

## REGULAR MEETING

**Lebanon Township Board of Adjustment**

**August 26, 2009**

**Municipal Bldg 530 West Hill Road Glen Gardner, N.J.**

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:35 by Board Secretary Ms. Glashoff. Present were: Mr. Machauer, Mr. MacQueen, Mr. Perry, 2<sup>nd</sup> Alternate Maurizio and Attorney Gallina. **Excused:** Mr. Terzuolo, Mr. Abuchowski, Mr. Kozlowski and Mr. Eberle.

This meeting was noticed in the "Annual Meeting Notice Schedule" adopted by this board on January 28, 2009, 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 August 19, 2009.

Ms. Glashoff asked for a motion to nominate a Chairman for this evening. Motion by Mr. Maurizio and seconded by Mr. Perry to appoint Mr. MacQueen as Chairman. Being no further nominations, motion by Mr. Perry and seconded by Mr. Maurizio to close the nominations. Unanimously approved.

At this time, Ms. Glashoff turned the meeting over to Chairman MacQueen.

**PRESENTATION OF MINUTES:** August 12, 2009 Regular Meeting

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

### **UNFINISHED BUSINESS:**

Patrick Allen

Block #16 Lot #64

666 JIN XIU Road

Old Readingsburg Road RC

No. 9 Apt 1102

Pudong, Shanghai, China

**CONTINUATION OF A PUBLIC HEARING** Bulk Variances & Variance to Build a  
House on a Private Road

Attorney Robert Boak was present to represent the applicant Patrick Allen. Attorney Boak said he was here this evening to ask for another extension of time on behalf of his client Patrick Allen. Attorney Boak stated they have not been able to locate the septic system and need more time. Chairman MacQueen asked the board attorney if there were any other issues besides the septic that need to be addressed. Attorney Gallina said the main issue was the septic system. Attorney Boak informed the board they are waiting for funding from Mr. Allen in China for the engineer. Attorney Gallina asked if any work had started to look for the septic system. Attorney Boak said no.

Chairman MacQueen asked for advice on how they should proceed at this point from Attorney Gallina. Attorney Gallina stated if the board denied the application without prejudice, the applicant would then have to start over from the beginning with notices etc or the board could grant one more continuance with the understanding that he has to proceed expeditiously. Chairman MacQueen asked about the extension. Ms. Glashoff stated the letter she received asked to be continued to the September 23<sup>rd</sup> meeting. Ms. Glashoff noted that both meetings in September are already booked. Transtar is coming in on September 9<sup>th</sup> and the Edwards are coming in on September 23<sup>rd</sup>. Ms. Glashoff offered September 30<sup>th</sup> since it is the 5<sup>th</sup> Wednesday if the board wishes to keep it in September. Attorney Boak asked about the October dates. Chairman MacQueen interjected and noted that it would be better to carry over to November because of the two applications that are on in September we will probably need the dates in October for them. Ms. Glashoff offered Thursday November 12<sup>th</sup>. Chairman MacQueen asked if there were any other dates in November. Ms. Glashoff answered no, not with the November holidays. At the conclusion of the discussion, Attorney Gallina announced that the Patrick Allen application will be carried over to November 12, 2009 at 7:30 p.m. with no further notice given.

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**NEW BUSINESS:**

Michael & Deborah Mollo

Block #59 Lot #10

c/o Edward Palmer, Esq.

218 Musconetcong River Road R5

216 High St. P.O. Box 485

Hackettstown, N.J. 07840

**PUBLIC HEARING**

Bulk Variance for Front-yard Setback Section 400:4.1

Schedule I

Attorney William Edleston along with Mr. Gary Mirsky were present on behalf of the applicants. Attorney Gallina announced that all the notices are in order and the board can proceed with the public hearing. The following items were marked into evidence: **A1**-Taxes Paid, **A2**-Certified List of Property Owners & Utilities, **A3**-Notice to Property Owners, **A4**-Affadavit of Proof of Service, **A5**-POD Slips, **A6**-Notice in Newspaper. Attorney Edleston asked to have the plans marked into evidence at this time. **A7**-Proposed Plans consisting of 12 sheets dated April 13, 2009 prepared by Joseph Gallagher, Architect, not signed or sealed.

Attorney Edleston asked to have Mr. Mirsky sworn in at this time to give testimony. Mr. Mirsky stated he is the stepfather of Debra Mollo. Mr. Mirsky stated his daughter and son-in-law would like to put a 2 story addition on their home which will consist of a recreation room on the first floor and a bedroom, bathroom and laundry room on the second floor. The entire house encroaches into the front yard setback. The house is 200+ years old. Mr. Mirsky went on to say that the back of the property has a steep grade and there is also a pond. To the west is the septic system, the addition will be on the right side of the



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**PRESENTATION OF BILLS:**

- a. John Gallina, Esq.                   \$ 57.50 – Board time spent at meeting 8/12/2009  
  \$460.00 – Escrow (**M. Edwards**)  
  
  \$115.00 – Review Ltr Atty Shurts, phone conf.  
  
  Bd Sec/Zoning Officer
- b. Bayer/Risse Engrs.                   \$268.88 - Escrow (**Transtar/Tranquilli**)  
  
  \$ 89.63 - Board time spent at meeting 7/8/2009
- c. Court Stenographer                   \$200.00 - Attend Meeting 8/26/2009  
  
  \$123.00 - Transcript (Edwards)
- Total: \$1,314.01**

Ms. Glashoff stated she had one additional bill to add. The voucher is from Attorney Gallina in the amount of **\$201.25**, escrow for the Mollo application. This brings the total to **\$1,515.26**. Motion by Mr. Perry and seconded by Mr. Maurizio to approve the bills as amended. Unanimously approved.

**CORRESPONDENCE:** Zoning Law 8/21/2009

Being no further business to come before the board, nor comments from the public, motion by Mr. Perry and seconded by Mr. Maurizio to adjourn the meeting at 8:15 p.m. Unanimously approved.

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**CHAIRMAN GARY MACQUEEN**

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**GAIL W. GLASHOFF, BOARD SECRETARY**