed him that it was his business and that Tree Cycle can operate a firewood operation. The Zoning Officer stated he was informed that they were only running a firewood operation and he believes them. Chairman MacQueen asked about the CO. Ms. Glashoff informed the board that Mr. English was granted a TCO for 60 days in order for him to install the fire tank. When the 60 days expired on November 30, 2005, the Construction Official was told by the Township Attorney Phil George to grant an additional 45 day on the TCO. The 45 days expired on January 14, 2006. Chairman MacQueen asked who is responsible at this point. Attorney Gallina noted that the board has sent several resolutions to the Township Committee regarding enforcement. Ms. Glashoff informed the board that she had received a phone call from the DEP enforcement section who was also reviewing the Recycling Plan submitted by Tree Cycle. She was told that they had done an inspection and felt that Tree Cycle was in business running an operation. Ms. Glashoff told the person from DEP to contact our Zoning Officer who had granted permission to do something regarding tree stumps on the site and that the Zoning Officer could fill him in all the details. Since that time, another inspector from DEP has gone to the site. The person from DEP informed Ms. Glashoff that even though Tree Cycle has approval from the County they do not have any approvals from the State and that is the bottom line.

Chairman MacQueen noted that the property is owned by Mr. English and he is the one in trouble because the tank has not been installed. Mr. Piasecki noted that two weeks ago on a weekend, Tree Cycle had several machines running and moving stumps around with a cloud of smoke you couldn't see anything. Attorney Gallina noted that the Planning Board does not have jurisdiction, it is the Township Committee that would have to act on this. At this point Mayor Schriver asked Ms. Glashoff to prepare a memo to the Township Committee for tomorrow night's meeting regarding this situation. Ms. Glashoff informed the board that she had contacted Attorney Gallina today because she was informed by the Zoning Officer that Tree Cycle wants permits to install an Office Trailer and to install a retaining wall. Ms. Glashoff stated that a trailer would be Township jurisdiction. The Zoning Officer informed her that he would not issue any approvals.

Chairman MacQueen stated that right now we need Davara to comply with the Resolution that states a fire tank is to be installed which he has not done. Ms. Glashoff stated that she will contact the Construction Official for an

*update and to find out if another extension of time has been issued. She wants to include her conversation with the Construction Official in her Memo to the Township Committee so they will have all pertinent information to date. It was questioned why the Township Attorney was involved and had granted an extension on the TCO. Mr. Rich in speaking with Attorney Gallina was informed that the Zoning Officer must file a complaint at the Municipal Court and Davara will be fined daily and will have to cease operation. This moves it into the court system where fines can be applied. Attorney Gallina noted that the Township Committee can also file in Superior Court if the Township is looking for injunctive relief. Per Chairman MacQueen, this needs to be taken care of ASAP. Attorney Gallina informed Mayor Schriver that all this needs to be discussed with the Township Committee and Township Attorney.*

***OPEN TO THE PUBLIC***

*When opened to the public, Darryl Schmidt made a comment regarding the 25 acre zoning and 88 acre zoning that was put into place back last May by the NJDEP.*

*Being no further business to come before the board, nor comments from the public, motion by Mr. Spatz and seconded by Ms. Bleck to adjourn the meeting at 8:37 p.m. Unanimously approved.*

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***CHAIRMAN GARY MACQUEEN***

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