

REGULAR MEETING

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

October 24, 2012

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:34 pm by Chairman Bruce Terzuolo. Present were: Mr. Kozlowski, Mr. MacQueen, Mr. Abuchowski, Mr. Perry, Mr. Nagie, Mr. Eberle, 1st Alternate Maurizio, 2nd Alternate Machauer and Attorney Gallina.

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 October 17, 2012.

PRESENTATION OF MINUTES: Regular Meeting September 26, 2012

Motion by Mr. Maurizio and seconded by Mr. Kozlowski to approve the minutes with minor corrections. Unanimously approved by those eligible to vote.

RESOLUTION:

Tod Harris Block #60 Lot #14
Bulk Variances with conditions Butler Park Road R1½

After reviewing the resolution, motion by Mr. Maurizio and seconded by Mr. Kozlowski to approve the Resolution for Tod Harris with corrections.

ROLL CALL Yes: Mr. Kozlowski Mr. Nagie **Abstain:** Mr. Terzuolo
Mr. MacQueen Mr. Maurizio Mr. Machauer
Mr. Perry Mr. Abuchowski
Mr. Eberle

NEW BUSINESS:

Deborah Guevara Block #11 Lot #7
135 Observatory Road Observatory Road R1½
Glen Gardner, N.J. 08826

PUBLIC HEARING Section 400 4:1 Schedule I Bulk Requirements
(Letter from Attorney Gallina)

Attorney Gallina announced that all the notices are in order and the board can proceed with the public hearing. The following items were marked into evidence: **A1**-Taxes Paid, **A2**-Notice to Property Owners, **A3**-Certified List of Property Owners & Utilities, **A4**-POD Slips, **A5**-Notice in Newspaper, **A6**-Affadavit of Proof of Service, **A7**-Ltr Hunterdon County Soil Conservation District dated September 11, 2012, **A8**-Ltr Hunterdon County Planning Board dated September 10, 2012, **A9**-Zoning Denial.

Attorney Gallina had Ms. Guevara sworn in to give testimony. Ms. Guevara made a presentation to the board. Ms. Geuvara said she purchased the property in March of 2011. The engineer she had informed her that the garage was in very poor condition. She spoke with John Flemming and asked him what constitutes repair and he informed her that this exceeds repair and needs to be replaced. The garage was built directly on a slab with no sill plate, the framing has rotted. Maybe if it had been elevated by 2 courses of block it might have avoided the problem. The structure looks to be 50-60 years old. It has the original roof and siding. The windows and roof are totally rotted and the door can not be opened. Ms. Geuvara stated that she really doesn't have much of a choice if she wants a garage then to tear it down and start over. Ms. Geuvara informed the board that she needs a garage that is functional which means she will have to rebuild. Ms. Geuvara said she plans on retaining the slab foundation for the new building. The property is shaped like a slice of pizza consisting of .72 acres and is at the intersection of Observatory Road and Buffalo Hollow Road. The property is steeply sloped and is heavily wooded with a stream running along Buffalo Hollow Road. There is a septic mound system that takes up a portion of the property and with the slopes on the property; there is no other place to put a garage. The garage is on flat ground but is only 22' from the property line.

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Attorney Gallina asked if the dimensions of the garage was going to be 24' x 22' & 14' high and asked if those were also the dimensions of the current garage. Ms. Guevara said no, the current garage is 20.6' x 24' & 13' high and has a very shallow roof and the pitch isn't right. Ms. Guevara said she plans on replacing the old garage with a pole building which is designed as a 2 car garage and having a slightly greater footprint than the existing two car garage. The roof pitch of the new engineered building is 4:12 and is 22' x 24' and she plans on using the existing slab. The maximum height of the new garage is 13.8'. The new building will be vinyl sided like the house. The building will be slightly larger than the existing garage. Mr. MacQueen asked if Ms. Guevara was a contractor. Ms. Guevara said she has a degree in architectural engineering. Attorney Gallina asked if she plans on having electricity since the existing garage has power. Ms. Guevara said yes and she is hoping to have an automatic door.

Chairman Terzuolo asked if the board had questions of the applicant. Mr. Maurizio asked about the shed since it sits over the property line. Ms. Guevara said when speaking with Ms. Glashoff it was decided that if she can't move it within the building envelop then she will have it removed off the property. Ms. Guevara said it wasn't a priority to keep the shed. Mr. Maurizio said he assumes since the garage is slightly larger is because the poles are outside of the existing slab. Ms. Guevara said yes and that 20' won't work and the next size is 22'. Mr. Eberle asked if the existing slab is 24' deep. Ms. Guevara said yes and when speaking to a representative of the company they said they might have to demolish a portion of the slab. Ms. Guevara said the garage is so close to the house, she doesn't want the new one any closer. Mr. Eberle asked if it will still be a slab on grade. Ms. Guevara said yes. Mr. Perry asked if the garage has ever been flooded. Ms. Guevara said it takes on water with every heavy rain storm because there are no gutters or over hang. Mr. Abuchowski asked if there are any pictures of the new garage. Attorney Gallina said it is not required. Mr. Kozlowski said he thought that modules come complete on the back of a truck. Ms. Guevara said they are pre-engineered and the trusses come in on a truck along with the side walls.

Mr. Kozlowski asked who the builders were she was considering. Ms. Guevara said either Kistler or Conestoga. Mr. Machauer asked about her discussion with Mr. Flemming regarding tearing down the building. Ms. Guevara said they discussed the dividing line between repair and tearing down and rebuild. Ms. Guevara said the repairs exceed the definition of repair. Ms. Guevara said that 50% of the structure would have to remain and that isn't going to happen and noted the new building will have rain gutters. Mr. MacQueen asked about just moving the shed on to the property. Ms. Guevara said she was under the impression that the shed had to be within the building envelop. To do that it would be on top of the septic tank and since rodents like to live in them and ground hogs under them, she decided just to get rid of the shed since she really didn't need it.

At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public for questions of the applicant. There were none. Chairman Terzuolo asked the applicant to give her summation at this time. Mr. MacQueen made a motion to close the public portion of the hearing with Mr. Perry seconded the motion. Unanimously approved. The board deliberated at this time. At the conclusion of the board's deliberations, motion by Mr. MacQueen and seconded by Mr. Perry to grant the bulk variances with the following conditions:

- a. The applicant shall obtain all the necessary approvals from any outside agencies having jurisdiction, including but not limited to building sub-code approval.
- b. The new garage will be constructed substantially in accordance with the length and width dimensions and location as shown on the variance plan prepared by Christopher Melick, PE dated August 3, 2012. The height of the new structure shall be under 15'.
- c. The shed located on the southerly boundary of the property will be removed.
- d. An updated variance plan will be submitted indicating that the existing shed will be removed.
- e. The applicant will pay all necessary fees and escrows payable in connection with the application.

