

REGULAR MEETING

Lebanon Township Board of Adjustment

December 15, 2009

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

The Special Meeting of the Lebanon Township Board of Adjustment was called to order at 7:30 p.m. by Chairman Bruce Terzuolo. Present were: Mr. Machauer, Mr. Kozlowski, Mr. Abuchowski, Mr. Nagie, 1st Alternate Eberle and Attorney Gallina. **Excused:** Mr. Perry

In compliance with the "Open Public Meetings Act" notice of this special meeting was published in the Hunterdon Review on November 18 & 25, 2009. Copies of this agenda was 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 December 2, 2009.

PRESENTATION OF MINUTES: Executive Session December 9, 2009

Motion by Mr. Nagie and seconded by Mr. Abuchowski to approve the minutes as presented. Unanimously approved.

RESOLUTION:

Patrick Allen Block #16 Lot #64
Variance to build on a road that Old Readingsburg Road RC 7½
does not abut a public street and
a Conditional Use variance with
conditions

Motion by Mr. Abuchowski seconded by Mr. Nagie to approve the Resolution for Patrick Allen with a minor correction.

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

ITEM FOR DISCUSSION:

The following board terms will expire on December 31, 2009: Class IV 4 year terms: Bruce Terzuolo, William Machauer, Abe Abuchowski, 2nd Alternate Joe Maurizio 2 year term.

Mr. Machauer requested to be an Alternate instead of being appointed for a 4 year term. At the conclusion of the board’s discussion, the board recommends the following to the Township Committee: Mr. Eberle to a 4 year term, Mr. Machauer to be appointed to the unexpired term of Mr. Eberle and Mr. Terzuolo, Mr. Abuchowski and Mr. Maurizio to be reappointed to their existing terms. Unanimously approved. Ms. Glashoff will send a memo to the Township Committee with their recommendations.

UNFINISHED BUSINESS:

Off Road Welding Co.	Block #37	Lot #36.01
c/o Michael & Fran Edwards	Little Brook Road	RC
417 Little Brook Road		
Glen Gardner, N.J. 08826		

CONTINUATION OF A PUBLIC HEARING	D Variance for a Commercial Use in a Residential Zone
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Ms. Glashoff informed the board that she received a phone call from Attorney Gruenberg informing her that he would be unable to attend the meeting this evening for the continuation of the public hearing on the Michael Edwards application. Ms. Glashoff gave him a continuation date of January 27, 2010 and informed Attorney Gruenberg that the applicant would follow the Transtar hearing which is also scheduled for a continuation on the same evening. At the request of Ms. Glashoff, Attorney Gruenberg will send a letter extending the time thru the end of February 2010.

Attorney Gallina made the announcement to the public that the application of Michael & Fran Edwards will be continuation on January 27, 2010 at 7:30 p.m. following reorganization and the continuation of the Transtar application.

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December 15, 2009

Page 2

It was noted by some board members that this is the second time that the applicant's attorney has asked to be rescheduled. This also happened for the November 12, 2009 meeting. Ms. Glashoff stated the noticing for this Special Meeting was paid for by the board.

PRESENTATION OF BILLS:

- | | |
|-----------------------|--|
| a. John Gallina, Esq. | \$230.00 – Attend Meeting 12/9/2009 |
| | \$575.00 – Escrow (Patrick Allen) |
| b. Bayer/Risse Engrs. | \$179.75 – Escrow (Patrick Allen) |
| c. Michael Bolan, PP | \$260.00 – Attend Meeting 10/28/2009 |
| | \$241.40 – Escrow (Michael Edwards) |

\$184.60 – Escrow (**Patrick Allen**)

\$ 85.20 – Escrow (**Michele Cavett**)

d. Court Stenographer \$200.00 – Attend Meeting 12/15/2009

Total: \$1,955.95

Since this is last meeting for the year, Ms. Glashoff had additional bills to add to the list. Motion by Mr. Abuchowski and seconded by Mr. Nagie to approve the bills as amended. Unanimously approved.

CORRESPONDENCE:

NJLM – Legislative Alert **A4280 – Time of Decision**

Chairman Terzuolo asked Attorney Gallina to explain to the board what this means. Attorney Gallina said if you have an application pending and if the zoning ordinances changed the applicant would have to comply with the new ordinance(s). This new legislation would grant protection to any Land Use application once it has been submitted for consideration by the Planning Board or Zoning Board. The only changes in an ordinance that is defined as necessary for the protection of health and public safety would not be protected by this new legislation. Attorney Gallina noted this legislation has been introduced, it has not been finalized.

Ms. Glashoff said in speaking with Mr. MacQueen regarding the agenda for Reorg. Mr. MacQueen suggested that we start at 7:00 p.m. Chairman Terzuolo agreed. Attorney Gallina announced the Zoning Board will hold their Reorganization Meeting at 7:00 p.m. with the regular business to follow.

Being no further business to come before the board, nor comments from the public, motion by Mr. Nagie and seconded by Mr. Eberle to adjourn the meeting at 7:47 p.m. Unanimously approved.

Chairman Terzuolo asked to reopen the meeting for one item. Motion by Mr. Abuchowski and seconded by Mr. Nagie to reopen the meeting. Attorney Gallina announced for the public the Reorganization Meeting will start at 7:00 p.m. and the applications of Transtar and Edwards will be continued at the conclusion of the Reorganization Meeting.

Now, being no further business to come before the board, nor comments from the public, motion by Mr. Nagie and seconded by Mr. Eberle to adjourn the meeting at 7:50 p.m. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY