

**Meeting audio can be found at [lebanontownship.net](http://lebanontownship.net).**

**Lebanon Township Committee  
August 18, 2021**

**Minutes of Regular Meeting**

**CALL TO ORDER**

Mayor Mike Schmidt called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

**FLAG SALUTE**

Mayor Schmidt asked everyone to please stand for the Flag Salute and for a moment of silence in honor of Veterans who served in Afghanistan, First Responders and current Servicemen and Women.

**ROLL CALL**

Present -                   Mike Schmidt                   Thomas McKee                   Marc Laul  
                                  Beverly Koehler               Abe Abuchowski

Absent-

Also Present -            Attorney Matt Lyons, Administrator James Barberio, Clerk Karen Sandorse and 12 members of the public.

**PRESENTATION OF MINUTES**

**Minutes of the August 4, 2021 Regular and Executive Session Meetings**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the August 4, 2021 Regular and Executive Session Meetings as amended.*

**PUBLIC COMMENTS – for agenda items only.**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 7:02 p.m.*

Roger Marion, Esquire, provided comments on behalf of his client, The NAR Group, Inc. who is the commercial lessor of 62 Anthony Road. Mr. Marion informed the Committee that the proposed

Cannabis ordinance will restrict his client from the growing of cannabis for agricultural uses in the Township. Mr. Marion informed the Committee of his interpretation of the law and the impact the ordinance will have on his client's ability to obtain a license from the State.

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 7:08 p.m.*

Attorney Lyons said that the Committee had received correspondence late this afternoon regarding this matter. Attorney Lyons noted that the Committee is proceeding under the discretionary authority granted to them under the Recreational Marijuana Act. There is no action that will be taken under the Compassionate Care Act. Attorney Lyons noted that the procedure followed by the Committee is compliant and that the Committee is aware that they are up against a deadline.

### **Public Hearing**

#### **Ordinance No. 2021-07 – Cannabis**

Mayor Schmidt provided an overview of the process followed by the Committee and the Planning Board with regard to Ordinance No. 2021-07.

*Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-07 was opened at 7:18.*

Steven Gruenberg, Esquire, offered comments on behalf of the owner of 62 Anthony Road, Nitin Manglani.

Mr. Gruenberg stated that in 2019 he and his client met with the Mayor, Township Committee representatives and Township professionals to discuss the proposal of a medical cannabis cultivation operation being located at 62 Anthony Road. Mr. Gruenberg stated that his client was informed at that time that the business is a permitted use in the Township. Mr. Gruenberg said that they believed that the business would be beneficial for his client as well as Lebanon Township. Mr. Gruenberg said that if the proposed ordinance is interpreted as not being a permitted use they will go nowhere with the state. Mr. Gruenberg noted the deficiencies he found with the proposed ordinance and gave suggestions on ways to correct them. Mr. Gruenberg said that the use should be permitted under the Compassionate Care Act.

Mr. Nitin Manglani, owner of 62 Anthony Road, provided the Committee with the details of acquiring the property and the establishment of his company. Mr. Manglani informed the Committee of the many challenges there are in obtaining a cultivation license from the state and how few are available. Mr. Manglani spoke of the company's goals and plans with the property. Mr. Manglani stated that he just found out a few weeks ago that the Township was considering the ordinance. He said that he understands the need and deadline for the ordinance, however, they need for the ordinance to accept medical cultivation.

Mr. Hugh Giordano, a representative of the United Food and Commercial Worker's Union spoke on behalf of the cannabis operation. His Union represents cannabis workers from seed to sale, for medical and adult use. Mr. Giordano informed the Committee of the many job opportunities a

cannabis business can offer. He feels that the ordinance does not support workers and their rights. Mr. Giordano provided recommendations on other towns ordinances for the Committee's consideration.

Mr. V. Casoni, NAR Group Board Member, informed the Committee that there are towns that have approved cultivation licenses. Mr. Casoni noted that the businesses will provide many jobs for the residents. Mr. Casoni said that the Flemington ordinance kept retail out but kept cultivation in. Mr. Casoni also noted that there is a lot of work to be done at the site which could provide jobs for New Jersey residents.

Ms. Sharon Petzinger stated that she does not have concerns with cannabis businesses being in the Township but she does not want to see signage promoting it.

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-07 was closed at 7:42 p.m.*

Attorney Lyons stated that in 2011 the State, through the Agricultural Development Committee, classified medicinal cannabis as a crop. The Township has no authority or discretion to take action over medical cultivation, only recreational.

Attorney Lyons stated that the proposed ordinance relates solely to CREMA, which is stated in the ordinance, as the Committee has no ability to take action under the Compassionate Care Act.

Attorney Lyons noted that, as written, the ordinance will not impact a pending application to cultivate medicinal marijuana.

Mayor Schmidt stated that since the state has not released regulations the Committee does not know what they would be opting in to. There is no way to know what type of impact the cultivation will have on the Township's water or the resident's aquifers. If the Township does not opt out, they will be under the state's regulations for five years. If they do opt out, they can revisit once they have an understanding of the state's rules and possibly opt in.

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2021-07 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2021-07  
PROHIBITING THE OPERATION OF  
ALL CLASSES OF CANNABIS BUSINESSES  
WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION  
OF LEBANON TOWNSHIP CODE 400-9(A-C)

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age, and it was approved by 64% of more than 4,000 votes cast in the Township of Lebanon; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace

Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis

delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Committee has examined the potential for allowing Cannabis Retail as a Conditional Use in its B2 Highway Commercial Zone but has determined that the current mixed use of residential and commercial in this Zone would highly constrain potential Cannabis Retail locations; and

WHEREAS, the Mayor and Committee of the Township of Lebanon have determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Lebanon in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township’s residents to amend the Township of

Lebanon's zoning regulations to prohibit the following marijuana-related land use and development within the geographic boundaries of the Township: all Classes.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, New Jersey, as follows:

1. Pursuant to Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all Classes are hereby prohibited from operating anywhere in the Township of Lebanon. It is acknowledged that delivery services located in other municipalities shall be permitted to make deliveries in the Township of Lebanon.

2. Section 400-9(A-C) of the Township of Lebanon's Code "Zoning – Use Regulations" is hereby amended by adding to the list as prohibited uses, the following: "All Classes of cannabis establishments as said terms are defined in Section 3 of P.L. 2021, c. 16 (but not the delivery of cannabis items and related supplies by a delivery service which is located in another municipality)." This shall apply to all zoning districts.

3. Any article, section, paragraph, subsection, clause, or other provision of Lebanon Code "Zoning" inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Township of Lebanon Planning Board, and as otherwise provided for by law.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and adoption and publication according to law.

## **Public Hearing**

### **Ordinance No. 2021-08 – Signs**

Mayor Schmidt stated that the Township has an ordinance relating to political signs. It was brought to the Committee's attention in 2016 that the ordinance is defective as it violates individuals' constitutional rights. An amended ordinance has been created and introduced by the Committee which is believed to coincide with the court settlements in the State.

Mayor Schmidt made suggestions to modify the proposed ordinance; the Committee took no action.

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-08 was opened at 8:04.*

Mr. Darryl Schmidt said that he feels that it is best to have no political sign ordinance at all. Mr. Schmidt does not feel that the signs should not be placed on Township property.

Lisa from Dewey Lane stated that she agrees with Mr. Darryl Schmidt. She asked what the purpose is in changing the current ordinance.

Mr. Guy Wilson asked the Township Attorney for clarification on signs being located on municipal property vs. the municipal right-of-way.

Mr. Darryl Schmidt said that his property taxes went up and asked how much the ordinance is costing the Township.

Lisa agrees with Mr. Schmidt and said time is money.

Mayor Schmidt provided his thoughts on the need to correct the defective ordinance.

Ms. Koehler asked who wrote the ordinance and stated her concerns with the ordinance as written.

*Motion by Mr. Abuchowski, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-08 was closed at 8:17 p.m.*

Mayor Schmidt stated his reasonings on why a sign ordinance is needed.

Mayor Schmidt suggested suspending the current ordinance and putting together a subcommittee to correct the flaws.

Ms. Koehler stated her concerns with the distance in which signs can be placed. She stated that she feels that the Committee should look at the ordinance again and start over as it has become very convoluted.

Mr. Abuchowski recommended tabling the proposed ordinance and to appoint a subcommittee to reformulate an ordinance that addresses the ACLU issues.

Mayor Schmidt asked for a motion to adopt Ordinance No. 2021-08 as entitled below. No motion was made. Motion fails.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee temporarily suspended the language of, "Election, special election or referendum signs. Signs containing political advertising may be erected not more than four weeks prior to an election, and shall be removed within 48 hours after the completion of the event" from Chapter 400-13, until December 31, 2021.*

Attorney Lyons stated that he highly recommends that this matter be addressed by the Committee and fixed permanently.

*Motion by Ms. Koehler, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee the established that Mr. Abuchowski will work with Attorney Lyons to create a new proposed sign ordinance.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2021-08  
AN ORDINANCE AMENDING CHAPTER 400-13 ENTITLED "SIGNS," OF MUNICIPAL  
CODE OF THE TOWNSHIP OF LEBANON,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

**Public Hearing**

**Ordinance No. 2021- 09 – Highlands/Checklist/Fees**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-09 was opened.*

Mr. Guy Wilson asked if the ordinance requires approvals from the Highlands before the applicant receives completeness to appear before one of the Boards.

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-09 was closed.*

*Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2021-09 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2021-09

AN ORDINANCE AMENDING CHAPTER 230 - "HIGHLANDS," CHAPTER 330 –  
"SUBDIVISION OF LAND," CHAPTER 400 – "ZONING," AND CHAPTER 45 – "LAND  
USE PROCEDURES," OF MUNICIPAL CODE OF THE TOWNSHIP OF LEBANON,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

WHEREAS, the Township of Lebanon is desirous to update and revise its Municipal Code pertaining to Chapter 230 – Highlands, Chapter 330 – Subdivision of Land, Chapter 400 – Zoning, and Chapter 45 – Land Use Procedures.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, that the Municipal Code of the Township of Lebanon pertaining to Chapter 230 – Highlands, is hereby amended to include the Checklist for Determining Completeness of Application Submitted Under Chapter 230 attached hereto as Exhibit A;

BE IT FURTHER ORDAINED, that the Municipal Code of the Township of Lebanon pertaining to Chapter 330 – Subdivision of Land, is hereby amended as follows:

§230-9.3.14 Application fee and escrow requirements.

The application fee and escrow requirements of this subsection shall apply in addition to all existing fee and escrow requirements, including procedural and legal requirements, as set forth in the underlying municipal land use ordinances. App application fees and escrows shall be managed and dispensed as prescribed under all applicable state and local requirements, including, but not limited to, those of the MLUL and the Uniform Construction Code.

A. Highlands Resource review. The fee and escrow requirements herein shall apply to applications for Highlands Resource permits, and to zoning permit and building/construction permit applications for which Highlands Resource review is required as a prior approval pursuant to §230-9.1

1) Highlands Resource review fees

a) Applications involving determinations regarding permitted/prohibited uses, carbonate rock Phase I investigation, water use and conservation,

wellhead protection, prime groundwater recharge, low-impact development, or any combination of these: \$25

- b) Applications involving determinations regarding any one or combination of the following: density or intensity of development standards, forest resources, steep slopes, carbonate rock Phase II investigation, water deficit mitigation or stormwater management (including stormwater low-impact development): \$25
- c) Applications involving determinations regarding any combination of items listed in both Subsection A.(1)(a) and (b), above, shall be subject to the application fee listed at Subsection A.(1)(b).

2) Escrow deposit requirements.

- a) Applications requiring compliance determinations pursuant to any Highlands Resource component listed in the following table shall be accompanied by the escrow deposits therein indicated. Where an application involves more than one of the listed application compliance components, escrow deposits shall be cumulative.

Application Compliance Component	Escrow Deposit
Density or Intensity Standards	\$250
Forest Resources	\$250
Steep Slopes	\$250
Carbonate Rock, Phase II Investigation	\$1,500
Water Deficit Mitigation	\$1,000
Application Compliance Component	Escrow Deposit
Stormwater Management and Stormwater LID	\$500
Conservation/Deed Restrictions	\$250
Operations and Contingency Plans	\$250

- b) Escrow deposits shall be used by the municipality to cover the costs of professional reviews associated with the respective Highlands Resource components. Where any escrow account is depleted to an amount equaling 25% or less of the original deposit amount, the status and progress of the application shall be reviewed by the applicable municipal official(s), and the professional responsible for Highlands Resource review shall determine whether account replenishment is necessary, and if so, by what amount. On notice from the municipality of any such replenishment requirement, the applicant shall provide the additional escrow accordingly and within such timeframes as therein stated.

B. Applications for development. All fee and escrow requirements pertaining to applications for development shall remain as set forth in the underlying municipal land use ordinances, with the adjustments provided herein as a supplemental requirement, applicable in the case of any application for which the reviewing Board requires professional assistance in making findings of compliance pursuant to §230.9.1.



- 1) The required escrow deposit for applications involving determinations regarding any one or more of the following resource components shall be calculated by multiplying the existing escrow deposit requirement by 1.25: carbonate rock Phase I investigation, water use and conservation, wellhead protection, prime groundwater recharge, low-impact development.
- 2) The required escrow deposit for applications involving determinations as to any of the following resource components shall be calculated by multiplying the existing escrow deposit requirement by 0.25 for each applicable item, and adding each to the existing escrow deposit amount: density or intensity of development standards, forest resources, steep slopes, carbonate rock Phase II investigation, water deficit mitigation, or stormwater management (including stormwater low-impact development).
- 3) The required escrow deposit for any application involving determinations listed at both Subsection B.(1) and (2) above, shall be calculated by multiplying the existing escrow deposit requirement by 0.25 and adding the result to the amount determined under Subsection B.(2).

BE IT FURTHER ORDAINED, that the Municipal Code of the Township of Lebanon pertaining to Chapters 45, 330 and 400 – Land Development, is hereby amended to include the Application Checklist attached hereto as Exhibit B

BE IT FURTHER ORDAINED that this amendment shall be effective upon the date of adoption.

### **Public Hearing**

#### **Ordinance No. 2021-10 – Miscellaneous Fees**

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-10 was opened.*

Mr. Darryl Schmidt stated that he agrees with the ordinance and he thinks it looks great.

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-10 was closed.*

*Motion by Mr. Laul, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2021-10 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
ORDINANCE NO. 2021-10  
AN ORDINANCE REVISING CHAPTER 205, ARTICLE II  
OF THE TOWNSHIP OF LEBANON,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

WHEREAS, the Township of Lebanon is desirous to update and revise its Municipal Code pertaining to Chapter 205, Fees, Article II, 4 - Fee Schedule  
NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the

Township of Lebanon, in the County of Hunterdon, that the Municipal Code of the Township of Lebanon pertaining to Chapter 205, Fees, Article II, Fee Schedule, is hereby revised and supplemented as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

§ 205-6. Schedule of Fees.

Certificate of continued occupancy (CCO) Ch. 161) ~~\$80~~ **\$100**  
 Fire Prevention, enforcement of Uniform Fire Code (Ch. 214, Art 1)

Additional Required *Non-Life Hazard* inspections and fees:

Total Area (square feet)		
Under 1,500	<del>\$50</del> <b>\$60</b>	<i>\$60</i>
1,501 to 3,000	<del>\$60</del> <b>\$72</b>	<i>\$72</i>
3,001 to 5,000	<del>\$70</del> <b>\$84</b>	<i>\$84</i>
5,001 to 7,500	<del>\$80</del> <b>\$96</b>	<i>\$96</i>
7,501 to 10,000	<del>\$90</del> <b>\$108</b>	<i>\$108</i>
10,001 to 11,999	<del>\$100</del> <b>120</b>	<i>120</i>
Application for permit:		
Type 1	<del>\$42</del> <b><i>Fees set by State</i></b>	<i>Fees set by State</i>
Type 2	<del>\$166</del> <b><i>Fees set by State</i></b>	<i>Fees set by State</i>
Type 3	<del>\$331</del> <b><i>Fees set by State</i></b>	<i>Fees set by State</i>
Type 4	<del>\$597</del> <b><i>Fees set by State</i></b>	<i>Fees set by State</i>
Smoke-sensitive alarm devices and fire extinguishers, Inspection fee (Ch. 214. Art II)	<del>\$50</del> <b>\$60</b>	<i>\$60</i>
Percolation witness fee (Ch. 278	<del>\$125 per hole</del> <b><i>\$150 per hole</i></b>	<i>\$150 per hole</i>
Percolation rewitness fee (Ch. 278)	<del>\$125 per hole</del> <b><i>\$150 per hole</i></b> additional	<i>\$150 per hole</i>

BE IT FURTHER ORDAINED that these revisions shall be effective upon the date of adoption.

**Public Hearing**

**Ordinance No. 2021-11 – Fees and Escrow Agreement**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-11 was opened.*

Mr. Guy Wilson stated that he is not in favor of the increase for the lot line adjustment from \$100.00 to \$150.00. He feels that these applicants are typically homeowners and not a developer.

*Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the public hearing for Ordinance No. 2021-11 was closed.*

*Motion by Mr. Laul, seconded by Ms. Koehler and carried by unanimous favorable roll call vote, the Township Committee adopted Ordinance No. 2021-11 as written below.*

AN ORDINANCE AMENDING CHAPTER 400, "ZONING" OF MUNICIPAL CODE OF  
THE TOWNSHIP OF LEBANON,  
COUNTY OF HUNTERDON, STATE OF NEW JERSEY

WHEREAS, the Township of Lebanon is desirous to update and revise its Municipal Code pertaining to Chapter 400 – "Zoning" - Section 54 – Permits and Certificates; Fees.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Lebanon, in the County of Hunterdon, that the Municipal Code of the Township of Lebanon pertaining to Chapter 400 – "Zoning" - Section 54 – Permits and Certificates; Fees is hereby amended as follows (additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

Article VII. Administration and Enforcement.

§400-54. Permits and certificates; fees.

D. Application Fees.

(3) Development applications

(a) Minor subdivision.

[1] Lot line adjustment/merger: ~~\$100~~ *\$150*

[3] Extension of time: ~~\$100~~ *\$200*

(b) Major subdivision

[4] For any extension of a preliminary plat or final plat, the applicant shall pay an application fee of ~~\$100~~ *\$200* and a minimum amount of \$750 for escrow fees. In the event that the services rendered exceed the minimum escrow fee, the applicant shall pay the balance due prior to the adoption of the resolution memorializing the action of the Planning Board.

(c) Minor site plan: \$350

[1] Preliminary ~~\$250~~ *\$450* plus \$5 per 1,000 square feet lot area, plus \$5 per 100 square feet of proposed building floor area.

[2] Final: ~~\$250~~ *\$300* plus \$1 per 1,000 square feet lot area, plus \$1 per *proposed building floor area*.

(d) Large tract site plan

[1] Preliminary approval: ~~\$250~~ *\$450* plus \$5 per 1,000 square feet of lot area or part thereof, plus \$5 per 100 square feet of proposed building area or part thereof.

[2] Final approval: ~~\$250~~ *\$450* plus \$1 per 1,000 square feet of lot area or part thereof, plus \$1 per 100 square feet of proposed building floor area or part thereof.

[3] For any extension of a preliminary or final site plan approval, the applicant shall pay an application fee of ~~\$100~~ *\$200* and a minimum amount of \$750 for escrow fees. In the event that the services rendered exceed the minimum escrow fee, the applicant shall pay the balance due prior to the adoption of the resolution memorializing the action of the Planning Board.

(e) Informal review of concept plan. For one meeting with Planning Board: ~~\$100~~ *\$150*. For multiple meetings: ~~\$100~~ *\$150* each, and in cases where the developer desires review by the Planning Board Engineer and/or planner, 1/3 of the conventional preliminary fee or 1/3 of the master development plan fee, as appropriate. In the event that the developer subsequently submits a preliminary application or master development plan application for the

proposed development, the amount of any information review fees shall be credited towards those formal application fees.

- (4) Conditional Use Applications: ~~\$250~~ \$350 in addition to other applicable fees.
- (5) Variances and appeals.
  - (a) Appeals from a decision of a building or zoning official: ~~\$200~~ \$500 for the first lot and \$100 for each additional lot.
  - (b) Interpretation of the Zoning Map or zoning regulations or requests for decisions on other special questions: ~~\$200~~ \$500 for the first lot and \$100 for each additional lot.
  - (c) Variances from lot area, lot dimensional setback and yard requirements: ~~\$250~~ \$350 for the first lot and \$100 for each additional lot, in addition to other applicable fees. Where more than one variance or more than one certification is sought in a single application, the applicant shall pay an additional fee of \$100 for each additional certification, yard encroachment, dimensional specification or other ordinance requirement requiring variation.
  - (d) Variances from use regulations: ~~\$350~~ \$450 for the first lot and \$100 for each additional lot, in addition to other applicable fees.
  - (e) Direction for issuance of a permit for a building or structure in the bed of a mapped street (*includes evaluation of existing private roads*) or public drainageway, flood control basin or public area reserved on an official map: ~~\$200~~ \$400
- (6) *Application Fee for Special Meeting: \$400*

F. Escrow accounts and technical review fees.

- (2) Initial Deposits.
  - [15] Request for informal discussion: ~~\$500~~ \$700
  - [20] *Request for Special Meeting: \$750*

BE IT FURTHER ORDAINED, that the Municipal Code of the Township of Lebanon pertaining to Chapters 400-F(1)(b) – Escrow fees: general provisions, is hereby amended to include the Escrow Agreement attached hereto as Exhibit A.

BE IT FURTHER ORDAINED that this amendment shall be effective upon the date of adoption.

## RESOLUTIONS

### **Resolution No. 75-2021- Authorizing the Contract Modification of Road Safety Systems, LLC, for the Hollow Road Guide Rail Replacement**

*Motion by Mr. McKee, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 75-2021 as written below.*

TOWNSHIP OF LEBANON  
COUNTY OF HUNTERDON  
STATE OF NEW JERSEY  
RESOLUTION NO. 75-2021  
AUTHORIZING THE CONTRACT MODIFICATION OF  
ROAD SAFETY SYSTEMS, LLC,  
FOR THE HOLLOW ROAD GUIDE RAIL REPLACEMENT

WHEREAS, pursuant to Resolution No. 53-2020, the Mayor and Committee of the Township of Lebanon approved and awarded a Contract with Road Safety Systems, LLC (via Morris County Cooperative Pricing Council) under the terms and conditions in the December 16, 2020, proposal for services associated with improvements to the Hollow Road Guide Rail Replacement, in the amount of \$139,294.05; and

WHEREAS, Road Safety Systems, LLC, has submitted Bid No. 20-837, revised July 21, 2021, reflecting higher materials and other costs (via Morris County Cooperative Contract #26 and attached hereto as Exhibit "A"), in the amount of \$211,357.00, resulting in an overall increase of \$72,062.95; and

WHEREAS, based upon this submission, it is requested by Road Safety Systems, that Bid No. 20-837 revised July 21, 2021, be approved by the Mayor and Committee of the Township of Lebanon; and

WHEREAS, Warren Gabriel, CPWM, DPW Supervisor, and the Township Committee have reviewed the revised Bid; and

WHEREAS, it is the intention of the Township Committee to enter into the Bid revision with Road Safety Systems under the terms and conditions in the July 21, 2021, Bid in the amount of \$211,357; and

WHEREAS, the CFO has certified the availability of funds in the amount of \$72,062.95, which shall be charged against Capital Ordinance No. 2021-06, in the amount not to exceed \$72,062.95.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Lebanon, County of Hunterdon, and State of New Jersey, as follows:

1. Road Safety Systems, LLC's, proposal Bid No. 20-837, revised July 21, 2021, in the amount of \$211,357.00, resulting in an overall increase not to exceed \$72,062.95 is approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Mayor and Clerk of the Township of Lebanon, Hunterdon County, New Jersey, are hereby authorized and directed to execute any documents necessary to effectuate the July 21, 2021, Bid No. 20837.

### **Resolution No. 76-2021- Resolution Appointing New Mechanic James Andrew Stevens, II**

*Motion by Ms. Koehler, seconded by Mr. Abuchowski and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 76-2021 as written below.*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 76-2021  
RESOLUTION APPOINTING NEW MECHANIC  
JAMES ANDREW STEVENS, II

WHEREAS, the Township of Lebanon (the "Township") has the need to hire a Mechanic within the Public Works Department; and

WHEREAS, the Township Committee desires to hire James Andrew Stevens, II, as a new Mechanic, on a date to be determined; and

WHEREAS, the Township Committee and James Stevens agreed that his employment is subject to all of the Terms and Conditions of the Collective Bargaining Agreement (subject to the limitations set forth below), dated August 19, 2020, for the period January 1, 2015, through

December 31, 2023, between the Township of Lebanon and Local 1040 of the CWA (“Agreement”); and

WHEREAS, for the position of Mechanic, James Stevens shall be paid at a wage rate of \$26 per hour until the end of 2021, subject to continued employment, with wage and salary increases only as described in Agreement Article XXXVII “Wages and Salary,” paragraphs H and I; and

WHEREAS, James Stevens does not currently hold a CDL with Air Brake Certification which is a requirement of the Mechanic position, but is required to get a CDL with Air Brake Certification in order to become a permanent employee at the end of the New Hire Probation, described in Agreement Article XXXVI, which may be extended by the Township based on acceptable progress toward the CDL Certification.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, as follows:

1. James Andrew Stevens, II, is hereby hired as a new Mechanic within the Public Works Department, on a date to be determined.
2. James Andrew Stevens, II, will be paid at a wage rate of \$26 per hour until the end of 2021, subject to continued employment, with wage and salary increases only as described in Agreement Article XXXVII “Wages and Salary,” Paragraphs H and I, but not the sixth (6<sup>th</sup>) month anniversary increment contained on page 62 – Wage Rate Per Hour for New Public Works Employees.
3. This Resolution shall take effect immediately.

**Resolution No. 77-2021- Designating Specific Tracts of Municipal Owned Parks and Open Spaces to Be Included in Lebanon Township’s Deer Management Program Pursuant to Chapter 269, Article 269-7 of the Code of the Township of Lebanon for the Hunting Season Beginning in September 2021 and Ending in February 2022**

*Motion by Mr. Laul, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 77-2021 as written below.*

TOWNSHIP OF LEBANON  
HUNTERDON COUNTY, NEW JERSEY  
RESOLUTION NO. 77-2021

DESIGNATING SPECIFIC TRACTS OF MUNICIPAL OWNED PARKS AND OPEN SPACES TO BE INCLUDED IN LEBANON TOWNSHIP’S DEER MANAGEMENT PROGRAM PURSUANT TO CHAPTER 269, ARTICLE 269-7 OF THE CODE OF THE TOWNSHIP OF LEBANON FOR THE HUNTING SEASON BEGINNING IN SEPTEMBER 2021 AND ENDING IN FEBRUARY 2022

WHEREAS, the Township Committee of the Township of Lebanon amended Chapter 269, “Park and Playgrounds,” of the Code of the Township of Lebanon, as part of a comprehensive deer management plan for the purpose of reducing the Township’s white-tailed deer population to allow limited hunting on the Township’s parks and open spaces; and

WHEREAS, Chapter 269 of the Code authorizes the Township Committee to annually designate by Resolution which parks and open spaces will be made available for hunting through the Township’s municipal deer management program and during which hunting season; and

WHEREAS, the Lebanon Township Chief of Police will be the designated Appropriate Authority to execute the lottery selection on September 3, 2021; and

WHEREAS, the Deer Harvest report will be required to be returned to the Municipal Office by March 31, 2022, failure to return this document will exclude the Applicant from the 2022-2023 hunting season.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lebanon, in the County of Hunterdon, State of New Jersey, as follows:

SECTION ONE:

1. Pursuant to Chapter 269 of the Code of the Township of Lebanon, the hunting of white-tailed deer will be allowed on the properties listed below within the timeframes established by the New Jersey Department of Environmental Protection, Division of Fish and Wildlife ("State"). The anticipated hunting season will be from September 11, 2021, to February 19, 2022, subject to the restrictions and conditions set forth below. In the event any of the dates below are inconsistent with any dates established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Lebanon in accordance with paragraph 2 of this Resolution.

A. Shady Lane, Lebanon Twp

Designation: Block 49 Lot 89.01

Location: 41.6 acres

Seasons/dates: This property shall be open to bow hunting during all regular deer hunting seasons established by the State of New Jersey for deer management zone 8 for 2021 -2022, including fall bow, permit bow, winter bow. The specific dates on which hunting will be permitted are established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Lebanon in accordance with paragraph 2 of this Resolution:

Permits: No more than three (3) municipal deer management permits shall be issued for this property.

Hunting on Sundays shall be strictly prohibited. Permittees using elevated tree stands on Township property should use a full-body safety harness.

B. Shady Lane, Lebanon Twp

Designation: Block 49 Lot 89.02

Location: 15.16 acres

Seasons/dates: This property shall be open to bow hunting during all regular deer hunting seasons established by the State of New Jersey for deer management zone 8 for 2021 -2022, including fall bow, permit bow, winter bow. The specific dates on which hunting will be permitted are established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Lebanon in accordance with paragraph 2 of this Resolution:

Permits: No more than two (2) municipal deer management permits shall be issued for this property.

Hunting on Sundays shall be strictly prohibited. Permittees using elevated tree stands on Township property should use a full-body safety harness.

C. Woodglen Road, Lebanon Twp

Designation: Block 36 Lot 17

Location: 25 acres

Seasons/dates: This property shall be open to bow hunting during all regular deer hunting seasons established by the State of New Jersey for deer management zone

8 for 2021 -2022, including fall bow, permit bow, winter bow. The specific dates on which hunting will be permitted are established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Lebanon in accordance with paragraph 2 of this Resolution:

Permits: No more than two (2) municipal deer management permits shall be issued for this property.

Hunting on Sundays shall be strictly prohibited. Permittees using elevated tree stands on Township property should use a full-body safety harness.

D. Sun Mountain Road, Lebanon Twp

Designation: Block 24 Lot 2

Location: 65 acres

Seasons/dates: This property shall be open to bow hunting during all regular deer hunting seasons established by the State of New Jersey for deer management zone 8 for 2021 -2022, including fall bow, permit bow, winter bow. The specific dates on which hunting will be permitted are established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Lebanon in accordance with paragraph 2 of this Resolution:

Permits: No more than four (4) municipal deer management permits shall be issued for this property.

Hunting on Sundays shall be strictly prohibited. Permittees using elevated tree stands on Township property should use a full-body safety harness.

E. Anthony Road, Lebanon Twp

Designation: Block 49 Lot 4.02

Location: 57 acres

Seasons/dates: This property shall be open to bow hunting during all regular deer hunting seasons established by the State of New Jersey for deer management zone 8 for 2021 -2022, including fall bow, permit bow, winter bow. The specific dates on which hunting will be permitted are established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Lebanon in accordance with paragraph 2 of this Resolution:

Permits: No more than four (4) municipal deer management permits shall be issued for this property.

Hunting on Sundays shall be strictly prohibited. Permittees using elevated tree stands on Township property should use a full-body safety harness.

F. Red Mill Race Preserve

Designation: Block 35 Lot 88

Location: 10 acres

Seasons/dates: This property shall be open to bow hunting during all regular deer hunting seasons established by the State of New Jersey for deer management zone 8 for 2021 -2022, including fall bow, permit bow, winter bow. The specific dates on which hunting will be permitted are established by the State for the appropriate season, the State's dates shall apply, unless limited in specific instances by the Township of Lebanon in accordance with paragraph 2 of this Resolution:

Permits: No more than two (2) municipal deer management permits shall be issued for this property.

Hunting on Sundays shall be strictly prohibited. Permittees using elevated tree stands on Township property should use a full-body safety harness.



2. Except as otherwise set forth, hunting shall be allowed only during the dates designated by the State of New Jersey Department of Environmental Protection, Division of Fish and Wildlife for the applicable seasons listed above. The specific dates shall be set forth on each permit. Any dates set forth on the permits notwithstanding, the Township may make it a condition of any permit that hunting not take place on certain days as may be necessary to protect the health and safety of the public.
  - Fall bow: September 11, 2021 - October 29, 2021
  - Permit bow: October 30, 2021 - December 31, 2021
  - Winter bow: January 1, 2022 - February 19, 2022
3. The hunting, shooting or killing any other game is strictly prohibited.
4. Hunting may take place only pursuant to the requirements set forth in Chapter 269 of the Code of the Township of Lebanon and all applicable State and local regulations. In the event of any inconsistency, the more restrictive standard shall govern.
5. Warning signs shall be posted at the entrances to the properties designated above. In addition, the properties shall be posted in accordance with any specific terms and conditions of the individual permits.
6. A press release and a legal notice in a form approved by the Township Attorney notifying the public of the above designated dates and locations shall be published on the Township's website and shall be submitted to the Township's officially-designated newspaper(s), as well as such others newspaper(s) as may be deemed advisable to publicize the above-referenced dates and locations as widely as possible.
7. The Township reserves the right to modify the conditions and restrictions set forth above at any time, including after issuance of the 2021 - 2022 permits, in the interests of the public health, safety and welfare of Township residents.
8. Permittees are limited to the use of one portable tree stand per permittee.
9. Permittees shall be required to maintain liability insurance coverage equal to or greater than that provided by membership in the United Bowhunters of New Jersey (\$5 million total at the time of adoption of this resolution).
10. Permittees must be at least eighteen (18) years of age.
11. Each Permittee shall be allowed to bring one additional hunter per day who is under the age of eighteen (18), provided the hunter under eighteen (18) has obtained the required State license and complied with all conditions of that license.

## **SECTION TWO:**

This Resolution shall take effect immediately.

## **OLD BUSINESS**

Ms. Koehler asked the Mayor if he will be signing the Cannabis Ordinance this evening and questioned if the Clerk's Certification has been added to the file copy.

## **ADMINISTRATOR'S REPORT**

Mr. Barberio provided the following report:

Mr. Barberio spoke to the DPW Manager and was informed that Phase I of the basement remediation has been completed which involved the thorough cleaning. Air scrubbers are running. RK Environmental came in today to conduct air sampling. Mr. Barberio will inform the Committee when Phase II is ready to begin.

Mr. Barberio stated that he spoke to the IT guy today regarding the new computers that are desperately needed. One is for the Deputy Clerk who has been having many issues with her desk top.

All signatures have been received for the Hazard Mitigation Plan. The Plan was sent to the OEM Coordinator to provide to the County for final approval. The Annex will now be up to date.

LOSAP Resolution No. 44-2019, dated April 17, 2019, which relates to the return of contributions, was sent to Lincoln Financial for processing. The Township should receive the funds back shortly.

Mr. Barberio went to the DPW Building today to view the damage that was reported by a concerned citizen. Mr. Barberio met with Mr. Gabriel and the damage appears to be aesthetic but he contacted the insurance company just in case it exceeds the Township's deductible.

Mr. Barberio noted that he met with the Township Attorney today and the Personnel Policy and Procedure Manual is 99% complete. He is sure he will submit to the Committee by September 1, 2021.

Mr. Barberio stated that he created a dashboard for the overtime numbers for DPW and Police Department for the years 2019-2021. The reports submitted by the Police Department will be included in the dashboard. Mr. Barberio said that it is handy way to track the overtime through the years. Once Mr. Barberio receives the overtime information from the CFO he will input it into the dashboard.

## **NEW BUSINESS**

### **PRESENTATION OF VOUCHERS**

Committee Members provided a description of vouchers exceeding \$1000.00.

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee approved the August 18, 2021 bill list in the amount of \$20,939.92.*

## **CORRESPONDENCE**

- a. Animal Control Report for the Month July 2021

## **PUBLIC COMMENTS**

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting at 9:06 p.m.*

Ms. Sharon Petzinger commended the Mayor and Committee as they rely on the Township's professionals' opinions when making decisions on behalf of the Township. Ms. Petzinger thanked the Committee for passing Resolution No. 77-2021 and stated that she is a wildlife professional and offered her services to the Township if needed.

Mr. Guy Wilson asked if there is an ongoing effort in removing white ash trees from the Township's rights-of-way along the roadways.

*Motion by Ms. Koehler, seconded by Mr. Laul and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting at 9:11 p.m.*

## **ADJOURNMENT**

Having no further business to come before the Committee a motion was made Ms. Koehler, seconded by Mr. Abuchowski, and carried by unanimous favorable roll call vote to adjourn the meeting at 9:12 p.m.

Respectfully submitted,

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Karen J. Sandorse, RMC/CMC  
Municipal Clerk

Approved: September 15, 2021

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Mike Schmidt, Mayor