

REGULAR MEETING

**Lebanon Township Board of Adjustment
Municipal Building 530 West Hill Road Glen Gardner, N.J. 08826**

June 26, 2013

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:30 p.m. by Vice Chairman Abe Abuchowski. Present were: Mr. Kozlowski, Mr. MacQueen, Mr. Perry, Mr. Eberle, 1st Alternate Maurizio, 2nd Alternate Machauer, Attorney Gallina and Planner Bolan. **Excused:** Mr. Terzuolo

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 23, 2013, faxed 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 19, 2013.

The Chairman will announce that the Board will go into Executive Session at this time and asked for a motion. Motion by Mr. Maurizio and seconded by Mr. Perry to close the public portion of the meeting and go into Executive Session at 7:33 p.m.. Unanimously approved. All members of the public were asked to leave the meeting room.

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

WHEREAS, the Lebanon Township Board of Adjustment is desirous to meet to discuss litigation:

NOW, THEREFORE BE IT SOLVED, by the Lebanon Township Board of Adjustment of the Township of Lebanon, Hunterdon County, New Jersey that this Board met in Executive Session.

The Chairman will announce that the Board will return to the Regular Meeting and asked for a motion. Motion by Mr. Eberle and seconded by Mr. MacQueen to close the Executive Session and return to the public portion of the meeting at 7:37p.m. Unanimously approved. All the members of the public returned to the meeting room at this time.

PRESENTATION OF MINUTES: Executive Minutes May 22, 2013

Motion by Mr. Perry and seconded by Mr. Kozlowski to approve the Executive Minutes as presented. Abstained: Mr. MacQueen, Mr. Eberle, Mr. Maurizio. Approved by those eligible to vote.

Regular Meeting May 22, 2013

Motion by Mr. Perry and seconded by Mr. Kozlowski to approve the minutes with a minor correction. Abstained: Mr. MacQueen, Mr. Eberle, Mr. Maurizio. Approved by those eligible to vote.

RESOLUTION:

Christian & Eileen Pinsonault Block #56 Lot #26
Variances with conditions Penwell Road R1½

Motion by Mr. Kozlowski and seconded by Mr. Perry to approve the resolution as revised.

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

EXTENSION OF TIME ON RESOLUTION CONDITION #6

David English Block #6 Lot #1
Davara Industrial Center, LLC Route 31 B2
Variance Sign Height/conditions

Ms. Glashoff read into the record the letter received from Mr. English's attorney John Thatcher.

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Vice Chair Abuchowski announced that the Township Committee has received a letter from Mr. Nagie regarding his resignation from the Board of Adjustment. The board expressed regret in losing Mr. Nagie as a board member. Ms. Glashoff said with speaking with Mayor McKee, he would like feedback from the board on whether or not Mr. Maurizio would like to move up from an alternate. Vice Chair Abuchowski asked Mr. Maurizio if he would be interested in moving up to fill the unexpired term of Mr. Nagie. Mr. Maurizio said yes.

ITEM FOR DISCUSSION:

a. Annual Report 2012 – Planner Bolan

Planner Bolan said the board did not do an annual report last year. Planner Bolan stated in the MLUL, the Board of Adjustment is to review all decisions on applications, appeals for variances and prepare and adopt by resolution a report on its findings on zoning ordinance provisions which were the subject of variance requests. The board will then send copies of the report and resolution to the Township Committee and Planning Board. Planner Bolan said his memo is from applications the board dealt with in 2012. Planner Bolan stated that Ms. Glashoff prepared a good list of all the applications approved and denied. There were 12 meetings, 7 applications approved, 2 denied and 1 withdrawn. Planner Bolan said what he prepares is based on the report he receives from Ms. Glashoff. Planner Bolan reviewed for the board his memo. Mr. Machauer asked what happens once it goes to the Planning Board and wanted to know if anything comes back to Planner Bolan for further evaluation. Planner Bolan said the Planning Board does review and a lot of the ordinance amendments have come from recommendations by the Board of Adjustment over the years. The board briefly discussed private roads. The board also briefly discussed building setbacks for livestock. Planner Bolan said there was nothing unusual about the applications that came before the board in 2012. At the conclusion of the board's discussion, Planner Bolan will revise the report.

PRESENTATION OF BILLS:

a. John Gallina, Esq.	\$ 218.75 – Litigation (New Cingular/Mesa)
	\$ 156.25 - Attend Board Meeting 5/22/13
	\$ 125.00 - Escrow (Pinsonault)
	\$ 312.50 - Escrow (Pinsonault)
b. Michael Bolan, PP	\$ 170.40 - Attend Mtg 5/22/13
	\$ 241.40 – Escrow (Pinsonault)
c. Bayer/Risse Engrs.	\$ 250.00 – Attend ZBA Mtg 5/22/2013
	\$ 187.50 - Escrow (Pinsonault)
c. Court Stenographer	\$ 250.00 – Attend Board Mtg 6/26/2013
	Total: \$1,911.80

Ms. Glashoff said she had one additional bill to add for **\$281.25** from Attorney Gallina regarding litigation. This brings the grand total to **\$2,103.05**. It was noted that the correct amount is **\$2,193.05**. Motion by Mr. MacQueen and seconded by Mr. Maurizio to approve the bills as amended. Unanimously approved.

CORRESPONDENCE:
OPEN TO THE PUBLIC

Nancy Darios of Butler Park Road addressed the board. Ms. Darios wanted to know if Mr. Harris hasn't completed moving the sheds by October 1st and comes back to the board for another extension is the board going to grant him another extension. Ms. Darios said that Mr. Harris has not been working on getting all this done. Attorney Gallina said if that happens the board will have to deal with it at that time. Vice Chair Abuchowski concurred with Attorney Gallina that the board will deal with it if Mr. Harris requests another extension of time.

Being no further business to come before the board, nor comments from the public, motion by Mr. MacQueen and seconded by Mr. Eberle to adjourn the meeting at 8:30 p.m. Unanimously approved.

VICE CHAIRMAN ABE ABUCHOWSKI

GAIL W. GLASHOFF, BOARD SECRETARY