

**REGULAR MEETING**

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

**April 18, 2006**

The 786<sup>th</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:10 p.m. by Chairman Gary MacQueen. Present were: Mr. Weeks, Mr. Gerlich, Mr. Piasecki, Mr. Rich, Ms. Schriver, Mr. Schmidt, 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 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 April 12, 2006.

**PRESENTATION OF MINUTES:**                      March 21, 2006      Regular Meeting

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

**EXTENSION OF TIME TO FILE DEEDS:**

David Klipstein    Block #24      Lot #17  
3 Lot Minor Subdivision remaining                      Route 513 & Doefield Road      RC 7½  
lands with conditions

Attorney Laughlin was present to represent David Klipstein in his request for an extension of time to file deeds. Attorney Laughlin informed the board since they are still waiting on the DEP Highlands they need another extension to file the deeds. The DEP Highlands has classified this minor subdivision as a Major Highlands Development. They are having an on a going dialog with the DEP. During the discussion, the board suggested 18 months for the extension. At the conclusion of the board's discussion, motion by Mr. Rich and seconded by Ms. Schriver to grant an extension of time to file deeds for 18 months starting from November 24, 2005 to May 24, 2007.

**ROLL CALL**                      **Yes:** Mr. Weeks                      Mr. MacQueen                      **No:** None  
   Mr. Gerlich                              Ms. Schriver  
   Mr. Piasecki                              Mr. Schmidt  
   Mr. Rich

**Attorney Gallina will prepare the resolution to be placed on the May 2, 2006 agenda.**

Attorney Laughlin asked to address the board on another issue. Attorney Laughlin informed the board that he is retiring in May. Attorney Laughlin stated that he has appeared before this board on several occasions either with a subdivision or site plan. He has found the board to be strict in their application of the zoning ordinances, meticulous complying with procedural structure of applying with the MLUL. Attorney Laughlin noted that he and his clients have always felt they got a fair shake from this board on every application the applicant has presented and even if we disagreed on certain aspects of those applications the proceedings were conducted with decorum and not degenerating into those nasty confrontations that can happen. Good boards seek out good professionals who give them good advice and this board has that here with Steve Risse handling the engineering duties of the board, John Gallina as your attorney, Michael Bolan, Jim Kyle as your Planners and Gail as your very able planning/zoning coordinator. The board thanked Attorney Laughlin for the kind words and wished him well in his retirement. Chairman MacQueen stated that in speaking with people from other municipalities your name has come up as being very gentlemanly. The board again thanked Attorney Laughlin for the kind words and wished him well.

**APPLICATION FOR COMPLETENESS AND WAIVERS:**

Cingular Wireless PCS, LLC    Block #17      Lot #29  
Co-location for Cell Tower    Cokesbury/Califon Road      RC 7½  
(Report from Engr. Risse)

Attorney Chris Quinn was present to represent the applicant and made a brief presentation to the board. Attorney Quinn informed the board they submitted the revised checklist which had been requested by Engineer Risse. Ms. Glashoff stated that she received the checklist and gave one to Planner Bolan and to Engineer Risse. Engineer Risse reviewed his letter stating that the applicant plans a co-location on an existing tower on a residential lot. Regarding the Environmental Inventory Plan, the board can grant a waiver for completeness and if something comes up during the hearing, the board can request a Plan at that time. Planner Bolan concurred stating when waiving completeness items the board can always ask to have those items address during the hearing.

Attorney Quinn stated they plan on only disturbing 250 sq feet under the base of a transition tower. Mr. Rich asked for the exact location of the tower. Engineer Glenn Scherer reviewed for the board the site plan which showed the location of the tower. At the conclusion of Engineer Scherer's review, Mr. Rich expressed concern regarding the Environmental Inventory Plan. Engineer Risse informed the board that wetlands, stream corridors or endangered species are not an issue.

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At this time, Chairman MacQueen asked for a motion to deem complete and set a public hearing date. Motion by Ms. Schriver and seconded by Mr. Rich to deem the application complete.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Weeks Mr. Gerlich Mr. Piasecki Mr. Rich	Mr. MacQueen Ms. Schriver Mr. Schmidt	<b>No:</b> None
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Ms. Glashoff offered the June 6, 2006 meeting date. Applicant accepted.

**FYI: Fire Tank Delivery April 11, 2006 (Davara Industrial Center)**

Chairman MacQueen asked if the tank had been delivered. Ms. Glashoff informed the board that the tank was delivered today. Mr. English called her after it was delivered to confirm. Engineer Risse concurred that he saw the tank at the site. Ms. Glashoff informed Mr. English that the tank was to be installed by the 18<sup>th</sup> per the Resolution and that she will need to bring this information to the Planning Board this evening and then would get back to him. Attorney Gallina asked Engineer Risse per the Resolution, the applicant was to notify the board within 30 days of February 21<sup>st</sup> of the approval of the location by the Fire Chief. Engineer Risse informed the board that he spoke with the Fire Chief and Fire Official regarding the location. The Fire Chief was to meet with Mr. English at the site regarding the location of the tank last week. Ms. Glashoff stated that the location of the tank has changed from what is on the Site Plan per her conversation with Fire Chief Warren Gabriel. Mr. Gabriel wanted the tank to be located down by the Foley Shed instead of up by the pond. Engineer Risse stated that as long as the tank is placed where Mr. Gabriel wants it then As Built plans can be submitted to the board. Ms. Glashoff informed the board that Mr. English had submitted plans within the 30 days that was required by the resolution.

Attorney Gallina noted that per the resolution, Mr. English should have requested in writing an extension of time when he was not able to meet the April 18<sup>th</sup> deadline. Attorney Gallina asked if the proposed easement has been submitted. Ms. Glashoff answered no. Chairman MacQueen asked Attorney Gallina what needs to be done at this time. Attorney Gallina stated the applicant needs to appear before the board requesting an extension of time regarding the installation of the tank and to update the board regarding the other conditions in the resolution. Attorney Gallina noted that when conditions are not meet in a timely manner, you are subject to having your approval revoke per the ordinance. The board asked Ms. Glashoff to contact Attorney DeChellis to have him come in at the May 2<sup>nd</sup> meeting to update the board on all the conditions in the resolution including , the easement, written approval from the Fire Chief and to ask for an extension of time. Mr. Piasecki asked if by motion, if the tank isn't installed by the end of next week can we revoke the approval. Attorney Gallina stated that the applicant needs to come in before the board and ask for an extension and at that time we can

deal with all the other items. Attorney Gallina stated that only the Zoning Officer can revoke an approval, not the board. Planner Bolan said that Mr. English should have filed for an extension to appear tonight before the board, Mr. Piasecki said there is no creditability.

During the discussion, Mr. Rich stated that the board needs to take strong action. Mr. Piasecki asked how can the applicant not meet the conditions of the resolution and still have the benefit of the approval. Attorney Gallina stated that it is an enforcement issue and it is up to the Zoning Officer to handle enforcement. Attorney Gallina stated that if the applicant and his attorney do not appear at the next meeting then it will be up to the Zoning Officer to follow through with the enforcement. The board continued their discussion at length. The board asked that the Zoning Officer go to the site per the original resolution along with the Engineer before the next meeting. Ms. Glashoff will contact Mr. Skene to let him know and to have him contact the Engineer to set up a date for the inspection.

Ms. Glashoff asked to confirm that the board wants the Zoning Officer to appear at the next Planning Board meeting. Attorney Gallina said he needs to appear to answer any questions the board may have.

### **Highlands Master Plan Deadline Extended to December 2006**

Ms. Glashoff said she put this item on the agenda just to update the board along with the article from the Star Ledger.

Ms. Glashoff brought to the board's attention the MCA-(Metropolitan Conservation Alliance) NJ Partnership Meeting to be held at the municipal building on Tuesday May 9<sup>th</sup> at 6:30 p.m. All Environmental Commission members and Planning Board members from Lebanon Township, Washington Township and Chester (Morris Cty) have been invited. They will serve a lite supper. Ms. Glashoff said she received an email asking who would be attending from Lebanon Township. Ms. Glashoff said she will put it on the next agenda as a reminder.

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### **ITEMS FOR DISCUSSION:**

#### **a. Amend Fee Schedule for Escrow on amended Site Plans**

Ms. Glashoff stated this proposed amendment was on the March agenda for discussion. Attorney Gallina per the board put together the amendment to the Fee Schedule for Escrows. If the board approves this amendment, it can then be forwarded on to the Township Committee. After a brief discussion, motion by Mr. Gerlich and seconded by Mr. Piasecki to send this Fee Schedule amendment on to the Township Committee for Introduction. Unanimously approved.

#### **b. Report from Sub-Committee – Planner Bolan (Road Garage Facility)**

Planner Bolan passed out to the board aerial photographs. The first one shows the Municipal Complex and the Park including surrounding properties, the second one shows the existing Road Department property consisting of 2.1 acres including surrounding properties and the last one shows the Diamond property on Anthony Road which consists of 47 acres. The map showing the Municipal Complex includes wetland boundaries. Planner Bolan stated that the following people met: Art Gerlich, Jay Weeks, Engineer Risse, Russ Monahan, Chris Piasecki and himself. The group went up to the existing Road Garage. Paul Jones handed out plans that had been prepared back in 2002. The photo shows where the wetlands are located. The lot that has all the buildings on it consists of 1.2 acres. The group then when on to the Municipal Complex and Park Property. Planner Bolan stated that in reviewing the Municipal Complex and the Park, he found placing a Road Garage Facility in the lower back side behind the Rescue Squad on Park property was not feasible because of the septic systems. Also the tributary to the Rocky Run runs along the hedge row behind the pond known as the Rockaway Creek which is a C1 and needs a 300' buffer on either side and lastly is the impervious coverage

issue. Using the 300' buffer you would encompass the entire soccer field. If you claimed it was already disturbed it would then encompass half of the soccer field. Planner Bolan also referred to the entrance to the Park on Bunnvale Road stating when you enter the park, the 911 Memorial sits back behind a hedge row near the woods and you have the Park Sign as you enter the board.

Planner Bolan had with him plans for a facility in Sparta which included the Road Department Garage. The building the Public Works Department is calculated at about ½ acre or 23,000 square feet. What we have currently has a disturbance of 1.2 acres. To have a building of that size you would need approximately 2 acres of disturbance in order to have the move-ability that you will need with the vehicles that are needed. Chairman MacQueen asked about repairing the existing garage. Planner Bolan said that it was not feasible. It was noted that federal funding has been applied for. At the conclusion of the discussion, it was decided to have the committee check out the Diamond property for feasibility. Mr. Gerlich informed the board that before coming in before the board with their Site Plan for the Park, they did some sketches of the Grange property showing a Road Garage and with the access road and putting the Garage there just did not fit and the building wasn't even as big as what is needed now. Mr. Gerlich stated that while on the Township Committee he spent a lot of time with Paul Jones trying to come up with a Road Garage. Ms. Schriver noted that the impervious coverage is the real issue.

From the public, Committeeman George Piazza stated that having the Garage on the Park Property makes sense if it can work, if not his family has 47+ acres of vacant land on Anthony Road and asked if the board would consider looking at that property as a possibility. Mr. Piazza cautioned the board stating that even though there was a clean up on the Diamond property there are no guarantees that the property is clean. Chairman MacQueen suggested contacting George Diamond to see if there is any interest in selling and to ask about doing a site walk. Mr. Gerlich reminded the board that to have 2 acres of impervious coverage we would need 60 acres in order to meet the Highlands regulations for 3% impervious coverage. Engineer Risse noted that the Diamond property already has more than enough existing coverage that is available without having any more disturbances. The 3% is for new coverage.

**c. ROSI Update – Planner Bolan**

Planner Bolan noted that the Township sent to the County the ROSI which included the two Park properties back in December 2005 but did not include the former Rich property at the intersection of Bunnvale and West Hill Road. The ROSI has not been sent as yet to the State. For the latest Planning Incentive Grant (PIG) the Township has to send the ROSI to the State. Mr. Weeks said that the two Park properties need to come off the ROSI. Mr. Weeks stated that those properties were not purchased with Green Acre monies. Ms. Schriver noted that the two Park properties are on our Open Space & Recreation Plan. Planner Bolan stated that those properties were not on the ROSI that was submitted to the State last May 2005 as part of the Planning Incentive Grant application. Planner Bolan stated that if the State is going to give us 90% of the money to purchase land they don't want us taking existing public lands and selling it for a profit.

Per Planner Bolan, 1) Any local unit (municipality) that receives a loan or grant shall not dispose of or divert to use other than recreation and conservation purposes any lands that are acquired using Green Acre funds, 2) held by the municipality for recreation and conservation purposes at that the time of receipt of Green Acre funds. The first Green Acre funds were received in 2003. Recreation and conservation purposes means the use of lands for Parks, natural areas as fishing, camping, reservoirs, water reserves,

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wildlife reserves, hunting, boating and similar uses for either public outdoor recreation or conservation of natural resources or both. The last time the board discussed this issue we were discussing the grange property on Bunnvale Road consisting of 4.61 acres and was it held for recreation and conservation purposes with board members having a difference of opinions at that time.

