

REGULAR MEETING

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

July 24, 2019

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. Maurizio, Mr. Kozlowski, Mr. MacQueen, Mr. Locker, 1st Alternate Guevara, 2nd Alternate Sachs, Attorney Gallina, Planner Kyle & Engineer Risse. **Excused:** Mr. Terzuolo & Mr. Eberle.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 23, 2019, 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 16, 2019.

PRESENTATION OF MINUTES: June 26, 2019 Regular Meeting

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

NEW BUSINESS:

Daniel Wirasnik Block #60 Lot #18
263 Rocky Run Road Musconetcong River Road R1½
Glen Gardner, N.J. 08826

PUBLIC HEARING Bulk Variances

Attorney Gallina announced the following: **A1**-Affadavit of Proof of Service, **A2**-Taxes Paid, **A3**-Notice in Newspaper, **A4**-Certified List of Property Owners & Utilities, **A5**-POD Slips, **A6**-Notice in Newspaper, **A7**-Variance Plan prepared by Engr. Kurt Hoffman November 19, 2018 and revised July 9, 2019. Attorney Gallina had Mr. Wirasnik sworn in to give testimony. Mr. Wirasnik represented himself and made a presentation to the board. Mr. Wirasnik said that he bought the property back in 1994. Mr. Wirasnik said his plan is to down size from the house they have now and said he plans on building a ranch style house approximately 26x44 with a walkout basement. Mr. Wirasnik said the front portion of the house will be a 1 story and up to 2 story in the rear of the house. The property is located on the corner of Butler Park Rd and Musconetcong River Road and he has received a driveway opening permit from the Lebanon Township Road Supervisor.

Vice Chairman Abuchowski asked if the board had any questions of Mr. Wirasnik. Mr. MacQueen asked about the proposed driveway and wanted to know if it was going to be gravel. Mr. Wirasnik said in the ordinance it asks for the first 25' to be paved. Engineer Risse said the driveway apron needs to be paved. Mr. Wirasnik informed the board that the county portion of the road stops at Butler Park Road.

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Mr. MacQueen asked if the rest of the driveway was going to be gravel. Mr. Wirasnik said yes. Mr. MacQueen wanted to know where the rainwater be directed since this lot slopes downhill. Mr. Wirasnik said it will be going down the back side of the lot. Mr. MacQueen said won't this flood the neighbor and asked the applicant what is the plan for diverting the water so it doesn't flood the neighbor's property by running down Butler Park Road and wash it out. Mr. Wirasnik said he going to put a small rise in the driveway. Mr. MacQueen said once you clear out the brush and trees, it will create more run off.

Ms. Glashoff stated there are pictures of the property that the applicant has submitted. Attorney Gallina said they should be marked into evidence. Attorney Gallina asked Engineer Risse regarding the permit process when building the house, will the applicant need to comply with the stormwater regulations. Engineer Risse said single family homes before getting the building permits, there is a lot development plan turned in. The plan should show grading & a drainage plan. Mr. MacQueen noted in Attorney Gallina's letter there is mention of a pump house and that it is encroaching and asked where is it on the plan. Attorney Gallina asked is it shown in the back corner where it states existing well. Mr. Wirasnik said yes. Mr. Wirasnik said his property line is 3 feet from Derois's well. During the discussion on the well, Attorney Gallina said the board can make it a condition of approval regarding the removal of any encroachment. Engineer Risse said that the applicant will need to have a surveyor to stake out where your house will be located on the plan and at the same time make sure that the pump house is not over the line. This could be a condition of any approval. Mr. Kozlowski asked if the septic was going to be pumped up hill. Mr. Wirasnik said yes. Mr. Locker noted that he had gone over to the property yesterday and noticed that it has quite a slope and it seems to drops off in the area where you plan to put your septic system.

Mr. Wirasnik was told he would have to get topo's where the septic will be. Planner Kyle stated that you can't do a plot plan without topo's. Engineer Risse asked the applicant when did he purchase the property and were the percs & soils done. Mr. Wirasnik said he purchased the lot in 1994 and he doesn't remember when the percs & soil logs were done. Engineer Risse stated that depending when they were done will determine if they need to be redone because too much time has passed. The County Board of Health will have to review the results of the percs & soil logs and when they were done and whether or not they are still good. During the discussion, it was noted that the septic design was done back in 1994. Engineer Risse said that septic designs are only good for 5 years. Mr. MacQueen said that the board or Engineer Risse will need to know when everything was done. Mr. Wirasnik will be able to get all the information from the County Health Department. Attorney Gallina said a condition of approval will be all outside agencies having jurisdiction which will include the County Board of Health. The board continued to discuss the issues at hand. The subject of the driveway was discussed, with the comment about the driveway being substantial. The first 25' of the driveway has to be paved per the driveway ordinance. At the conclusion of the testimony, Vice Chairman Abuchowski asked if the board had any questions. There were none. When opened to the public for questions of our Engineer, there were none.

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From the public, Darryl Schmidt an adjacent property owner had a question. Mr. Schmidt asked about the height of the house. In the past there was an applicant that said they were going to build a ranch style house and instead a 2 story colonial was built. Mr. Schmidt wanted to know if there were any restrictions on the height of a house. Attorney Gallina said you have to go by what is allowed for the height in the zone. At this time, Attorney Gallina had the following marked into evidence: **A8-4** photos of the property. Planner Kyle said this a straight case and these variances are under C1. There were no questions from the board, motion by Mr. MacQueen and seconded by John Locker to close the public portion of the hearing. Unanimously approved.

Vice Chairman Abuchowski reviewed for the board the letter from Attorney Gallina. The board deliberated at this time. During the deliberations, the board decided to reopen the hearing. Motion by Mr. Kozlowski and seconded by Mr. MacQueen to reopen the public hearing. Unanimously approved. The board discussed the layout of where the septic & well will be located. At the conclusion of the board's discussion and Attorney Gallina going over everything that will be in the Resolution, motion by Mr. MacQueen and seconded by Mr. Kozlowski to close the public portion of the meeting. At the conclusion of the board's discussion, motion to grant the bulk variances with the following conditions:

1. The applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction, as applicable, including but not limited to the Hunterdon County Health Department and Building Department, which will include a lot development plan and grading plan for review and approval.
2. The applicant will pay all necessary fees and escrows payable in connection with the application.
3. The residential home to be built will be constructed within the building envelope as shown on the Variance Plan. The roof overhang, eaves and soffits will also be entirely within the building within the building envelope as shown on the Variance Plan.
4. The front yard setback of the home from Musconetcong River Road will be measured from the closest point of the front porch to the road.
5. The style of home to be constructed on the lot will be a single family ranch style home with a walkout basement.
6. The applicant will remove that portion of the pump house on contiguous Lot #13.01 that encroaches on the applicant's lot.
7. A drywell will be installed on the property which will accommodate 3 inches of runoff from the roof of the proposed home. The location of the drywall will be shown on the revised Variance Plan.

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8. A revised Variance Plan will be submitted. The revisions will show that the well pump house encroachment has been removed, the location of the drywell, the front yard setback from Musconetcong River Road will be measured from the closest point of the front porch to the road.

The board had a few questions and decided to reopen the hearing again. Motion by Mr. MacQueen and seconded by Mr. Locker to reopen the public hearing. Unanimously approved. At the conclusion of the brief discussion by the board, motion by Mr. MacQueen and seconded by Mr. Sachs to close the public portion of the hearing. Unanimously approved.

At this time Roll Call was taken.

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

Attorney Gallina will prepare the Resolution to be on the Agenda of August 28, 2019.

PRESENTATION OF BILLS:

a. John Gallina, Esq	\$260.00	Attend ZBA Mtg June 26, 2019
b. Court Stenographer	\$250.00	Attend ZBA Mtg. July 24, 2019
Total	\$510.00	

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

CORRESPONDENCE: None

OPEN TO THE PUBLIC – No public present.

Being no further business to come before the board, nor comments from the public, motion by Mr. Kozlowski and seconded by Mr. Sachs to adjourn the meeting at 8:30 p.m. Unanimously approved.

VICE CHAIRMAN ABE ABUCHOWSKI

GAIL W. GLASHOFF, BOARD SECRETARY