

REGULAR MEETING

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

July 28, 2010

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:30 p.m. by Chairman Bruce Terzuolo. Present were: Mr. Kozlowski, Mr. MacQueen, Mr. Abuchowski, Mr. Perry, Mr. Nagie, 2nd Alternate Maurizio, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Machauer & Mr. Eberle

This meeting was noticed in the "Annual Meeting Notice Schedule" adopted by this board on January 27, 2010, 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 July 21, 2010.

PRESENTATION OF MINUTES: June 23, 2010 Regular Meeting

Motion by Mr. Maurizio and seconded by Mr. Abuchowski to approve the minutes with one minor correction. Unanimously approved.

RESOLUTIONS:

Edward & Penny Gagne Block #65 Lot #15
Bulk Variance with conditions Newport Road RC 7½

Motion by Mr. Maurizio and seconded by Mr. Kozlowski to approve the resolution for Edward & Penny Gagne for Bulk Variance with conditions as corrected.

ROLL CALL	Yes: Mr. Kozlowski	Abstain: Mr. Terzuolo
	Mr. MacQueen	Mr. Perry
	Mr. Abuchowski	Mr. Nagie
	Mr. Maurizio	Absent: Mr. Machauer
		Mr. Eberle

Board Escrow Bills

Motion by Mr. Maurizio and seconded by Mr. MacQueen to approve the resolution regarding Board Escrow Bills as corrected.

ROLL CALL	Yes: Mr. Kozlowski	Mr. Nagie	Absent: Mr. Machauer
	Mr. MacQueen	Mr. Abuchowski	Mr. Eberle
	Mr. Terzuolo	Mr. Maurizio	
	Mr. Perry		

UNFINISHED BUSINESS:

Dominick Tranquilli Block #41 Lot #4
Transtar Truck & Autobody Route 513 I5
514 Route 513
Califon, N.J. 07830

Discuss an extension of time from Condition #3 (see attached letter from Attorney Gilbert, page 26 of Resolution dated March 24, 2010, also see attached letter to Transtar dated June 30, 2010)

Attorney Gilbert was present representing Dominick Tranquilli. Attorney Gilbert said that he is aware that the Resolution required the filing of the Site Plan within a 6 month period. Attorney Gilbert said that Mr. Tranquilli filed the Site Plan before the deadline of July 28th. At the time, Engineer Parker submitted the Site Plan for review, Mr. Tranquilli had not been current with his taxes and his escrow account was in the rears and did not have any money to support the board's professionals in reviewing the site plan. At this time, Mr. Tranquilli has paid the back taxes and has paid the outstanding balance on his escrow account but needs to pay additional monies in order for the board's professionals to review the Site Plan.

Attorney Gilbert asked the board in order to bring the escrow account current in order for the professionals to review the site plan, he asked the board to grant an extension of time to the September 22nd meeting date. Ms. Glashoff noted that even though Mr. Tranquilli is current now with taxes, the 3rd quarter will need to be paid in order to be on the agenda for September 22nd.

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along with the escrow account being current with funds to cover additional review by professionals. Mr. MacQueen asked Ms. Glashoff how much escrow money she needed to keep everything afloat. Ms. Glashoff said \$2,000.00 and said she knows she will need more but to get the ball rolling, \$2,000.00 will do it.

Attorney Gilbert asked for a 3 week deadline regarding the money for the escrow account. Ms. Glashoff said the money needs to be in long before that. Engineer Risse is going on vacation the week of August 16th per Ms. Glashoff and the plans will need to be reviewed before he leaves. Mr. MacQueen noted that if the site plan is deemed incomplete it will need to go back to Engineer Parker for revisions which all this takes time. Chairman Terzuolo agreed. Ms. Glashoff said that the notice will need to be in the Hunterdon Review for September 8th which means the plans have to be complete before then. Attorney Gilbert asked for a date that is comfortable in August for getting the escrow money in order to proceed with the site plan review. The board discussed this issue at length. Chairman Terzuolo said this was only his opinion that the board should deny without prejudice this evening. Back in January the board was adamant about when he was to come in before the board with the Site Plan. Chairman Terzuolo said the applicant wanted 3 months to come back with his Site Plan. The board gave Mr. Tranquilli an additional 3 months bringing it to 6 months to come back to the board with his Site Plan. Chairman Terzuolo reiterated that the board should deny without prejudice this evening. It will open him up to all kinds of things, but this is of the applicant's own making. Mr. Nagie agreed and said this has been going on to long and costing a lot of money and we are getting nowhere. Attorney Gilbert said this has been very costly for his client including all the times that the neighbors have been to the meetings. Attorney Gilbert made several more comments.

Ms. Glashoff gave a scenario of the timing for all this to happen for the September 22nd meeting. Mr. MacQueen agreed for all this to happen the escrow money needs to be here no later than next week. Ms. Glashoff reminded the board that Engineer Risse will be on vacation the week of August 16th. Mr. Kozlowski said this board has been very accommodating through out this whole application process. Mr. MacQueen said that if the money isn't in by next week in order the Engineer Risse to do a review and for Engineer Parker to take care of any revisions if needed in time for the notice to be in the Hunterdon Review for September 8th then the board will need to deny without prejudice on September 22nd. Mr. MacQueen informed Attorney Gilbert that the escrow money needs to be in by noon on Tuesday August 3rd. Attorney Gilbert asked for Thursday August 5th. Mr. MacQueen said the money needs to be in by Tuesday or the board will deny without prejudice on August 25th. The subject of waivers was discussed. Chairman Terzuolo said if the waivers are minor ones then the Review Committee can waive minor items but if the waivers are substantial then it will need to be brought before the whole board. Mr. Abuchowski & Mr. Perry both agreed that the money needs to be here by Tuesday. Mr. Nagie said he agreed with everything that Mr. MacQueen said. In conclusion the board told Attorney Gilbert that the \$2,000.00 had to be in to Ms. Glashoff no later than Tuesday August 3rd. If the money is not in by then, the board will have no other choice but to deny without prejudice at their next meeting on August 25th.

Attorney Gallina said that a Resolution will be prepared stating that the board is granting an extension of time per Condition #3 in the prior Resolution to September 22nd with the applicant posting \$2,000.00 for escrow by Tuesday August 3rd subject to the board dismissing without prejudice at their August 25th meeting. Motion by Mr. MacQueen and seconded by Mr. Abuchowski to have Attorney Gallina draft a Resolution granting an extension of time to September 22nd with the condition that the Escrow money of \$2,000.00 be paid by Tuesday August 3rd and if the deadline is not met the board will deny the application without prejudice at their next regular meeting on August 25th.

ROLL CALL	Yes: Mr. Kozlowski	Mr. Nagie	No:	Mr. Terzuolo
	Mr. MacQueen	Mr. Abuchowski	Absent:	Mr. Eberle
	Mr. Perry	Mr. Maurizio		Mr. Machauer

At this time, Chairman Terzuolo announced the Board of Adjustment along with their professionals will go into Executive Session. The public was asked to leave the meeting room at this time.

WHEREAS, Section 7(B) of the Open Public Meetings Act L. 1975 C.231 NJSA 10:4-12(B)(8) permits the exclusion of the public from Board of Adjustment Meetings where certain matters are to be discussed; and

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WHEREAS, the Board of Adjustment is desirous to meet to discuss personnel matters;

NOW, THEREFORE BE IT RESOLVED, by the Board of Adjustment of the Township of Lebanon, Hunterdon County, New Jersey, that the Board met in executive session at this time.

Chairman Terzuolo called the Regular Meeting of the Board back to order at 8:35 p.m.

Attorney Gallina informed the board that a lawsuit has been filed regarding the Edwards application by the Columbro's and Marino's. Attorney Gallina said he will keep the board posted with all discussion being held in Executive Session.

ITEMS FOR DISCUSSION:

a. Create Policy regarding Vouchers

This has already been taken care of per Chairman Terzuolo.

PRESENTATION OF BILLS:

a. John Gallina, Esq.	\$230.00 – Attend Mtg 5/26/2010
	\$258.75 – Escrow (Gagne – Variance)
b. Michael Bolan, PP	\$ 85.20 - Escrow (Gagne-Appeal)
	\$156.20 - Escrow (Edwards)
	\$260.00 – Attend Bd Mtg 5/26/2010
	\$142.00 – Attend Bd Mtg 6/23/2010
c. Court Stenographer	\$200.00 – Attend ZBA Mtg 7/28/2010
d. Gail Glashoff	\$ 31.86 – Staples (supplies)
	Total: \$1,364.01

Motion by Mr. MacQueen and seconded by Mr. Abuchowski to approve the bills with amendments. Unanimously approved.

CORRESPONDENCE:

- a. Law of the Land – 8 articles
- b. Law Bulletin – July 2010

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

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY