REGULAR MEETING

Lebanon Township Board of Adjustment

November 12, 2009

Municipal Bldg 530 West Hill Road Glen Gardner, N.J.

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. Machauer, Mr. Kozlowski, Mr. MacQueen, Mr. Nagie, 1st Alternate Eberle, 2nd Alternate Maurizio, Attorney Gallina, Planner Bolan and Engineer Risse. **Excused:** Mr. Terzuolo and Mr. Perry.

Notice of this meeting was provided for in the "Annual Meeting Notice Schedule" adopted by this board on January 28, 2009, mailed to the Hunterdon Review, Hunterdon County Democrat, Express Times, Courier News, Star Ledger and posted on the bulletin board in the Municipal Building on November 5, 2009.

PRESENTATION OF MINUTES:

October 28, 2009 Regular Meeting

Motion by Mr. MacQueen and seconded by Mr. Nagie to approve the minutes with a minor correction. Unanimously approved.

RESOLUTION:

Michele Cavett Block #38 Lot #5.04

APPEAL / Approved Hickory Run Road R5

Motion by Mr. MacQueen and seconded by Mr. Machauer to approve the Resolution for an Appeal to Michele Cavett as presented.

ROLL CALL Yes: Mr. Machauer Abstain: Mr. Eberle

Mr. Kozlowski Mr. Maurizio

Mr. MacQueen Absent: Mr. Terzuolo

Mr. Abuchowski Mr. Perry

Mr. Nagie

UNFINISHED BUSINESS:

Off Road Welding Co. Block #37 Lot #36.01

c/o Michael & Fran Edwards Little Brook Road RC 7½

417 Little Brook Road

Glen Gardner, N.J. 08826

CONTINUATION OF A PUBLIC HEARING D

D Variance for a Commercial Use in a

Residential Zone

Attorney Gallina announced that the application for Off Road Welding will be carried to Tuesday December 15, 2009 at 7:30 p.m. This is a special meeting the board will hold for this application. The notice for this special will be advertised in the local newspaper.

Patrick Allen Block #16 Lot #64

666 JIN XIU Road Old Readingsburg Road RC 7½

No. 9 Apt. 1102

Pudong, Shanghai, China

CONTINUATION OF A PUBLIC HEARING

Rebuild second house on a private road

(Enclosed information)

with Bulk Variances Section 400:8.b7

and Section 400: Attachment 4:1

Mr. Kozlowski announced that he is stepping down from this application. Attorney Boak was present to represent the applicant Patrick Allen. Attorney Gallina noted that Ms. Glashoff is ill and Ms. Jacobus who would normally cover for Ms. Glashoff was not available this evening and the Zoning Officer John Flemming has agreed to cover the meeting. Attorney Boak said he did not have a problem with the Zoning Officer covering the meeting.

Attorney Boak had Engineer Zederbaum review for the board what has transpired over the past several months regarding this application since the last time they appeared before the board. Engineer Zederbaum referred to his letter dated October 21, 2009. At this time the following was marked into evidence: **A10**-Letter dated October 21, 2009 addressed to Ms. Glashoff outlining comments and findings for the Supplementary Apartment Ordinance.

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Engineer Zederbaum stated they comply with everything that is expected with the exception of Item O – Septic system complying with all applicable rules and regulations and separate from the septic system serving the principal structure shall be a condition of occupancy for the supplementary apartment. Engineer Zederbaum said the applicant hired Mr. Rutan who is a Registered Environmental Health Specialist to attempt to locate the components of the existing on-site disposal systems. When Mr. Rutan went out on site he was only able to find bits and pieces and certain components of the septic systems that are out there but was not able to find anything that would meet the present code. Engineer Zederbaum said without a system that meets the present code he can not recommend to the applicant to use what is presently on site.

Engineer Zederbaum said what he would like to recommend to the board that Item O be a condition of approval and that prior to issuing a building permit for the rebuilding of the original house or a CO for the supplementary apartment until a proper septic system design and constructed on the property. Attorney Boak said they are short 1.1 acres per the ordinance for an accessory apartment. The other structure on the property that is in the rear yard setback along with being on a small portion of the state property. This occurred before the state took over the property behind the Allen property.

Attorney Gallina noted the property is in the RC zone which requires 11 acres for an accessory apartment but was in the R5 zone before the rezoning. At the conclusion of Engineer Zederbaum's testimony, Vice Chairman Abuchowski asked if the board or professionals had any questions of the witness. Engineer Risse said it was a reasonable request for the septic to be a condition of approval. Attorney Gallina asked if they would be having two septic systems or one system and could one septic system be designed to handle both residents. Engineer Zederbaum said yes and that would be the preference. The board continued with their discussion on this issue and asked questions of Engineer Zederbaum. Planner Bolan referred to the April 29th meeting regarding the items that were testified to were not known at that time. Conditions b & c are complied with by the plot plan with the resubmission along with Engineer Zederbaum's October 21st letter. Planner Bolan also referred to Item L, "owner of the property will reside in the principal structure or apartment at all times". The owner lives in China. Planner Bolan said the only other is Item a, and asked Engineer Zederbaum if he knew when the apartment was originally created. Engineer Zederbaum said the accessory building is old, the apartment is relatively recent. Per Engineer Risse Old Readingsburg Road is in decent condition and no improvements are needed. Vice Chairman Abuchowski opened the hearing to the public for questions. Darryl Schmidt questioned the occupancy of either structure since the owner is not coming back to this country for 10 years and wanted to know if both residents will be rented. Attorney Gallina said the applicant is aware of the conditions. Vice Chairman Abuchowski asked if there were any comments or statements from the public. There were none. Vice Chairman Abuchowski announced that the public portion of the hearing is now closed and asked Attorney Boak to give his summation.

The board deliberated at length at this time. At the conclusion of the board's deliberations, motion by Mr. MacQueen and seconded by Mr. Maurizio to grant the variance to build on a private road without conditions.

ROLL CALL Yes: Mr. Machauer Mr. Nagie Abstain: Mr. Eberle

Mr. MacQueen Mr. Maurizio Absent: Mr. Terzuolo

Mr. Abuchowski Mr. Perry

Motion by Mr. MacQueen and seconded by Mr. Nagie to grant the Conditional Use with the following conditions:

- a. All permits to be obtained within 18 months of the date of Resolution
- b. Approval from all outside agencies having jurisdiction
- c. No permits or CO to be issued until Septic System is installed
- d. Approval from Hunterdon County Board of Health for a septic system to accommodate both

dwelling units or septic system for each unit.

ROLL CALL Yes: Mr. Machauer Mr. Nagie Absent: Mr. Terzuolo

Mr. MacQueen Mr. Maurizio Mr. Perry

Mr. Abuchowski Abstain: Mr. Eberle

Attorney Gallina will prepare the Resolution to be on the Agenda for December 15, 2009.

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Mr. Kozlowski returned to the board at this time,

PRESENTATION OF BILLS:

a. John Gallina, Esq. \$230.00 – Attend Bd Meeting 10/28/2009

b. Michael Bolan, PP \$619.40 – Attend Bd Meetings 5/13 & 5/27 2009

\$ 56.80 - Review application Fire Dept.

\$ 99.40 - Escrow (**Sarao**)

\$142.00 - Escrow (**Transtar**)

c. Court Stenographer \$200.00 – Attend Bd Meeting 11/12/2009

\$140.00 - Edwards 9/23/2009

Total: \$1,487.60

Minutes prepared by Board Secretary Gail Glashoff

Mr. Flemming announced that he had two additional bills to be added. The first one was from Planner Bolan in the amount of \$142.00 and second bill is from Attorney Gallina for \$287.50. These two bills total **\$429.50**. This brings the grand total to **\$1,917.10**. Motion by Mr. MacQueen and seconded by Mr. Maurizio to approve the bills as amended. Unanimously approved.

CORRESPONDENCE:	
Being no further business to come before the box Kozlowski and seconded by Mr. Maurizio adjou	ard, nor comments from the public, motion by Mr. arn the meeting at 8:15 p.m. Unanimously approved.
	VICE CHAIRMAN ABE ABUCHOWSKI
JOHN FLEMMING, ACTING SECRETARY	Y