

## REGULAR MEETING

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

**March 28, 2012**

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:30 p.m. by Chairman Bruce Terzuolo. Present were: Mr. Kozlowski, Mr. MacQueen, Mr. Abuchowski, Mr. Nagie, Mr. Eberle, 1<sup>st</sup> Alternate Maurizio, 2<sup>nd</sup> 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 25, 2012, 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 March 21, 2012.

At this time, Chairman Terzuolo announced that the board will go into Executive Session. Motion by Mr. MacQueen and seconded by Mr. Maurizio to have the board go into Closed Executive Session. Unanimously approved.

**WHEREAS**, Section 7(b) of the Open Public Meetings 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 RESOLVED**, by the Lebanon Township Board of Adjustment of the Township of Lebanon, Hunterdon County, New Jersey that this Board met in Executive Session.

Chairman Terzuolo asked for a motion. Motion by Mr. MacQueen and seconded by Mr. Maurizio to reconvene the Regular Meeting. Unanimously approved.

**PRESENTATION OF MINUTES:** February 22, 2012 Regular Meeting

Motion by Mr. Kozlowski and seconded by Mr. Maurizio to approve the minutes with a few corrections. Unanimously approved.

### **INTERPRETATIONS:**

Tho-Bec Care Inc.  
486 West Hill Road  
Glen Gardner, N.J. 08826

Block #30 Lot #38.01  
West Hill Road RC 7½

### **Interpretation of Section 400-50 & 400-9.a**

Ms. Glashoff announced that Mr. Scheier contacted her and informed her that he was withdrawing his application for an Interpretation at this time.

Shawn & Holly Smith  
247 Musconetcong River Road  
Washington, N.J. 07882

Block #58 Lot #2  
Musconetcong River Road

Interpretation of Section 400 4:1 Schedule I putting a second story addition on a pre-existing non-conforming dwelling unit.

Attorney Gallina had Holly Smith sworn in to give testimony. Ms. Smith said their property is located on Musconetcong River Road and consists of .47 acres. They are presently in the RC which was the R5 zone before the zone change. Ms. Smith said their home sits within the side and front yard setback. The front yard requirement is 50' and the one side yard requires 20' which they are unable to meet either. Ms. Smith stated their front yard is 37' and the side yard is 10' in from the property line. The addition is a second floor addition which doesn't infringe on the either setback in question and this is the reason why she is here this evening for an interpretation. She doesn't feel this is a violation of the setback requirements since they are putting a second story addition on their home and not expanding into the front or side yard. At the conclusion of Ms. Smith testimony, the board asked questions of the applicant. When open to the public there were no questions. The board had Zoning Officer John Flemming sworn in at



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addition will be lit twenty-four hours a day. Planner Bolan questioned Mr. English on the operation of the changeable information sign noting in Mr. Lewis's report that the display advertisements for the tenant businesses will not change more than once a day. Attorney Gianos interjected stating that the applicant is amending this portion of the application to state that the tenant information on the changeable information sign would change every 5 to 10 minutes. The board expressed concern that the changeable information sign not have a strobe effect. Mr. English stated that it would not. During questions of Mr. English by the board, Mr. English agreed that as a condition of approval, it would be agreeable that information on the sign would be displayed for a least one minute at a time before it was changed. The board agreed that the applicant may have the information displayed for a longer time before changing if he wishes. The board also clarified that the tenant information on the changeable information sign would scroll, but that the sign itself would remain stationary and would not move. At the conclusion of Mr. English's testimony and questions by the board, Chairman Terzuolo opened the hearing to the public for questions. Mr. Victor Hoffman of Buffalo Hollow Road asked if all the signs on the property will be removed. The board discussed the signs with Mr. English. Chairman Terzuolo opened the hearing to the public for statements/testimony. There were none.

Attorney Gianos gave his summation at this time. Chairman Terzuolo announced that the evidence taking portion of the hearing is now closed. The board deliberated at this time, during their deliberation, the board noted that expanding the sign will provide better visibility and will also create a safer condition for motor vehicles traveling along Route 31 to see the sign. The board also noted that there are other commercial sites surrounding the applicant's property with no residences in the area. The board also agreed that expanding the sign and adding the changeable information component will have a minimal effect on the surrounding neighborhood. At the conclusion of the board's deliberation, motion by Mr. Abuchowski and seconded by Mr. Nagie to grant the bulk variance relief to permit the expansion of the existing sign on the site which includes the addition of a changeable information sign with the following conditions:

- a. The applicant shall obtain all approvals from outside agencies having jurisdiction.
- b. The dimensions of the new sign will not exceed a height of 19.5' with a total area 98.5 square feet.
- c. The information on the changeable information sign will be displayed for a least one minute before it changes, so to avoid a strobe effect.
- d. The applicant will supply a copy of the Lebanon Township Planning Board Resolution permitting other signs and banners on the site.
- e. The applicant will pay all necessary fees and escrows chargeable in connection with the application.
- f. All necessary permits shall be obtained within 18 months of the date of this Resolution.
- g. The applicant is advised that pursuant to Ordinance Section 45-20, if the extension of this time period 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. Kozlowski	Mr. Abuchowski	<b>Abstain:</b> Mr. Machauer
	Mr. MacQueen	Mr. Eberle	<b>Absent:</b> Mr. Perry
	Mr. Terzuolo	Mr. Maurizio	
	Mr. Nagie		

**Attorney Gallina will prepare the Resolution to be on the next agenda of April 25, 2012.**

The board took a recess at this time 9:25 p.m. When the board reconvened at 9:31 p.m. The bills were the next items on the agenda.

**PRESENTATION OF BILLS:**

- |                       |  |
|-----------------------|--|
| a. John Gallina, Esq. | \$406.25 – Escrow ( <b>New Cingular Wireless</b> ) |
| b. Court Stenographer | \$200.00 - ZBA Meeting 3/28/2012                   |
|                       | <b>Total: \$606.25</b>                             |

Ms. Glashoff informed the board that she had one additional bill to add from Attorney Gallina for **\$125.00** for litigation. This brings the grand total to **\$731.25**. Motion by Mr. Abuchowski and seconded by Mr. Nagie to approve the bills as amended. Unanimously approved.

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**CORRESPONDENCE:**

- a. New Jersey Planner
- b. Law of the Land Article
- c. Law Bulletin – March 2012
- d. H.C. Planning Board - Davara
- e. H.C. Soil Conservation District - Davara

**OPEN TO THE PUBLIC**

Maggie McQuire of Raritan River Road asked to address the board. Ms. McQuire informed the board that the Township has a new Flood Plain Manager who is Engineer Steve Risse. Ms. McQuire discussed the flooding issues that occurred down on Raritan River Road last August/September. Ms. McQuire informed the board that they were in a State of Emergency after the flooding. The board informed Ms. McQuire that they do not have jurisdiction to discuss this issue on an informal basis. Ms. McQuire informed the board that she and the other members of the public where told by the Zoning Officer that they could come to tonight's meeting to discuss this issue. Mr. English also wanted to discuss an issue regarding an electrical box at his site. The board informed Mr. English they do not have jurisdiction to discuss his issue on an informal basis.

Being no further business to come before the board, nor comments from the public, motion by Mr. Maurizio and seconded by Mr. Kozlowski to adjourn the meeting at 9:56 p.m. Unanimously approved.

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**CHAIRMAN BRUCE TERZUOLO**

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**GAIL W. GLASHOFF, BOARD SECRETARY**