

**REGULAR MEETING**

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

**June 23, 2010**

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:34 p.m. by Vice Chairman Abe Abuchowski. Present were: Mr. Kozlowski, Mr. MacQueen, Mr. Eberle, 1<sup>st</sup> Alternate Machauer, 2<sup>nd</sup> Maurizio and Attorney Gallina. **Excused:** Mr. Terzuolo and Mr. Perry.

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 June 16, 2010.

**PRESENTATION OF MINUTES:** May 26, 2010 Regular Meeting

Motion by Mr. Maurizio and seconded by Mr. Eberle to approve the minutes with corrections. Unanimously approved.

**RESOLUTIONS:**

a. Edward & Penny Gagne Block #65 Lot #15  
Appeal Withdrawn Newport Road RC 7½

Motion by Mr. MacQueen and seconded Mr. Eberle to approve the Resolution for the withdrawal of an appeal with corrections.

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

b. Lance Tong Block #38 Lot #62  
Bulk Variances with conditions Winding Brook Lane R 1½

Motion by Mr. Kozlowski and seconded by Mr. Maurizio to approve the Resolution for Bulk Variances with conditions.

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

c. Kevin & Terri Stanton Block #49 Lot #50.04  
Bulk Variances with conditions Sliker Road R5

Motion by Mr. MacQueen and seconded by Mr. Maurizio to approve the Bulk Variances with conditions and corrections:

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

**NEW BUSINESS:**

Edward & Penny Gagne Block #65 Lot #15  
301 Newport Road Newport Road RC 7½  
Glen Gardner, N.J. 08826

**PUBLIC HEARING** Bulk Variance Section 400-4.1  
Schedule I Relief from Setback Requirements

Attorney Gallina announced that all the notices are in order except for the notice to the newspaper is missing. Attorney Gallina suggested making the newspaper notice a condition of any approval the board gives. The board agreed. The following items were marked into evidence: **A1**-Zoning Denial, **A2**-Taxes Paid, **A3**-Certified List of Property Owners & Utilities, **A4**-Affadavit of Proof of Service, **A5**-POD Slips, **A6**-Ltr from Hunterdon County Planning Board dated 6/8/2010,

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A7-Hunterdon County Board of Health dated 6/4/2010, A8-Ltr from Hunterdon County Soil Conservation District dated 5/28/2010, A9-Newspaper Notice.

Attorney Gallina had Edward and Penny Gagne sworn in to give testimony. Attorney Gallina had the following marked into evidence: **A10-** Survey prepared by Christopher Aldrich dated June 7, 2010. Mr. Gagne made a presentation to the board stating that they are requesting relief from the front yard setback of 5.2 feet to install a small addition to the existing bathroom to create a shower. The dimensions of the addition are 4.67 x 4.5. Mr. Gagne explained the reason for the addition; his wife has a progressive lung disease and is unable to climb stairs. Mr. Gagne noted the farmhouse was built in 1880. Attorney Gallina asked if this addition would house a shower stall and will be built along the current front setback of the house on Newport Road. From looking at the plan, the addition will not encroach closer to the road. Attorney Gallina noted that it will encroach laterally and the current setback is non-conforming and will not further encroach into the front yard.

Vice Chairman Abuchowski asked if the board had questions of the applicant. The board asked several questions of the applicant. At the conclusion of the board questions, Vice Chairman Abuchowski opened the hearing to the public for questions. There were none. Vice Chairman Abuchowski announced that the public portion of the meeting is now closed. Mr. Gagne was asked to give his summation at this time.

The board briefly deliberated. At the conclusion of the deliberations, motion by Mr. Kozlowski and seconded by Mr. MacQueen to grant the bulk variance for the addition with conditions:

- a. Approval from any outside agencies having jurisdiction.
- b. Proof of publication in the newspaper is supplied.
- c. All permits to be obtained within 18 months of the adoption of the resolution.

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

**Attorney Gallina will prepare the Resolution to be placed on the next agenda for adoption.**

**PRESENTATION OF BILLS:**

a. John Gallina, Esq.	\$287.50 – Attend Mtg 5/26/2010
	\$172.50 – Escrow (Tong)
	\$287.50 – Escrow (Stanton)
	\$115.00 – Escrow (Gagne)
b. Court Stenographer	\$200.00 – Attend Mtg 6/23/2010
	<b>Total: \$1,062.50</b>

The additional bills from the addendum to the agenda of **\$575.00** which included three escrow bills (Tong/Stanton/Gagne) bring the grand total to **\$1,062.50**. Motion by Mr. MacQueen and seconded by Mr. Eberle to approve the bills as presented. Unanimously approved.

**CORRESPONDENCE:**

- a. NJ Planner
- b. Law Bulletin
- c. Law of the Land (2 articles)

Attorney Gallina informed the board that Dominick Tranquilli has not paid the outstanding monies owed on his escrow account and that a letter needs to go to the Township Attorney for collection. The Zoning Officer needs to be notified of the status of the application at this point being stalled. Ms. Glashoff stated that the 6 months will expire on July 28<sup>th</sup> if the applicant isn't before the board on that date. In order for the application to proceed, the escrow account needs to be current and taxes brought up to date. If Transtar doesn't appear before the board by July 28<sup>th</sup>, the Zoning Officer can take him back to court since he will be in violation of a court order.

Ms. Glashoff said that just bringing the escrow current isn't enough since the applicant bifurcated the application, the taxes also need to be current for Mr. Tranquilli to appear before the board.

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Mr. MacQueen stated that for now, it is more important that the escrow monies are current in order for our professionals to be paid. Everyone agreed. Attorney Gallina said the board can adopt a Resolution to have all the professionals' bills paid from the board account until the escrow account is current. Also, a letter be sent to the Township Attorney for collection. Motion by Mr. MacQueen and seconded by Mr. Maurizio to have Attorney Gallina draft the Resolution per the board's discussion on the escrow funds.

Ms. Glashoff informed the board of a letter from Attorney Harvey Gilbert who represents Mr. Tranquilli. The letter states that the applicant plans on appearing before the board on July 28<sup>th</sup> and Attorney Gilbert is requesting a history of payments made into the escrow account and a list of all the charges to date. The board discussed this issue at length. Ms. Glashoff informed the board the escrow agreement is with the Township and the escrow agreement is by ordinance. All copies of escrow bills are sent to the applicant by each professional since this is by state law. Ms. Glashoff also noted that in the escrow agreement that once the applicant is notified of the deficiency in the escrow account, they have 14 days from being notified to replenish the account.

Vice Chairman Abuchowski asked if there was any further business. Mr. Machauer mentioned the illegal apartment again on Mt. Grove Road and asked what the status is with the owners coming before the board. Ms. Glashoff is to bring this to attention of the Zoning Officer and to remind him that this needs to be resolved ASAP.

Being no further business to come before the board, nor comments by the public, motion by Mr. MacQueen and seconded by Mr. Eberle to adjourn the meeting at 8:16 p.m. Unanimously approved.

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**VICE CHAIRMAN ABE ABUCHOWSKI**

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**GAIL W. GLASHOFF, BOARD SECRETARY**