

## REGULAR MEETING

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

**October 28, 2020**

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: Ms. Guevara, Mr. Maurizio, Mr. Kozlowski, Mr. MacQueen, Mr. Eberle, Mr. Locker and Attorney Gallina. **Excused:** Mr. Terzuolo & Mr. Sachs.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 22, 2020, 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 October 21, 2020.

### **NEW BUSINESS:**

Patricia Burd  
3 Wunder Lane  
Califon, N.J. 07830

Block #40 Lot #15  
3 Wunder Lane R1.5

### **PUBLIC HEARING**

Bulk Variances – Existing Metal Garage Front Yard  
Setback/Height Variance for Metal Garage & Rear Yard Setback for Shed

Attorney Rittie was present to represent the applicant Patricia Burd. The owner of the property was Patricia Wunder who died recently and the daughter Patricia Burd is here this evening as Power Of Attorney and Co-Executor of the estate. Ms. Burd has a buyer for the property and it was brought to her attention that variances were needed for the garage and shed. The property consists of 1.6 acres and is located on a private road.

At this time Attorney Gallina had the following marked into evidence: **A1**-Affidavit of Service, **A2**-Certified List of Property Owners & Utilities, **A3**-Notice to Property Owners & Utilities, **A4**-POD Slips, **A5**-Notice in Newspaper, **A6**-Taxes Paid, **A7**-Letter from H.C. Planning Board dated 7/16/2020. Attorney Gallina stated that notices are in order and the board can proceed with the Public Hearing.

Attorney Rittie noted the garage was built in 1977 from the records they were able to find but no copies of the permits were found. Attorney Rittie had Patricia Burd sworn in at this time. Ms. Burd said the garage was built in 1977. Attorney Rittie said they have the purchase agreement from Wickes Buildings. Attorney Gallina had the following marked into evidence: **A8**-Building Purchase Agreement from Wickes Buildings dated 3/11/1977. At the conclusion of Ms. Burd's testimony, there were only a few questions from the board of Ms. Burd. At the conclusion of the board's discussion, Planner Donna Holmqvist was sworn in to give testimony. Planner Holmqvist referred to Board Planner Jim Kyle's report. Planner Holmqvist noted that she visited the site and said it has an irregular shape. Planner Holmqvist said that Wunder Lane ends at adjoining Lot #16. Planner Holmqvist stated she would defer to Planner Kyle Interpretation regarding the lot lines and the variances needed from the yard requirements. Planner Holmqvist said the height of the garage is slightly more than the 15' that is allowed. It is approximately

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4 inches higher than allowed by the ordinance. This is based on the plans submitted by Wicks Building. Planner Holmqvist addressed the positive and negative criteria. The following items were marked into evidence: **A9**-Survey of Lakeland Surveying dated 12/21/2020, **A10**-Report of Preferred Planning Group dated 4/29/2020, **A11**-Photographs of garage building. At the conclusion of Planner Holmqvist's testimony, the board had a few questions. When opened to the public, there were no comments or statements. Vice Chairman Abuchowski asked for a motion to close the public portion of the hearing. Motion by Ms. Guevara and seconded by Mr. Maurizio to close the public portion of the hearing. Unanimously approved.

Attorney Rittie was asked to give his summation at this time. At the conclusion, the board deliberated. The Board found that the requested variances will not substantially be a detriment to the public good or to the zone plan and zoning ordinance.

Motion by Mr. Maurizio and seconded by Mr. Locker to grant the following Bulk Variances for the garage, shed and height variance with the following conditions:

- a. The applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction.
- b. The applicant will pay all necessary fees and escrows payable in connection with the application. The applicant will be under a continuing duty to maintain a positive escrow account balance until all conditions have been satisfied and all charges paid.
- c. The height variance for the garage and shed will be a variance of up to 16' with the understanding that the applicant is not proposing any changes to the existing height of these structures.

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

**Attorney Gallina will prepare the Resolution to be on the next Agenda of November 12, 2020.**

Ronald Milkowski  
254 Rocky Run Road  
Glen Gardner, N.J. 08826

Block #30 Lot #48.01  
Rocky Run Road RC

**PUBLIC HEARING**

Bulk Variance for proposed Addition to house

Mr. Milkowski was present and represented himself. Mr. Milkowski informed the board that he

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would like to put an addition on the back portion of his home. Attorney Gallina had Mr. Milkowski sworn at this time. Attorney Gallina had the following items marked into evidence: **A1**-Affidavit of Proof of Service, **A2**-Certified List of Property Owners & Utilities, **A3**-Notice of Hearing to Property Owners & Utilities, **A4**-POD Slips, **A5**-Notice of Public Hearing in Newspaper, **A6**-Hunterdon County Board of Health Permit Referral Form dated 10/7/2020, **A7**-Letter from H.C. Soil Conservation District dated 10/1/2020, **A8**-Survey prepared by David Swanson dated 8/5/2020. Attorney Gallina noted that since proof of Taxes Paid was not submitted nor the actual certified copy of the Affidavit of Proof of Service, these will be a condition of any approval by the board.

Mr. Milkowski stated his property is in the RC 7.5 zone and consist of 5.22 acres. The house is a 2 story frame dwelling, also on the property is a frame barn, metal garage and several sheds. Mr. Milkowski said he is seeking a Bulk Variance relief in order to construct an 18' by 16' 2 story addition to the existing home. The addition would be 288 square feet. Mr. Milkowski said the front yard setback is only 14.5' and the ordinance requirement is 50' setback. At the conclusion of Mr. Milkowski's testimony the board had a few questions of the applicant. When open to the public, there were no comments or statements. At this time, Mr. Milkowski gave a brief summation. At the conclusion, motion was made and seconded to close the public portion of the hearing. At the conclusion of the board's deliberations motion by Mr. Locker and seconded by Mr. Kozlowski to grant the Bulk Variance relief for the 2 story addition 18' by 16' with the following conditions:

- a. The applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction.
- b. The applicant will pay all necessary fees and escrows payable in connection with the application.
- c. The applicant shall produce the Affidavit of Proof of Service in the Hunterdon Review and proof that Taxes are paid and current.
- d. All necessary permits shall be obtained within 18 months of the date of the adoption of this Resolution. (The applicant is advised that pursuant to Ordinance Section 45-20 if an extension of time is needed, the request must be made in writing prior to the expiration of the 18 month period.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Maurizio	Mr. Abuchowski	<b>Abstain:</b> Ms. Guevara
	Mr. Kozlowski	Mr. Eberle	<b>Absent:</b> Mr. Terzuolo
	Mr. MacQueen	Mr. Locker	Mr. Sachs

**Attorney Gallina will prepare the Resolution to be on the Agenda of November 12, 2020.**

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**PRESENTATION OF BILLS:**

a. John Gallina, Esq.	\$ 260.00 - Attend Mtg on September 24, 2020
b. James Kyle, PP	\$1,036.60 - Review applications
c. Court Stenographer	\$ 250.00 - Attend Mtg on October 28, 2020
<b>Total:</b>	<b>\$1,546.60</b>

**CORRESPONDENCE: None**

**OPEN TO THE PUBLIC None**

Being no further business to come before the board, nor comments from the public, motion by Mr. Kozlowski and seconded by Mr. Maurizio to adjourn the meeting at 8:28 p.m. Unanimously approved.

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**VICE CHAIRMAN ABE ABUCHOWSKI**

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**GAIL W. GLASHOFF, BOARD SECRETARY**  
Prepared the minutes