

**REGULAR MEETING**

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

**September 7, 2010**

The 830<sup>th</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:00 p.m. by Josh Rich. Present were: Mr. Schmidt, Mr. Gerlich, Mr. Piazza, Mr. Weiler, Attorney Gallina, Planner Bolan and Engr. Risse. Excused: Mr. Piasecki, Ms. Bleck, and Mr. MacQueen.

Ms. Glashoff asked that the board nominate Mr. Rich to serve as Chairman for the evening. Motion by Mr. Piazza and seconded by Mr. Gerlich to appoint Mr. Rich as Chairman. Unanimously approved. At this time Mr. Rich officially took over as Chairman.

This meeting was noticed in the ‘‘Annual Meeting Notice Schedule’’ adopted by this board on January 12, 2010 and 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 31, 2010.

**PRESENTATION OF MINUTES: August 3, 2010 Regular Meeting  
August 3, 2010 Executive Session**

Chairman Rich asked for a motion to approve both sets of minutes. Motion by Mr. Piazza and seconded by Mr. Weiler to approve both sets of minutes as presented. Unanimously approved.

**RESOLUTIONS:**

- a. Frank’s Pizza of Califon Block #38 Lot #28  
Exemption from Site Plan Route 513 B1

Motion by Mr. Piazza and seconded by Mr. Weiler to approve the Resolution for Frank’s Pizza of Califon for Exemption from Site Plan as corrected.

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

- b. Country Square Block #38 Lot #25  
Exemption from Site Plan Route 513 B1

Motion by Mr. Gerlich and seconded by Mr. Schmidt to approve the Resolution for Country Square for Exemption from Site Plan as presented.

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

- c. Lebanon Township Public Works Department Block #64 Lot #8  
Site Plan/Variances with conditions Newport Road B1

Motion by Mr. Schmidt and seconded by Mr. Gerlich to approve the Resolution for the Public Works Department for Site Plan/Variances with conditions as presented.

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

**EXEMPTION FROM SITE PLAN REVIEW:**

- Lebanon Township Memorial Park Block #29 Lot #32.03  
Install Score Board/Jr. Vikes Bunnvale Road R 1½

Since the board did not have a quorum for this application, it was decided to reschedule to the October 5, 2010 meeting agenda.

**APPLICATION FOR COMPLETENESS/WAIVERS AND SET A PUBLIC HEARING DATE:**

- Cellco Partnership/dba Verizon Wireless & Nextel, N.Y. Block #29 Lot #32.01  
Conditional Use/Waivers for Cell Tower West Hill Road R 1½  
**(Memo Engr. Risse & Request for Waivers)**

Attorney David Soloway was present to represent Cellco Partnership along with Attorney Katie Razin who is representing Nextel of N.Y. Engineer Risse reviewed the checklist noting the following waivers requested by the applicant. **Item #33** (Contours @ 2’ intervals), a partial waiver is being requested. Engr. Risse recommends the waiver based on the nature of the application.

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**Item #35** (existing streets, watercourses on property or within 500') a partial waiver is being requested. Engr. Risse recommends the waiver based on the nature of the application. **Item #42** (Existing wells/septic systems on property & within 100') a waiver is being requested, **Item #43** (Location of flood hazard areas, wooded areas, right of ways) a waiver is being requested, **Item #45** (Environmental Inventory Plan), waiver being requested, **Item #48** (Parking requirement calculations & location of parking) a waiver is being requested, **Item #56** ((Public utility letters) waiver being requested, **Item #58** (Lighting plan) a waiver is being requested. Engineer Risse said that he recommends approving the waiver requests by the applicant including the 2 partial waivers. Engineer Risse also stated that he recommends deeming the application complete and setting a public hearing date. Planner Bolan had no comments regarding deeming the application complete at this time. Motion by Mr. Weiler and seconded by Mr. Gerlich to deem the application complete and granting the waivers including the two partial waivers. Unanimously approved.

Chairman Rich asked Ms. Glashoff for a public hearing date. Ms. Glashoff offered October 5<sup>th</sup> at 7:30 p.m. The applicant agreed to the date. Attorney Gallina announced to the public present that the public hearing for Cellco Partnership will be held on Tuesday October 5<sup>th</sup> at 7:30 p.m.

**APPLICATION FOR COMPLETENESS/SET PUBLIC HEARING IF P.B. APPLICABLE:**

Garden Solar, LLC	Block #3 Lot #5
Site Plan/Possible Use Variance	Buffalo Hollow Road B2

**(Memo Engr. Risse & Request for Waivers)**

Attorney Walter Wilson was present to represent the applicant Garden Solar, LLC. Attorney Wilson stated they are here this evening to be deemed complete and set a public hearing date. Attorney Gallina informed Attorney Wilson that this application doesn't fit the definition of Essential Service and proceeded to read from the Ordinance (Section 400-4) under definitions. Attorney Wilson said they view it as an electrical system which will be connected to the grid to provide for adequate service to the zone to provide service to the neighborhood by the utility company.

Planner Bolan said we had the same issue come up many years ago with cell towers. Chairman Rich asked Attorney Gallina for his recommendation. Attorney Gallina stated this application belongs before the Board of Adjustment. The board has a Review Committee who will review this application. It has already been reviewed by both the board's professionals. Ms. Glashoff said she will contact the Zoning Board Review Committee to set up a meeting. Ms. Glashoff offered the October 27<sup>th</sup> date to Attorney Wilson to appear before the Zoning Board. At the conclusion of the board's discussion, Attorney Wilson thanked the board for their input and will reapply to the Board of Adjustment.

**ITEMS FOR DISCUSSION:**

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

Planner Bolan went over the last two revisions from the August 4<sup>th</sup> meeting. The first revision was under Wood Burning Furnaces Page 2 (D) regarding setbacks. They were revised and the other revision was for Wind Mills going from 25 acres to 10 acres. Chairman Rich asked for comments from the board and stated this has been a very difficult ordinance. Being no comments from the board, motion by Mr. Schmidt and seconded by Mr. Weiler to approve the revisions as presented and to send the ordinance to the Township Committee for Introduction and Public Hearing. Unanimously approved.

b. **Time of Decision** takes affect 5/11 do we need to amend any ordinances to be in compliance with new law. Ms. Glashoff said she put this on the agenda because if we needed to amend an ordinance she didn't want the board to over look anything and asked Planner Bolan if he had a chance to look the information over. Planner Bolan said no. The consensus was we didn't need to do anything.

**c. Butler Park Zoning from Zoning Officer Memo dated July 28, 2010**

Planner Bolan said we do not get a lot of variances from the Butler Park area. The zoning in that area is R 1½. The only zoning we have for small lots is the R15 zone. Planner Bolan noted that when variances for the same thing are constantly coming before the board, they would make a recommendation to the Planning Board a change in the ordinance. The Zoning Board has not had a lot of variance requests for the Butler Park area. Planner Bolan did not see any rationale for changing the zoning. At the conclusion of the board's discussion, it was decided not to recommend changing the zoning in Butler Park to the Township Committee.

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**PRESENTATION OF BILLS & REPORT:**

- |                       |                   |
|-----------------------|-------------------|
| a. John Gallina, Esq. | \$ 595.00         |
| b. Michael Bolan, PP  | \$4,288.40        |
| <b>Total:</b>         | <b>\$4,883.40</b> |

Ms. Glashoff announced that there were two additional bills to be added. One for Attorney Gallina for Escrow of Country Square for \$175.00 and the other the Ms. Glashoff for her County Planning & Zoning Luncheon Seminar for \$25.00. This brings the new total to **\$5,083.40**. Motion by Mr. Gerlich and seconded by Mr. Piazza to approve the bills as amended. Unanimously approved.

**CORRESPONDENCE:**

- a. H.C. Soil Conservation w/conditions (Garden Solar & Cellco Partnership)
- b. H.C. Planning Board w/conditions (Garden Solar & Cellco Partnership)
- c. H.C. Planning Board Dev. Review Committee (Garden Solar-Conditional Approval/Not to Construct)
- d. NJLM – 2.5% Commercial Fee Reinstated

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

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**CHAIRMAN JOSHUA RICH**

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