

REGULAR MEETING

Lebanon Township Planning Board
Municipal Bldg 530 West Hill Road Glen Gardner, N.J. 08826

February 2, 2010

The 825th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:02 p.m. by Chairman Gary MacQueen. Present were: Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Ms. Bleck, Mr. Piazza, Mr. Weiler, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Rich & Mr. Weeks.

This meeting was noticed in the "Annual Meeting Notice Schedule" adopted by this board on January 12, 2010, mailed to the Hunterdon Review, Hunterdon County Democrat, Courier News, Express Times, Star Ledger and posted on the bulletin board in the Municipal Building on January 26, 2010.

PRESENTATION OF MINUTES: January 12, 2010 Reorganization/Regular Meeting

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

ADOPT PROFESSIONAL CONTRACTS:

- a. Jim Kyle, PP, (Alternate/Contract)
- b. Jess Symonds, Engrs (Alternate/Letter of Intent)

Ms. Glashoff reviewed for the board the two contracts from Planner Kyle and Engr. Symonds and informed the board that the hourly rate for the Planner is in line with Planner Bolan's rate and Engr. Symonds hourly rate is the same as last year. Motion by Ms. Bleck and seconded by Mr. Piasecki to adopt both professional contracts as presented. Unanimously approved.

ITEMS FOR DISCUSSION:

a. Alternative Energy Ordinance – Planner Bolan (Final Draft)

Planner Bolan said there weren't many changes and he went through the changes that were made at the January meeting. At the conclusion of the board's discussion, motion by Mr. Gerlich and seconded by Mr. Piasecki to approve the changes and to forward the ordinance on to the Township Committee. Unanimously approved. Ms. Glashoff said that it will be on the Township Committee's agenda for Introduction on February 17th with a Public Hearing on March 17th.

b. Fire Protection Ordinance Procedures – Warren Gabriel (Chief, Fire Dept.)

c. Amend Checklist to include copy Site Plan for Fire Dept. – Warren Gabriel (Chief, Fire Dept.)

Mr. Gabriel said that the only issue they are running into now is getting the tanks into the ground. The ordinance states that no building permits are to be issued until the tank(s) are in the ground. There are buildings up now that are ready to be occupied and the tank is not in the ground. Mr. Gabriel said that we had an issue when an applicant came back with a hardship and asked to downsize the tank which was okay because it was designed for the building but he had agreed to put in one size and now can't afford it and is now going to cut back on the fire protection tank. The Crossroads Camp is supposed to put in a 30 thousand gallon tank and found out that they already have a building built and he was contacted to find out where to put the tank. Mr. Gabriel stated he met with the Project Manager of the camp two years ago for the placement of the tank and they were going to get started but nothing happened.

Mr. Gabriel said these tanks have to get in prior to any building permits being issued. Ms. Glashoff asked about Mohawk Oil. Mr. Gabriel said with Mohawk it was agreed to wait until everything was done, but now they have a problem because where the tank was to be placed is where the water main runs which is where they wanted to put the tank in. Chairman MacQueen asked for input from Engineer Risse. Engineer Risse informed the board he contacted Tewksbury Township Construction Dept. to get a copy of their procedures before they issue a building permit which is a checklist. Mr. Gabriel noted that Ms. Glashoff sent them a letter along with the ordinance two

years ago and it is still not being followed. Mr. Gerlich asked if it was the responsibility of the Zoning Officer to make sure all the conditions are met. Engineer Risse said no. The board continued to discuss this issue at length. Engineer Risse said there is a step between when the Site Plan is approved and before they order the tank we get cut sheets and whoever is going to put the tank in the ground gets the cut sheets from the manufacturer and then should turn them in to Mr. Gabriel and himself for them to look at. This should have been done before permits were issued. The board agreed and said it would prove that everything is in motion. There should be a purchase order or cancelled check. In conclusion, Engineer Risse will contact Tewksbury Construction and ask to have this on their checklist. Mr. Gabriel suggested having the final set of plans (as-built) to show that the tank has been put in the ground.

- d. COAH Obligation Units – Planner Bolan**
- e. Housing Plan Draft Highlands – Planner Bolan**

Planner Bolan referred to the memo stating that he summarized about 10-12 different sections which are within the two programs that he has discussed with the board, the Residential Care Facility and Accessory Apartments. What is in this memo is the basis of what will be submitted to the Highlands. March 1st is for the submission of the draft Housing Plan and Fair Share Plan preliminary. The draft Housing Plan is

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the background information about demographics and housing units etc. This has all been completed. This was done twice and nothing was changed. We submitted when we did the 3rd Round and then that changed with the court decision and he did it again in 2008. Planner Bolan said he spoke to COAH about the Residential Care Facility. Right now the Highland towns are not on their radar at COAH. This plan will be converted into the Fair Share Plan easily. We will meet the total number of 10 and the rental obligation by doing the Residential Care Facility and also have age restricted units. This is really what the plan consists of. These are the things they (COAH) have limitations on in terms of you have to have 25% of units be rental units and no more than 25% can be age restricted units. The plan has to be designed around those numbers. The number from COAH was 35 affordable units and the number from the Highlands calculations that was 12 affordable units and we have an obligation now of 8 affordable units. In the time period from 2004 we have issued 31 CO's and divide that by 4 to come up with the obligation.

Planner Bolan stated with our affordable obligation of 12 units, the rental obligation is 3 units. Once we satisfy that obligation that's when you get extra credits. It is different from how it was in the past rules. Referring to the Accessory Apartments, at least 50% of the units within the municipality have to be family housing units and the Residential Health Care Facility would not count. At least 50% of the rental obligation has to be family housing which would mean of the 3 rentals 1.5 have to be family and 1.5 have to be non-family. COAH will round the 1.5 off to 2 units. Six bedrooms of a Residential Health Care Facility can count as units. This sets the total perimeters that we have to meet. Planner Bolan said he is submitting a memo to COAH to confirm his interpretation of how these different regulations operate. When talking to our Planner at COAH she suggested looking at 5:97-6.10 for special needs housing and also need to look at the municipally sponsored and the market to affordable. The most difficult standard to address is 5:97-6.10 which indicates that all bedrooms shall be affordable to low-income households. Depending on how the occupancy standard is interpreted, the household is either \$771.00 per month or \$826 per month. Depending how the occupancy standard is interpreted. Planner Bolan stated that he asked COAH how do you calculate the maximum rent. Is it on the bases of a 1.5 person household or a 1 person household.

The other important provision is 5:97-6.9(b)3 that indicates the municipality shall provide a minimum of \$30,000.00 per unit to subsidize each low-income unit which would be a bedroom. The maximum cost to the Township for 6 units is \$180,000.00. With the accessory apartment ordinance, the existing ordinance has not be rescinded but is no longer applicable. Since the township was unable to fulfill there obligation, COAH ordered the Township to replace the apartment program with something else. The Township did an RCA with Lambertville. If we do 6 units of

residential care facility and 6 units of accessory apartments, the apartments have to be family units because the standard says 50% of the units have to be family units. The other area covered was how the lot areas came about. There was no RC zone at the time the ordinance was enacted in 1999. In the B2 zone it was based on the approval of a septic system since the lots were under 1.5 acres. Mr. Piazza said that he thought all these accessory apartments should be based on septic systems not lot size. If you can't get County Board of Health approval then you can't have an accessory apartment. Mr. Piazza noted that the new Home Occupation Ordinance does not have any zoning restrictions or requirement for lot size. Ms. Glashoff being the COAH Housing Liaison questioned the \$20,000.00 for moderate income and \$25,000.00 for low income available for accessory apartments and wanted to know if that amount was sufficient considering costs today and asked if we shouldn't consider increasing the amounts. Planner Bolan noted that it is a minimum amount. Ms. Glashoff asked if there is a maximum amount that can be borrowed. Planner Bolan said for now we are only submitting a preliminary by March 1st, the final document has to be submitted by June 8th.

Planner Bolan asked Engineer Risse if someone is adding a dwelling unit what has to be done regarding the septic system. Mr. Piazza said his argument has been, the 5 acres and the real concern is whether or not a septic system can be installed or expanded and work. Engineer Risse said you would only need approval from the County not the DEP unless the system was 2000 gallons or greater. Both Planner Bolan and Engineer Risse agreed that Highlands approval would be needed for the septic. Planner Bolan noted that there would be only 1 accessory apartment permitted per lot. If you have more than one apartment you are changing the character of the area from single family to multi-family. That was the rationale of the board when they had discussed accessory apartments. In reviewing the ordinance for affordable housing, it states that you can not restrict the number of bedrooms. You could restrict the number of bedrooms by the size of the apartment. During the discussion, Planner Bolan said that the issue is going to be the lot size. Chairman MacQueen asked Planner Bolan to give a quick history on why they stayed with the current lot size.

At the conclusion of the board's discussion, Ms. Glashoff asked what she wanted on the March 2nd agenda. Ms. Glashoff stated that the Zoning Officer would like to come before the board to discuss the Home Occupation Ordinance, Fees and some other items. The board decided to cancel the March 2nd meeting and the next meeting will be on April 6th. Ms. Glashoff will inform the Zoning Officer and she will have him put together a memo with his concerns and recommendations for the April 6th meeting.

The board briefly re-discussed the fire tanks and private road issue. Ms. Bleck asked if Engineer Risse was going to have something on the Construction Dept Checklist regarding private roads. Engineer Risse said yes.

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PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 420.00
b. Michael Bolan, PP	\$ 984.20
Total:	\$ 1,404.20

Ms. Glashoff said she had one additional bill. The bill is from Engr. Risse in the amount of **\$298.75**. This brings the grand total to **\$1,702.95**. Motion by Mr. Gerlich and seconded by Mr. Piasecki to approve the bills as amended. Unanimously approved.

CORRESPONDENCE:

- a. Major Site Programs Affecting Land Use – Handed out at meeting
- b. Protecting Our Streams – Handed out at meeting

- c. HC News 1/25/10 COAH
- d. Article - Wind Power Grows 39% for 2009

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 8:10 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK