

## REGULAR MEETING

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

**May 5, 2015**

The 890<sup>th</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:05 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Rich, Ms. Bleck, Mr. McKee, Mr. Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Weiler.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 13, 2015, faxed 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 29, 2015.

**PRESENTATION OF MINUTES:** April 7, 2015 Regular Meeting

Motion by Mr. Milkowski and seconded by Mr. McKee to approve the minutes as presented. Unanimously approved by those eligible to vote.

**FYI: Update on Gen Psych – Engr. Risse**

Engineer Risse gave a brief update on Gen Psych. Engineer Risse informed the board that an Inspection Escrow Account will be set in the amount of \$8,935.97 along with a Performance Guarantee in the amount of \$309,438.95. The neighbor has signed off on the landscaping plan. The Site Plan has been signed off. The board asked if work has started. Engineer Risse said not that he is aware of.

### **ITEMS FOR DISCUSSION:**

#### **a. Annual Report from ZBA**

Planner Bolan reviewed for the Board the Report that he prepared for the Board of Adjustment. Planner Bolan said the board had 10 meetings last year and acted on 5 applications. One was a clarification of a Resolution at the request of the Zoning Officer. There was one variance application and the others were for extension of time to perfect approvals. Planner Bolan stated that there are a large number of private roads in the Township which the Zoning Board often deals with applications on private roads. The Board of Adjustment recommends that a subcommittee consisting of members of the Township Committee, Planning Board, Zoning Board, Fire Official be formed in order to thoroughly review the issues surrounding private roads. Lastly, the Zoning Board relies on the enforcement of certain conditions as part of granting variances and recommends diligent enforcement of those conditions. The board briefly discussed Planner Bolan's comments on his Report.

#### **b. COAH – Planner Bolan (see enclosed Memo)**

Planner Bolan started with the NJ Supreme Court Decision on COAH. On March 10, 2015 the Supreme Court published a decision COAH Third Round Rules. Since the Court was highly critical of COAH they assumed jurisdiction over the Fair Housing Act because of their failure to adopt valid regulations. The Court transferred jurisdiction over affordable housing compliance back to the trial courts the way it was 30 years ago prior to the adoption of the Fair Housing Act and creation of COAH. Instead of submitting Housing & Fair Share Plans to COAH for certification, municipalities seeking the equivalent of substantive certification must now enter the judicial process to achieve this goal. The judicial action which is termed Declaratory Judgement will be heard by 15 Mt. Laurel Judges that are appointed annually by the Supreme Court.

The Court established three categories of municipalities, those that had received Third Round Certification for its Housing Plan, those participating in the COAH process and those that ignored the COAH process entirely. Lebanon Township is one of those participating in the COAH process. Those municipalities that fall in the third category have no protection from a builder's remedy lawsuit. There are approximately 360-380 municipalities that are in the first two categories. The Court set up a nine-month process to achieve compliance. First is a 90-day transition period. This affords a municipality the opportunity to decide whether it wishes to voluntarily pursue Judicial Declaration of Compliance.

As of June 8, 2015 a municipality has a 30-day window to file a Declaratory Judgment action with a Mt. Laurel Judge to invoke the Court's jurisdiction over the determination the municipality has addressed its affordable housing obligation. If the municipality files a Declaratory Judgment action they would be given a 5 month period to submit its Third Round Housing Plan Element & Fair Share Plan. Unfortunately, the Court did not establish a methodology to determine a municipality fair share obligation other than previous methodologies in Round 1 and Round 2 should be used to establish present and prospective affordable housing needs. Planner Bolan noted that COAH claimed their fair share numbers published in 2014 follow the previous methodologies where the Fair Share Housing Center claimed they did not. The FSHC developed their own methodology which indicates parallels the prior methodologies.

Planner Bolan said Lebanon Township's case the methodologies are staggering. COAH projected a need of 20 affordable units over a 25 year period which would be beyond any capability for the Township to produce. Planner

Bolan said this would be a joint venture between the Planning Board and the Township Committee. The Planning Board would adopt the Housing Plan Element & Fair Share Plan, but the Township Committee must act to file for Declaratory Judgment and would be responsible for implementation of whatever Plan is adopted. Planner Bolan suggested a joint meeting as soon as possible to sort out the issues and chart a course. The board had a few questions regarding the our COAH obligation. Discussion centered around the possibility of expanding Freedom House, rental units, other alternative living arrangements

At this point Planner Bolan reviewed for the board his memo on background information for the Housing Plan Element which provides information on population and housing characteristics in the Township and also addresses the statutory requirements outlined in the Fair Housing Act & Municipal Land Use Law. This document mainly consists of charts which the board reviewed. At the conclusion of the board's decision, Ms. Glashoff offered dates for the Joint Meeting. Planner Bolan suggested having this discussion in Closed Executive Session. The following dates were suggested: June 2<sup>nd</sup>, June 9<sup>th</sup> & June 16<sup>th</sup>. Ms. Glashoff will prepare a memo for the Committee's Meeting for tomorrow evening.

Ms. Glashoff informed the board that the Municipal Clerk received a call from General Codes regarding the ordinances that will be included in the ordinance book and was informed that the cost to include the Highlands Ordinances could cost up to \$6,000.00. Chairman MacQueen asked if any of this cost could be taken from the Grant money. Ms. Glashoff informed the board in speaking with Planner Bolan the answer was no.

**PRESENTATION OF BILLS & REPORT:**

a. John Gallina, Esq.	\$ 761.25
b. Michael Bolan, PP	\$1,310.80
c. Bayer/Risse Engrs.	\$2,358.75
<b>Total:</b>	<b>\$4,430.80</b>

One additional bill was added from the Addendum for **\$30.00** bringing the grand total to **\$4,460.80**. Motion by Mr. Gerlich and seconded by Mr. Piasecki to approve the bills as amended. Unanimously approved.

**CORRESPONDENCE:**

- a. Law of the Land Articles

**OPEN TO THE PUBLIC – no public present.**

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Rich to adjourn the meeting at 8:07 p.m. Unanimously approved.

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**CHAIRMAN GARY MACQUEEN**

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**GAIL W. GLASHOFF, PLANNING BOARD CLERK**