

**REGULAR MEETING**

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

**February 6, 2018**

The 912<sup>th</sup> Regular Meeting of the Lebanon Township Planning Board was called to order at 7:03 p.m. by Chairman Gary MacQueen. Present were: Ms. Koehler, Mr. Duckworth, Mr. Darryl Schmidt, Mr. Rich, Mayor Mike Schmidt, Attorney Gallina, Planner Bolan & Engineer Risse. **Excused:** Ms. Bleck, Mr. Piasecki, Mr. Gerlich & Mr. Skidmore.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 16, 2018, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the Lebanon Township Website and the Bulletin Board in the Municipal Building on January 31, 2018.

**SWEAR IN:** Rick Weiler Class IV Regular Member 4 Year Term

Attorney Gallina swore in Mr. Weiler for a 4 year term.

**PRESENTATION OF MINUTES:** January 16, 2018 Reorganization/Business Meeting

Motion by Mr. Rich and seconded by Mr. Weiler to approve the minutes with a minor correction. Unanimously approved.

**ADOPT PROFESSIONAL CONTRACT:**

a. James Kyle, PP (Alternate Planner)

Ms. Glashoff reviewed for the board, Planner Kyle's contract and noted the hourly rate was the same as Planner Bolan's. Motion by Darryl Schmidt and seconded by Mayor Mike Schmidt to approve the contract as presented. Unanimously approved.

**NEW BUSINESS:**

Lebanon Township Planning Board  
530 West Hill Road  
Glen Gardner, N.J. 08826

**PUBLIC HEARING** Master Plan - Adopt Housing Plan Element & Fair Share Plan

Ms. Glashoff stated that all the notices are in order and the board can proceed with the public hearing. Planner Bolan made a presentation to the board. Planner Bolan said this all started in March of 2015 with the 2015 Supreme Court decision which invalidated COAH which sent all the cases back to the Court. The Township filed a motion on July 2, 2015 for a Declaratory Judgement seeking a declaration of

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compliance with the Mt Laurel doctrine and the Fair Share Housing Act of 1985. On August 15, 2017, the Township entered into a settlement agreement with the Fair Share Housing Center (FSHC), a Supreme designated interested party and through the settlement, a defendant in the proceeding to resolve the matter. On September 12, 2017 Judge Thomas Miller conducted a fairness hearing and approved the settlement concluding that the Settlement Agreement is fair to the low and moderate income households. This is in accordance with the law and the Township's Affordable Housing obligations pursuant to the Mt Laurel decisions and the Fair Housing Act. Our Housing Plan Element & Fair Share Plan implements the provisions of the Settlement Agreement.

The affordable housing obligation includes the housing need for 1987 to 2025. There are three components: the rehabilitation share; the prior round obligation (1987 to 1999); the third round prospective need obligation (1999 to 2025). Planner Bolan referred to our present need obligation stating the present rehabilitation share for affordable housing is the number of existing housing units as of April 1, 2010 that were built before 1950. The Settlement Agreement states that the Township's obligation for rehabilitation units is 3 units. Planner Bolan explained to the public the prior round obligation and the third round prospective need obligation.

Planner Bolan said that the prospective need transferred to the Highlands Council by means of the Regional Affordable Housing Development Planning Program (RAHDPP). Per the Kinsey Report the Township has a Third Round Need of 66 affordable units which was adjusted through the Settlement Agreement. The Township also has an unsatisfied obligation of 1 affordable unit from the Prior Round which gives the Township a total of 67 affordable units. Planner Bolan informed the board that it will continue with the existing rehab program. Planner Bolan said at the present time, the Township has sufficient funds to satisfy its present need, but if funding becomes insufficient then the Township will have to bond for any shortfall.

Planner Bolan noted that the requirement to address the remaining Third Round prospective obligation of 65 units shall be deferred until adequate sewer is made available. Also due to Highlands regulations there are no tracts within the Township where zoning for inclusionary development is appropriate. The Township will provide one unit of affordable housing through a market-to-affordable program and a unit for an accessory apartment program. In the event that the Highlands Act regulations are repealed or amended in a significant manner to affect development, the Township will reexamine and if necessary amend its Housing Plan Element & Fair Share Plan.

At the conclusion of Planner Bolan's presentation, there were no questions by the board nor the public. Ms. Koehler asked where the money is coming from to do the market to affordable and the rehabs. Planner Bolan said it is coming from the Affordable Housing Trust Fund which has approximately \$152,000.00 in the account. Ms. Koehler asked how are we going to get the message out to the residents. Ms. Glashoff said notices can go in the Tax Bills when they go out in July and also on the website. Darryl Schmidt said if the Township bought a big chunk of land that you want to preserve with

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Green Acres money could you cut of a piece of the land with the house and have the house for affordable housing, than you can kill two birds with one stone. You could probably convert it to a 2 family house. Chairman MacQueen said the next step is to approve this and send to the Township Committee. Planner Bolan said the Township Committee needs to endorse this and do a resolution. Planner Bolan said he is working on the amendments to the Affordable Housing Ordinance and doing a spending plan. Planner Bolan said in order to spend any of the money we have to have a spending plan which will have to be approved by the Court. Ms. Glashoff asked how much time do we have to get this all done. Planner Bolan said we have a hearing next week which we asked for an adjournment which was granted.

Chairman MacQueen asked for a motion. Motion by Mr. Duckworth and seconded by Darryl Schmidt to adopt the Housing Plan Element & Fair Share Plan.

<b>ROLL CALL</b>	<b>Yes:</b> Ms. Koehler	Mr. MacQueen	<b>Absent:</b> Mr. Gerlich
	Mr. Duckworth	Mr. Weiler	Mr. Piasecki
	Darryl Schmidt	Mayor Mike Schmidt	Ms. Bleck
	Mr. Rich		Mr. Skidmore

**Attorney Gallina will prepare the Resolution to be on the next agenda of March 6, 2018.**

**ITEMS FOR DISCUSSION:**

- a. Review Chapter 366 – Vehicles, Inoperable/Unlicensed & Ordinance Amendment proposal  
**(Handed out at 1/16/2018 Meeting)**

Chairman MacQueen asked if anyone had any thoughts/comments regarding this ordinance. Attorney Gallina said he had a caution. A copy of the ordinance that was sent by the Zoning Officer referred to the seizing of a vehicle and disposing of a vehicle that he would present a real serious due processing argument if that were done. It should only be done if it is with court sanctioning or court order. Chairman MacQueen said disposing or removing of it. Attorney Gallina said either. Attorney Gallina said if you have a court order to remove that's ok, but if you are just going to remove it then it is a problem you will get hit with a violation of due process argument. You should never do a removal without a court order. Planner Bolan asked isn't this how our existing ordinance works. The current ordinance was discussed at length. Mayor Schmidt said he was informed by the Zoning Officer that he has gone to court and the resident doesn't show up and when they do show up in court in the end the Judge doesn't do anything. Attorney Gallina said you need to have the Court issue an order to back you up regarding the violation. Attorney Gallina said the Zoning Officer could issue a summons daily and that would get their attention. Mayor Schmidt said that with his discussion with the Zoning Officer who wanted the ordinance strengthened. It is the opinion of the Planning Board that the ordinance is in

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good shape and that it doesn't need any adjustments. Chairman MacQueen said he agrees with the comments made by Attorney Gallina and Planner Bolan regarding the ordinance. The board continued with the discussion regarding this ordinance. At the conclusion of the board's discussion, motion by Mr. Rich and seconded by Ms. Koehler to tell the Township Committee the Planning Board likes the ordinance as is and according to the Board Attorney & Planner believe that the existing ordinance will work if done correctly. Unanimously approved.

b. **ROSI** for review & Chairman signature.

Mayor Schmidt informed the board that in order to get the grant from Green Acres the Township has to have the Planning Board Chair and Mayor both sign the ROSI. This has to do with all the properties that the Township has received grants from Green Acres. The last time the ROSI was updated was in 2012. Once a property is on this ROSI it is filed with the County and if the owner tries to sell it for development it would be in violation of the grant. The board thanked Mayor Schmidt for the update.

**PRESENTATION OF BILLS:**

a. John Gallina, Esq.	\$375.00 – Attend PB Meeting 1/16/2018 & Review ord. abandoned & unlicensed vehicles
b. Steve Risse, Engr.	\$260.00 - Attend PB Meeting 1/16/2018
<b>TOTAL:</b>	<b>\$635.00</b>

Motion by Mr. Weiler and seconded by Mr. Rich to approve the bills for payment. Unanimously approved.

**CORRESPONDENCE:**

a. Highlands septic system density rule 2017

Planner Bolan said this rule had been proposed back in 2013/2014. It was to change the preservation area density. The zoning would have ranged between 12 and 23 acres zones instead of the 25 & 88 acres. Attorney Gallina said the 12 acres would be for the conservation area and the 23 acres would be for the preservation area. This had been proposed by the legislature and was vetoed by Governor Christie because of the legislature didn't follow proper procedure. Attorney Gallina said the parting DEP Commissioner sent a letter to the Senate President that the DEP is not going to withdraw these rules because the legislative resolutions are constitutionally flawed. Attorney Gallina said it is now going up to the Supreme Court to decide whether or not proper procedure had been followed. Planner Bolan said they did a mapping of some land management areas in the Highlands Plan and established conservation zones, protection zones and existing community zones.

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Planner Bolan said the lot area would vary based on the zone and not based on any septic criteria. Planner Bolan explained to the board how all this would have worked out. Chairman MacQueen asked what the chances would be for the Supreme Court to side with the DEP. Planner Bolan did not comment on it. Planner Bolan said the Appellate Court upheld the Legislature. Planner Bolan didn't see the Supreme Court overturning the Appellate Court which upholds the Legislative Division.

Being no further business to come before the board, nor comments from the public, motion by Ms. Koehler and seconded by Mr. Rich to adjourn the meeting at 7:50 p.m. Unanimously approved.

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**CHAIRMAN GARY MACQUEEN**

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