

**REGULAR MEETING**

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

**February 7, 2006**

The 782<sup>nd</sup> meeting of the Lebanon Township Planning Board was called to order at 7:05 p.m. by Chairman Gary MacQueen. Present were: Mr. Gerlich, Mr. Rich, Ms. Bleck, Ms. Schriver, 1<sup>st</sup> Alternate Piasecki, 2<sup>nd</sup> Alternate Schmidt, Attorney Gallina, Planner Bolan and Engineer Risse.

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 17, 2006, 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 31, 2006.

**SWEAR IN:** Art Gerlich Class II 1 Year Term  
Darryl Schmidt Class IV Alternate II 2 Year Term

Attorney Gallina did the honors and administered the oath of office to Mr. Gerlich and Mr. Schmidt.

**PRESENTATION OF MINUTES:** January 17, 2006 Reorganization/Business Meeting

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

At this time Chairman MacQueen suggested that we appoint an alternate to the voucher committee and the assistant board secretary.

**APPOINT ALTERNATE TO VOUCHER COMMITTEE:**

Motion by Ms. Schriver and seconded by Mr. Gerlich to appoint Ms. Bleck as the alternate to the voucher committee. Unanimously approved.

**APPOINT ASSISTANT BOARD SECRETARY:**

Motion by Ms. Bleck and seconded by Ms. Schriver to appoint Mr. Gerlich as the assistant secretary. Unanimously approved.

**RESOLUTION:**

Anthony Hendra Block #65 Lot #19  
1 Lot Minor Subdivision/Conservation Red Mill Road RC 7½  
Easement with conditions

After a brief discussion by the board, motion by Ms. Bleck and seconded by Ms. Schriver to adopt the resolution for a 1 Lot Minor Subdivision and Conservation Easement with conditions as corrected.

**ROLL CALL** Yes: Mr. Piasecki Ms. Bleck No: None Abstain: Mr. Gerlich  
Mr. Rich Ms. Schriver Mr. Schmidt  
Mr. MacQueen

**PROFESSIONAL CONTRACT:**

a. Jess Symonds, Engr. – Biggs Engineering (Alternate Engr.)

Since the contract has not been received as yet, Chairman MacQueen asked to have this placed on the next agenda of February 21, 2006.

**EXTENSION OF TIME TO FILE DEEDS:**

C&C Homes  
Minor Subdivision with conditions

Block #34 Lot #2  
West Hill Road RC 7½

Attorney Guliet Hirsch was present to discuss an additional extension of time on the minor subdivision of C&C Homes. Attorney Hirsch stated that she had been in before the board back on November 1<sup>st</sup> to request an extension of time to file the deeds in anticipation of receiving the letter from NJDEP-Highlands with the exemption. At that time, the board granted an extension to February 21, 2006. Attorney Hirsch informed the board that they have been told by NJDEP that a letter of exemption is forthcoming but as of this date the applicant has not received the letter. Attorney Hirsch asked the board to extend the time by a couple of months. The board asked if 3 months would work for them. Attorney Hirsch answered yes. Motion by Mr. Rich and seconded by Mr. Piasecki to grant a 3 month extension of time effective February 21<sup>st</sup> to May 21, 2006. Unanimously approved.

**Attorney Gallina will prepare the resolution to be on the next agenda of February 21, 2006.**

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**NEW BUSINESS:**

Hunterdon Learning Center  
37 Hoffman Crossing Road  
Califon, N.J. 07830

Block #16 Lots #17 & 20  
Hoffman Crossing Road RC 7 ½

**PUBLIC HEARING**

Site Plan

Ms. Schriver informed the board that she is stepping down from this application due to a conflict of interest. Attorney Michael Selvaggi was present to represent the applicant along with Engineer Jess Symonds, Planner/Architect Frank Mileto and Executive Director of the Hunterdon Learning Center Toby Lloyd.

Attorney Gallina asked Ms. Glashoff if Taxes were paid and current. Ms. Glashoff informed Attorney Gallina that the taxes were paid, but she had not gotten written conformation from the Tax Collector. Attorney Gallina announced that the notices are in order and the Planning Board can proceed with the hearing. The following items were marked into evidence: **A1**-Notice to Property Owners, **A2**-Certified List of Property Owners, **A3**-Affadavit of Proof of Service, **A4**-Notice to Newspaper and POD Slips. Proof of taxes paid can be a condition of any approval per Attorney Gallina.

Executive Director Toby Lloyd was sworn in to give testimony. Mr. Lloyd stated the Learning Center is a private school who accepts students from approximately 8 counties, 36 school districts for the purpose of education and counseling with a population of 78. The children who attend the school have a problems struggling with traditional school settings and are generally classified as having behavioral disabilities. Mr. Lloyd stated that the purpose for the pavilion is to accommodate the recreational outdoor programs. They have a classy graduation ceremony that they offer the students for 8<sup>th</sup> grade and 12<sup>th</sup> grade graduations. The other addition is for an art room facility. Mr. Lloyd stated that besides an art room they would evidentially like to have a music room in the same building. They have many students who are artistically talented and musically talented. The size of the art building purposed is 24'x68'. They are not looking to expand the population of the school, but to offer more to the students they have.

At the conclusion of Mr. Lloyd's testimony, Chairman MacQueen asked if the board had questions. Planner Bolan asked if the school was non-profit. Mr. Lloyd answered yes. Planner Bolan asked how they are affiliated with the school districts. The school districts that have students attending pay for their tuition. The student is still considered part of their sending district except that they take all their classes at the Learning Center. The academic criteria are the same as all the public schools in the state. They are monitored by the state.

Mr. Schmidt asked how the children are transported to their school. Mr. Lloyd stated by either the small schools buses or vans. Planner Bolan questioned the size of the building. Attorney Selvaggi said this will be covered with the engineer. Planner Bolan asked how many teachers are in the arts & craft. Mr. Lloyd stated currently 1 and 5 teachers in the music program.

Engineer Jess Symonds was sworn in to give testimony. Attorney Selvaggi had the Site Plan marked into evidence. A6-Sheet 2 of 7 dated June 6, 2005 and revised August 1, 2005. Engineer Symonds stated currently on the site are 10 structures. This site consists of two lots. Lot #17 consists of 10 acres and Lot #20 is approximately 80 acres per Engineer Symonds. At this time page 5 of the Site Plan was marked into evidence: A7-Site Plan page 5 of 7. The art building will be located on Lot #17. The building will be 68x24 with a deck located in the back and a small porch in the front. Engineer Symonds referred to the underground retention pits. Any Stormwater from the building will go towards the driveway and will flow north to a swale along the parking lot. All Stormwater runoff will be handled per the State Stormwater Management Regulations. The pavilion will be located on Lot #20, will have a concrete slab and the dimensions are 70x35. Engineer Symonds stated that in his discussions with Engineer Risse the fire tank will be 10,000 gallons. Mr. Butters has spoken with Fire Chief Warren Gabriel regarding the placement of the fire tank.

Engineer Risse asked what provisions are being made for the disposal of art waste like paint thinners, paint etc. Mr. Lloyd stated that at present they dispose of art bi-products in a dumpster. The art department does not use any hazardous products; it is prohibited by state law. Attorney Gallina asked if there were fire prevention methods in-place. Mr. Lloyd responded by saying this is what the fire tank is for. Chairman MacQueen asked if the pavilion was going to have water and electric. Engineer Symonds said that the pavilion will have electricity but not water. There may be a water fountain but no bathrooms. It was noted that a fire tank would not be warranted for the pavilion since it was not an enclosed structure. Chairman MacQueen asked how many people would be in the art building at one time. Mr. Lloyd stated no more than 12 students and 2 adults.

Planner Bolan asked about Lockheed Road and asked for the record if it were a public road. Engineer Symonds stated that Lockheed Road is a flag stem to the lot and is not a public road. Planner Bolan asked about the capacity change that had been discussed at the completeness meeting. Parking is for 65 to 88 and at present they have parking for 78.

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Chairman MacQueen referred to the completeness letter from Engineer Risse noting the waiver that was being requested on the landscape plan and that the applicant would supply something at the public hearing as to what type of landscaping would be proposed if any. Engineer Symonds noted that the driveway into the school is lined with apple trees. The buildings sit about 600' back from the road.

Chairman MacQueen asked if the board had any questions at this time. Mr. Schmidt asked about the Stormwater Retention Basin and asked if this was because of the Stormwater Regulations not because of impervious coverage due to Highlands. Engineer Symonds responded stating they do not have an impervious coverage problem and they are complying with the State Regulations. They will have a limited amount of impervious area and will deal with the run off underground. Mr. Schmidt questioned whether having all the gutters converging on a 6" pipe would work especially on a heavy down pour. Engineer Symonds answered that this would not be a problem. The way the system is being designed there should not be a problem. Mr. Schmidt referred to sheet 7 of 7 on the Site Plan regarding the fire tank. Being no further questions from the board or board professionals, Chairman MacQueen opened the hearing to the public for questions. There were none.

Attorney Selvaggi stated he had another witness to give testimony. Planner/Architect Frank Mileto was sworn in at this time. The art building will be a 1 story building will conform to height regulations all setback requirements and complies with the new N. J. International Building Code. Planner Mileto will ask the owner to hook into sprinkler

heads in the domestic system and which is an approved system by NFPA. Planner Mileto informed the board that the pavilion is also a 1 story building and it may exceed the height regulations for an accessory structure but where it is located in the middle of the site there will not be a negative impact on the surrounding area. In looking at the plan, the height permitted in this zone is 30' and the height at the peak is 22' 4" to the ridge of the roof per Planner Mileto. Planner Mileto stated they plan on running a water line to the pavilion for the purpose of washing down the floor, maybe a water fountain, no bathrooms are proposed. They will have electric to the facility for lighting. Per the International Building Code you can have 1 person per every 3 square feet. At the conclusion of Planner Mileto's testimony, Chairman MacQueen asked for questions from the board and professionals. There were none. When open to the public for questions of Planner Mileto, there were none.

Attorney Selvaggi stated that this concludes the testimony for the applicant. Chairman MacQueen noted a question by Engineer Risse which had to do with the location of the Fire Tank and suggested that the applicant have the Fire Chief give testimony. At this time, Fire Chief Warren Gabriel was sworn in to give testimony. Mr. Gabriel stated that in his conversations with Mr. Butters, it was suggested having the fire tank centrally located to the school and new art building. Mr. Gabriel referred to the Site Plan showing the board the proposed location for the fire tank. Engineer Risse agreed with the proposed location of the fire tank by Mr. Gabriel. Attorney Gallina asked if a ten thousand gallon tank would be sufficient for fire fighting purposes. Mr. Gabriel answered yes. Engineer Risse stated that the site plan is well laid out along with the location of fire tank.

Mr. Schmidt asked Engineer Risse if a 6" pipe would be adequate to handle a heavy rain storm. Engineer Risse answered yes. Planner Bolan stated in reviewing the site plan, it conforms and meets all the conditional use standards along with very good testimony from the applicant's professionals. Planner Bolan also agrees with the applicant's assessment of the landscaping. Mr. Rich asked why the applicant's located the pavilion in the front yard. Planner Mileto stated the pavilion needs to be located in the front yard to be functional. Because of the location of the athletic fields and the location of graduations, it would not make any sense to locate the pavilion in an out of the way location. It will be best served by all to be placed in the front yard. At the conclusion of the board's questions and being no statements or comments from the public, Chairman MacQueen announced that the public portion of the hearing is now closed.

In the board's deliberations, it was noted by the board that the site plan presented is well thought out, planned and will be an asset also the board was very pleased that the applicant is having a fire tank installed. Motion by Mr. Rich and seconded by Mr. Gerlich to grant the conditional use with site plan with the following conditions:

- a. Proof of taxes paid
- b. Outside agencies having jurisdiction
- c. Amend Site Plan to show location of fire tank

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Gerlich Mr. Piasecki Mr. Rich	Mr. MacQueen Ms. Bleck Mr. Schmidt	<b>No:</b> None
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Attorney Gallina will prepare the resolution to be on the Agenda for March 7, 2006.

At this time Ms. Schriver returned to the board.

**ITEMS FOR DISCUSSION:**

**a. Stormwater Ordinance – Planner Bolan**

Planner Bolan passed out to the board the draft of the Stormwater Management Ordinance for the board to review. Planner Bolan spoke briefly on the ordinance and asked that it be placed on the next agenda for discussion. Planner Bolan informed the board that he will start putting this into ordinance form. Ms. Glashoff asked about when the Township Committee would be able to introduce this ordinance and have a public hearing based on the deadline of April 1<sup>st</sup>. We will need to have the ordinance ready to send to the Township Committee for their March 1<sup>st</sup> meeting for introduction with a public hearing on April 5<sup>th</sup>. Mr. Rich asked Planner Bolan to briefly describe what is in this ordinance. Planner Bolan deferred to Engineer Risse for comments. Engineer Risse reviewed briefly the contents of this ordinance and stated that each municipality has to certify to the State each year that they are enforcing the ordinance and the State rules. Ms. Schriver asked if there were any requirements for sampling of Stormwater. Engineer Risse answered no. Mr. Rich stated that he will be unable to attend the next meeting but wanted to comment on the ordinance at this time. Mr. Rich said that the ordinance is very good regarding major subdivisions & site plans but it is in overkill for the person who wants to build one house. Planner Bolan informed Mr. Rich that they will check it against the state requirements and talk about the different thresholds we can have at the next meeting. Planner Bolan asked for the Committee dates in March. The 1<sup>st</sup> and 15<sup>th</sup> are their meeting dates per Ms. Glashoff. Planner Bolan recommended finishing this up at the March 7<sup>th</sup> meeting to be introduced at the Township Committee meeting on March 15<sup>th</sup> with a public hearing on April 19<sup>th</sup> meeting. Planner Bolan stated that since we are sending this ordinance we can waive the 30 days and the Committee can have the public hearing on April 5<sup>th</sup>.

Mr. Schmidt asked Ms. Glashoff about the courses being offered by NJPO and asked if he could be enrolled at Merck for the March 30<sup>th</sup> date. Ms. Glashoff will enroll him with the Board of Adjustment members for that date. Ms. Glashoff informed the board that the Merck Session is a Thursday evening from 5:00 p.m. to 10:00 p.m.

**b. Smart Growth Planning Assistance Grants – ANJEC 1/16/2006**

Ms. Glashoff put this on the agenda and asked Planner Bolan if there were any grants that the Planning Board could apply for. Planner Bolan answered no.

**c. Tree Ordinance – future meeting.**

**d. Fire Protection Ordinance – upcoming meeting**

Ms. Glashoff informed the board that items c & d are only on the agenda as a reminder for future and upcoming meeting discussions. Ms. Glashoff noted that she has received from the Zoning Officer a memo regarding the Tree Ordinance per the request of the Chairman. She will be contacting Nancy Lawler from the Environmental Commission for their comments. Two members from the commission have been working on amendments to the Tree Ordinance for the Planning Board to review. The Fire Chief and Mr. Kneafsey have been working on amendments to the Fire Protection Ordinance and will be discussing these amendments with the Engineer & Planner. Hopefully they will be ready soon to be on an upcoming agenda.

**PRESENTATION OF BILLS & REPORT:**

a. John Gallina, Esq.	\$ 465.40
b. Banisch Associates	\$1,548.00
c. Bayer/Risse Engrs.	\$3,407.50
<b>Total:</b>	<b>\$5,420.90</b>

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

Chairman MacQueen informed the board that the Township Committee is holding budget meetings and we have been informed that we have to cut our budget. Ms. Glashoff noted that next Wednesday Feb. 15<sup>th</sup> is a budget meeting and she has been asked to attend regarding the Planning and Zoning Board budgets and has asked Chairman MacQueen to join her at the meeting. In reviewing our budget and with all the mandatory items that we have to comply with, it going to be very difficult to cut anything from the budget. We did cut our litigation line item from \$20,000.00 to \$15,000.00 and Attorney Gallina informed Ms. Glashoff that he will be working on the appeals for Toll Bros and Finn/Goode. Attorney Gallina stated that the argument on the Toll Bros appeal is March 6<sup>th</sup> before the Appellate Court. Mr. Rich asked about Finn/Good. Attorney Gallina informed the board that the Court upheld the Board's decision on the Klipstein subdivision. Finn/Good are appealing the decision of the Court.

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Ms. Schriver informed the board that the Committee would have to have a tax rate for the municipality of 5 cents when it has always been at zero most of the time. The State Pension is going up \$20,000.00 per year for the next 3 years in addition to higher insurance costs. Ms. Schriver stated that the board has to defend their budget. Chairman MacQueen noted that the state keeps putting all these new rules and regulations on the municipalities which are next to impossible to follow.

**CORRESPONDENCE:**

**OPEN TO THE PUBLIC**

No comments from the public. Ms. Glashoff reviewed for the board the items that will be on the agenda for February 21<sup>st</sup>. Engineer Risse informed the board that he received a phone call from Attorney DeChellis regarding Davara and informing him that they are changing the concept now to a fiberglass tank from concrete and will be relocating the tank up by the pond. Ms. Glashoff asked about getting revised plans and that the deadline to meet the 10 day period per the MLUL will be this Friday February 10<sup>th</sup>. Ms. Glashoff was informed that if she does not receive the revised plans by Friday February 10<sup>th</sup>, the applicant will not be scheduled for the February 21<sup>st</sup> meeting date.

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.

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**CHAIRMAN GARY MACQUEEN**

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