REGULAR MEETING

Lebanon Township Board of Adjustment
Municipal Bldg 530 West Hill Road Glen Gardner, N.J.

February 25, 2015

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:30 p.m. by Chairman Bruce Terzuolo. Present were: Mr. Kozlowski, Mr. MacQueen, Mr. Abuchowski, 1st Alternate Locker, 2nd Alternate Koch, Attorney Gallina and Planner Bolan. **Excused:** Mr. Eberle & Mr. Maurizio.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 22, 2015, 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 February 18, 2015.

PRESENTATION OF MINUTES: January 22, 2015 Reorganization/Business Meeting

Executive Session

Motion by Mr. MacQueen and seconded by Mr. Kozlowski to approve the Reorganization/Business Minutes and Executive Session Minutes. Unanimously approved.

RESOLUTIONS:

a. Muller Toyota Block #3 Lot #5.01 Appeal Reversed for Construction Trailer Route 31 B2

Motion by Mr. Kozlowski and seconded by Mr. MacQueen to approve the Resolution for Muller Toyota with a minor correction.

ROLL CALL Yes: Mr. Kozlowski Abstain: Mr. Abuchowski Absent: Mr. Eberle

Mr. MacQueen Ms. Koch Mr. Maurizio Mr. Terzuolo Mr. Perry

Mr. Locker

b. Pinsonault Block #56 Lot #26 Extension of Time w/conditions Penwell Road R 1½

Motion by Mr. MacQueen and seconded by Mr. Kozlowski to approve the Resolution for Pinsonault as presented.

ROLL CALL Yes: Mr. Kozlowski Abstain: Mr. Abuchowski Absent: Mr. Eberle

Mr. MacQueen Mr. Maurizio Mr. Terzuolo Mr. Perry

Mr. Locker Ms. Koch

ITEM FOR DISCUSSION:

3 Green Team Resolutions from T.C. (See attached Memo)

Ms. Glashoff introduced Committeeman Marc Laul and E.C. Chairman Warren Newman to the board and said they were here this evening to make a presentation regarding the Green Team Resolutions. Committeeman Laul said in 2012 the Township Committee created the Green Team which had been created by Sustainable New Jersey. The intent is to promote sustainability and green initiative within the community. As you do more green initiatives you earn green points. There are levels, bronze, silver & gold. The higher up you go the more grant money you can receive. We are working on the bronze level which takes 140 points, each level will get us more grant money for initiatives from the State. These 3 resolutions that you have are the 3 stepping stones that we have to do to continue on in land use, wild life preservation and energy conservation. Since Lebanon Township is in the Highlands the land use and wild life are kind of moot. Mr. Laul said this is an intent, this is not an absolute. The way this has to be done per the State is it goes to the Township Committee, then the Planning Board and the Zoning Board. Both boards are to make a recommendation/comment to the Township Committee before they adopt these resolutions. Mr. Laul said there may be some ordinances that will need to be tweaked to match what Sustainable New Jersey may want to see. Mr. Laul said we are here for your opinions. These are templates that are used across the state and you can strike what you don't want

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or like. Mr. MacQueen asked what the Grant money would be used for. Mr. Laul said these would be for trail projects, energy conservation projects within the Township. With the level we are at now, we can get \$2,500.00. Mr. Laul said the green team doesn't have to be just residents of the Township. It can be residents of Califon if they feel what we are doing would help them and Califon isn't offering what they are interested in. This is open to anyone who lives around the community. Mr. Newman said that would be established by ordinance. At this point we lost power. Ms. Glashoff said the same happened around 5:50 p.m. these evening, then the lights came back on. There was a brief discussion regarding the power outage. Mr. Kozlowski asked if we strike items from the Resolution are we still Bronze. Mr. Laul said no, unless we are striking the intent of the resolution. This is only a Resolution not an ordinance. This has a lot less teeth in it. A resolution is only an intent document. Mr. Laul said there are 60 items that the Green Team can do. Mr. Laul went through the steps giving examples. Planner Bolan noted that we already have a lot of very good ordinances that would be covered giving several examples. Mr. Abuchowski said these are all feel good resolutions that don't say anything. Mr. Abuchowski said these are meaningless to him. Mr. Abuchowski said when you start passing these kind of resolutions, then other people start to decided what they really mean, then you find you are creating more resolutions and more ordinances. Mr. Abuchowski said he is totally against it. Mr. Locker stated you have a person getting a building permit and then they have to comply. Mr. Laul said no, and members of the board disagreed. Chairman Terzuolo referred to the Sustainable Land Use Pledge Resolution "Whereas, Given New Jersey's strong tradition of home rule and local authority over planning & zoning" it states that we have home rule, but they are taking it away and what does the Board of Adjustment have to do with these Green Resolutions? Chairman Terzuolo said if we start telling applicants what they have to do regarding Green, we will get sued so fast. Mr. Newman said it's not making the zoning board tell applicants what they have to do. The response from several members was, then why do it at all. Mr. MacQueen asked what is the green team ultimate goal with something like this. Mr. Laul said, the goal is to get grant money. Mr. Laul said the intent of the grant money is to be able to utilize it where we want. The trail conductivity, by developing the open land we already have, creating trails, creating projects that are beneficial to our community.

Mr. MacQueen asked how much open land do we have that could be incorporate into the trail system. Mr. Newman said it is what we are trying to work towards. Mr. Laul said he got copies of the tax maps to see how we can connect the trails. Mr. MacQueen said the way this is laid out, he didn't see how you could connect these trails and said the only thing you will get in this Township is a trail system, but how do you plan on connecting everything. Mr. MacQueen said he would agree to it if it was going to work but didn't think it wasn't going to happen. You would have to purchase more land to be able to make the connection. Mr. Laul said the County is looking to buy between 300-400 acres of land and said this is why he got copies of the tax maps to see if it were feasible creating connecting trails. Mr. Terzuolo said some of this land is restricted county parkland. Mr. MacQueen said you are not able to create parking in these county parcels. So what would be the point. Mr. MacQueen said he agreed with Mr. Abuchowski, this is just a feel good do good thing. Mr. MacQueen referred to the grant money as his tax money. Mr. Laul asked if Mr. MacQueen would prefer Woodbridge to get it. Mr. MacQueen said yes, at least they could drive and walk somewhere. Mr. MacQueen said he understand why you want to do it and the theory. Mr. MacQueen said the comment was made about working with Fish & Game. They are already doing things. Mr. Laul mentioned promoting Solar in the Township. There's a program called promote and install, for municipal and commercial buildings. You get an audit on the building and you can save up to 70%. It is promoting being energy conscientious and we can't do that until we do this. Mr. Laul said if we don't do this, then it would cost us all the money, by doing this we can save up to 70%.

Chairman Terzuolo said we send money to Trenton and then they send it back. Chairman Terzuolo said there is very little we can do being in the Highlands, so what's the point. At this time there was a lot of discussion between Chairman Terzuolo, Mr. Abuchowski and Mr. Laul. Ms. Koch said the money has already been allocated so why not take advantage to use some of it for the Township. There was some heated discussion at this time. Mr. Newman said this money is not tax dollars it is from donations from companies like PSE&G and different foundations. Mr. Newman said this is a way for us to get \$2,500.00 to use and noted, if you go to the website it will explain where all the money comes from that is available for this program. Mr. Newman informed the board that he is an Environmental Engineer and has been for over 30 years. Mr. Newman said back in 2012 the Environmental Commission got a grant of \$25,000.00 to do trail improvements on properties that were acquired through Green Acres. Mr. Newman said some of us believe that Solar is Green. Also, there are some practices that can benefit the Township. This will help us to continue to live the way we live now. Mr. Newman said his budget for

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the commission is only \$1,000.00 so he has to obtain money through grants and said this is a practical way to get money without burdening the Township. These resolutions are not telling us what to do but will give us and the residents options. Mr. Newman gave some examples stating these are just a few of the things we want to make available to the residents. Ms. Koch asked, could grants be sought for enlarging the scope of the gas line, so we can get more people off oil and propane particularly along the river. Mr. Laul said there is a direct and install program that is out there for commercial buildings but not to residential. Mr. Laul said the company he works for did a million dollars' worth of direct and install. There are 6 companies in New Jersey that are authorized to do direct and install.

There are funds that are collected from your electric bill. Mr. Laul said it's all about getting the information out there for the residents, letting them know what is available and said he didn't think we would ever get to gold but we would with silver because there are so many things that we don't have available to us up here or would be able to get and reiterated that the Township agreed to get involved back in April of 2012. Mr. Kozlowski said this sounds like a done deal. Chairman Terzuolo agreed that this is a done deal and asked how does this affect the Zoning Board. Chairman Terzuolo asked Mr. Laul if he knew what a Zoning Board actually does. Mr. Abuchowski said that this board deals with variances which doesn't fit in to what these resolutions are all about. Mr. Laul said it is to let you know what the intent of what is passed. Chairman Terzuolo asked where does this money come from. Mr. Newman said you can go on their website: www.sustainable jersey. com and it covers everything. Chairman Terzuolo asked who administers this program. Mr. Newman said there was a co-alliance going back many years with the State of New Jersey and Trenton State University. Mr. Newman said you have to make an application and apply for the grant and they have to approve it. Mr. Abuchowski said this lays the ground work to make things far more difficult and far more costly for a little bit of money. Mr. Abuchowski said once you agree with all these things most times it gets done and then it is too late. Mr. Newman said this is not ordinance driven. Mr. Abuchowski said if this isn't ordinance driven then why we are doing this. Mr. Kozlowski said it is the intent and spirit of it. Mr. Kozlowski said eventually we would put things in our site plan checklist to make sure things are green. Mr. Laul referred to Muller Toyota's site plan regarding the lighting.

Mr. Kozlowski referred to the wildlife, critical habitat etc. and asked how do we do that. Planner Bolan said it is already covered in the Natural Resource Inventory and there is a grant once Highlands gets done doing their guidance document grant for Habitat Conservation & Management Plan. Mr. Kozlowski asked what is a subsidized predator. Chairman Terzuolo said it is a sharp shooter. Chairman Terzuolo said that coyotes were brought back in by N.J. Fish, Game and Wildlife for the control of the deer but instead they have gone after smaller prey. At the conclusion of the discussion, Chairman Terzuolo thanked Mr. Laul and Mr. Newman for coming to the board to discuss these resolutions.

Annual Report – Planner Bolan

Planner Bolan said this is the annual report we do yearly per the MLUL. Planner Bolan reviewed for the board, the application report prepared by Ms. Glashoff and the report he prepared. Planner Bolan noted the board held 10 meetings in 2014. One application was approved, 3 extensions of time, a clarification on a resolution. The board also held 3 executive sessions and had discussion items. Planner Bolan said each year the board has in their report the subject of private roads. During the board's discussion, the board recommends that a subcommittee consisting of Township Committee, Planning Board, Zoning Board and Fire Official be formed in order to thoroughly review the issues surrounding private roads. The board discussed the granting of variances, noting they rely on the enforcement of certain conditions as an important part of granting these variances. The board recommends that diligent enforcement of these conditions by the Zoning Officer. The board further recommends that the Township develop a better system for the sharing of information and the tracking of application approvals. At the conclusion of the board's discussion, motion by Mr. MacQueen and seconded by Mr. Abuchowski to have Attorney Gallina prepare a Resolution to adopt the Annual Report for the next meeting on March 25, 2015. Unanimously approved.

PRESENTATION OF BILLS:

a. John Gallina, Esq. \$250.00 – Attend ZBA Meeting 1/28/2015

\$281.25 – Escrow (Pensonault) \$250.00 – Escrow (Muller Toyota)

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PRESENTATION OF BILLS: (Cont'd)

b. Michael Bolan, PP \$127.80 – Prepare Annual Report

\$260.00 – Attend ZBA Meeting 1/28/2015

\$ 99.40 – Escrow (Muller Toyota)

Total: \$1,268.45

Motion by Mr. Kozlowski and seconded by Mr. MacQueen to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

- a. Law of the Land Articles
- b. NJLM Article
- c. Washington Watch Cell Tower

OPEN TO THE PUBLIC – no public present.

Being no further business to come before the board, nor comments from the public, motion by Mr. MacQueen and seconded by Mr. Abuchowski to adjourn the meeting at 8:32 p.m. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY