

REGULAR MEETING

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

February 20, 2007

The 795th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:04 p.m. by Vice Chairperson Doreen Bleck. Present were: Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Weiler, Mr. Piazza, 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 16, 2007, 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 13, 2007.

PRESENTATION OF MINUTES: January 16, 2007 Reorganization & Business Meeting

Mr. Schmidt asked why Mr. Post was listed on the January agenda to be sworn in. Mr. Piazza explained that even though he is the Mayor Designee, Mr. Post would like the opportunity of attending a Planning Board Meeting on occasion. Motion by Mr. Gerlich and seconded by Mr. Piazza to approve the minutes as presented. Unanimously approved.

FYI: NJDEP –Highlands Update
Applications Approved/Denied - Planning Board & Zoning Board 2006

Ms. Glashoff informed the board the Board of Adjustment will be working on their Annual Report at an upcoming meeting.

REMINDER: Training Classes – Spring Session "Need Dates"

Ms. Glashoff asked who will be attending the March 10th or April 14th Training Sessions. Ms. Bleck signed up for March 10th at Warren Cty Vo-Tech and Mr. Piasecki signed up for Hunterdon Central on April 14th.

FEE SCHEDULE ORDINANCE BACK TO PLANNING BOARD:

Ordinance 2007-03 Amend Fee Schedule was Introduced at January 17, 2006 Township Committee Meeting. Adoption of ordinance is scheduled for March 7, 2007.

Motion by Mr. Piasecki and seconded by Mr. Schmidt to send the Ordinance back to the Township Committee for adoption on March 7, 2007. Unanimously approved.

ITEM FOR DISCUSSION:

a. Road Garage Update on Diamond Property – Warren Newman, Chair Environmental Commission

Mr. Newman reviewed for the board the Memo he had sent to the board for the January 16th meeting. Mr. Newman stated the major point for his memo was from when he appeared before the board back in December and the only information he had then was from computer data base information. Since then, Mr. Newman stated he has spoken to the EPA Project Manager Mark Gallow and with a follow-up call today and the status of the Diamond property is better then it had been originally. The EPA did ground water sampling back between 2000 & 2002 and the EPA found no ground water contamination issues as a result of the testing. Mr. Newman stated that a key point in this memo was the ground water monitoring both in the form of testing of portable wells and onsite monitoring wells. The testing had been conducted in the past at this site and it is shown that ground water impact is not an issue. The EPA anticipates the remaining tasks of soil disposal, site characterization soil sampling and additional soil excavation will be performed in 2007.

Mr. Newman noted that he has not looked at the hard data, but is going on the summarized word of the EPA Manager Mr. Gallow. To date, there is some PCB impacted soil that is scheduled to be removed from the site on

two separate occasions, one next week and one the following week. One is 120 yards of soil of non-hazardous impacted soil that is being sent to a landfill off site, the other is 60 yards of soil of PCB concentration that is considered to be toxic hazardous that has to go to a separate facility in Monticello, New York. After the soil is removed a contract engineer will perform a site characterization involving soil testing in the area that has undergone remediation. There is some suspicion that there maybe still some hot spots that will need to be dealt with. Since this is an EPA sponsored cleanup, they only have in their jurisdiction to remediate the site to a PCB concentration of 1 part per million. The New Jersey State standard for PCB is lower at 0.49 parts per million. Efforts are being made to convince the responsible party involved to obtain the lower cleanup standard so that it doesn't fall back for DEP review and another portion to get state closure. The EPA does not have the authority to make a cleanup go below the Federal level. These are issues that need to be addressed. Mr. Newman stated that in speaking with the Project Manager today, he anticipates this additional characterization sampling and soil removal would be completed and led to closure at the EPA level. At the conclusion of Mr. Newman's presentation, Vice Chairperson Bleck asked if the board had any questions or comments.

Mr. Piazza stated that the board should not move on this at all. Mr. Piazza said that back in 1963 he worked for Diamond for a short time, there were chemicals being buried and Mr. Diamond came before

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this board with his attorney stating that he never buried anything. Forty years later we are still taking soil off this property. If we buy this property and find a problem we are stuck with the problem. Mr. Newman stated that the Township would have to do diligence in making sure everything was okay with the property. Mr. Piazza noted this is a large parcel of property and housed a chemical lab, it blew up a couple of times and had fires. Mr. Piazza felt that it was not a good idea for the Township to get involved with this property. The state would have to guarantee that they won't bother with the property anymore. If we did any digging and came up with something then we are stuck with the problem. Mr. Newman stated there are certain mechanisms you can enter into, remediation agreements with NJDEP, which offers some buyers protection. Mr. Newman agreed that there could be some compromises to the quality of the property down the road that can complicate matters.

Planner Bolan asked if there would be more groundwater sampling this year considering the comment in the memo stating that sampling was done from 2000-2002. Mr. Newman stated the groundwater sampling that was done satisfied the investigation at that time, which was the remedial investigation of the groundwater. The sampling and testing is complete per Mr. Newman. Vice Chairperson Bleck asked Mr. Newman if he would continue to monitoring since this excavating is still going on. Mr. Newman answered yes. Planner Bolan referred to the do diligence and if there was an acquisition from the municipality or a private identity. Mr. Newman agreed there is a history on this property (NJDEP), even if this property gets closure by the EPA, there still could be issues to be resolved by the State DEP. If that was the case, then a preliminary study would have to be done. At the conclusion of the discussion, Vice Chairperson Bleck thanked Mr. Newman for the update on the Diamond property.

b. Master Plan Update

This was discussed later on in the meeting.

NEW & UNFINISHED BUSINESS:

Davara Industrial Center
c/o David English
2026 Route 31N Suite 1
Glen Gardner, N.J.

Block #6 Lot #1
Route 31 B2

PUBLIC HEARING

Amend Site Plan for Portico

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**-Certified List of Property Owners, **A2**-Notice to Property Owners, **A3**-Taxes Paid, **A4**-POD Slips, **A5**-Affadavit of Proof of Service, **A6**-Notice in Newspaper.

Attorney DeChellis and Dave English were present to discuss the application to amend the Site Plan for a Portico. Mr. English was sworn in to give testimony. Mr. English stated he would like to amend the Site Plan to construct a new entrance for Building #1. The Portico would be 11' x 14' in diameter. Engineer Risse stated that according to the architectural plans submitted, the existing entrance will be removed and replaced with a Portico. Engineer Risse noted that the parking spaces on the site have been relocated and everything on the Site Plan is up to date. At this time, the following was marked into evidence: **A7**-Architural Drawing prepared by Heyrich Architects dated January 10, 2005 consisting of 4 pages. Planner Bolan noted that on Sheet #2 of the Site Plan, two parking spaces located between the two bus parking areas were not shown. Planner Bolan stated that these parking spaces are shown on Sheet #3. At the conclusion of the testimony and board questions, Vice Chairperson Bleck opened the hearing to the public. There were no questions. After a brief discussion by the board, motion by Mr. Schmidt and seconded by Mr. Gerlich to approve the amended Site Plan for a Portico with the following conditions:

1. The applicant shall obtain all other necessary approvals from all other agencies
Having jurisdiction in this matter.
2. Sheet #2 of the Site Plan will be amended to show the two (2) parking spaces
Located between the bus parking areas to be consistent with Sheet #3 of the
Site Plan.

ROLL CALL	Yes: Mr. Schmidt Mr. Gerlich Mr. Piasecki	Ms. Bleck Mr. Piazza Mr. Weiler	No: None
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Attorney Gallina will prepare the Resolution to be placed on the next agenda.

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| 2. Omnipoint Communications
c/o Robert DelVecchio, Esq.
405 Lafayette Ave
Hawthorne, N.J. 07507 | Block #11
Route 513 | Lot #43
R3 |
|--|------------------------|---------------|

CONTINUATION OF A PUBLIC HEARING Conditional Use/Site Plan/Variances for Cell Tower

Before the start of the Davara Public Hearing, Ms. Glashoff announced she received a letter from Omnipoint Attorney Robert DelVecchio requesting an adjournment until March 20th and extending the time until the end of April, 2007. Attorney Gallina informed the public present the application will be carried over to March 20th and no further notice will be given.

Planner Bolan asked to address the board on a couple of issues at this time. In regards to the Highlands Master Plan, Planner Bolan stated that the comment period has been extended to April 2nd and the board may want to respond with their comments. Planner Bolan informed the board there is a map delineating 3 zones within the Township. They are: Protection, Conservation and Planned Development which is a small area around Califon and a small area on Route 31. The board's review and comments will take time and Planner Bolan stated that he will send out a memo outlining the important resource standards and he will include the map which shows the 3

zones. The board discussed working on this possibly at the March 20th Meeting. Attorney Gallina suggested having a workshop on March 6th. Ms. Glashoff stated that we could also work on the Master Plan since we are due to update it. Planner Bolan suggested putting the Highlands Master Plan on first. Mr. Piazza asked what the difference was between Preservation and Protected. Planner Bolan stated these are new categories. At the conclusion of the board's discussion, the board will hold a meeting on March 6th. Planner Bolan will send out a memo ahead of time for the board's review. The following items will be listed on the agenda: Highlands Master Plan and Master Plan Update. Ms. Glashoff will contact Mr. MacQueen, Mr. Rich and Mr. Weeks when he returns to let them know of the workshop date.

PRESENTATION OF BILLS & REPORT:

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|-----------------------|-------------------|
| a. John Gallina, Esq. | \$1,351.00 |
| b. Banisch Associates | \$1,259.60 |
| Total: | \$2,610.60 |

Mr. Gerlich stated that all the bills are in order for approval. Motion by Mr. Gerlich and seconded by Mr. Piasecki to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

- a. Letter from Bayer/Risse Engrs. Re: Stone Row
- b. NJLM re: Appellate Court Decision on COAH
- c. Letter from Executive Director Eileen Swan – Office of Smart Growth

Ms. Glashoff showed the board the new Ordinance Book which will be adopted by the Township Committee shortly. Once adopted she will be able to hand out the new books to all the board members.

Ms. Glashoff informed the board that East Amwell had revamped their Master Plan and now have it in a loose leaf binder like our new ordinance books and this new version is very user friendly. Ms. Glashoff also said this would be a good time since we need to work on the re-examination report. Ms. Glashoff stated that she needs to get a cost on the update work on the Master Plan to give to the Township Committee for the budget for 2007. Planner Bolan noted that the deadline for the re-exam on the Master Plan is August 1st but we will be dealing with the Highlands Master Plan. Planner Bolan stated that we need to put all the Master Plan elements into one document. There are still items in the 1991 Master Plan and there are still some elements from the 1978 Master Plan that need to be addressed.

Ms. Glashoff also mentioned the item under correspondence regarding the COAH regulations. It was decided to not only have the Highlands Master Plan and Master Plan on the March 6th agenda but also COAH for discussion.

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 7:50 p.m. Unanimously approved.

VICE CHAIRPERSON DOREEN BLECK

GAIL W. GLASHOFF, PLANNING BOARD CLERK