



looking at 1.5 acres of impervious coverage that we would need. With the Diamond property there is enough acreage but we would not know what type of review we would have with the DEP. Chairman MacQueen questioned the status of the Diamond property. Planner Bolan said the biggest issue was the status of the property as a contaminated site. If the site was clean, then there would be the permitting by the DEP to reconstruct on the site and staying within the 300' buffer. Chairman MacQueen asked about the impervious coverage on the site now. Planner Bolan estimated about 2 acres. Mr. Spatz asked about staying within the same foot print. Planner Bolan felt it would still be the same issue with DEP. Planner Bolan stated that the coverage on the site now is about 5% impervious. The board discussed this issue at length. During the discussion, Planner Bolan felt that the Highlands would say yes because it would qualify for the exemption, but had no idea what DEP would do because it is within the 300' buffer. During the discussion, Chairman MacQueen stated we should find out what the current status is of the Diamond property. Planner Bolan offered to check into it for the board.

Mr. Spatz suggested asking Warren Newman, Chair of the Environmental Commission for his input. Mr. Newman suggested that the board be very careful with a site like the Diamond property. Once construction starts on the site, you can unearth some other problem that the Township would now inherit. Regarding the Brownfields to get direct funding for cleanup would never happen per Mr. Newman. During the

**Lebanon Township Planning Board  
November 7, 2006  
Page 2**

discussion, it was noted that in order to have 2 acres of impervious coverage we would need 66 2/3 acres. It was also noted that there are too many houses surrounding the Sliker property. Chairman MacQueen suggested having Mr. Newman work with Planner Bolan regarding the Diamond property and also have Mr. Newman look into the environmental portion of the property. The board briefly discussed the Sliker property again. At the conclusion of the board's discussion, Planner Bolan and Mr. Newman will report back to the Planning Board at the next meeting.

**b. Amend Conditional Use Section of Ordinance – Planner Bolan**

Per the board's discussion at the last meeting Planner Bolan stated we now have two changes to the ordinance, (f) lot shall have frontage and access on a public road and under Item (c) we discussed having parking not less than 100' from any property line. Mr. Rich noted the other item discussed was safety issues which could be added to paragraph (e). During the discussion, Attorney Gallina suggested adding "adversely affecting surrounding areas" and Planner Bolan agreed. The board decided not to include acreage size. At the conclusion of the board's discussion, motion by Mr. Spatz and seconded by Ms. Schriver to have Planner Bolan finalize the draft of the ordinance amendments as discussed and forward on to the Township Committee.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Weeks	Mr. MacQueen	<b>No:</b> Mr. Schmidt
	Mr. Gerlich	Ms. Bleck	
	Mr. Piasecki	Mr. Spatz	
	Mr. Rich	Ms. Schriver	

Mr. Newman asked to address the board. Mr. Newman stated regarding the Diamond property he checked and found that the property is not on the current NJDEP contaminated site list as of spring 2006. Mr. Newman will request an OPRA request for DEP files to see if anything else exist. Ms. Glashoff asked if the Diamond property was still listed on the Superfund Site List. Mr. Newman felt it would likely be on that list. Ms. Glashoff noted that the property was listed on the Superfund Site as of the end of August 2006. Mr. Newman will check on the status for that site.

**c. Tree Ordinance**

Chairman MacQueen asked Mr. Gerlich and Mr. Piasecki if they had any comments since they were not present for the discussion at the last meeting. Mr. Gerlich suggested eliminating the exemption from lot size. Every lot should be protected the same. The smaller lots may need more protection then the larger lots. Also the size of the trees,

bringing it down to 6” from 10”. The board discussed the comments made including the lack of enforcement of the ordinance. At the conclusion of the board’s discussion, motion by Mr. Rich and seconded by Mr. Schmidt to table the tree ordinance for now.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Weeks Mr. Schmidt Mr. Piasecki Mr. Rich	Mr. MacQueen Ms. Bleck Mr. Spatz Mr. Schriver	<b>No:</b> Mr. Gerlich (would not like to see the ordinance tabled indefinitely)
------------------	--	--	--

**d. Fence, Monuments & Pillars on Residential Properties:**

Planner Bolan noted that at this time there is no fence ordinance and does not know how fencing on residential lots are enforced. Mr. Schmidt referred to Section 18-3.6c1. Attorney Gallina read the ordinance. Attorney Gallina informed the board of an application that was recently before the Zoning Board regarding monuments/pillars. The applicant had applied to the Zoning Board for an Interpretation of the Ordinance and the board found in favor of the applicant. The board discussed these items at length. During the discussion, Mr. Piasecki made some comments, including the time the Planning Board spent on the Master Plan back in 2002 and all the controversies that the board had to deal with at that time and concluded that the Master Plan was well thought out and very comprehensive and the board decided at that time to maintain the rural character of the Township. Mr. Piasecki went on to say that you can put up any type of fence, block the vistas and the views and change the character of the Township. The plastic fence on Hoffmans Crossing is so out of character for the Township. When people move here they should not end up in a Township where there are monuments, pillars and walls and giant plastic fences and would like to see something done about it. Mr. Rich stated that he does not see a problem in the Township with fences. He felt we would be infringing on private rights and if we don’t have a problem why make one. People should be allowed to do what they want on their property and hasn’t seen any abuse yet. Mr. Schmidt stated that even though he does not like those fences, he doesn’t think we should dictate taste. Mr. Piasecki said we need to go back to the Master Plan and what it says about the character of this Township. Mr. Weeks stated he agreed with Mr. Rich. Ms. Bleck said that this is a very hard issue. Mr. Spatz felt we have enough regulations. Ms. Schriver stated at this time she agrees with Mr. Piasecki, but doesn’t want more regulations. The board continued with their discussion on these issues. Chairman MacQueen opened the meeting to the public. Nancy Darios stated her opinion on the subject. Chairman MacQueen noted that we have had some problems with fences regarding height, also with pillars. He also stated that he doesn’t like the fence in question, but is also not interested in more regulations. The board seems to be split on the issue. Chairman MacQueen noted the board seems to be split on this issue and suggested

**Lebanon Township Planning Board  
November 7, 2006  
Page 3**

having Planner Bolan look at a couple of things that we could put into an ordinance. Planner Bolan stated that all you can regulate is size, setbacks and openness of the fence. Chairman MacQueen asked for a motion to have Planner Bolan look into putting something together. Planner Bolan went over the suggestions and stated we don’t have to go overboard on the regulations and the only three things that would need to be addressed are height, setback and in front yards and you don’t want solid fences. Chairman MacQueen asked for a motion. Motion by Mr. Piasecki and seconded by Ms. Schriver to look into a fence ordinance to purpose to the board. It was noted that we do have control over commercial properties regarding fences. This item will be back on the agenda for December 12<sup>th</sup>.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Gerlich Mr. Piasecki Mr. MacQueen Ms. Bleck Ms. Schriver	<b>No:</b> Mr. Weeks Mr. Schmidt Mr. Rich Mr. Spatz
------------------	--	--

**e. Amend Fee Schedule Ordinance regarding Escrow Fees – Ms. Glashoff**

After a brief discussion, Attorney Gallina will draft the amendment to the Fee Schedule Ordinance to change Escrow on Conditional Uses from \$250.00 to \$500.00 and Variances from 150% to 200% of application fee. Motion by Ms. Bleck and seconded by Ms. Schriver to have Attorney Gallina draft the amendments to the Fee Schedule Ordinance.

**ROLL CALL**    **Yes:** Mr. Weeks      Mr. MacQueen      **No:** None  
                         Mr. Schmidt      Ms. Bleck  
                         Mr. Gerlich      Mr. Spatz  
                         Mr. Piasecki      Ms. Schriver  
                         Mr. Rich

The draft to amend the ordinance will be on the agenda for December 12<sup>th</sup>.

**f. Road Standards for Class III Common Driveways – Engineer Risse**

Engineer Risse stated that this was briefly discussed at the last meeting. Engineer Risse spoke with Road Supervisor Paul Jones regarding the percentage of grade (slope) on a Class III Driveway would be within reason. They concluded that 6% or greater would be a reasonable number before erosion starts and becoming a problem. On Class III Common Driveways now which are gravel, the gravel from heavy rains empties out on to Township roads which causes problems. We would be able to have better control if these roads had pavement with asphalt. This would be proposed as an amendment to the Class III Common Driveway Ordinance. Now we have the applicant pave 25' back for the edge of the public road. During the discussion, it was suggested that anything 6% or greater would be entirely paved. Mr. Rich asked how do you calculate the 6%? Engineer Risse stated that he will look at other ordinances for the correct language and report back to the board.

**g. Letter to State Planning Commission**

Ms. Glashoff reminded Planner Bolan this was discussed at the last meeting. Planner Bolan will prepare a response to the County letter and send to Ms. Glashoff to put on Township Letterhead paper for Chairman MacQueen to sign.

**PRESENTATION OF BILLS & REPORT:**

a. John Gallina, Esq.	\$ 357.50
b. Banisch Associates	\$3,273.40
<b>Total:</b>	<b>\$3,630.90</b>

Ms. Glashoff asked to add two bills of Bayer/Risse Engrs. to the bill list and reviewed both bills for the Board with one bill for \$202.00, the other for \$404.00 totally **\$606.00** with a grand total of **\$4,236.90**. Motion by Mr. Spatz and seconded by Ms. Bleck to approve the bills as amended. Unanimously approved.

**CORRESPONDENCE**

Chairman MacQueen asked about how many meetings does the board have to have during the year. Planner Bolan read from the MLUL the definition for meetings held during the year.

Chairman MacQueen asked Ms. Glashoff what was scheduled for the December meeting. Ms. Glashoff stated besides the Items for Discussion, we will have an application for completeness and to schedule a public hearing. The application is for a Cell Tower on the Creveling property on Route 513. Also we will be setting a date for Reorganization. Also, the board will need to decide how many meetings per month and if they decide on one meeting per month, which Tuesday do you want to designate. The 2007 Budget

would also be on the agenda. Ms. Glashoff reviewed the Items that were discussed this evening for upcoming agendas. Road Standards will be placed on the January agenda. Ms. Glashoff reminded everyone that the booklet that she handed out this evening along with a memo from the Township Clerk, the board needs to review it and decide at the next meeting whether they want to invite Bob O'Neil to a meeting to discuss the contents. This booklet was referred to the Planning Board by the Township Committee at their last meeting.

Being no further business to come before the board, nor comments from the public, motion by Mr. Piasecki and seconded by Ms. Bleck to adjourn the meeting at 9:10 p.m. Unanimously Approved.

---

**CHAIRMAN GARY MACQUEEN**

---

**GAIL W. GLASHOFF, PLANNING BOARD CLERK**