

REGULAR MEETING

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

November 5, 2013

The 876th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:01 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Rich, Ms. Bleck, Mr. Weiler, Mr. McKee, 1st Alternate Laul, 2nd Alternate Skidmore, Attorney Gallina, Planner Bolan 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 October 30, 2013.

The Chairman will announce that the Board will go into Executive Session at this time and asked for a motion.

Chairman MacQueen asked the public to leave the meeting room at this time. The following board members recused themselves due to a conflict of interest and left the room: Mr. Gerlich, Mr. Piasecki and Mr. Weiler.

Motion by Ms. Bleck and seconded by Mr. McKee to have the Planning Board go into Executive Session at 7:03 p.m. Unanimously approved.

WHEREAS, Section 7(b) of the Open Public Meetings Act L. 1975 C. 231 NJSA 10:4-12(b)(8) permits the exclusion of the public from Planning Board Meetings were certain matters are to be discussed; and

WHEREAS, the Lebanon Township Planning Board is desirous to meet to discuss litigation;

NOW, THEREFORE BE IT RESOLVED, by the Lebanon Township Planning Board of the Township of Lebanon, Hunterdon County, New Jersey that this Board met in Executive Session.

The Chairman will announce that the board will return to the Regular Meeting at this time and asked for a motion.

Motion by Mr. Milkowski and seconded by Mr. Schmidt to close the Executive Session and return to the regular meeting at 7:08 pm. Unanimously approved. The public was asked to return to the meeting room along with those board members who recused themselves.

PRESENTATION OF MINUTES: October 15, 2013 Regular Meeting

Motion by Ms. Bleck and seconded by Mr. Gerlich to approve the minutes with two minor corrections. Unanimously approved.

FYI: Home Occupation (Law Office) Block #36 Lot #5 B1 Zone Woodglen Road

Ms. Glashoff informed the board she received from the Zoning Officer an application for a Home Occupation per Ordinance Section 400-10E. Ms. Glashoff stated the applicant is looking to down size with his law office and eventually retire and wanted to see just a few clients a week at his home. The board agreed this Home Occupation is in compliance with the Ordinance and to pass this on to the Zoning Officer.

UNFINISHED BUSINESS:

Muller Toyota Block #3 Lot #5.01
Rellum Realty, LLP Route 31 B2
P.O. Box 5000
Clinton, N.J. 08809

CONTINUATION OFA PUBLIC HEARING Preliminary/Final Site Plan/Variances

Ms. Glashoff read into the record the letter received from Attorney Mark Winter who represents Muller Toyota requesting a continuance to the December 10, 2013 Planning Board Meeting. Attorney Gallina announced to the public that Muller Toyota will be carried to the December 10th meeting date with no further notice being given.

INFORMAL:

N.J. Conservation Foundation Block #16 Lots#17, 20, 20.02
170 Longview Road Hoffmans Crossing Road RC
Far Hills, N.J. 07931

DISCUSSION: Merging of lots/Subdivide 5 acres from Lot #17/Subdivide 16 acres from Lot #20/merge with Lot #20.02

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Ms. Ingrid Vandegaer, Manager-Highlands Region and Ms. Beth Davisson, Land Project Manager of the New Jersey Conservation Foundation were present to discuss the acquisition of lands on Hoffmans Crossing Road. Ms. Vandegaer said they manage and own 23000 acres of land in New Jersey and have been in business for more than 50 years. Besides Farmland Preservation they also do Open Space Preservation. With this acquisition the monies will be Green Acres Funds and Hunterdon Land Trust Funds. Ms. Vandegaer said when Green Acres Funds are used there is a Deed of Restriction that is required and put on the property. Ms. Vandegaer said the lands in question are vacant lands and proceeded to show on the map what they would like to do. The green area on the map is State land (Ken Lockwood Gorge). The Columbia Trail-owned by Hunterdon County borders along Lots #16 & #17 along with the South Branch of the Raritan River. The Conservation Foundation is a contract purchaser of a portion of the Four Seasons Outdoor Center owned by Jim Butters. Ms. Vandegaer said they have a non-disclosure agreement with the owners of Lot #16 and can't discuss the property at this time.

Ms. Vandegaer stated that they would like to take 5 acres of vacant land from Lot #17 and merge to Lot #16 and take 16 acres from Lot #20 and merge with Lot #20.02 which would make this lot over 49 acres. Lot #20.02 has access out to Hoffmans Crossing Road. In taking the 5 acres from Lot #17, it would leave 5 acres which will make that lot non-conforming and would need a variance. Ms. Vandegaer said they are looking for guidance and suggestions from the board. Mr. Schmidt said he remembered an agricultural subdivision that was created to allow a house to be built on lot #20.02. Ms. Vandegaer said yes and the house was never built. Mr. Laul asked about the driveway that goes down to the lower section of the property and asked if that would also be part of the access to the property for the new open space being created. Ms. Vandegaer said yes for the access because it can not be blocked. Ms. Vandegaer noted that there is access from several areas to the property. Chairman MacQueen asked if Lot #16 was owned by someone else. It was noted that the property is owned by Lockheed where the tower is located. Mr. Schmidt asked if this property could ever be built on. Attorney Gallina said the only time a land locked parcel becomes an issue is when someone wants to build on it. This property will only be used for passive recreation. Planner Bolan said once the subdivision is approved it will be noted in the deed what the land will be used for. Mr. Weiler asked about the access on the flag stem. Ms. Vandegaer said even though the stem is accessible it doesn't mean that it will be used for the public. Mr. Skidmore asked what the plan was for the existing lots with buildings. Ms. Vandegaer said they have nothing to do with those lots but the owner is present this evening to answer any questions. Mr. Butters said they lost the tenant who occupied the buildings for many years and he will be looking to find new tenants. Mr. Skidmore asked if there were restrictions on the type of tenant they are looking for. Mr. Butter's daughter, Erica Butters said there are restrictions. They would be looking for another school or non-profit. Planner Bolan said they were approved under the Conditional Use standards which still exists. They fall under institutional and public uses. Chairman MacQueen asked when the lower two lots are merged and you get Lot #16 & #17 do you plan on merging all this land together. Ms. Vandegaer said yes if that is what the board would like them to do. Chairman MacQueen said it would make sense to have it as one big lot.

Warren Newman interjected and asked to make a comment. Mr. Newman informed the board that these issues have been discussed at the Environmental Commission. Mr. Newman said the flag stem is important and valuable. Ms. Davisson said at this point they can't make any decisions until everything is worked out but agreed with Mr. Newman. Mr. Milkowski said looking at this now everything is very limited. During the discussion, the parking was a big concern of the board. Ms. Vandegaer said that the parking is in their plan and hope to talk about it more in the future. Mr. Bill Kibler Director of Policy & Science of the Raritan Headwaters Association made a few comments.

Planner Bolan and Attorney Gallina said it would be helpful when they file the application that the resolution and deeds be part of the application. It would be very helpful and a reference for the board to work from. Ms. Vandegaer said they would like to be able to complete this in one meeting after they file a formal application. Ms. Vandegaer thanked the board for their input.

ITEMS FOR DISCUSSION:

a. Budget 2014

Mr. Rich asked why the amount in the litigation was so high. Ms. Glashoff said in speaking with the Mayor, he had suggested increasing the amount. Mr. McKee said because of all the money that has been spent this year on litigation and the fact that the board's budget took a big hit, he wanted to be pro-active, not that he felt we would have more litigation but wanted the board to be prepared in the event it happened. The board reviewed the balance of the proposed budget and agreed with what Ms. Glashoff put together. Chairman MacQueen asked for a motion. Motion by Mr. Rich and seconded by Ms. Bleck to approve the budget and to send it on to the Township Committee for their consideration. Unanimously approved.

b. Board Terms Expiring 2013

Mayor – Class I	Gary MacQueen – 4 year term	Darryl Schmidt – 4 year term
Committeeman – Class III	Rick Weiler - 4 year term	E.J Skidmore – Alternate II
Class II	Chris Piasecki – 4 year term	

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Mr. Gerlich informed the board that he is stepping down from his position on the Environmental Commission at the end of this year. Mr. Gerlich said that Mr. Laul is interested in being the Class II Board Member and be on the Environmental Commission. Mr. Gerlich said he wants to stay on the Planning Board and would like to take Mr. Laul's Alternate position on the board if that would be alright with the board and Township Committee. No one had a problem with the purposed change. Ms. Glashoff will send a Memo to the Township Committee informing them of the Board Terms that will expire on December 31, 2013 and the proposed change in positions of Mr. Gerlich and Mr. Laul.

c. Date for Reorganization – January 14, 2014

Everyone was good with the date for the Board's Reorganization Meeting.

d. Quarry (Township Portion) – Mayor McKee

Chairman MacQueen turned the discussion over to Mr. McKee. Mr. McKee stated that he attended the last Environmental Commission Meeting at the request of Chairman Warren Newman. Michael Guido of US Concrete Co. gave a power-point presentation on the Quarry. Mr. Guido gave some past history on what has transpired when the news first broke on the Quarry and the land swap with the N.J. Land Trust along with some of the bad press that followed. Mr. Guido had looked into the areas that they had heard about and found there was a milky disbursement of water into the Spruce Run. Mr. Guido referred to a pipe that they fixed, but the Quarry did get a fine from the DEP. Another pipe was an old culvert that went under the RR tracks which released sediment. They made improvements and there was no fine. There was also, another pipe that had corroded, there was sediment and there was a discharge and they were fined by the DEP. Mr. McKee referred to it as damage control by the Quarry.

Mr. McKee said that Mr. Guido then did a presentation on the additional lands and the 30+ acres that was the original lands to be swapped and with the reclamation that land would become a valuable part of the reclamation to mine. Mr. McKee said the rock they are mining is of a softer quality than what is found in other quarries. They can process the quarry for considerable less versus a company like Tilcon. Mr. Guido had said they really need to get that 30+ acres of land and without this additional land they won't be able to continue with the quarry and any reclamation will be non-existence. Mr. McKee said the cost for a reclamation plan is around 30 million dollars which would be bonded and said if we don't do something or show some interest we won't have a place at the table and if they don't do a reclamation plan then the property would just stay as it is. Mr. Guido said with the reclamation project, the possibility exist that it would be a state park when they are finished. Mr. McKee said they would need access to the water at the bottom and it would be contained and be about 150' deep. This is something for the board to think about whether we want to take a position and maybe have a sub-committee to work on this. The Boro of Glen Gardner is interested in talking to us again. Mr. McKee noted that the additional lands are in a residential zone and the quarry is in the township in the I5 zone. The bottom line is if we want to have a position then we need to get involved now.

Mr. McKee asked Warren Newman for his input. Mr. Newman said he agrees with the Mayor's assessment. Mr. Newman said if we don't participate now they won't be able to make the land swap and they are under no obligation to do a reclamation plan for the quarry. Without the reclamation plan they would walk away and it would leave the Township with a big hole in the ground and there is nothing in an ordinance that would prevent them from doing that. Mr. Newman said they would like to do a reclamation plan for the quarry. It was explained that it would take 30-40 years for a reclamation plan and it would involve the acquisition of the additional lands that they would like to get. Their environmental engineer said it is around 37 acres of land that they would like to swap with the NJ Land Trust for a parcel in another County. If they get the additional land they would continue to mine and in the process eliminate the cliffs, slopes but would build into the plan small cliffs for a Bird/Hawk environment/sanctuary and at the end of 40 years at the base/pit of the quarry it would feed as a water source to the reservoir which would be a positive that the water could be used for to pump to and flush to the quarry and to draw down water to serve the South Branch of the Raritan. Mr. Newman said that the plan is a good one. During Mr. Newman's comments, he stressed the importance of the Township having an ordinance otherwise we have nothing to fall back on. Mr. Newman said the power point presentation conveyed some very good information and that he feels that they would be willing to do another power point presentation to the Planning Board. At the conclusion of Mr. Newman's input to the board, Mr. Schmidt asked if the DEP needs to sign off on the reclamation plan. Planner Bolan said the DEP has no regulations and the only thing DEP is interested in is mine safety. But that they will be interested in the discharge from the property. The board continued to discuss the quarry issue at length. At the conclusion of the discussion, Chairman MacQueen asked about dates to have Mr. Guido of US Concrete Co. to give his power point presentation. It was also suggested to save time to have a joint meeting with the Township Committee for the presentation. Several dates were discussed and in conclusion, Mr. Newman will contact Mr. Guido for availability for either December 12th or December 17th and will be in contact with Ms. Glashoff.

e. Amend Ordinance Section 400-54 Subsection D(5)(h)

The board discussed this briefly. In conclusion, Attorney Gallina will amend the ordinance to reflect the change of eliminating the wording that gives the application one meeting before charging escrow for time spent at the meeting by the board's professionals.

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PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 543.75
b. Michael Bolan, PP	\$ 951.40
c. Bayer/Risse Engrs.	\$ 625.00
Total:	\$2,120.15

Motion by Mr. Gerlich and seconded by Mr. Piasecki to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

OPEN TO THE PUBLIC – no comments/statements from the public.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Milkowski to adjourn the meeting at 9:06 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK