

REGULAR MEETING

**Lebanon Township Planning Board
530 West Hill Road Glen Gardner, N.J. 08826**

June 7, 2016

The 898th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:09 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Rich, Mr. McKee, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Ms. Bleck, Mr. Weiler, Mr. Gerlich, Mr. Duckworth, Mr. Piasecki and Mr. Skidmore.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 20, 2016, 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 June 1, 2016.

PRESENTATION OF MINUTES: **Regular Meeting** **April 19, 2016**

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

Executive Minutes **April 19, 2016**

Motion by Mr. Rich and seconded by Mr. Schmidt to approve the Executive Minutes as presented. Unanimously approved.

CAPITAL IMPROVEMENT PROJECT:

a. North Hunterdon/Voorhees Regional High School District – Voorhees High School Block #12 Lot #44.01
Route 513

Attorney Gallina had Engineer Carolyn Kindall of Maser Consulting sworn in to give testimony on behalf of the applicant Voorhees High School. Engineer Kindall informed the board that she does design work and drafting and her professional status is pending. The North Hunterdon/Voorhees Regional High School District has asked Maser Consulting to design a new water system. The current system consisted of a well where a water line and an electrical line is connected to a shed and an underground tank which is connected to the school. There have been a lot of issues over the years. The pump station has been there since the 1970's. The new system includes a 20,000 gallon underground storage tank and a prefab new pump station. Engineer Kindall showed the board on the map where everything is currently located and where the new pump station will be located. They will be removing the old chemical shed. Everything will be new except for the well. Chairman MacQueen asked if the board had any questions. Mr. Milkowski asked if they were having a problem with water quality. Engineer Kindall said they test the water bi-weekly and everything has been good. The system is very old and needs to be upgraded. Mr. Schmidt asked why the upgrade if anything is good. Engineer Kindall said the underground vault is 16' down with vertical steps, no ventilation and it was very difficult with the safety equipment when you had to go down into the vault. Also, they want to have everything above ground. Engineer Kindall said one thing they plan to do is pave the drive all the way around which will make things easier for deliveries. Mr. Schmidt asked what the cost would be for this project. Engineer Kindall said the bid came in between 1.2 and 1.3 million. Engineer Risse said everything looks good when he reviewed the plans. Planner Bolan asked about the underground water tank. Engineer Kindall said they are replacing the existing tank and the new one will be the same size as the present one which is 20,000 gallon tank. It will be connected to the fire hydrant. Engineer Kindall noted there will be two 20,000 gallon tanks which is what they have now. Mr. Milkowski asked if the hydrant will be draft or pressure. Engineer Kindall said it will be a pressure hydrant. Chairman MacQueen asked about the above ground pumping system, if it would be enclosed with safety fencing. Engineer Kindall said yes. Engineer Kindall went over all the safety fencing that will be used. Chairman MacQueen asked about the wiring. Engineer Kindall said there was a full study done. There is an emergency generator. Planner Bolan asked if there was more than one well on site. Engineer Kindall said no. Mr. Milkowski asked if the Fire Department has been notified of the upgrade to the system. Engineer Kindall said she will make sure that the Fire Department is notified.

Being no further questions from the board, Chairman MacQueen opened the hearing to the public for questions or comments. There were none. After a brief discussion by the board, motion by Mr. Schmidt and seconded by Mr. Rich that the North Hunterdon-Voorhees Regional High School District has complied with its obligation to refer the proposed capital improvement project to the Planning Board for review and comment.

ROLL CALL	Yes: Mr. Milkowski Mr. Schmidt Mr. Rich Mr. MacQueen Mr. McKee	No: None	Absent: Mr. Duckworth Mr. Gerlich Mr. Mr. Piasecki Ms. Bleck Mr. Weiler Mr. Skidmore	Abstain: None
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Attorney Gallina will prepare the Resolution to be on the Agenda of July 19, 2016.

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It was noted by Planner Bolan that a Highlands Exemption #6 would be needed regarding any improvements to a school. Planner Bolan said they can apply to the Township or to the Highlands directly.

Home Occupation Kenneth Lund	Lund Datacom Programming/Design	Block #13 Lot #2 Voorhees Road
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Ms. Glashoff reviewed for the board the application for a Home Occupation in accordance with section 400-10/11(6)a. After a brief discussion, Ms. Glashoff will inform the Zoning Officer that the Board did not have an issue with the application.

ITEMS FOR DISCUSSION:

a. Quarry

Chairman MacQueen started the discussion off with the prospect of creating an ordinance. Chairman MacQueen stated that the board needs to discuss whether they need to move forward with an ordinance to protect our lands. He would like the board's opinion on what we should do. So far everything that they are doing is within the Boro of Glen Gardner as for moving things around. Planner Bolan asked what the status of the land swap. Chairman MacQueen said what he understands with the land swap, it is still in limbo. There is rumor that the quarry is trying to get more land but that he does not know what the status is at this time. Mr. Rich said he would like to hear what our Planner thinks about all this. Planner Bolan said it will be a lot of work and cost to put an ordinance together and it would also depend on the terms of the land swap which would also dictate the terms of the ordinance. Planner Bolan said the ordinance is going to be necessary also this is not a permitted use. The ordinance would have to show that it would be a principal use or a conditional use. Planner Bolan said with a quarry you have an annual licensing ordinance and there is money posted for restoration and all kinds of things that have to be done. Also, there will be a time when the land will be mined out and you will need a reclamation plan and a restoration plan. Planner Bolan said that in a land swap and whatever the terms of the land swap that all this would be covered and that would be a big piece of ordinance that we might not have to do. Mr. Schmidt said the whole point of the board agreeing to the land swap was that they were going to do a reclamation plan which was a selling point for the township.

Mr. Schmidt asked about getting copies of ordinances from other towns. It was noted that the board had already gotten copies of other township ordinances. Planner Bolan said from all those ordinances we could put together a really good ordinance. Planner Bolan said the restoration plan is a big part of this. Mr. Schmidt said there was discussion about having the Water Authority takeover after the restoration. It could be a holding tank for the Spruce Run. Chairman MacQueen said the Water Authority did not like an expansion of a use that's a quarry. Planner Bolan said the Water Authority was concerned on how it would affect the reservoir and the ground water table. The board continued with the discussion of the quarry. Mr. Milkowski asked has the board been in contact with Glen Gardner Boro if they have any information that they could share with us. Mr. Milkowski rephrased and asked if any information has come to Glen Gardner Planning Board that we've never heard about. Chairman MacQueen no. Chairman MacQueen said that the only thing that the quarry did was to inform Glen Gardner when they were moving things around. Chairman MacQueen said Glen Gardner has done some modifications to their ordinances which he has and will give to Planner Bolan to review. Chairman MacQueen said that all the buildings/equipment are in the Boro, where the actual quarry work is done is in Lebanon Township.

Chairman MacQueen asked Mr. McKee for his opinion and what we should do if anything at this time. Mr. McKee said his understanding is that the N.J. Land Trust doesn't want any part of it. Maybe we should review some of the ordinances that we have from 2014 and maybe spend a little time reviewing the ordinance and then bring the discussion back to the board. Mr. Rich said we need more information before we spend time and money on creating ordinances, noting that it will be very costly. Mr. Schmidt said he would like to hear from Nancy Lawler since she is here this evening. Ms. Lawler agreed, we have had many discussions regarding the quarry and stated. she has received many phone calls from the NJ Land Trust over the past 6 months asking all kinds of questions. There has been no discussions with NJ Land Trust with the quarry. Ms. Lawler said there have been conversations with some staff members from the quarry and some people in Lebanon Township. The question was asked a couple of months ago why Mayor Laul said he supported the land exchange... Ms. Lawler said when she spoke to the Mayor he informed her that he had received a phone call on his private line from Mike Qaeda and asked the Mayor what would make him happy. Ms. Lawler said that Mr. Qaeda left several messages which she did not return and when she spoke to Mayor Laul, he said that this is a very powerful company that is used to getting their own way. Ms. Lawler stated the quarry is going around telling people that the land swap is on the horizon and informed the board she put a call in today to the NJ Natural Land Trust. Mayor Laul, herself and anyone else that would like to attend we need to have a sit down in order to have better communications. Every time she has attended many meetings at Glen Gardner Boro, it is obvious between the Council and residents that they want the quarry gone. Ms. Lawler said our Planner informed us that the land in question is not a permitted use in the RC zone and just because the Quarry wants the expansion, it doesn't mean that the Township has to agree to it.

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Mr. Schmidt said the concern the board had back then was what is going to happen to the property when the quarry walks away. Lebanon Township will be the one stuck with it not the Boro. Mr. Schmidt said the reason the board went along with it was the quarry was willing to do the reclamation when the time came. Right now the ball is in their court. Mr. Schmidt said we are just trying to eliminate the damage of who gets stuck with this, maintaining it, protecting it and policing it. It will not be Glen Gardner, it will be us.

Chairman MacQueen asked the board if they want to sit on it for now or start something. Mr. Schmidt said we should sit on it until we know if there is going to do a land swap. Chairman MacQueen said the quarry would have to come before the board for the expansion of the quarry. Mr. Schmidt asked Ms. Lawler to keep the board posted if she hears that there will be a land swap. Mr. McKee stated we need to know ASAP if that is going to happen. Mr. Milkowski expressed concern regarding how much time are we going to have if the land swap happens. The board discussed what they would have to do in the event that a land swap did happen. Planner Bolan said that creating an ordinance is a better way to go than a use variance before the Zoning Board. The board agreed. Planner Bolan said the Planning Board is better equipped to handle a Site Plan. Chairman MacQueen said we will table this but asked the board if Planner Bolan should put an outline together. The consensus of the board was no. Motion by Mr. Rich and seconded by Mr. Schmidt to hold off for now on having Planner Bolan prepare an ordinance. Unanimously approved.

b. Update on Affordable Housing – Planner Bolan

Planner Bolan said since our meeting on April 19th there was one very important decision that was made. In Ocean County the Appellate Division concluded that the gap period from 1999-2015, there was an obligation for affordable housing. It was appealed and the Appellate Division heard the oral arguments yesterday. It had gotten to the Supreme Court at one point because the Fair Share Housing Center went to the Supreme Court to have the Appellate Division overturned and the Supreme Court said no and gave the Appellate Division an expedited schedule. Also, Judge Miller extended the time from July 31st to October 31st for filing a plan.

Planner Bolan said last Friday June 3rd Attorney St. Angelo from Gebhardt & Keifer who represents 5 municipalities had an introductory meeting with Peter Buchsbaum. Mr. Buchsbaum is now our new Special Master. Planner Bolan noted that Judge Buchsbaum was a land use attorney before becoming a Judge. Planner Bolan said that our Special Master Peter Buchsbaum understands the Highlands. While he sat on the bench he dealt with cases in the Highlands. He will be a good Special Master for us to work with.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 616.25
b. Michael Bolan, PP	\$ 856.40
c. Bayer/Risse Engrs.	\$1,275.00
d. H.C. Planning & Zoning Admin.(G. Glashoff)	\$ 30.00
Total:	\$2,777.65

Ms. Glashoff informed the board that she had Mr. Gerlich review the bills earlier today since he was unable to attend tonight meeting. Chairman MacQueen also had Mr. McKee look the bills over. Mr. McKee said all the bills are in order. Motion by Mr. McKee and seconded by Mr. Schmidt to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

- a. NJPO Newsletter – March/April
- b. Memo/Email from Engr. Risse re: Westphalen

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

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK