



**LEBANON BOROUGH  
PLANNING BOARD & BOARD OF ADJUSTMENT  
REORGANIZATION MINUTES  
Tuesday, February 9, 2021**

The Reorganization and Regular meeting of the Lebanon Borough Planning Board/Board of Adjustment was called to order by Mayor Jim Pittinger at 7:00 P.M.

The meeting was convened in compliance with the Open Public Meetings Act of 1975. Three local newspapers were notified, and a notice is posted at Borough Hall.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited by all.

**OATH OF OFFICE**

The Oath of Office was administered by Jonathan Drill Esq.

		Term Expires
William Wilson	ALTERNATE #1	12/31/2021
James Newman	ALTERNATE #2	12/31/2021
Rob Weingart	CLASSIV	12/31/2023

**ROLL CALL:**

Members Present: Alexander Saharic, Dr. Chris Urchrin, Joseph Hauck, Henry Hopkins, David Abeles, Mayor James J. Pittinger, Jim Newman Councilman Sam Berger and Rob Weingart

Absent: William Skene, and William Wilson

Also present Karen M Romano, Secretary and Jonathan Drill Esq.

**NOMINATION OF CHAIRMAN:**

Attorney Drill requested a nomination for Chairman. **Councilman Berger nominated Lex Saharic. Mr. Abeles seconded the nomination motion. Mr. Hauck moved that nominations be closed.**

**Mr. Hauck moved, and Mr. Abeles seconded a motion nominating Alexander Saharic as Chairman for the year 2021.**

**The motion passed with the following roll call vote:**

**Ayes: Uchrin, Pittinger, Hauck, Hopkins, Abeles, Rob Weingart Abeles, Newman, Berger**

**Nays: None**

**Absent: Skene, and Wilson**

Attorney Drill handed the meeting over to Chairman Saharic.

**NOMINATION VICE CHAIRMAN:**

Chairman Saharic requested a nomination for Vice Chairman. Mr. Abeles nominated Dr. Uchrin. **Mr. Hauck moved that nominations be closed. Mr. Newman seconded the motion.** Nominations were closed.

**Mr. Hauck moved, and Mr. Abeles seconded, a motion nominating Dr. Christopher Uchrin, Vice-Chairperson for the year 2021.**

**The motion passed with the following roll call vote:**

**Ayes: Uchrin, Pittinger, Hauck, Hopkins, Abeles, Weingart, Abeles, Newman, Berger**

**Nays: None**

**Absent: Skene, and Wilson**

**APPOINTMENTS:**

Chairman Saharic requested a nomination for Secretary. Mr. Hauck nominated Karen Romano. **Mr. Hauck moved that nominations be closed. Mr. Abeles seconded the motion.** Nominations were closed.

**Mr. Hauck moved, and Councilman Berger seconded, a motion appointing Karen Romano, Secretary for the year 2021.**

**The motion passed with the following roll call vote:**

**Ayes: Uchrin, Pittinger, Hauck, Hopkins, Abeles, Weingart, Abeles, Newman, Berger**

**Nays: None**

**Absent: Skene, and Wilson**

Chairman Saharic requested a nomination for Planning Board/BOA Attorney. Mr. Hauck nominated Jonathan Drill Esq. **Mr. Hopkins moved the nominations be closed and Mr. Abeles seconded the motion.**

**Mr. Hauck moved, and Mr. Abeles seconded a motion appointing Jonathan Drill Esq. for the year 2021.**

**The motion passed with the following roll call vote:**

**Ayes: Uchrin, Pittinger, Hauck, Hopkins, Abeles, Weingart, Abeles, Newman, Berger**

**Nays: None**

**Absent: Skene, and Wilson**

Chairman Saharic requested a nomination for Planning Board/BOA Engineer. Mr. Hauck nominated Ferriero Engineering Inc. **Mr. Abeles moved the nominations be closed and Mr. Abeles seconded the motion.**

**Mr. Hauck moved, and Dr. Uchrin seconded a motion appointing Ferriero Engineering, Inc. for the year 2021.** The requested Robert Brightly PE continues to represent Lebanon Borough.

**The motion passed with the following roll call vote:**

**Ayes: Uchrin, Pittinger, Hauck, Hopkins, Abeles, Weingart, Abeles, Newman, Berger**

**Nays: None**

**Absent: Skene, and Wilson**

Chairman Saharic requested a nomination for Planner. Mr. Hauck nominated Darlene Green with Maser Consulting Inc. For a term of 3 months, expiring March 31, 2021 **Mr. Abeles moved the nominations be closed and Dr. Uchrin seconded the motion.**

**Mr. Hauck moved, and Dr. Uchrin seconded a motion appointing Darlene Green with Maser Consulting Inc. For a term of 3 months, expiring March 31, 2021.**

**The motion passed with the following roll call vote:**

**Ayes: Uchrin, Pittinger, Hauck, Hopkins, Abeles, Weingart, Abeles, Newman, Berger**

**Nays: None**

**Absent: Skene, and Wilson**

#### **ANNUAL FEES:**

**Annual Fees were set: Minutes: \$60.00, Land Use Laws \$45.00, by motion made by Mr. Abeles with a second by Mr. Weingart**

**The motion passed with the following roll call vote:**

**Ayes:** Uchrin, Pittinger, Hauck, Hopkins, Abeles, Weingart, Abeles, Newman, Berger  
**Nays:** None  
**Absent:** Skene, and Wilson

**MEETING DATE & TIMES:**

**Mr. Hauck moved, and Councilman Berger seconded, a motion that Regular Meeting time for meetings would be 7:00 p.m. and that the dates of each month be set as the 2<sup>nd</sup> Tuesday of each month.**

**The motion passed with the following roll call vote:**

**Ayes:** Uchrin, Pittinger, Hauck, Hopkins, Abeles, Weingart, Abeles, Newman, Berger  
**Nays:** None  
**Absent:** Skene, and Wilson

**SUB COMMITTEES**

Chairman Saharic called for approval of the sub committees as listed.

**Borough of Lebanon  
Office of the Planning Board  
PLANNING BOARD/BOARD OF ADJUSTMENT COMMITTEE'S  
2021**

- **Sub Committee: Application Review**
  1. **Joseph Hauck**
  2. Rob Weingart
  3. David Abeles
  4. James Newman, Alternate
  
- **Cross-Acceptance:**
  1. Chris Uchrin
  2. Henry Hopkins
  3. Lex Saharic
  
- **Master Plan:**
  1. **Lex Saharic**
  2. Chris Uchrin
  3. James Pittinger
  4. David Abeles - Alternate
  
- **Community Recognition – Awards:**
  1. **Alex Saharic**
  2. David Abeles
  3. Rob Weingart

• **Landmark/Historical:**

1. **Joe Hauck**
2. William Wilson

• **Ordinance Review:**

1. **David Abeles**
2. Joe Hauck
3. Sam Berger
4. Henry Hopkins

• **Storm Water and Waste Management/:**

1. **Chris Uchrin**
2. Henry Hopkins
3. Bill Skene

**\*Chairs denoted by bold print.**

**The motion passed with the following roll call vote:**

**Ayes: Uchrin, Pittinger, Hauck, Hopkins, Abeles, Weingart, Abeles, Newman, Berger**

**Nays: None**

**Absent: Skene, and Wilson**

**MINUTE APPROVAL:**

**Mr. Hauck moved, and Mr. Abeles seconded, a motion that Regular Minutes of December 2020.**

**The motion passed with the following roll call vote:**

**Ayes: Uchrin, Pittinger, Hauck, Hopkins, Abeles, Weingart, Abeles, Newman, Berger**

**Nays: None**

**Absent: Skene, and Wilson**

**MEMORIALIZE RESOLUTION 2020-12 Pellegrino Block 7 Lot 16**

**Mr. Hauck moved, and Mr. Abeles seconded, to memorialize Resolution 2020-12.**

**LEBANON BOROUGH PLANNING BOARD/BOARD OF ADJUSTMENT**

**JOANN PELLEGRINO  
BLOCK 7, LOT 16**

**APPLICATION NO. 2020-12**

**“C(1)” VARIANCE TO ALLOW AN ACCESSORY BUILDING FOR STORAGE  
INCIDENTAL AND ACCESSORY TO RESIDENTIAL USE OF THE LOT**

**RESOLUTION NO. 2020-12**

**WHEREAS**, Joann Pellegrino (the “**applicant**”) owns property having a street address of 56 Brunswick Avenue, Lebanon, New Jersey which is designated on the Borough of Lebanon (the “**Borough**”) tax map as Block 7, Lot 16 (the “**property**”), and the property is situated in the R-1-15 single family residential zoning district (the “**R-1-15 zone**”) and contains a permitted single family residential dwelling (the “**dwelling**”);

**WHEREAS**, the applicant submitted an application (the “**application**”) to the Lebanon Borough Planning Board/Board of Adjustment (the “**Board**”) for a variance to allow construction of one-story, 12-foot-high, 16-foot by 10-foot proposed accessory building (the “**proposed accessory building**”) to be used for storage incidental and accessory to the residential use of the property, and the proposed accessory building requires a “c” variance because it is a non-permitted accessory structure (the only accessory buildings permitted in the R-1-15 zone under the Borough ordinance are one accessory garage per lot and one accessory shed per lot, and the proposed accessory building does not fit within the definition of an accessory shed as it is oversize to qualify as a shed), and a “d” variance is not required because the proposed accessory building is not a principal structure;

**WHEREAS**, the Board is a planning board with the powers of a zoning board of adjustment pursuant to N.J.S.A. 40:55D-25c and, in this case, sat on the application as a Zoning Board of Adjustment because site plan approval and subdivision approval were not required so that subject matter jurisdiction over the application is with the Zoning Board of Adjustment in accordance with N.J.S.A. 40:55D-70c;

**WHEREAS**, the Board held a duly noticed public hearing on the application on December 8, 2020, with affidavits of publication and service of proper notices of the hearing being submitted to and on file with the Board, thereby conferring procedural jurisdiction over the application with the Board, during which hearing the applicant appeared, pro se, and the Board was represented by Kathryn J. Razin, Esq.;

**WHEREAS**, the following individuals testified during the hearing and were subject to cross examination, which testimony is part of the record in this matter:

1. Joann Pellegrino (applicant);

**WHEREAS**, no exhibits were entered into evidence during the hearing, and no interested parties or members of the public appeared at the hearing to cross examine witnesses, testify or otherwise present evidence;

**WHEREAS, AFTER CONSIDERING THE APPLICATION, DOCUMENTS AND TESTIMONY REFERENCED ABOVE, AND GIVING APPROPRIATE WEIGHT TO SAME, AND BASED ON ITS UNDERSTANDING OF THE APPLICABLE LAW, THE**

**BOARD MAKES THE FOLLOWING FACTUAL FINDINGS AND LEGAL CONCLUSIONS FOR THE PURPOSE OF MEMORIALIZING IN A WRITTEN RESOLUTION IN ACCORDANCE WITH N.J.S.A. 40:55D-10g(2) ITS ACTION IN GRANTING THE APPLICATION:**

**A. FACTUAL FINDINGS**

1. **The Property, Improvements and Zoning.** The property is an approximately .44-acre lot situated in the R-1-15 zone and contains the permitted dwelling. There are no accessory structures, such as a garage or shed, located on the property. The only accessory buildings which are permitted on a single family residential lot in the R-1-15 zone are: (a) a one car garage pursuant to ordinance sections 9.03 and 9.05; and (b) a storage shed pursuant to ordinance section 18.01, which is defined as being no larger than 100 square feet pursuant to ordinance section 2.53.

2. **The Proposed Accessory Building.** The applicant proposes to install the proposed accessory building, which as set forth above is a 12-foot-high, one-story, 10-foot by 16-foot structure, to be used for storage incidental and accessory to the residential use of the property. The proposed accessory building is not a permitted accessory garage or a permitted accessory shed (it is not a shed because it does not fit within the definition of shed due to its large size). As such a “c” variance is required pursuant to N.J.S.A. 40:55D-70c to allow its installation on the property due to the fact that it is oversized. The applicant requested a “c(1)” variance to allow the proposed accessory building.

3. **Threshold Issue as to Required Relief.** As a threshold issue, the Board determines that a “d(1)” use variance is not required to allow the proposed accessory building because the Board finds that it is an accessory building, not a second principal building. N.J.S.A. 40:55D-70d(1) provides that a “d(1)” variance is required for “a use or principal structure in a district restricted against such use or principal structure.” Where a non-permitted accessory building is at issue, a “c” variance is required, particularly in such a case where the building is akin to a shed or a garage but does not meet the technical size or similar definition found in the ordinance.

4. **Findings as to the “C(1)” Variance to Allow the Proposed Accessory Building.** As stated above, the only accessory buildings which are allowed on a single family residential lot in the R-1-15 zone are: (a) a one car garage pursuant to ordinance sections 9.03 and 9.05; and (b) a storage shed pursuant to ordinance section 18.01, which is defined as being no larger than 100 square feet pursuant to ordinance section 2.53. As the proposed accessory building does not meet the definition of a one garage or a shed, the applicant requires a “c” variance. The Board’s findings as to the applicant’s request for a “c(1)” variance to allow the proposed accessory building are as follows.

a. **Findings as to the Positive Criteria of the “C(1)” Variance to Allow the Proposed Accessory Building.** First, the Board finds that the property is unique in nature due to the size, shape and topography and that these conditions constitute an extraordinary and exceptional situation uniquely affecting the property. The Board finds that the size of the property and current configuration of the dwelling located on the property do not allow for a garage to be located on the property in any type of useful or efficient manner due to the existing dwelling as situated on the property. The Board further finds that the sloping and topography throughout the property do not allow for installation of a useful-sized storage garage. However, the Board further recognizes and finds that the applicant requires storage for outdoor equipment and that the equipment would be better housed within indoor storage, rather than being left outside or stored within the dwelling. In this regard, the Board finds and notes that the zoning ordinance makes specific reference to the need for storage of equipment and that the applicant in this case requires an excess sized building to store same in light of the fact that a garage is not located on the property to share the equipment storage space with a typical and permitted sized shed. As a result, and due to the conditions existing on the property, the Board finds that strict application of the accessory structure regulations in this case would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the applicant because the applicant would be unable to construct the proposed accessory building or likely any useful accessory building as the size shed permitted on the property as an accessory is simply too small to house the equipment at issue. As such, the Board’s ultimate findings are that a “c(1)” variance is warranted to relieve the hardship but subject, however, to satisfaction of the negative criteria.

b. **Negative Criteria of the “C(1)” Variance to Allow the Proposed Accessory Building.** Provided that the conditions set forth below are imposed and complied with, the Board finds that the “c(1)” variance to allow the deviations from the accessory structure requirements can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the master plan and zoning ordinance for the following reasons. First, the Board finds that allowing the deviations will not result in visual, noise, or other nuisance detriment, so there will be no negative impacts to the public good. In particular, the resulting deviations are caused only from the fact that the accessory building does not specifically qualify as one of the permitted accessory structures. Further, in light of the size of the property, and the existing dwelling on same, the Board finds that the placement of the proposed accessory building will not result in any negative impacts to the surrounding neighborhood uses or the neighborhood in general. Rather, the Board finds that the proposed accessory building will allow for useful storage of equipment, thereby preventing other negative impacts that could otherwise result. Second, allowing the deviations will not impair the intent or purpose of the master plan and zoning ordinance. First, as to other applicable zoning ordinance regulations, ordinance section 4.02 provides that an accessory building shall not exceed 16 feet in height. The applicant testified that the proposed accessory building will be no taller than 12 feet. The applicant also testified that the proposed accessory building will comply with all setback regulations, and therefore is in compliance with the ordinance requirements. Finally,

without the grant of such relief, the property would not be developed in a manner which would allow for storage for outdoor-type equipment, which is specifically referenced in the zoning ordinance.

## **B. LEGAL CONCLUSIONS**

1. **Conclusions as to the “C(1)” Variance to Allow the Proposed Accessory Building Where Not Permitted.** The Board’s conclusions as to the “c(1)” variance to allow the proposed accessory building where not permitted are as follows.

a. **Standards Applicable to Review of the “C(1)” Variance.** The Board has the power to grant “c(1)” or so-called “hardship” variances from zoning ordinance regulations pursuant to N.J.S.A. 40:55D-70c(1) where “(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, (b) or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon, the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.” The “hardship” that the applicant must prove is not inutility, meaning that without the variance the property would be zoned into inutility. Inutility caused by a zoning regulation would require a variance to avoid an unconstitutional taking of the property. The Board may – but is not required to – grant a “c(1)” variance where the hardship at issue is not confiscatory but, rather, inhibits “the extent” to which the property can be used. Lang v. North Caldwell Board of Adjustment, 160 N.J. 41, 54-55 (1999). It must be noted that a hardship variance is not available for intentionally created situations as constituting “self-created” hardship. Commons v. Westwood Board of Adj., 81 N.J. 597, 606 (1980); Chirichello v. Monmouth Park Board of Adj., 78 N.J. 544, 553 (1979), and/or for mistakes. Deer-Glen Estates v. Borough of Fort Lee, 39 N.J. Super. 380, 386 (App. Div. 1956). Neither is a hardship variance available to relieve “personal hardship” of the owner, financial or otherwise. Jock v. Wall Township Zoning Board of Adj., 184 N.J. 562, 590 (2005). Finally, the Board may not exercise its power to grant a “c(1)” variance otherwise warranted, however, unless the so-called “negative criteria” has been satisfied. Pursuant to the last unlettered paragraph of N.J.S.A. 40:55D-70: “No variance or other relief may be granted ... without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.” The phrase “zone plan” as used in the N.J.S.A. 40:55D-70 means master plan. Medici v. BPR Co., 107 N.J. 1, 4, 21 (1987).

b. **Grant of the “C(1)” Variance.** As set forth in the factual findings above, the Board found that the property is unique in nature and that the deviations here result from the property not being sufficiently sized with the dwelling thereon or with adequate topography to house a garage where storage is needed on the property. The Board also found that, provided the conditions set forth below are imposed and complied with, a “c(1)” variance to

relieve the hardship could be granted without substantial detriment to the public good and without substantial impairment of the master plan or zoning ordinance. As such, the Board concludes that it can and should grant the “c(1)” variance at issue subject to the conditions set forth below.

2. **Imposition of Conditions.** Boards have inherent authority to impose conditions on any approval it grants. North Plainfield v. Perone, 54 N.J. Super. 1, 8-9 (App. Div. 1959), certif. denied, 29 N.J. 507 (1959). Further, conditions may be imposed where they are required in order for a board to find that the requirements necessary for approval of the application have been met. Alperin v. Mayor and Tp. Committee of Middletown Tp., 91 N.J. Super. 190 (Ch. Div. 1966) (holding that a board is required to impose conditions to ensure that the positive criteria is satisfied); Eagle Group v. Zoning Board, 274 N.J. Super. 551, 564-565 (App. Div. 1994) (holding that a board is required to impose conditions to ensure that the negative criteria is satisfied). Moreover, N.J.S.A. 40:55D-49a authorizes a board to impose conditions on a preliminary approval, even where the proposed development fully conforms to all ordinance requirements, and such conditions may include but are not limited to issues such as use, layout and design standards for streets, sidewalks and curbs, lot size, yard dimensions, off-tract improvements, and public health and safety. Pizzo Mantin Group v. Township of Randolph, 137 N.J. 216, 232-233 (1994). See, Urban v. Manasquan Planning Board, 124 N.J. 651, 661 (1991) (explaining that “aesthetics, access, landscaping or safety improvements might all be appropriate conditions for approval of a subdivision with variances” and citing with approval Orloski v. Ship Bottom Planning Board, 226 N.J. Super. 666 (Law Div. 1988), aff’d o.b., 234 N.J. Super. 1 (App. Div. 1989) as to the validity of such conditions.); Stop & Shop Supermarket Co. v. Springfield Board of Adj., 162 N.J. 418, 438-439 (2000) (explaining that site plan review “typically encompasses such issues as location of structures, vehicular and pedestrian circulation, parking, loading and unloading, lighting, screening and landscaping” and that a board may impose appropriate conditions and restrictions based on those issues to minimize possible intrusions or inconvenience to the continued use and enjoyment of the neighboring residential properties). Further, municipal ordinances and Board rules also provide a source of authority for a board to impose conditions upon a developmental approval. See, Cox and Koenig, New Jersey Zoning and Land Use Administration (Gann 2020), sections 28-2.2 and 28-2.3 (discussing conditions limiting the life of a variance being imposed on the basis of the Board’s implicit authority versus by virtue of Board rule or municipal ordinance). Finally, boards have authority to condition approval on review and approval of changes to the plans by Board’s experts so long as the delegation of authority for review and approval is not a grant of unbridled power to the expert to approve or deny approval. Lionel Appliance Center, Inc. v. Citta, 156 N.J. Super. 257, 270 (Law Div. 1978). As held by the court in Shakoor Supermarkets, Inc. v. Old Bridge Tp. Planning Board, 420 N.J. Super. 193, 205-206 (App. Div. 2011): “The MLUL contemplates that a land use board will retain professional consultants to assist in reviewing and evaluating development applications” and using such professional consultants to review and evaluate revised plans “was well within the scope of service anticipated by the applicable statutes. It was the Board, and not any consultant, that exercised the authority to

approve the application.” The Board concludes that the conditions set forth below are warranted and should be imposed on all of the above-mentioned bases.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD, BY MOTION DULY MADE AND SECONDED ON DECEMBER 8, 2020, THAT THE FOLLOWING RELIEF IS HEREBY GRANTED, SUBJECT TO THE CONDITIONS SET FORTH BELOW:**

**C. RELIEF GRANTED**

1. **“C(1)” Variance to Allow Proposed Accessory Building.** Subject to the conditions set forth below, a “c(1)” variance from ordinance sections 9.03, 9.05, 18.01 and 2.53 is granted to allow the proposed accessory building as a non-permitted accessory structure to be used for storage incidental and accessory to the dwelling located on the property.

**D. CONDITIONS**

1. **Setback and Height Compliance.** The proposed accessory building shall be located in such a manner that it will not violate any of the setback requirements applicable to the R-1-15 zone. The proposed accessory building shall not exceed 12 feet in height.

2. **Utilities Limitation.** The proposed accessory building shall have no utilities.

3. **Design of Accessory Building.** The proposed accessory building shall be designed and constructed as an attractive structure appropriate for a residentially zoned and used property.

4. **Limitation on Storage.** The proposed accessory building shall be limited to storage of items incidental and accessory to the residential use of the property.

5. **Escrow Fees.** Any and all outstanding escrow fees shall be paid in full and the escrow account replenished to the level required by ordinance within 10 days of the adoption of a resolution, within 10 days of written notice that a deficiency exists in the escrow account, prior to signing the site plan and/or subdivision plat, prior to the issuance of a zoning permit, prior to the issuance of construction permits, and prior to the issuance of a temporary and/or permanent certificate of occupancy, completion or compliance (whichever is applicable). Failure to abide by this condition shall result in the relief granted automatically terminating and becoming null and void.

6. **Easements, Dedications and Conveyances.** Any and all easements, dedications and/or conveyances running to and in favor of the Township which are proposed on the site plan and/or subdivision plat and/or required as a condition of the approval resolution shall, in addition to being identified on the applicant’s plans, maps and/or plats, be

contained in separate documents if required by the Township Attorney to be prepared at the direction of the Township Attorney after the metes and bounds descriptions and maps of the easement, dedication and/or conveyance areas have been reviewed and approved by the Township Engineer. Said documents shall specifically outline the grant of the easement, dedication and/or conveyance and its purpose and shall contain a metes and bounds description and maps of the easement, dedication and/or conveyance area. All such documents shall then be recorded and, upon completion of the recording process, be transmitted to the Township Clerk for maintenance with other title documents of the Township. The applicant shall provide evidence of filed temporary construction easements.

7. **Time within which to Obtain Construction Permits and Certificate of Occupancy.** The applicant shall apply for and obtain any and all construction permits for all aspects of the proposed development by February 9, 2023 (which is within two (2) years of the date the within resolution was adopted on February 9, 2021). If during said two (2) year period, or extension thereof as granted by the Board, the applicant fails to obtain any and all construction permits, the within approvals shall automatically expire and become null and void. The applicant shall also have one (1) year from the date of issuance of the first construction permit to commence construction and obtain a permanent certificate of occupancy. If during said one (1) year period, or extension thereof as granted by the Board, work is not commenced and/or a permanent certificate of occupancy is not obtained, the within approvals shall automatically expire and become null and void

8. **Outside Agency Approvals and Permits.** The within approvals are conditioned upon and subject to the applicant obtaining permits and/or approvals from all applicable outside agencies and/or departments including but limited to

- a. Hunterdon County Planning Board; and
- b. Hunterdon County Soil Conservation District.

9. **Subject to Other Approvals and Laws.** The within approvals and the use of the property are conditioned upon and made subject to any and all laws, ordinances, requirements and/or regulations of and/or by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approval and the use of the property are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. In the event of any inconsistency(ies) between the terms and conditions of the within approval and any approval(s) required above, the terms and/or conditions of the within approval shall prevail unless and until changed by the Board upon proper application.

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**VOTE ON MOTION DULY MADE AND SECONDED ON DECEMBER 8, 2020:**

**THOSE IN FAVOR: SAHARIC, UCHRIN, HAUCK, HOPKINS, ABELES, LAPCZYSKI, PITTINGER & BERGER.**

**THOSE OPPOSED: NONE.**

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The within resolution memorializing the Board action in granting the approvals set forth above was adopted on February 9, 2021 by the following vote of eligible Board members:

<b><u>Member</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>	<b><u>Abstain</u></b>	<b><u>Absent</u></b>
SAHARIC	x			
UCHRIN	x			
HAUCK	x			
HOPKINS	x			
ABELE	x			
LAPCZYSKI				x
PITTINGER	x			
BERGER	x			

\_\_\_\_\_  
**ALEX SAHARIC, Chairperson**

\_\_\_\_\_  
**ATTEST: KAREN ROMANO, Secretary**

**DATE MEMORIALIZED: February 9, 2021**

**The motion passed with the following roll call vote:**

**Ayes: Uchrin, Pittinger, Hauck, Hopkins, Abeles, Weingart, Abeles, Newman, Berger**

**Nays: None**

**Absent: Skene, and Wilson**

**OPEN PUBLIC SESSION**

Chairman Saharic opened the floor for public questions. There being no comment the floor was closed.

**MISCELLANEOUS:**

**ADJOURN**

**Councilman Berger moved, Mr. Mayor Pittinger seconded a motion to adjourn, there being no further business to come before the Board.** The motion was passed by unanimous vote. The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

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Karen Romano  
Planning Board Secretary