

REGULAR MEETING

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

March 7, 2006

The 784th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:07 p.m. by Chairman Gary MacQueen. Present were: Mr. Weeks, Mr. Gerlich, Mr. Rich, Ms. Bleck, Ms. Schriver, 2nd Alternate Schmidt, Attorney Gallina, Planner Bolan and Engineer Risse. 1st Alternate Mr. Piasecki arrived at 7:11 p.m. and Mr. Spatz arrived at 7:14 p.m.

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 March 1, 2006.

FYI: Financial Disclosure Statement for 2006

Chairman MacQueen reminded everyone to submit their financial statement.

PRESENTATION OF MINUTES: February 21, 2006 Regular Meeting

Motion by Ms. Schriver and seconded by Ms. Bleck to approve the minutes with one minor correction. Unanimously approved.

RESOLUTION:

- a. Hunterdon Learning Center Block #16 Lots #17 & 20
Site Plan with conditions Hoffmans Crossing Road RC 7½

Motion by Ms. Bleck and seconded by Mr. Rich to approve the resolution for site plan approval with conditions as corrected.

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

ITEMS FOR DISCUSSION:

- a. **Mandatory Education** – Mayor Schriver

Ms. Schriver stated that she had received a call from Eileen’s office discouraging anyone from taking the courses right now because it is still in review. The course providers can not be approved until after the adoption of the rule either in June or July. The recommendation is not to take any courses until after that point in time. Ms. Schriver stated that once the rules are adopted the boards will have 18 months from then to take and pass the course that will be offered. Chairman MacQueen informed the board that he had spoke to Senator Lance’s office about a month ago wanting to know the real reason for the mandated education and was informed that everything was approved. When receiving the copy of Eileen’s letter, Chairman MacQueen stated that he faxed it and mailed it to Senator Lance’s office with a note. Ms. Glashoff stated that once everything is in place she will notify the board with the locations of the courses being offered for them to sign up.

- b. **Update on Planning Board Budget** – Ms. Glashoff

Ms. Glashoff informed the board that she spoke with the CFO and was told that our board was cut \$10,425.00. She will keep the board informed as to balances on line items in the budget that may become a problem and reminded them that they will be receiving a 6 month update on balances regarding our professionals which will be in July.

c. Discuss New Road Department Garage & Re- Location – Mr. Weeks

Mr. Weeks stated that instead of spending a lot of money to purchase land for a new road department garage, he would like to see some of the land that is owned by the Township used for this purpose. Mr. Weeks noted that in the deed for the former Rich property it states very clearly that the land can not be used for a municipal garage, dump, transfer station or a cell tower. The property across from the Woodglen School was purchased from the Grange back in 1984 and it had a 10 year restriction which has since expired. He suggested possibly using that land for the road garage, also behind the Rescue Squad Building there is a portion of the tract that could possibly be used, there is a portion of land behind the pavilion that could also be considered. Mr. Weeks stated that we definitely want to have a new road garage.

Mr. Spatz asked how much land the road garage would need. Mr. Weeks stated to 2-3 acres, the most 3.5 acres. Mr. Weeks stated that a couple of properties that were looked at would cost upward to a million dollars. Mr. Weeks said instead of spending that kind of money we should utilize property we already own. Mr. Weeks said he wanted input from the Planning Board on this subject. Mr. Schmidt asked if we would still keep the property that the road garage is located on. Mr. Weeks answered yes. Mr. Piasecki asked what we would do with the original building and property. Mr. Weeks answered saying that we would use

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it for sand, salt, gravel etc. Mr. Piasecki asked if there had been any consideration in revamping the existing road garage. Mr. Weeks answered yes, but there is very little room for any expansion besides all the wetlands that are on the property, it is very restrictive. Mr. Piasecki asked if we have any restrictions on the Park property because of Green Acres. Mr. Gerlich answered not on that property. Mr. Piasecki questioned if you take Green Acre funding would it restrict you from what it can be used for. Planner Bolan stated that the properties that are listed on the ROSI are restricted. During the discussion, Mr. Piasecki stated that they don't want you taking Green Acres monies to develop parks and then using the parks for whatever. Mr. Weeks said the original intention for the property was for multiple uses, not just for a park. The Grange property was purchased separately with separate deeds. Mr. Rich asked if the Township owned any other land and secondly this is something that Planner Bolan should be involved with since it is a planning issue like where would be the best place for a facility like the road garage with considering costs. Planner Bolan wasn't aware this would be coming up since we had done a public lands inventory as part of the Open Space and Recreation Plan. We do have a very good inventory in that plan.

Chairman MacQueen asked about lands he thought the Township was looking to buy up by the existing road garage. Ms. Schriver said the property was on the corner of Newport Road and Anthony Road. Ms. Schriver noted that no Township monies were going into the purchase of that property. Mr. Piasecki asked how much land was at the existing site of the road garage and the possibility of revamping the site. It was noted that the site is approximately 2 acres and has a lot of wetlands. Mr. Gerlich stated that when the park committee started the planning of the park, they had considered a mix use. They had discussed the grange property being a road garage, but the two uses just don't mix. The grange property now is the main entrance to the park and has the 911 memorial on it with a good portion of that property already being used. Mr. Gerlich went on to say the property behind the Rescue Squad has the septic system for the municipal building. Mr. Gerlich's concern is that we have had volunteers invest from a half million to three quarters of a million dollars in the park property. It would jeopardize any future monies for the park in the future. With a mix of road department (trucks etc) and park activities, it just doesn't go along with children. During the discussion, the question was asked about the Highlands. Mr. Weeks stated that he did not want the Township to buy property when we have property because it would be too expensive. Chairman MacQueen suggested buying the Polt property at the triangle of Polt Place and Newport Road then everything could stay in one spot. Mr. Rich suggested having Planner Bolan look into this and all our recreational properties. Mr. Weeks said he would work with the Planner. Chairman MacQueen suggested having the Road Supervisor Paul Jones, a representative from the Park Committee. Chairman MacQueen asked for Ms. Schriver's comments. Ms. Schriver stated that any place in the Township that has received Green Acre Funding establishes open space. The board continued with the discussion. In conclusion, Planner

Bolan will check into the Green Acre Funding regarding legalities, and then Planner Bolan will meet with Mr. Weeks, Paul Jones, Fire Depart Official and Mr. Gerlich volunteered to represent the Park Committee. They will meet and report back to the board with their findings and any recommendations.

Chairman MacQueen asked about Cell Towers and the Park. He remembers a proposal for a Cell Tower at the Park and wanted to know what happened because it never came to light. Ms. Schriver stated that the Committee had Engineer Risse put together a spec for a Cell Tower for Verizon and Verizon dropped it. Mr. Gerlich said the thought was that the Park could make money especially with several cell providers at the site. The area that it was proposed for has now been regarded for a ball field. The board briefly discussed this issue. Chairman MacQueen asked the Mayor for any additional comments on the garage discussion. Ms. Schriver stated that we are going in to right direction having an Ad-Hoc Committee look into this and come up with a plan which would be discussed by the Planning Board and Township Committee. Ms. Schriver stated that she asked Paul Jones to write up a proposal for a road garage.

d. Amend Fee Schedule

Ms. Glashoff asked the board to amend the Fee Schedule since we do not have an official application fee and escrow for applicants who submit amended site plans. She has been charging per her discussion with Attorney Gallina the flat \$250.00 application fee and has asked for pro-rated escrow monies. After a brief discussion, motion by Ms. Bleck and seconded by Mr. Spatz to have Attorney Gallina draft an amendment to the Fee Schedule to charge \$1,000.00 for escrow on amended site plans. Unanimously approved.

e. Jack McDougal regarding affordable housing

Mr. McDougal addressed the board stating that he owns a 3 family house in New Hampton on Musconetcong River Road that consists of 2 1/3 acres that he would like to sell. He stated that he had been to a Planning Board Meeting awhile back and the board had discussed it very briefly. Mr. McDougal thought the house could be used for a Group Home or some type of affordable housing. He asked the board what their obligation regarding COAH is at this time. Chairman MacQueen asked Planner Bolan for his input. The plan we have now is a combination of accessory apartments and a RCA. We have a pending application before COAH which is almost ready to be declared complete and then we expect sometime probably by summer to have a technical review of the plan. We will then have to respond per Planner Bolan. We presently have a petition into COAH to reduce our affordable housing obligation based on the fact of our employment projection drives a high obligation that we do not expect to occur. Planner Bolan stated our COAH Plan includes 14 units. We are still generating an obligation, even

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with the Highlands regulations there are building permits being generated. Planner Bolan feels in time our inventory of vacant lots will expire. That will curtail growth and growth share that we will need to plan for regarding the affordable housing. Until we get our technical review from COAH and until we have some understanding of what if any adjustments that may need to be made based on the Highlands Plan and Act, it is difficult to generate a number even though we know we have one at this time. Chairman MacQueen asked Planner Bolan to work with Mr. McDougal. Planner Bolan will contact Mr. McDougal and meet with him.

g. Municipal Interpretation of Highlands Exemption for Zobian Subdivision – Block #43 Lot #4

Attorney Michael Selvaggi was present to represent the Zobians. Also present was Engineer Kurt Hoffman. Attorney Selvaggi referred back to the subdivision of 2004 when the applicant did a 1 lot minor subdivision and approval was granted by the board. This subdivision was granted on October 5, 2004. At that time there was discussion regarding the Highlands Act and whether this minor subdivision constituted a Major Highlands Development and would need approval from the DEP-Highlands. Attorney Gallina interjected stating there had been an amendment to the original resolution since the newly created lot was going to be sold and it

wouldn't be known until the building permit was issued whether or not it exceeded the limitation of 1 acre of disturbance. Attorney Selvaggi stated that a meeting had taken place last week at the office of the Board Engineer to go over the plan for the vacant lot. What we are looking for this evening is an acknowledgement on the board's part for that the development proposal. The vacant lot is below the standards required by the Highlands Water Protection and Planning Act for an exemption. Engineer Kurt Hoffman reviewed the letter he sent to Mr. Zobian stating his findings were as follows: "The total proposed and existing residential impervious area is 10,211sf or .23 acre and the total proposed and existing residential disturbance is 42,787 sf or .98 acres". Engineer Hoffman stated that both areas are below the threshold of a Major Highlands Development which is the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by ¼ acre or more. At the conclusion of Engineer Hoffmans comments, Chairman MacQueen asked Engineer Risse for his input.

Engineer Risse stated that he had looked at this back in 2005 and spoke with Laura Hilton on November 4, 2005 from the DEP Bureau of Watershed Management regarding clarification on the meaning of a "Major Highlands Development" in the context of a lot created after August 10, 2004. Engineer Risse in referring to the letter from Ms. Hilton which stated "The DEP looked at the lot as it existed on August 10, 2004, prior to the subdivision and in order to fall below the threshold of a Major Highlands Development, you would need to demonstrate less than 1 acre, of the existing disturbance that has occurred on Lot #4 plus the proposed disturbance on newly created Lot #4.01. Also you would need to demonstrate less than ¼ acre of proposed impervious cover on Lot #4.01 plus any impervious cover that has been added to Lot #4 since August 10, 2004. Engineer Risse stated that it wasn't just the new lot that had to meet the requirements but the entire lot as it existed on that date of August 10, 2004. It appeared at that time they had exceeded the ¼ impervious coverage and 1 acre of disturbance.

Attorney Gallina suggested having the applicant apply for his building permits and if the Construction Official needs guidance from Engineer Risse, he can look and analyze the area of impervious coverage or disturbance it seems that it would fall under the threshold. Engineer Risse stated he would look at the plans and do the calculations to make sure they fall under the threshold.

Chairman MacQueen asked if the board had any questions. Mr. Gerlich stated if the law allows us and we have the facts to make this determination once Engineer Risse checks the facts and everything is correct then we should go ahead with it. Mr. Gerlich said if we have the ability to make this determination, it's our judgment and our decision to make, then we have an obligation, a right and a mandate to do it. Apparently, there are other municipalities that are making these determinations. At the conclusion of the board's discussion, Attorney Selvaggi thanks the board for their input.

f. Stormwater Ordinance – Planner Bolan

Planner Bolan stated there were only a few changes in the ordinance other than putting into ordinance format. The main change is we redefined the minor development which had been a (1000sf) thousand square feet of impervious coverage and (2500sf) twenty-five hundred feet of disturbance. It is now 5000sf five thousand square feet of new impervious coverage and ½ acre of disturbance which is reflected in the applicability section 3 under Purpose and also in the definition section "Minor Subdivision" on page 19. A Major Development is 10,000sf of impervious cover and 1 acre of disturbance. You have to go through all the standards relating to erosion control, groundwater recharge, stormwater runoff quantity and stormwater runoff quality. If you are a Minor Development you only have those two standards that are on the bottom of page 1 and top of page 2, one is the water quality standard you need for soil erosion and sediment control approval and second is the rate and volume control. Planner Bolan said that he sent the ordinance over to Engineer Risse to check all the cross references that had to be included.

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Mr. Rich asked Engineer Risse if he felt that the 5000 sf and ½ acre eliminates most single family homes that will be built. Also, does it address his concerns from the previous meeting? Engineer Risse felt this would cover smaller site plans. A typical residential house could stay under 5000sf. Mr. Spatz asked if the septic was included in this

figure. Engineer Risse answered yes. Mr. Piasecki stated that this will cover the average house not the Mc-Mansions. Mr. Rich said that we have an ordinance that we have to adopt because of state standards, why pile on anything more we don't have to with addressing minors, this may or may not cover single family houses. Mr. Rich felt we should just have major development which is mandated by the state. Mr. Rich stated that all these regulations are getting way out of control. Planner Bolan asked about applying it to non-residential development. Mr. Rich agreed with applying it to non-residential development. Planner Bolan asked Engineer Risse if it is accumulative quarter acre of impervious cover and one acre of disturbance for a minor subdivision of either 2 lots or 3 lots. Engineer Risse answered yes, those thresholds would still have to comply. Planner Bolan noted that the Mc-Mansions will be caught with these standards. Chairman MacQueen asked the Planner what wording will actually be changed. Planner Bolan stated that he will insert non-residential site plan or subdivision in the applicability section and in the definition of minor development. Engineer Risse noted that the language needs to be more defined in the applicability section of the ordinance. Since the board agreed with the concept, Planner Bolan will change the wording on these two pages and will have them ready for the next meeting on March 21st. Ms. Glashoff stated when the board approves the ordinance it will be sent to the Township Committee for introduction on April 5th and asked if we can defer having the ordinance come back so the Committee can have the Public Hearing on April 19th. Planner Bolan noted that some municipalities do this referring to the 35 day. Attorney Gallina questioned whether waiving this is in the MLUL. After a brief discussion, the ordinance will go for introduction on April 5th come back to the Planning Board on April 18th and have a Public Hearing with the Township Committee on April 19th. Everyone agreed.

g. Amend Tree Ordinance h. Amend Fire Protection Ordinance – Upcoming meetings

These items will be addressed once all the information needed has been received by the board clerk.

Attorney Gallina announced that on Monday he was before the Appellate Division regarding the Toll Bros appeal. Attorney Gallina informed the board that once a written opinion from the Appellate Division which is a three judge panel is received, he will notify Ms. Glashoff to place on the agenda a resolution for an Executive Session. Mr. Rich asked if Toll Bros was to win the appeal wouldn't the Highlands Act put a stop to everything. Attorney Gallina brought this up in his brief that the subdivision would have to comply with the Highlands and Toll Bros attorney acknowledge his client would be subject to the Highlands Act.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$594.11
b. Banisch Associates	\$1,005.54
Total:	\$1,599.65

Motion by Mr. Spatz and seconded by Ms. Bleck to approve the bills as presented. Unanimously approved.

Ms. Glashoff announced the Township Committee adopted the ordinance having this board become a 9 member board with 2 alternates. Since the adoption of this ordinance has to be in the newspaper before we can swear in Chris and Darryl, the swearing in will be on the next agenda. Mr. MacQueen will be on the Board of Adjustment agenda for March 22nd to be sworn in.

CORRESPONDENCE: Reviewed.

BOARD COMMENTS:

Mr. Schmidt referred to the comments he made at the last meeting regarding the seepage pits and the stormwater regulations. In the Stormwater Management Regulations there is a section on the impervious seepage pits to dissipate the Stormwater from gutters etc. It calls for 2 1/2" clean stone. When the Hunterdon Learning Center was in their Engineer called for 3/4" stone. Mr. Schmidt noted that 2 1/2" stone would hold more water. Engineer Symond said he did not have a problem with the 2 1/2" stone but the 3/4" stone holds more water than 2 1/2" stone and pea gravel. Mr. Schmidt did a test and found that 2 1/2" stone holds more water than the other two. If the state is mandating these seepage pits and it is up to us to do the best we can do. In the future he will be requesting the 2 1/2" stone. The board briefly discussed this issue

Mr. Spatz asked about the project down at the intersection of Bunnvale Road & Route 513, the Mohawk Oil site. Chairman MacQueen asked about the septic system going in where the fire tank was to go. Engineer Risse stated the septic system did go in the right location; the fire tank would be placed on the other side of the fence which faces Hillside Terrace. Mohawk Oil was to post a maintenance bond and inspection fees. Per Engineer Risse the tank was to be installed after all the heavy equipment was off the site. During the discussion, Ms. Glashoff noted that Mohawk Oil had come in for an extension of time on their Site Plan. Engineer Risse noted the applicant needed the extension of time because of DEP problems. Chairman

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MacQueen asked Ms. Glashoff to contact the Construction Official and get an update. Mr. Rich asked if there were a time limit. It was noted that construction has started. Ms. Glashoff explained that once building permits are issued you have to start the work within a year and as long as they are working even at a slow pace the permits are valid. Ms. Glashoff will contact Mr. Rogers and report back to the board.

Ms. Glashoff informed the board that she had been contacted by a resident who lives on Winding Brook Lane behind the Califon Mobil Station. The complaint by the resident dealt with dead trees (approximately 12 dead trees) and the lack of shielding on the lights on the back of the building. The resident had pictures which showed the dead trees and the fact that the lighting on the back of the building was not shielded. It is very clear in the Resolution regarding the lighting and buffering. Ms. Glashoff informed the Chairman and board that she spoke to the Zoning Officer and gave him the pictures and all the information and asked him to please go to the site and speak to the owner Dave McCrone. Once she hears back from the Zoning Officer, she will report back to the board.

Being no further business to come before the board, nor comments from the public, motion by Ms. Schriver and seconded by Mr. Piasecki to adjourn the meeting at 8:40 p.m. Unanimously approved

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK