

REGULAR MEETING

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

December 13, 2011

The 847th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:04 p.m. by Chairman Gary MacQueen. Present were: Mr. Milkowski, Mr. Schmidt, Mr. Gerlich, Mr. Piasecki, Mr. Rich, Ms. Bleck, Mr. Piazza, Mr. Weiler, Attorney Gallina, Planner Bolan and Engineer Risse.

This notice was published in the "Annual Meeting Notice Schedule" adopted by this board on January 11, 2011, 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 December 1, 2011.

PRESENTATION OF MINUTES: October 4, 2011 Regular Meeting

Motion by Mr. Rich and seconded by Ms. Bleck to approve the minutes of October 4, 2011 as presented. Unanimously approved.

October 11, 2011 Special Meeting

Motion by Mr. Rich and seconded by Ms. Bleck to approve the minutes of October 11, 2011 as presented. Unanimously approved.

FYI: Enclosed is a copy of the letter and Resolution from the Highlands confirming our Approval of the Petition for Plan Conformance.

The two Ordinances that were introduced on October 19th had their Public Hearing for adoption on December 7th. (Ord. 2011-11 Solar Ordinance - Commercial/Industrial Zones) (Ord. 2011-12 Amend Grading/Steep Slopes Ordinance)

RESOLUTION:

New Cingular Wireless Block #12 Lot #45.05
Adjournment to January 10, 2012 Route 513 B1
(Letter Enclosed from Attorney Fairweather)

Motion by Ms. Bleck and seconded by Mr. Piasecki to approve the Resolution for New Cingular Wireless as presented.

ROLL CALL Yes: Mr. Schmidt Mr. MacQueen **Abstain:** Mr. Milkowski
Mr. Gerlich Ms. Bleck Mr. Piazza
Mr. Piasecki Mr. Weiler
Mr. Rich

New Cingular Wireless Block #12 Lot #45.05
Regarding filing application w/ZBA Route 513 B1
(Letter from Attorney Gallina)

Motion by Ms. Bleck and seconded by Mr. Rich to approve the Resolution for New Cingular Wireless as presented.

ROLL CALL Yes: Mr. Milkowski Mr. MacQueen
Mr. Schmidt Ms. Bleck
Mr. Gerlich Mr. Weiler
Mr. Piasecki Mr. Piazza
Mr. Rich

ITEMS FOR DISCUSSION:

a. Budget – 2012

Ms. Glashoff stated that she revised the budget to have it as current as possible and the only outstanding bills will be the month of December otherwise everything else is right up to date. Ms. Glashoff also noted that in the second section of the budget she moved some numbers around because of the maintenance fee for General Codes which will be our share of the cost. Mr. Rich asked about the \$4,500.00 listed under Ordinances. Ms. Glashoff said since we went over our budget for ordinance this year, she was basing the figure on what the board could be doing next year. Planner Bolan asked about the breakdown that is done in the budget regarding COAH, Ordinances and Highlands. Also regarding the Highlands, the Plan Implementation Schedule they have on their website that applies to Lebanon Township. It looks like they are giving the Township money to finish the ordinances. The Highlands besides the money for the ordinances will also include money for the Master Plan Element. Planner Bolan said until we have the grant agreements in place we should put monies in the budget to cover these expenditures. Planner Bolan suggested having that money listed as one item of \$6,500.00 in the budget instead of having it broken down into three categories. The board agreed to have it listed in the budget as one line item. Mr. Piazza brought up the \$3,000.00 that the Township did not get reimbursed with the Highland Grant. Mr. Piazza asked

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Planner Bolan for an explanation for the funds not being covered. Planner Bolan said the Highlands broke it out into seven categories which are referred to as Modules. Planner Bolan said we were deemed complete in April 2010. Just because we were deemed complete Planner Bolan did not think it meant that there was nothing left to do. Using an example of when an application is deemed complete. The work still continues and apparently that was not the case with the Highlands. Planner Bolan said he continued working on the ordinances with the anticipation that the report would be out in September per the Highlands. When November came and still no report from the Highlands, we didn't get the report until April 2011. He was never informed that once you are deemed complete you can not continue working and billing. Planner Bolan informed the board that we are under the allowed amount up to \$100,000.00. We finished at a little over \$90,000.00. Mr. Piazza said he was disappointed that person A doesn't know what person B is doing. A good example was the letters he received from the Highlands. One was making accusations and the other was an apology. Mr. Piazza said since we now have more work to do, he doesn't want to see us get into the same situation that we had before. Planner Bolan suggested that we send in the vouchers more frequently than what we do now. Planner Bolan suggested quarterly at most or maybe every two months. Planner Bolan said the person he speaks with is different than the one Ms. Glashoff is working with. Chairman MacQueen suggested that the bills be submitted on a monthly basis. Board agreed.

Mr. Milkowski asked about the charges for the Attorney, Engineer and Planner. At the conclusion of the board's discussion, Chairman MacQueen asked for a motion. Motion by Mr. Piasecki and seconded by Mr. Gerlich to approve the revised budget for 2012 along with the \$6,500.00 being used as needed as a combination for COAH, Ordinances and Highlands as one line item. Unanimously approved.

b. Reminder: Date has been set - P.B. Reorganization Tuesday January 10, 2012 7:00 p.m.

c. Board Terms Expiring:

Mayor –	1 year term	Class I
Art Gerlich -	1 year term	Class II
Committeemen -	1 year term	Class III
Doreen Bleck -	4 year term	Class IV

Chairman MacQueen asked Mr. Gerlich and Ms. Bleck if they would like to be reappointed. Both answered yes.

d. Definition of Dwelling Unit (Accessory Apartments) – Planner Bolan

Planner Bolan stated the Board of Adjustment had an Appeal regarding the definition of an accessory apartment. The Zoning Officer claimed they had an accessory apartment in the barn. Ms. Glashoff informed the board that the Zoning Officer when doing an inspection found living quarters. The kitchen did not have stove, but there was a bedroom, living room and bathroom. The applicant claimed that it wasn't an apartment because they did not have a stove and they did not consider it to be an accessory apartment. Back in September a couple came in who were looking to buy property and wanted to have an accessory apartment but so they wouldn't have to go to the Zoning Board decided not to have stove in the kitchen. Ms. Glashoff said she spoke to Chairman MacQueen and this is what triggered having Planner Bolan look into the definition of a dwelling unit. Planner Bolan said he thought this was defined and we were stuck with it but it is not true. It is not defined in the MLUL or the Construction Code. The question what is a sanitary facility. Does a bathroom consist of a toilet; sink without a tub/shower? Mr. Gerlich said a lot of people have sanitary facilities without the tub and stove. Mr. Gerlich said you need a shower and cook top to be an apartment. It was decided that if you don't have a stove and shower you are not considered to have an apartment.

The board continued to discuss this issue at length. Planner Bolan offered making the definition more defined. Mr. Piasecki asked if someone has living quarters over a garage but does not have a kitchen or a shower is that still considered an accessory apartment. Attorney Gallina said no, not under our ordinance. The board continued with their discussion. Chairman MacQueen said several years ago the same applicant came before the Zoning Board for an accessory apartment and was denied. Then they came back, found a loophole by taking out the kitchen. Planner Bolan said that separate living quarters is what really distinguishes something in the definition. Mr. Piasecki said the definition should be for separate living quarters. Mr. Rich said back when the board was discussing having an accessory apartment ordinance much of the conversation was on a mother-in-law apartment. Planner Bolan said it is really the cooking facility that triggers it. At this point, Attorney Gallina read from the apartment ordinance the definition. Mr. Milkowski said that we should just leave the ordinance alone.

Chairman MacQueen said that some of the other concerns that have arisen, example the homeowners came in before the board to have an accessory apartment with the barn being right next to the road, they didn't have enough land and were unable to put in another septic system. They were denied. They keep the apartment having someone living in it until they got caught. Then they come back to the board with eliminating the cooking facility. Also, there have been approvals for apartments for in-laws and when they are no longer living there, the apartment gets rented out. Chairman MacQueen felt this is why the zoning officer has had concerns because applications get approved for one thing and then get changed over to something else. Chairman MacQueen said this ordinance needs tightening up. Planner Bolan said that in

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the ordinance cooking facility is not defined. At the conclusion of the board's discussion, it was decided to leave the ordinance alone for now.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$1,540.00
b. Michael Bolan, PP	\$1,722.60
c. Bayer/Risse Engrs.	\$ 537.75
Total:	\$3,800.35

With the additional bills from the Agenda Addendum of **\$1050.80**, brings the grand total to **\$4,851.15**. Motion by Mr. Gerlich and seconded by Ms. Bleck to approve the bills as presented. Unanimously approved. Mr. Rich asked about the mechanism regarding the escrow bills. Ms. Glashoff said she reviews all the bills and the professionals are very good about charging correctly on the escrows. Planner Bolan said if he is here for a 2 hour meeting and 1 hour is on an application that is in to the second meeting, the he charges 1 hour to the board and 1 hour to the applicant. Mr. Rich said he was just asking about the procedure.

CORRESPONDENCE:

- a. NJ Planner
- b. Law of the Land Articles (4)
- c. Governing News – NJ Affordable Housing changes

OPEN TO THE PUBLIC

E.J. Skidmore addressed the board and thanked the board for all their hard this year and wished everyone a Merry Christmas and Happy New Year. John Locker also asked to address the board. Mr. Locker also thanked the board for all their hard work this year and wished everyone a Merry Christmas. Chairman MacQueen thanked Mayor Piazza for his participation on the board. Mr. Piazza said he has enjoyed the time he has spent on the Planning Board and thanked the board for doing a great job representing the Township. And thanked Chairman MacQueen for doing a great job as Chair. Mr. Piazza said the Township should be proud of the board and the great job they do.

Mr. Milkowski addressed the board and brought them up to date on what has been going on. At the last Township Committee Meeting, Dewey Polt donated his property on Dewey Lane that the bus company is located on for \$1.00. The bus company will be moving from the site on February 1st down to Route 31. The property consists of 3 acres with a 5 bay garage. Until the new DPW garage is built, the Road Dept will move over to this new site. Mr. Piazza asked the board if there were any requirements needed by the township regarding the property. Chairman MacQueen asked Attorney Gallina what the Township would need to do, since this will be a change in use. Attorney Gallina said as a courtesy they should come in and make a presentation explaining what they plan to do with the property. Planner Bolan said what triggers the Planning Board's review is the capitol funding for the project. Planner Bolan went over the procedures. Attorney Gallina said it informs the public what is happening with the property. Chairman MacQueen said this would be a win win for Township to have the Road Department on the property versus 40-50 school buses. Mr. Milkowski asked if it would be sufficient to have just the Road Dept Liaison or would the board prefer the entire committee to come in and speak to the board regarding the plans for the Polt property. Chairman MacQueen felt the Committee should come before the board which they can do on an informal basis to explain their plan with the property for now. Mr. Milkowski said he would take this back to the Township Committee for their next meeting on December 21st.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Weiler to adjourn the meeting at 8:00 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK