

REGULAR MEETING

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

September 25, 2013

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:33 p.m. by Board Secretary Gail Glashoff. Present were: Mr. MacQueen, Mr. Eberle, Mr. Perry, 1st Alternate Maurizio, 2nd Alternate Machauer, Attorney Gallina and Planner Bolan. **Excused:** Mr. Terzuolo, Mr. Abuchowski and Mr. Kozlowski.

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 September 18, 2013.

SWEAR IN: Joe Maurizio Class IV 4 Year Unexpired Term 12/2015

Ms. Glashoff asked Attorney Gallina to do the honors and swear in Mr. Maurizio.
Congratulations to Mr. Maurizio.

NOMINATE CHAIRMAN FOR THE EVENING:

Ms. Glashoff asked for nominations for Chairman for this evening. Mr. MacQueen made a motion to nominate Mr. Eberle and seconded by Mr. Perry. Being no further nominations, motion by Mr. MacQueen and seconded Mr. Maurizio to close the nominations. Unanimously approved. Congratulations to Mr. Eberle. At this time Chairman Eberle took over the meeting.

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 have the board go into Executive Session. Unanimously approved. Chairman Eberle asked the public present 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

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

NOW, THEREFORE BE IT RESOLVED, 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 with a motion.

Motion by Mr. MacQueen and seconded by Mr. Perry to return to the public portion of the meeting. Unanimously approved. The public returned to the meeting room at this time.

PRESENTATION OF MINUTES: August 28, 2013 Regular Meeting

Motion by Mr. MacQueen and seconded by Mr. Perry to approve the minutes as presented. Unanimously approved.

REQUEST FOR AN EXTENSION OF TIME:

Transtar Autobody/Dominick Tranquilli	Block #41	Lot #4
per Condition #29 from Resolution dated	Route 513	I5
March 23, 2011		

Mr. Tranquilli was present to discuss the extension of time. Ms. Glashoff read into the record the letter she received from Attorney Gilbert regarding a 30 day extension from tonight's meeting. Ms. Glashoff informed the board that Mr. Tranquilli told her he would like a 60 day extension of time and at this point turned the discussion over to Mr. Tranquilli.

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Mr. Tranquilli informed the board that he is in the process of getting his permits and his engineer is working on the plans for when they submit to the Building Dept. Mr. Tranquilli said it has been more involved then what he had anticipated. At the conclusion of Mr. Tranquilli's testimony, the board discussed Mr. Tranquilli's request. The board offered to extend the time to 90 days from today. Mr. Tranquilli thanked the board for the additional time.

Motion by Mr. Maurizio and seconded by Mr. Perry to grant a 90 day extension of time to Mr. Tranquilli to December 23rd.

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

Attorney Gallina will prepare the Resolution to be on the Agenda for October 23, 2013.

NEW BUSINESS:

Annette & Douglas Lemenze
208 Butternut Road
Califon, N.J. 07830

Block #21 Lot #27
Butternut Road R1 ½

APPEAL Section 400-10a.7

Attorney Gallina had Annette & Doug Lemenze sworn in to give testimony. Attorney Gallina stated that this is a denial from the Zoning Officer which is for an animal shelter and storage and would be a pre-built barn at 208 Butternut Road in the R1½. Property consists of 1.504 acres. The Zoning Officer denied the application per Section 400-10a.7 that this property is a farm per the ordinance and that the setbacks for a building housing livestock has to be 100' off the property lines.

Attorney Gallina noted that this is not a public hearing for a variance. Once the applicant gives her presentation, the board and professionals will ask questions only pertinent to the appeal. The Chairman can open up the process to the public for questions pertaining only to the appeal. The Chairman will then open the process up for statements and comments from the public before going into deliberations.

Ms. Lemenze had her daughter Brianna present this evening. Ms. Lemenze said before the accident with the horse, her daughter was actively involved in showing the horse. Ms. Lemenze said that Rosie was a rescue race horse from the track. The stable they had the horse boarded at is where the accident happened. The horse can never be ridden and is just a pet. The horse is now boarded at the Ashton Farm on Route 513. Ms. Lemenze said that Rosie needs special care and having her at home she would be able to give her the care that is needed.

Ms. Lemenze past out to the board and professionals copies of exhibits regarding several properties in the township with zoning approvals including minutes from the March 27, 1989 and May 7, 2013 Planning Board meetings. Ms. Lemenze went through each exhibit for the board noting that they all had zoning approvals and permits. At the conclusion of Ms. Lemenze's testimony Chairman Eberle asked if the board had questions of the applicant. The following questions were asked regarding the buffering in the back of the property since trees have been removed and asked about the removal of manure. Ms. Lemenze said she has made arrangements for the removal of the manure. Also, they will be planting new trees for buffering in the back portion of the property. Ms. Lemenze said she will have lighting in the building, but does not plan on having spot lights on the building. Ms. Lemenze stated that they will have two grasses areas fenced in; one will be 40' x 100' and the other 50' x 75'. Because of the horse's injuries, exercise is very limited. Ms. Lemenze said having her home; she will be able to give her the special care that in needed.

At the end of the board's questions, Chairman Eberle opened the hearing up to the public for questions. Mr. David Taylor asked for conformation on the exhibits. Planner Bolan referred to the zoning denial from the Zoning Officer.

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At this time, Chairman Eberle opened the hearing to the public for statements and comments. The following people were sworn in to give testimony: David Taylor, Holly Smith, Lori Ann Williams, Tom Sachs and Anthony Casale.

At the conclusion of all the statements, motion by Mr. MacQueen and seconded by Mr. Maurizio to close the public portion of the meeting. Unanimously approved. During the board's deliberations, the board found that the Ordinance cited in the denial from the Zoning Officer was inapplicable to the situation and found that the Ordinance was inapplicable to the appeal since the applicant's property is less than 5 acres and per the definition in the ordinance the property is not a farm. The board also found that since the horse is injured the applicant's desire is to have the horse home so she can give the proper care that the horse is in need of.

Chairman Eberle asked for a motion at this time. Motion by Mr. Maurizio and seconded by Mr. Perry to reverse the denial of the Zoning Officer so that the applicant can build the proposed structure for the horse and storage and bring the horse home.

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

Attorney Gallina will prepare the Resolution to be on the next Agenda of October 23, 2013.

PRESENTATION OF BILLS:

a. John Gallina, Esq.	\$1,812.50 – Mesa Lawsuit
	\$ 187.50 - Escrow (Lemenze)
b. Court Stenographer	\$ 250.00 - Attend Bd Mtg 9/25/2013
	Total: \$2,250.00

Motion by Mr. Maurizio and seconded by Mr. MacQueen to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

a. Law of the Land Articles b. Law Bulletin – 9/13

OPEN TO THE PUBLIC - None

Being no further business to come before the board nor comments from the public, motion by Mr. MacQueen and seconded by Mr. Maurizio to adjourn the meeting at 9:00 p.m. Unanimously approved.

CHAIRMAN WAYNE EBERLE

GAIL W. GLASHOFF, BOARD SECRETARY