

**REGULAR MEETING**

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

**July 1, 2014**

The 883<sup>rd</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:00 p.m. by Vice Chair Doreen Bleck. Present were: Mr. Laul, Mr. Piasecki, Mr. Weiler, Mr. McKee, 2<sup>nd</sup> Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. MacQueen, Mr. Rich, Mr. Milkowski., Mr. Gerlich and Mr. Schmidt

Notice of this meeting was published in the “Annual Meeting Notice Schedule” adopted by this board on January 14, 2014, 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 25, 2014.

**PRESENTATION OF MINUTES:** June 3, 2014 Regular Meeting

Motion by Mr. Piasecki and seconded by Mr. McKee to approve the minutes as presented. Unanimously approved.

**RESOLUTIONS:**

- a. Muller Toyota Block #3 Lot #5.01  
Preliminary/Final Site Plan/Variances Route 31 B2  
with conditions

**Due to a motion error, the Resolution needs a new motion to adopt.**

Motion by Mr. Piasecki and seconded by Mr. Weiler to approve the Resolution for Muller Toyota for Preliminary/Final Site Plan/Variances with conditions.

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| <b>Roll Call</b> | <b>Yes:</b> Mr. Laul<br>Mr. Piasecki<br>Ms. Bleck<br>Mr. Weiler<br>Mr. McKee | <b>Absent:</b> Mr. Milkowski<br>Mr. Schmidt<br>Mr. Rich<br>Mr. MacQueen<br>Mr. Gerlich | <b>Abstain:</b> Mr. Skidmore |
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- b. N.J. Conservation Foundation Block #16 Lots #20 & 20.02  
Minor Subdivision/Lot/Merger/Bulk Variances Hoffmans Crossing Road RC  
with conditions

Motion by Mr. Laul and seconded by Mr. Weiler to adopt the Resolution for N.J. Conservation Foundation Minor Subdivision/Lot Merger/Bulk Variances with conditions.

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| <b>ROLL CALL</b> | <b>Yes:</b> Mr. Laul<br>Mr. Piasecki<br>Ms. Bleck<br>Mr. Weiler | <b>Absent:</b> Mr. Milkowski<br>Mr. Schmidt<br>Mr. Gerlich<br>Mr. Rich<br>Mr. MacQueen | <b>Abstain:</b> Mr. McKee<br>Mr. Skidmore |
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- c. McKay Bros. LLC Block #9 Lot #8  
Conditional Use/Collocation Sanatorium Road RC  
for Antennae & Equip. w/conditions

Motion by Mr. Piasecki and seconded by Mr. Laul to adopt the Resolution for McKay Bros. Conditional Use/Collocation for Antennae & Equipment with conditions as amended.

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| <b>ROLL CALL</b> | <b>Yes:</b> Mr. Laul<br>Mr. Piasecki<br>Ms. Bleck<br>Mr. Weiler<br>Mr. McKee | <b>Absent:</b> Mr. Milkowski<br>Mr. Schmidt<br>Mr. Gerlich<br>Mr. Rich<br>Mr. MacQueen | <b>Abstain:</b> Mr. Skidmore |
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**HUNTERDON COUNTY PLANNING BOARD PRESENTATION:** Planning Director Sue Dziamara

Ms. Dziamara stated that at the end of last year, the County Planning Board Members decided they would reach out to all the municipalities and meet the local Planning Board Members to let everyone know what we do at the County level. Ms. Dziamara said when NJPO does the training classes for Board Members; she is one of the instructors representing Hunterdon County. Ms. Dziamara stated in the fall the County will have their Planning Awards & Banquet Dinner. It will be held at Razberry’s Route 12 on September 29, 2014 from 5-8 p.m. The County holds Breakfast Talks quarterly at the Route 12 Complex beginning at 7:30 a.m. We will be recognizing those volunteers that have worked very hard putting all the events together for the 300<sup>th</sup> Anniversary being held this year. Marcia Karrow has done a phenomenal job with all the work she has done this year for the celebration.

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Ms. Dziamara mentioned the panel discussion tomorrow at 5:30 p.m. at the County Complex on Route 12 to discuss the New Rules that have come out from COAH. They put together an excellent panel of speakers to discuss these new rules. Ms. Dziamara noted, there are two people from the Township that will be attending the discussion. Ms. Dziamara mentioned the Farmland Program with the CADB that meets on the 2<sup>nd</sup> Thursday of each month. The contacts for the CADB are: Rick Steffey & Bill Millette. The Open Space Trust Program/Open Space Advisory Committee meets on the 3<sup>rd</sup> Monday. The contact person is: Bill Millette.

Ms. Dziamara stated the Cultural & Heritage Commission is now being housed in the Planning Board Department. The Freeholders are now looking to hire an Executive Director for the Commission and to expand the program. They are looking to move the Commission into the Historic Court House. Ms. Dziamara said they just reinstated their Shared Services Committee. They are looking to see how they can provide better communication and outreach to let people know what services the County can offer.

In referring to Transportation, the North Jersey Transportation Planning Authority (NJTPA) all the federal dollars flow through that organization into the North Jersey 13 county region, which Hunterdon is a part of this region. Ms. Dziamara said we get our federal dollars from there for our road projects. Recently NJTPA and Rutgers received a 5 million dollar grant from HUD, the Housing & Urban Development which is HUD, EPA and the USDOT. Hunterdon County gets a portion of the 5 million from those federal funds. Ms. Dziamara said that Hunterdon had stood still for too many years in regards to economic development. Hunterdon has received \$85,000 for a consultant to work on a comprehensive strategy plan and will have it ready by this September.

Ms. Dziamara mentioned the County website: [www.co.hunterdon.nj.us](http://www.co.hunterdon.nj.us) which has a lot of information regarding the County which can be very useful. Agendas and minutes are also posted on the website. Ms. Dziamara informed the board that Ms. Glashoff is very good about sending applications to the County for review. A lot of the municipalities don't forward the applications and her office has to contact them in order to get the applications. How they find out is when they get the notice for a hearing. The review of applications is a requirement. The Planning Board does a development review every two weeks with letters going out shortly after the meetings. At the conclusion of Ms. Dziamara presentation, Vice Chairwoman Ms. Bleck asked if the board had any questions. Ms. Glashoff asked if she could ask a question of Ms. Dziamara. Ms. Glashoff said when the gentleman from Flemington Boro gave his presentation at her Planning Board Meeting, he mentioned shared services in regards if a municipality doesn't have a piece of equipment they need they can borrow it from the county. Ms. Dziamara said the county is trying to formalize that but it doesn't work well. When John Glenn was the head of Roads and Bridges, a municipality would call because one of their plows had broken down, he would tell them once they were done they could borrow one. It was an informal arrangement. Ms. Dziamara said yes they do loan equipment out when it is possible. There is a shared services website and it lists all the different department heads that you can pick from depending on the equipment. What you would do is send in a request of what equipment you are looking to borrow. Most times it is a phone call that Tom Mathews who is the Director of Public Works Department would make. If the equipment is available Mr. Mathews has the authority to make it happen. Mr. McKee asked how does the County look at southern Hunterdon versus the Northern portion especially with Lebanon Township being 99.6% in the Preservation Area of the Highlands. Do you find it more different. Ms. Dziamara said she truly recognizes the difference between the north and the south and said everything they do they copy the Highlands Council because they are apart of the approval process. Mr. McKee said he is planning on attending the COAH meeting tomorrow at the County Building. Ms. Dziamara said referring to the Breakfast Talks, if the Board has a topic they would like discussed, let them know so they can get the right speakers for the panel discussion. Ms. Dziamara mentioned the septic system issue that has been running rampant. Every time a house is being sold, the septic system whether it is new or an older system, it seems to always fail inspection. This has become a big concern. Vice Chairwoman Bleck asked if the Breakfast talks are listed on the website. Ms. Dziamara said yes. The board thanked Sue Dziamara for the presentation.

**FYI:** Ltr. from Engr. Risse Re: Buffalo Hollow Road & Access Road formerly Old Spruce Run Turnpike

Engineer Risse said what they were finally able to nail down the Buffalo Hollow Road issue. Buffalo Hollow Road's right of way only goes to the south. Ms. Glashoff said this has been an on going issue with who is responsible for maintaining that portion of the road coming in from Rudl Fence through Davara and exiting out back on to Route 31. The Tax Assessor went down to Flemington and looked through deeds and so did Eldon Allen on behalf of Dave English. Engineer Risse said the Township is only responsible for the portion known as Buffalo Hollow that bears to the left at the bottom on Buffalo Hollow road out to Route 31. Mr. English agreed to be responsible for the remaining portion of the road that comes out at the upper end heading north on Route 31. It goes right through the lower portion of his property.

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**ITEMS FOR DISCUSSION:**

**a. Report on COAH Seminar – Planner Bolan**

Planner Bolan informed the board that he had attended a symposium on the 3<sup>rd</sup> Round Rules sponsored by the Affordable Housing Professional of NJ and the NJ Chapter of the American Planning Association. The presentations followed by discussion prompted some revisions and additions to the comments Planner Bolan said he suggested at the June 3<sup>rd</sup> Meeting of the Planning Board.

Planner Bolan summarized the comments that he recommends the board submit. In Appendix D of the proposed rules, which is the unanswered prior obligation for 1987-2014. Planner Bolan noted that the Township did not receive the 10 units of credit for the RCA with Lambertville and we did not received the 7 additional credits for the rental units at the Freedom House Project on Mt. Kipp Road. Planner Bolan noted in his prior memo that the buildable limit factor reduced the Township's unanswered prior obligation 1987-2014 from 61 units to zero, but only reduced the Township's fair share need 2014-2024 from 33 affordable units to 20. At the symposium it was confirmed that in coming to this illogical conclusion, COAH utilized the total build-out from the Township's Highlands build out analysis as the limit for the Township's Fair Share need. With the 25 and 88 acre lot requirements under DEP's rules for the Highlands Preservation Area, we should maintain our comment that the proposed fair share allocation is unworkable and that the fair share of prospective need should be reduced to zero. Planner Bolan said when he attended the symposium; there was a program and definition that was deleted in the proposed rules. This covered "Alternative Living Arrangements" which included a variety of group homes. The Township's Freedom House project was approved. COAH deleted this in the new proposed rules and the only type of group living arrangement that is specifically identified is a "community residence for the developmentally disabled" which is far more limiting. Planner Bolan said we should make in our comments that "Alternative Living Arrangements" should be added to the proposed rules to increase the options for providing affordable housing. Planner Bolan said he will be sending in the Township comments shortly. The Board thanked Planner Bolan for the update.

**b. Highlands Exemption Ordinance back from T.C. – Mayor McKee & Planner Bolan**

Mr. McKee said unfortunately the ordinance is back since there were concerns by the Committee because of comments made by Mr. Shope. Mr. Shope referred to a 45 day look back period. The concern of the Committee was if someone got started on a project and then the Highlands or the DEP could come back and look at the waiver that was granted. Mr. McKee said that is why it has come back to the Planning Board and in the meantime he found out that there is no 45 day look back but a 15-20 day. Planner Bolan said in the Exemption Ordinance there is a 20 day appeal period. Planner Bolan said that the 20 day appeal period applies to all permits issued by the Township. An example being a Zoning Permit. Planner Bolan said the Highlands and the DEP do not want to look at these applications. Mr. Weiler asked why did the DEP give this up. Planner Bolan said because it was too much work. It took a lot of time between the two agencies to come to an understanding of agreement to have the municipalities take over this responsibility. Planner Bolan said the DEP has been doing this for up to 10 years for 88 municipalities and have issued 800 of these exemptions. Planner Bolan said once he or Engineer Risse approve and exemption, the Highlands is notified. Mr. McKee asked if the applicant who is applying for the exemption will be notified of the 20 day appeal period. Planner Bolan yes we will tell the applicant about the appeal period. This is no different then getting a zoning permit approved. Mr. Piasecki said the applicant could wait the 20 days before starting anything. Mr. McKee asked if the Construction Official will be on board with this when issuing permits. Engineer Risse said that you have to get all your outside agency approvals before you can get any building permits, it is part of the process. Engineer Risse said by the time you get all your approvals and go through the review process for the building permits, more than 20 days will expire.

Mr. McKee asked if the Planning Board would memo the Township Committee explaining the 20 days and that it is not a 45 day waiting period. This way the Committee will have the same information that was given to him this evening. Mr. McKee said the next Township Committee meeting is July 16<sup>th</sup> and this Ordinance will be on the agenda for the public hearing. Mr. McKee said he had the memo from Ms. Glashoff with a recommendation from the Planning Board to adopt the Ordinance, but it didn't sway the Committee especially with the comments that were made by Mr. Shope. Planner Bolan said he will prepare a memo to the Committee for their next meeting. Engineer Risse said when an exemption is granted a letter will be prepare and in it the 20 days can be mentioned. Planner Bolan agreed. Planner Bolan said they will receive from the Highlands the applications that they will be using. The Highlands did hand out samples of the approval letters that they want used. They will make sure that the 20 days is included in the approval letters.

Mr. McKee asked for clarity on the 125% rule and asked Planner Bolan to explain it. Planner Bolan said it is 25% more. Mr. McKee said since the Highlands Act, if you have a 4000 sq. ft house, you can put an addition on not to exceed 1000 sq. ft. Engineer Risse said yes. Planner Bolan asked if Mr. McKee was referring to a home. Answer was yes. Planner Bolan said on single family dwellings they are completely exempt before August 10, 2004. After that for an addition only 25% more on a single family dwelling. Mr. Weiler asked about Lot Line Adjustment after 2004. Planner Bolan said it is just new dwelling units.

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Mr. McKee asked after August 2004, referring to exemption #1, can a family build a second unit for a family member on that lot. Planner Bolan said our ordinance doesn't allow for two dwelling units on one lot. A new lot would have to be craved out from the existing farm. Mr. McKee said then it would have to go before the Highlands/DEP for approval since you would be creating a new building lot. Planner Bolan said yes. Mr. McKee asked if it meant that the lot would have to be 25 acres. Planner Bolan said yes.

**PRESENTATION OF BILLS & REPORT:**

|                       |                   |
|-----------------------|-------------------|
| a. John Gallina, Esq. | \$1,305.00        |
| b. Michael Bolan, PP  | \$2,375.80        |
| <b>Total:</b>         | <b>\$3,680.80</b> |

Mr. Laul reviewed all the bills and found them in order. Motion by Mr. Laul and seconded by Mr. Piasecki to approve the bills as presented. Unanimously approved.

**CORRESPONDENCE:**

Being no further business to come before the board, nor comments from the public, motion by Mr. Piasecki and seconded by Mr. Laul to adjourn the meeting at 7:50 p.m. Unanimously approved.

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**VICE CHAIRWOMAN DOREEN BLECK**

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