

REGULAR MEETING

**Lebanon Township Planning Board
Municipal Bldg 530 West Hill Road Glen Gardner, NJ**

May 20, 2008

The 809th 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, Mrs. Bleck, Mr. Weiler, Mr. Piazza, Attorney Gallina, Planner Bolan. Engineer Risse arrived at 7:15 p.m. Excused: Mr. Rich

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 8, 2008, 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 May 13, 2008.

PRESENTATION OF MINUTES: April 15, 2008 Regular Meeting

Motion by Ms. Bleck, and seconded by Mr. Gerlich to approve the minute. Unanimously approved.

FYI: Article from NJLM re: A-500 Affordable Housing
Letter from Assemblyman Michael Doherty re: COAH Legislation
COAH Analysis of Vacant Land

RESOLUTIONS:

Omnipoint Communications Block #12 Lot #5
Co-location for a Cell Tower Route 513 RC 7½
Application withdrawn

Motion by Mrs. Bleck, seconded by Mr. Gerlich to approve resolution for withdrawal of their application.

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

David Klipstein Block #24 Lot #17
2 Lot Minor Subdivision/Remaining lands/ Route 513/Doefield Road RC 7 ½
Variances with conditions

Chairman MacQueen asked if there were any questions from the board regarding the resolution. Hearing none the attorney's spoke. Mr. Robert Marks, attorney for the Felt's spoke on behalf of his clients. He stated that at the meeting of April 15, 2008, the board voted to approve a resolution that would amend the application on the minor sub-division that would reduce the number of building lots from 3 to 2 and to delete the requirement that an easement be obtained for access across lot 32.08, the property belonging to the Felt's. At the meeting, the applicants counsel indicated that it was his understanding that the ROW in question was not on the Felt's property but was in fact owned by the town and was the subject of a deed of dedication. The attorney for Mr. Klipstein, Mr. Cohen, spoke stating that he felt that there should be a point of procedure, stating that if they were going to take additional comment and testimony, the public hearing has been closed. Attorney Gallina stated that if Mr. Marks is going to request the board reconsider something based on a mistake, he would have to ask the board to move to reopen the public hearing; the public hearing would have to be reopened and would have to be done on notice. Mr. Cohen stated that they would have to show cause. Mr. Marks sent a letter to Mr. Cohen and Mr. Gallina

reiterating everything that was discussed at the April 15 public hearing for Mr. Klipstein. Chairman MacQueen asked Mr. Marks if he was asking the board to re-open the matter; he was. Chairman MacQueen then asked the board if they wanted to re-open the public hearing or do we want to approve the resolution and let the attorneys dispute it the way they want to. Attorney Gallina stated that the board has heard testimony and reviewed the map that was submitted as evidence regarding the 50' ROW that was given by Hickory Developers on Lot #32.08. The dispute is whether the ROW is on the Mr. Felt's property or not. There is no question that Mr. Klipstein wanted to build his driveway within that right of way. The board had made a condition, in the resolution that it would be up to the applicant to obtain the necessary permits to construct a driveway and it would also be his responsibility to resolve any issues that came up with regards to access. It was explicitly stated that the board was not going to get into the legal problem between the owners as to the access space. Chairman MacQueen stated that in the public meeting it was discussed that there was a ROW there and that's what the decision was based on, how you get over that right of way is a legal matter. Chairman MacQueen asked the board again if they wanted to re-open the public hearing. Attorney Gallina stated that there was a request for the board to re-open the matter. Chairman MacQueen asked for a Roll Call Vote.

ROLL CALL No: Mr. Weeks Mr. MacQueen **Yes:** None **Absent:** Mr. Rich
 Mr. Schmidt Mr. Gerlich **Abstain:** Mr. Piasecki
 Ms. Bleck Mr. Weiler Mr. Piazza

The request was denied.

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Chairman MacQueen asked the board if there was any question, comments or correction on the resolution. Hearing none, he asked for a motion to approve the resolution.

Motion by Mr. Gerlich seconded by Ms. Bleck to approve the resolution for a 2 lot Minor Sub-division.

ROLL CALL Yes: Mr. Weeks Mr. MacQueen **No:** None **Absent:** Mr. Rich
 Mr. Schmidt Mr. Gerlich **Abstain:** Mr. Piasecki
 Ms. Bleck Mr. Weiler Mr. Piazza

REQUEST FOR EXTENTION OF TIME FOR FILING DEEDS:

Attorney Gallina stated that they needed a motion made to further extend the time for the applicant to perfect the application.

Motion by Mr. Piasecki and seconded by Ms. Bleck for the extension of one (1) year to file deeds. Unanimously approved.

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

APPLICATION TO DEEM COMPLETE/WAIVERS-SET PUBLIC HEARING

Cellco Partnership/Verizon Wireless Block #6 Lot #3
Conditional use & Site Plan/co-location Cell Tower Route 31 B2

Attorney David Sullivan was present to represent the applicant and stated that this is a completeness hearing for an application for authorization to extend an electrical transmission tower by 8 feet; put 12 panels up on top, equipment shelter underneath within the footprint. We are here for conditional use approval, 2 bulk variances and conditional use variances. Engineer Steve Risse had sent a letter stating there were 6 items from the checklist that needed to be addressed. Chairman MacQueen asked Mr. Risse to go over the items. Mr. Risse stated that the application is for the towers on JCP&L property on Route 31. The applicant is going on an existing JCP&L tower, putting in a trans-mount pole within the structure. The applicant is seeking the following waivers: Item #36 an original boundary survey for the property, Item #42 existing wells and septic system on the property, since no well or septic system is purposed for the property, Item #43 deals with flood plain and trees, which this appears to be high and dry, Item #45 is the environmental plan; again the place is fully developed and no place would be further damaged. Item #48 is parking calculations; basically this is an unmanned facility with just one person pulling up to the tower for monthly visit, Item #57 is the landscaping plan; with the nature of the sight, a landscaping plan is not going to do much as it is surrounded by tower and JCP&L has strict rules as to plantings. Applicant is putting a board on board fence up. Engineer Risse felt that the application was complete. Mr. Schmidt asked Mr. Risse if they are going above the tower like the last one. Engineer Risse answered yes.

Chairman MacQueen asked for a motion to deem the application complete on Engr. Risse's recommendations and set a public hearing date. Motion by Mr. Schmidt and seconded by Mr. Piasecki. Unanimously approved. The date set for the public hearing is June 17, 2008 at 7:00 p.m.

ITEMS FOR DISCUSSION:

Zoning Board of Adjustment 2007 Annual Report

Planner Bolan explained that under the Land Use Law, the Zoning Board is required to produce an annual report every year, commenting on the applications they have received and the action they took and any other matters that they might want to bring out. It has been quiet at the zoning board; there were 11 meetings, 7 applications, 2 withdrawal, 4 approved 1 denied; the approvals were accessory apartments, expansion of beds at the Little Brook Nursing Home, front yard set back for a barn and side yard set back for a carport . Planner Bolan felt that part of the reason that the zoning board does not have so many applications, is that over the years, they have adopted on the recommendation of both the planning boards and zoning board, 3 grandfather ordinances that have been brought up in other annual reports going back 15 years, have really been effective. Planner Bolan discussed the eight bulleted items that were listed on the report.

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COAH

Planner Bolan stated that the letter from the assemblymen didn't have the attachments so they could dispose of the letter from Michael Doherty.

Highlands Grant Application

Planner Bolan felt that we should apply for the grant, as we are a preservation area, take the \$15,000 to do the assessment report. The assessment report is a review of our existing documents, to see if our existing planning documents fit or don't fit with the Highlands plan. There is a re-examination report coming up for this year, it's due by August and this money will be helpful with it.

Motion by Mr. Piasecki, seconded by Mr. Gerlich to have Planner Bolan apply for the Highlands Grant. Unanimously approved

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 1,890.00
b. Bayer-Risse Engrs.	\$ 1,552.50
Total:	\$ 3,442.50

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

CORRESPONDENCE

OPEN TO THE PUBLIC

No comments from the public.

Having no further business to come before the board or comments from the public, motion by Mr. Piasecki and seconded by Ms. Bleck to adjourn the meeting at 8:15 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

KIMBERLY S. JACOBUS, DEPUTY CLERK