

REGULAR MEETING

**Lebanon Township Board of Adjustment
Municipal Bldg 530 West Hill Road Glen Gardner, NJ**

October 24, 2007

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:37 p.m. by Board member Gary MacQueen as Chairman Bruce Terzuolo was not yet present. Present were: Mr. Machauer, Mr. Kozlowski, Mr. MacQueen, Mr. Perry, Mr. Nagie, Mr. Abuchowski, 1st Alternate Eberle, 2nd Alternate Maurizio, Attorney Gallina and Engineer Risse.

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" and adopted by this board on January 11, 2007, mailed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board on October 17, 2007.

PRESENTATION OF MINUTES:

August 22, 2007 Regular Meeting

Motion by Mr. Kozlowski and seconded by Mr. Nagie to approve the minutes. Unanimously approved.

PRESENTATION OF BILLS:

a. John Gallina, Esq.	\$230.00 – Attend Mtg 8/22/07
	\$316.50 – Escrow (Solar Center/Allnat)
	\$172.50 – Escrow (Fosbre)
	\$ 57.50 – Escrow (Solar Center/Allnat)
b. Court Stenographer	\$200.00 – Attend Mtg 10/24/07
	Total: \$976.50

Ms. Jacobus informed the board there was one additional bill to be added for \$201.25 from Attorney Gallina. Motion by Mr. Nagie and seconded by Mr. Perry to approve the bills as amended with a new total of \$1,177.75. Unanimously approved.

CORRESPONDENCE:

- a. Law Bulletin 8/2007
- b. Zoning Law 8/28/07
- c. Zoning Law 9/7/07
- d. Law Bulletin 9/07

Mr. MacQueen asked a question of Attorney Gallina regarding the running of the meeting. Attorney Gallina stated the vice-chair should really be running the meeting. Mr. Machauer took over the meeting at this point. He stated that the first order of business was Mr. and Mrs. Fosbre of Califon, NJ. Attorney Gallina interrupted and requested to ask a question of the next applicant to save him a possible unnecessary wait. Attorney Gallina stated to Mr. Vassiliades that he was going over his proofs of service and noticed that he had served personally to property owners, but he did not see proofs for the utility companies. The board will not have jurisdiction to proceed with the application. Attorney Gallina stated that the utilities must be served. All property owners, utilities and newspaper must be re-noticed for a future meeting. The next meeting available is November 28th. If everything is in order the Board will be able to hear him then.

NEW BUSINESS:

Peter & Carrie Fosbre
124 Raritan River road
Califon, NJ 07830

Block #20 Lot #26
Raritan River Road R3

PUBLIC HEARING

**Variances for front yard & lot width
Section 400 Schedule 4:1**

Attorney Susan Rubright who represents the applicant gave an opening statement.

Attorney Gallina announced that he reviewed the notices and they were all in order. The board can proceed with the hearing. The following items were marked into evidence: **A-1** Tax Collector's certification, **A-2** Affidavit of Proof of Service, **A-3** Notice of Hearing, **A-4** List of

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Owner's and utilities, **A-5** Certified Mailing Slips, **A-6** Copy of the newspaper publication of the Hunterdon Review.

Mr. Terzuolo arrived at 7:43, apologized to the Board for being late and proceeded with hearing. Another item was entered into evidence: **A-7** Survey of June 25, 2007.

Mr. Salvatore Miklowcic was sworn in to give testimony. Mr. Miklowcic stated that the lot is an older lot, similar in size to surrounding lots. The minimum lot size is 3 acres and they only have approximately ½ acre. There is a cabin converted into a home located on the property. There is a porch attached to the front of the house and there is no garage. The size of the proposed carport is 14' wide by 33' deep, approximately 450 square feet. This will be placed on the right side of the house.

Mr. Terzuolo had a question regarding set-backs from the road right-of-way. There was discussion on where the right-of way begins. There were a few questions from the Board members to clarify what they saw on the survey.

Mr. Peter Fosbre was sworn in to give testimony. General question were asked of Mr. Fosbre by Attorney Rubright regarding the age of the house, how long they lived there, the look of the carport. At the conclusion of Mr. Fosbre's testimony, Chairman Terzuolo asked if the board had any question. Mr. Kozlowski asked about the existing shed and Mr. Machauer asked about any additional use of the carport. When opened to the public for questions, there were none.

Attorney Rubright gave her summation at this time. Chairman Terzuolo announced that the evidence taking portion of the hearing is now closed.

During the board's deliberation, it was stated that there is no other place for the carport to go and that there were no objections and that the variance should be granted. At the conclusion of the board's deliberation, motion by Mr. Nagie and seconded by Mr. Abuchowski to grant the Use Variance for the carport with the following conditions:

- a. All approvals of all outside agencies as applicable
- b. All permits obtained within 18 months

ROLL CALL	Yes:	Mr. Kozlowski	Mr. Abuchowski	No: None
		Mr. MacQueen	Mr. Eberle	
		Mr. Terzuolo	Mr. Maurizio	
		Mr. Nagie	Mr. Machauer	
		Mr. Perry		

Chairman Terzuolo opened the meeting to the public. Mr. Tirabassi inquired on an application that his neighbor had filed for a solar center. Mr. Tirabassi was told that the application had been withdrawn by the applicant.

There was discussion on the meeting that the Planning Board, Board of Adjustment and the Township Committee members had with the Zoning Officer. The Committee requested that Mr. Terzuolo and Ms. Glashoff come up with some logical steps to keep application and conditions from falling through the cracks. When the current zoning officer was hired, he was told to be reactive not proactive. If something is brought to his attention, it should be followed through and if conditions are placed by the boards, it should be adhered to. They also discussed extending the zoning officers time from what his current hours are.

Having no further business to come before the board, motion by Mr. Nagie and seconded by Mr. Perry to adjourn the meeting at 8:31 p.m.

CHAIRMAN BRUCE TERZUOLO

KIMBERLY S. JACOBUS, DEPUTY CLERK