

maintained. The Mendham ordinance is similar to the ordinance we have for new Class III Private Roads. Ms. Glashoff stated that she had been asked by the Zoning Board to get a copy of their ordinance. She also spoke with the Boro Clerk and was informed their ordinance has been in affect for 27 years. Apparently the Boro hasn't had a problem with the ordinance being challenge and the people who live on these roads keep them up to the standard in the ordinance and the ordinance works for them. Ms. Glashoff noted the concern of the Board of Adjustment is the existing private roads which are not covered under our ordinance for newly created roads.

The board discussed this issue at length. One of the concerns with some of our private roads is that no one owns them, nor is there a Homeowners Association to maintain the road. Some roads are drift-ways. During the discussion Chairman MacQueen informed the board of the problem with the private road he lives on. Chairman MacQueen suggested if the Fire Department and/or Rescue Squad are unable to get to a property on a private road because of trees etc blocking the road, they should go to the Township Committee who can tell them to cut down the tree for accessibility for emergency vehicles. In conclusion, Chairman MacQueen felt for now this ordinance should be shelved since there was no consensus by the board of how to handle this situation.

Lebanon Township Planning Board
August 21, 2007
Page 2

Attorney Gallina asked how big is the Boro compared to Lebanon Township. Planner Bolan stated they have about 5,000 residents and is approximately 6 square miles. Chairman MacQueen noted that it is a problem every time someone comes before the Board of Adjustment because there is always someone on the road that doesn't want the road upgraded.

PRESENTATION OF BILLS & REPORT INCLUDES ADDENDUM:

a. H.C. Planning & Zoning	\$ 10.00
b. Bayer/Risse Engrs.	\$ 3,759.00
c. John Gallina, Esq.	\$ 1,400.00
d. Banisch Associates	\$ 283.60
Total:	\$5,562.60

Motion by Mr. Gerlich and seconded by Mr. Rich to approve the bills including the bill listed on the addendum. Unanimously approved.

CORRESPONDENCE:

- a. N.J. Planner
- b. Ltr from Assemblywoman Marsha Karrow
- c. Memo from Hardyston Twp re: RCA's

Mr. Rich referred to an article in the NJ Planner on beneficial uses and found it to be very informative. Mr. Rich noted the article regarding Cell Towers stated they are an inherited beneficial use. Planner Bolan and Attorney Gallina noted that Cell Towers are not an inherit beneficial use. The board discussed this issue of cell towers. Attorney Gallina reminded the board when the Cross Roads Camp went to the Office of Administrative Law, because they had an Administrative Order and then went before an Administrative Law Judge to resolve their issues with the Highlands through a hearing and got the approvals they needed.

Ms. Glashoff asked about the RCA's referring to the letter from Hardyston Township which states that our Legislators are looking to eliminate RCA's. Planner Bolan felt that this bill will not pass because you have more suburban legislators than urban legislators. It is something to be concerned about because it is one of the only options we have available to us. Planner Bolan stated in our housing plan we say we will do an RCA for 7 credits. We have written to all the towns in our region that would be receiving municipalities and the only one with any possibility was Perth Amboy. New Brunswick and Trenton were the places you could send money for RCA's,

they have so much money that they haven't spent that COAH will not let you send to them anymore. COAH in the draft regulations which were not adopted was that you could set up a bank. You don't have to find a municipality, you would give the money to a bank and there would be a centralized bank for distributing the money. Ms. Glashoff asked about the other 7 credits. Planner Bolan said the plan shows for 7 accessory apartments. Mr. Rich asked about the Mt. Kipp property with Freedom House. Ms. Glashoff informed the board that monies were gotten thru a Small Cities Grant and Patriot Builders is in the process of putting the addition on the house. Freedom House hopes to have it completed before the end of this year. Mr. Gerlich asked about the septic system. Ms. Glashoff stated that a new system is now being installed. Since becoming the Municipal Housing Liaison Ms. Glashoff is now involved with the process with COAH. Mr. Rich asked if this has been a good deal for the Township. Planner Bolan answered yes. Planner Bolan informed the board that the RCA the Township did with Lambertville, went to the senior housing on Route 518 just outside of Lambertville and it is a very nice complex. Planner Bolan noted that RCA's now are a minimum of \$35,000.00 per unit up from when we did our RCA with Lambertville for \$25,000.00 per unit.

Mr. Piasecki asked about the Court decision on the constitutionality of the Highlands. Attorney Gallina stated this was one of the first lawsuits filed. The person who filed the lawsuit did not exhaust his administrative remedies by applying for a hardship waiver from the Highlands. There are about 10 other lawsuits out there in Federal Court.

Chairman MacQueen stated that he received a phone call from Chairman Bruce Terzuolo of the Board of Adjustment and suggested having a joint meeting with the Planning Board and Township Committee. The Chairman stated that he spoke to the Mayor a couple of weeks ago about a couple of items that needed addressing. Chairman Terzuolo would like to have a joint meeting with the Planning Board and Township Committee to discuss a better way when a resolution is drafted and approved that it gets in the correct hands and is followed through by the Zoning Officer, Building Department and anyone else. Chairman MacQueen asked Ms. Glashoff who all gets the Resolutions once they are adopted. Ms. Glashoff stated that two copies go to the applicant, she keeps 4 copies, original for the minute book, 1 copy for the Resolution Book, 2 copies for the applicant's file. The Assessor gets a copy, the Zoning Officer gets a copy. The Zoning Officer gets a copy of all resolutions from both boards. The Construction Dept used to get a copy but a one time they sent them all back. An applicant might not go to the Construction Department for several months and they need to get one once they file their paperwork, so a copy of the resolution would go at that time. Planner Bolan stated that a Board of Adjustment Resolution is a final determination and needs to go to the Construction Department. Chairman MacQueen stated that on their Checklist should be that a Resolution if applicable needs to be included with the Building Permit

Lebanon Township Planning Board
August 21, 2007
Page 3

Application Packet when it is filed with them. Mr. Gerlich stated that Tewksbury was hired to enforce the building code and they are relying on the Zoning Officer's zoning permit approval to cover all this towns requirements. If the Zoning Officer is not providing them with any conditions on his zoning permit, it is not their obligation to do that. The board in their discussion expressed concerns over how things are handled. Mr. Rich asked Mr. Weeks the feelings of the Township Committee on this subject. Mr. Weeks said the Committee needs to be told of the problems and he feels that more hours are needed. This problem has been going on for many years. Chairman MacQueen asked if the board was interested in having a joint meeting. Mr. Rich stated that the board spends many hours passing laws, resolutions and they don't get enforced. During the discussion the board decided it would be more prudent to have just a few representatives from each board to sit down with the Township Committee to discuss the issues. It was suggested that two copies of a resolution should go to the Zoning Officer so once the applicant gets his approval from zoning, a copy will accompany the permit over to the Construction Department.

A date to meet with the Committee was discussed. Ms. Glashoff will check with the Clerk Karen Sandorse to see if the September 19th Meeting date would be good for the Committee. The board decided to have Chairman MacQueen and Mr. Rich represent the board. Mr. Rich asked what was on the agenda for the Planning Board meeting on the 18th. Ms. Glashoff stated that she is waiting on the revised plans from Jim Butters and maybe having Transtar on for completeness. Ms. Glashoff was asked the deadline date for receiving the revised plans. Ms.

Glashoff said the end of August. Ms. Glashoff reminded the board that she will not be here the month of October and would like to reschedule the November 6th meeting to November 27th, since she is not sure when she will be returning to work. Ms. Glashoff stated she will need time once back to put the budget info together and get caught up on everything. The discussion went back to the September 18th meeting date. It was decided if the revised plans were not submitted by September 7th a memo will go to the board stating the meeting is cancelled. The board decided to reschedule the November 6th meeting to November 27th.

OPEN TO THE PUBLIC

Nancy Darios of Butler Park Road made comments regarding private roads.

Being no further business to come before the board, nor comments from the public, motion by Ms. Bleck and seconded by Mr. Piasecki to adjourn the meeting at 8:20 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, PLANNING BOARD CLERK