



LEBANON BOROUGH
PLANNING BOARD & BOARD OF ADJUSTMENT
MINUTES
Wednesday, July 22, 2020

The Regular meeting of the Lebanon Borough Planning Board/Board of Adjustment was called to order by Chairman 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, and Mayor Pittinger
Absent: Councilman Berger, Henry Hopkins, David Abeles, William Wilson, Ron Lapczynski and James Newman
Also present: Karen M. Romano Planning Board Sec., Jon Drill Esq, Darlene Green, Planner

Attorney Jon Drill and Planer Darlene Green reviewed Resolution 2020-04 Indemnification and Hold Harmless Agreement, Resolution 2020-05 Amending direction of Planner Darlene Green of Master Consulting and Resolution 2020-06 Hiring Stan Slachetka of T&M Special Planner for the Corporate Drive Rehabilitation Study with the Board.

Mr. Hauck moved, and Mr. Skene seconded, a motion for the approval of Resolution 2020-04 Authorizing the Chairman to sign the Indemnity agreement.

BOROUGH OF LEBANON PLANNING BOARD / BOARD OF ADJUSTMENT

RESOLUTION AUTHORIZING THE BOARD CHAIRMAN TO SIGN AN INDEMNITY AGREEMENT WHEREBY TOWN CENTER LEBANON, LLC HAS AGREED TO HOLD THE BOROUGH AND THE BOARD HARMLESS AND INDEMNIFY THEM FROM ANY CLAIMS ARISING OUT OF A STUDY TO BE UNDERTAKEN TO DETERMINE WHETHER A STUDY AREA IN AN AREA IN NEED OF REDEVELOPMENT AND/OR REHABILITATION

RESOLUTION 2020-04

WHEREAS, the Borough of Lebanon (the “**Borough**”) adopted Resolution No. 103-2018 on August 22, 2018 which authorized and directed the Lebanon Planning Board / Board of Adjustment (the “**Board**”) to perform a condemnation “area in need of redevelopment” study (the “**Condemnation AINR Study**”) of certain property designated on the Borough Tax Maps as Block 4, Lots 1.01,1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9 (the “**Condemnation AINR Study Area**”) pursuant to the Local Redevelopment and Housing Law (“**LRHL**”);

WHEREAS, Board planning expert Darlene Green, PP, AICP (of Maser Consulting) competed the Condemnation AINR Study and presented same to the Board during a duly noticed public hearing on October 30, 2018, at which hearing an objector, the owner of Block 4, Lots 1.02 and 1.03 (the “**objector’s property**”), objected to the Condemnation AINR Study classification of the objector’s property and, as a result of said objection, the Board tabled consideration of the Condemnation AINR Study indefinitely and never took any formal action on the Condemnation AINR Study;

WHEREAS, subsequent to tabling consideration of the Condemnation AINR Study, the Borough adopted Resolution 80-2019 and Resolution 99-2019, which Resolutions authorized and directed the Board to perform a non-condemnation “area in need of redevelopment” study (the “**Non-condemnation AINR Study**”) of certain property designated on the Borough Tax Maps as Block 4, Lots 1.01,1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9 (the “**Non-condemnation AINR Study Area**”) pursuant to the LRHL;

WHEREAS, the Board will be engaging an outside planning consultant to prepare a preliminary investigation of the Non-condemnation AINR Study Area and the Board will thereafter conduct a hearing on whether or not to recommend to the Borough that the Non-condemnation AINR Study Area be determined to be an area in need of redevelopment and/or rehabilitation, but before the Board engages the outside planning consultant, and before the Board schedules the hearing to make recommendations, and before the Borough is willing to accept or reject the Board’s recommendations, the Borough requested that the Developer indemnify the

Borough and the Board and hold them harmless against any and all claims (as defined in the indemnification agreement which is attached hereto);

WHEREAS, the Board has determined that, in the event that the Borough authorizes the Mayor and Council President to sign the indemnification agreement, the Board Chair should also sign the indemnification agreement;

NOW, THEREFORE, BE IT RESOLVED by the Board, by motion duly made and seconded on July 22, 2020 that, in the event that the Borough authorizes the Mayor and Council President to sign the indemnification agreement, the Board Chair is authorized and directed to also sign the indemnification agreement;

* * *

The above resolution was adopted on July 22, 2020 by the following vote of Board members:

<u>Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
SAHARIC	x			
UCHRIN	x			
HOPKINS				x
ABELES				x
HAUCK	x			
SKENE	x			
PITTINGER	x			
BERGER				x
LAPCYNski				x
NEWMAN				x

ALEX SAHARIC, Chairperson

ATTEST: KAREN ROMANO, Secretary

DATE ADOPTED: July 22, 2020

The motion passed with the following roll call vote:

Ayes: Saharic, Skene, Hauck, Uchrin, , Pittinger,

Absent Abeles, Hopkins, Berger ,Wilson, Lapcynski, and Newman

Abstain:

Mr. Hauck moved, and Mr. Skene seconded, a motion for the approval of Resolution 2020-05 directing Planner Darlene Green of Maser Consulting to cease work on the redevelopment and/or rehabilitation study.

LEBANON BOROUGH PLANNING BOARD / BOARD OF ADJUSTMENT

RESOLUTION AMENDING DIRECTION TO BOARD PLANNING EXPERT DARLENE GREEN TO CEASE WORK ON THE STUDY TO EVALUATE WHETHER THE STUDY AREA IDENTIFIED BELOW QUALIFIES AS AN AREA IN NEED OF REDEVELOPMENT AND/OR REHABILITATION UNDER THE LOCAL REDEVELOPMENT AND HOUSING LAW AS A NON-CONDEMNATION REDEVELOPMENT AREA AND/OR REHABILITATION AREA

RESOLUTION NO. 2020-05

WHEREAS, the Lebanon Borough Council, by adoption of Resolution #103-2018 adopted on August 22, 2018 in accordance with N.J.S.A. 40A:12A-6, authorized and directed the Lebanon Borough Planning Board / Board of Adjustment (the “Board”) to undertake a preliminary investigation to determine whether a “Study Area”, which is described in detail below, is an area in need of redevelopment (a Condemnation Redevelopment Area);

WHEREAS, the Study Area consists of the area bounded by the north side of Route 22 at its intersection with Corporate Drive, and then on a perpendicular course, north to Interstate 78 (eastbound), and then westerly along I 78 to its intersection with Cokesbury Road, and then southerly along Cokesbury Road to Route 22, and then easterly along Route 22 to the point and place of beginning;

WHEREAS, the Board initially engaged Darlene Green, PP, AICP, its planning expert, to conduct a study and evaluate whether the property in the Study Area is an area in need of redevelopment (a Condemnation Redevelopment Area) under the criteria set forth in N.J.S.A. 40A:12A-5 as memorialized in Resolution No. 2018-05 adopted on August 22, 2018;

WHEREAS, the Lebanon Borough Council, by adoption of Resolution #80-2019 adopted on May 24, 2019 in accordance with N.J.S.A. 40A:12A-6, reauthorized and redirected the Board to complete the preliminary investigation to determine whether a “Study Area”, which is described in detail above, is an area in need of redevelopment, but as a Non-Condemnation Redevelopment Area;

WHEREAS, the Lebanon Borough Council, by adoption of Resolution #99-2019 adopted on July 17, 2019 in accordance with N.J.S.A. 40A:12A-6, amended the authorization and direction to the Board to complete the preliminary investigation to: (a) expand the Study Area to include three (3) driveways / intersections providing ingress, egress and circulation to the Study Area; and (b) include in the Non-Condemnation Redevelopment Area investigation whether the Study Area is an area in need of redevelopment and/or rehabilitation;

WHEREAS, due to Ms. Green’s schedule which no longer allows her to sufficient time to complete the study and evaluation, the Board has determined to engage an outside planning consultant to prepare the study and evaluation;

NOW, THEREFORE, BE IT RESOLVED by the Board, by motion made and seconded on July 22, 2020, as follows:

1. Board planning expert Darlene Green, PP, AICP, is directed to cease work on the study and evaluation of whether the property in the Study Area is an area in need of redevelopment and/or rehabilitation as a Non-Condensation Redevelopment Area under the criteria set forth in N.J.S.A. 40A:12A-5.

* * *

The above resolution was adopted on July 22, 2020 by the following vote of Board members:

<u>Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
SAHARIC	x			
UCHRIN	x			
HOPKINS				x
ABELES				x
HAUCK	x			
SKENE	x			
PITTINGER	x			
BERGER				x
LAPCYNYSKI				x
NEWMAN				x

ALEX SAHARIC, Chairperson

ATTEST: KAREN ROMANO, Secretary

DATE ADOPTED: July 22, 2020

The motion passed with the following roll call vote:

Ayes: Saharic, Skene, Hauck, Uchrin, , Pittinger,

Absent Abeles, Hopkins, Berger ,Wilson, Lapcynski, and Newman

Abstain:

Mr. Hauck moved, and Mr. Skene seconded, a motion for the approval of Resolution 2020-06 to hire Stan Slachetka to complete the redevelopment and/or rehabilitation study.

LEBANON BOROUGH PLANNING BOARD / BOARD OF ADJUSTMENT

RESOLUTION RETAINING OUTSIDE PLANNING CONSULTANT STANLEY SLACHETKA TO PREPARE A STUDY TO EVALUATE WHETHER THE STUDY AREA IDENTIFIED BELOW QUALIFIES AS AN AREA IN NEED OF REDEVELOPMENT AND/OR REHABILITATION UNDER THE LOCAL REDEVELOPMENT AND HOUSING LAW AS A NON-CONDEMNATION REDEVELOPMENT AREA AND/OR REHABILITATION AREA

RESOLUTION NO. 2020-06

WHEREAS, the Lebanon Borough Council, by adoption of Resolution #103-2018 adopted on August 22, 2018 in accordance with N.J.S.A. 40A:12A-6, authorized and directed the Lebanon Borough Planning Board / Board of Adjustment (the “Board”) to undertake a preliminary investigation to determine whether a “Study Area”, which is described in detail below, is an area in need of redevelopment (a Condemnation Redevelopment Area);

WHEREAS, the Study Area consists of the area bounded by the north side of Route 22 at its intersection with Corporate Drive, and then on a perpendicular course, north to Interstate 78 (eastbound), and then westerly along I 78 to its intersection with Cokesbury Road, and then southerly along Cokesbury Road to Route 22, and then easterly along Route 22 to the point and place of beginning;

WHEREAS, the Lebanon Borough Council, by adoption of Resolution #80-2019 adopted on May 24, 2019 in accordance with N.J.S.A. 40A:12A-6, reauthorized and redirected the Board to complete the preliminary investigation to determine whether a “Study Area”, which is described in detail above, is an area in need of redevelopment, but as a Non-Condemnation Redevelopment Area;

WHEREAS, the Lebanon Borough Council, by adoption of Resolution #99-2019 adopted on July 17, 2019 in accordance with N.J.S.A. 40A:12A-6, amended the authorization and direction to the Board to complete the preliminary investigation to: (a) expand the Study Area to include three (3) driveways / intersections providing ingress, egress and circulation to the Study Area; and (b) include in the Non-Condemnation Redevelopment Area investigation whether the Study Area is an area in need of redevelopment and/or rehabilitation;

WHEREAS, the Board previously engaged its planning expert Darlene Green, PP, AICP, to prepare the study and evaluate whether the property in the Study Area is an area in need of rehabilitation and/or redevelopment but the Board now wishes to engage an outside planning expert to prepare the study and evaluation because Ms. Green’s schedule no longer allows her to sufficient time to complete the study and evaluation, and the Board wishes to engage outside planning expert Stanley Slachetka, PP, AICP to prepare the study and evaluation;

NOW, THEREFORE, BE IT RESOLVED by the Board, by motion made and seconded on July 22, 2020, as follows:

1. Planning consultant Stanley Slachetka, PP, AICP, is directed to prepare the study and evaluate whether the property in the Study Area as described below is an area in need of redevelopment and/or rehabilitation as a Non-Condensation Redevelopment Area under the criteria set forth in N.J.S.A. 40A:12A-5, which report shall be submitted to the Board for further action.

2. The Study Area shall be expanded to not only consist of the area bounded by the north side of Route 22 at its intersection with Corporate Drive, and then on a perpendicular course, north to Interstate 78 (eastbound), and then westerly along I 78 to its intersection with Cokesbury Road, and then southerly along Cokesbury Road to Route 22, and then easterly along Route 22 to the point and place of beginning, but to also include the driveway entrances and exits of Corporate Drive as well as the intersection of State Highway Route 22 and Cokesbury Road, and to include all public right-of-way areas located therein.

* * *

The above resolution was adopted on July 22, 2020 by the following vote of Board members:

<u>Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
SAHARIC	x			
UCHRIN	x			
HOPKINS				x
ABELES				x
HAUCK	x			
SKENE	x			
PITTINGER	x			
BERGER				x
LAPCYNYSKI				x
NEWMAN				x

ALEX SAHARIC, Chairperson

ATTEST: KAREN ROMANO, Secretary

DATE ADOPTED: July 22, 2020

The motion passed with the following roll call vote:

Ayes: Saharic, Skene, Hauck, Uchrin, , Pittinger,

Absent Abeles, Hopkins, Berger ,Wilson, Lapcynski, and Newman

Abstain:

PUBLIC COMMENT:

Chairman Saharic opened the floor for public comment. There being none the floor was closed.

MISCELLANEOUS:

ADJOURN

Mr. Skene moved, Dr. Uchrin 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 2:30 p.m.

Respectfully submitted,

Karen Romano
Planning Board Secretary

LBPB
5-10-16
14

LBPB
5-10-16
20

LBPB
5-10-16
21

LBPB
PAGE 23
6-10-15