REGULAR MEETING

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

August 23, 2017

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:35 p.m. by Chairman Bruce Terzuolo. Present were: Mr. Maurizio, Mr. Kozlowski, Mr. MacQueen, 1st Alternate Locker, 2nd Alternate Guevara & Attorney Gallina. **Excused:** Mr. Abuchowski, Mr. Eberle & Mr. Perry.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 25, 2017, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the Lebanon Township Website and Bulletin Board in the Municipal Building on August 16, 2017.

PRESENTATION OF MINUTES: July 26, 2017 Regular Meeting

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

RESOLUTIONS:

Michael Braddee Block #11 Lot #18

Appeal Reversed Buffalo Hollow Road R1½

Motion by Mr. MacQueen and seconded by Ms. Guevara to approve the resolution for Michael Braddee with minor corrections.

ROLL CALL Yes: Mr. MacQueen Abstain: Mr. Maurizio Absent: Mr. Abuchowski

Mr. Terzuolo Mr. Eberle Mr. Locker Mr. Perry

Ms. Guevara

Transtar Truck & Autobody & Welding Block #41 Lot #4 Extension of Time with conditions Route 513 I5

Motion by Mr. Kozlowski and seconded by Mr. Locker to approve the resolution for Transtar Truck & Autobody with minor corrections.

ROLL CALL Yes: Mr. Kozlowski Abstain: Mr. Maurizio Absent: Mr. Abuchowski

Mr. Terzuolo Mr. Eberle Mr. Locker Mr. Perry

Ms. Guevara

Richard Eitner Block #21 Lot #2

Bulk Variances with conditions Hoffmans Crossing Road R3

Motion by Mr. Mr. Kozlowski and seconded by Mr. MacQueen to approve the resolution for Richard Eitner as presented.

ROLL CALL Yes: Mr. Kozlowski Abstain: Mr. Maurizio Absent: Mr. Abuchowski

Mr. MacQueen Mr. Eberle Mr. Terzuolo Mr. Perry

Mr. Locker Ms. Guevara

APPEAL:

Matthew Governali

485 Route 513

Block #40

Lot #8

Route 513

R1 ½

Califon, N.J. 07830

Second Story addition on back of home/pre-existing decks & pool - Ltr from Attorney Gallina enclosed

Attorney Gallina had Matt & Stephanie Governali sworn in to give testimony. Ms. Glashoff informed the board that Taxes are current. Chairman Terzuolo asked the applicant to tell the board why they are appealing the Zoning Officer's denial. Mr. Governali informed the board that they had applied for a Zoning Permit to put on a second story addition to the back of their house which would consists of 2 bedrooms w/closets, a laundry room. The 1st floor addition that is already on the back of the house will be upgraded. Ms. Governali said they will also be doing upgrading to the front portion of the house including installation and vinyl siding the house. Ms. Governali said they have wanted to do these improvements but were waiting to put the addition on the back of the house. The people who owned the house before them only put a ground floor addition on the house.

The following pictures were marked into evidence: **A1**-Photo of rear of house 1st Floor, **A2**-View from side of house, **A3**-Aerial view of property. Chairman Terzuolo asked Mr. Governali to describe what are in the photos. Mr. MacQueen referred to the application noting that the property is in the R1½ zone. Ms. Governali said the house was built in the 1890's and it only has .23 of an acre. Mr. MacQueen asked about the small existing addition on the back of the house referring to exhibit **A2** and noted raising it to the same roof height as the existing house which will change the roof line on the back of the house. Mr. Governali said yes. Mr. Governali gave a copy of the Architectural design to the board to review. Attorney Gallina marked the following into evidence: **A4**-Architectural design of the new proposed addition dated July, 2016. The board asked about the fence along the property line. Mr. Governali informed the board that the fence is not his and it is not on his property. The fence belongs to his pool. The house is only 11.9' from the property line.

Mr. Governali said he wanted to buy more property but that the property was in farmland preservation. Mr. MacQueen asked about the telephone pole in the back portion of the property near the house. Mr. Governali stated that there are no wires attached to the pole or to the house and that they plan on having the telephone pole removed. Mr. Kozlowski asked about the pool. Mr. Governali said the pool was existing when the purchased the property and they only rebuilt the pool. Mr. Governali said the addition is of the most importance and stated they would be willing to remove the pool and decks. Ms. Guevara asked if they are substantially increasing the living space for the house does that exceed an appeal. Attorney Gallina said they are looking to expand a non-conforming structure. They will need to get bulk variance relief. Attorney Gallina said it is up to the board to decide whether the Zoning Officer was correct in the denial.

The board deliberated and in conclusion, motion by Mr. MacQueen and seconded by Mr. Maurizio to uphold the denial by the Zoning Officer.

ROLL CALL Yes: Mr. Maurizio Mr. Terzuolo Absent: Mr. Abuchowski

Mr. Kozlowski Mr. Locker Mr. Eberle Mr. MacQueen Ms. Guevara Mr. Perry

Attorney Gallina will prepare the Resolution to be on the next Agenda of September 27, 2017.

NEW BUSINESS:

William Yurgel Block #35 Lot #51 315 Lanning Lane R1 ½

Glen Gardner, N.J, 08826

PUBLIC HEARING Variance for Side-yard Setback for Deck

The applicant Mr. William Yurgel was present to present the application to the board. Attorney Gallina announced the notices are in order and the board can proceed with the hearing. The following items were marked into evidence: **A1**-Taxes Paid, **A2**-Affadavit of Proof of Service, **A3**-Certified List of Property Owners & Utilities, **A4**-POD Slips, **A5**-Notice in Newspaper, **A6**-Notice to the Property Owners, **A7**-Ltr from H.C. Planning Board dated July 11, 2017.

Attorney Gallina had Mr. Yurgel sworn in to give testimony. Mr. Yurgel made a presentation to the board. Mr. Yurgel informed the board that his house is 15.4' off the side property line. The lot consists of .50 acres. Mr. Yurgel said the house is a split level and all living area is on the top level and he would like to build a deck which would be off the dining area. The deck would not encroach any further into the side yard. It would be lined up with the house. The deck would be over the existing patio. The

house was built in 1999. Attorney Gallina asked Mr. Yurgel to describe the surrounding properties. At this time Mr. Yurgel's next door neighbor Mary Troth was sworn in to give testimony. Mrs. Troth said she doesn't have a problem with the variance her neighbor Mr. Yurgel is requesting. Mr. Yurgel reviewed for the board the pictures that were submitted. Mr. Yurgel said there will be stairs with a landing for the deck. At the conclusion of Mr. Yurgel's testimony, Chairman Terzuolo opened the hearing to the public. There were no questions from the public. Motion by Mr. MacQueen and seconded by Mr. Kozlowski to close the public portion of the hearing. Unanimously approved. Mr. Yurgel gave a brief summation at this time.

During the board's deliberations, it was noted that they did not have a problem with the proposal for the deck. At the conclusion of the board's deliberations, motion by Mr. MacQueen and seconded by Mr. Kozlowski to grant bulk variance relief for the side yard encroachment for a deck with the following conditions:

- a. Approval of all outside agencies having jurisdiction.
- b. All fees related to this application to be current.
- c. All permits to be obtained within 18 months of the adoption of the Resolution

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

Mr. MacQueen Ms. Guevara Mr. Perry

Attorney Gallina will prepare the Resolution to be on the next Agenda of September 27, 2017.

PRESENTATION OF BILLS:

a. John Gallina, Esq. \$260.00 – Attend ZBA Meeting 7/26/2017

\$292.50 – Prepare Resolution – (Escrow/Eitner) \$227.50 – Prepare Resolution – (Escrow/Braddee) \$130.00 – Prepare Resolution – (Escrow/Transtar)

b. Bayer/Risse Engrs. \$127.50 – Meeting with Applicant Engr. – (Escrow/Ashton)

c. Court Stenographer \$250.00 – Attend Meeting – 8/23/2017

Total: \$1,287.50

Motion by Mr. Kozlowski and seconded by Mr. MacQueen to approve the bills as presented. Unanimously approved.

CORRESPONDENCE:

Being no further business to come before the board, nor comments from the public, motion by Mr.
MacQueen and seconded by Mr. Maurizio to adjourn the meeting at 8:30 p.m. Unanimously approved.
CHAIRMAN BRUCE TERZUOLO
GAIL W. GLASHOFF. BOARD SECRETARY