## **REORGANIZATION & BUSINESS MEETING**

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

February 22, 2023

The Reorganization/Business Meeting was called to order at 7:00 p.m. by Board of Adjustment Secretary Gail Glashoff. Present were: Mr. Eberle, Mr. Terzuolo, Mr. Porcino, Ms. Zatika, Ms. Devine. **Excused:** Mr. Sachs.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Board of Adjustment will hold their Reorganization & Business Meeting on February 22, 2023 at 7:00 p.m. In event of inclement weather the Board will hold their Reorganization & Business Meeting on Wednesday February 22, 2023 at 7:00 p.m. Notice of this meeting was published in the Hunterdon Review on December 21, 2022. Copies of the Agenda were emailed to the Hunterdon Review & Courier News and faxed to the Hunterdon County Democrat, Express Times, Star Ledger and posted on the Lebanon Township Website and Bulletin Board in the Municipal Building on February 15, 2023.

#### **NOMINATIONS FOR CHAIRMAN:**

Ms. Glashoff asked for nominations for Chairman. Motion by Ms. Zatika and seconded by Ms. Devine to nominate Mr. Wayne Eberle for Chairman. Being no further nominations, motion by Ms. Zatika and seconded by Mr. Terzuolo to close the nominations. Unanimously approved.

At this time Mr. Eberle to over the meeting as Chairman.

#### **NOMINATIONS FOR VICE CHAIRMAN:**

Chairman Eberle asked for nominations for Vice Chair. Motion by Mr. Porcino and seconded by Ms. Devine to nominate Ms. Zatika for Vice Chair. Being no further nominations, motion by Mr. Terzuolo and seconded by Ms. Zatika to close the nominations for Vice Chair. Unanimously approved.

#### NOMINATIONS FOR VOUCHER REVIEW:

Motion by Mr. Porcino and seconded by Ms. Zatika to nominate Mr. Sachs for Voucher Review. Being no further nominations, motion by Ms. Zatika and seconded by Mr. Porcino to close the nominations for Voucher Review. Unanimously approved.

## NOMINATIONS FOR ASSISTANT VOUCHER REVIEW:

Motion by Ms. Zatika and seconded by Ms. Devine to nominate Mr. Porcino as assistant for Voucher Review. Being no further nominations, motion by Ms. Zatika and seconded by Ms. Devine to close the nominations. Unanimously approved.

# APPOINTMENTS: (Professionals – temporary extension to review - 3 months)

- a. John Gallina, Esq.
- b. James Kyle, PP/Beth McManus, PP
- c. Bayer/Risse Engrs. Ted Bayer/Casey Woods, Engrs.
- d. Gail W. Glashoff, Board Secretary
- e. Court Stenographer
- f. Mark Blount, Esq. (Alternate Attorney)

After a brief discussion by the board, the board decided to extend the professional appointments thorough May 24, 2023. The following appointments were made: Gail Glashoff, Board Secretary and Court Stenographers Lucy Grozinski and Tina Restuccia. Motion by Ms. Zatika and seconded by Mr. Terzuolo to appoint Ms. Glashoff, Ms. Grozinski and Ms. Restuccia. Unanimously approved.

ADOPT RESOLUTION FOR PROFESSIONALS ON PAY TO PLAY: Postponed to an upcoming meeting.

#### **ADOPT RESOLUTIONS:**

- a. Authorizing Agreement for Professional Services Postponed to an upcoming meeting.
- b. Annual Notice Schedule 2023 Ms. Glashoff reviewed for the Board the Notice Schedule for 2023 The following wording was added to the Meeting Schedule: If needed the board will hold a meeting on the second Wednesday of the month. Motion by Ms. Zatika and seconded by Mr. Terzuolo to adopt the Annual Notice Schedule for 2023 as amended. Unanimously approved.

#### ADOPT PROFESSIONAL CONTRACTS:

- a. John Gallina, Esq.
- b. James Kyle, PP Kyle/McManus Associates, LLC
- c. Bayer/Risse Engrs. Ted Bayer/Casey Woods, Engrs.
- d. Mark Blount, Esq. Alternate Attorney

After a brief discussion by the board, the board decided to extend the professional contracts through May 24, 2023.

APPOINT APPLICATION REVIEW COMMITTEE: Review Committee has 3 board members (Wayne & Tom – 2022)

Chairman Eberle asked for volunteers for the Review Committee. The following board members will be on the committee: Chairman Eberle, Mr. Sachs and Mr. Porcino. Ms. Zatika, Ms. Devine and Mr. Terzuolo will be the alternates as needed. Motion by Mr. Porcino and seconded by Ms. Zatika to have the above board members on the Review Committee which include the alternates. Unanimously approved.

PRESENTATION OF MINUTES: November 30, 2022 - Special Meeting

Motion by Ms. Zatika and seconded by Mr. Porcino to approve the minutes with minor corrections. Unanimously approved.

#### **RESOLUTION:**

Wayne Ingram Block #51 Lot #14.05
Regarding a Variance to build on a Heather Hill Road R1 ½ zone

Private Road with Bulk Variances

Motion by Ms. Zatika and seconded by Mr. Porcino to approve the Resolution of Wayne Ingram.

ROLL CALL Yes: Mr. Eberle Mr. Porcino Abstain: Mr. Terzuolo Absent: Mr. Sachs

Ms. Zatika Ms. Devine

**ITEM FOR DISCUSSION:** a. Final Budget 2022/2023 Budget

The board reviewed the final revised budget for 2023.

#### **EXTENSION OF TIME:**

Dan Wirasnik Block #60 Lot#18

263 Rocky Run Road Musconetcong River Road R1 1/2 Glen Gardner, N.J. 08826 Bulk Variances to build a house

Mr. Wirasnik was present and made a presentation to the board. Mr. Wirasnik said he needed another extension of time on his project on Musconetcong River Road. He stated that he had gotten an extension of time back on March 24, 2021 and apologized that he hadn't been in sooner, but his health has kept him from working on the house. Mr. Wirasnik informed the board that all he has been able to accomplish is the framing of the housing and rough plumbing. The board discussed Mr. Wirasnik request

and based on the application and testimony given, the board finds that Mr. Wirasnik has demonstrated in good cause that granting another extension of time was justified.

At the conclusion of the board's discussion, motion by Ms. Zatika and seconded by Mr. Porcino to grant an extension of time for 36 months (3 Year) to complete construction of the proposed home with the following conditions:

- a. The applicant is granted an extension of 36 months in which to complete construction of the proposed single family home. The 3-year extension will commence to run from February 22, 2023.
- b. All conditions of the Resolution of approval adopted by this board on August 28, 2019 shall be in full force and effect.

ROLL CALL Yes: Mr. Eberle Mr. Porcino Absent: Mr. Sachs

Mr. Terzuolo Ms. Devine

Ms. Zatika

## **NEW BUSINESS:**

Cecilia De Venezia Block #56 Lot #20
9 Oak Street Penwell Road RC 7 ½

Port Murray, N.J. 07865

PUBLIC HEARING Bulk Variances

Attorney Paul Mitchell was present along with the applicant Cecilia De Venezia and made a presentation to the board. Attorney Mitchell stated that the property is location on Penwell road in the RC zone and consist of .26 acres. At this time, Attorney Gallina had the following items marked into evidence:

A1-Affidavit of Proof of Service, A2-Certified List of Property Owners and Utilities, A3-Certified mailing receipts, A4-Proof of publication in Hunterdon Review, A5-Letter from Hunterdon County Planning Board dated December 21, 2022, A6-Letter from Hunterdon County Board of Health approval for Septic System, A7-Letter to Mr. & Mrs. Whitmore from applicants Attorney along with 5 items of correspondence dated September 16, 2022 and September 19, 2022.

Attorney Mitchell stated that besides the applicant who is present, Engineer John Ferrante and Planner Alan Kardon will also be giving testimony this evening. Attorney Gallina had Engineer Ferrante and Planner Kardon sworn at this time. Engineer Ferrante reviewed for the board the site plan survey which

shows everything on the property at present. Engineer Ferrante said that Bulk Variances are being requested. Engineer Ferrante stated that there is a C1 stream in the back portion of the property known as the Bettie Brook, along with the wetlands that are delineated and requires a 150' buffer. The C1 stream requires a 300' riparian zone. Because of all the constraints on the property the following permits are needed: DEP Flood Hazard permit & Wetlands permit. The County Planning Board said since this is on a Township Road, they do not have jurisdiction. Hunterdon County Soil Conservation since this project is under 5000 sq. ft. of disturbance they will not need a soil erosion permit. The applicant is asking for several C1 variances. Engineer Ferrante said that a new well will be located in the front of where the house will be. The house will be 12'4" from Penwell Road. It was noted that the property sloped down towards the Bettie Brook in the rear of the property. In the front area of the property is gravel and will continue to be as gravel with parking. The house will be 2 story, 33 feet in width and 39 feet in depth. A new septic system will be installed in the back portion of the property behind the house. Engineer Ferrante noted that the front print of the existing house is 678 square feet and the new house will be 1,287 square feet which includes the gravel area, walls and walkways. During Engineer Ferrante's testimony, the board had many questions. Planner Kyle stated that there was a note #24 on Sheet Figure 2, and it refers that a flood hazard area permit may be required. Engineer Ferrante said that was there initial indication, but once the applicant submitted their application to the DEP, they gave the applicant their approval.

At the conclusion of the testimony and the board's questions, Chairman Eberle opened the hearing up to the public for questions of Engineer Ferrante. Ms. Veres and Mr. Whitmore had many questions of Engineer Ferrante. At the conclusion of open to the public, Chairman Eberle announced that the board will take A 10 min recess at 8:46 pm. The board reconvened at 8:58 pm. At this time, the applicant Cecilia De Venezia was sworn in to give testimony. Ms. De Venezia informed the board her plans for the property. At the conclusion of the board's questions of Ms. De Venezia, Planner Aaron Kardon was sworn in to give testimony on behalf of the applicant. Planner Kardon had the following item marked into evidence: A8-Topography Photographs of the Site Map. Planner Kardon referred to "Dellmeyer versus Lacey Board of Adjustment". Planner Kardon went over the negative and positive criteria. At the conclusion of Planner Kardon testimony, the board had questions of Planner Kardon.

At the conclusion of the testimony, the applicant will amend the site plan including the design and layout of the proposed house. Attorney Mitchell as for the date of the March meeting for the continuation. Ms. Glashoff said the next meeting will be on March 22, 2023 at 7:00 pm. Attorney Gallina announced to the public the continuation for this application to March  $22^{nd}$ , not further notice will be given.

## PRESENTATION OF BILLS:

a. John Gallina, Esq.

\$260.00 – Attend ZBA Meeting 11/30/2022 \$357.50 – ZBA Resolution (Escrow-Ingram)

### PRESENTATION OF BILLS: Cont'd

b. Bayer/Risse Engrs.

\$260.00 - Attend ZBA Meeting 11/30/2022

c. James Kyle, PP

\$284.00 - Review application (Ingram-Escrow)

\$213.00 - Attend ZBA Meeting 10/26/2022

\$653.00 - Review application & Ordinance (Goerhing Escrow)

c. Court Stenographer

\$159.50 – Transcript from ZAB Meeting 11/30/2022

\$250.00 - Attend ZBA Meeting 2/22/2023

d. Solstice

\$ 36.00 - Floral Arrangement

Total: \$3,473.00

Motion by Mr. Porcino and seconded by Ms. Zatika to approve the bills as presented. Unanimously approved.

CORRESPONDENCE: a. Law of the Land Decisions b. Letter from Highlands Council from Mayor Koehler

At this time Chairman Eberle announced that the board will go into Closed Executive Session at this time with a motion by Ms. Zatika and seconded by Mr. Porcino to close the meeting to the public. Unanimously approved.

## **RESOLUTION #01-2023**

At this time the Chairman will ask for a motion to adopt **Resolution 01-2023** to go into Closed Executive Session.

## The purpose of the Executive Session:

 $\underline{X}$  Matters involving interviewing for appointments to the Board of Adjustment. At the conclusion of the Closed Executive Session the Board may or may not take action.

At the conclusion of the Executive Session the Chairman will ask for a motion to close the Executive Session and return to the public portion of the meeting.

At the conclusion of the Closed Executive Session, a motion by Ms. Zatika and seconded by Mr. Terzuolo to go back in the open portion of the meeting. Unanimously approved.

Being no further business to come before the board, nor comments from the public, motion by Ms. Zatika and seconded by Mr. Porcino to adjourn the meeting at 10:00 p.m. Unanimously approved.

CHAIRMAN WAYNE EBERLE

GAIL W. GLASHOFF, BOARD SECRETARY