

REGULAR MEETING

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

July 27, 2022

The Regular Meeting of the Lebanon Township Board of Adjustment was called to order at 7:00 p.m. By Chairman Wayne Eberle. Present were: Mr. MacQueen, Mr. Sachs, Ms. Guevara, Mr. Porcino, Ms. Zatika, Mr. Fortenbacker, Attorney Gallina, Engr. Bayer & Planner McManus. **Excused:** Mr. Terzuolo.

Notice of this meeting was published in the "Annual Notice Schedule" adopted by this board on January 26, 2022, emailed to the Hunterdon Review & Courier News, faxed to the Hunterdon County Democrat, Express Times & Star Ledger. Posted on the Lebanon Township Website and Bulletin Board in the Municipal Building on July 19, 2022.

Chairman Eberle announced that the board will go into Closed Executive Session involving a board appointment and asked for a motion. Motion by Mr. MacQueen and seconded by Mr. Fortenbacker For the board to go into Closed Executive Session. Unanimously approved.

THE LEBANON TOWNSHIP BOARD OF ADJUSTMENT WILL GO INTO CLOSED EXECUTIVE SESSION AT THIS TIME.

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public To attend portions of such meetings; and

WHEREAS, the Board of Adjustment finds it necessary to conduct an executive session closed to the Public as permitted by the N.J.S.A. 40: 4-12; and

WHEREAS, the Board of Adjustment will reconvene in public session at the conclusion of the Executive Session;

NOW, THEREFORE BE IT RESOLVED, by the Board of Adjustment of the Township of Lebanon, County of Hunterdon, State of New Jersey that they will conduct an Executive Session to discuss the following topic as permitted by N.J.S.A. 40: 4-12:

 x Matters involving a board appointment.

BE IT FURTHER RESOLVED, that the Board of Adjustment for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

At this time, Chairman Eberle asked for a motion to close the Executive Session and return to the public portion of the meeting. Motion by Mr. MacQueen and seconded by Ms. Guevara to close the executive session and go back into the open portion of the meeting. Unanimously approved.

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PRESENTATION OF MINUTES: May 11, 2022 Regular Meeting

Motion by Ms. Guevara and seconded by Ms. Zatika to approve the minutes as corrected. Unanimously approved.

June 22, 2022 Regular Meeting

Motion by Mr. Porcino and seconded by Ms. Zatika to approve the minutes as presented. Unanimously approved.

PRESENTATION OF BILLS:

- a. John Gallina, Esq. \$ 260.00 - Attend ZBA Meeting 6/22/2022
\$ 292.50 - Review application, review prior Resolution
Prepare review letter. **Escrow-W. Ingram)**
 - b. Bayer/Risse Engrs. \$ 780.00 – Attend 3 meetings 4/27, 5/11, 6/8 - 2022
\$ 520.00 – Site inspection/review application /prepare review letter
Escrow (Harris)
\$ 877.50 – review application/checklist/onsite inspection/prepare
Completeness report/technical review.
Escrow (Sheeba Farms)
\$ 520.00 - Review application/checklist/onsite inspection & prepare
Completeness report. **Escrow (Ingram)**
 - c. Court Stenographer \$ 250.00 Attend Board Meeting – July 27, 2022
- Total: \$3,500.00**

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

CORRESPONDENCE:

- a. NJPO Newsletter – May/June 2022

NEW BUSINESS:

Wayne Ingram Block #51 Lot #14.05
140 West Main St. Heather Hill Road R1 ½
High Bridge, N.J. 08829

PUBLIC HEARING

Private Road and Bulk Variances

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Attorney Michael Selvaggi was present to represent the applicant Wayne Ingram and made a presentation to the board. Attorney Gallina announced that all the notices are in order and the applicant can proceed. The following items were marked into evidence: **A1**-Affadavit of Proof of Service, **A2**-Certified List of Property Owners and Utilities, **A3**-Certified white slips and green cards, **A4**-Notice to the Property Owners & Utilities, **A5**-Notice in Hunterdon Review, **A6**- Taxes Paid. Attorney Gallina announced that the board has jurisdiction.

At this time, the applicant Wayne Ingram, Engineer/Planner was sworn in to give testimony. Mr. Ingram informed the board that the property was located on Heather Hill Road which is a private road off of Sharrer Road. Mr. Ingram stated that the original subdivision was approved back in 1966. The subdivision was to create single family homes. Mr. Ingram said he purchase the property in 2021 and stated there is a cul-de-sac on Heather Hill. Mr. Ingram stated he contacted the Fire Chief and had him come out to the site regarding having a safe access and to make sure the access for emergency vehicles was adequate. The lot is 1.47 acres and he is requesting bulk variances because of the size. The road will be maintained by the residents on Heather Hill. Mr. Ingram said there are 6 lots within the subdivision on Heather Hill with 2 fronting on Sharrer Road. Sheet 1 of 6 pages of the plan dated December 8, 2021 was marked into evidence as **A7**. Mr. Ingram said that Heather Hill is approximately 600' from the intersection of Sharrer Road and Lilac Lane. Chairman Eberle noted that back 1977 the Planning Board by Resolution wanted Lot #14.05 merged with Lot #14.06 and asked Attorney Gallina if the board should be addressing the Planning Board Resolution from 1977. Attorney Gallina stated that a condition of any approval would be that the applicant go to the Planning Board regarding having the Resolution of 1977 amended to have Lot #14.05 considered a building lot and any other conditions that the Planning Board could consider amending. Mr. Ingram stated that he agrees to all the conditions Engineer Bayer has required in his report.

Mr. Ingram informed the board that they plan on putting in a drywell to help mediate the water runoff. Also because of the steep slopes they are putting in a 4' high retaining wall behind the house because of the steep slopes. There was lengthy discussion by the board regarding the drywell, the lien on the property and the fact that the two lots were never merged per the P.B. Resolution and the cul-de-sac has not been finished. Engineer Bayer expressed concern of the location of the well for the house and asked Mr. Ingram to reconsider the location. Chairman Eberle opened the hearing to the public for question of Mr. Ingram. The following people had questions: Kathy Goracy, Russ DiFalco, Jack Begosh, Michael Ofre, Dave Poco, Bridgette Poco and Gay Ofre.

Planner Beth McManus gave her report and comments regarding the application. There were no questions from the board. At this time, Chairman Eberle announced that the board will take a 5-minute recess. When the board reconvened at 9:07 pm, Chairman Eberle opened the hearing to the public for comments and statements. At the conclusion of the public statements, Chairman Eberle asked for a motion to close the public portion of the hearing. Motion by Mr. MacQueen and seconded by Ms.

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Zatika to close the public portion of the hearing. Unanimously approved. At this time, Attorney Selvaggi gave his closing summary. During the board's deliberations, the board decided to reopen the public portion of the hearing. Motion by Mr. MacQueen and seconded by Ms. Zatika to reopen the public portion of the hearing. Unanimously approved. After a brief discussion, it was decided to carry this application over to the September 28, 2022 meeting with the applicant agreeing to carry the application to the September date. Unanimously approved.

Being no further business to come before the board, nor comments from the public, motion by Mr. MacQueen and seconded by Ms. Zatika to adjourn the meeting at 9:45 p.m. Unanimously approved.

CHAIRMAN WAYNE EBERLE

GAIL W. GLASHOFF, BOARD SECRETARY