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requirement is 1.5 acres for a combination of business and residential use and the two lots together total 1.14 acres. Attorney Gallina asked Mr. Luster if they live on the property and Mr. Luster answered yes. Planner Bolan agreed with Attorney Gallina they will need bulk relief.

Planner Bolan asked if the applicant was going to merge the lots. Mr. Luster said later down the road. Planner Bolan said if they are planning on having parking on Lot #9.02, there is no principal use on that lot only a portion of a shed and a portion of a two car garage. Engineer Risse said merging the two lots would eliminate some of the variances. Attorney Gallina said the applicant would still need relief since it is under the 1.5 acre requirement for the two uses. Attorney Gallina said the applicant can do a deed of merger and then with the Site Plan you would just deal with one piece of property instead of two. Mrs. Luster asked if we merge the lots and in 10 years from now decide to turn the top of the 4 bay garages into an apartment would they be able to do that. Attorney Gallina said they would have to come back to the board for the additional use and for that additional use, you would have to go to the Board of Adjustment. During the discussion, Mr. Luster said he might want to put a pole barn on the lot where the pine trees are located in the future. Mr. Schmidt asked if you could build in a flood plain. Engineer Risse said it depends where you are. If you are in the floodway you can't build anything. Attorney Gallina said the floodway is actually where the water will be.

Chairman MacQueen said he hoped the board has guided them in a direction that will work. Planner Bolan asked about the two car garage behind the dwelling and asked if it were used for their personal use. Mr. Luster said he uses it for storage of all the tools he gets from clean outs. Planner Bolan asked about the two story garage and what that is used for. Mr. Luster said he has a lot of antique furniture, household furnishing in the building. Chairman MacQueen asked Mr. Luster if he was using all the outbuildings for storage. Mr. Luster said yes. Planner Bolan asked about the block building without a roof and if he uses that for storage. Mr. Luster said he has a lot of antiques that he has tarps over. Planner Bolan said the applicant would have to pick retail for parking not a storage area. Planner Bolan said he doesn't have any square footage of any of the buildings. Chairman MacQueen said they will need the square footage of all the buildings and a retail parking plan on the Site Plan. Engineer Risse said 1 space parking for every 250 square feet. Mr. Luster asked where he goes to get a Site Plan. Attorney Gallina said to get all the necessary paperwork from Ms. Glashoff which will tell you what you have to do. Planner Bolan noted that Eldon Allen doesn't do Site Plans since he is a land surveyor. Mr. Milkowski said he would need an engineer. Mr. Gerlich asked if we could recommend someone. Ms. Glashoff said we can't recommend anyone. Chairman MacQueen suggested asking Eldon Allen if he could recommend an engineer for them. At this point the board when over the items that the applicant will need to take care of. Mr. Luster asked if he could put up the fence. Ms. Glashoff suggested talking to the Zoning Officer regarding the fence. Mr. Luster thanked the board for their input.

Ms. Glashoff asked for the board to take care of the Resolution at this time for New Cingular which is on an Agenda Addendum and informed the board that the Board of Adjustment approved New Cingular's application before them last Wednesday evening. Attorney Fairweather sent a letter to withdraw their application before the Planning Board.

RESOLUTION:

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|--------------------------|----------------------|
| a. New Cingular Wireless | Block #12 Lot #45.05 |
| Application Withdrawn | Route 513 B1 |

Attorney Gallina reviewed for the board the Resolution of Withdrawal for New Cingular Wireless. Motion by Mr. Rich and seconded by Mr. Gerlich to adopt the Resolution of withdrawal.

ROLL CALL	Yes: Mr. Milkowski	Mr. MacQueen	Absent: Mr. Piasecki
	Mr. Laul	Ms. Bleck	Abstain: Mr. Skidmore
	Mr. Schmidt	Mr. Weiler	
	Mr. Gerlich	Mr. Wunder	
	Mr. Rich		

ITEM FOR DISCUSSION:

a. Highlands Ordinance

Planner Bolan said when he wrote to the Highlands regarding the Agricultural delineations and wanted to know how much land got into the Agricultural Resource Areas. Planner Bolan said they mailed him a map which he doesn't agree with their mapping protocol. Planner Bolan asked that the extra copies be distributed to the Township Committee members and handed out to the board members a map which reflects in checkered Agricultural Resource Areas, Important Farmland Soils in grey, Agricultural Uses in blue, and Agricultural Landscapes in light green and preserved farmland in red. Planner Bolan read part of the letter he received from the Highlands. Planner Bolan said he asked the Highlands for a better explanation of the Forest Resource Area. Mr. Schmidt asked to have the Highlands clarify Forest Resource Area which is the same as the Agricultural Resource Area. Planner Bolan said he asked for a better explanation and he is waiting for them to get back to him. The Highlands acknowledges that the Township is 60% forested and not 80% agricultural.

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Planner Bolan said from the discussion at the last meeting on April 3rd that pages 39-59 are really the guts of the ordinance. Planner Bolan said the 5 areas that he felt the board needed to look at specifically is: a) Forest Resources, b) Critical Habitats, c) Water Conservation & Deficit Mitigation, d) Mitigation Prime Water Recharge Areas and e) Agricultural Resources. Planner Bolan started with the Forest Resources on pages 39-41 of the Ordinance. Next, the Critical Habitat on pages 50-51 along with exhibit #6 of the Map Set. Almost 90% of the Township falls under Critical Habitat per the Highlands. Once the Township adopts a Habitat Conservation and Management Plan that would be the controlling factor. There may be future funding for it in 2012. Planner Bolan said he can not believe that 90% of the Township is Critical Habitat. Planner Bolan said this is one of things that need to be addressed is Major Development and Exemptions. Planner Bolan said in 6.4.2 under Disturbance Prohibited, Major Development and Exemptions are not addressed. Planner Bolan covered the Carbonate Rock on pages 51-55. Planner Bolan referred to the Phase I Investigation on page 52, noting the Township has two areas in Limestone, first being along the Musconetcong River and the other in the Industrial Zone but also along the South Branch of the Raritan River. The Water Conservation and Deficit Mitigation are covered on pages 58-63. These areas cover the southern half of the Township which shows it has a current deficit to ground water availability. If you are in a sub-watershed you have to do a deficit mitigation plan. Planner Bolan said there are no standard requirements.

Planner Bolan discussed the Prime Ground Water Recharge Areas on pages 63-67 followed by the Agricultural Resources which is found on pages 67-69. In this section four units is considered a Cluster Subdivision per Planner Bolan. Planner Bolan stated the Governor is in charge of the DEP. The rules on acreage were created by the DEP not the Highlands. It was an administrative rule, it was not legislated. Under the Highlands, acreage is listed as 10 acres and 20 acres, not 25 & 88 acres. The DEP also created the 300' buffer from C1 streams. Chairman MacQueen agreed that the DEP was the one creating all the rules not the Highlands. These resources can be found on Exhibit 8.

Planner Bolan noted that all the Bulk Requirements are on page 80 & 81 of the ordinance. Planner Bolan referred back to the Highland Exemption section of the ordinance on page 3. The exemptions apply to the Preservation and Planning Areas with the exception of Exemptions #3 & #17 which refers to Major Highlands Development. The board discussed at length the wording in 2.4 of Exemptions, Items 1&2.

Chairman MacQueen asked if the board wants to have a letter sent to the Governor regarding all these rules that have been put in place by the DEP which is contrary to the Highlands Act. The board agreed to have Planner Bolan write the letter for the Chairman to sign and forward it on to the Township Committee. Mr. Rich called Planner Bolan's attention to page 2 of the ordinance regarding the Exclusions quoting Item A, and then referred to page 5, Item 5 and asked Planner Bolan the difference between the two statements. Mr. Rich said one seems more restrictive and the other more open ended and are conflicting with each other. Planner Bolan agreed. Planner Bolan said the Exemptions are in affect as of August 10, 2004 and the Exclusions go into affect when the Ordinance is adopted. In looking these over, Planner Bolan said the Exemptions are better. The Exclusion limits you to ultimate disturbance and cumulative impervious surface area. Engineer Risse said with the Exemption it is the cumulative impervious, you have to take into account the existing impervious and then a quarter acre of new disturbance with an acre of overall disturbance. Both Planner Bolan and Engineer Risse said the Exemption is better than the Exclusion. It was noted that the Exclusion will come into play once the ordinance is adopted by the Township Committee. The board continued to discuss this issue at length with comments being made about taking out the Exclusion portion in the Ordinance.

Chairman MacQueen asked about underground recharge systems. Planner Bolan said you would need it if you were in a deficit area referring to page 58 in the ordinance. The way it is written, it would be more restrictive that you would have to follow. Ms. Bleck asked about Pond Maintenance since there is nothing in the ordinance for existing ponds and there are a lot of older ponds in the Township and wanted to know why there was nothing for fixing existing ponds. Ms. Bleck said there should be some incentives for maintenance of existing ponds to keep them clean whether they are man made or not. Mr. Rich agreed stating that there are a lot of these ponds that are turning green from lack of maintenance. Ms. Bleck said there should be monies for fixing existing ponds for the quality of the water. All that is in the ordinance are regulations but nothing for maintenance or fixing existing ponds. Mr. Rich said you would think that good maintenance and keeping the water quality good would be important. Engineer Risse said you need a Wetlands Permit to work on a pond. At the conclusion of the discussion with the ordinance, Planner Bolan asked the board what they want to do with all the comments that have been made this evening. Mr. Rich said that Planner Bolan should prepare two letters. One is for the Ordinance and should come back to the Planning Board before being sent to the Highlands for approval and the other letter is the one to the Governor. Mr. Schmidt suggested including the maps with the letter to the Governor. Planner Bolan will prepare the letters and have the one for the Highlands to the Planning Board Meeting on May 10th. Mr. Schmidt said he wanted to know about subdividing for a family member and thought there was an exemption for family using Township Zoning. When Tom Borden, Deputy Executive Director of the Highlands was present at a Planning Board meeting he had mentioned it and Mr. Schmidt wanted it clarified. Planner Bolan will check into it.

At the conclusion of the board's discussion this evening, Planner Bolan suggested continuing with the discussion on the ordinance at the June 5th meeting before sending the ordinance to the Township Committee for Introduction. Chairman MacQueen announced that the board will continue with the

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discussion on the Highlands Ordinance at the June 5th Regular Meeting and will invite the Township Committee to attend. Ms. Glashoff will place a notice in the newspaper for the Joint Meeting.

PRESENTATION OF BILLS:

Ms. Glashoff stated on the Agenda Addendum there are two bills for approval.

- a. John Gallina, Esq. \$435.00 – Escrow – Review corres. from Attorney Tubman. Attend
PB Meeting on 4/24/2012 **(Gen Psych)**
\$ 72.50 – Attend PB Meeting 4/24/2012
Total: \$507.50

Motion by Mr. Gerlich and seconded by Mr. Schmidt to approve the bills as presented. Unanimously approved.

Chairman MacQueen asked about upcoming meeting dates. Ms. Glashoff said the next meeting is May 10th for Gen Psych and May 29th. Chairman MacQueen, Ms. Bleck and Mr. Rich said they were not available for the 29th since they will be away. Ms. Glashoff will call the school and change the date. Ms. Glashoff said that June 19th has been set aside for the Gen Psych hearing. Everyone was good with that date.

CORRESPONDENCE: Handed out at meeting

Chairman MacQueen opened the meeting to the public. David Tullo addressed the board regarding the DEP and said it was over due and was glad the board was sending a letter to the Governor regarding the lot regulations of 25 & 88 acres put in place by the DEP.

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

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK