

REGULAR MEETING

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

July 22, 2020

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. MacQueen, Mr. Kozlowski, Mr. Locker, Ms. Guevara, Attorney Gallina, Engr. Risse and Planner McManus joined the meeting at 7:47 pm. **Excused:** Mr. Terzuolo, Mr. Maurizio, Mr. Eberle & Mr. Sachs.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 22, 2020, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the Lebanon Township Website and on the Bulletin Board in the Municipal Building on July 15, 2020.

PRESENTATION OF MINUTES: June 24, 2020 Regular Meeting

Motion by Mr. Kozlowski and seconded by Mr. Locker to approve the minutes as presented. Unanimously approved.

NEW BUSINESS:

Brook View, Inc. Block #38 Lot #32 & Lot #34
c/o Amy Coss Winding Brook Lane R1 ½
P.O. Box 42
Stanton, N.J. 08885

PUBLIC HEARING d Use Variance & Bulk Variances to Expand a Non-Conforming Use

Attorney Gallina reminded the board since this was a D Variance that five (5) affirmative votes would be needed. Attorney James Lance was present to represent the applicant. The applicant Amy Coss along with the following professionals were present to give testimony: Wayne Ingram, Engineer/Planner and Patrick Fatton, Land Surveyor from Engineering & Land Planning. All were sworn in by Attorney Gallina.

Attorney Gallina had the following items marked into evidence: **A1**-Affidavit of Service & POD Slips, **A2**-Notice to Property Owners & Utilities, **A3**-Certified List of Property Owners & Utilities, **A4**-Newspaper Notice of Hearing.

Attorney Lance said the property is located at 605-623 Winding Brook Lane Block #38 Lot #32 consisting of 2.999 acres and also located at 625-639 Winding Brook Lane Block #38 Lot #34 consists of 1.822 acres. The applicant is seeking a Use Variance and Bulk Variances in order to install personal storage sheds for use by the Duplex units on the properties. The total acreage between the two lots is 4.821 acres in the R1.5 zone. There are 9 single story duplex units with 4 duplex units on Lot #32 and 5 duplex units

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on Lot #34. Winding Brook Lane is a private road. There are already existing 11 sheds that service 10 of the duplex units. One duplex has 2 sheds. Ms. Coss informed the board that they are asking for 7 additional storage sheds which will have a total of 18 sheds between the two lots. It was noted that multiple family residential dwellings are not a permitted use in any Zone in Lebanon Township. The duplex units are pre-existing nonconforming uses and structures. Regarding the Bulk Variances that are requested setback requirements are in violation. In Engineer Risse's Report the additional 7 sheds will not exceed 64 square feet each. The location of those 7 sheds on the plan will be a minimum of 10' from the side or rear property line.

Ms. Coss informed the board that the units were built in 1965. Ms. Coss said she inherited the property and is the managing partner. The tenants are responsible for snow removal. At the conclusion of Ms. Coss testimony, the board took a 10 minute recess. When the board reconvened, there were no questions of Ms. Coss by the board. When open to the public there were no questions of Ms. Coss.

Next to give testimony was Patrick Fatton, Land Surveyor. Mr. Fatton stated that Lot 32 consisted of 2.999 acres and Lot 4 consisted of 1.822 acres. Winding Brook Lane is a private road off of Winding Brook Road. Winding Brook Road starts at Sliker Road and goes all the way over to East Hill Road. Mr. Fatton said that each unit needs to have their own shed for storage for lawn mowers, riding mowers etc. There were no questions of Mr. Fatton from the board, nor the public.

Testimony was also given by Wayne Ingram, Engineer. Engineer Ingram presented a colored version of the variance plan which was marked into evidence as **A5**-Colored Version of Variance Plan by Patrick Fatton, PLS dated 9/20/2019 and revised 3/26/2020. Engineer Ingram stated that each new shed would have an area up to 64 sq. feet and have a minimum 10' setback from the lot lines. The Plan shows the dimensions of the existing sheds and the duplex units which they service. Engineer Ingram noted that the existing sheds are owned by the tenants. Engineer Ingram also testified as a professional planner. Planner Ingram said there are special reasons for granting the variance to expand the nonconforming use. Planner Ingram referred to 40:55D-2a of the MLUL that the sheds would present an orderly and harmonious use of the property. There would be no negative impacts to the surrounding properties. Planner Ingram noted that variance relief from Ordinance Section 400-10A-6 limits the number of accessory structures to 3 on a lot of more than 1.5 acres. At the conclusion of Planner/Engineer Ingram's testimony, there were questions from the board. When open to the public, there were no questions.

At this time, Board Planner McManus gave her testimony. Planner McManus stated that the duplexes are a pre-existing non-conforming use and structures. The sheds are essential to keep the 2 properties orderly and to promote better order in the neighborhood. Planner McManus said that the site is not visible to neighboring properties and would not have any detrimental effects on the surrounding

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neighborhood. At the conclusion of Planner McManus's testimony, there were no questions of the board nor the public.

Vice Chairman Abuchowski opened the hearing to the public for comments. Comments were made by the following public present: Madeline Bonet, Skye Dominigues, Pamela Covert and Lu Apgar. They said the sheds are needed for storage to keep everything orderly and present a neat appearance and not to have to storage items outside which would be unappealing to the general public and nearby residents.

Attorney Lance gave his summation. At the conclusion of Attorney Lance summation, the board closed the hearing to the public. The board deliberated at this time. During their deliberations, they were satisfied that Bulk Variance relief can be granted for the sheds and location. They noted that there is limited space to locate the sheds. The board felt the sheds will promote a desirable visual environment and eliminate outdoor storage and give the neighborhood an orderly appearance. It will not generate any negative impacts on surrounding properties. At the conclusion of the board's deliberations, motion by Mr. MacQueen and seconded by Ms. Guevara to grant the D2 Use Variance and Bulk Variances with the following conditions:

- a. The applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction, including but not limited to obtaining the necessary Highlands's exemption.
- 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. All of the 7 proposed new sheds will have a maximum area of 64 sq. feet and have a setback of at least 10' from the property line. The new sheds will comply with the height requirement for an accessory structure for the zone which is 15'.
- d. The existing shed and deck that service Unit 142 which encroaches on the adjacent Lot 25 will be relocated to either Lot 32 or Lot 34 and will have at least a 10' setback from the property line.
- e. Any existing sheds that are replaced will be limited to a maximum area of 64 sq. feet and a maximum height of 15'.
- f. The applicant will furnish the necessary Affidavit of Proof of Service from the Hunterdon Review newspaper.
- g. The applicant will furnish the necessary proof that property taxes are currently paid.

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

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Attorney Gallina will prepare the Resolution to be on the next Agenda of August 12, 2020.

PRESENTATION OF BILLS:

Motion by Mr. Kozlowski and seconded by Mr. Locker to approve the bills as presented for payment.
Unanimously approved.

Being no further business to come before the board, nor public comment, motion by Mr. Kozlowski and seconded by Mr. Locker to adjourn the meeting at 8:43 pm. Unanimously approved.

VICE CHAIRMAN ABE ABUCHOWSKI

KAREN SANDORSE, ACTING BOARD SECRETARY

GAIL W. GLASHOFF, BOARD SECRETARY

Prepared minutes