

## REGULAR MEETING

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

November 5, 2015

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:30 p.m. by Vice Chairman Abe Abuchowski. Present were: Mr. Kozlowski, Mr. Maurizio, Mr. MacQueen, Mr. Perry, Mr. Eberle, 1<sup>st</sup> Alternate Locker, 2<sup>nd</sup> Alternate Koch and Attorney Gallina. **Excused:** Mr. Terzuolo.

In compliance with the "Open Public Meetings Act" notice is hereby given that the Lebanon Township Board of Adjustment has rescheduled their November 11, 2015 Regular Meeting to Thursday November 5, 2015. Notice of this meeting was published in the Hunterdon Review on October 7, 2015. Copies of the agenda were faxed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Star Ledger and posted on the bulletin board in the Municipal Building on October 28, 2015.

**PRESENTATION OF MINUTES:** October 28, 2015 Regular Meeting

Motion by Mr. Maurizio and seconded by Mr. Perry to approve the minutes as presented. Unanimously approved.

### NEW BUSINESS:

Jeremy & Irene Greenman  
11 Whiteoak Ridge Road  
Glen Gardner, N.J. 08826

Block #35 Lot #31.12  
Whiteoak Ridge Road R 1½

### PUBLIC HEARING

Section 400-10 B(2) relief from Side Yard Setback/Pool

Attorney Robert Foley was present to represent the applicants Jeremy & Irene Greenman. Also, present on behalf of the applicant was Engineer Craig Stires. Attorney Gallina had the following people sworn in to give testimony: Jeremy & Irene Greenman and Engineer Craig Stires. Attorney Foley made a presentation to the board. Attorney Gallina informed the applicant that all the notices are in order. Ms. Glashoff informed Attorney Gallina that she did not have from the Tax Collector that taxes were current. The bank has until November 10<sup>th</sup> to pay the November's quarter taxes. Attorney Gallina said he will make it a condition of approval if the board approves the application. The following items were marked into evidence: **A1**-Affadavit of Proof of Service, **A2**-Certified List of Property Owners and Utilities, **A3**-POD Slips, **A4**-Notice to property owners, **A5**-Proof of Notice in Newspaper. Irene Greenman offered into evidence the following items: **A6**-Photo of a portion of the Pool in the ground as it exists, **A7**-Photo of Pool, **A8**-Additional Photo of existing Pool.

Mr. Perry informed the board that he had a conflict of interest since his daughter owns the adjoining property to the Greenmans and excused himself from the Dias.

At this time, Irene Greenman gave testimony. Ms. Greenman reviewed for the board the photos that had been marked into evidence. Ms. Greenman stated that the existing pool was on the property when they purchased the house. Because of the condition of the pool, they would like to replace the existing pool with an in-ground pool. They want to have the new pool in the same location as the existing pool because of the landscape and the rock wall. They will need a variance for the side yard setback. At the conclusion of Ms. Greenman's testimony, the following board members had questions: Ms. Koch asked if there would be a fence around the pool. Attorney Gallina said that is a state law requirement. Ms. Greenman agreed. Mr. Maurizio asked if they would have a safety cover for the pool that would be anchored into the ground. Ms. Greenman said yes. Mr. Kozlowski asked how deep the pool would be. Ms. Greenman said 3' at one end and up to 6' at the other end of the pool. Mr. Eberle asked if the existing deck will stay where it is now. Ms. Greenman said yes. They will have to remove a small portion of the deck and there will be two stairs going down. Mr. Eberle asked if the garden will stay. Ms. Greenman said yes since it is already established. Mr. Locker asked if the existing pool is still there. Ms. Greenman yes but just a shell. Ms. Greenman said the pool company will remove everything. Mr. Abuchowski said the new pool will be primarily where the old pool was and because of the addition of the surround around the pool it will have you closer to the property line. Vice Chairman Abuchowski opened the hearing to the public for questions. There were none.

Engineer Craig Stires gave testimony at this time. Engineer Stires reviewed for the board the plans that show the location of the proposed pool. Attorney Gallina had the following marked into evidence:

**Lebanon Township Board of Adjustment  
November 5, 2015  
Page 2**

**A9**-Plans prepared by Craig Stires of Stires Associates dated August 7, 2015 and revised October 12, 2015. On the plan it shows the pool on the right hand side. Up in the right hand corner it shows an enlarged area for the pool. Engineer Stires said the existing pool is 28' in diameter and is approximately 30' from the side yard. The new in ground pool will be approximately 28' x 16' and the setback for the decking 21.9' from the side yard and the pool is 28' from the side yard. The Greenman are looking to keep the stonewall that exist at present. Engineer Stires noted that the applicants are constrained on placing the new pool in another location do to the location of the septic system, and not wanting to remove existing trees on the property. Engineer Stires said it makes more sense to put the new pool in the area of the existing pool. At the conclusion of Engineer Stires testimony, the board asked questions.

Mr. Locker asked if there will be a concrete pad around the pool. Engineer Stires said yes there will be a concrete sidewalk around the pool. Mr. Locker asked if it would be at the same elevation as the lip of the pool. Engineer Stires said yes. Mr. Eberle asked about the concrete equipment pad in the back and asked about electric & plumbing. Engineer Stires said yes that is where it will be located. Mr. Eberle asked if it could be moved back out of the setback line. Engineer Stires said it could possibly be pulled back. Mr. Eberle then asked if the topography stopping it. Engineer Stires said if they pull it in then the rock wall would become an issue. Mr. MacQueen asked if it would all be fenced in. Engineer Stires said yes per the BOCA code. Mr. MacQueen asked if there would be only one entrance into the pool area. It was noted that this would depend on the BOCA code requirements. Engineer Stires said there is a gate by the pool equipment and one by the garden. The gates would be self-locking. At the conclusion of the board's questions, Vice Chairman Abuchowski opened the hearing to the public for questions. There were none. Mr. MacQueen asked about the outdoor lighting for the pool, house and deck. Ms. Greenman said there will be one light for the pool and one for the deck.

Vice Chairman Abuchowski opened the hearing to the public for statements and comments. There were none. At this time, Attorney Foley was asked to give his summation. At the conclusion of the summation, Vice Chairman Abuchowski asked for a motion to close the public portion of the hearing. 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 the discussion, it was noted that the applicant is limited to where they can have a pool on the property. Moving the location would involve removing trees and possibly encroaching on the septic system. It would be impractical and a hardship. At this conclusion of the board's deliberations, motion by Mr. Locker and seconded by Mr. Kozlowski to approve the bulk variances for relief for the location of the proposed inground pool with the following conditions:

- a. The applicant shall receive 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.
- c. The pool will be constructed as shown on the plan prepared by Craig Stires, Engr.
- d. The applicants will provide proof of the Taxes paid through the fourth quarter of 2015.

<b>ROLL CALL</b>	<b>Yes:</b> Mr. Maurizio Mr. Kozlowski Mr. MacQueen Mr. Abuchowski	Mr. Eberle Mr. Locker Ms. Koch	<b>No:</b> None	<b>Absent:</b> Mr. Terzuolo Mr. Perry
------------------	---	--------------------------------------	-----------------	--

**Attorney Gallina will prepare the Resolution to be on the next Agenda of January 27, 2016.**

**PRESENTATION OF BILLS:**

- |                           |   |
|---------------------------|---|
| a. John Gallina, Esq.     | \$250.00 – Attend 10/28/15 Meeting            |
| b. Court Stenographer     | \$250.00 - Attend 11/5/2015 Meeting           |
| c. H.C. Planning & Zoning | \$ 30.00 – G. Glashoff Luncheon/Seminar 12/19 |
| <b>Total:</b>             | <b>\$530.00</b>                               |

Motion by Mr. Kozlowski and seconded by Mr. MacQueen to approve the bills as presented. Unanimously approved.

**Lebanon Township Board of Adjustment  
November 5, 2015  
Page 3**

Being no further business to come before the board, nor comments from the public, motion by Mr. Maurizio and seconded by Ms. Koch to adjourn the meeting at 8:10 p.m. Unanimously approved.

---

**VICE CHAIRMAN ABE ABUCHOWSKI**

---

**GAIL W. GLASHOFF, BOARD SECRETARY**