

REGULAR MEETING

Lebanon Township Board of Adjustment

December 9, 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 7:34 p.m. by Chairman Bruce Terzuolo. Present were: Mr. Machauer, Mr. Kozlowski, Mr. MacQueen, Mr. Nagie, Mr. Abuchowski, 1st Alternate Eberle, 2nd Alternate Maurizio and Attorney Gallina. **Excused:** Mr. Perry

This meeting was notice 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 December 1, 2009.

At this time, Chairman Terzuolo announced that the Board of Adjustment and their Attorney will go into Executive session at 7:37 p.m. Motion by Mr. MacQueen and seconded by Mr. Machauer to go into Executive session. Unanimously approved. Chairman Terzuolo asked the members of the public to leave the meeting room at this time.

WHEREAS, Section 7(B) of the Open Public Meetings Act L. 1975 C.231 NJSA 10:4-12(B)(8) permits the exclusion of the public from Board of Adjustment Meetings where certain matters are to be discussed; and

WHEREAS, the Board of Adjustment is desirous to meet to discuss litigation issues and hearing procedures;

NOW, THEREFORE BE IT RESOLVED, by the Board of Adjustment of the Township of Lebanon, Hunterdon County, New Jersey, that the Board met in executive session at this time.

The board returned to the regular meeting at 7:45 p.m. with a motion by Mr. MacQueen and seconded by Mr. Kozlowski. Unanimously approved.

PRESENTATION OF MINUTES: November 12, 2009 Regular Meeting

Motion by Mr. Machauer and seconded by Mr. Kozlowski to approve the minutes as presented.
Unanimously approved.

NEW BUSINESS:

Vincent J. Busardo Block #21 Lot #10
12 Nantucket Ave Butternut Road R 1½
Barnegat, N.J. 08005

PUBLIC HEARING Bulk Variances Section 400 Schedule I
Attachment 4:1

Attorney William Shurts was present to represent the applicant. Attorney Gallina announced that all the notices are in order and the board can proceed with the hearing. The following items were marked into evidence: **A1**-Affidavit of Proof of Service, **A2**-Certified List of Property Owners, **A3**-POD Slips, **A4**-Notice in Newspaper, **A5**-Taxes Paid.

Attorney Shurts said that he had written to all the outside agencies that are listed on the Checklist to ask if they had any interest in this application. Attorney Shurts asked to have all the responses marked into evidence. The following was marked into evidence: **A6**-Ltrs H.C. Planning Board, H.C. Soil Conservation District, H.C. Board of Health. Attorney Shurts said that none of them had any interest in the application. The following items were also marked into evidence: **A7**-Variance Map, **A8**-2 deeds, **A9**-Letter regarding Mr. Busardo Sr. who is incapacitated, **A10**-Certification of Guardianship, **A11**-3 sheets of photos. Attorney Gallina had Mr. Busardo Jr. sworn in who is the current property owner. Mr. Busardo stated that his stepmother passed away in 2008 and his father became the sole owner of the property. Mr. Busardo said that his father developed Alzheimer's back in 2004 and it progressed and after his mother died the father went to live with his son until he was able to get him in to an assistant living facility nearby since he was unable to take care of himself.

Mr. Busardo informed the board that he has guardianship. In order to get guardianship, the court had two doctors from the area visit his father to determine whether he was incompetent. Both

Lebanon Township Board of Adjustment

December 9, 2009

Page 2

doctors said Mr. Busardo Sr. was incompetent and he was then issued guardianship of his father. The guardianship was issued on April 8, 2009.

Attorney Shurts referred to the survey map of the property and asked Mr. Busardo about the ROW on the property. Mr. Busardo said the ROW on the property services Lot #9. It is a

gravel driveway approximately 15' in width. Lot #23 also has access to use the ROW even though they have access from Route 513. The stream which is known as the "Little Brook" passes through Lot #10 and also goes through the adjoining property. Attorney Shurts asked Mr. Busardo when the garage was built. Mr. Busardo said in the mid-1980's. Mr. Busardo said that his stepmother became ill and once she was confined to a wheelchair his father needed to make other arrangements. The new garage made it easier for his stepmother to get into the house without stairs.

Attorney Shurts asked about the alterations to the basement. Mr. Busardo said that his father created an apartment for his stepmother's mother. But before she was able to occupy it, his stepmother went into a nursing home. Mr. Busardo said that his father then rented the apartment. Mr. Busardo stated that his father never got any permits for the garage or the apartment. Attorney Shurts asked Mr. Busardo if he is asking the board for permission to use the apartment as a separate living area. Mr. Busardo said no and no one is living there now and hasn't been in over a year. Mr. Busardo said he knows that the apartment can not be used as a rental unit. Mr. Busardo said when he listed the house on the market it was listed as a single family home. Attorney Shurts asked to have the prospective buyer Mr. Taylor sworn in at this time. Mr. Taylor stated that he has no intentions nor wants to use or desires to have the apartment. It was noted that no zoning approval or permits for the garage or the apartment had been obtained.

At the conclusion of Mr. Busardo's testimony, Chairman Terzuolo asked if the board had questions of the witness. At the conclusion of the board questions, Chairman Terzuolo opened the hearing to the public for questions. There were none. Chairman Terzuolo opened the hearing to the public for comments and statements. There were none. Chairman Terzuolo announced that the evidence taking portion of the hearing is now closed. Chairman Terzuolo had Attorney Shurts give his summation at this time.

- c. NJPO Membership Dues \$140.00 - 2010
- d. Court Stenographer \$200.00 – Attend Mtg 12/9/2009

Total: \$2,004.40

Lebanon Township Board of Adjustment

December 9, 2009

Page 3

Motion by Mr. Machauer and seconded by Mr. Eberle to approve the bills as amended. Unanimously approved.

Being no further business to come before the board, nor comments from the public, motion by Mr. Nagie and seconded by Mr. MacQueen to adjourn the meeting at 9:05 pm. Unanimously approved.

CHAIRMAN BRUCE TERZUOLO

KIMBERLY JACOBUS, ACTING BOARD SECRETARY