

**REGULAR MEETING**

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

**August 5, 2008**

The 811<sup>th</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:04 p.m. by Vice Chairwoman Doreen Bleck. Present were: Mr. Schmidt, Mr. Rich, Mr. Weiler, Mr. Piazza, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. MacQueen, Mr. Piasecki and Mr. Weeks

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 8, 2008, 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 30, 2008.

**PRESENTATION OF MINUTES:** June 17, 2008 Regular Meeting

Mr. Rich noted under Items for Discussion, Create a mechanism for completeness of applications, that the wording of 90 days was not included and asked that it be included in the appropriate sentence. Motion by Mr. Piazza and seconded by Mr. Rich to approve the minutes with the minor amendment. Unanimously approved.

**EXTENSION OF TIME TO FILE DEEDS:**

James Butters Block #16 Lot #20  
1 Lot Minor Subdivision with Hoffmans Crossing Road RC  
conditions

Attorney Michael Selvaggi was present to represent the applicant James Butters. Attorney Gallina stated the board has a letter from Attorney Selvaggi requesting a 90 day extension of time to file the deeds. Attorney Selvaggi stated they discovered possibly some old roads within the property. They might have to reconfigure the driveway. Attorney Selvaggi recommended to Mr. Butters that they get the common driveway maintenance agreement and subdivision deed done. They would like to put in the deed the right to relocate the driveway and if it happened then in the deed there would be language that would say subject to an amended application and approval by the board. At the conclusion of the board's discussion, motion by Mr. Schmidt and seconded by Mr. Piazza to grant the request for a 90 day extension of time to file deeds. Unanimously approved.

Mr. Schmidt asked if the Highlands were amendable to exemptions or exceptions or are they strictly by the letter. Attorney Selvaggi stated that what he has seen is that the only applications that are brought for the exceptions are ones that have conformed to what the Highlands considers an exception. Regarding agricultural subdivisions, per the MLUL they don't qualify as subdivisions or under the Highlands Act. Both lots will have to be dedicated and used for agricultural purposes. The Highlands will only kick in when Mr. Butters decides to develop the newly created lot with a house. Then the new lot with the house will have to conform to the Highlands regulations.

**RESOLUTION:**

a. Cellco Partnership/Verizon Wireless Block #6 Lot #3  
Conditional Use/Site Plan/Bulk Variances Route 31 B2  
with conditions

Motion by Mr. Rich and seconded by Mr. Piazza to approve the resolution for Cellco Partnership as presented.

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

**FYI:**

a. Letter received by Ms. Glashoff from COAH on July 29th

Vice Chairwoman Bleck asked Planner Bolan to address the letter received from COAH. Planner Bolan stated this letter is dealing with the Roberts Bill A500/S1783 that the Governor signed June 17<sup>th</sup> which was the same day that the Highlands Master Plan was approved. This bill changes the non-residential development fee to 2.5% and exempts certain uses such as hospitals & nursing homes. How it will affect us is that there will be no RCA's which we relied on with the last round. The 2.5% is for non-residential which includes agricultural buildings. In reviewing this letter regarding the legislation, Planner Bolan stated it is a nightmare. Mr. Piazza informed the board that at the Township Committee, twice Clinton Township has asked us to join in with them in their lawsuit against COAH which would cost the Township approximately \$8,000.00. The League of Municipalities has also asked that we join them. They are asking for \$500.00 per municipality to join in on their lawsuit against COAH. Planner Bolan stated that whatever happens with these lawsuits the municipality will benefit. Planner Bolan went on to say that if the Township decides to join in on one of the lawsuit, they should consider the League of Municipality. Out of the 270 towns under COAH's jurisdiction, 220 of those towns have joined the League with their lawsuit. Planner Bolan stated the League's lawsuit is more reasonable and a more winnable lawsuit. Planner Bolan

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said that with our work on the Housing Plan we should hold off as long as we can. We know the deadline is December 31, 2008; we need to wait and see how things play out. We can come up with a Plan which won't be much different than the Plan of 2005. At the conclusion of the discussion, Ms. Glashoff informed the board that in their new tax bills is a flyer from her regarding the Accessory Apartment Ordinance for COAH. Ms. Glashoff noted that in the ordinance it does not refer to the RC zone. Planner Bolan stated that he has the ordinance done which includes the RC zone in a draft form. When we submitted our plan to COAH in December 2005 we received a comment letter from COAH and then in October 2006 we sent them supplemental information which was amending the Accessory Apartment/ Rehabilitation Ordinance. Ms. Glashoff said she is already getting phone calls on her flyer. Planner Bolan stated he will send the amended ordinance on to the Township Attorney and hopefully it can be on the Township Committee's next agenda of August 20, 2008.

**ITEMS FOR DISCUSSION:**

**a. Change Meeting Date from 3<sup>rd</sup> Tuesday to 1<sup>st</sup> Tuesday with 3<sup>rd</sup> Tuesday as backup.**

When Vice Chairwoman Bleck asked about the dates, Ms. Glashoff referred the change to Planner Bolan for his input. Planner Bolan informed the board that he has been hired by West Amwell Township to be their Planner. The Planning Board meets on the 3<sup>rd</sup> Tuesday of the month and asked if the board would consider moving our date to the 1<sup>st</sup> Tuesday with the 3<sup>rd</sup> Tuesday as our backup. After a brief discussion, motion by Mr. Piazza and seconded by Mr. Rich to switch our meeting dates around from the 3<sup>rd</sup> Tuesday to the 1<sup>st</sup> Tuesday with the 3<sup>rd</sup> Tuesday as backup. Also, the meeting of September 16<sup>th</sup> will be cancelled and the next meeting will be held on October 7<sup>th</sup>. Unanimously approved. Ms. Glashoff suggested rescheduling the December meeting from December 16<sup>th</sup> to Tuesday December 9<sup>th</sup> since she will be on vacation the first week in December. The board agreed and Ms. Glashoff will place the notice in the newspaper for these changes. The board congratulated Planner Bolan on his appointment to West Amwell Twp.

**b. Increase Escrow Fees – Memo from Board Clerk**

Ms. Glashoff asked if anyone had any questions regarding her memo. Ms. Bleck asked about the Butters escrow. Attorney Gallina stated the MLUL provides that no action can be taken by a board when escrow bills are outstanding and they have to be replenished. Ms. Glashoff said that when it becomes a real problem is when the application has been approved and bills will come in after the approval which is normal. She said that she has put one application on hold with the professionals because the applicant owes escrow monies. Ms. Glashoff explained to the board the procedures that were in place before last September. Now each escrow account has its own checking account and when the funds are low and a bill comes in that exceeds the balance, she has to contact the

applicant to get more money. This new procedure means spending more time tracking escrow accounts. Ms. Glashoff stated she prefers to not have to constantly be chasing applicants for money. Ms. Glashoff noted the recommendations she made in the memo to increase the escrow fees and reviewed them with the board. It was agreed to amend the recommendations to increase the escrows on Extension of Time from \$500.00 to \$750.00 and on Conditional Uses from \$1,000.00 to \$1,500.00. At the conclusion of the board's discussion, motion by Mr. Rich and seconded by Mr. Schmidt to approve the recommendations with amendments. Unanimously approved. Attorney Gallina will draft the ordinance amendment to have on the agenda for Introduction at the Township Committee Meeting of August 20, 2008.

**c. Letter from Zoning Officer referred by Township Committee re: Alternative Energy Ordinance**

The board reviewed Mr. Flemming letter and discussed the issues at length. During the discussion, concerns with Height, Stormwater, Noise and smoke from outside wood furnaces. They felt all three items should be encouraged with safeguards. Since the board agreed with the suggestions and recommendations by Mr. Flemming, they decided to put together a subcommittee to work on this and to include Planner Bolan. The following people will sit on the subcommittee: Mr. Rich, Mr. Schmidt, Planner Bolan and Zoning Officer Flemming.

**PRESENTATION OF BILLS & REPORT:**

a. John Gallina, Esq.	\$ 1,155.00
b. Michael Bolan, PP	\$ 4,070.00
c. Bayer/Risse Engrs.	\$ 862.50
<b>Total:</b>	<b>\$ 6,087.50</b>

Motion by Mr. Rich and seconded by Mr. Piazza to approve the bills for payment. Unanimously approved.

Being no further business to come before the board, nor comments from the public, motion by Mr. Piazza and seconded by Mr. Rich to adjourn the meeting at 8:25 p.m. Unanimously approved.

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**VICE CHAIRWOMAN DOREEN BLECK**

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