

REGULAR MEETING

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

February 19, 2008

The 806th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:06 p.m. by Vice Chairwoman Doreen Bleck. Present were: Mr. Schmidt, Mr. Piasecki, Mr. Piazza, Mr. Weiler, Attorney Gallina and Planner Bolan. **Excused:** Mr. Weeks, Mr. Rich, Mr. MacQueen and Mr. Gerlich.

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 8, 2008, 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 February 12, 2008.

PRESENTATION OF MINUTES: January 8, 2008 Reorganization/Business Meeting

Motion by Mr. Piazza and seconded by Mr. Piasecki to approve the minutes as presented. Unanimously approved.
January 8, 2008 Executive Session

Motion by Mr. Piasecki and seconded by Mr. Piazza to approve the executive session minutes as presented. Unanimously approved.

NEW BUSINESS:

Omnipoint Communications Block #12 Lot #5
4 Sylvan Way Route 513 RC 7½
Parsippany, N.J. 07054

PUBLIC HEARING Conditional Use/Site Plan for Co-location of a Cell Tower

Ms. Glashoff informed the board that she received a letter from Omnipoint's attorney Robert DelVecchio dated February 8, 2008 asking for an adjournment until the April 15, 2008 Planning Board Meeting with an extension of time through May 31, 2008. Attorney Gallina announced to the public present that Omnipoint is rescheduled to the April 15th Meeting date with no further notice needed.

Ms. Glashoff read to the board the emails she received from Josh Rich who is in Mongolia until June.

ITEMS FOR DISCUSSION:

a. Highlands

Planner Bolan reviewed for the board the draft letter he prepared to be sent to the Highlands Council. The following are some of the comments: The Township recognizes the improvements that have been incorporated between the initial draft and the final draft of the Highlands Master Plan. The Master Plan addresses issues that were ignored in the initial draft. The letter addresses the boundary line between the Highlands Preservation Area and the Highlands Planning Area. There was a boundary changed at the Clinton Township line and Lebanon Township was not notified of this change. In the Final Draft RMP it addresses some benefits may accrue to municipalities entirely in the Preservation Area and Lebanon Township feels it deserves this designation and should be eligible for these benefits. Planner Bolan went on to say that the goal, policy and objectives relating to affordable housing are weak and inconclusive. Since the Township is entirely in the Preservation Area, options to provide affordable housing are greatly limited without substantial investment of taxpayer monies. The Fair Housing Act explicitly states that to accomplish affordable housing obligation should not require the expenditure of taxpayer money.

The final draft of the RMP severely impacts the Township's citizens and Township operations. The Township needs a new Public Works site in order to vacate the current undersized environmentally constrained site. To accomplish this and have a new site, the Township would have to purchase 70-100 acres with no surety that the site could be developed. An exemption for critical public uses must be included in the RMP. It states that the Council

will develop an interagency partnership with COAH, is not sufficient, since the RMP indicates that municipalities must submit a petition for substantive certification to COAH in order to conform to the RMP.

One of the questions is if a municipality accepts a conformance grant but ultimately does not succeed in achieving conformance, what is the obligation of a municipality concerning the grant it received. The only items mentioned under the heading Landowner Fairness are the Highlands Development Program and the existing exemptions provided by the Highlands Act and since receiving areas are voluntary in the Protection Area is the Highlands Development Program with the existing exemptions by the Highlands Act. Since receiving areas are voluntary in the Protection Area and compliance in the Protection Area is voluntary, if no receiving areas are identified then there is no HDC Program. Then how does the Council intend to address this obvious problem and its impact on the Landowners Fairness. The Township's greatest concerns are the impacts to municipal stability, regarding tax/fiscal implications and operations, the maintenance of landowner's equity and the interaction between COAH and the Council.

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At the conclusion of the board's discussion, the board relined the bullets by comments and questions. Planner Bolan will revise the letter and send it to Ms. Glashoff to print out on Township Letterhead and have Chairman MacQueen sign it. The letter will be sent to the Council and others on the mailing list before the deadline of February 28th.

a. COAH

Planner Bolan reviewed for the board his memo regarding COAH. The new affordable housing need for the state is now 115,000 affordable units increased from 52,000 units in the prior Third Round. The RCA (Regional Contribution Agreement) in Round Two was \$25,000.00 per unit. In the prior Third Round it was \$35,000.00 per unit and now has been increased to \$67,000.00 per unit. The in lieu standards, the cost of construction an affordable unit is now \$145,000.00 in Region 3. The Development fees for new construction increased from 1% for residential development to 1.5% and for non-residential development (commercial/industrial) the fee went from 2% to 3% for equalized assessed value of the new construction. Planner Bolan recommended amending the COAH ordinance to include the new percents for new construction. The board agreed.

The impacts to Lebanon Township are: a) the proposed rules establish a rehabilitation requirement of 20 units. In the prior round the requirement was zero. In allocating growth to municipalities it indicates that between 2004-2018 the Township will grow by 169 dwelling units. This results in an affordable housing obligation of 34 affordable units. In the prior round obligations 1987-1999 of 27 units the Township has complied with the prior round obligation. Also, COAH somehow arrived at the 169 units, even though a historic growth projection would produce 100 new dwelling units from 2004-2018 and the "S" Curve, a standard statistical measurement for population projects an increase of 43 new dwelling units from 2004-2018. Planner Bolan stated that it appears from reviewing this data that COAH took the growth from 2002-2004 of 24 units and then multiplied it by seven to cover the period of 2004-2018.

In conclusion after discussion with the board and their concerns of this new obligation put to them by COAH with no consideration that the Township is in the Preservation area of the Highlands, Planner Bolan will write a comment letter to COAH before the March 22nd deadline and also comment on the allocation of future residential development to the Township along with the new rehabilitation requirement. Planner Bolan will meet with the Township Committee tomorrow evening to discuss the Township's Third Round obligation. Comments from the Planning Board and Township Committee will be incorporated in the letter to COAH.

Zoning Officer John Flemming asked questions regarding our COAH obligation. Mr. Flemming asked about having an accessory apartment ordinance. Planner Bolan informed him that we have had the COAH accessory apartment ordinance on the books for at least 10 years and we have had no takers. Planner Bolan stated that since we had no

takers we had to amend our COAH housing plan in 2002 to include an RCA. The COAH rules for accessory apartments meant you had a deed restriction for 30 years and no one wanted to have that kind of restriction. Planner Bolan stated he was under the impression that COAH has changed the deed restriction clause back to 10 years which makes it a lot more viable.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 910.00
b. Banisch Associates	\$ 1,112.00
c. Bayer/Risse Engrs.	\$ 1,667.50
Total:	\$ 3,689.50

Motion by Mr. Piasecki and seconded by Mr. Piazza to approve the bills for payment. Unanimously approved. Ms. Glashoff informed the board the new MLUL 2008 is out and she has ordered new books for everyone. Mr. Piazza informed the board that Select Wireless LLC will be at the Township Meeting to discuss having a Cell Tower on Township property somewhere between the Firehouse and the Park property. It would have to go on existing impervious cover since we have already maxed out. This would be a good revenue for the Park.

Mr. Flemming addressed the board to let them know he is available to attend meetings when there is a need to discuss items with him regarding zoning. He informed the board that he has a letter going to the Township Committee for there next meeting. He stated that some of the items in his letter have already been discussed at the Planning Board.

Being no further business to come before the board, nor comments from the public, motion by Mr. Piazza and seconded by Mr. Piasecki to adjourn the meeting at 8:55 pm. Unanimously approved.

VICE CHAIRWOMAN DOREEN BLECK

GAIL W. GLASHOFF, PLANNING BOARD CLERK