

REGULAR MEETING

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

July 21, 2009

The 820th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:07 p.m. by Chairman Gary MacQueen. Present were: Mr. Schmidt, Mr. Gerlich, Mr. Rich, Ms. Bleck, Ms. Schriver, Mr. Weiler and Attorney Gallina. Planner Bolan arrived at 7:20 p.m. **Excused:** Mr. Piasecki

Notice of this meeting was noticed in the "Annual Meeting Notice Schedule" adopted by this board on January 13, 2009, mailed to the Hunterdon Review, Hunterdon County Democrat, Courier News, Express Times, Star Ledger and posted on the bulletin board in the Municipal Building on July 15, 2009.

PRESENTATION OF MINUTES: June 2, 2009 Regular Meeting

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

REQUEST TO AMEND RESOLUTION CONDITION #2 DATED FEBRUARY 7, 2009

Hunterdon Learning Center Block #16 Lot #17
Preliminary/Final Site Plan Hoffmans Crossing Road RC 7½
Approval with conditions
(Enclosed is Letter from Jim Butters/Engr Jess Symonds along with a copy of Resolution)

Attorney Robert McBriar and Jim Butters were present to discuss condition #2 of the Resolution. Ms. Glashoff noted the board has before a memo from Engr. Risse since he was unable to be present this evening. Attorney McBriar introduced himself to the board and stated that he is here this evening representing Mr. Butters who is requesting the board to amend the condition regarding the size of the fire tank from 10,000 gallons to 6,000 gallons. A 6,000 gallon tank meets all the NFPA standards. The required water supply would at least maintain 4197 gallons. The Township Ordinance is more restrictive stating that the NFPA number must be used in the calculation which actually results in the town requirement that their fire protection tank at least support 5596 gallons. The 6000 gallon tank complies with the NFPA standards and the Township Ordinance pertaining to fire tanks. Attorney Gallina said for the record the following items were received by the board: Ltr from Mr. Butters dated June 2, 2009 with Engr. Jess Symonds calculating attached, Ltr from Engr. Steve Risse dated July 16, 2009 with Engr. Symonds calculating attached. Attorney Gallina in referring to Engr Risse's letter stated the 6000 gallon purposed fire tank is sufficient. Chairman MacQueen informed the board he spoke with Engr. Risse and Engr. Risse had spoken to Warren Gabriel of the Fire Dept. and Mr. Gabriel did not have a problem with the change in tank size and Engr. Risse informed him the calculations are correct.

Attorney Gallina said there is one procedural matter that needs to be addressed. Under the MLUL it states that if you are seeking modification or elimination and it is considered to be a sufficient change in the Resolution and application where notice had been given. However in this case they are only downsizing the fire tank from 10 to 6 thousand gallons, all the NFPA standards are met and have been approved by the Fire Dept. If the board does not feel that this request is of a major change then notice does not have to be given. Attorney McBriar said he felt it was not a sufficient change to the condition in the Resolution. Attorney McBriar asked that the board approve this request and it doesn't require noticing. Ms. Glashoff interjected noting that Mr. Gabriel is not the Fire Chief. When the new Fire Chief (Jay Harkins) took over Ms. Glashoff asked if he would be taking over the responsibilities regarding the Fire Tanks. Mr. Harkins informed her that he would like everything regarding the fire tanks to stay with Mr. Gabriel since he has been involved with the Board, the ordinance and the installation of the fire tanks from the beginning.

Mr. Rich asked what the difference was in the price of the tanks going from 10,000 gallons down to 6,000 gallons. Attorney McBriar said the difference is \$10,000.00 in cost. Mr. Schmidt questioned why a fire tank was needed and would this be considered a minor site plan. Attorney Gallina said at the present time, we only have an ordinance for site plan which covers all site plans large or small. Ms. Glashoff noted that the fire protection ordinance requires a fire tank for 1000 square feet or greater, also Transtar is before the Board of Adjustment and

Planner Bolan said the meeting that he had with Engineer Risse and Ms. Glashoff; they made some minor changes to the minor site plan checklist. Chairman MacQueen asked Planner Bolan to amend the Minor Site Plan Ordinance and increase the square feet from 1000 to 2000. Planner Bolan stated in speaking with Engineer Risse, it made sense to have a separate checklist for Minor Site Plans because the requirements are different. Chairman MacQueen asked Planner Bolan that once all the revisions are made to email everything to Ms. Glashoff for distribution to the board for the next meeting on September 1st.

d. Amend Existing Checklist

e. Amend Fee Schedule to include Minor Site Plan Fees

Chairman MacQueen stated that he would like to wait on these two items until Engineer Risse can be present to discuss them. The board agreed.

f. Alternative Energy Ordinance

Planner Bolan stated that before creating an ordinance he wanted to go over some of the issues that were discussed by the subcommittee. Planner Bolan said there are four categories the subcommittee discussed. Regarding Geothermal the subcommittee did not recommend any specific standards for this use and thought the board may want to consult a hydro-geologic consultant. With Solar, roof mounted systems were not an issue. The subcommittee had issue with ground mounted systems for screening and if they could be used in the front yard. The subcommittee felt that if the use met the yard setbacks it should be permitted. On the subject of Windmills, a maximum height should be 120', the setbacks for windmills should be 150% of the height, and they should not be permitted in the front yard. In discussing acreage, the subcommittee felt there should be a minimum of 3 acres. Planner Bolan stated the Township has many areas that are heavily wooded and doesn't really have the openness for a windmill to work properly. Mr. Rich suggested only allowing them on very large lots with an example of 25 acres and felt that it needs to be a requirement. The board agreed that 25 acres would be appropriate. Mr. Rich asked about setbacks using 25 acres. The board felt 200% of the height of the windmill for setbacks would be appropriate.

Lastly are the Outdoor Wood Boilers. Planner Bolan said the primary issues that the subcommittee discussed were height, location and months of operation. The committee felt that October 1st to April 30th for months of operation was realistic because the warmer months would cause problems with sending smoke into neighbor's homes. The committee suggested having the chimney about 3' higher above the ridge line of the roof or 2' above the roof on any point within a 10' radius. Planner Bolan said there's a lot

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of ambiguity in the standards that apply to this with the DEP giving us a completely ambiguous answer. In Hunterdon County you have an aggressive Board of Health Dept. they will go out and inspect, whereas in other counties they don't care. The letter from DEP said, "if they get a complaint they will go out and inspect". Planner Bolan said that the OWB should be qualified as one of the EPA approved models. During the discussion, Chairman MacQueen asked what the recommendation was of the subcommittee on this issue. Planner Bolan said it was brought up and discussed at length regarding the height of chimneys and size of lots. Chairman MacQueen suggested 12' in height from the base of the wood furnace to the top of the flue pipe. The board discussed size of the lot and decided that 7½ acres would be appropriate. Mr. Schmidt read from proposed rules, chimney height must be 2' higher than the peak of any residence within 300' of the furnace not counting your own. Planner Bolan suggested 250' which would be sufficient. After further discussion, it was decided to have a 200' setback with a 12' minimum height from the base of the stove with 7½ acres and using seasoned wood. At the conclusion of the board's discussion, all the items discussed this evening will be placed back on the agenda for September 1st agenda.

g. Consider amending Ordinance #400:54D (5)(h) (See letter from Atty Gallina)

Because of the late hour this item will be carried over to the September 1st meeting for discussion.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 350.00
b. Michael Bolan, P.P.	\$4,913.20
c. Bayer/Risse, Engrs.	\$1,613.25
Total:	\$6,876.45

Ms. Glashoff stated the board has before them an Agenda Addendum with three additional bills. The addendum has a brief description of each bill which are all from Attorney Gallina totally **\$595.00**. This brings the grand total to **\$7,471.45**. Motion by Mr. Gerlich and seconded by Ms. Schriver to approve the bills as amended. Unanimously approved.

CORRESPONDENCE:

Ms. Glashoff reminded the board, the next meeting will be held on September 1, 2009. On the agenda besides the Items for Discussion will be a presentation by Engr. Fred Kish of T&M Associates representing Hagadorn Geriatric Hospital. The State Hospital is planning to build a Salt Storage Shelter and as a courtesy will make a presentation to the board.

Being no further business to come before the board, nor comments from the public, motion by Ms. Schriver and seconded by Ms. Bleck to adjourn the meeting at 9:20 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK