

REGULAR MEETING

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

May 5, 2009

The 818th 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. Piasecki, Mr. Rich, Ms. Bleck, Mr. Weiler, Ms. Schriver and Attorney Gallina. Planner Bolan arrived at 7:32 p.m. and Engineer Risse arrived at 7:48 p.m.

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 13, 2009, 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 29, 2009.

PRESENTATION OF MINUTES: March 3, 2009 Regular Meeting

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

RESOLUTION:

a. Re-examination Report (Master Plan)

Mr. Rich said since he had a few questions and Planner Bolan hadn't as yet arrived he asked that we postpone voting on the resolution. Board agreed. In the interim Mr. Rich had the opportunity to review the report and asked to proceed with the Resolution. After a brief discussion by the board, motion by Mr. Rich and seconded by Mr. Piasecki to approve the resolution as presented. Unanimously approved.

FYI: Enclosed is the Financial Disclosure Statement. Please fill out and return to me at the meeting

Since the Engineer Risse and Planner Bolan had not arrived at this point, the board decided to move on to other items on the agenda. Ms. Glashoff offered to contact Mike and Steve. When she returned from the calls, she informed the board that Mike will be arriving momentarily and Steve will be here around 8:00 p.m. When they arrived both apologized for being late.

The board decided to hear the application of Steve Nicholson in the absence of the Planner and Engineer.

NEW BUSINESS:

Steve Nicholson
713 Cannon Road
Glen Gardner, N.J. 08826

Block # 49 Lots #78 & 89
Shady Lane RC zone

FORMAL APPLICATION

Lot Line Adjustment

(Letter from Engr. Risse)

Mr. Nicholson was present to represent himself. Attorney Gallina had Mr. Nicholson sworn in to give testimony. Mr. Nicholson stated that the purpose of this Lot Line Adjustment is to resolve a property line dispute between his Lot 89 & Lot 78 owned by Scott Kolvek. Mr. Weiler asked if there were any Highland implications because of changing a lot line. Mr. Nicholson said in checking with the Highlands, they did not have a problem with it. Mr. Weiler stated with a change in the deed would this create a non-exemption. Attorney Gallina asked if Lot 89 was vacant land. Mr. Nicholson said yes. Mr. Nicholson stated this is the remaining land from the subdivision that was done a few years ago. Chairman MacQueen asked if the only access to Lot 89 was off Shady Lane. The response was yes. Mr. Nicholson stated when the subdivision was created; the new lots have access from Flintlock Place. At the conclusion of Mr. Nicholson's testimony, Chairman MacQueen asked if the board had questions. Mr. Schmidt asked if there was a house on Lot 89. Mr. Nicholson stated there are two approved septic systems but he never built a house and the other septic was for a cottage. Being

no other questions from the board, Chairman MacQueen opened the hearing to the public for questions. There were none. Attorney Gallina informed Mr. Nicholson he will need the description for Lot #89 showing the adjustment.

Motion by Mr. Piasecki and seconded by Ms. Schriver to approve the Lot Line Adjustment with the following conditions:

- a. Approval from all outside agencies having jurisdiction.
- b. Applicant will submit the appropriate subdivision deeds for review and approval by the Board Engineer and Board Attorney.

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

Attorney Gallina will prepare the resolution to be on the next agenda of June 2, 2009.

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ITEMS FOR DISCUSSION:

a. Letter/Mark Mauriello, Acting Commission DEP

Mr. Rich stated that in reading the letter, he is still not sure if wood burning stoves are legal or not. Attorney Gallina informed the board that the DEP has back off giving summons based on neighbors calling and complaining. But that it is still subject to the EPA smoke emission regulations. The zoning officer would still have to witness the smoke coming from the furnace for at least 30 minutes in order to issue a summons. The board discussed the letter at length. Chairman MacQueen asked if we were close to drafting an ordinance. Mr. Schmidt said we can start whenever the board wants. Ms. Glashoff said she spoke to Planner Bolan about having another subcommittee meeting since she had been in contact with Township resident Anthony D’Onofrio who installs wind mills. Mr. Schmidt noted he went to a seminar on Alternative Energy where Roger Dixon was the speaker. Mr. Dixon lives in Hampton and he is also willing to come in and speak to us. Mr. Schmidt said he visited a farm on Mount Salem Road outside of Pittstown who has wind mills. The wind mills are 120’ in height. Mr. Schmidt said he had to be within 30 yards to hear any noise and noted it was not a windy day. According to Mr. Dixon you have to have the right spot for them, you need an average of 11mph wind which means you have to be high. You need a clear path within 500’ of the wind mill with no obstruction. Mr. Schmidt said the BPU has a sample ordinance on clean energy. The only thing not in the ordinance was setbacks other than that it is a good ordinance. Since Planner Bolan has written an ordinance, Mr. Rich suggested we review it besides reviewing the model ordinance before making any decisions. Board agreed. Chairman MacQueen noted Mr. Piasecki had made a point about reflection glare. Chairman MacQueen suggested having Ms. Glashoff contact Mr. Dixon regarding questions the board has including reflection glare. Mr. Piasecki suggested having another meeting to go through this one more time to make sure it is right and have Planner Bolan bring the draft of the ordinance and come up with a conclusion and move on. After further discussion, the board decided to have Mr. Dixon come to a board meeting instead. Ms. Glashoff was asked to see if he is available to come to the June 2nd Planning Board Meeting. The board was informed that Tom Borden, Esq from the Highlands Council will be attending the Planning Board Meeting to make a presentation on the Highlands. Ms. Glashoff said originally he was scheduled to come to the Township Committee Meeting on May 6th but the Committee had to cancel because of what they had on their agenda and asked the Planning Board to have him come and make his presentation and answer any and all questions. Ms. Glashoff stated it will be noticed in the newspaper for the Committee to attend, also for the Environmental Commission.

Mr. Schmidt announced that he is stepping down from this application due to a conflict of interest.

APPLICATION TO DEEM COMPLETE/WAIVERS:

Helen & Clifford Kendrick
1 Lot Minor Subdivision

Block #59 Lot #54
Hollow Road R 1½ & RC zones

Attorney Selvaggi was present to represent the applicant. Attorney Selvaggi noted there were a few waivers being requested. The checklist items in question are: Item #19, #33 & #56. Attorney Selvaggi went over each of the waivers from the Checklist explaining to the board why they wanted the waivers. Attorney Selvaggi asked that Item #19 be a condition of any approval. Item #33 pertains to contours, the survey shows 4' intervals instead of 2' intervals. Item #56 refers to the utilities and asks for a waiver from completeness only. Chairman MacQueen asked if the review committee had seen this application. Ms. Glashoff answered yes and turned it over to the committee for their comments. Mr. Weiler stated they questioned the 4' contours versus the 2' contours. Mr. Rich noted from Engr. Risse's report that the source was unknown as to the 4' contours shown on the survey. Engineer Risse stated that was the response from Engineer Symonds and it turns out that Eldon Allen had done the survey showing the 4' contours. Engineer Risse said the last set of plans now show the driveway profile along with the conformance with the ordinance. Mr. Rich asked if the 2' contours are needed. Engineer Risse said it is sufficient for the driveway design. Engineer Risse said the 2' contours can be added to the plan once a house development plan is submitted and then a tighter survey can be provided. This can be a condition of any approval along with a revised survey.

Mr. Rich questioned the applicant having completeness along with a public hearing all on the same night. Attorney Gallina said originally there was a question on whether a variance was needed. Since a variance was not required and it didn't have to be noticed. The board can declare completeness and then hear the application. Chairman MacQueen asked for a motion. Motion by Ms. Bleck and seconded by Mr. Gerlich to grant 3 waivers #19, #33 & #56 for completeness purposes. Unanimously approved.

NEW BUSINESS: Con'td

Helen & Clifford Kendrick
28 Hollow Road
Glen Gardner, N.J. 08826

Block #59 Lot #54
Hollow Road R 1½ & RC zones

FORMAL APPLICATION

1 Lot Minor Subdivision w/remaining land

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Attorney Selvaggi stated the Kendrick's have own the property since the 1950's along with being residents since that time. The applicant is looking to subdivide the rear portion of the property. The front portion of the property is in the R 1½ zone and the rear portion is in the RC 7½ zone. Each lot will be in compliance with the zones. The rear lot will be almost double in size being 14.51 acres. Attorney Selvaggi referred to Engineer Risse's letter stating the driveway portion was looked at critically and the driveway was designed in a way that it would be compliant with the Township ordinances. Attorney Selvaggi noted the applicant will need Highlands's approval. Chairman MacQueen questioned the other lane that is shown on the plans. Attorney Selvaggi asked to have Robert Long sworn in at this time. Mr. Long explained to the board that it is just an old farm lane and it has been there for a very long time. Chairman MacQueen asked if the board had questions. There were none. Engineer Risse said if the board approves, then a plot plan needs to be development along with whatever the Highlands will want. This would have to be done before obtaining a building permit. Attorney Gallina suggested in the event that Highland review and approval isn't granted within the 190 for deed filing, to write a letter to request an extension of time. Also Attorney Gallina noted that the application would be subject to the COAH scarce resource restraint which could also create a problem with filing the deeds within the 190 days. Planner Bolan said there had been an issue regarding variances because of the property being in a split zone. He noted that when the zoning map had been updated in 2002 to the greatest extent the board tried to eliminate that situation with split zones. Planner Bolan said in

reviewing the ordinances he wanted to clarify that a variance was not needed. It was also noted that a steep slope analysis was done and the configuration of the driveway complies.

Chairman MacQueen opened the hearing to the public for questions. There were none. There were no comments or statements from the public. Attorney Selvaggi gave his summation. Chairman MacQueen announced that the public portion of the hearing is now closed. At the conclusion of the board's deliberations, motion by Mr. Rich and seconded by Ms. Schriver to grant the 1 Lot Minor Subdivision with remaining lands with the following conditions:

- a. The applicants will obtain all other necessary approvals from all outside agencies having jurisdiction including but not limited to the Highlands approval and removal of such legal barrier to development as required by COAH's scarce resource restraint directive.
- b. The applicants will submit appropriate subdivision deeds for review and approval by the Board Attorney and Board Engineer.
- c. Prior to a building permit being issued for proposed new Lot #54.01, a plot plan shall be furnished showing the location of the proposed new home and indicating contours at 2' intervals within the limits of disturbance for review and approval by the Board Engineer. The Board Engineer will submit a letter that the plot plan has been reviewed and approved. Prior to a building permit being issued for Lot #54.01.

ROLL CALL	Yes: Mr. Weeks Mr. Gerlich Mr. Piasecki Mr. Rich	Mr. MacQueen Ms. Bleck Ms. Schriver Mr. Weiler	No: None
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Attorney Gallina will prepare the resolution to be on the next agenda of June 2, 2009.

Mr. Schmidt returned to the board at this time.

The board discussed the upcoming meeting on June 2nd.

ITEMS FOR DISCUSSION: Cont'd

b. Draft of Highlands Initial Assessment Report

Planner Bolan stated that we had adopted the Re-examination Report in March which he also sent to the Highlands Council. In this document he incorporated some of the board's comments that were included in the Re-examination Report because the board came up with very good comments, especially with COAH and also included landowner equity were important to the Township. Planner Bolan noted that the COAH issue is still not resolved at this point. Planner Bolan said the Highlands will say they can't resolve the COAH issue until they have all of their work done on the build out analysis. Even when that is complete they will still have to go back and negotiate with COAH. Planner Bolan noted that the Township has received the initial \$20,000.00 grant and also the \$50,000.00 grant which could go higher depending on what we do. It would be for the additional Modules. One Module is to confirm our build out analysis, the Natural Resource Inventory, Housing Plan and then the actual Highlands Plan. After all that we will have to do the ordinances and all this by December 9, 2009.

Mr. Rich said Planner Bolan took a flawed program and made it the most positive he could and said Planner Bolan had done an excellent job. Mr. Rich noted that he does not like to see memos/reports sent out before the board has the opportunity to review them. Planner Bolan apologized stating that he thought the Highlands was going to be at the Township Committee tomorrow evening and that's why it was sent to them. Chairman MacQueen asked if everyone had a chance to read the Report and was there anything they wanted to add or delete. The board said no.

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Planner Bolan said in the later part of the report from pages 15 on, he tried to point out some of what he perceived from the Township perspective as to the problems. When we did the Re-examination Report he tried to incorporate the comments the board had into this Report so we are clear on what the Township's issue are relative to the Highlands. Mr. Rich felt the central theme was very good in that we need both technical and financial support on many of these issues. Chairman MacQueen asked Planner Bolan if we need to prepare a final document now or should we wait until after the presentation. Planner Bolan said if the board is satisfied with this report then it is done. The board agreed it is done.

Ms. Glashoff asked which presentation will be on first. Chairman MacQueen said the presentation of the wind mills will be first followed by the Highlands presentation.

Ms. Glashoff informed Planner Bolan that she passed out to the board the draft of the Minor Site Plan Ordinance. The board discussed this issue at length along with the Home Occupation Ordinance. At the conclusion of the discussion, Ms. Glashoff was asked to put both these items on the agenda for June 2nd.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 665.00
b. Michael Bolan, PP	\$ 2,011.00
c. Bayer/Risse Engrs.	\$ 1,613.25
Total:	\$ 4,289.25

Ms. Glashoff informed the board she had two additional bills to add. Both bills were from Attorney Gallina, one for **\$175.00** and the other for **\$140.00** and reviewed for the board the contents of the vouchers which total **\$315.00**. The new grand total of bills comes to **\$4,604.25**. Motion by Mr. Gerlich and seconded by Ms. Schriver to approve the bills as amended. Unanimously approved.

CORRESPONDENCE:

- a. NJPO Newsletter
- b. H.C. Planning Board re: Nicholson & Kendrick (County approval not required)
- c. Article from NJ League of Municipalities: COAH 3rd Round

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Ms. Schriver to adjourn the meeting at 9:00 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK