

REGULAR MEETING

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

May 23, 2018

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:34 pm. by Chairman Bruce Terzuolo. Present were: Mr. Maurizio, Mr. Kozlowski, Mr. Eberle, Mr. Locker, 1st Alternate Ms. Guevara, Attorney Gallina & Planner Bolan. Excused: Mr. Abuchowski & Mr. MacQueen.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 24, 2018, faxed to the Hunterdon review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building and on the website on May 16, 2018.

PRESENTATION OF MINUTES: April 25, 2018 Regular Meeting

Motion by Mr. Maurizio and seconded by Mr. Kozlowski to approve the minutes as presented. Unanimously approved by those eligible to vote.

RESOLUTION: Annual Report – 2018

Motion by Mr. Kozlowski and seconded by Mr. Locker to approve the Annual Report as presented. Unanimously approved by those eligible to vote.

UNFINISHED BUSINESS:

Robert Campolattaro Block #50 Lot #8
106 Mt. Lebanon Road Mt. Lebanon Road RC 7½
Glen Gardner, N.J. 08826

PUBLIC HEARING Certification of a Pre-existing non-conforming use
D1 Use Variance to have a mobile house trailer

The applicant was present along with his Attorney William Caldwell. Attorney Gallina had Mr. Campolattaro sworn in at this time to give testimony. Mr. Campolattaro informed the board that he has owned the property which consists of a Single Family home, a doublewide trailer, inground pool and a shed on 4.87 acres for 3 years. The trailer has been on the property since 1968, the owner Mr. Elwood Stump didn't build the house until 1975. Mr. Campolattaro said the purpose of replacing the trailer is because of the age and to be able to have his mother live in the new house trailer. Mr. Campolattaro said the house and trailer share the septic system, but that both have their own wells. Mr. Campolattaro said that both the septic and well are in good functioning condition. Attorney Caldwell asked the applicant if he would ever consider renting out the trailer to strangers. Mr. Campolattaro said no, only to family members. At the conclusion of Mr. Campolattaros testimony, Chairman Terzuolo asked if the board had a questions of the applicant.

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Mr. Locker referred to the size of the proposed trailer which is 23.33' by 56' or 1306 square feet versus the existing trailer which is 10' by 53' or 530 square feet. Mr. Campolattaro said he wanted to have more living space for his mother. Mr. Eberle asked when the house was built. Mr. Campolattaro said in 1975. Mr. Campolattaro said he has a survey from Elwood Stump from 1968 which shows the trailer and a survey after the house was built in 1975. Mr. Eberle asked where the septic system is located. Mr. Campolattaro said both septic systems are in the front yard. Ms. Glashoff said she has photos and asked if the board wanted to get them marked into evidence. The following was marked into evidence: **A6-6** photographs, **A7-** Elwood Stump's survey prepared by Robert Lee Associates dated September 19, 1968 showing the existing trailer. At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public for questions. There were none.

The following people were sworn in by Attorney Gallina to give testimony on behalf of the applicant: Mr. Kevin Andreychak of 3 Goldenrod Drive & Mr. Tony Torello of 108 Mt. Lebanon Road. Both neighbors were in support of Mr. Campolattaros application. Chairman Terzuolo asked if the board had any questions of the witnesses. Mr. Kozlowski asked about Mr. Torello's two sheds since they are near the property line also, asked about the driveway and if it is a shared driveway. Mr. Torello said yes. Mr. Eberle asked Mr. Torello if he were to sell his house would it make a difference if the trailer was to be rented to strangers. Mr. Torello said no it would not make a difference. When open to the public for questions, there were none.

Attorney Gallina swore in Eldon B. Allen, Land Surveyor to give testimony on behalf the applicant. Mr. Allen said he has been a Land Surveyor since 1957. Mr. Allen said the current trailer shown is 12' off the property line. Mr. Allen was asked about the topography of the property and noted that the property is flat. At the conclusion of Mr. Allen's testimony, Chairman Terzuolo asked if the board had questions of Mr. Allen. Mr. Eberle asked about the parking. Mr. Allen stated there is parking for 5 vehicles. There are no plans to expand the parking other than what is presently shown on the property. Planner Bolan asked about the plan that Mr. Allen referenced during his testimony. Mr. Allen said that the survey plan is dated July 13, 2017. Mr. Eberle asked about the parking. There would be parking for at least 5 vehicles. Planner Bolan referred to the septic that is shown on the plan dated 2017. At the conclusion of Mr. Allen testimony, Chairman Terzuolo opened the hearing to the public for questions. There were none.

At this time, Attorney Gallina had Planner John Madden sworn in to give testimony on behalf of the applicant. Planner Madden said that he did a site inspection of the property and reviewed the Master Plan and zoning ordinances and looked into the nature of the variances that need to be considered by the board. The applicant is looking to remove the existing trailer and replace with a larger trailer. The existing trailer predates the ordinances which have been around since 1968. Lebanon Township was the last municipality in the county to introduce ordinances. Planner Madden stated that the property is 4.87 acres in a split zone of R1 ½ & RC. The variances that are indicated are a d1 for a residential use of the

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trailer with more than one principal use on the lot. Planner Madden said he thinks they will need a d3 Variance which are deviations from the standard of a Conditional Use. Planner Madden referred to Ordinance 400-11-13a which permits a Supplementary Apartment. Planner Madden reviewed for the board the definition of a supplementary apartment which consists of a maximum of 1200 square feet. Planner Madden said they meet all the requirements except two which are: no more than 40% of the principal structure & a maximum of 1200 sq. feet. The new proposed trailer will be 11% or 106 sq. feet over the maximum per the ordinance. Also, the ordinance states that you need 7½ acres to have a supplementary apartment and the applicant only has 4.82 acres which makes it short 2.68 acres.

Planner Madden said the positive criteria is that there has been a trailer on the property since 1967. Also, Planner Madden went over the special reasons and the benefits outweigh the detriments. The following item was marked into evidence: **A8**-Photographs 1-5 taken by Planner Madden. It was suggested that the survey of Eldon Allen be also marked into evidence. The following item was marked: **A9**-Survey prepared by Land Surveyor Eldon Allen dated July 13, 2017. At the conclusion of Planner Madden's testimony, Chairman Terzuolo asked if the board had any questions. Mr. Eberle asked about having some landscaping/screening. Planner Madden suggested a few ideas. Mr. Locker asked if they can move the trailer out of the side yard setback. Planner Madden said the applicant doesn't want to go the 20' in but is willing to go 15'.

At this time Attorney Gallina had Mrs. Campolattaro mother of the applicant sworn in to give testimony. Mrs. Campolattaro said that she would be living in the new trailer and the reason for having it larger than the existing trailer is she plans on having her mother live with her and she would need the extra room. At the conclusion of the testimony, Chairman Terzuolo asked if the board had any questions. There were none. When opened to the public for questions, there were none. Chairman Terzuolo had Planner Bolan sworn in to give testimony on behalf of the board.

Planner Bolan reviewed for the board his Memo. Planner Bolan noted that the property consists of 4.82 acres includes a primarily residence, swimming pool, barn, two sheds and an existing metal and frame trailer home. The applicant is proposes to replace the existing trailer with a trailer approximately 1,306 square feet. The existing trailer is 530 square feet. Since the new trailer will be much bigger, a d2 Use Variance will be needed. The property is split between the R 1½ zone and the RC 7½ zone. A d1 Use Variance will also be needed since trailers are not a permitted use. Planner Bolan stated that with a d1 Use Variance the applicant must prove and the Board must find that there will be no substantial impairment to the Zone Plan. Planner Bolan also touched base on the septic system, well (water lines) and electric. Planner Bolan also mentioned the Coventry Square Decision. At the conclusion of Planner Bolan's testimony, Chairman Terzuolo asked if the board had any questions. There were none. When opened to the public there were no questions.

Attorney Caldwell gave his summation at this time. Chairman Terzuolo announced that the board will take a brief recess at 9:00 p.m. The board reconvened at 9:05 p.m. At this time, the board went into

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Deliberations. At the conclusion of the board's deliberations, motion by Mr. Maurizio and seconded by Mr. Eberle to grant C1 Bulk Variance, relief from the Conditional Use Variance Sections a, j & m with the following conditions:

- a. The applicant shall obtain all other necessary approvals from outside agencies having jurisdiction.
- b. The applicant will pay all necessary fees and escrows payable in connection with the application. The applicant shall be under a continuing duty to maintain a positive escrow account balance until all conditions have been satisfied and all charges paid.
- c. The existing trailer on the property will be removed and replaced with the proposed new trailer.
- d. The proposed new trailer will have a maximum area of 1,474 square feet as shown on the survey of Eldon Allen. The new trailer will be one story in height and will comply with the requirements for the RC Zone.
- e. The new trailer will have the same orientation as shown on the survey of Eldon Allen (Exhibit A9), which will be perpendicular with the site lot line boundary. The new Trailer will have an unobstructed and open side yard setback of at least 20'.
- f. The new trailer will be limited to use by family members of the owner of the property. This condition will also be placed in the Deed to the property as a restriction. The Deed containing the necessary restrictive language will be reviewed and approved by the Board Attorney.
- g. The applicant will send a notice of the Application to the Highlands Water Protection & Planning Council at 100 North Road (Route 513) Chester, N.J. 07930
- h. All necessary permits shall be obtained within eighteen (18) months of the date of the adoption of this Resolution. The applicant is advised that pursuant to Ordinance Section 45-20, if an extension of this time period is needed, the request must be made in writing prior to the expiration of the 18 month period.

ROLL CALL	Yes: Mr. Maurizio	Mr. Eberle	Absent: Mr. MacQueen
	Mr. Kozlowski	Mr. Locker	Mr. Abuchowski
	Mr. Terzuolo	Ms. Guevara	

Attorney Gallina will prepare the Resolution to be on the next Agenda of June 27, 2018

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PRESENTATION OF BILLS:

a. John Gallina, Esq.	\$ 390.00 – Review Annual Report, prepare Resolution Annual Report & attend ZBA Mtg on 4/26/2018
b. Michael Bolan, PP	\$ 265.00 – Attend ZBA Mtg on 4/26/2018
	\$ 43.50 - Review draft of Annual Report
	\$ 43.50 - Discuss completeness with Engr. Risse – (Gerish-Escrow)
	\$ 333.50 – Prepare memo re: variance criteria, review application Prepare notes for public hearing
c. Steve Risse, Engr.	\$ 65.00 - Review Site Plan Application Fee at request of applicant's Attorney Selvaggi's office – (Gerish Escrow)
c. Court Stenographer	\$ 250.00 – ZBA Meeting – May 23, 2018
	Total: \$1,390.50

Motion by Mr. Kozlowski and seconded by Mr. Eberle to approve the bills for payment. Unanimously approved.

Ms. Glashoff announced that the Gerish and Ashton applications for Site Plan will be on the June Agenda for Completeness/Waivers and to set public hearing dates. Being no further business to come before the board, nor comments from the public, motion by Mr. Locker and seconded by Mr. Kozlowski to adjourn the meeting at 9:30 p.m. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY