

## SPECIAL MEETING

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

**February 28, 2012**

The 851<sup>st</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:05 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Rich, Mr. Weiler, 1<sup>st</sup> Alternate Laul, 2<sup>nd</sup> Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Wunder & Ms. Bleck.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Planning Board has scheduled a Special Meeting on Tuesday February 28, 2012 at 7:00 p.m., prevailing time in the Main Meeting Room of the Municipal Building. This will be a joint meeting with the Township Committee to discuss the Highlands and any other items that may be listed on the agenda. Notice of this meeting was published in the Hunterdon Review on February 15, 2012. Copies of the agenda were faxed 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 15, 2012.

### ITEMS FOR DISCUSSION:

#### **a. Highlands – Planner Bolan**

Planner Bolan referred to the memo dated February 7<sup>th</sup> along with a packet that included a draft of the Master Plan which was approved by the Highlands Council on October 13, 2011 also a set of 12 maps, Environmental Resource Inventory and a Reexamination Report including the Resolution. Once the minutes were approved the Governor then approved everything on November 1, 2011. A letter confirming the grant agreement was sent the end of December to the Township for signature which confirmed the grant monies that will be allocated. Planner Bolan said we need to have a public hearing and with everything that is going on suggested the first meeting in April. Planner Bolan gave the board a brief outline of the different items that are included in the plan. There is a section on policies, goals and objectives. This is considered a supplement to the Master Plan. Some of the plan elements that we don't have will be added. Planner Bolan said that this does not replace the existing Master Plan. Planner Bolan referred to the maps stating the first map is identified as the Township Highlands Map Area. It has the Master Plan overlay zone destination. Planner Bolan said we only have 6 acres that are not in the preservation area. which is on the east side of Route 31 towards Cregar Road. 99.7% of the Township is in the preservation area. There are 3 main zones, protection, conservation and existing community. Within these zones are sub-zones, the first is the wildlife management which is public lands in the Protection Zone; second is the Environmentally Constrained in the Conservation Zone and last is the Lake Community in the existing Community Zone. Planner Bolan reviewed for the board the maps that are included with the Master Plan.

In the Land Use Plan under the density and intensity of development the DEP preservation area rules are what apply and they only apply to the 6 acres of land that is in the planning area. Where any density or intensity goals of the existing Land Use Plan are inconsistent with these limits, they are modified with respect to the Highlands Area to conform to the Highlands RMP. Modifications to the underlying density or intensity of development standards will occur only to the extent that existing standards conflict with the provisions of the Highlands Act, NJDEP Preservation Area Rules or the RMP. Cluster Development is mandatory in the Agricultural Resource Area. The re-development opportunities are also limited because it is a 70% impervious coverage in order for something to qualify as a re-development area within the preservation area. The Housing Plan was adopted by the board two years ago in 2010. The Council has provided a grant to update the housing plan but it is not active since there is nothing to update. There are no rules or regulations for the Township to follow at this time.

Planner Bolan referred to the Ordinance which is 126 pages and the ordinance maps are 10 pages which will be handed out at the end of the meeting. Planner Bolan referred to the Lake Management Area and the only property that falls in that area is Muller Toyota since it is in the only Lake Management Area which is associated with the Spruce Run with the Reservoir. Planner Bolan went through the other plans, the Service Utilities Plan since we don't have that plan, because we do not have many utility services. We have a Circulation Plan which is more detailed since it has road classifications. We have a Land Preservation Plan and the Land Stewardship Plan which is really the Open Space and Recreation Plan. Planner Bolan said there is suppose to be grant money for that Plan Element and the same with the Agricultural Retention & Farmland Preservation Plan with a grant available to update it. Planner Bolan continued reviewing each plan element of the Master Plan. The Highlands Open Waters and Riparian Resource standards include the following; a 300' wide protection buffer is required around all open waters. Development is prohibited within all Open Waters and buffers except for linear development. Planner Bolan noted the Township's Stream Corridor Protection & Restoration Plan overrides the provisions in that section of the Master Plan and the more restrictive of the Township's stormwater management ordinance and the requirements of this ordinance shall apply. Referring to Steep Slopes, they are defined as having a grade of 15% or more, 10% or more in a Riparian Area. Disturbance of steep slopes is prohibited except for linear development. Planner Bolan said he provided a copy of the Master Plan to the Environmental Commission for them to approve it. The Planning Board will need to have a public hearing to adopt this updated version of the Master Plan & Re-examination Report. The reason why the Re-examination Report is included is if these were construed as zoning changes when the Township Committee adopts the zoning ordinance then the Re-Examination Report is intended to address that and if you didn't have the Re-examination Report then you would have to give notice to every property owner in the Township by certified mail. Planner Bolan said he also included a Resolution to be adopted the same evening.

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At the conclusion of Planner Bolan's presentation, Chairman MacQueen asked if the board had questions of the Planner. Mr. Schmidt referred to the bridge. Planner Bolan said it is designated by the State Historic Registry and he will need to find out how you get something off. Mr. Schmidt asked about the Maps. Some of the board members expressed concern regarding reading the maps with some of the maps not making any sense. Mr. Rich felt the maps were of no value to anyone. Mr. Gerlich said that the maps were prepared under the Highlands guidelines of what they wanted to see not what made sense to the people it was what they wanted to see. Planner Bolan said that was a good description. The board discussed the maps at length. Mr. Rich asked about the cluster portion considering the Planning Board spent many hours working on our own Cluster Ordinance and wanted to know what the difference is between the two cluster ordinances. Planner Bolan said there might be a difference in the percentage of land since the amount of development is less so more of the property can be preserved. If our ordinance states 60%-70% then the Highlands clustering will say 80%-90% and the Highlands prevails. Mr. Rich asked if we have to change our ordinance. Planner Bolan said between the Clustering and the Steep Slopes thought maybe the board should go back and make changes. If we don't change the ordinances then we will have conflicting standards. Chairman MacQueen said this will all have to coincide with our existing ordinances and wanted to know if we will need to make more changes. Planner Bolan we are not going to change lot areas or the bulk standards. We will need to change steep slopes regulations, carbonate areas because the mapping is different. The protocol in the limestone areas is the same for the phase one investigation and if you have bad limestone then you have to do the phase two investigation. Planner Bolan said the mapping is different. Planner Bolan said the Stream Corridor Ordinance will need to be looked at considering what is in the existing ordinance. It should be very close per Planner Bolan. Mr. Piasecki asked about the prime water recharge areas. Planner Bolan said it is a combination of soils and geology. The soils that would have the most rapid hydraulic flow rate. For the most part the geology is the same. The soils that provide 40% of the recharge volume within any sub-watershed. Mr. Piasecki asked about the wellhead protection area. Planner Bolan said it is based on either a public water supply and there are only two areas in the Township. The definition of a non-public water supply is any use that serves on a daily use of 25 people using the schools, camps or any place the have 25 employees as an example.

Mr. Rich asked about the amount of land needed for a subdivision referring to the 25 acre requirement per the Highlands. Planner Bolan said also 88 acres. Mr. Rich wanted to know the value of having a cluster ordinance. It was agreed the board shouldn't waste time on it. Planner Bolan said the DEP is 25 acres and 88 acres. The Highlands is 10 acres and 25 acres. The numbers also vary by watersheds. The watersheds vary from 21 to 26 acres. The preservation area is a mandatory compliance and the planning area is voluntary. At this point Planner Bolan explained the different between the Highlands zoning and the DEP zoning requirements. Mr. Weiler asked how the affordable housing enter into this. Planner Bolan said based on the Highland Plan our affordable obligation went from 35 affordable units to 11. Planner Bolan said one of the things we have to do is see if we have spent all the monies that have been taken in from the beginning to July 17, 2008 and what funds haven't been spent will need to be committed. Mr. Weiler asked what is a Special Environmental Zone. Planner Bolan said in the packets there is a map which is Exhibit CC is the Highlands Special Environmental Zone map. Planner Bolan said "Lands within the Highlands Special Environmental Zone are those having the highest priority ranking for preservation based on the Highlands Council Resource Assessment and for which development is expressly prohibited. Preservation of these lands is vital to: a) protecting Highlands Area water resources and environmentally sensitive lands; b) and protecting water supply reservoirs and other critical water features; c) creating large contiguous areas of environmentally sensitive lands; d) creating habitat corridors; and e) connecting existing preserved open space."

Chairman MacQueen asked if the members of the Township who are present have questions. Mr. McKee asked about the build-out, septic designs and septic systems. Planner Bolan said that is only in the Planning Area and where referring to the 25 & 88 acres. Planner Bolan stated this is why our affordable housing unit numbers went down. Mr. McKee referred to the septic system density and what watershed you are in. Planner Bolan said yes that's correct. Planner Bolan said that is only applies in the Planning Area. Ms. Schriver asked about contaminated sites referring to page 42 of the ERI. This was briefly discussed. At this time, Chairman MacQueen opened the meeting to the public. John Locker asked a couple of questions. Planner Bolan said we are now ready to hold a public hearing. Ms. Glashoff offered Tuesday April 3<sup>rd</sup>. Planner Bolan said he will have answers for the board of questions that were asked for next weeks meeting, Mr. Rich and Mr. Piasecki informed Ms. Glashoff and the board that they will not be at the Planning Board Meeting next Tuesday.

**b. Polt Property (Dewey Lane)**

Ms. Schriver asked what the board was going to discuss regarding the Polt property. Chairman MacQueen said the discussion was going to be on ideas and suggestions of what can be done with the property. Ms. Schriver said she has been against acquiring the property from the beginning. Mr. Milkowski said he spoke with Mr. Polt regarding the 2 tanks on the property. The discussion was on either having them removed or filled. Mr. Polt said if the Township isn't interested in keeping the tanks, he will have them removed. The tanks will be cleaned, tested and the ground tested. They will either have them closed or removed. The tanks will be removed off the site. Mr. Skidmore asked who's decision it was to have them removed. Mr. Milkowski said it was Mr. Polt. Mr. Skidmore said he didn't remember any discussion on the removal of the tanks at the Township Committee meeting. It was noted that the Committee didn't

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discuss the removal. Mr. Rich asked since the tanks are being removed is the Township now going to take over the property. Mr. Milkowski and Ms. Schriver said not necessarily. Attorney Gallina asked if there was any reason to believe that the tanks were leaking. Mr. Milkowski said no. Attorney Gallina asked how old are the tanks. Mr. Milkowski said about 20 years old and are fiberglass tanks with double walls which can last for 50 years.

During the discussion, Chairman MacQueen said this is just general discussion for what can be done with the property. Chairman MacQueen said the property must be clean. There are various issues on the property things like if anything has been dumped. This has to be thoroughly investigated correctly. Chairman MacQueen asked Planner Bolan what else can be done with this property. Planner Bolan said the property is in the R1½ residential zone. The Township would have to comply with the zoning. Mr. Rich asked if the Highlands would come into play with this property. Planner Bolan said absolutely. Planner Bolan said at the request of Chairman MacQueen he went out to the property in question. Planner Bolan said the floor area – foot print of the existing building is 5500 square feet with the office portion behind the garage section. The total coverage on site is about 60,000 square feet or 1.3 acres. This can be replaced under the Highlands rules and expanded by 25%. The advantage is the property is heavily covered along with buildings. The Township can designate it as a redevelopment area. Engineer Risse said he has not been to the site. Chairman MacQueen asked about COAH credits as an option. Planner Bolan said we would not get that many credits. Planner Bolan noted that you would have to stay within the 2000 gallons for septic and with 7000 square feet you could have 5 or 6 attached units. Planner Bolan said the apartments you build for affordable housing can run from 800 to 1000 square feet per unit. Chairman MacQueen said you would have the cost of tearing down the buildings. To build these units it could cost about \$130,000.00 per unit per Planner Bolan. Mr. Piasecki asked what the thought was in acquiring the property. Mr. Milkowski said they are short on space for the DPW while the new garage is being built plus the property is right around the corner from the DPW site. Once the DPW is up and running the site could be used for other uses like COAH. Mr. Milkowski said he thought after the DPW would be our COAH obligation and maybe a way to fill the obligation.

Chairman MacQueen asked Planner Bolan if we really need the property for COAH units. Planner Bolan said we could, but if the Township is not worried about a Builders Remedy lawsuit and Rehabs are different because people don't sue over Rehabs. During the discussion, it was noted that the biggest issue would be if there was any contamination on the property, then operating cost to keep it and maintain it. Mr. Milkowski said there is money through the Highlands to see what can be done with the property. Mr. Rich asked what the taxes are presently on the property. Mr. Milkowski said about \$8,600.00.

Mr. Locker said at a Township meeting, Mr. Polt said he wanted the property in memory of his father. During the discussion, Mr. Skidmore said it is a real asset having those fiberglass tanks and asked if we can stop Mr. Polt from having the tanks removed. Chairman MacQueen interjected stating that the Planning Board is only having a general discussion on this property and it is not for this board to decide. It is obvious that everyone agrees that the property has to be clean since we do not know what all has been dumped etc. It has to be thoroughly investigated before making any real decisions. Chairman MacQueen asked Planner Bolan what else can be done with this property as it sits now. The Township would have to comply with the zoning. Planner Bolan said it is a residential zoning district in the R 1½ acre zone. Planner Bolan went through footprint and coverage again of the site. Planner Bolan reviewed for the board what had been previously discussed regarding options for the property. There was a brief discussion regarding the Mt. Kipp property with Freedom House. Ms. Glashoff noted that if Freedom House goes out of business then the Mt. Kipp property reverts back to the Township. Chairman MacQueen asked Planner Bolan if there is anything else positive or negative regarding the Polt property. Planner Bolan said no. Engineer Risse said he has not been involved with the property but said the environmental issue/contamination is the biggest item.

Mr. McKee asked Planner Bolan to explain about Brownfield's and is there grant money available. Planner Bolan said this is a site that would be considered Brownfields. It would be up to the owner to apply for the funds for the cleanup. Planner Bolan said he didn't know how much money was still available. Mr. Skidmore asked if the Polt property would be good to use for recycling. Ms. Schriver said they tried that a number of years ago at the DPW garage and it was a disaster. The board talked about different problems that have occurred in other municipalities with recycling centers. Mr. Milkowski asked the Chairman if we could polled the board members on whether the Township should continue looking into acquiring the Polt property. Mr. Milkowski explained to the board how the cleanup would be handled between Mr. Polt and the Township. Mr. Piasecki asked if the new DPW will meet the needs of the Township. Mr. Milkowski said it should. Mr. Skidmore said that Mr. Gabriel suggested there is a question about 5 bays which is listed on the plans as an alternate use and said from the Township Meetings he has attended that the discussion was to remove 5 bays brings the number of actual bay doors that you can drive into down to what is currently there. Mr. Milkowski it brings it down to 11. Mr. Skidmore said those bays were being removed for financial reasons. In the event the Township doesn't take over the Polt property what will happen with those 5 bays that could have been used on the Polt property. The board discussed this issue at length.

Chairman MacQueen asked each board member for there thoughts. All the board members expressed concern and agreed that a clean up is a top priority for the site. Also, board members questioned having the 5 bays vs the pole barn. It was noted that the entire property for the DPW will be fenced in.

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Mr. Skidmore said the CFO quoted \$10.00 per household per year to have the 5 bays and felt it was well worth to invest in the bays for the DPW. Chairman MacQueen questioned why was the property being given away. Chairman MacQueen agreed that the property has to be clean and questioned how safe is the existing building now, also by not building the 5 bays now it will cost more down the road and agreed that the cost to the taxpayer for the 5 bays is minimal. Attorney Gallina asked if the DEP needs to be notified of the transfer. Mr. Milkowski responded to Attorney Gallina's question. Mr. Milkowski said if they decide to take over the property they will check into if they need to do anything regarding the DEP and transfer. Mr. McKee totally agreed about the cleanup and felt they should look into the Township's options. Mr. McKee said he agrees with leaving the 5 bays off the building and felt going with a Pole Barn made more sense.

- c. Memo from Mayor Wunder dated January 12, 2012
- d. Memo from Mayor Wunder dated January 30, 2012

Chairman MacQueen referred to the memos from Mayor Wunder. Chairman MacQueen said he spoke with the Mayor regarding the memo. Chairman MacQueen said he will relay anything to Mr. McKee since he is our contact person. Also, minutes are posted in the Municipal Building and on our website. Chairman MacQueen was glad that 3 of our committee people showed up this evening to participate in the discussion with the Master Plan, Polt property and thanked them for their participation this evening. Ms. Schriver said having two committee people on the Planning Board they are to report back to the Township Committee which what has always been done.

**OPEN TO THE PUBLIC**

The reporter from the Hunterdon Review had questions regarding the Master Plan and the Highlands. Planner Bolan said it will be on the Highlands Element of our Master Plan. Planner Bolan said the board is required to have a Public Hearing and then they will vote. John Locker asked what is the percentage of property in the township that is not taxed. Planner Bolan said about 6000 acres and 23% which is off the tax rolls. The Township is still collecting monies in order to pay off properties that were purchased.

Being no further business to come before the board, nor comments from the public, motion by Mr. Rich and seconded by Mr. Piasecki to adjourn the meeting at 8:53 p.m. Unanimously approved.

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**CHAIRMAN GARY MACQUEEN**

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