

REGULAR MEETING

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

October 16, 2012

The 865th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:00 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Rich, Ms. Bleck, 1st Alternate Laul, 2nd Alternate Skidmore, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Gerlich, Mr. Piasecki, Mr. Weiler and Mr. Wunder.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Planning Board will hold a regularly scheduled meeting at the Woodglen School on Tuesday October 16, 2012 at 7:00 p.m. with the only change being the location for the meeting. Notice of this meeting was published in the Hunterdon Review on September 26, 2012 and copies of the agenda were 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 October 10, 2012.

PRESENTATION OF MINUTES: September 18, 2012 Regular Meeting

Motion by Mr. Rich and seconded by Mr. Laul to approve the minutes as presented. Unanimously approved.

CORRESPONDENCE:

- a. NJPO Planner (will hand out at meeting)
- b. Law of the Land Article

Mr. Rich asked when the next Planning Board meeting was. Ms. Glashoff said November 6th which is Election Day and said that at this time there is nothing scheduled. Ms. Glashoff said in speaking with the Chairman suggested cancelling the November meeting and meet at our next regular meeting on December 4th. The 2013 Budget will need to be addressed, setting the schedule 2012, board members terms and take care of housekeeping items. Motion by Mr. Rich and seconded by Mr. Schmidt to cancel the November 6th Regular Meeting. Unanimously approved.

RESOLUTION:

Gen Psych, P.C.	Block #43	Lot #1.01
Conditional Use/Site Plan	Route 513 & Trimmer Road I5	
Variance with conditions		

Attorney Caldwell asked to address the board. Attorney Caldwell stated that he just got a copy of the Resolution yesterday and has not had a chance to review it and make comments. Attorney Caldwell said that apparently it is not the practice to send a copy of the draft resolution to the objector's attorney for review. Attorney Caldwell said it is unfair that he, their Planner and his clients have not had a chance to review the resolution before adoption. Also, everyone who gave testimony should have gotten a copy of the resolution for review and asked that the board put off voting on the Resolution until the next meeting. Attorney Gallina asked Attorney Tubman if she had a response to Attorney Caldwell's request. Attorney Tubman said no and that she has never heard of the objectors getting a copy of the resolution before adoption for review. Attorney Gallina concurred and said his position is he has always just sent a copy to the applicant's attorney before adoption but never to the objector's attorney. Attorney Gallina said tonight is not a public hearing; the hearing is closed and tonight is just to memorialize the board's decision. Attorney Gallina said that Ms. Glashoff contacted him yesterday afternoon and that Attorney Caldwell's client Mr. Ambielli had requested a copy of the resolution. Attorney Gallina went on to say if anyone doesn't like the way the resolution turns out, they have the right to appeal the board's decision. Attorney Gallina said there is litigation already pending in Superior Court. The board can go ahead and consider this resolution for adoption. From the audience someone asked to speak and was informed there is no more public comment. Chairman MacQueen stated there is no public comment on resolutions.

Chairman MacQueen asked the board if they had any comments. Mr. Rich said that Attorney Caldwell had all day today to review the resolution and if it would help the board could take a 20 minute recess. The rest of the board said that we need to move on. Attorney Gallina noted that Engineer Risse and Planner Bolan sent him their corrections and changes along with his own corrections and changes which he will go over tonight with the board. At this time, Attorney Gallina reviewed for the board going over each page of the resolution, noting all the corrections and changes that needed to be made. The board commended the professionals for a job well done with the conditions. After a lengthy review of the resolution by the board and professionals, motion by Mr. Rich and seconded by Mr. Skidmore to approve the Resolution for Gen Psych with conditions as amended.

ROLL CALL	Yes: Mr. Milkowski	Mr. MacQueen	Absent: Mr. Gerlich
	Mr. Laul	Ms. Bleck	Mr. Piasecki
	Mr. Schmidt	Mr. Skidmore	Mr. Weiler
	Mr. Rich		Mr. Wunder

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PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$8,156.25
b. Michael Bolan, PP	\$ 610.60
c. Bayer/Risse Engrs.	\$1,367.50
Total:	\$10,134.35

Ms. Glashoff stated there is one additional bill from the Agenda Addendum for Planner Bolan of **\$525.40** added to the original total brings the grand total to **\$10,659.75**. Ms. Bleck said all the bills are in order and made a motion to approve the bills for payment and Mr. Skidmore seconded the motion. Unanimously approved.

OPEN TO THE PUBLIC:

Neil Grossman of 369 Vernoy Road asked to address the board. Chairman MacQueen informed Mr. Grossman he can not comment on the Resolution of Gen Psych. Attorney Gallina stated their will be no discussion on Gen Psych. Mr. Grossman said since we are open to the public, anything can be said. Attorney Gallina said any comments now would be irrelevant. Mr. Grossman said it was absolutely obscene that he could not talk about Gen Psych since it has already been decided. Attorney Gallina said the record is closed and Mr. Grossman has the right to appeal. Mr. Grossman said what does it matter what he has to say at this point. The board was asked if they want to hear what Mr. Grossman has to say. The board agreed to hear Mr. Grossman. Mr. Grossman talked about the Master Plan document. There is a reason why too much power is concentrated on one board. That is why under the MLUL it specifically states that a Board of Adjustment has the authority to interpret the zoning ordinance. Attorney Gallina told Mr. Grossman he is going over old ground. Mr. Grossman said he would like to speak. The Planning Board decided to let Mr. Grossman finish what he was saying. Mr. Grossman said he is an interested party and is not part of the lawsuit. Mr. Grossman said he asked one question during the hearings. Mr. Grossman said he showed the board the language in the MLUL which states "the Board of Adjustment has the authority to hear an interpretation of the zoning ordinances". He than asked the Planning Board to show him the language that gives the Planning Board the right to interpret the ordinance. Mr. Grossman said the response was that's the way we've always done it. Mr. Grossman asked if anyone has found the language in the MLUL that gives the board that authority. Mr. Grossman said that was all he wanted to say. Chairman MacQueen asked if anyone else for the public wanted to address the board. There was none.

Chairman MacQueen said it has been a long application and wanted to thanked the board for all the extra time that they had to put in along with our new members who have gotten an education. Chairman MacQueen thanked the public who was present for all their comments. The board has always worked to come a conclusion and resolution that would work for everyone and he felt with this application they have. Chairman MacQueen asked for a motion to adjourn. Motion by Ms. Bleck and seconded by Mr. Schmidt to adjourn the meeting at 7:45 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK