

REGULAR MEETING

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

June 2, 2009

The 819th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:05 p.m. by Chairman Gary MacQueen. Present were: Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Rich, Ms. Bleck, Mr. Weiler, Ms. Schriver, Attorney Gallina, Planner Bolan and Engineer Risse. Mr. Weeks arrived at 7:15 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 in the Municipal Building on May 27, 2009.

PRESENTATION OF MINUTES: May 5, 2009 Regular Meeting

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

RESOLUTIONS:

- a. Steve Nicholson Block #49 Lots #78 & 89
Lot Line Adjustment w/conditions Shady Lane RC 7½ zone

Motion by Ms. Bleck and seconded by Mr. Piasecki to adopt the resolution of Steve Nicholson for a Lot Line Adjustment with conditions. Unanimously approved.

- b. Helen & Clifford Kendrick Block #59 Lot #54
1 Lot Minor Subdivision/remaining lands Hollow Road R 1½ & RC 7½ zones
with conditions

Motion by Ms. Bleck and seconded by Ms. Schriver to adopt the resolution of Helen & Clifford Kendrick for a 1 Lot Minor subdivision with conditions. Unanimously approved.

NEW BUSINESS:

Thomas Borden, Esq
Highlands Council
100 North Road
Chester, N.J. 07930

HIGHLANDS PRESENTATION

(Highlands Model Municipal Plan Element)

Chairman MacQueen introduced Attorney Tom Borden to the board and the public present. Attorney Borden is the Chief Counsel and Deputy Executive Director for the Highlands Council. Chairman MacQueen stated the Township Committee asked that the board have Attorney Borden come to the board to give his presentation. Also present this evening were members from the Township Committee, Board of Adjustment and Environmental Commission. Chairman MacQueen turned the meeting over to Attorney Borden.

Attorney Borden reviewed for the board and public on the formation of the Highlands and on the adoption of the Highlands Act of August 2004. At this time Attorney Borden gave his power point presentation. The following are the highlights: The Highlands region consists of 3.5 million acres covering New Jersey, Pennsylvania, New York and Connecticut. The Highlands Conservation Act was signed November 30, 2004 by President Bush. This Act was designed to assist the four states in this region. The New Jersey section has approximately 859,358 acres. There are 414,965 acres in the Preservation Area and 444,394 acres in the Planning Area. This includes 7 counties and 88 municipalities. Five municipalities are entirely in the Preservation Area, 36 are entirely in the Planning Area and 47 have lands in each. The Highlands includes 17% of the State's land, but supplies 64% of the

State's drinking water which is 5.4 million residents. The Highlands Water Protection and Planning Act required the Regional Master Plan be based on a resource assessment which means determining the amount and type of development that can be accommodated while sustaining the overall values of the Highlands.

The Highlands Act required the Council to prepare a Land Use Capability Map. The following are the maps involved: Land Use Capability Zone, Land Use Capability Water Availability, Land Use Capability Public Community Water Systems, Land Use Capability Domestic Sewerage Facilities and Land Use Capability Septic System Yield. There are three Primary Zones: The Protection Zone which consists of high resource value lands with land acquisition a priority in the Protection Zone with development being extremely limited. The Conservation Zone consists of areas with significant agricultural use lands including woodlands and environmental features and the Existing Community Zone consists of areas with regionally significant concentrated development with existing communities. There are four sub-zones which consists of a) Conservation Zone, b) Existing Community Zone, both of these zones are Environmental Constrained sub-zones, c) Lake Community Sub-Zone and d) Wildlife Management Sub-Zone.

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Attorney Borden reviewed Plan Conformance and what it consists of. Conformance is mandatory for lands in the Preservation Area and voluntary for lands in the Planning Area. The Master Plan and the regulations for the Preservation Area have until December 8, 2009 to conform to the Regional Master Plan. Municipalities that are in the Planning Area can opt into the Conformance at any time. Seventy-four of the eighty-eight municipalities in the Highlands have approved a Notice of Intent. Attorney Borden went on to say that conforming municipalities have the following benefits: Planning Grants, Legal Shield, State Plan Endorsement, TDR's (Transfer Development Rights), Impact fees and enhanced Planning Grants, Priority Open Space Acquisition Funding and Tax Stabilization Funding. The Highlands Council has more than \$21 million in grant funding availability to municipalities.

At this point, Attorney Borden directed his presentation on Lebanon Township. The Township has 20,264 acres in the Preservation Area with only 7 acres in the Planning Area. The 7 acres is located on Route 31. Lebanon Township has filed a Notice of Intent to conform to the Regional Master Plan and received an extension from COAH to submit its Fair Share Housing Plan. The Township has been awarded two grants for the work that needs to be accomplished for compliance. Attorney Borden reviewed the grants that are available to municipalities. There are also modules involved with the grants. The Governor issued an Executive Order on September 5, 2008 which supports the reauthorization of the Garden State Preservation Trust and the extension of the appraisal process for Green Acres and SADC. 10 million has been earmarked for seed money for the Highlands Development Credit Bank, directed the Highlands Council and COAH to enter into a memorandum of understanding to adjust the third round growth share projections consistent with the RMP for municipalities that conform and provide reasonable extensions of deadlines, directed the DEP to not approve water quality management plans and to not grant water allocation permits in the Highlands with the exception of the Community Zone.

Attorney Borden reviewed the Equity Provisions in the Act that address concerns including: 1) 17 Exemptions including those for construction of a single family home on a lot in existence on or before August 10, 2004, or expansion of a single family dwelling already in existence on or before August 10th, 2) Waivers for public health and safety, development in Brownfield sites and areas with at least 70% impervious surface to avoid a takings, 3) Dual Appraisal Method to be used by either Green Acres or SADC for willing landowners using pre-Highlands Act value, 4) for TDR's program, development credits also use pre-Highlands Act value. In conclusion, the final version of the RMP was approved at the 74th public meeting of the Highlands Water Protection and Planning Council. On the website are the Highlands Interactive Map and the Property Search Tool to enable users to see how the RMP will affect development in their communities also there are audio recordings and minutes from each meeting, technical documents and supporting materials used to create the Regional Master Plan.

CORRESPONDENCE:

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 9:15 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK