

REGULAR MEETING

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

June 22, 2016

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order by Board Secretary Gail Glashoff. Present were: Mr. Maurizio, Mr. Kozlowski, Mr. MacQueen, Ms. Guevara and Attorney Gallina. **Excused:** Mr. Terzuolo, Mr. Abuchowski, Mr. Eberle & Mr. Locker.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on January 27, 2016, 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 June 15, 2016.

In the absence of the Chair and Vice Chair Ms. Glashoff asked for nominations for Chairman. Motion by Mr. Maurizio and seconded by Mr. Kozlowski to nominate Mr. MacQueen as Chairman for the evening. Being no further nominations, motion by Mr. Kozlowski and seconded by Mr. Maurizio to close the nominations.

At this time Mr. MacQueen took over the meeting.

PRESENTATION OF MINUTES: Regular Meeting May 25, 2016

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

RESOLUTION:

- a. Anthony Hendra Block #35 Lot #85
Bulk Variance Relief with conditions Red Mill Road RC

Motion by Mr. Kozlowski and seconded by Ms. Guevara to adopt the resolution with a minor correction.

ROLL CALL	Yes: Mr. Kozlowski Ms. Guevara	Abstain: Mr. Maurizio Mr. MacQueen	Absent: Mr. Terzuolo Mr. Abuchowski Mr. Eberle Mr. Locker Mr. Perry
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NEW BUSINESS:

- Kenneth Wieceoreck Block #59 Lot #15
234 Musconetcong River Road Musconetcong River Road RC
Washington, N.J. 07882

PUBLIC HEARING Variance Relief Side-yard Setback for In-ground Pool – Schedule 1 400:4:1
(Letter from Attorney Gallina)

Attorney Gallina had Mr. Wieceoreck and Landscape Architect Michael Medea sworn in at this time to give testimony. Attorney Gallina said all the notices are in order. The following items were marked into evidence: **A1**-Taxes Paid, **A2**-Notice to Property Owners and Utilities, **A3**-Affadavit of Proof of Service, **A4**-Certified List of Property Owners & Utilities, **A5**-POD Slips, **A6**-Notice in Newspaper, **A7**-Zoning Denial, **A8**-H.C. Planning Board Letter dated May 9, 2016, **A9**-H.C. Soil Conservation District Letter dated June 2, 2016. Attorney Gallina announced the board has jurisdiction to proceed with the public hearing.

Mr. Wieceoreck made a presentation to the board. Mr. Wieceoreck said that they would like to put in an inground swimming pool and said when they built there home they found they had a lot of challenges along with mistakes they made because of the topography of the land. They did not want to make the same mistakes with the pool. The area they would like to have the pool is the best location because of the topography but unfortunately they can't meet the setback requirements for the side yard of 50'. At this time, two items were marked into evidence: **A10**-Aireal view of the property, **A11**-3 photos of the property. Mr. Wieceoreck stated they have trees along the property line for privacy since there is driveway that goes to a flag lot. Landscape Architect Michael Medea informed the board that he had prepared the plans. Because of the topography behind the house, it made it impossible to have the pool

located there. Attorney Gallina noted there is an attached deck to the existing home. Will the pool and patio

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be accessed from the deck? Mr. Medea said yes. Attorney Gallina asked what kind of trees line the side yard. Mr. Medea said Spruce and Evergreen trees. These will serve as a buffer since there is a driveway that goes to a flag lot on the other side of the tree line. Attorney Gallina asked where the closest home is located. The home on the flag lot is a distance and the home on the other side of the Wieceoreck home is a distance.

Chairman MacQueen asked if the board has any questions of the witness. Mr. Maurizio asked Mr. Medea if he knew the elevation of the home on the flag lot. Mr. Medea said no. Ms. Guevara asked if any of the neighbors had a problem with the pool. Mr. Wieceoreck said no. Attorney Gallina said since the neighbors had been notified of the hearing, this would have been their opportunity to come to the hearing this evening. Ms. Guevara asked if the pool across the road has been a problem with noise etc. Mr. Wieceoreck said no. Landscape Architect Medea described for the board the general plan layout which is a colorized version. Attorney Gallina had the plan marked into evidence: **A12**-Colorized version of the pool location, landscape concept plan backyard date March 23, 2016 prepared by Medea Landscape Studio. Mr. Medea said the plan shows the elevation behind the house, location of the pool and the patio. There is privacy plantings already existing and more will be planted along the property line. At the conclusion of Mr. Medea's testimony, Chairman MacQueen asked if the board had any questions of the witness. Mr. Kozlowski referred to an item on the colorized version that wasn't on the plans that the board has. Mr. Medea said those graphics are lawn chairs. Mr. Maurizio asked if the pool would be masonry concrete. The response was yes. Chairman MacQueen asked Mr. Medea to explain how much it will encroach into the side yard setback. Mr. Medea said the ordinance requires a 50' setback for swimming pools in the side yard. Because of the topography and restraints the side yard setback for the pool will be 23'. Chairman MacQueen asked if the 23' would be enough. Mr. Medea said yes. If they had a problem they could bring the pool closer if necessary towards the house or to the front. Mr. Medea said he did not feel that would be the case.

At this time Chairman MacQueen opened the public hearing for questions. There were none. The Chairman then opened the public hearing for comments. There were none. Chairman MacQueen asked for a motion to close the public hearing. Motion by Mr. Kozlowski and seconded by Mr. Maurizio to close the public portion of the hearing. Unanimously approved. The board deliberated at this time. Chairman MacQueen reviewed for the board Attorney Gallina's letter regarding the application. At the conclusion of the deliberations, motion by Mr. Maurizio and seconded by Mr. Kozlowski to grant variance relief for the pool of 23' since it does not comply with the 50'side yard setback with the following conditions:

- a. Applicant to obtain approval from any outside agency having jurisdiction.
- b. All fees and escrows to be current.
- c. Applicant to obtain all permits within 18 months from date of Resolution.

ROLL CALL	Yes: Mr. Maurizio Mr. Kozlowski	Mr. MacQueen Ms. Guevara	Absent: Mr. Terzuolo Mr. Abuchowski Mr. Eberle Mr. Perry Mr. Locker
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Attorney Gallina will prepare the Resolution to be on the next Agenda on July 27, 2016.

PRESENTATION OF BILLS:

- a. John Gallina, Esq. \$250.00 – Attend Mtg 5/25/2016
 \$281.25 – Prepare Resolution – Escrow Acct. **(Hendra)**
 - b. Court Stenographer \$250.00 – Attend Mtg 6/22/2016
- Total: \$781.25**

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

CORRESPONDENCE: a. Law of the Land Article

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 8:10 p.m. Unanimously approved.

CHAIRMAN GARY MACQUEEN

GAIL W. GLASHOFF, BOARD SECRETARY