

## REGULAR MEETING

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

**April 28, 2010**

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:30 p.m. by Chairman Bruce Terzuolo. Present were: Mr. Kozlowski, Mr. Perry, Mr. Nagie, Mr. Abuchowski, Mr. Eberle, 1<sup>st</sup> Alternate Machauer, 2<sup>nd</sup> Alternate Maurizio and Attorney Gallina. Ms. Jacobus covered the meeting in the absence of Ms. Glashoff. **Excused:** Mr. MacQueen

This meeting was noticed in the "Annual Meeting Notice Schedule" adopted by this board on January 27, 2010, mailed to the Hunterdon Review, Hunterdon County Democrat, Courier News, Express Times, Star Ledger and posted on the bulletin board in the Municipal Building on April 21, 2010.

**PRESENTATION OF MINUTES:** April 8, 2010 Special Meeting

Motion by Mr. Kozlowski and seconded by Mr. Eberle to approve the minutes with minor corrections. Unanimously approved.

**FYI: Financial Disclosure Statement 2010**

**ATTENTION:** Please fill out/sign and return night of meeting.

### **NEW BUSINESS:**

Lance Tong  
664 Winding Brook Lane  
Califon, N.J. 07830

Block #38 Lot #62  
Winding Brook Lane R 1½

### **PUBLIC HEARING**

Bulk Variances – relief from setback  
Section 400-10a Section 400-4:1 Schedule I

Attorney Gallina announced that all the notices are in order and the board can proceed with the public hearing. The following items were marked into evidence: **A1-Taxes Paid, A2-Certified List of Property Owners and Utilities, A3-Affadavit of Proof of Service, A4-POD Slips, A5-Notice in Newspaper, A6-Zoning Denial, A7-Hunterdon County Planning Board Letter, A8-Hunterdon County Board of Health Letter, A9-Hunterdon County Soil Conservation District Letter, A10-Property Survey.** The applicant Lance Tong was sworn in by Attorney Gallina.

Mr. Tong explained to the board why he needed multiple variances. Mr. Tong informed the board that a few years ago he did a lot line adjustment before the Planning Board. Mr. Tong said he lives on a private road which goes from East Hill Road to Sliker Road. Before he did the lot line adjustment he and his neighbor owned property on both sides of the road. The lot line adjustment was done so both properties would be on the same side of the road for each lot. Mr. Tong noted that his lot is oddly shaped which is rectangular. The lot is long and thin and the private road goes along the entire length of his lot. Because of the shape of the lot, the setbacks create a very small building envelope. Mr. Tong said he is asking for a variance for his shed since it can not fit within the building envelope and he would also like to get a variance for an in-ground pool. There was an above ground pool existing on the property when he purchased the property. He would like to have permission to have an in ground pool in the same area.

It was noted that even though the in-ground pool is shown on the plan and is noticed in the newspaper, the application itself does not include the pool. The board discussed this issue at length with the board attorney. In conclusion, the applicant will have the ties put on the plans for the pool, with the total area for the pool being 20' x 40'. Attorney Gallina announced to the public, that this application will be carried to the May 26, 2010 meeting at 7:30 p.m. with no further notice given. Chairman Terzuolo announced the next application.

Carolyn Temples  
591 East Hill Road  
Glen Gardner, N.J. 08826

Block #38 Lot #100.03  
East Hill Road R 1½

### **PUBLIC HEARING**

Bulk Variances – relief from setback  
Section 400-4:1 Schedule I

Mr. Nagie and Mr. Kozlowski asked to be excused due to a conflict with this application. Attorney Gallina announced that all the notices are in order and the board can proceed with the public hearing. The following items were marked into evidence: **A1-Taxes Paid, A2-Certified**

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List of Property Owners & Utilities, **A3**-Notice to the Property Owners, **A4**-Affadavit of Proof of Service, **A5**-POD Slips, **A6**-Notice in Newspaper, **A7**-Zoning Denial, **A8**-Hunterdon County Soil Conservation District Letter, **A11**-Color Survey. Attorney Gallina swore in the applicant Carolyn Temples and her Engineer Wayne Ingram.

Chairman Terzuolo said he understood that originally the cabin was going to be torn down which originally had been used for living quarters, but now since the cabin is in good condition, it would be used for storage and a workshop. Chairman Terzuolo asked to have the survey marked into evidence along with the photos. The following was marked: **A9**-Survey of Property prepared by Wayne Ingram, Engr. dated April 7, 2010, **A10**-2 Sheets of Photos of the property. Engineer Ingram stated the cabin consisted of a one bedroom residence, which was  $\frac{3}{4}$  into the rear yard setback or 29  $\frac{1}{2}$  feet from the property line. The shed was totally within the rear yard setback. The applicant wanted to keep the cabin and convert it into a storage building with a workshop along with the shed being demolished. Engineer Ingram informed the board that the cabin has been totally gutted and the shed has been removed. At the conclusion of Engineer Ingram's testimony, Chairman Terzuolo asked if the board had questions. Mr. Eberle asked about the foundation of the cabin. Engineer Ingram said the cabin is on piers and is not on a very sound foundation and would not recommend fixing the cabin up. Mr. Perry asked about the septic system for the cabin. The septic was located approximately 15' closer to East Hill Road, north of the structure. Mr. Maurizio asked when the original structure was built. The response was 1920. Mr. Machauer asked about the plumbing and electric. The response was that the plumbing had been removed but that the electric will stay. Chairman Terzuolo asked the footprint of the building and the shed that is being removed. Engineer Ingram said the cabin is 560 square feet and the shed is 151 square feet. Engineer Ingram said they are planning on removing 475 square feet of gravel.

At this time, Chairman Terzuolo opened the hearing to the public for questions of the witness. Since there were no questions, Chairman Terzuolo then asked if anyone had any comments or statements. Ms. Pat Anderson was sworn in to give testimony. Ms. Anderson stated she and her husband live directly behind the Temples property on Sassafras Lane. Ms. Anderson said she went over to the applicant's property and was shown the cabin and that all the plumbing and water have been removed and it is now just a storage shed and they have no problem with the proposal by the applicant. Chairman Terzuolo asked if the board had questions of Ms. Anderson, there were none. When opened to the public and the applicant for questions, there were none.

Chairman Terzuolo asked Engineer Ingram to give a summation on behalf of the applicant at this time. Engineer Ingram reviewed for the board the request of the applicant and how it will not be a detriment to the public good. The cabin has been on the property since 1920 and converting it into a storage shed and work shop would not change the character of the area or have a negative impact on the surrounding area. At the conclusion of the summation, Chairman Terzuolo announced that the evidence taking portion of the hearing is now closed.

The board deliberated at this time. In conclusion, the board agreed that changing the cabin into a workshop and storage building and eliminating the shed was an improvement to the area. Motion by Mr. Maurizio and seconded by Mr. Perry to grant variance request with the following conditions:

- a. Approval from any outside agencies having jurisdiction.
- b. Obtain any permits within 18 months from the approval.

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

**Attorney Gallina will prepare the Resolution to be on the next agenda for adoption.**

Gail M. Vajda  
94 Forge Hill Road  
Glen Gardner, N.J. 08826

Block #69 Lot #51  
Forge Hill Road R1 $\frac{1}{2}$

**PUBLIC HEARING**

Bulk Variances – relief from setback  
Section 400 – 4:1 Schedule I

Attorney Gallina announced that all the notices are in order and the board can proceed with the

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hearing. The following items were marked into evidence: **A1-Taxes Paid, A2-Certified List of Property Owners and Utilities, A3-Notice to Property Owners, A4-Affadavit of Proof of Service, A5-POD Slips, A6-Notice in Newspaper, A7-Zoning Denial, A8-Hunterdon County Soil Conservation District Letter, A9-Hunterdon County Planning Board Letter.** Attorney Gallina swore in Gail Vajda and Dan Wirasnik.

Mr. Wirasnik, brother to the applicant, made a presentation to the board. Mr. Wirasnik stated that he will be doing the construction of the addition for Ms. Vajda. The house at present has 2 bedrooms, 1 bath, living room, dining room and kitchen/sun room. Mr. Wirasnik said what they are proposing adding 2 additional bedrooms, a living room and 2 bathrooms on to the existing house. Since this is a flag lot, the setbacks are 100' and they are encroaching on the front yard setback. The reason for the addition is Ms. Vajda wants to bring back to the Township her daughter/son-in-law and granddaughter to live with her. The house was built around 1950. The addition will be on the left side of the house. Ms. Vajda has lived in her home for over 30 years. With this addition, there will be a total of 4 bedrooms, 3 bathrooms, 2 living rooms, 1 dining room and 1 kitchen.

Mr. Wirasnik reviewed for the board the pictures of the property and of the house which also shows where he staked out the dimensions of the addition. At the conclusion of Mr. Wirasnik's testimony, Chairman Terzuolo asked if the board had any questions of the witness. Mr. Perry asked if the height of the addition would be the same as the existing house. Mr. Wirasnik said yes. Mr. Perry asked about the septic system. Mr. Wirasnik said that Engr. Symonds designed a septic system for a 4 bedroom house and it has been approved by the County Board of Health. Mr. Wirasnik stated that the septic will be in the rear yard and the well is in the front of the house. Mr. Eberle asked if there were any conditions that would prohibit building the addition in the back of the house. Mr. Wirasnik said that the septic system is fixed to an elevation. If they were to add to the back of the house they would need to build a retaining wall for the septic system. Mr. Eberle said that it sounds like it would be a hardship to build in the back of the house. Mr. Wirasnik answered yes. Mr. Kozlowski asked if the addition would have a basement. Mr. Wirasnik said only a crawl space. Mr. Maurizio asked about the neighboring property which is about 42 acres and if there was a house on that property. Mr. Wirasnik said yes about 1000' away. Mr. Machauer questioned if there would be a separate apartment. Mr. Wirasnik said no that it will still be a single family home. Mr. Abuchowski asked the square footage of the original house. Mr. Wirasnik said 960 square feet. The addition will be 775 square feet which will bring the total square footage which includes the addition to 1735 square feet. At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public for questions. There were none. When opened to the public for statements and comments there were none.

Chairman Terzuolo asked Mr. Wirasnik to give his summation at this time. At the conclusion of the summation, Chairman Terzuolo announced that the evidence taking portion of the hearing is now closed. The board deliberated at this time. At the conclusion of the board deliberations, Attorney Gallina informed the board of the standard conditions that need to be placed in the resolution. Chairman Terzuolo asked Attorney Gallina to explain the 18 months so there is no misunderstanding. Attorney Gallina said the permits have to be obtained within 18 months of the date of the Resolution being adopted or the approval will lapse. If an extension is needed, it has to be requested before the expiration of the 18 months.

Motion by Mr. Kozlowski and seconded by Mr. Maurizio to grant the variance to build the addition in the side yard setback with the following conditions:

- a. All permits to be obtained within 18 months from the adoption of the Resolution.
- b. Approval from all outside agencies having jurisdiction.

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

**Attorney Gallina will prepare the Resolution to be placed on the next meeting agenda.**

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**PRESENTATION OF BILLS:**

a. John Gallina, Esq.	\$172.50 – Escrow (Gail Vajda)
	\$143.75 – Escrow (Lance Tong)
	\$402.50 – Escrow (Michael Edwards)
b. Michael Bolan, PP	\$127.80 – Attend Board Meeting 3/24/2010
	\$ 85.20 - Review/prepare comments on By-Laws
	\$213.00 - Escrow (Transtar)
	\$440.20 - Escrow (Michael Edwards)
c. Court Stenographer	\$200.00 – Attend Board Meeting 4/28/2010
	<b>Total: \$1,784.95</b>

Ms. Jacobus informed the board that she had one additional bill to add. The bill is for Attorney Gallina, Escrow for Carolyn Temples in the amount of **\$172.50**. This brings the grand total to **\$1,957.45**. Motion by Mr. Perry and seconded by Mr. Nagie to approve the bills as amended. Unanimously approved.

**CORRESPONDENCE:**

- a. NJ Planner April, 2010
- b. Law of the Land Article
- c. Law Bulletin April, 2010

Being no further business to come before the board, nor comments from the public, motion by Mr. Abuchowski and seconded by Mr. Nagie to adjourn the meeting at 9:15 p.m. Unanimously approved.

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**CHAIRMAN BRUCE TERZUOLO**

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**KIMBERLY JACOBUS, ACTING BOARD SECRETARY**  
Minutes prepared by Ms. Glashoff