

REGULAR MEETING

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

March 3, 2009

The 817th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:03 p.m. by Chairman Gary MacQueen. Present were: Mr. Weeks, Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Rich, Ms. Bleck, Ms. Schriver, Attorney Gallina, Planner Bolan . Excused: Mr. Weiler & Engineer Risse.

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 February 25, 2009.

PRESENTATION OF MINUTES: February 3, 2009 Regular Meeting

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

RESOLUTION:

- a. Crossroads Camping & Retreat Center Block #51 Lot #13
Conditional Use/Site Plan w/condition

Motion by Ms. Schriver and seconded by Mr. Piasecki to approve the resolution for Crossroads Camping & Retreat Center for Conditional Use/Site Plan with a condition.

ROLL CALL **Yes:** Mr. Schmidt Mr. MacQueen **Abstain:** Mr. Weeks **Absent:** Mr. Weiler
 Mr. Gerlich Ms. Bleck
 Mr. Piasecki Ms. Schriver
 Mr. Rich

FYI: Legislation Alert 2/19/2009 Re: Inherently Beneficial Uses

ITEMS FOR DISCUSSION:

- a. **Draft 2009 Reexamination Report** – Planner Bolan

Planner Bolan noted the last Report was May of 2002. We were doing the Land Use Plan amendments and it was prior to the Township Committee adopting the Ordinance for the RC zone. We are required to do this report every 6 years, we are a little late, but the down side was knowing that the Highlands was coming, this report can be added for payment into the initial assessment grant that we can get from the Highlands Council. The Highlands Council said that \$15,000.00 is available on the initial assessment and if you had some extenuating circumstances you could ask for more. Planner Bolan said that he asked for \$20,000.00 and we were approved for it.

Planner Bolan asked the board to make any comments or additions. This is an awkward document to prepare because of the categories the MLUL has established and as you read through this report you will see that we are not making major recommendations because we are in limbo as we address the Highlands Regional Master Plan. Planner Bolan asked the board to focus on Page 5 of the Report. Page 5 refers to the fall of 2001, we amended the Housing Plan Element to replace the unsuccessful accessory apartment program with a RCA and then in November 2005 we adopted a new Housing Plan Element to address what were then the adopted COAH rules for the Third Round (1991-2018 which also considered the period from 1987-2018). On the bottom of Page 6, the two most significant changes affecting the basis for the Master Plan and development regulations have occurred at the State level, with the Highlands Act and associated Regional Master Plan along with the finalization of COAH’s Third Round Rules. In December 2004 COAH adopted the long awaited regulations governing the Third Round (1999-2014) municipal obligation to provide affordable housing. In November 2005 the Planning Board adopted a new Housing Plan Element and Fair Share Plan, which was endorsed by the Township Committee and submitted to COAH in December 2005.

On September 8, 2008, the Governor approved the minutes of the Highlands Council which approved the Regional Master Plan for the Highlands. On September 5, 2008 the Governor signed an Executive Order requiring COAH and the Highlands Council to enter a Memorandum of Understanding designed to coordinate the regulations of both agencies by maximizing affordable housing while preserving critical environmental resources. The MOU was adopted by COAH on October 29, 2008 and the Highlands Council on October 30, 2008. In this MOU it provides an extension from December 8, 2008 to December 8, 2009 which coincides with the Highlands deadline for submission of a petition for Plan Conformance. Planner Bolan stated that he does not have any specific changes to recommend at this time.

Planner Bolan informed the board the greatest challenges facing the Township are compliance with COAH and the Highlands Regional Master Plan. Relative to COAH, the Third Round Rules, coupled with A-500 and with the Highlands RMP, make it virtually impossible for the Township being in the Highlands to comply. The Township which is caught among the statutes and regulations, there is probably no other way than increasing local expenditures to address the obligations. The Township doesn't object to the

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provision of affordable housing and the existing housing stock shows a range including affordable of housing availability, but is put in the untenable position given the variety of State mandates. Planner Bolan said he was trying to raise some things about what the Fair Housing Act says quoting "No Municipality should have to raise local taxes in order to comply with the Affordable Housing Obligation" and throughout all these legislative changes that have occurred over the last year and there are new ones proposed referring to the Roberts Bill in particular which amended the Fair Housing Act but they never amended that section. Planner Bolan stated that he does not know how a municipality in our situation can comply with COAH without expending local funds. In conclusion, the Township awaits with interest the coordination with COAH and Highlands Council and how it might affect the Township's planning programs. The Township is pursuing with diligent the steps that might lead to a petition for Plan Conformance to the Highlands Council. Ms. Glashoff noted she just finished doing the Monitoring Report for COAH and in 2007 monies were spent because of Freedom House, in 2008 only \$100.00 was spent because of classes that she had to attend and we have over \$100,000.00 in the account and was concerned if we do not show we are spending it, COAH is going to be asking about it. Planner Bolan said he did not have a definitive statutory answer to it, but if we are extended in terms of our Housing Plan until December 8th of this year then certainly to spend that money on something that we don't know whether it will comply or not would not make any sense. Ms. Glashoff explained to the board, the problems that have occurred in trying to get people to take and use the funds whether for an apartment or rehabs. Planner Bolan said we don't want to spend money now on rehabs because we don't have a new rehab obligation. Planner Bolan noted that Ms. Glashoff brought up good points.

Planner Bolan stated our obligation has been accumulating since January 1, 2004. Even though we have approved nothing the obligation is based on CO's (Certificate of Occupancy). During that time period we have issued many CO's and for every 4 of those CO's we owe 1 affordable unit. We owe approximately 6-8 affordable units. The difficulty is the November 2004 COAH rules which is the plan we did for 2005 had that same provision. At that point in time the accumulation wasn't that great. We had a lot of new housing. That is the situation, particularly when a township is in the preservation area of the Highlands; those vacant lots are the only game in town for development. This is why over the last 4-5 years we've had new development, but have had no way to capture that development in terms of affordable housing obligation it has generated. Some we can't get the 1%. Ms. Glashoff noted that she collected development fees on 4 lots last year; two were generated by the Board of Adjustment and the other two from vacant lots in the Township. Chairman MacQueen stated eventually unless they come up with something we are going to have to supply affordable housing. Planner Bolan said it will either be an acquisition and conversion to apartments or acquisition of two family homes you might turn over. The subject of rehabs came up again and Planner Bolan said that he will check to see if we have any obligation. Ms. Glashoff asked Planner Bolan to check to see if we can do rehabs. In this economy rehabs could really help people that don't have the

money for any repairs to their homes. At this time, Chairman MacQueen asked if board members had any comments regarding the Report. Planner Bolan suggested to the board to adopt this report, noting that we do not have to do a public hearing.

Motion by Ms. Schriver and seconded by Ms. Bleck to adopt the Reexamination Report of the Master Plan and have Attorney Gallina draft a Resolution to that effect. Unanimously approved.

b. Highlands Initial Assessment Report – Planner Bolan

Planner Bolan passed out to the board the Assessment Report he prepared. Mr. Schmidt asked with the grant money if we can bill any of Attorney Gallina's bills. Planner Bolan said we can bill against the grant money for the Resolution for the Reexamination Report Resolution. The Assessment Report is a comparison report where you take our existing planning documents and compare them to policy items in the Highlands Regional Master Plan. Planner Bolan said he worked up a format. It will be a 20 page report and it will have 9 maps which we have from our NRI (Natural Resource Inventory). The Highlands is using the same data. The Highlands has given us a CD where you can get the items you need. The mapping is all GIS mapping. To some extent this report will go into the next grant monies which we will receive. In the CD which they gave us it has all the tax records and created a build out analysis. We had done a build out analysis in 2002. We need to look at the build out analysis to put in any new open space parcels. We are fortunate that we do not have sewers, we do have the Bunnvale Water Co. which services a small area of the Township. Basically everything is septic and wells. The next thing we will be moving into is a Module I, the basic plan conformance which is the build out analysis.

Chairman MacQueen asked if we need to have this done by next month or could it wait until the following month. Also which report needs to be done by the next meeting. Planner Bolan said the Initial Assessment Report. Planner Bolan stated that he can put this report together comparing our existing Master Plan documents to their (Highlands) policies, he could submit it in a draft form. Planner Bolan said he would like to get it done and out. There is no action taken on this Assessment Report and all it will be is a comparison of our Master Plan to their policy. Mr. Schmidt referred to the meeting he attended at the NJ Water Authority where Eileen Swan, Marcia Karrow and Lucy Vanderberg were the speakers on the Highlands. He would like to see Eileen Swan come to a Planning Board meeting. Planner Bolan agreed. Chairman MacQueen asked the board if they wanted Planner Bolan to proceed with the report. Mr. Rich suggested having Planner Bolan send the report out to each board member to review and give

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them a week to review it and if there are no issues, then contact Ms. Glashoff for the go ahead. The board agreed. Planner Bolan asked that any comments be filtered through Ms. Glashoff. Everyone agreed.

c. Applications Approved/Denied 2008 PB & ZBA – Planner Bolan

Chairman MacQueen informed the board that he asked Ms. Glashoff to send to the board copies of the 2007 along with the 2008 reports to see how much activity has taken place. Chairman MacQueen said that at the Budget Meeting with the Township Committee there was some discussion on whether or not to combine the boards. The Township Committee felt in order to do this, it would have to be a big savings of money, but they are open for discussion. Also, Attorney Gallina had been asked to investigate combining the boards which everyone has a copy of his letter and findings. Attorney Gallina reviewed his letter stating that the Planning Board assumes the powers of the Board of Adjustment. Attorney Gallina noted that there is no statutory authority to have a Land Use Board per the MLUL. You do not abolish both boards to create a Land Use Board. Per Attorney Gallina, if you combine both boards, an ordinance doing so is created. In the event to want to go back to two boards, you would need to do a voter referendum.

d. Ltr from Kirk Petrik re: Alternate I position PB

Chairman MacQueen referenced the letter from Mr. Petrik stating that he is interested in the Alternate I position on the board. Mr. Gerlich stated that Mr. Petrik is on the Park Development Committee along with his brothers. They have been on the Park Committee for almost 3 years. Mr. Rich noted that Mr. Petrik hasn't come to any board meetings showing an interest. Mr. Schmidt came to the board meetings on a regular basis. Chairman MacQueen noted it was good that someone was interested. Mr. Schmidt stated that until we are done with the work ahead of us with the Highlands, Master Plan and COAH we should wait on deciding on whether or not to combine the two boards. The board agreed with Chairman MacQueen noting that it is ultimately the decision of the Township Committee. Ms. Schriver felt that Mr. Petrik should come to the Planning Board meetings to see how we operate. Ms. Schriver said that she will see Mr. Petrik at the next Park Meeting and will say something to him regarding our meetings.

CORRESPONDENCE:

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 805.00
b. Michael Bolan, PP	\$ 984.20
c. Bayer/Risse Engrs.	\$ 776.75
Total:	\$2,565.95

Ms. Glashoff noted the addendum to the bill list and report. The additional bills are from Planner Bolan for **\$3,284.60** and from Attorney Gallina for **\$245.00**, bringing the grand total to **\$6,095.55**

Motion by Mr. Gerlich and seconded by Mr. Piasecki to approve the bills as amended. Unanimously approved.

The board discussed whether or not to have a meeting in April. Ms. Glashoff informed the board that at this time she has nothing scheduled. The board agreed to cancel the April meeting with the next meeting on May 5, 2009 at 7:00 p.m.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Piasecki to adjourn the meeting at 8:15 p.m. Unanimously approved.

GARY MACQUEEN, CHAIRMAN

GAIL W. GLASHOFF, PLANNING BOARD CLERK