

REGULAR MEETING

Lebanon Township Planning Board
Municipal Bldg 530 West Hill Road Glen Gardner, NJ

October 16, 2007

The 802nd Regular Meeting of the Lebanon Township Planning Board was called to order at 7:03 p.m. by Chairman Gary MacQueen. Present were: Mr. Weeks, Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Piazza, Mr. Weiler, Attorney Gallina, Planner Bolan and Engineer Risse. Excused: Josh Rich

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 16, 2007, 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 October 1, 2007.

PRESENTATION OF MINUTES: August 21, 2007 Regular Meeting

Mr. Piasecki stated that there was one change that needed to be made, under correspondence line 2 and 3 change inherited to inherent.

Motion by Mr. Gerlich, and seconded by Mr. Piasecki to approve the minute as amended. Unanimously approved.

FYI: Hunterdon County Planning Board Awards

Attorney Gallina will go to the Hunterdon County Planning Board Awards, October 29, 2007 as a representative of the board. Mr. MacQueen may try to attend.

INFORMAL:

Attorney Gallina received a call from Attorney Blount who represents David Klipstein. Mr. Klipstein had received approval for a 4 lot subdivision. As part of his Highlands approval, he had to eliminate one of the lots. He was going to come in tonight to see if he could amend his current approval or whether he needed to do a new application. Attorney Gallina discussed with Attorney Blount the procedure that will need to be followed. The applicant will need to file a new application. There is no need for the informal. He will be following through; doing a new application that is consistent with his Highlands approval. He said hopefully he will get it in by the end of the year.

REQUEST FOR FURTHER EXTENTION OF TIME: C & C Homes to file deeds for Sturbridge Estates

Robert Cassavell was present to request an extension of a month to two months. He stated that they are just about done and should be ready to file the deeds and can probably make the deadline, but they do not want to run into any problems with the county. Attorney Gallina stated that they currently have a date in November. There was discussion as to how many months were needed. For the record, Attorney Gallina asked for the reason for the request; Mr. Cassavell stated that they won't be able to file the deeds in time because we just completed the County road improvements along Hill Road and by the time we get the county to approve everything, the paperwork may not get in on time. Attorney Gallina stated that, basically you are waiting for an outside agency approval, County Planning Board and Engineering. Mr. Cassavell was asked if he would like 3 months time. Chairman MacQueen asked if there were any questions from the board members, having none, he asked for a motion for the approval of the extension

of time to file the subdivision deeds for an additional 3 months. Motion by Mr. Piasecki and seconded by Mr. Schmidt. Unanimously approved.

ITEMS FOR DISCUSSION

a. Accessory Apartments: Planner Bolan

This ordinance was re-submitted to COAH last October. We received a letter from them sometime in August where they want the Township to adopt it; this would be up to the Township Committee and Township Attorney to do so. We currently have a Fair Housing ordinance that is in Chapter #199 of the new code; this is exactly the same ordinance except that it removes the rehabilitative program, because we no longer have a rehabilitative obligation under the COAH rules. It's simply an ordinance providing for the creation of up to seven (7) accessory apartment; a lot of it is administrative, the payment schedule. We had this ordinance years ago and never had any luck getting the accessory apartment. COAH has made it far more difficult now, they increased the minimum the town would have to spend to \$20,000.00 and now you have to put on a 30-year deed restriction. No one will put on a 30-year deed restriction that it has to be continually rented to affordable occupants. Rents are very high and the idea of that restriction following you around for 30 years is not a reasonable requirement of the owner. We have so few opportunities' to meet our obligation because of the Highlands. Hopefully there will be some adjustments in COAH's new rules that are suppose to be done by December 31. And hopefully there will be some adjustments in the Highlands plan itself for the preservation area communities.

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The other thing in that incomplete letter that we are suppose to respond to by December 12th was to have a contract for an RCA, (Regional Contribution Contract) Mr. Bolan asked for any comments. Mr. MacQueen asked if this has to come before the Township Committee. Mr. Bolan wants to talk to Attorney Bernstein. He stated that they are sending out these letters making towns do work on rules that may be vastly changed as of next year. This is really no different that what we have on the books already other than taking out the rehab, so in effect we do have an ordinance that we could utilize should we actually have someone interested in it.

b. Plan Endorsement Guidelines

Planner Bolan stated, if our plan is consistent with the regional plan and the regional plan is endorsed by COAH, we don't need to do anything with it. It is very expensive and we should wait and see what the plan brings. The question was asked, what is the main purpose of it? To get unified planning from municipalities up through counties and the state agencies.

c. Cell Tower Ordinance

The Readington Cell Tower ordinance was in the packet for review. Mr. Bolan stated the difference in theirs ordinance is they only permit antennas on existing structures. We won an award for our ordinance from the Hunterdon County Planning Board and the New Jersey Planning Officials. People should be looking at our ordinance per Planner Bolan.

Mr. Bolan asked about the Ag Advisory Committee. The Department of Agriculture just issued new guidelines that everyone has to do a new farmlands preservation plan by December 15 in order to be in their funding round for next year. This is for the PIG program, Planning Incentive Grant, funding from the State Agriculture Committee. Without the plan, we will not be in the funding, but can go back in the following year.

PRESENTATION OF BILLS & REPORT INCLUDING ADDENDUM:

- a. John Gallina, Esq. \$ 420.00
 - b. Bayer-Risse Engrs. \$ 866.40
 - c. Banisch Associates \$1,798.00
- Total: \$3,084.40**

Ms. Jacobus informed the board there was one additional bill to be added for \$3,510.88 from, Engineer Risse Motion by Mr. Gerlich and seconded by Mr. Piazza to approve the bills as amended with a new total of **\$6,595.28**. Unanimously approved.

CORRESPONDENCE

The correspondences presented were the NJ Woodlands articles and the NJ Site Improvement Advisory Board Minutes, re: Cul-de-Sacs, Planner Bolan wanted it tabled to next month. The question that came up was can towns ban cul-de-sacs? There was discussion among the board and concluded that it's a legal issue under the RSI as to whether you can or not.

Chairman MacQueen asked if those board members that attended the meeting with the Township Committee had any comments. Mr. Gerlich stated that he, Mr. Rich, Chairman Terzuolo, Mr. Kozlowski and Ms. Glashoff were present for the meeting with the Committee to air out all the issues and problems the Board of Adjustment and Planning Board have had with the Zoning Officer. Zoning Officer Bill Skene was also present at the meeting and enlightened every one of all the problems we have had. Mr. Skene informed everyone that evening that he will not be seeking re-appointment for next year. Mr. Piazza informed the board that the Township Committee is now advertising for a new Zoning Officer. Once the applications have come in, the Township Committee would like members of the Board of Adjustment and Planning Board to be involved with the interview process. They will be in a better position to know what questions to ask of the applicants. Mr. Piazza stated we need to set-up guidelines, this way the new Zoning Officer will know what is expected of them. Mr. Schmidt stated that they wanted a better checklist so that when resolutions are passed, there is some kind of feedback to make sure they are being followed, not just passed and no one knows anything is being done. The resolutions for the Planning Board and Board of Adjustment will need to be more strictly enforced.

Mr. Gerlich stated that they also want to have a sit down with Tewksbury Construction and get an understanding of what they believe the zoning officer's signoff is. He feels that they believe that basically he is signing off on every condition that the town would have that's not building construction code because that is all that they are enforcing. We don't know what our zoning officer was signing off on, or that it has met the zoning of the town. He admitted that he felt he was instructed not to check any resolution or inspect any resolution that was given unless he was told to, so every resolution that we were putting forward or the Board

of Adjustment was doing, was just sitting on his desk, and waiting for someone to tell him to act on it, so there was some miscommunication on it on his end. If we know exactly what Tewksbury expects in the signoff, then the new zoning officer would get a signoff from Engineer Risse and make sure any conditions/concerns with subdivision or site plans has been taken care of, so when the zoning permit goes to Tewksbury, they will just need to deal with the building aspect of it and feel that we are okay with all the other conditions that might have been put on it. The zoning officer has to understand that he has to act on resolutions whether he is told to or not. Mr. MacQueen stated that we need someone who will follow through with what's been voted on. Mr. Weeks stated that we need to give more than 10 hours. Mr. Piazza stated that the current zoning officer never brought up that he needed more hours, so we didn't know that it was an issue. Mr. Gerlich said that the reason why he resigned was because he only has 10 hours available and if we wanted more that he simply could not do the job. He wasn't resigning because we were questioning him, if we needed more that 10 hours, he didn't have them to give. Mr. Piazza felt that it is good to have input from the boards, this way they will know up front what is expected of them and hopefully it will work.

Chairman MacQueen felt it was wrong how the fire protection ordinance was being handled between the Planning Board and the Township Committee. He didn't feel that it should be going back and forth; it should be with the Planning Board to make sure that it fits with the other ordinances then go back to the Township Committee. They are waiting to see how the ordinance is being revised.

Mr. Schmidt went to a Highlands meeting at Echo Hill Park about month ago, Eileen (Swan) was there. They are suppose to be coming out with a new regional master plan on November 19th, at 4:00 p.m. and then there is a public comment period after that. This does not concern us. They are coming out with more maps with more colors and this time they are going into the planning area and they are going to take special areas that need protection within the planning area. The end of the public comment period is December 21, 2007.

OPEN TO THE PUBLIC

No comments from the public.

Having no further business to come before the board or comments from the public, motion by Mr. Piasecki and seconded by Mr. Gerlich to adjourn the meeting at 8:00 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

KIMBERLY S. JACOBUS, DEPUTY CLERK