

REGULAR MEETING

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

November 28, 2007

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:35p.m. by Chairman Bruce Terzuolo. Present were: Mr. Kozlowski, Mr. MacQueen, Mr. Perry, Mr. Nagie, Mr. Abuchowski, Attorney Gallina and Engineer Risse. Excused: Mr. Machauer and Mr. Eberle.

In compliance with the "Open Public Meetings Act" notice is hereby given that the November 7, 2007 Regular Meeting has been rescheduled to November 28, 2007 at 7:30 p.m. Notice of the meeting was published in the Hunterdon Review and Hunterdon County Democrat. Copies of the meeting were 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 21, 2007.

PRESENTATION OF MINUTES: October 24, 2007 Regular Meeting

Motion by Mr. Kozlowski and seconded by Mr. Abuchowski to approve the minutes as corrected. Unanimously approved.

RESOLUTIONS:

- a. Peter & Carrie Fosbre Block #20 Lot #26
Variances for Front yard & Lot Width Raritan River Road R3
with conditions

Motion by Mr. Kozlowski and seconded by Mr. Abuchowski to approve the resolution of Peter & Carrie Fosbre for variances with conditions.

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

PRESENTATION OF BILLS & REPORT:

- a. John Gallina, Esq. \$230.00 - Attend Mtg 10/24/07
\$143.75 - Escrow (Fosbre)
b. Bayer/Risse Engrs. \$157.50 - Escrow (Vassiliades)
c. Court Stenographer \$200.00 - Attend Mtg 11/28/07
Total: \$731.25

Ms. Glashoff informed the board that she had one additional bill for \$183.50 which brings the new total to **\$914.75**. Motion by Mr. Nagie and seconded by Mr. Perry to approve the bills as amended. Unanimously approved.

ITEMS FOR DISCUSSION:

- a. Budget 2008

The board reviewed the proposed budget for 2008 and commented that their budget has always been one of the smallest budgets. At the conclusion of the board's discussion, motion by Mr. Nagie and seconded by Mr. Perry to approve the proposed budget of \$15,650.00 for 2008. Unanimously approved.

- b. Reorganization Meeting 2008 January 23, 2008 7:30 p.m.

Ms. Glashoff proposed Wednesday January 23rd for the Reorganization and Business Meeting. The board agreed.

CORRESPONDENCE:

NEW BUSINESS:

George Vassiliades Block #59 Lot #32
7 Courtney Lane Safari Trail R3
Colonia, N.J. 07067

PUBLIC HEARING

**Section 400-8b.7 Building Lot not abutting a
Public Street & a Waiver from Checklist Item #45**

Attorney Gallina reviewed the notices for the public hearing and found everything to be in order. The following items were marked into evidence: **A1-Taxes Paid, A2-Certified List of Property Owners, A3-Affidavit of Proof of Service, A4-POD Slips, A5-Notice to Newspaper, A6-Zoning Denial.**

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Mr. Vassiliades was sworn in to give testimony. Mr. Vassiliades stated that he purchased the property in January 2002. The property consists of 2.78 acres in the R3 zone on a private road called Safari Trail. Chairman Terzuolo noted that a waiver was being requested by the applicant and asked Engineer Risse for his input. Engineer Risse stated that an Environmental Inventory Plan would not be applicable to the current application and recommend to the board to grant the waiver for Checklist Item #45. With a motion by Mr. Abuchowski and seconded by Mr. Nagie to grant the request for the waiver. Unanimously approved.

Mr. Vassiliades continued with his presentation. The following was marked into evidence as **A7- 6** Photos of the property. The board reviewed the photos of the property and the road. Mr. MacQueen asked what condition Safari Trail was in at this time. Mr. Vassiliades stated that it is padded down dirt. Lot #33 wraps around Lot #32. Lot #33 was created over 30 years ago by Howard Symonds. Mr. Vassiliades stated to his knowledge Safari Trail is not owned by any of the adjacent lots and provides access to Mountain Top Road for Lot #33. Mr. Vassiliades noted that Lot #33 does not need to traverse over Lot #32 in order to access Safari Trail. Mr. Vassiliades stated that he will put down crushed stone and may possibly pave the road if it is within his budget. At the conclusion of Mr. Vassiliades testimony, the board asked if there was a deeded access. It was noted that the survey indicates that Safari Trail is a 50' ROW, but the survey does not contain any deed reference. Chairman Terzuolo had Board Engineer Steve Risse sworn in to give testimony. Engineer Risse informed the board that he and Fire Chief Warren Gabriel did an inspection of Safari Trail for proper ingress and egress. It is recommended that Safari Trail be widened to a 16' cartway. At the present time, the road is 10' to 12' in width. Safari Trail will need to be improved to a Class III Common Driveway standard with a cul-de-sac bulb at the end when Lot #33 is developed.

At the conclusion of Engineer Risse's testimony, it was noted by Mr. Vassiliades that two previous Zoning Officers had approved the Zoning Permit application and when he went to pay for his COAH fee, Ms. Glashoff informed him that since this was a private road he would need to go to the Board of Adjustment. At the conclusion of the board's questions, Chairman Terzuolo opened the hearing to the public. Mr. Jay Gerish of Mountain Top Road who's property is on the south side asked a few questions. At the conclusion of the public questions, Chairman Terzuolo asked the applicant to give his summation.

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 discussion, motion by Mr. Abuchowski and seconded by Mr. Nagie to grant the variance for an issuance of a building permit for a lot not abutting a public street with the following conditions:

- a. The applicant will obtain any other required approvals from any other outside agency having jurisdiction.
- b. Prior to a building permit being issued, Safari Trail will be trimmed to provide a "box" area width of 14' and 14' high. This will include a 10' wide travel width and a 2' wide level graded shoulder on each side. A crushed stone surface or paved surface will be provided on on the travel portion of the trail.
- c. The required improvements will be inspected and approved by the Township Engineer prior to a building permit being issued.
- d. Building permits are to be obtained within 18 months from the date of decision.

ROLL CALL	Yes: Mr. Kozlowski	Mr. Perry	Absent: Mr. Machauer
	Mr. MacQueen	Mr. Nagie	Mr. Eberle
	Mr. Terzuolo	Mr. Abuchowski	

Attorney Gallina will prepare the resolution to be adopted by this board on January 23, 2008.

Being no further business to come before the board, nor comments from the public, motion by Mr. Abuchowski and seconded by Mr. Perry to adjourn the meeting at 8:40 p.m. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

GAIL W. GLASHOFF, BOARD SECRETARY