

REGULAR MEETING

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

February 27, 2013

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:32 pm by Chairman Bruce Terzuolo. Present were: Mr. Kozlowski, Mr. MacQueen, Mr. Nagie, Mr. Abuchowski, Mr. Eberle, 1st Alternate Maurizio, 2nd Alternate Machauer, Attorney Gallina and Planner Bolan. **Excused:** Mr. Perry

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 23, 2013, faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on February 20, 2013.

SWEAR IN: Gary MacQueen Class IV 4 Year Term

Attorney Gallina swore in Mr. MacQueen for a 4 year term. Congratulation to Mr. MacQueen.

The Chairman will announce that the Board will go into Executive Session at this time and asked for a motion.

Motion by Mr. MacQueen and seconded by Mr. Nagie to go into Executive Session at 7:40 p.m. Unanimously approved.

WHEREAS, Section 7(b) of the Open Public Meets Act L. 1975 C .231 NJSA 10:4-12(b)(8) permits the exclusion of the public from Board of Adjustment meetings where certain matters are to be discussed; and

WHEREAS, the Lebanon Township Board of Adjustment is desirous to meet to discuss litigation.

NOW, THEREFORE BE IT SOLVED, by the Lebanon Township Board of Adjustment of the Township of Lebanon, Hunterdon County, New Jersey that this board met in Executive Session.

The Chairman will announce that the board will return to their Regular Meeting to continue with Business Meeting. Motion by Mr. MacQueen and seconded by Mr. Abuchowski to close the Executive Session at 7:46 p.m. Unanimously approved.

PRESENTATION OF MINUTES: January 23, 2013 Reorganization/Business Meeting

Motion by Mr. Kozlowski and seconded by Mr. Abuchowski to approve the minutes with corrections. Unanimously approved by those eligible to vote.

ADOPT PROFESSIONAL CONTRACT:

a. Jim Kyle, Planner (Alternate Planner)

Ms. Glashoff said Planner Kyle's contract is the same as last year with no increase in the hourly rate. Motion by Mr. MacQueen and seconded by Mr. Eberle to adopt the professional contract of Planner Kyle as our Alternate Planner. Unanimously approved.

RESOLUTION:

a. Leonard Moore Block #23 Lot #3
Bulk Variances w/conditions Raritan River Road R3

Motion by Mr. Abuchowski and seconded by Mr. Nagie to adopt the Resolution of Leonard Moore for Bulk Variances with conditions as corrected.

ROLL CALL **Yes:** Mr. Kozlowski **Abstain:** Mr. MacQueen **Absent:** Mr. Perry
Mr. Terzuolo Mr. Eberle
Mr. Nagie Mr. Machauer
Mr. Abuchowski
Mr. Maurizio

Lebanon Township Board of Adjustment
February 27, 2013
Page 2

NEW BUSINESS:

Carol & John Jindracek
419 Little Brook Road
Glen Gardner, N.J. 08826

Block #37 Lot #37
Little Brook Road R5

PUBLIC HEARING
(Letter from Attorney Gallina)

Bulk Variances Section 400 4:1 Schedule I

Carol & John Jindracek were both present to make a presentation to the board. Attorney Gallina announced that all the notices are in order and the board can proceed with the public hearing. The following items were marked into evidence: **A1**-Taxes Paid, **A2**-Certified List of Property Owners and Utilities, **A3**-Affadavit of Proof of Service, **A4**-POD Slips, **A5**-Notice to Property Owners, **A6**-H.C. Planning Board Letter dated 2/12/2013, **A7**-Zoning Permit, **A8**-Notice in Newspaper, **A9**-H.C. Soil Conservation District Letter dated 12/16/2012.

Attorney Gallina had both applicant's sworn in at this time. Ms. Jindracek said they have lived in their home for 9 years. They had no prior knowledge to any variances being needed. They had a title search done before purchasing the home and were not told of any issues at that time. Ms. Jindracek said they now have a buyer for their home who is waiting on the results of this hearing. They were also unaware that there were open permits regarding the addition. Attorney Gallina asked how did the buyers find out about the problem. Ms. Glashoff said she received a call from the buyers asking if there were any open permits on the property. Ms. Glashoff contacted Charlie Rogers –Construction Official and was informed that the addition had only had a foundation inspection and a framing inspection. Also, a permit for the septic system was taken out but never had any inspections. Attorney Gallina asked if it was for the addition and garage. Ms. Jindracek said she didn't know about the garage. Attorney Gallina asked Ms. Jindracek if a permit was only issued for the addition but not for the garage. Ms. Jindracek said yes as far as she knows. Attorney Gallina asked Ms. Jindracek to tell the board about the property. Ms. Jindracek said the property is .63 acres. The addition was for a master bedroom and bath. A wall was knocked down to make the living room larger. The house is a one story ranch. Attorney Gallina asked if they have had any complaints since owning the property. Ms. Jindracek said no.

Mr. Jindracek concurred with his wife's testimony regarding the addition and the garage. Attorney Gallina referring to the title search that it only pertains to any liens or discrepancies to the property not building permits. Attorney Gallina asked the Jindracek's if keeping everything the way it is, would it be a detriment to the neighbors. Ms. Jindracek said no. At the conclusion of Ms. Jindracek testimony, Chairman Terzuolo asked if the board had questions of the witness. Mr. Machauer noted that there is a water line that goes through the property and moving the garage within the building envelope would not work. Mr. Machauer asked Ms. Jindracek if she knew when the garage was built. Ms. Jindracek said the garage was there prior to Mr. English buying the property. Mr. Maurizio said he visited the site and the neighbor property is all wooded which goes right up to where the garage is located. Mr. Eberle asked if the variances were not granted it would mess up the buyers purchasing the property. Ms. Jindracek said yes. Mr. MacQueen noted that the block wall where the planters are located are partially on the applicant's property.

Ms. Glashoff asked if she could say something. Chairman Terzuolo asked if she was going to give testimony. Ms. Glashoff said yes and was sworn in. Ms. Glashoff informed the board after she got the initial phone call, she contacted Construction Official Charlie Rogers. Mr. Rogers went over to the property to do a visual inspection. The County Board of Health was notified since they had never finalized the septic. Ms. Glashoff said she wanted the board to be aware that the final inspections for the addition and septic have now be taken care of. All Mr. Rogers was able to do was a site inspection from a construction stand point only. Ms. Glashoff said permits were obtained for the addition and a foundation inspection and framing inspection was done and that was the end of it. Also, the permit for the septic was also obtained but no inspection had ever been done by the County. There were no questions of the witness by the board or public.

Chairman Terzuolo asked if the Planner had any testimony. Planner Bolan was sworn in at this time. Planner Bolan said he visited the property, also looked at the adjoining property. The applicant's property is non-conforming, long, narrow, lacking in frontage and lot width. Also, the adjoining neighbor's property is also non-conforming, lacking in frontage and lot width.

