

REGULAR MEETING

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

September 23, 2015

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order by Board Secretary Gail Glashoff. Present were: Mr. Kozlowski, Mr. Maurizio, 1st Alternate Locker, 2nd Alternate Koch, Attorney Gallina and Planner Bolan. **Excused:** Mr. Terzuolo, Mr. Eberle, Mr. MacQueen, Mr. Abuchowski and Mr. Perry.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 22, 2015, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News and Star Ledger. Posted on the Bulletin Board in the Municipal Building on September 16, 2015.

In the absence of the Chairman and Vice Chair, Ms. Glashoff asked for nominations for Chairman. Motion by Ms. Koch and seconded by Mr. Locker to nominate Mr. Kozlowski for Chairman. Being no additional nominations, motion by Mr. Locker and seconded by Ms. Koch to close the nominations. Unanimously approved.

Mr. Kozlowski took over as Chair at this time.

PRESENTATION OF MINUTES: August 26, 2015 Regular Meeting

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

INTERPRETATION:

Carla & Tony Hendra	Block #35 Lot #85
91 Red Mill Road	Red Mill Road RC 7½
Glen Gardner, N.J. 08826	

Section 400-8A(3)

Attorney Gallina had Mr. Hendra and Mr. Margulies sworn in to give testimony. Architect Margulies made a presentation to the board on behalf of the applicant Mr. Hendra. Mr. Margulies informed the board that he was told by the Zoning Officer John Flemming to come to the board for an Interpretation of the Ordinance. Mr. Margulies stated this is a historic farmhouse and is almost entirely within the front yard setback. The addition that is proposed is in the rear of the house with approximately 49 square feet of the addition being within the front yard setback. Mr. Margulies informed the board that in discussion with the Zoning Officer, the Ordinance 400-8a(3) was referenced and states that no "structure shall be erected except in conformity to the yard regulations. Mr. Margulies said that the house is within the front yard setback but that the addition is not. At this time, Attorney Gallina read the Ordinance into the record. Attorney Gallina said the intent of the ordinance is if the house is in the front yard setback but the addition is totally within the building envelope then a variance would not be required. This is not the case here. Since 49 square feet of the addition is in the front yard setback a variance is needed. Planner Bolan concurred with Attorney Gallina. Attorney Gallina said the applicant can either apply for a C1 or C2 Variance whichever one they feel applies.

Chairman Kozlowski asked if the board had any questions. Mr. Maurizio noted that the addition is one story having one room and an entry way. Chairman Kozlowski felt this was cut and dry. Chairman Kozlowski asked Mr. Margulies how he thought there wasn't a variance needed. Mr. Margulies said from the conversation he had with the Zoning Officer. Attorney Gallina said the variance would be needed because of the encroachment into the front yard setback or you would have to comply with the requirements. The question was asked, what is the difference between the two variances. Attorney Gallina said a C1 is a hardship variance and a C2 is a planning variance where you would show that the benefits outweigh the detriments.

Chairman Kozlowski asked how do we proceed from here. Attorney Gallina said the motion would be that the consensus of the board is that variance relief would be required. At the conclusion of the board's discussion, motion by Mr. Locker and seconded by Mr. Maurizio that the board concluded that variance relief would be required for the addition to the dwelling.

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ROLL CALL

Yes: Ms. Koch
Mr. Kozlowski
Mr. Maurizio
Mr. Locker

Absent: Mr. Terzuolo
Mr. MacQueen
Mr. Perry
Mr. Abuchowski
Mr. Eberle

Attorney Gallina will prepare the Resolution to be on the next Agenda of October 28, 2015.

ITEM FOR DISCUSSION:

a. Schedule Meeting date for November. Here are some available dates:

November 5, 2015 – Thursday
November 23, 2015 - Monday
November 24, 2015 – Tuesday

After a brief discussion, the board decided to have the November meeting on Thursday November 5th. Ms. Glashoff will do the notice for the meeting.

PRESENTATION OF BILLS:

a. Court Stenographer \$250.00

Motion by Mr. Maurizio and seconded by Ms. Koch to approve the bill for payment. Unanimously approved.

CORRESPONDENCE:

a. Law of the Land Article

Being no further business to come before the board, nor comments from the public, motion by Mr. Locker and seconded Ms. Koch to adjourn the meeting at 7:50 p.m. Unanimously approved.

CHAIRMAN ANDY KOZLOWSKI

GAIL W. GLASHOFF, BOARD SECRETARY