

## REGULAR MEETING

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

**September 1, 2009**

The 821<sup>st</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:10 p.m. by Chairman Gary MacQueen. Present were: Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Ms. Bleck, Mr. Weiler, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Ms. Schriver, Mr. Rich and Mr. Weeks

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 13, 2009, 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 August 26, 2009.

**PRESENTATION OF MINUTES:** July 21, 2009 Regular Meeting

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

**FYI:** Letter dated August 6, 2009 from H.C. Planning Board re: County WMP.

**MEMO:** Board Clerk

Ms. Glashoff explained the problem she was having with a Planning Board applicant regarding escrow bills and the applicant is giving her a hard time and doesn't want to pay for services rendered. She went over the correspondence between herself and the applicant and has included the board's professionals in the correspondence along with the applicant's attorney. Ms. Glashoff said that normally she wouldn't bring something like this to the board, but felt this applicant is not cooperating and abiding by the Escrow Agreement and she might have to turn this account over to the Township Attorney for collection and wanted the board to know what has been going on with this account. Ms. Glashoff noted there are times that the applicant's attorney will sign off on the Escrow Agreement not the applicant and this time the attorney signed the agreement. Attorney Gallina said it is still the applicant's responsibility for the escrow. At the conclusion of the board's discussion, the board stated that all escrow agreements should be signed by the applicant only and to take whatever measures needed to retrieve the monies owed the Township. Ms. Glashoff thanked the board for their input and recommendation.

**ITEMS FOR DISCUSSION: (All items are carried over from July 21<sup>st</sup> Meeting)**

**1. Consider amending Ordinance 400:54D(5)(h) Refer to Letter from Attorney Gallina**

The board discussed amending the ordinance regarding number of meetings before charging the applicant for the professionals time at a meeting. The law allows you to charge starting with the first meeting, the board felt that was not the route they wanted to take. During the discussion, the Planning Board because of the Highlands Act have very few applications coming before them and the Board of Adjustment most of the time has applications that only take one meeting. It was brought to the board's attention that the Zoning Board at times will have applications that will continue for several meetings. (3-5). This has become a concern of the board for the costs that the board has to incur. Ms. Glashoff went over the procedures that are followed for when either or both the Planner and Engineer attend a meeting. Ms. Glashoff said when a bulk variance is scheduled the only professional attending the meeting is the attorney. At the conclusion of the board's discussion, the consensus was to start with the second meeting instead of the third meeting for professionals charging for their time at the meeting when an application is scheduled to be heard and directed Attorney Gallina to prepare a draft to amend the ordinance to that effect and to have it ready for the October 6<sup>th</sup> meeting date.

**2. Minor Site Plan Ordinance – Planner Bolan**

Planner Bolan reviewed the new ordinance for minor site plans. Under the definition of a minor site plan, it would either be 1000 sq. feet of building or 2000 sq. feet of improvements. If you have 1000 sq. feet of building you need 5 parking spaces, that alone is 2000 sq. feet. It should then read 3000 sq. feet. That was the first change that was made. Planner Bolan suggested instead of 2000 sq. feet of improvements to change it to 3000 sq. feet of

improvements. Chairman MacQueen asked about the square footage in the Fire Protection Ordinance for requiring a fire tank. Engineer Risse said it is 1000 sq. feet. Planner Bolan noted the geological testing doesn't kick in until 600 gallons which is 4800 sq feet. During the discussion, Planner Bolan stated that since everything counts as impervious coverage, the amount should be changed to 3200 sq. feet. of impervious coverage instead of saying improvements. One item was deleted because of repetition regarding the zoning map. At this point Planner Bolan wanted to verify the number of copies needed for filing the application. Ms. Glashoff said under Item 1, she needs the original and 12 copies of the application. Item 2 she only wants 6 sets of the plan for the completeness process. If deemed complete then 7 more copies are to be submitted. If revisions are needed then the total amount once resubmitted. Planner Bolan continued reviewing the revisions. At the conclusion, Planner Bolan will revise the ordinance.

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**a. Minor Site Plan Checklist – Engineer Risse**

Engineer Risse informed the board that in putting this checklist together, he took items from the main checklist to create the checklist for minor site plans. Not everything under Site Plan on the main checklist needs to be included with the minor. Mr. Piasecki asked about the fire tank. Engineer Risse said that a minor site plan should not need a fire tank. Planner Bolan noted since the Fire Tank Ordinance requires a tank with 1000 sq feet or more, then with a minor site plan, the footage should be 999 sq. feet. Chairman MacQueen questioned the reason for 1000 sq. feet. Engineer Risse said he wasn't sure what the reason was the Fire Department wanted the 1000 square feet. During the discussion, the board asked Planner Bolan to check around with other municipalities for what the footage that is required for putting a fire tank in for commercial properties. The copies required and the square footage will be changed.

**3. Home Occupation Ordinance – Planner Bolan**

Planner Bolan noted that this ordinance had very few changes from the discussion at the last meeting. What changed was on Page 2, is #10 the reference to a reasonable off-street parking requirement. This was changed to "consistent with the proposed use". During the discussion, Planner Bolan said it should say "municipal agency having jurisdiction". This will cover both boards depending on which one the applicant needs to go too. The board went over all the items in the ordinance with Planner Bolan along with different scenarios'. The board discussed the 3 home occupations tiers at length. At the conclusion of the board's discussion, Chairman MacQueen noted the changes being made are good ones and asked Planner Bolan to make those changes and have these ordinances go to the Township Committee for introduction and public hearing. Chairman MacQueen asked for a motion to forward these ordinances on to the Township Committee. Motion by Mr. Weiler and seconded by Mr. Gerlich to approve the changes to the Minor Site Plan Ordinance, Minor Site Plan Checklist and the Home Occupation Ordinance and once the changes are made they are to be forwarded to the Township Committee for their next regular meeting for Introduction. Unanimously approved.

**4. Alternative Energy Ordinance – Planner Bolan**

The board discussed alternative energy at length also along with the different types of alternative energy. During the discussion Mr. Piasecki suggested tabling this discussion until the next meeting when Mr. Rich could be present. The board agreed to continue this discussion when Mr. Rich was present and decided to have Planner Bolan prepare a draft ordinance for the next meeting since this has only been in the discussion phrase. Planner Bolan was asked to have this draft ready for the October 6<sup>th</sup> meeting.

## **5. Amend Existing Checklist**

Ms. Glashoff noted that the amendments to the existing checklist are minor changes along with correcting some typos that have been found and went over them with the board along with Engineer Risse who concurred with Ms. Glashoff. Chairman MacQueen asked for a motion to approve. Motion by Mr. Piasecki and seconded by Ms. Bleck to approve the minor changes and typo correction and to send this ordinance on to the Township Committee for adoption. Unanimously approved.

## **6. Amend Fee Schedule to include Minor Site Plan Fees**

Ms. Glashoff said that everyone received in their packets a copy of the amended fee schedule. At the last subcommittee meeting she made the recommendation for the fee and escrow amounts and the subcommittee agreed with her recommendations. Ms. Glashoff explained to the board how she came up with the fees she proposed. If the board agreed, she would like to forward the amended fee schedule on to the Township Committee for adoption. After a brief discussion, motion by Ms. Bleck and seconded by Mr. Piasecki to approve the recommendation for the Minor Site Plan Application Fee and Escrow. Unanimously approved.

## **7. Consider amending the COAH ordinance on Accessory Apartments & Rehabs to increase loan amounts. (Article IV Section 199-14D)**

Ms. Glashoff said Mr. Piazza was present to discuss this ordinance. Planner Bolan said that we haven't adopted a new ordinance because of the state of flux with COAH and we now do not have to petition until June 8, 2010 because of an extension that COAH granted to the Highlands municipalities. Planner Bolan said the ordinance states at least \$10,000.00 can be borrowed. The rules state that it has to be at least \$20,000.00 for a moderate income unit (accessory apartment unit) and \$25,000.00 for a low income unit. The odd thing about the rule is when the person is creating the accessory apartment they don't know if the occupant will be low or moderate income. Planner Bolan suggested using a flat \$25,000.00 per unit.

Planner Bolan stated that until COAH gets all these build out reports done (Module II) COAH has not idea what the growth potential is in the Highlands. Also, Planning Area municipalities can either opt in or out and it will be interesting to see what will happen. Each area Planning & Preservation is about 400,000 acres each. Chairman MacQueen asked if Committeeman Piazza had any comments on this subject. Mr. Piazza asked about the monies for accessory apartments and since the ordinance states "at least

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\$10,000.00" someone could ask for \$50,000.00. Planner Bolan answered yes. Mr. Piazza asked if the Township is going to have a zero commitment or will they have an obligation being in the Highlands. Planner Bolan answered we will have an obligation and that we will have to do the plan by June 8, 2010. It will be based on growth. Going back to January of 2004 the number of CO's that have been issued for new homes are all on existing lots of record. Those lots became very valuable with Highlands because of the exemptions you get for existing lots. We already owe 6 affordable units, plus rehab obligation. On the prior round we satisfied them which will be carried forward. Mr. Piazza asked about the lot size for accessory apartments and said the ordinance requires 5 acres. Mr. Piazza felt that if you already have a building for an accessory apartment on the property and you can get Hunterdon County Board of Health approval why couldn't you create an apartment on a 1½ acre lot. Mr. Piazza said the County is only concerned about the septic system. Since we have this obligation, doesn't it make sense to make it possible for someone to create an affordable unit. Mr. Piazza asked about the RCA's and what the cost is per unit. Planner Bolan said between \$67,000.00 and \$80,000.00 per unit. Mr. Piazza said it makes more sense to loan \$25,000.00 versus hundred's thousands for a RCA. Mr. Piasecki asked how long the restriction was on the apartments. Planner Bolan said 10 years. The restriction use to be 30 years and had very few takers, then COAH changed it to 10 years. Chairman MacQueen asked if we are now obligated for 6 units? Planner Bolan said we will have to wait and see with the everything being in such a state of flux he wasn't sure. Planner Bolan said when we

did the calculations for the last housing plan, he believed that the CO's covered from 2004 to present. Chairman MacQueen asked if no one wants to borrow money for an apartment what happens with our obligation. Planner Bolan said there are other things the Township can do, example something like what we did with Freedom House.

Mr. Piazza said the reason why he was at the meeting this evening was to inquire about having an apartment at his parents house that his son has purchased. The house sits on 1½ acres with a building that can be converted into an apartment for low income, which would help our COAH obligation. There was a brief discussion on how it works for who is eligible, advertising etc. Planner Bolan said the issue is the lot area. He went on to say that he would prefer to see the build out information plus the range of lot sizes.

**PRESENTATION OF BILLS & REPORT:**

a. John Gallina, Esq.	\$ 2,520.00
b. Michael Bolan, PP	\$ 85.20
c. Bayer/Risse Engrs.	\$ 358.50
d. Quarterly P/Z Lunch/Seminar	\$ 27.00
<b>Total:</b>	<b>\$ 2,990.70</b>

It was noted that a large portion of Attorney Gallina's bill will be applied to the grant and it is for the Module 6 portion. After a brief discussion by the board, motion by Mr. Gerlich and seconded by Ms. Bleck to approve the bills as presented. Unanimously approved. Ms. Glashoff stated that she receives for the Zoning Board the "Zoning Practice". This issue deals with TDR's and asked since we are in the Highlands if it is a moot subject. Planner Bolan said we can't be a receiver because of the density, but we could be a sending area. Ms. Glashoff said she was going to make copies of this article for the Planning Board since it is more related to the Planning Board and not the Zoning Board. It was agreed to make copies for the board members.

Chairman MacQueen opened the meeting to the public. Pat Bruder from Raritan River Road asked if the Township had a Noise Ordinance. Her complaint is with barking dogs 24/7 and explained to the board her situation. The board informed her that the Township can not adopt an ordinance that is inconsistent with the State regulations. Mr. Piasecki said that it is difficult if not impossible to enforce. Ms. Bleck asked if Ms. Bruder had approached the neighbors regarding the barking. Ms. Bruder said she had talked to the neighbors but to no avail. During the discussion, Ms. Glashoff suggested to Ms. Bruder to contact Judy Dunlap. Judy takes care of lost and found and has spoken to people with dogs regarding barking issues. Ms. Bruder will call Ms. Glashoff for Judy's phone number. Chairman MacQueen also suggested contacting the Zoning Officer. He is here on Monday & Wednesday afternoon's from 1:00 -4:00pm.

John Locker of Route 513 asked about Windmills, Wood Burning Stoves, Solar Panels. The board discussed these items at length with Mr. Locker. At the conclusion of the discussion, Chairman MacQueen asked if anyone else had a comments. David Shope owner of land on Penwell Road talked about the court decision with COAH. Also, the Highlands was discussed. Mr. Shope said he had articles for the board regarding the Highlands. He gave a copy of each article to Ms. Glashoff. She will make copies and send to the board.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Piasecki to adjourn the meeting at 9:23 pm. Unanimously approved.

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**CHAIRMAN GARY MACQUEEN**

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