

REGULAR MEETING

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

June 22, 2011

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:30 p.m. by Vice Chairman Abe Abuchowski. Present were: Mr. Kozlowski, Mr. MacQueen, Mr. Perry, Mr. Nagie, Mr. Eberle, 1st Alternate Maurizio and Attorney Gallina. **Excused:** Mr. Terzuolo & Mr. Machauer.

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on February 23, 2011, 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 June 15, 2011.

PRESENTATION OF MINUTES: April 27, 2011 Regular Meeting

Motion by Mr. Maurizio and seconded by Mr. Perry to approve the minutes as presented. Unanimously approved.

April 27, 2011 Executive Session

Motion by Mr. MacQueen and seconded by Mr. Eberle to approve the minutes as presented. Unanimously approved.

The Chairman will announce that the Board of Adjustment will meet in Executive Session at this time and called for a motion.

Motion by Mr. MacQueen and seconded by Mr. Perry to have the board meet in Executive Session at this time. Unanimously approved.

WHEREAS, section 7(b) of the Open Public Meetings Act L. 1975 C.231 NJSA 10:4-12(b)(8) permits the exclusion of the public from Board of Adjustment meetings where certain matters are to be discussed; and

WHERE AS, the Lebanon Township Board of Adjustment is desirous to meet to discuss litigation issues;

NOW, THEREFORE BE IT RESOLVED, by the Lebanon Township Board of Adjustment of the Township of Lebanon, Hunterdon County, New Jersey that this Board meets in Executive Session at 7:40 p.m.

The Chairman will ask for a motion to reconvene the Regular Meeting of the Board of Adjustment.

Motion by Mr. MacQueen and seconded by Mr. Kozlowski reconvene the Regular Meeting of the board at 7:45 p.m. Unanimously approved.

NEW BUSINESS:

Jersey Properties, LLC
c/o Andrew Kaminsky
28 Felmley Road
Whitehouse Sta. N.J. 08888

Block #18 Lot #45
Mt. Grove Road R 1½

PUBLIC HEARING Bulk Variances Section 400 – 4:1 Schedule I

Attorney William Shurts was present along with the applicant Andrew Kaminsky. Attorney Shurts had Mr. Kaminsky sworn in at this time. Attorney Shurts stated the property in question is in the R1½ zone consisting of 1.7 acres. The applicant would like to put a wrap around porch on the house which has caused a problem with the setback

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requirements. Attorney Shurts stated his client needs variance relief for side yard and the front yard setbacks for the wrap around porch.

Attorney Gallina announced all the notices are in order and the board can proceed with the public hearing. The following was marked into evidence: **A1**-Taxes Paid, **A2**-Affidavit of Proof of Service, **A3**-Notice to Property Owners, **A4**-Certified List of Property Owners, **A5**-POD Slips, **A6**- Notice in Newspaper.

During Mr. Kaminsky's testimony, the following items were marked: **A7**-Survey of property prepared by Engineer William J. Fiore dated May 2, 2011; **A8**-Architectural Plans prepared by Heyrich Architects dated April 6, 2011. Mr. Kaminsky said his father-in-law will be relocating from New Mexico and this property is all he can afford. Mr. Kaminsky said his company has purchased the property and will eventually be selling to his father-in-law. Mr. Kaminsky said his company purchases properties to fix them up and rent them. Currently this is a small 2 bedroom home. Attorney Shurts asked Mr. Kaminsky to explain to the board the driveway that goes through the property. Mr. Kaminsky said it is an access easement that is used by the property owners behind him. Attorney Shurts had the following marked into evidence: **A9-9** (a-i) photos of the property. Mr. Kaminsky reviewed for the board the photos of the property.

Attorney Shurts reviewed for the board the following items that were marked into evidence: **A10**-Zoning Denial dated April 4, 2011, **A11**- H.C. Board of Health Construction Permit Referral, dated April 4, 2011, **A12**-H.C. Board of Health statement of confirmation for number of bathrooms, **A13**-H.C. Planning Board Letter dated May 27, 2011, **A14**-H.C. Soil Conservation District letter dated June 2, 2011. Mr. Kaminsky said the front yard setback for the R1½ is 50' and they have 41.8' and the side yard requirement is no less than 20' and they have 19.6'. Mr. Kaminsky stated the existing home was built in the 1950's and is in serious need of repair. Presently there are two bedrooms and this will be changed to a one bedroom home which has been approved by the County Board of Health.

Mr. Kaminsky noted that because of the location of the house, it is a hardship to comply with the zoning requirements. At the conclusion of Mr. Kaminsky's testimony, Vice Chairman Abuchowski asked the board if they had questions of the witness. At the conclusion of the questions, Attorney Shurts gave his summation. Motion by Mr. MacQueen and seconded by Mr. Kozlowski to close the public portion of the hearing. Unanimously approved.

The board deliberated at this time. During their discussion it was noted the house is in serious need of repair, the applicant will renovate and improve the house. This will improve the appearance of the property and the character of the neighborhood. In conclusion the board found that granting the requested variances would not be substantially detrimental to the public good or to the zone plan and ordinances. Motion by Mr. Kozlowski and seconded by Mr. MacQueen to grant the bulk variances with the following conditions:

- a. The applicant shall obtain all necessary approvals from outside agencies having jurisdiction.
- b. The applicant shall pay all necessary fees and escrows.
- c. The bulk variances granted as to front and side yard setback renovations to the property will be in accordance with the location and dimensions shown on the plot plan Exhibit A7 and Architectural plan Exhibit A8.
- d. All necessary permits shall be obtained within 18 months as required by Ordinance Section 45-20. Any request for an extension of this time period shall be made as Required by the provisions of this Ordinance Section 45-20.

