

REGULAR MEETING

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

February 7, 2023

The 955th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:04 p.m. by Chairman Chris Piasecki. Present were: Mr. Weiler, Mr. Rich, Mr. Falconeri, Ms. Koehler, Mr. Abuchowski, Ms. Ryan, Mr. Skidmore, Ms. Zatika, Attorney Gallina,

Notice of the meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 17, 2023, emailed to the Hunterdon Review, Courier News, faxed to the Hunterdon County Democrat, Express Times, Star Ledger and posted on the Lebanon Township Website and bulletin board in the Municipal Building on February 1, 2023.

Chairman Piasecki stated that before getting started with the meeting he would like to clear up some comments that have been made regarding items that are on the agenda. The following Resolutions that are on the agenda doesn't mean they will be approved: Appointments for Professionals which states "Discussion and determination regarding reappointments, Authorizing Agreement for Professionals, Resolution on Pay to Play and Adopt Professional Contracts.

Chairman Piasecki announced we have three new Board Members he would like to welcome to the board: Karen Zatika who will be playing a dual roll with also being on the Zoning Board. Michael Falconeri has been appointed as the Class II member who also serves on the Park Committee and Linda Ryan who is filling the unexpired term of Gary MacQueen and will also serve on the Environmental Commission.

Chairman Piasecki announced that since Doreen Bleck was unable to attend tonight's meeting he called her via. her cell phone. Doreen announced that this was her last meeting and that she was retiring from her board seat of 30+ years. The board wished her well and that she would be missed.

THE LEBANON TOWNSHIP PLANNING BOARD WILL GO INTO CLOSED EXECUTIVE SESSION AT THIS TIME

Chairman Piasecki asked for a motion. Motion by Mr. Skidmore and seconded by Mr. Rich. Unanimously approved. At this time the board left the meeting and met in the conference room.

WHEREAS, the Open Pubic Meetings Act also recognized exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Planning Board finds it necessary to conduct a Closed Executive Session to the Public as permitted by the N.J.S.A. 40:4-12; and

WHEREAS, the Planning Board will reconvene in public session at the conclusion of the Executive Session;

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NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an Executive Session to discuss the following topic as permitted by N.J.S.A. 40:4-12;

X Matters involving appointments and whereas the public disclosure of such information at this time would violate the appointment, therefore this information will be withheld until such time as the matter is concluded. Board to meet and talk to new board member Linda Ryan.

BE IT FURTHER RESOLVED, that the Planning Board hereby declares that their discussion of the subject identified above may be made public at a time when the Planning Board Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township of any other entity respect to said discussion.

BE IT FURTHER RESOLVED, that the Planning Board for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place. Chairman Piasecki asked for a motion to return to the public portion of meeting. Motion by Mr. Rich and seconded by Ms. Zatika. Unanimously approved.

PRESENTATION OF MINUTES: January 17, 2023 Reorganization/Business Meeting

Motion by Ms. Zatika and seconded by Ms. Koehler to approve the minutes with minor corrections. Unanimously approved.

January 17, 2023 Closed Executive Session

Motion by Ms. Zatika and seconded by Mr. Weiler to approved the Executive Session minutes as presented. Unanimously approved.

RESOLUTION:

a. Extend Professional Contracts to March 21, 2023

Motion by Mr. Weiler and seconded by Ms. Zatika to approve the Resolution as presented.

ROLL CALL	Yes:	Mr. Piasecki	Ms. Koehler	Absent:	Ms. Bleck
		Mr. Weiler	Mr. Abuchowski		Mr. Schmidt
		Mr. Rich	Ms. Zatika	Abstain:	Mr. Skidmore
					Mr. Falconeri
					Ms. Ryan

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NEW BUSINESS:

Wayne Ingram
140 West Main Set
High Bridge, N.J. 08829

Block #51 Lot #14.05
Heather Hill Road R 1.5 zone

PUBLIC HEARING

Amend Prior Planning Board Resolution – 1977

Attorney Michael Selvaggi and applicant Wayne Ingram were present. Mr. Ingram was sworn in to give testimony. At this time, Attorney Gallina had the following items marked into evidence: **A1**-Affadavit of Proof of Service, **A2**-Notice in Newspaper, **A3**-List of Certified Property Owners & Utilities, **A4**-POD Slips, **A5**-Notice to the Public, **A6**-Letter from Attorney Selvaggi dated December 27, 2022, **A7**-Email from Fire Chief David Sulpy, **B1**-Certificate of Occupancy dated 2/4/1978

Attorney Selvaggi made a presentation to the board. Attorney Selvaggi stated that since the Resolution from 1977 was never enforced with the two lots being merged, the cul-de-sac was never built and that the CO for the house on Lot #14.04 should never have been granted until the conditions were met. The applicant is asking that the conditions that were placed in the Resolution should be removed. Attorney Selvaggi informed the board that his client has made an application before the Board of Adjustment to build on Lot #14.05 and to finish the cul-de-sac for Heather Hill Road which is a Private Road. Attorney Selvaggi stated that the applicant had initially applied to the Lebanon Township Board of Adjustment to get approval to build on a private road. The applicant also needed bulk variances for lot area along with front yard setback.

The board discussed with the applicant the merger of those two lots along with the fact that the cul-de-sac was never completed. The board also noted that the assessment on the lot was changed to \$15,000.00 at the request of the former owner since it was not a building lot. At this time the following was marked into evidence **A7**-Fire Department Letter. At the conclusion of Mr. Ingram's testimony, Chairman Piasecki asked Planner Kyle and Engineer Bayer for their comments. Planner Kyle asked about the Performance Guarantee that had been posted back in the 1970's. Engineer Bayer mentioned the Fire Access, Steep Slopes Ord., Design Standards and the Storm-water Retaining Wall. The board discussed these issues with the board's professionals. At the conclusion of the board's comments, Chairman Piasecki opened the hearing to the public for questions of the applicant. Several members of the public had questions of the applicant. After more discussion by the board, Chairman Piasecki asked for a motion to open the hearing for statements and comments. Motion by Ms. Zatika and seconded by Mr. Skidmore to open the hearing up to the public for statements and comments. Unanimously approved. At this time, members of the public made many comments and statements. At the conclusion of the public comments and statements motion by Ms. Zatika and seconded by Ms. Koehler to close the public portion of the hearing. Unanimously approved.

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The board discussed the issues at length and the consensus of the Board was that the conditions of the Resolution of 1977 should not be amended. Motion by Mr. Rich and seconded by Mr. Skidmore to deny the applicant's request to remove conditions and to uphold the Planning Board Resolution of 1977.

ROLL CALL **Yes:** Mr. Piasecki Ms. Ryan **No:** Mr. Abuchowski **Absent:** Mr. Schmidt
 Mr. Weiler Mr. Skidmore Mr. Falconeri Ms. Bleck
 Ms. Koehler Ms. Zatika
 Mr. Rich

Attorney Gallina will prepare the Resolution to be on the next Agenda of March 7, 2023

Chairman Piasecki announced that the Planning Board will go into Closed Executive Session at this time. Motion by Mr. Rich and seconded by Ms. Zatika to close the public portion of the meeting and go into Executive Session. Unanimously approved.

WHEREAS, the Open Public Meetings Act also recognized exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Planning Board finds it necessary to conduct a Closed Executive Session to the Public as permitted by the N.J.S.A. 40:4-12; and

WHEREAS, the Planning Board will reconvene in public session at the conclusion of the Executive Session;

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an Executive Session to discuss the following topic as permitted by N.J.S.A 40:4-12;

 X Matters involving appointments and whereas the public disclosure of such information at this time would violate the appointment, therefore this information will be withheld until such time as the matter is concluded. The Planning Board will review Professionals: John Gallina, James Kyle and Ted Bayer regarding potential reappointments.

BE IT FURTHER RESOLVED, that the Planning Board hereby declares that their discussion of the subjects identified above may be made public at a time when the Planning Board is advised that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Township or any other entity respect to said discussion.

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BE IT FURTHER RESOLVED, that the Planning Board for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Motion to close the Executive Session and return to the public portion of the meeting.

Motion by Ms. Koehler and seconded by Ms. Zatika to return to the public portion of the meeting. Unanimously approved. Motion made by Mr. Abuchowski and seconded by Mr. Falconeri to interview Professionals. Unanimously approved.

APPOINTMENTS FOR PROFESSIONALS: Discussion and determination regarding reappointment

The following appointments will be carried to an upcoming meeting.

- a. John Gallina, Esq.
- b. James Kyle, PP/Beth McManus, PP
- c. Bayer/Risse Engrs. – Ted Bayer/Casey Woods, Engrs.
- e. Mark Blount, Esq. – Alternate Attorney

ADOPT RESOLUTIONS: a. Authorizing Agreement for Professional Services

ADOPT RESOLUTION FOR PROFESSIONALS ON PAY TO PLAY

ADOPT PROFESSIONAL CONTRACTS:

- a. John Gallina, Esq.
- b. James Kyle, PP – Kyle McManus Associates, LLC
- c. Bayer/Risse Engrs. Ted Bayer/Casey Woods, Engrs.
- d. Mark Blount, Esq. (Alternate Attorney)

The following professional contracts will be carried to an upcoming meeting.

ITEM FOR DISCUSSION:

- a. NJPO - State Mandate Classes for Planning & Zoning Board Members

Ms. Glashoff informed those board members that will need to take the NJPO course for Planning & Zoning and gave them upcoming dates on Saturdays which includes one Sunday and one Wednesday and asked that they check their Calendars and let her know which date they would like to take the course so she can sign them up.

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b. Floodplain Ordinance

Engineer Bayer reviewed for the board the Floodplain Ordinance which is scheduled for a Public Hearing on February 15, 2023.

PRESENTATION OF BILLS:

a. John Gallina, Esq.	\$600.00 – Regarding litigation on the NAR Group
b. Court Stenographer	\$250.00 – Attend February 7, 2023 PB Meeting
c. Solstice	\$ 36.00 - Floral Arrangement
Total:	\$886.00

Motion by Mr. Abuchowski and seconded by Mr. Weiler to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

- a. NJPO Newsletter – November/December 2022
- b. Law of the Land Articles (3)

Motion to open the meeting to the public by Mr. Abuchowski and seconded by Ms. Koehler. Unanimously approved. At the conclusion of the public comments, motion by Ms. Zatika and seconded by Ms. Koehler to close the public portion of the meeting. Unanimously approved.

Being no further business to come before the board, nor comments from the public, motion by Ms. Zatika and seconded by Ms. Koehler to adjourn the meeting at 10:20 pm. Unanimously approved.

CHAIRMAN CHRIS PIASECKI

GAIL W. GLASHOFF, PLANNING BOARD CLERK