

REGULAR MEETING

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

April 11, 2007

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:32 p.m. by Chairman Bruce Terzuolo. Present were: Mr. Machauer, Mr. MacQueen, Mr. Perry, Mr. Nagie, 1st Alternate Eberle, 2nd Alternate Maurizio, Attorney Gallina and Planner Bolan.

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" and adopted by this board on January 10, 2007, 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 April 4, 2007.

PRESENTATION OF BILLS:

- a. Banisch Associates \$260.00 – Attend Mtg 2/28/07
 \$ 42.60 - Escrow (**Cingular Comm.**)
 \$241.40 - Escrow (**Little Brook Nursing Home**)
 Total: \$544.00

Ms. Glashoff stated that she had one additional bill to add and it was for her County Planning & Zoning Administrators Luncheon/Seminar for \$25.00. This brings to total to **\$569.00**. Motion by Mr. Perry and seconded by Mr. Nagie to approve the bills as amended. Unanimously approved.

CORRESPONDENCE:

PRESENTATION OF CERTIFICATES:

Bill Machauer & Lou Perry

Ms. Glashoff stated on behalf of the New Jersey Planning Officials she wanted to congratulate the following board members for completing the Planning & Zoning Training Class: Mr. Machauer and Mr. Perry. The Certificates are from the DCA. The board congratulated Bill and Lou.

Ms. Glashoff reminded everyone to fill out the Financial Disclosure Statement.

ITEMS FOR DISCUSSION:

b. Memo from Zoning Officer re: Animal Farms – Planner Bolan

Planner Bolan asked did Animal Actors come before the board before the ordinance came into play. Ms. Glashoff stated Animal Actors came before this board in October, 1984. After that the Planning Board created the Animal Farm Ordinance which was adopted by the Township Committee. When Animal Actors moved to American Way, they came before the Planning Board for Conditional Use/Site Plan approval back in the early 1990's.

Planner Bolan asked if Animal Actors were still in the Township. Ms. Glashoff stated yes. Planner Bolan said the problem is the word indigenous which is in the ordinance and to resolve the problem we need to eliminate the word out of the ordinance. Chairman Terzuolo said that he does not want to see a lot ordinances controlling what people can and can not do on their property. Planner Bolan agreed. Chairman Terzuolo noted that we are about to get hammered by NJDA (Department of Agriculture) with the new regulations that will be going into affect soon. The property in question is 3+ acres and they have horses, cattle and sheep up on top of a raised septic mound. The whole surface where the septic mound is located is destroyed and there is no turf cover left where the animals are. They have a severe over population of animals. Chairman Terzuolo stated when he read the letter from the Zoning Officer, he went to see Bob Mickel the County Agricultural Agent. It is going to be mandatory in about 12-18 months that people with animals will have to conform to the NJDA's Best Management Practices for land. It is broken down into animal units. It will depend on the animal. A sheep could be a half a unit; a steer could be a unit and one half as an example. If another complaint comes in, Bob can go over there and give them some guidelines. If this comes before the board, the board can have Bob as a witness and then his suggestions will become mandatory.

Planner Bolan reminded the board about taking the word indigenous out of the ordinance. The board continued to discuss this issue at length.

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Planner Bolan referred to page 4 of the handout from Bob Mickel that covers Pasture Regime. Mr. Maurizio questioned the issue of the animals (horses) pasturing on a raised mound septic system and would this be a Board of Health because of the compaction issues. Chairman Terzuolo stated the animals should not be there and in speaking with Bob, he was going to try and stop by there place and speak to them with info regarding the animals before they are descended upon by the ASPCA and the County Health Dept. etc. Chairman Terzuolo noted that Mr. Mickels hands are tied unless he is ordered to go there by an authority, like this board, SPCA, County Board of Health or DEP; he can not just see a problem and go in. He is an advisory to farmers and people with livestock. If a complaint is raised then Cooperative Extension can be called in and RCS can get involved, then they can call him in to specifically set standards for that property.

Mr. Perry questioned the number of animals that are involved. Mr. Maurizio stated that they keep adding animals; they have horses, sheep, goats and a cow. At the conclusion of the board's discussion, Chairman Terzuolo suggested that we should just wait and see and if this issue comes up again then deal with it.

Mr. Nagie stated that the Zoning Officer suggested that Mr. Egan contact the County Board of Health and wanted to know what they can do. Chairman Terzuolo stated that with the septic involved and if they are creating a health hazard, they could contact the ASPCA. Mr. Maurizio said the question is; where is all the manure going from that property. There is probably a runoff issue especially with the Little Brook stream. It was noted that the stream is probably about 50' away. It was also noted that when Bill Mount lived there, he had a backyard and then 100 -150' of woods to the stream. The new owners have cleared the woods to at least 50' from the stream. Mr. Nagie asked if there were wetlands on the property, the answer was yes. It was noted with a CI stream you need a 300' buffer and they also have many sheds when the limit is 3. To have more than 3 outbuildings, you need to come to the Board of Adjustment. If you are farm assessed there is no limit on building, but this property doesn't meet the requirement from farm assessment.

Chairman Terzuolo reiterated that if Mr. Egan pursues this and it comes to the board, the board will deal with it at that time.

a. Annual Report 2006 – Planner Bolan

Planner Bolan reviewed for the board his memo dated March 14, 2007. Planner Bolan suggested leaving the third paragraph in the report which talks about enforcement of conditions for applications approved by the board and recommends diligent enforcement of these conditions by the Zoning Officer. The board also recommends that the Township develop a better system for the sharing of information and the tracking of application approvals.

In the fourth paragraph it is recommended that the 100' setback for buildings housing animals be eliminated. Have the 200' from the adjacent residence and eliminate the reference to the property line.

The fifth paragraph speaks of Bed & Breakfast. Mr. MacQueen noted that it had been discussed at the Planning Board and decided not to do anything with it. The sixth paragraph talks about apartments. Planner Bolan suggested including in the ordinance the specific date of July 1, 1987 on which a structure must be in existence for avoid any confusion. The board agreed.

In the last paragraph the board discussed County Soil Conservation doing inspections on single lots.

Planner Bolan reviewed the list of applications approved and denied by the board. Planner Bolan referred to the grandfathering provisions that are now in the ordinances which have cut down on the number of variances coming before the board. Planner Bolan asked if there were any variances that were approved that were reoccurring problems. Chairman Terzuolo stated private roads. Chairman Terzuolo also brought up Cell Towers and asked if our ordinance is a little vague, specifically on residential properties.

The board discussed this issue at length regarding cell towers. Ms. Glashoff informed the board she had received a phone call from Attorney DelVecchio regarding the cell tower application on the Creveling property. They are now investigating the property across the road which is the

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former Lowney property because of the power lines. The board asked about the application at the Autobody Shop. Ms. Glashoff reminded the board that she had sent a letter to their attorney at the board's request to proceed at the June meeting or they would be denied without prejudice. The board continued with their discussion. After reviewing the list of applications approved/denied, there were no applications that needed to be addressed.

Mr. MacQueen asked about churches and are they a permitted use, notwithstanding Highland Regulations. Planner Bolan stated that are a Conditional Use in all zones.

Being no further business to come before the board, nor comments from the public, motion by Mr. Nagie and seconded by Mr. Perry to adjourn the meeting at 8:40 p.m. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY