

REGULAR MEETING

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

October 1, 2013

The 874th Regular Meeting of the Lebanon Township was called to order at 7:06 p.m. by Vice Chairwoman Doreen Bleck. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Piasecki, Mr. Weiler, Mr. McKee, 1st Alternate Laul, 2nd Alternate Skidmore, Attorney Gallina and Planner Bolan. **Excused:** Mr. MacQueen, Mr. Rich and Engineer Risse.

Notice of this meeting was published in the “Annual Meeting Notice Schedule” adopted by this board on January 15, 2013, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on September 24, 2013.

PRESENTATION OF MINUTES: September 17, 2013 Executive Session

Motion by Mr. Schmidt and seconded by Mr. Skidmore to approve the Executive Minutes as presented. Unanimously approved by those eligible to vote.

September 17, 2013 Regular Meeting

Motion by Mr. Piasecki and seconded by Mr. Laul to approve the Regular Minutes as presented. Unanimously approved.

PRESENTATION OF BILLS:

- a. John Gallina, Esq. \$2,479.87
 - b. Bayer/Risse Engrs. \$1,632.65
- Total: \$4,104.87**

In the absence of Mr. Gerlich, Mr. Piasecki reviewed the bills and found everything to be in order. Motion by Mr. Laul and seconded by Mr. Skidmore to approve the bills as presented. Unanimously approved.

ITEM FOR DISCUSSION:

- a. Draft Ordinance Standards for Farm Animals on Residential Lots

Vice Chair Bleck asked Planner Bolan to go over his memo to the board. Mr. Skidmore interjected and asked to address the board. Mr. Skidmore brought to the board’s attention that at the Board of Adjustment meeting held last Wednesday evening (October 25, 2013) regarding the issue with the horse which was the driving force of all this. The Board of Adjustment over turned the denial by the Zoning Officer for the applicant and found in the applicant’s favor. Attorney Gallina took over at this point. Attorney Gallina informed the board that Mr. & Mrs. Lemenze applied to the Zoning Board for an appeal of the Zoning Officer’s decision. The applicant was looking to have a 12’ x 24’ barn and it fully complied with the setback for the R1½ zone. Attorney Gallina said the Zoning Officer denied the application because the applicant couldn’t meet the setbacks for farm structures and this property is not a farm. The Zoning Board felt that ordinance was inapplicable and the horse was just going to be a pet and the Zoning Board versed the Zoning Officers denial. The applicant can now get a building permit for the barn which will be used to house a horse and for storage.

Mr. Skidmore noted that before this, we didn’t have any problems. Mr. Skidmore went on to say were looking into this at the suggestion of the Township Committee. They wanted the board to look into any changes that might be necessary. Mr. Skidmore suggested that the board table this for tonight and wait to see if the Township Committee wants the board to proceed with this issue. Ms. Glashoff interjected and informed the board that at the request of the Zoning Officer she was asked to do a memo informing him of the Board of Adjustments decision last Wednesday evening. Mr. Flemming told her he had several people that had approached him to put up a building to house animals and with the Zoning Board reversing his denial he will be approving applications meeting the setback requirements under 5 acres and didn’t want the people to wait a month until the next Zoning Board Meeting for the Resolution to be adopted.

Planner Bolan said when there are appeals you allege there was an error by the Zoning Officer. Planner Bolan went on to say that the provision that was reference in the denial that farm animals on farms shall have the 100’ setbacks. The applicant said that standard did not apply on their lot because they were not a farm and the Zoning Board agreed. During the discussion, Vice Chair Bleck asked Attorney Gallina what the board should do procedurally at this time. Attorney Gallina said to table this we need a motion at this time until further discussion is warranted. Vice Chair Bleck asked the board what they wanted to do? Mr. McKee agreed about the board tabling the discussion and sending it back to the Township Committee to see how they want to handle it. But since this isn’t on the agenda for tomorrow evening, it can be on the agenda for the next meeting to see if the Committee wants the Planning Board to pursue the ordinance or to drop it. Mr. Schmidt asked Mr. McKee what he was in favor of doing. Mr. McKee said he is in favor of leaving the ordinance just the way it is. Mr. Milkowski was asked for his opinion. Mr. Milkowski said he did not feel this was going to solve the problem. In referring to the memo from Planner Bolan, the word farm seems to be the problem and he was looking for a way to solve this issue. Mr. Laul said since the situation that caused all this has been resolved, it gives the board time to step back and ask the Township Committee for direction and to take this more intelligently then racing for an answer. Mr. Laul said if he

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put 100 Mastiffs on his property it would create more of a problem than putting 20 goats. Mr. Schmidt said if the Township Committee doesn't want the board to waste time on this, then it makes sense to drop it, but it is up to the Township Committee on what direction they want to go. Mr. Piasecki said he agreed with Mr. Skidmore and regarding Mr. Milkowski's comment he said he didn't know if this addresses the problem, we had an incident that was corrected and the sentiment is this has worked forever and said we should let the Township Committee decide. Mr. Weiler said to let the Township Committee decide since they were the ones to send it to the board and at that time there was a serious urgency to it and that urgency has now been reduced. Vice Chair Bleck noted that Planner Bolan has worked very hard on putting all this together. Vice Chair Bleck said from what she has heard from the board was that they were trying to maneuver to make everyone happy when it is a difficult situation and agrees that this should go back to the Township Committee for their input and decision.

Attorney Gallina said since everyone is in agreement, then a motion is in order to table and send back to the Township Committee. Motion by Mr. Skidmore and seconded by Mr. McKee to table the discussion on livestock and send it back to the Township Committee. Unanimously approved.

Mr. Milkowski said he didn't have a problem with sending this back to the Committee and if we don't have any problems in the future then leave it alone, but if we do we may have to bring it up again. Mr. Milkowski said he looking over the bills and referring to the applicant that was scheduled to come in at the Sept. 17th meeting and would like to set up a protocol for the future when applicants cancel at the last minute. Attorney Gallina said the board did have everything marked into evidence and the announcement was made that the application would be carried to the next meeting on October 15th. Attorney Gallina said the 17th can be counted as their first meeting and starting with the Oct 15th the board professionals can charge their time to the applicant. Vice Chair Bleck said it has been a concern and it is something to think about. Ms. Glashoff asked if it would be legal to put in the ordinance that the applicant has to notify the board within so many days if they are going to cancel. Attorney Gallina said most boards charge the applicant from the first night. The board discussed this issue briefly along with their concerns.

CORRESPONDENCE:

- a. New Jersey Planner
- b. Zoning Practice 9/2013

OPEN TO THE PUBLIC

Laurie Hoffman of Buffalo Hollow Road asked to address the board. Ms. Hoffman said she has come to 2 meetings where Muller Toyota has cancelled. Ms. Hoffman said the first time when Muller cancelled on August 6th an addendum was done and the board discussed farm animals and then at the September 17th meeting it was announced that Muller Toyota would be carried to the October 15th meeting. There was discussion regarding the dates that Muller was scheduled to appear. Ms. Hoffman said her concern was twice they were scheduled and cancelled at a cost to the Township. Attorney Gallina said after the first meeting the applicant pays for the board's professionals to attend the meeting. Ms. Hoffman wanted to know why they don't pay from the first meeting. Attorney Gallina said it is in the ordinance that the first meeting is free. Vice Chair Bleck said when Muller comes in on October 15th they will be paying for the board's professionals to attend the meeting.

Victor Hoffman of Buffalo Hollow Road addressed the board. Mr. Hoffman referred to deeds that have in them the Right To Farm and wanted to know if the ordinance gets amended regarding farm animals do our deeds need to be changed. Attorney Gallina said no. Planner Bolan addressed the question. The Right To Farm only addresses 6 acres or more. Planner Bolan said that is State Law, it is 5 acres to farm and 1 acre for the house and buildings. Planner Bolan said the board tabled the ordinance. Mr. Hoffman said this has all been brought up by one individual; the wood burning ordinance came up because of one individual and the ordinance on ducks because of one individual. Mr. Hoffman asked what the urgency to create an ordinance over one individual. Vice Chair Bleck said people were weighing the pros and cons of the situation. Vice Chair Bleck said this is not the time for questions only comments. Mr. Hoffman said if we can't get answers out of people we don't elect then how do we get answers. Mr. Hoffman was told to go to the Township Committee. Mr. Hoffman said if we can't get answers from these board members then they should all be taken off the board.

Vice Chair Bleck said she has been on this board since 1994 and that this board has always made an effort to answer questions and help people. When open to the public, it is comment time. When we have an application and the applicant gives testimony, the public can ask questions of the applicant. Mr. Hoffman said he has a problem when we have an issue with one person and then we have to have an ordinance. Vice Chair Bleck said it is not just the one person, but the issue and seeing if there is a need to address it, weigh things and then make a decision and said we are not acting on just one person. With this issue we were looking at what was best for our community. Vice Chair Bleck stated with the board discussion tonight they are looking at what is best for the community as a whole. The issue is do we need to do something or leave it alone. The Planning Board has tabled this and is sending back to the Township Committee to see if they want the board to continue with an ordinance if not, the issue will be dropped. Mr. Hoffman asked if it was possible to have a copy of what the proposal was. Members of the Board offered their copy and Ms. Glashoff also had copies available for the public.

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Being no further business to come before the board, nor comments from the public, motion by Mr. Schmidt and seconded by Mr. Milkowski to adjourn the meeting at 7:40 p.m. Unanimously approved.

VICE CHAIRWOMAN DOREEN BLECK

GAIL W. GLASHOFF, PLANNING BOARD CLERK