

REGULAR MEETING

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

February 3, 2009

The 816th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:06 p.m. by Chairman Gary MacQueen. Present were: Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Rich, Ms. Bleck, Ms. Schriver, Mr. Weiler, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Weeks

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 13, 2009, 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 28, 2009.

SWEAR IN: Patricia Schriver, Mayor Class I 1 Year Term

Attorney Gallina swore in Mayor Schriver for a 1 year term as Class I. Congratulations to Mayor Schriver.

ADOPT PROFESSIONAL CONTRACT:

a. Jess Symonds, Engr. (Alternate Engr.) - Letter of Intent

Ms. Glashoff read the Letter of Intent received from Engineer Symonds. Motion by Ms. Bleck and seconded by Ms. Schriver to adopt the Letter of Intent of Engineer Symonds for 2009. Unanimously approved.

PRESENTATION OF MINUTES: January 13, 2009 Reorganization & Business Meeting

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

NEW BUSINESS:

Crossroads Camping & Retreat Center Block #51 Lot #13
c/o Greg Smith Pleasant Grove & Sharrer Road RC Zone
17 Smith St.
Hampton, N.J. 08827

PUBLIC HEARING Conditional Use with Site Plan

Attorney George Dilts was present along with Engineer John Hansen and Greg Smith Project Manager for Crossroads. Attorney Gallina announced that all the notices are in order and the board can proceed with the public hearing. The following items were marked into evidence: **A1**-Notice to Property Owners, **A2**-Certified List of Property Owners, **A3**-Notice in Newspaper, **A4**-POD Slips, **A5**-Affadivit of Proof of Service, **A6**-H.C. Planning Board Approval Letter dated January 15, 2009, **A7**-Taxes Paid, **A8**-Settlement Agreement from the Office of Administrative Law dated November 30, 2007 & December 20, 2007, **A9**-Letter from NJDEP dated July 29, 2008, **A10**-Letter from NJDEP dated July 9, 2008.

Attorney Dilts had Greg Smith and Engineer Hansen sworn in at this time. Attorney Dilts had the Site Plan marked into evidence. **A11**-Preliminary & Final Site Plan consisting of 8 pages prepared by Engineer Paul Ferriero dated November 5, 2008. Engineer Hansen stated the property consists of 240 acres in the RC zone on Sharrer and Pleasant Grove Roads. To the Southwest is the R1½ zone and to the South is the R3 zone. There is one (1) well that serves the Camp along with several septic systems throughout the property. The property lies completely in the Preservation Zone of the Highlands. There are some environmental constraints along the fringes of the property, nothing with the developed area. The owners of the camp are N.J. Synod Evangelical Lutheran Church of America. Attorney Dilts noted that camps are a Conditional Use in residential zones. Engineer Hansen stated that they meet all the conditions of the conditional use. In Section 400-11b, there are 5 conditions in the Conditional Use standards and the camp operates under those conditions and will continue to operate within those conditions. Engineer Hansen gave an overview of the improvements that the camp is looking to accomplish. On

page 3 of 8, which is the overall Site Plan. The applicant is looking to build a Retreat Center consisting of 9,589 square feet, a one (1) story building with a basement. The Retreat Center will have a new access which will be a looped access under a canopy and will be paved to provide access circulation around the Pavilion. The existing Director's house which is located in the center of the facility will be converted into offices. The new Director's house will consist of 4 bedrooms and constructed in the southern area along Sharrer Road. Another component of the proposal is to expand the existing gravel parking area by 10' so there is sufficient area for cars to park on both sides of the parking area. Also as part of the expansion and to bring the fire safety up to a level they will install a 30,000 gallon fire tank which will meet the requirements of the Lebanon Township Ordinance. This has been reviewed and approved by the Fire Official. They plan on new utilities along with the septic systems being fully upgraded. The only septic systems that won't be upgraded will be for the existing Director's house, the Lodge and the Evergreen section of the camp located in the northern area.

Regarding Stormwater Management for both of the new structures will be managed by dry wells. They have done soil logs and permeability tests on site. The results have been given to the Board Engineer for his review.

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Engineer Hansen discussed the settlement agreement at this time. The camp will need to remove 3 Tent Platforms consisting of 20 beds each; also to off set the improvements, they will need to remove 1200 linear feet of gravel driveway which is located in the eastern portion of the camp which consists of 10,800 square feet of impervious coverage, to have the net coverage meets the Highlands requirements. Engineer Hansen went on to say that when the Highlands Act came into play, the applicant submitted this plan to the NJDEP back in 2005 for a Highlands Exemption. Near the end of 2005, the DEP informed them that they were not exempt and were not consistent with the water quality of Lebanon Township. The Church asked for a meeting with an Administrative Law Judge and DEP. Out of that meeting came a settlement. In that settlement was the approval for the Retreat Center with the coverage shown on the plan, the Director's House in the new location, the gravel parking area expansion and to off set it the camp was required to demolish the Tent Platforms and pull out the impervious coverage. Another condition was since the septic systems were going to be upgraded, they had to amend the water quality plan and apply for Treatment Works Approval Permit since they are greater than 2000 gallons per day and a NJPDES Permit. They will have a reduction of waste water flow of 950 gallons per day by eliminating the 60 beds. Everything will still be served by the existing well. There is a central 5000 gallon pressure tank that stores the water and then distributes throughout the facility.

Regarding outside agencies, they have approval with no conditions from H.C. Planning Board, still waiting on H.C. Soil Conservation and they have approval from NJDEP. Regarding parking, the camp basically will operate the same way. People will be coming with cars and there are also buses that will be dropping people off. There is ample parking. There will be no change in lighting except for the Retreat Center which will have building mounted lighting only. It will be low level lighting. There will be no on-site lighting.

Engineer Hansen commented on the ROW dedication and informed the board that Sharrer Road has a ROW of 33' and Pleasant Grove Road is also 33'. The ordinance requires 50' ROW. At the conclusion of the ROW discussion, landscaping was discussed briefly. Engineer Hansen noted there is no formal plan. There will minimum landscaping around the Retreat Center and at the Director's House; they will do their own landscaping. Moving on to the plans for the Retreat Center. Attorney Dilts had the plans marked into evidence. **A12-2** sheets prepared by an Architect from North Carolina dated October 1, 2008. The Project Manager Greg Smith reviewed for the board the 2 page plans for the Retreat Center. The architectural for the Director's house was marked into evidence. **A13-** Plans dated October 1, 2008, 2 story Colonial, 2 car garage, 4 bedrooms and 2 ½ baths. At the conclusion of Mr. Smith's testimony, Engineer Hansen reviewed the Conditional Use standards stating the applicant meets all the standards in the ordinance. Engineer Hansen noted the Retreat Center is 600' from the property line; the Director's new house is 51' off the ROW with the Directors house being 250'-275' from the property line. Sheet two shows the entire property. There will be a minimum of retail sales and restricted to members and their guests.

At the conclusion of the testimony, the board had questions for Engineer Hansen. Questions being asked dealt with the septic system, the ROW, utilities wires being under versus above ground, lighting, and Highlands's approval. Chairman MacQueen asked Engineer Risse for his input regarding the Utility crossings. Engineer Risse stated on the checklist it requires plans and profiles of utility crossings and there are a couple of spots where sewer lines are crossing other lines. Chairman MacQueen asked about the ROW for existing improvements on Sharrer Road and Pleasant Grove Road. Is this a ROW the Board should ask for? Planner Bolan said the half width would be 8.5' the difference between the 33' and the 50'. It would be done as an easement. It doesn't affect the setbacks and secondly the Township doesn't own it. Planner Bolan said it doesn't seem that we really need it. If there were a lot of land that could be developed then we would probably be interested in the extra footage. Chairman MacQueen asked Planner Bolan if he had any questions of the applicant. Planner Bolan responded stating he had two questions. Since the design flow is over 2000 gallons, do we need to do something with a wastewater management plan amendment? Engineer Hansen stated that it has already been amended. The other question was referring to one of the Conditional Use Standards which is "No building shall be located within 100' of any property line and 50' of the ROW of an existing road." Planner Bolan noted that the new Director's house is within 100' of a property line but the front lot line being the property line. Engineer Hansen responded saying the 100' from the property line except if you are a ROW which is also a property line. Planner Bolan said with that the general setback standard in the RC zone is 50'. If you were only coming in with a residence on the 242 acres you would have a 50' setback.

Engineer Risse said that all his questions have been answered. Chairman MacQueen opened the hearing to the public for questions of testimony given by Engineer Hansen. The following person asked many questions of the testimony given; David Como an adjoining property owner. At the conclusion of the public questions, Chairman MacQueen asked if there were any questions of the board professionals. There were none. The hearing was then opened to the public for comments and statements. There were none. Chairman MacQueen announced that the public portion of the hearing is now closed.

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The board deliberated at this time. At the conclusion of the board deliberations, motion by Mr. Piasecki and seconded by Ms. Schriver to grant the Conditional Use with Site Plan with the following conditions:

- a. Approval from all outside agencies having jurisdiction.

ROLL CALL	Yes: Mr. Schmidt Mr. Gerlich Mr. Piasecki Mr. Rich	Mr. MacQueen Ms. Bleck Ms. Schriver Mr. Weiler	No: None	Absent: Mr. Weeks
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Attorney Gallina will prepare the Resolution to be on the next Agenda of March 3, 2009

ITEMS FOR DISCUSSION:

a. Home Occupation Subcommittee - Update Report

Attorney Gallina informed the board that Planner Bolan will be drafting an ordinance which will consist of 3 tiers. Tier I, being exempt, Tier II, you would need a permit and Tier III, and you would need a Minor Site Plan Approval. Attorney Gallina noted that some parts of the Montgomery Township Home Occupation ordinance will be utilized. Planner Bolan informed the board at the present time, we do not have a Minor Site Plan Application. All Site Plans have to follow the Checklist for Major Site Plans. The Sub-committee recommended that a Minor Site Plan which would include small expansions in a non-residential zone. Also, we have a two tier

Conditional Use Standard for Home Occupations. The first is the Conditional Use with 12 conditions that have to be met the other is the Exempt Home Occupation, if you meet the criteria, you do not have to go before the board for approval. With the 3 Tier, the first one would mean an administrative process through the Zoning Officer, the second Tier would be equivalent to the Exempt Home Occupation that we have now, the third Tier would be meeting the criteria of the Conditional Use Standards and getting Planning Board approval.

b. Alternative Energy Subcommittee - Update Report

Planner Bolan informed the board the subcommittee looked into four alternatives: Solar, Geo Thermo, Wind Mill, Outdoor Wood Burning Furnaces. Planner Bolan noted there is conflicting information between the County Board of Health and NJDEP and EPA regarding Outdoor Wood Burning Furnaces. The Subcommittee went through all the information and at their recommendation to have Attorney Gallina draft a letter to NJDEP. Attorney Gallina stated that once the furnaces are installed they have to meet the air pollution standards. There are eight models that comply, which meet EPA voluntary standards of 2010. Chairman MacQueen said that Attorney Gallina wrote a good letter which he signed and it will go out in the mail. Planner Bolan referred to the letter to NJDEP and that we want them to provide the standards which needs to be included in the letter. Once we draft an ordinance we need to say that you have to comply with the NJDEP standards. Attorney Gallina will amend the letter and send it via email to Ms. Glashoff.

Chairman MacQueen stated that under the discussion items, Mr. Rich & Mr. Piasecki had an item they wanted to discuss with the board. Mr. Piasecki said that the subject of the board not being busy was brought up. Mr. Piasecki thought it might be time to consider having one board. A board that could function more consistently and efficiently. Ms. Glashoff followed up and having it as a topic of discussion with input from Attorney Gallina on what it would take and what the implications would be. Attorney Gallina said when you consolidate a board, under MLUL; you would just have a Planning Board with the powers of the Board of Adjustment. Attorney Gallina reviewed the MLUL and the Zoning & Land Use book by William Cox. Attorney Gallina stated that some towns have abolished both boards and created a Land Use Board and there is no statutory authority to do this. Also to do this the Township would have to do a referendum. Planner Bolan questioned municipalities over 15,000. Attorney Gallina referred to MLUL 40:55D-25c. This section refers to municipalities 15,000 or less. Mr. Schmidt asked if something changed and it warranted reverting back to two boards, would this be a problem. Attorney Gallina answered no.

Chairman MacQueen noted the problems that Tewksbury has faced since they went to a Land Use Board. The problem is having those Planning Board members understand how a Board of Adjustment works. There are two distinct mind sets for the boards. Making the adjustment can be difficult. The Board of Adjustment is run like a court. Planner Bolan stated that you are taking 18 people and reducing it down to 11. Per Chairman MacQueen's comment, the mind set as a Board of Adjustment member versus the mind set of a Planning Board member is considerably different. The Board of Adjustment is constituted because the MLUL realizes ordinances can't be perfect and it is acknowledged that in some cases you have to give relief. When a Planning Board gives relief it is on either a Subdivision or a Site Plan application. Different standards apply depending on the size of the property. There is a different approach that is taken depending on which board the applicant is before. Mr. Piasecki stated that it is important the leadership that can go both ways. It was noted that Chairman MacQueen sits on both boards.

Chairman MacQueen asked Attorney Gallina to look into the legality and to see if it is something we need to consider. The board agreed. Mr. Gerlich as Ms. Glashoff to put together the list of meetings and applications from over the past two years to see if it makes sense to move forward.

Planner Bolan informed the board that he is one of the instructors that will be teaching the Planning & Zoning course at Somerset Vo-Tech on February 28th. Ms. Glashoff stated she will be also their on behalf of NJPO.

CORRESPONDENCE:

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq. \$1,260.00

Ms. Glashoff informed the board she had additional bills which are on the amended Bill Report and Agenda Addendum. Also there is a bill for \$25.00 for her County Planning & Zoning Luncheon/Seminar for March 11th. This is split between the two boards. It brings the new total to: \$2,614.60. Motion by Mr. Gerlich and seconded by Mr. Piasecki to approve the bills as amended. Unanimously approved.

Ms. Schriver informed the board of the Township Dinner that will be held on March 28, 2009 at 6:00 p.m. The dinner will be held at the Bloomsbury Firehouse where it was held last year. It was noted the food was very good. Ms. Schriver said she hopes the members of the board will attend.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Ms. Schriver to adjourn the meeting at 8:35 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK