



**Lebanon Township Board of Adjustment**  
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**Attorney Gallina will draft a Resolution to be placed on the agenda for January 10, 2007.**

Ms. Glashoff stated that she has received a letter from Attorney Babinski granting an Extension of Time through February 28, 2007. Cingular Wireless has asked to be placed on the agenda for January 24, 2007. Ms. Glashoff stated that Attorney Babinski informed her that they will be revising the plans to include a co-locator to the purposed Cell Tower at the Autobody Shop on Route 513. Attorney Gallina said that with this new application Cingular will need to re-notice for their own application since we now have a co-locator coming on board.

Susan McGreevy  
232 Mt. Airy Road  
Glen Gardner, N.J. 08826

Block #61 Lot #35  
Mt. Airy Road RC 7½

**PUBLIC HEARING**

Conditional Use/Site Plan/Variance for  
Accessory Apartment. Section 18-3.7.14(j) (o)

Ms. Glashoff informed the board that at the October 11<sup>th</sup> meeting Ms. McGreevy was going to come back to the board on October 25<sup>th</sup>, but then decided to do a variance for the septic system which would require a whole new re-noticing to the property owners because it had been announced for the October 25<sup>th</sup> meeting which did not occur. Mr. Kozlowski noted that last time we only had 5 members present and this evening we have 7. Per Attorney Gallina we now have 7 board members and with a conditional use application you need 5 affirmative votes. Attorney Gallina announced that Ms. McGreevy noticed from Section 18-3.7.14(o) besides re-noticing for Section 18-3.7.14(j), the following items were marked into evidence: **A1-Taxes Paid, A2-Notice to Property Owners, A3-Affadavit of Proof of Service, A4-POD Slips, A5-Notice in Newspaper.**

Ms. McGreevy was sworn in at this time. The balance of the items were marked into evidence: **A6-Zoning Denial, A7-Survey-Plot Plan prepared by Robert lee Assoc. dated December 19, 2005 with a revision date of August 31, 2006, A8-Architectural Plans, A9-10 Photos, A10-Floor Plan.**

Ms. McGreevy make a presentation to the board stating that she and her husband would like to convert the barn/garage into a guest house. They meet the criteria of the Accessory Apartment Ordinance except for the floor ratio and the septic system requirements. They hired an engineer to review the plans for the septic and with their discussions with the County Board of Health they would like to tie into the existing septic system and have one large septic system to accommodate both residences. The square footage of the barn is 1658 square feet. In laying out the interior design, it makes more sense to have the apartment the entire 1658 square feet. The apartment would consist of a kitchen, large living room which will include a dining area, bathroom, 1 bedroom and laundry room. At the conclusion of Ms. McGreevy's testimony, Chairman Terzuolo asked if the board had any questions.

Mr. MacQueen asked if this apartment would be for their parents. Ms. McGreevy stated yes, when and if they would need it and in the meantime they would utilize the apartment. Mr. MacQueen if they would be renting it out until the time came that the parents would need the apartment. Ms. McGreevy stated no, it would sit vacant. Mr. MacQueen asked if an engineer had looked at the building regarding structure and asked about footings. Ms. McGreevy stated they would only have to do two footings on the back end of the building which would be on the side where the bedroom and bathroom would be located. The building is a pole barn and the foundation stopped before those footings. Only those two footings would need to be reset. Mr. MacQueen asked about getting a letter from the County Board of Health regarding the septic if the board approved this application. Ms. McGreevy stated that would not be a problem. Also, Ms. McGreevy stated that the building has electric and it is metered off the main house. Mr. Kozlowski asked if they plan on getting a new tank and tying into the existing septic. Ms. McGreevy stated depending on the pitch to where the existing tank is or the distribution box on whether or not they need a new tank to tie in or they can tie into the existing tank.

Mr. Machauer asked the age of the barn. Ms. McGreevy stated it was built around 1980. Ms. McGreevy stated since they purchased the property in 2002 they have used the building for storage. Mr. Machauer asked the size of the existing septic tank. Ms. McGreevy stated it is 1750 gallon tank. Mr. Nagie asked if they would be changing the structure in any way. Ms. McGreevy stated no. Mr. Nagie questioned the term accessory apartment versus a guest house. Attorney Gallina said they are one in the same. Mr. Abuchowski asked if the electric for the apartment was coming off a meter from the main house and if it were 200 amp. Ms. McGreevy stated yes and if they decide to have a separate meter it would still come off the main house.

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They would like to run the wires under ground. Attorney Gallina asked the dimensions of the building. Ms. McGreevy stated the dimensions were on the floor plan. Planner Bolan noted the dimensions were approximately 32' x 53'.

Mr. MacQueen asked if it were possible for this apartment to qualify for COAH. Planner Bolan explained to the board how an apartment would qualify. There would have to be a 30 year deed restriction that it would have to remain affordable to a low/moderate income household, the Township would put up at least \$20,000.00 towards the finishing of the building. Those are the two standard requirements. In order to qualify it would have to be affirmative marketed. Mr. MacQueen asked what was considered moderate income. Planner Bolan said a low income apartment would be: 1 bedroom, 1.5 person household income of \$36,000.00 or less, 2 bedroom, \$43,000.00 or less and 3 bedroom, \$50,000.00 or less. You can charge 30% of the income for rent. Planner Bolan noted this is the highest region in the State. Mr. Kozlowski asked if the roof was a steel roof. Ms. McGreevy answered yes. At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public for questions. There were none.

At this time, Chairman Terzuolo had Planner Bolan sworn in to give testimony on behalf of the board. Planner Bolan stated that out of the 16 items under the criteria for an Accessory Apartment. The applicant can meet all but two, the septic system requirement and the floor ratio. Planner Bolan also stated that the lot is 14 acres and the RC zone requires 11 acres for an Accessory Apartment. The barn is centrally located on the lot and is approximately 400 feet from the nearest residence lot. Attorney Gallina reviewed for the board the positive criteria and the negative criteria. Chairman Terzuolo asked if Ms. McGreevy had any questions of the Planner. She answered no. When opened to the public for questions, there were none.

Ms. McGreevy gave a summation at this time. Chairman Terzuolo opened the hearing to the public for statements and comments. There were none. Chairman Terzuolo announced that the evidence taking portion of the hearing was now closed.

The board deliberated at this time. At the conclusion of the board's deliberations, motion by Mr. Nagie and seconded by Mr. Abuchowski to grant the Conditional Use/Site Plan and variance with the following conditions:

- a. The applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction. In particular, prior to any building or zoning permits being issued, the applicant shall obtain approval from the Hunterdon County Board of Health, or any other relevant agency, regarding the use of the existing septic system by the supplementary apartment.
- b. The location and dimensions of proposed improvements will be constructed as shown on the architectural floor plans of Pickell Architecture, LLC, as submitted before the Board (Exhibit A10).
- c. All necessary permits shall be obtained within eighteen (18) months of the date of this Resolution.

**ROLL CALL**      **Yes:** Mr. Machauer      Mr. Perry      **No:** None  
                                         Mr. Kozlowski      Mr. Nagie  
                                         Mr. MacQueen      Mr. Abuchowski  
                                         Mr. Terzuolo

**Attorney Gallina will prepare the Resolution to be placed on the January 10, 2007 agenda.**

Being no further business to come before the board, nor comments from the public, motion by Mr. Nagie and seconded by Mr. Perry to adjourn the meeting at 8:45 p.m. Unanimously approved.

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**CHAIRMAN BRUCE TERZUOLO**

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**GAIL W. GLASHOFF, BOARD SECRETARY**