

REGULAR MEETING

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

March 20, 2007

The 797th regular Meeting of the Lebanon Township Planning Board was called to order at 7:09 p.m. by Chairman Gary MacQueen. Present were: Mr. Weeks, Mr. Schmidt, Mr. Gerlich, Mr. Rich, Mr. Piazza, Mr. Weiler, Attorney Gallina, Planner Bolan and Engineer Risse. Ms. Bleck arrived at 7:15 p.m. and Mr. Piasecki arrived at 7:16 p.m.

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 March 14, 2007.

PRESENTATION OF MINUTES: March 6, 2007 Regular Meeting

Mr. Rich noted there were a few corrections that needed to be made to the minutes. Mr. Rich gave Ms. Glashoff his copy of the minutes to work from. Motion by Mr. Rich and seconded by Mr. Piazza to approve the minutes with Mr. Rich’s noted corrections. Unanimously approve.

RESOLUTION:

- a. C&C Homes Block #34 Lot #2
Waiver from Resolution Condition #8 West Hill Road RC 7½
from Minor Subdivision Approval

Motion by Mr. Piazza and seconded by Mr. Schmidt to approve the resolution for Waiver from Condition #8.

Roll Call	Yes: Mr. Weeks Mr. Schmidt Mr. Rich Mr. Piazza	No: None	Abstain: Mr. MacQueen Mr. Gerlich Mr. Weiler	Absent: Ms. Bleck Mr. Piasecki
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ITEM FOR DISCUSSION:

- a. **Letter to Highlands Council** re: Master Plan Comments – Planner Bolan

At the March 6th Workshop Session, the board asked Planner Bolan to prepare a draft comment/position letter to the Highlands Commission. Planner Bolan referred to the top of page which states “In the Preservation Area the Act required an identification of areas where development shall not occur”. Mr. Rich had contacted him because he thought in the Act it stated that the landowners would be compensated for their land. Planner Bolan noted in reviewing the Act, it does not allow for compensation to the landowners. Planner Bolan read the language in the Act regarding the Preservation Area which states “A Preservation Zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through the use of a variety of tools including but not limited to land acquisition and the Transfer of Development Rights (TDR). That is the closest wording in referring to compensation. Planner Bolan suggested revising the first bullet on page 2 to reflect what is actually said in that section of the Act.

Mr. Rich and Mr. Piasecki noted some corrections in paragraph #3 and the following paragraph. Planner Bolan made note of the changes. Planner Bolan referred to the last page of the letter regarding the Township’s need for a new Public Works Site and suggested moving it to another section of the letter. In reviewing the Act looking for the compensation language, Planner Bolan found a section on public development. It states that they (Highlands Council) that any local government unit that involves the ultimate disturbance of 2 acres or more of land or accumulative increase of impervious surface by 1 acre or more which would be a new public works site and would need to be submitted to the Council for review. Mr. Schmidt suggested changing the acreage from 50-70 acres to 70-100 acres. Planner Bolan agreed along with the board. At that

suggestion of the board, Planner Bolan will rewrite that section of the letter. The last item was a comment about homeowners and expansion of homes. Per Planner Bolan, in reviewing the Act again, new homes and expansion of home that are in existence at the time of the Act are exempted, August, 2004. This should be noted in the letter regarding those homes after 2004. Mr. Rich felt this issue is just as important as the public works garage. Both of these items need to be pointed out in the letter. As Mr. Schmidt noted, this goes to the heart of every resident in the Township, it's not just the farmers that are losing the land, it also goes to your homeowners. Planner Bolan read a section of the Act and the Highlands Master Plan can not override the Act. Planner Bolan read the items that are exempt before the Act went into effect.

Ms. Glashoff referred to the Stone Row Subdivision and asked if those houses are exempt or not. Planner Bolan stated that since final subdivision was granted before March, 2004, those houses are exempt. Mr. Rich asked if these exemptions apply to houses built before 2004 and existing lots of record before 2004. Planner Bolan answered yes. Mr. Piasecki stated that even if the Plan appears to change it, the Act overrides it. The last item is the cc's on the letter. Planner Bolan read the list of people/agencies to be included on the cc's: Governor Corzine, Hunterdon County Freeholders, Newspapers, Attorney Gallina interjected stating that he read in the Star Ledger that the Highlands Commission is looking to extend the

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comment period an additional month. Chairman MacQueen suggested putting something in the letter regarding COAH. Planner Bolan read the comments from COAH regarding the Highlands Master Plan and those affected by it. Mr. Piasecki suggested putting something in the letter informing them how difficult it is to fulfill the COAH obligation when you are in the Preservation Zone. The board discussed this issue at length. Back to the cc list on the letter. Planner Bolan continued with the Legislators (our district), Office of Smart Growth – Eileen Swan, Hunterdon County Planning Board and the other Preservation municipalities. Chairman MacQueen thanked Planner Bolan for a job well done. The board decided if there is an extension to May, then the revised letter is to be on the next agenda for final review and approval otherwise, the letter will be revised, signed by the Chairman and sent to all those people/agencies mentioned. It was noted, the next board meeting is April 17th.

At this time, the board addressed the letter received from Attorney DelVecchio regarding Omnipoint which is listed under Unfinished Business before starting the informal discussion with Crossroads.

ANNOUNCEMENT:

Ms. Glashoff announced that Darryl Schmidt has taken the Training Class for Planning and Zoning Board Members and passed the test and would like this evening to present him with his Certificate. The board congratulated Darryl.

b. Fences – Planner Bolan

Planner Bolan informed the board that since he did not think we would have time to discuss fences, he did not bring the file. Ms. Glashoff offered to put this on the next agenda. Chairman MacQueen stated that he would like to address this issue this evening since everyone was present and if everyone agreed. The board agreed.

Chairman MacQueen referred to the draft of the fence ordinance from December 2006 which he gave to Planner Bolan. Planner Bolan noted that the second alternative that was discussed was from East Amwell. Planner Bolan reviewed for the board the suggestions and alternatives that were discussed back in December when fences were discussed. During the board's discussion, Mr. Gerlich stated that one of the major items discussed was minimizing the height in the front yard, making a percentage open and keeping the fence out of the ROW. Mr. Piasecki agreed with Mr. Gerlich. Mr. Piasecki stated that this ordinance is important to the Township in order to maintain the rural character of the Township. Mr. Piasecki made a statement on how he feels about this issue. Some municipalities have an ordinance called a View Shed. The purpose is to preserve the character, preserve the views and vistas that

everyone agrees is important in this Township. No one wants to stop a farmer from putting up a fence where they need a fence. Putting up these giant vinyl fences that block the view, reflect the sun and totally destroy the character of this Township is a mistake. We have changed a lot of things in this Township because they don't fulfill the goals of our Master Plan. Mr. Rich stated that he agrees with the introductory section of the draft ordinance. The Planning Board has always had the jurisdiction over site plan review for fencing and it is where we should be focusing our efforts. Regarding a fence ordinance, Mr. Rich said that he does not foresee a problem and that we would be infringing on property rights and is against having a fence ordinance. Ms. Bleck agreed and stated that she has a fence that wouldn't meet any of the standards proposed. Ms. Bleck said she does agree with the introductory section. Mr. Weiler also agreed with the introductory section and agreed with Ms. Bleck that it is hard to legislate or dictate good taste. Mr. Piazza had no comment since he was not involved from the beginning of this discussion going back to last year. He would have to review what is being proposed before commenting. Mr. Gerlich stated that he does not advocate that we over regulate to the point that we send everyone to the Board of Adjustment but Ms. Bleck made a very good point regarding the fencing she has on her property. The board continued with their discussion on fences. Chairman MacQueen also agrees with the introductory section. Mr. Gerlich said that the Township is the community that it is because of the regulations that we have and if there were no regulations we wouldn't have a community like we have. Our regulations do serve a purpose like Mr. Piasecki said earlier. At the end of the discussion, motion by Mr. Rich and seconded by Mr. Weeks that we include the introductory section in a fence ordinance but reject further standards for fences, pillars and monuments on residential properties.

ROLL CALL	Yes: Mr. Weeks	Ms. Bleck	No: Mr. Schmidt
	Mr. Rich	Mr. Piazza	Mr. Gerlich
	Mr. MacQueen	Mr. Weiler	Mr. Piasecki

FYI: NJDEP Highlands Exempt Update 3/10/2007

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INFORMAL:

Crossroads Outdoor Ministries
Camping & Retreat Center
29 Pleasant Grove Road
Port Murray, N.J.

Block #51 Lot #13
Pleasant Grove Road RC 7½

Discuss new buildings and 2 additional entrances

The following people were present to discuss the Informal: Tom Groendyke, Alan Bowen, President of Crossroads, Andrew Mollner, Co-Executive Director and Brian Bosenberg, Landscape Architect. Mr. Groendyke made a presentation to the board. Two years ago the camp went to the NJDEP after the Highlands Act went into affect to get approval for certain building structures and to provide for change in the septic system for some additional septic capacity to take care of a system that was beginning to fail. The NJDEP has given the camp tentative approval to add a 30 bed Retreat Center and the current Executive Director's house to be turned into office space and to create a new house for the Executive Director, also to build a new septic system for a number of the buildings that are currently there on the premises. We needed to create a new Site Plan to go to the DEP along with the signing of the agreement.

Attorney Gallina asked if the administrative consent order, the stipulation of settlement has been signed? Mr. Groendyke answered no and stated that in order to sign it they need to submit a Site Plan to the DEP. Attorney Gallina asked how did this show up at the Office of Administrative Law. Mr. Groendyke said that even though

churches are exempt from the system, they were told no for several reasons. The DEP considers a Retreat Center to be residential and that we were creating an additional need for septic and waste water. The camp negotiated a settlement with the DEP by going to an Administrative Law Judge to make a judgment on this matter.

Chairman MacQueen asked Planner Bolan since we have more than one camp in the Township church related, in our letter to the Highlands can we add something regarding camps. When you are expanding something that is recreational for a church, Planner Bolan interjected stating that this bounced around a lot in the legislation. Originally, they were going to be exempt completely and then they changed it. The board asked how many acres does the camp have. The response was 252 acres. Chairman MacQueen asked Planner Bolan, since they have a considerable amount of property is this something we should be addressing in our letter? Planner Bolan asked what the board would want to say. Chairman MacQueen asked if this would be worth addressing regarding any expansion in the future. The board discussed this issue at length

Mr. Groendyke reviewed for the board the two sets of drawings that the board had before them. Architect Brian Bosenberg made a presentation to the board reviewing the layout they had with them that was color coated and explaining to the board what they would like to accomplish at this time with the Site Plan. At the conclusion of Mr. Bosenberg's testimony, the board discussed the layout at length with the applicant and made the following recommendations: move the Retreat Center back from the road, have 1 entrance to the camp not 2, making the road a loop road and having the new house for the Executive Director with it's own entrance was agreeable. At the conclusion of the discussion, the applicant thanked the board for their input.

UNFINISHED BUSINESS:

Omnipoint Communications
c/o Robert DelVecchio, Esq.
405 Lafayette Ave
Hawthorne, N.J. 07507

Block #11 Lot #43
Route 513 R3

CONTINUATION OF A PUBLIC HEARING

Conditional Use/Site Plan/Variations for Cell Tower

Ms. Glashoff read into the record the letter received from Attorney DelVecchio requesting to have Omnipoint Communications rescheduled to the May 15, 2007 Planning Board Meeting at 7:00 p.m. and granting an extension through June 31, 2007. Chairman MacQueen asked if the board could get copies of the transcript since it has now been several months. Ms. Glashoff informed the board that she has a copy of the transcript and will make copies to hand out at the next meeting in April.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 326.20
b. Banisch Associates	\$1,116.80
Total:	\$1,443.00

Ms. Glashoff informed the board she had two additional bills to add to the bill list. Both bills were from Attorney Gallina, one for **\$385.00** and the other for **\$455.00**, which brings the grand total of the bills to

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\$2,283.00. Both bills were reviewed for the board. Motion by Mr. Gerlich and seconded by Ms. Bleck to approve the bills as amended. Unanimously approved.

CORRESPONDENCE:

- a. Article on Eminent Domain in NJ
- b. Ltr from DCA Guidelines re: Appellate Division Decision on COAH 3rd Round Rules

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 8:40 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK