

Lebanon Township Board of Adjustment

July 26, 2017

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Mr. Braddee informed the board that the house was constructed in the 1930's and was used as a hunting cabin. Mr. Braddee stated the height of the new roof will be conforming and a total of 25' when the new roof is installed. At the conclusion of Mr. Braddee testimony, Zoning Officer John Flemming gave testimony explaining why he denied Mr. Braddee. Attorney Gallina informed the board under NJSA 40:55D-68 an existing non-conforming structure may be continued and may be restored or repaired in the event of partial destruction. It was noted any expansion of a nonconforming structure would require bulk variances. Under Ordinance 400-50A(1), provides that a nonconforming structure damage by fire, casualty may be repaired or restored provided the floor area does not exceed floor area prior to the damage. Also, Section 400-50A(2) provides that normal maintenance and repair of a nonconforming use is permitted provided it does not extend the area occupied by the nonconforming use. Attorney Gallina noted the residential use is conforming but the structure is nonconforming. Chairman Terzuolo asked if the board had any questions at this time. During the board's questions, Mr. MacQueen noted that the ordinance needs to be amended. Ms. Glashoff suggested since the Planning Board's meeting is next Tuesday evening and the full Township Committee will be present it would be the perfect opportunity to discuss amending the ordinance. Chairman Terzuolo opened the hearing to the public for questions, there were none. Chairman Terzuolo then opened the hearing to the public for comments and statements, there were none.

The board deliberated at this time. During the board's deliberations, the board noted that the structure will not be expanded and the new roof will be contained within the envelope of the existing home. The new roof will be no more than 25' in height. The board also noted that no new living space is proposed which would constitute an addition to the residence. The board also noted that a variance is not needed for the installation of the proposed new roof and will not constitute an expansion of a nonconforming structure. Lastly, the board found that the Zoning Officer was in error in denying the application. At the conclusion of the deliberations, motion by Mr. MacQueen and seconded by Mr. Locker to reverse the decision by the Zoning Officer so the applicant can install the proposed new roof on the existing structure and without any additional living space.

ROLL CALL	Yes: Mr. MacQueen Mr. Terzuolo Mr. Locker Ms. Guevara	No: Mr. Kozlowski	Absent: Mr. Maurizio Mr. Abuchowski Mr. Perry Mr. Eberle
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Attorney Gallina will prepare the Resolution to be on the next Agenda of August 23, 2017.

EXTENSION OF TIME:

Transtar Truck Body & Welding c/o Dominick Tranquilli (See attached Letter)	Block #41 Lot #4 Route 513 I5
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Mr. Tranquilli was presented to discuss the Extension of Time. Ms. Glashoff read into the record the letter she received from Attorney Harvey Gilbert. Attorney Gallina stated that the applicant has appeared before the board on several occasions for extensions dating back to April 2013. The original approval was granted on March 29, 2011. Attorney Gallina noted that on November 3, 2016 the board granted the 6th Extension of Time to Mr. Tranquilli to obtain the necessary permits by July 1, 2017 and to complete all improvements on Phase I by December 31, 2017.

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Mr. Tranquilli told the board the underground water tank has been ordered. Also, has he has recently resolved his tax problems with the IRS and that a tax lien has been removed from his property. Mr. Tranquilli said he now in the process of raising the money to pay for the tank. Mr. Tranquilli said it will take him several months. Also, he now plans on obtaining financing for the building extension and the tank. Mr. Tranquilli said he is requesting an extension of 18 months to December 2018. At the conclusion of Mr. Tranquilli's testimony Chairman Terzuolo asked if the board had any questions. The board informed Mr. Tranquilli that the tank has to be installed and approved before permits for the building extension could be obtained. Also, that Phase I of the Site Plan had to be completed.

Chairman Terzuolo opened the hearing to the public for questions, there were none. Chairman Terzuolo opened the hearing to the public for statements and comments, there were none. Chairman Terzuolo stated that he would not agree to an 18 month extension, but would agree to a 1 year extension. At the conclusion of the board's deliberation, motion by Mr. Kozlowski and seconded by Mr. Locker to grant a 1 year extension to July 18, 2018 with the following conditions:

- a. The applicant is granted a 1 year extension to July 18, 2018 to obtain the necessary permits pertaining to the site plan approved on March 29, 2011 for Phase I. The applicant also is granted an extension to December 31, 2018 in order to complete all improvements regarding Phase I.
- b. The applicant shall obtain all necessary approvals from any outside agencies having jurisdiction.
- c. The applicant will pay all necessary fees and escrows payable in connection with this extension.
- d. All prior provisions and conditions of the prior Resolution shall remain in full force and effect,

ROLL CALL	Yes: Mr. Kozlowski Mr. Terzuolo Mr. Locker Ms. Guevara	No: Mr. MacQueen	Absent: Mr. Maurizio Mr. Abuchowski Mr. Eberle Mr. Perry
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Attorney Gallina will prepare the Resolution to be on the Agenda of August 23, 2017.

Chairman Terzuolo announced that the board will take a recess at this time 8:32 p.m. When the board reconvened at 8:42 p.m. Chairman Terzuolo announced the next application.

NEW BUSINESS:

Richard Eitner 4 Hoffmans Crossing Road Califon, N.J. 07830	Block #21 Hoffmans Crossing Road	Lot #2 R3
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PUBLIC HEARING Bulk Variance for deck 400 Attachment 4:1 Schedule I

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Attorney Guy Wilson was present to represent the applicant Richard Eitner. Attorney Wilson made a brief presentation to the board stating that Eitner had sold their property on Hoffmans Crossing Road which is in the R3 zone. Attorney Wilson said the new owners found that the deck did not have zoning approval or permits. At this time Attorney Gallina announced that all the notices are in order and the board can proceed with the hearing. The following items were marked into evidence: **A1**-Notice to Property Owners, **A2**-Certified List of Property Owners & Utilities, **A3**-POD Slips **A4**-Affadavit, of Proof of Service, **A5**-Taxes Paid, **A6**-H.C. Planning Board Letter dated 6/29/2017, **A7**-H.C. Soil Conservation District letter dated 7/5/2017, **A8**-Ltr. Attorney Gary Maher dated 6/8/2017.

Attorney Wilson said the dwelling is a pre-existing non-conforming structure with a non-conforming side yard. In the R3 zone the side yard requirements are no less than 20' on one side with a total of 50' using both siding. The house in question is 8.64' off the property down to 6.27' off the property line. Attorney Gallina had Richard Eitner sworn in to give testimony. Mr. Eitner said they have owned the property for 26 years and they have just recently sold the property. At this time the following item was marked into evidence: **A9**-Survey prepared by Stanley M. Norkevich, LS dated 6/8/2017. Mr. Eitner referred to the survey which showed the original deck and the new section labeled deck addition. Mr. Eitner said new portion of the deck is 20'x15'. Mr. Eitner said he had been issued a fine which he paid and got the required permits, but since this is in the side yard setback he needed to get the variance to bring the deck into compliance. At the conclusion of Mr. Eitner testimony, Chairman Terzuolo asked if the board had any questions. There were none. Attorney Wilson made his summation at this time. Chairman Terzuolo opened the hearing to the public for comments or statements. There were none. Motion by Mr. MacQueen and seconded by Mr. Kozlowski to close the public portion of the hearing. Unanimously approved.

The board deliberated at this time. During their deliberations, the board finds the bulk variances that the applicant is requesting is appropriate. Because of the size of the lot, any construction would need a variance. Also, granting the bulk variances would not create a substantial detriment to the public good or to the zoning ordinance.

Motion by Mr. Kozlowski and seconded by Mr. Locker to grant the bulk variance relief for the additional portion of the deck with the following conditions:

- a. The applicant shall obtain all other necessary approvals from outside agencies having jurisdiction.
- b. The applicant will pay all necessary fees and escrows payable in connection with the application.

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

