

REGULAR MEETING

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

July 19, 2011

The 842nd Regular Meeting of the Lebanon Township Planning Board was called to order at 7:00 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Gerlich, Mr. Rich, Ms. Bleck, Mr. Piazza, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Piasecki and Mr. Weiler.

This meeting was noticed in the "Annual Meeting Notice Schedule" adopted by this board on January 11, 2011, 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 July 13, 2011.

PRESENTATION OF MINUTES: Regular Meeting June 21, 2011

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

RESOLUTION:

Jeff Gargiulo Block #59 Lot #24
1 Lot Minor Subdivision /Variances Musconetcong River Road RC
with conditions

Motion by Ms. Bleck and seconded by Mr. Rich to approve the Resolution for a 1 Lot Minor Subdivision/Variances with conditions as presented.

ROLL CALL Yes: Mr. Milkowski Ms. Bleck **Abstain:** Mr. Schmidt
Mr. Gerlich Mr. Piazza
Mr. Rich **Absent:** Mr. Piasecki
Mr. MacQueen Mr. Weiler

UNFINISHED BUSINESS:

New Cingular Wireless Block #12 Lot #45.05
340 Mt. Kemble Ave Route 513 B1
Morristown, N.J. 07962

CONTINUATION OF A PUBLIC HEARING Conditional Use/Site Plan/Variances
(Revised Plan enclosed)

Ms. Glashoff informed the board that the applicant has asked to be rescheduled to the September 20th meeting with an extension of time to October 31st. Ms. Glashoff read the letter from Attorney Fairweather into the record. Mr. Rich asked Attorney Gallina to outline the board's choices. Attorney Gallina said the board has a couple choices regarding this application: they can grant the extension of time or they can deny the application without prejudice. Attorney Gallina stated if the board chooses to deny without prejudice, the applicant can reapply using the same site without paying additional fees. If they move to another site location, then they will start all over again with new fees, plans etc. The board discussed this issue at length including taking a straw vote. At the conclusion of the board's discussion, motion by Mr. Rich and seconded by Mr. Schmidt to deny the application without prejudice.

ROLL CALL Yes: Mr. Schmidt Mr. MacQueen **No:** Mr. Milkowski **Abstain:** Mr. Piazza
Mr. Gerlich Ms. Bleck
Mr. Rich **Absent:** Mr. Piasecki
Mr. Weiler

The board noted that if the applicant decides to reapply at the same site, they will be credited with the fees that have already been paid. Attorney Gallina said he will contact Attorney Fairweather with the board's decision and prepare a resolution for the next meeting.

ITEMS FOR DISCUSSION:

a. Amend proposed Outdoor Wood Burning Furnaces – Planner Bolan

Planner Bolan said he had sent out another vision earlier but it wasn't on the last agenda which was good since the revisions were incorrect. Planner Bolan said the changes now are the following: minimum height for a chimney of 16' with a 2' max height above the peak of the residence, furnaces/boilers to be located to the rear of the principal residence, in no case shall the minimum front yard setback for the furnace/boilers be less than the minimum front yard setback requirements in zoning district plus 20'. The minimum side and rear yard setbacks shall be 160' from the boiler to the property line. If the setbacks can not be met then the furnace/boiler may be installed provided the minimum setback from the furnace/boiler to a residence on an adjoining property shall be 275'. Planner Bolan noted in 2e the wording was changed to "certified by the U.S. Environmental Protection Agency (EPA) as meeting or exceeding the most current applicable EPA emission standards. Under 2f, the wording was changed to "Legally existing

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furnaces/boilers that were compliant at the time of the installation may be repaired and replaced, provided that the standards in subsection (a), (d) and (e) are complied with” The board discussed this new language at length and agreed that it was what they wanted in the ordinance. If a furnace/boiler was put in illegally without zoning approval and permits and it now needs to be replaced, they will have to comply with the ordinance. Chairman MacQueen asked for any further comments. There were none. Planner Bolan will make the minor changes. Ms. Glashoff asked to have the revised ordinance to her next week to put on the Township Committee’s agenda for August 3rd for Introduction. Chairman MacQueen asked for a motion at this time. Motion by Mr. Rich and seconded by Mr. Gerlich to have Planner Bolan make the minor changes in time to be on the Township Committee Agenda for August 3rd. Unanimously approved.

b. Solar in Commercial & Industrial Zones - Planner Bolan

The board decided to hold off on this discussion until they were able to get more information since they were having a guest speaker at the August 2nd meeting who will be discussing Solar. Mr. Rich said the ordinance doesn’t seem to address corner lots and felt this was an important issue that needs to be addressed. Planner Bolan thought we did address corner lots. Planner Bolan said he would look into it. Mr. Rich said he would like to see it covered in this ordinance. Planner Bolan said he will take care of it. Mr. Rich also mentioned having in the ordinance not visible from the road and adjoining residential lots. Mr. Rich said it is important to protect the roads in the Township from looking like industrial facilities. Mr. Rich mentioned the discussion regarding the battery storage that the board had at the last meeting as a new issue that will need to be addressed along with concerns from a safety standpoint, aesthetics and all aspects regarding battery storage. Mr. Rich said we need to put a lot of thought into this and to have it spelled out in this ordinance. Planner Bolan agreed.

Mr. Milkowski mentioned the excess energy that Marc Laul had referred to for when you have a peak. You can make oxygen , you energize the water which creates oxygen and hydrogen. You cool off the oxygen and cool off the hydrogen for refueling. Mr. Milkowski said there are a lot of different methods of handling it. The batteries are just one way. At this point, Mr. Rich asked about the August 2nd meeting. Ms. Glashoff said other then housekeeping items, Mr. Fuller’s presentation is the only item under New Business. After a brief discussion, Chairman MacQueen asked Marc Laul if he knew of anyone else that would be interested in coming to the meeting to discuss Alternative Energy. Marc Laul said he would check into it and get back to Ms. Glashoff. Chairman MacQueen thought it would be more beneficial to have more than one person to talk on more than one topic. During the discussion, Ms. Glashoff asked if there were any questions that the board has that she can pass along to Mr. Fuller before the meeting. The board offered the following: different types of Solar fields to be installed, storage batteries, any other methods of storing excess energy and his thoughts on the new regulations that the state has proposed and the regulations of the federal government

c. Proposed Grading Ordinance amended – Engineer Risse

Engineer Risse said he will have the proposed amendments ready for the next meeting on August 2nd.

The board discussed cancelling the September 6th meeting. Motion by Ms. Bleck and seconded by Mr. Piazza to cancel the meeting. Unanimously approved.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 560.00
b. Michael Bolan, PP	\$7,610.84
c. Bayer/Risse Engrs.	\$ 717.00
Total:	\$8,887.84

Planner Bolan said the one Highland bill for \$3,824.84, he thought it had been paid already. Ms. Glashoff said since she keeps copies of all the bills and has a folder just for the Highland bills she will check into it tomorrow. Chairman MacQueen said we will approve the bill and sign it pending on Ms. Glashoff finding the other bill. Motion by Mr. Gerlich and seconded by Mr. Rich to approve the bills including the one Highland Bill as presented. Unanimously approved. **Note:** if this bill has been paid, it will bring the bill total down to **\$5,063.00..**

CORRESPONDENCE:

- a. NJLM Article – Re: Solar Panels 6/24/2011
- b. NJLM Article - Re: COAH 6/30/2011
- c. HC News Article June 30, 2011 – Senate Passes Package of Solar Bills

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OPEN TO THE PUBLIC

Chairman MacQueen opened the meeting to the public. Marc Laul informed the board that the glare from the Solar panels is 30%. Mr. Laul also asked about his permits from 2001. He said when speaking with the Zoning Officer he was informed that there wasn't a zoning approval in the file. Mr. Laul was concerned since he did get all the permits required. Ms. Glashoff said she will check into it for him.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Piazza to adjourn the meeting at 7:48 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK