

REGULAR MEETING

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

June 1, 2010

The 827th Regular Meeting of the Lebanon Township Planning Board was called to order at 7:03 p.m. by Chairman Gary MacQueen. Present were: Mr. Weeks, Mr. Schmidt, Mr. Piasecki, Ms. Bleck, Mr. Piazza, Mr. Weiler, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Rich

This meeting was noticed in the "Annual Meeting Notice Schedule" adopted by this board on January 12, 2010 and mailed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on May 26, 2010.

PRESENTATION OF MINUTES: April 6, 2010 Regular Meeting

Motion by Mr. Piazza and seconded by Mr. Piasecki to approve the minutes as presented. Unanimously approved.

Chairman MacQueen asked when the zoning officer would be attending a meeting. Ms. Glashoff stated the board in discussing the memo said they would like the zoning officer to come to an upcoming meeting. Ms. Glashoff said the first two items in the memo were addressed per Planner Bolan comments from the last meeting. Once the board decides on the next meeting, the zoning officer will be asked to attend.

FYI: Disclosure Statement

NEW BUSINESS:

Housing Plan Element and Fair Share Plan - **PUBLIC HEARING**

RESOLUTION - Adopt Housing Plan Element & Fair Share Plan

Ms. Glashoff informed the board that notice of this hearing was in the Hunterdon Review and a certified letter was sent to the Hunterdon County Planning Board. Attorney Gallina had the following items marked into evidence: **B1**-Notice in Newspaper, **B2**-Notice served on the Hunterdon County Planning Board including POD slip.

Planner Bolan announced that this is a Public Hearing on the Housing Plan Element and Fair Share Plan. Planner Bolan noted that the board has addressed this plan on several prior occasions. Since the board's last review of the plan, he has received a letter back from the Highlands Council. They asked for a couple of small changes which didn't change the actual plan itself. Planner Bolan said for background for the public present, most municipalities in the state had to submit a housing plan to COAH by December 8, 2009. Because the Township is in the Highlands, we had a 6 month extension to June 8, 2010. The Planning Board is now holding the public hearing to met the deadline.

Planner Bolan said at this time, no one knows what will happen with COAH's existence or the Fair Housing Act. The plan provides for 12 affordable units. Our obligation currently is 7 units which is from the growth in the Township that has occurred since January 1, 2004 which is based on the CO's that have been issued since that time period for new residential development. The 12 units is a projection to the year 2018. The board did a plan back in 2005-2006 that addressed an obligation of 14 units which was COAH's number at that time. There was a court case and the COAH numbers were amended and the final regulations were done in September of 2008. Our number under COAH' regulations went from 14 to 35 affordable units. The Highlands had new growth projections and now we are at 12 affordable units, seven of which we are currently obligated. Our plan proposes just two things, one is a rehabilitation program which we have an obligation. The 12 affordable units we are proposing 6 accessory apartments and also go into a partnership which is a municipally sponsored market to affordable program in association with Hunterdon Hills Residential Care Facility.

This plan will be submitted to both COAH and the Highlands Council by next Tuesday along with other documentation that Planner Bolan has to provide like an Affordable Housing Ordinance, the Township Committee has to adopt two Resolutions in order to submit this plan which they have for tomorrow nights Township Committee meeting. Planner Bolan said he has to submit a spending plan which will show how we intend to spend the money we have in our affordable housing trust fund from which we have collected our development fees.

Mr. Piazza asked about the grant monies and if all this work was covered under the grant. Planner Bolan said yes. Mr. Piazza asked if there were a deadline where we can no longer get any grant money. Planner Bolan said no, the Highlands expect this to continue. Planner Bolan said the Township is expecting a letter back from the Highlands on our completed application which had been sent in for Plan Conformance. We can use the grant monies for any provisions that the Council has on those. Chairman MacQueen said he received a letter from the Highlands Council which stated the monies appropriated by the prior administration is still in place. The Council expects it to cover what they promised. Mr. Weiler asked Planner Bolan what he foresee happening to COAH. Planner Bolan said he thinks COAH will be abolished. The legislature was to act on their bill on May 20th and the Governor's proposal came out on

Lebanon Township Planning Board

June 1, 2010

Page 2

May 15th and they pulled the legislative bill off the voting docket and sent it back to committee. There will be some kind of accommodation between the two to have these bills come out the same. Both bills abolish COAH. Ms. Glashoff stated from what she has read, the Governor wants the responsibility to go back to the municipalities, but they will still need to report to the state. Planner Bolan said what it will do is eliminate the number when assigning it to the municipality. The municipality can self determine the number and there is also a provision in the legislation which won't help Lebanon Township, you can demonstrate that you already provide enough affordable housing by taking housing stock, income levels, assess evaluations of homes. Planner Bolan said from reading this, it only applies to attach housing stock which doesn't help a municipality that has only detached single family dwellings. We could count the mobile home park.

Ms. Glashoff asked if she should put something together to go out with the tax bills. Planner Bolan said yes with the rehabs because that will continue. At the conclusion of Planner Bolan's presentation, Chairman MacQueen opened the hearing to the public for questions of the Planner. Someone asked about the notices that will be sent to property owners. Ms. Glashoff explained the process with doing a mail to people that could qualify for the rehab program. There would also be a notice sent out with the tax bills.

Chairman MacQueen announced that the public portion of the hearing is now closed. Chairman MacQueen asked if there were any comments by board members. There were none. Motion by Mr. Piasecki and seconded by Ms. Bleck to approve the Housing Plan Element and Fair Share Plan and to adopt the Resolution. Unanimously approved.

INFORMAL:

Doug Stryker
38 Bonetown Road
Flemington, N.J. 08822

Block #7 Lot #8
Route 31 B2

Discuss the existing house and what would be needed for a minor site plan.

Mr. Stryker and Engr. David Stires were present to discuss the property in question. Mr. Stryker said the opportunity to purchase the property became available and he does not want to make any changes to the house but wants to fix it up and use it commercially. He has two people interested in renting, one is a barber and the other would be for an office. Both are permitted uses in the B2 zone. Mr. Stryker said he is looking for guidance from the board. Chairman MacQueen asked if the previous owner had done any work to the house fixing it up. Mr. Stryker said that he hasn't done anything to the house because he was told by the zoning officer not to touch anything, don't go on the property and he stayed away since he didn't want to get into trouble with the zoning officer. Mr. Stryker said the only thing he did to the house was change the lock.

Attorney Gallina asked if the person who wants to use the house as a barber shop gave him any kind of layout. Mr. Stryker said the individual wanted to have 3 chairs. Planner Bolan asked what the building area (square footage) was. The size is around 400 square feet per Mr. Stryker. Planner Bolan said it would dictate how much parking you could have. Planner Bolan said the gravel area looked to be about 40' wide in the back which could have up to 4 cars. Chairman MacQueen asked about the gravel area if it is up to date or is it covered with grass. Engineer Stires said they found road stone under the grass. Mr. Piazza asked about the septic system. Engineer Stires said they tested the system about 3 weeks ago, pumped water into the system and ran dye and did not find any issues. Engineer Risse asked how long the house has been empty. Depending on the use even though there is only one bedroom, they may need to do an upgrade. Mr. Piazza expressed concern with the river being directly behind the house. The question of the DOT came up. Engineer Risse said they might need a sign off from the DOT since they will be entering on to a state highway. Mr. Schmidt asked about the DEP because of the change in use. At the conclusion of the board's discussion, Mr. Stryker asked if he could put a new roof on the house, there are broken windows and he would like to be able to fix those problems. The board told him to get the permits he would need and take care of the existing problems since it is maintenance. Mr. Stryker said he wasn't looking to occupy the house but just get it fixed up for now. They have been in contact with the Hunterdon County Board of Health. Mr. Stryker said the well is a hand dug well and he contacted Stover Well Drilling and they will get a permit to close it up and will have a new well drilled. Chairman MacQueen informed Mr. Stryker that once they have everything worked out then they can file a minor site plan which will need notices to the adjoining property owners and a public hearing. Mr. Stryker thanked the board for their input. Before Mr. Stryker left Mr. Piazza asked about the shared driveway and wanted to know if it would be a problem. Mr. Stryker said that he owns that portion of the driveway.

ITEMS FOR DISCUSSION:

a. Home Occupation Ordinance Amendment – Planner Bolan

Planner Bolan said this ordinance was adopted by the Township Committee last fall but it did not reflect the last comments made by the board. This amended version now reflects those recommendations and when we reviewed John Flemmings' letter there were items that now are included in these amendments. The 2000 square foot limit and the parking have now been addressed. Mr. Piazza asked Attorney Gallina

Lebanon Township Planning Board
June 1, 2010
Page 3

to send a memo to the Township Attorney to give him a heads-up on what is transpiring with this ordinance. Mr. Schmidt asked on Section II number 7 regarding the no nuisance element detectable beyond the property line and asked if there were standards for this. Planner Bolan said there are standards in the ordinance. All the standards that are adopted by the state deal with industrial sources. At the conclusion of the board's discussion, motion by Ms. Bleck and seconded by Mr. Schmidt to approve the amendments and to send to the Township Committee for introduction and adoption. Unanimously approved.

b. Alternative Energy Ordinance/Chapter 244 & A3740 – Planner Bolan

Planner Bolan when over the main changes that were made to the ordinance starting with the Wind Mills. Planner Bolan stated that Mr. Schmidt had pointed out the state legislation and in this version he used all of the provisions so our ordinance would be consistent with the state legislation. Mr. Weiler asked regarding the state law where the height of systems for an application of a generic ordinance regulation and asked what it meant. Planner Bolan thought it meant that a generic ordinance would be 200'. If your system is 30' then your setback is 45'. Planner Bolan went on with his review of the changes and amendments to the ordinance. Planner Bolan said he compared Bethlehem's abandonment provision to ours and they are basically the same. Mr. Schmidt said from reading theirs it has you remove the top portion where ours has you remove the entire structure. Mr. Schmidt said he prefers how our abandonment section is written. Planner Bolan said we changed the setbacks from 200% to 150% and along the decimal reading at the property line.

The last big changes are with the Outdoor Wood Burning Stoves. Based on comments from the last meeting Planner Bolan amended the wording for the setbacks to say on a lot where a stove is proposed and the adjoining lots are developed the minimum setbacks shall be measured from the stove to the closest point of the adjoining dwelling unit. The setbacks on lots where the adjoining lots are undeveloped the minimum setbacks shall be measured from the stove to the actable setback on the undeveloped lot. Mr. Piazza asked about lot size. Planner Bolan said it was taken out. An absolute minimum lot would be 3.5 acres. None of the zones are being eliminated you will just need to meet the setback requirements. At the conclusion of the board's lengthy discussion, Chairman MacQueen said that he would prefer not to vote on this ordinance this evening but wait until all board members are present. He noted that he still was not in favor of the 25 acres for the wind mills. Mr. Schmidt agreed with the Chairman regarding the 25 acres for the windmills. Chairman MacQueen felt the acreage was still open for discussion. Ms. Glashoff said she will get the Bethlehem Township Ordinance and mail it out to the board and Planner Bolan before the next meeting.

Chairman MacQueen opened the meeting to the public for comments or questions regarding the discussion on this ordinance. Mr. Marc Laul addressed the board stating that he had installed a wood burning furnace 9 years ago, got all the necessary permits and the endorsement of the EPA. Mr. Laul said his boiler runs 365 days a year, since this is his only source of heat and hot water for his house. Mr. Laul asked if he doesn't fall within the guidelines of this ordinance will he be able to replace his boiler when the time comes. Mr. Piazza asked will he have to fall under the rules of when he can burn and when he can't. Planner Bolan said he is grandfathered with the existing boiler. At this point, Anthony Casale interjected during the discussion with Mr. Laul and Attorney Gallina informed Mr. Casale that this board does not pass ordinances, the Township Committee does that. Mr. Casale stated the ordinance does not make any sense, referring to the setbacks, the distance of the stove to the building. Planner Bolan noted that the Zoning Officer had denied zoning permits for these wood burning stoves, this is why the board is putting together an ordinance which includes wood burning stoves. The point being made is that the Zoning Officer has been denying these zoning permits and he would continue to deny any wood burning stoves unless this board did something to make them legal. Mr. Casale went on with his comments.

Mr. Schmidt asked Mr. Laul how many cords of wood it takes to heat his house not counting using hot water in the warmer months. Mr. Laul said 15-16 cords. Chairman MacQueen informed Mr. Laul as far as zoning he has a pre-existing use. Chairman MacQueen asked Attorney Gallina how does this affect Mr. Laul in replacing the stove. Attorney Gallina said he would have to comply with the DEP and would have to get a zoning permit. If Mr. Laul was denied he could appeal the decision of the zoning officer to the Board of Adjustment. At the conclusion of the discussion with Mr. Laul, Chairman MacQueen asked if there was anyone else who would like to make any comments. There were none.

d. Chapter 213 – Preserved Farmland No discussion.

PRESENTATION OF BILLS & REPORT:

a. John Gallina, Esq.	\$ 595.00
b. Michael Bolan, PP	\$ 1,053.95
	\$11,038.44
c. Bayer/Risse Engrs.	\$ 298.75
Total:	\$12,986.14

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

Lebanon Township Planning Board
June 1, 2010
Page 4

CORRESPONDENCE:

- a. Highland Update from Executive Director Swan
- b. Law of the Land Articles
- c. NJ Planner
- d. Governor's Affordable Housing Announcement
- e. NJLM – Governor's Reform of Affordable Housing

OPEN TO THE PUBLIC

Mr. Casale went over the procedure that had taken place at the Township Committee back last December 2009 when they discussed the Highlands Plan Element and the Resolution that had been adopted by the Planning Board recommending that the Township Committee vote not to submit a petition for Plan Conformance to the Highlands Council for lands in the Township lying in the Preservation Area. Mr. Casale said only three Committee people elected to vote to adopt the Plan Conformance Element. Mr. Casale said the Committee had time and could have waited until the next meeting to vote when all members of the Committee were present. In January the Committee decided to send the Resolution to the Planning Board for input before sending to the Highlands Council which Mr. Casale referred to as a Wish List. Mr. Casale asked if the Planning Board had any knowledge of what has transpired since the second Resolution was sent to the Highlands Council. Planner Bolan said he hasn't heard anything. Mr. Casale thought the Highland Update under correspondence had something to do with those resolutions. Chairman MacQueen said no.

Since there were no other comments by the public, Chairman MacQueen asked when the next Planning Board was scheduled. Ms. Glashoff suggested canceling the July 6th meeting and having the next meeting on August 3rd. The board agreed .

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Piazza to adjourn the meeting at 8:45 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK