

REGULAR MEETING

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

September 22, 2021

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:30 p.m. by Chairman Wayne Eberle. Present were: Deborah Guevara, Joe Maurizio, Gary MacQueen, John Locker, Tom Sachs, Derek Porcino and Attorney Gallina. **Excused:** Bruce Terzuolo.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on February 24, 2021, faxed to the Hunterdon Review, Hunterdon County Democrat, Courier News, Express Times, Star Ledger and posted on the Lebanon Township Website and Bulletin Board in the Municipal Building.

PRESENTATION OF MINUTES: April 28, 2021 Regular Meeting

A motion was made by Mr. MacQueen and seconded by Mr. Maurizio to approve the minutes as presented. Unanimously approved.

NEW BUSINESS:

John & Kimberly Gasper Block 17 Lot 26
4 Summit Drive R-1 ½ Zone
Lebanon, NJ

PUBLIC HEARING: Bulk Variances for 2 Sheds and Deck & Pool

The following items were marked into evidence: **A1**-Affidavit of Service, **A2**-Notice of Hearing, **A3**-Certified List of Property Owners and Utilities in Lebanon Township, **A4**-Certified List of Property Owners and Utilities in Tewksbury Township, **A5**-Certified POD Mailing Slips, **A6**-Notice of Newspaper Publication, **A7**-Certification of Taxes Paid, **A8**-survey plan dated July 21, 2021 prepared by Ryan G. Warford, PLS, **A9a-A9k**-set of photographs. Attorney Galina announced that all the notices were in order and the Board could proceed with the hearing.

Attorney Steven P. Gruenberg, Professional Land Surveyor Ryan Warford and the applicants John and Kimberly Gasper were present to discuss the variances requested. Attorney Gruenberg stated that site improvements on the property consist of the placement of two sheds and the construction of a deck and pool. The house is for sale and when the applicants attempted to secure building permits for said improvements, it was determined that variance relief was necessary.

Mr. Warford was sworn in to provide testimony. Referring to the plan, Mr. Warford described the size of the lot and location of features on the property. Mr. Warford confirmed the property is about an acre short of the minimum required in the zone. This is a preexisting condition. He confirmed the lot frontage is about 32.5 feet short of the 200 foot requirement and the front yard is 47.46 feet where 50 feet is required.

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Chairman Eberle asked if there were any questions from the Board. Mr. Sachs asked if the wood bin is on the property line, Mr. Warford stated that it is a wood rack and it is a foot over the property line. Mr. Sachs asked for clarification of a feature on the adjacent property to which Mr. Warford responded that it was the neighbor's shed. Mr. Porcino asked if there is a fence that goes around the whole property, Mr. Warford stated the fence partially surrounds the property. Mr. Locker asked if the rear fence is on the neighbor's property, Mr. Warford replied yes. Ms. Guevara asked what the small shed is used for, Attorney Gruenberg said Mr. Gasper would share that information during his testimony.

Chairman Eberle asked if the pool pump platform is attached to the pool or a separate structure. Mr. Warford responded that it is a separate structure. There were no questions or comments from the public. Mr. Gasper was sworn in to give testimony. Attorney Gruenberg asked when improvements to the backyard were done. Mr. Gasper responded that in 1998 he put in a pool not knowing permits were needed. At this time, Attorney Gruenberg shared eleven photos of the property. Photos included front of residence, landscaping, aerial photos showing multi-level decks and pool and location of sheds.

Mr. Gasper confirmed that as part of the sale process of the home, the prospective buyers requested proof of building permits and in attempting to secure permits, he was informed that variance approval was necessary. When asked by Attorney Gruenberg if he had ever received a complaint from a neighbor with respect to the pool, Mr. Gasper replied no. When asked if any neighbors had an objection to him filing the application, Mr. Gasper replied that none did. This concluded Attorney Gruenberg's questions. Chairman Eberle asked if there were any questions from the Board. When asked by Mr. Locker if it was possible to move the sheds further away from the property line, Mr. Gasper replied that he could. After some discussion, the Board agreed it was not necessary for the sheds to be moved. When Mr. Sachs asked if the fence is connected to the larger shed, Mr. Gasper replied that it is not. There were no further questions from the Board. There were no questions or comments from the public. When asked by Chairman Eberle for a motion to close the public hearing, Mr. MacQueen responded and Mr. Maurizio seconded the motion. Unanimously approved.

After comments were made by the Board, bulk variance approval was granted based on the following conditions: outside agency approvals, payment of necessary fees and escrows and all necessary permits shall be obtained within eighteen months of the date of the adoption of the resolution. A motion was made by Mr. Maurizio and seconded by Ms. Geuvara to grant bulk variances with the following conditions:

- a. The Applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction, if applicable.
- b. The Applicant will pay all necessary fees and escrows payable in connection with the application. The Applicant will be under a duty to maintain a positive escrow account balance until all conditions have been satisfied.

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- c. Pursuant to the requirements of Ordinance Section 45-20, all necessary permits shall be obtained within eighteen (18) months of the date of the adoption of this Resolution.

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

INTERVIEW FOR ALTERNATE II BOARD MEMBER:

Karen Zatika stated her interested in joining the Board. She shared her background and current employment situation which includes flipping houses. While she does not have any Board experience, she has gone before the Boards in Lebanon Township and Clinton as an applicant. A motion was made by Mr. MacQueen and seconded by Mr. Locker for Karen to join the Board, pending Township Committee appointment. Unanimously approved.

PRESENTATION OF BILLS:

- a. John Gallina, Esq. \$260.00 - Attend Board Meeting 4/28/2021
b. Bayer-Risse Eng. \$520.00 - Wirasnik Resolution, Block 60 Lot 18 (Escrow)
Total: \$780.00

A motion was made by Mr. Maurizio and seconded by Mr. MacQueen to approve the bills as presented. Unanimously approved.

Being no further business to come before the Board, nor comments from the public, motion by Mr. Maurizio and seconded by Mr. Sachs to adjourn the meeting at 8:25 p.m. Unanimously approved.

WAYNE EBERLE, CHAIRMAN

MARIA NACCARATO, ACTING BOARD SECRETARY

CORRECTED BY BOARD SECRETARY WITH NEW MOTION BY BOARD-1/26/2022

GAIL W. GLASHOFF, BOARD SECRETARY

