

## REGULAR MEETING

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

**August 22, 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. Perry, Mr. Nagie, Mr. Abuchowski, Mr. Eberle, 2<sup>nd</sup> Alternate Machauer, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. MacQueen & Mr. Maurizio.

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 August 15, 2012.

**At this time the Chairman will announce that the board will go into Closed Executive Session and asked for a motion.**

Motion by Mr. Nagie and seconded by Mr. Kozlowski to close the public meeting and go into executive session at 7:33p.m. 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 will asked for a motion to reopen the Regular Meeting.**

Motion by Mr. Eberle and seconded by Mr. Kozlowski to close the Executive Closed Session and reopen the regular meeting. Unanimously approved.

**PRESENTATION OF MINUTES:** Regular Meeting July 25, 2012

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

### **NEW BUSINESS:**

Tod Harris                                      Block # 60      Lot #14  
7 Butler Park Road                            Butler Park Road R1½  
Washington, N.J. 07882

**PUBLIC HEARING**                              Section 400 4:1 Schedule I Bulk Requirements  
Setbacks - Front, Rear and Both Side yards

Attorney Gallina had the following marked into evidence: **A1-Zoning Denial, A2-Certified List of Property Owners, A3-Taxes Paid, A4-Notice to Property Owners, A5-POD Slips, A6-Notice in Newspaper, A7-Affadavit of Proof of Service, A8-Ltr from H.C.P.B. dated May 19, 2011, A9-Ltr from HC Soil Conservation District dated April 4, 2011**

Attorney Gallina noted that since the original Certified List of Property Owners is dated November 2010 and was updated February 2011, the list is not current since one of the notices came back because the property owner had moved and the forwarding had expired. Attorney Gallina informed Mr. Harris that he will need to re-notice to the property owners once he gets an updated list from the Tax Assessor and put a new notice in the newspaper.

Chairman Terzuolo asked Ms. Glashoff for the next available date. Ms. Glashoff said it would be Wednesday September 26, 2012. Attorney Gallina informed Mr. Harris that he can be rescheduled for the September 26<sup>th</sup> meeting date.

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Kathryn Koch  
Eugene Slowinski  
38 Old Chester Road  
Gladstone, N.J. 07934

Block #23 Lot #4  
off Raritan River Road R3

**PUBLIC HEARING**

Section 400 4:1 Schedule I Bulk Requirements  
Rebuild House & Shed/Fence & Reconstruct Pond

Attorney Gallina asked for a few minutes to review all the notices. Chairman Terzuolo announced the board take a recess at 7:45p.m. When the board reconvened at 7:55 p.m. 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**-Zoning Denial, **A2**-Taxes Paid, **A3**-Certified List of Property Owners & Utilities, **A4**-POD Slips, **A5**-Affadavit of Proof of Service, **A6**-Notice in Newspaper, **A7**-Ltr from H.C. Dept of Public Safety dated June 5, 2012, **A8**-Ltr from H.C. Planning Board dated June 19, 2012, **A9**-Ltr from H.C. Soil Conservation District dated June 19, 2012. Attorney Gallina swore in the applicant Kathryn Koch and Walter Koch applicant's brother who is an architect.

Ms. Koch made a presentation to the board stating that their home on Raritan River Road was heavily damaged by the flooding during Hurricane Irene. Their home sits on the river side of the road. Their property consists of .463 acres in the R3 zone. Ms. Koch said their zoning permit was denied because they could not meet the setback requirements for the R3 zone. Ms. Koch said she and her husband live in Gladstone and plan on moving to Lebanon Township once they rebuild their home on Raritan River Road. Ms. Koch said the river rose about 12'. Besides losing the house, they lost the shed and their pond was destroyed. Ms. Koch had the following marked into evidence: **A10**-4 photos of the property are outside views, **A11**-4 photos of the inside of the house. The new home will be raised 3' in order to have a 5' flood elevation. The new home will have 3 bedrooms and 3 bathrooms. The building footprint will be larger. The style of the new home will be a "Craftsman Cottage" design; those styles are from the early 1900's. The original house was used as a fishing shack and then rebuilt in 1964. Ms. Koch said they intend to remove the macadam area on the site and to install grass pavers. The new shed to be installed will be 8' x 20' which will encroach into the side yard setback. Ms. Koch said the reason they will need to replace the shed is because the new house will not have a basement that they could use for storage. Ms. Koch said they also want to restore the existing bridge on the property. At the conclusion of Ms. Koch's testimony, Chairman Terzuolo asked if the board had questions of the applicant. During the questions, the following item was marked into evidence: **A12**-Site Plan prepared by Templin Engineering dated 12/7/2011 and revised 8/1/2012. Planner Bolan asked Ms. Koch if she had approached her neighbors regarding obtaining additional property to make their lot more conforming. Ms. Koch said to purchase additional property from either neighbor would make their property more non-conforming since all the lots in the area on undersized.

Ms. Koch referred to correspondence from Engineer Risse; Township Flood Plan Administrator dated February 24, 2012. The letter indicates the assessed value of the Koch residence is \$61,000.00 and the claims adjuster has determined that the damages are in the sum of \$57,505.81. Since the damages exceed 50% of the assessed value of the home it is considered to be substantially destroyed.

Ms. Koch provided testimony regarding the pond on the property. Ms. Koch said they plan on restoring the pond which they will do at a later date. They will need to file an application with the DEP. Ms. Koch said they were notified by DEP that the pond was contaminated due to road runoff and they will need to have the pond dredged. Ms. Koch mentioned the pond so the board was aware of their intentions. At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public for questions. There were none.

Walter Koch, Architect was sworn in to give testimony on behalf of the applicant. During Mr. Koch's testimony, the following items were marked into evidence: **A13**-Floor Plans with Elevations prepared on November 17, 2011 by Walter F. Koch, Architect, **A14**-Second Floor elevations prepared on November 17, 2011, revised on June 10, 2012, **A15**-Colorized version of house, front & rear elevations drawn by Walter Koch, AIA dated November 27, 2011, revised June 10, 2012. At the conclusion of Mr. Koch's testimony, the board had a few questions. Mr. Koch noted that any room on the second floor that was not a bathroom or closet was considered a bedroom which would determine the capacity of the septic system. The board noted this would

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fall under the jurisdiction of the County Board of Health. At this point, Chairman Terzuolo opened the hearing up 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 asked Ms. Koch to give her summation at this time. Ms. Koch mentioned during her summation that Princeton Hydro would be involved with the restoration of the pond and would follow all the specifications of the DEP. Ms. Koch went on to say that because of the shape and size of their lot, they can not meet the bulk requirements of the ordinance for the R3 zone. They are asking for variance approval to rebuild their home that was destroyed by the hurricane.

Chairman Terzuolo announced that the evidence taking portion of the hearing is now closed. The board deliberated at this time. At the conclusion of the board's deliberations, motion by Mr. Abuchowski and seconded by Mr. Nagie to grant the bulk variance relief for a new home and shed with the following conditions:

- a. The applicant shall obtain all necessary approvals from any outside agencies having jurisdiction including but not limited to FEMA, Lebanon Township Flood Administrator, NJDEP, Hunterdon County Soil Conservation District and Hunterdon County Board of Health.
- b. The new home and shed will be constructed in the location and dimensions as shown on the site plan prepared by Robert J. Templin, PE dated 12/7/2011, revised on 8/1/2012 (Exhibit A12)
- c. The applicant will pay all necessary fees and escrows payable in connection with the application.
- d. All permits shall be obtained within 18 months of the date of the adoption of the 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. Kozlowski	Mr. Abuchowski	<b>Absent:</b> Mr. Maurizio
	Mr. Terzuolo	Mr. Eberle	Mr. MacQueen
	Mr. Perry	Mr. Machauer	<b>No:</b> None
	Mr. Nagie		

**Attorney Gallina will prepare the Resolution to be placed on the September 22, 2012 Agenda for adoption.**

**PRESENTATION OF BILLS:**

- |                        |   |
|------------------------|---|
| a. John Gallina, Esq.  | \$250.00 – Attend ZBA Meeting 7/25/2012 |
| b. Court Stenographer  | \$250.00 - Attend ZBA Meeting 8/22/2012 |
| <b>Total: \$500.00</b> |   |

Ms. Glashoff noted there are additional bills on the Agenda Addendum from Attorney Gallina totaling **\$1,072.50** bringing the grand total to **\$1,572.50**. Mr. Kozlowski said the bills are in order for approving. Motion by Mr. Kozlowski and seconded by Mr. Nagie to approve the bills as amended. Unanimously approved.

**CORRESPONDENCE:**

- a. NJ Planner – May/June 2012
- b. Law Bulletin – August 2012
- c. Law of the Land – 3 Articles

Being no further business to come before the board, nor comments from the public, motion by Mr. Nagie and seconded by Mr. Eberle to adjourn the meeting at 8:50 p.m. Unanimously approved.

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**CHAIRMAN BRUCE TERZUOLO**

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**GAIL W. GLASHOFF, BOARD SECRETARY**