

REGULAR MEETING

Lebanon Township Board of Adjustment

March 24, 2010

Municipal Bldg 530 West Hill Rd Glen Gardner, N.J.

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:35 by Chairman Bruce Terzuolo. Present were: Mr. Kozlowski, Mr. MacQueen, Mr. Abuchowski, 2nd Alternate Maurizio, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Nagie, Mr. Eberle, Mr. Perry and Mr. Machauer.

This meeting was notice 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 March 17, 2010.

The Chairman will announce that the board will go into Executive Session at this time.

EXECUTIVE SESSION:

WHEREAS, Section 7(B) of the Open Public Meetings Act L. 1975C.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

WHEREAS, the Board of Adjustment is desirous to meet to discuss litigation issues and hearing procedures;

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 7:30 p.m.

The Chairman will call the Regular Meeting of the Board back to order by motion.

attack. Ms. Cudina neighbors made a request to the Township to build a 911 Memorial in the Township Park for all who died in the attack in her husband's name which was granted by the Township Committee. Mr. Edwards and his employees helped to make the project come to completion.

Mr. Robert Lavezzi co-owner of the adjoining property to the Edwards at 341 Little Brook Road was sworn in to give testimony. They have owned the property since the 1950's. He, his wife or his brother has attended all the hearings on this application. Mr. Lavezzi had a group of pictures which he introduced to the board. These pictures clearly show per Mr. Lavezzi that the applicant has trespassed onto his property. Mr. Lavezzi stated that the applicant has built a dirt road on his property and used it for storage as recently as September 2009. Photos that were introduced by the Columbro's show the extent of the Edwards encroachment and the erection of buildings and the storage on his property. Prior to the Edwards occupying the property, Mr. Lavezzi stated that he had received notification that a survey was to be made. At the time of the survey, he and his father walked the property line and there were no trails or encroachments into their property. Their property at that time was undisturbed area with a partial stone wall. After the Edwards had moved in, he then noticed encroachments on to his property. By viewing a topography map, it shows how much the Edwards had changed the topography of the land buy bulldozing his property, removing trees and the building of the dirt road. These changes have affected the water run-off on to his property. Mr. Lavezzi stated he posted no trespassing signs and no hunting signs which were ignored. The Edwards left him a voicemail that they had removed the materials which shows they have no respect for the laws and boundaries. Mr. Lavezzi said he did not feel they would respect any variances granted. He and his brother have heard loud noise coming from the Edwards property which started early in the morning and lasting until evening. Mr. Lavezzi said he wanted to go on record that there has been loud diesel noise reaching the entire length of his property. Mr. Lavezzi said he hopes this board does not



Attorney Gallina asked if Mr. Lavezzi wanted his photos marked into evidence. Mr. Lavezzi answered yes. The following was marked into evidence: **041-5** photos of the Lavezzi property dated September 2009. Mr. Kozlowski asked to have Mr. Lavezzi walk the board through the photos at this time. The first photo showed the pipe and the concrete spillway, second photo showed damaged trees and brush, third photo showed the bulldozing of his property, fourth photo showed that a dirt road on his property had been built; fifth photo was another picture of the dirt road. Mr. Lavezzi told Mr. Edwards not to use his property but he continued to use the dirt road. Mr. Lavezzi notified the police. Mr. Lavezzi stated the police accused him of trespassing on his own property. Mr. Kozlowski asked Mr. Lavezzi if he approached Mr. Edwards regarding what had happened on his property. Mr. Lavezzi answered yes and Mr. Edwards admitted it and he also has Fran Edwards on tape. Mr. Kozlowski asked if Mr. Edwards was still using the dirt road. Mr. Lavezzi said yes as of last September 2009. The tracts indicate some off road vehicle per Mr. Lavezzi. Mr. MacQueen asked if the Edwards were still using the dirt road. Mr. Lavezzi said not since we had all the rain. Mr. MacQueen asked if Mr. Lavezzi had contacted the police. Mr. Lavezzi said while he was posting signs the police showed up and accused him of trespassing and he proved to the police officer that he was on his own property not the Edwards property.

c. Court Stenographer \$200.00 – Attend Bd Mtg 3/24/2010

Total: \$1,231.35

Ms. Glashoff announced she had two additional bills to add to the bill list. Both bills are from Attorney Gallina, one is litigation of Sarao for **\$488.75** and the other for Transtar Resolution for **\$1,753.75** bringing the grand total to **\$3,473.85**. Mr. Kozlowski noted that the rest of the bills were in order and ready for approval. Motion by Mr. MacQueen and seconded by Mr. Kozlowski to approve the bills as amended. Unanimously approved.

CORRESPONDENCE:

a. Law Bulletin March 2010

b. NJPO “Time of Decision”

Being no further business to come before the board, nor comments from the public, motion by Mr. MacQueen and seconded by Mr. Kozlowski to adjourn the meeting at 8:42 p.m. Unanimously approved.

VICE CHAIRMAN ABE ABUCHOWSKI

GAIL W. GLASHOFF, BOARD SECRETARY