



LEBANON BOROUGH
PLANNING BOARD & BOARD OF ADJUSTMENT
MINUTES
MARCH 12, 2014

The Regular meeting of the Lebanon Borough Planning Board/Board of Adjustment was called to order by Chairman Saharic at 7:00 P.M.

The meeting was convened in compliance with the Open Public Meetings Act of 1975. Three local newspapers were notified and a notice is posted at Borough Hall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all.

ROLL CALL:

Members Present: Alexander Saharic, Dr. Christopher Uchrin, William Skene, Joseph Hauck, James Newman, Ron Lapczynski, Mayor Reino and Henry Hopkins
Absent: Councilman Sam Berger, James Newman, William Wilson and David Abeles
Also present: Clerk Karen Romano, Attorney William Shurts and Engineer Robert Brightly

MINUTE APPROVAL:

Mr. Hauck moved, and Mayor Reino seconded, a motion that Reorganization Minutes of January 2014.

The motion passed with the following roll call vote:

Ayes: Saharic, Uchrin, Skene, Hauck, Lapczynski, Reino and Hopkins

Nays: None

Absent: Wilson, Abeles, Berger, Newman

Abstain:

EXPENDITURE APPROVAL:

Mr. Lapczynski moved, and Mayor Reino seconded, a motion to approve the Bill list of March 2014.

The motion passed with the following roll call vote:

Ayes: Saharic, Uchrin, Skene, Hauck, Lapczynski, Reino and Hopkins

Nays: None

Absent: Wilson, Abeles, Berger, Newman

Abstain:

RECOMMENDATION OF ORDINANCE #2014-02

Mayor Reino moved, and Dr. Uchrin seconded, a motion to approve the Bill list of March 2014.

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 2014-2

**AN ORDINANCE TO AMEND THE LAND USE ORDINANCES OF THE BOROUGH
OF LEBANON REGARDING WATER SERVICE DURING THE MORATORIUM
IMPOSED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

WHEREAS, Ordinance 2013-3 was adopted to amend the Land Use Ordinances of the Borough of Lebanon to recognize the interim moratorium imposed by the New Jersey Department of Environmental Protection on the Clinton Water Company's provision of new water services to residents and developments within those municipalities serviced by the Clinton Water Company; and

WHEREAS, prior "will-serve" letters had been provided by the Clinton Water Company to residential and commercial developers in the Borough of Lebanon, and based thereon, applications for future development were processed and approved by the Planning Board and/or Board of Adjustment of the Borough of Lebanon; and

WHEREAS, as a result of the NJDEP moratorium issued to the Clinton Water Company, pre-approved developers have been rejected and denied on their applications for current water service by the Clinton Water Company; and

WHEREAS, the Governing Body of the Borough of Lebanon adopted Ordinance No. 2013-3 to amend the site plan, subdivision, change of use and checklist requirements of the Borough's Land Use Ordinance to prohibit the review of a development showing a public utility or utilities without an executed contract for such service or services being provided in advance of said review; and

WHEREAS, the Clinton Water Company will not enter into contracts authorizing, approving and granting water service for any proposed development while the interim moratorium is in effect thereby rendering compliance with the current checklist requirement regarding same a practical impossibility, and thus effectively preventing a determination of completeness for any such application and barring a public hearing on same; and

WHEREAS, the New Jersey Department of Environmental Protection will not review a plan for development requiring public water until that plan has received approval from the municipal board having jurisdiction over the application; thereby preventing any owner or developer of property from obtaining any type of review of its plan at this time; and

WHEREAS, some new developers, being aware of the existing moratorium, nonetheless are desirous of conditionally processing their applications for development approval before the Planning Board/Board of Adjustment.

WHEREAS, the Borough of Lebanon has determined that such owners and developers should be permitted to present their applications under certain conditions which protect the Borough of Lebanon from any future adverse actions or ramifications based upon allowing the municipal review of such applications for development under the current circumstances.

NOW THEREFORE BE IT ORDAINED by the Council, of the Borough of Lebanon, in the County of Hunterdon, and State of New Jersey, with the approval of the Mayor, that the Land Use Ordinances of the Borough of Lebanon shall be amended to provide as follows:

SECTION ONE: Any applicant for approval of development by the Planning Board and/or Board of Adjustment of the Borough of Lebanon may submit an application which acknowledges by way of separate written agreement, that in consideration of the Board deeming the application complete without a contract for water service from the Clinton Water Department and hearing such application, the applicant acknowledges and it shall be made a condition of any approval and included in the Board's Memorializing Resolution that:

(1) The applicant acknowledges that there exists a moratorium by the New Jersey Department of Environmental Protection issued to the Clinton Water Company prohibiting any new water service agreements or hook-up pending further Order of the NJDEP.

(2) Nonetheless, the applicant desires to proceed with an application to seek Board approval subject to such conditions imposed by the Board, including but not limited to the requirement to secure a written contract for water service by, through, or with the Clinton Water Company or authorization for such other water service source approved by the New Jersey Department of Environmental Protection or such regulatory agency having jurisdiction.

(3) The Applicant acknowledges that all conditions of the Board approval, including the provision of sufficient water service to the development shall be satisfied prior to a construction permit being authorized for the development.

(4) The Applicant, Owner and Developer of the property assumes all risks associated with the failure to first secure a written contract for the provision of water

to their development or such other pre-approved water source as outlined above.

(5) The Applicant, Owner and Developer hereby indemnifies and shall hold the Borough of Lebanon, all government agencies, their agents, representatives, employees, elected representatives, and professional consultants, harmless from any and all claims of any party which may result or be causally related to their decision to pursue approvals without first securing such prior agreements for water service or pre-approved alternate water source for their property.

SECTION TWO: All other provisions of the Ordinance shall remain unchanged and in full force and effect. This Ordinance shall take effect immediately after final adoption and publication in accordance with the laws of the State of New Jersey.

SECTION THREE: In event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Borough Council hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.

SECTION FOUR: Effective date. This Ordinance shall take effect upon final adoption and publication in accordance with the law.

ATTEST

BOROUGH OF LEBANON

Karen Romano, Borough Clerk

Michael Reino, Mayor

Vote after public hearing and upon final adoption:

Berger _____

Burton _____

Junge _____ Ordinance approved by the Governing Body and presented

Knoble _____ to the Mayor on _____, 2014

Pittinger _____

Schmidt _____

Veto in Whole or Part:

Approved: _____

Michael Reino, Mayor
Date:

Michael Reino, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 2014

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on March 19, 2014 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on at April 8, 2014 at 7:30 p.m. in the Municipal Building, located at 6 High Street, Lebanon, New Jersey

The motion passed with the following roll call vote:

Ayes: Saharic, Uchrin, Skene, Hauck, Lapcynski, Reino and Hopkins

Nays: None

Absent: Wilson, Abeles, Berger, Newman

Abstain:

GRIST MILL COMMONS: ARUN GOYAL:

Mr. Goyal inquired about building up to 55 feet. The additional story would exceed the maximum height by the current ordinance. Mr. Goyal would apply for an informal hearing in April.

GLADSTONE EQUITIES LLC. BLOCK 6 LOT 1: INFORMAL

Attorney Anthony Koester Esq. gave the original affidavit of service and related documents to the Board Secretary.

Engineer Brett Skapinetz, PE stated he would be happy to compile with Borough Engineer Bob Brightly's entire request of the report dated February 7, 2014. Three renderings of the Sonic plan, Parking Lot and currently proposed Shopping center plan were presented. The 10 foot wide utility easement along with the ¾ inch line is already in place. The driveway will be "Right in and Right out". The proposed building is 55 feet deep. A total square feet of the proposed building is 7590 sq. ft. Gladstone Equities will be seeking approval for 4 approximate 1900 sq. ft. units. There will be 40 parking spaces proposed (38 are required). Each parking space will be proposed at 9' x 18'. (110' wide is required). Board on Board Fence along the top of the wall in the rear on the building was not shown on the drawing. Mr. Skapinetz stated his client was

flexible with regard to any landscaping request from the Board.

OPEN PUBLIC SESSION

Chairman Saharic opened the floor for public questions.

MISCELLANEOUS:

None

ADJOURN

Mr. Skene moved, Mr. Hauck seconded a motion to adjourn, there being no further business to come before the Board. The motion was passed by unanimous vote. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Karen Romano
Planning Board Secretary