

REGULAR MEETING

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

May 24, 2023

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: Ms. Zatika, Mr. Sachs, Ms. Devine, Mr. Porcino, Mr. Iannance, Mr. Staten, Mr. Van Doren, Attorney Blount, Engr. Bayer and Planner Kyle. **Excused:** Mr. Terzuolo.

Notice of this meeting was published in the "Annual Meeting Notice Schedule" adopted by this board on February 22, 2023, emailed to the Hunterdon Review & Courier News, faxed to the Hunterdon County Democrat, Express Times, Star Ledger and posted on the Lebanon Township Website and Bulletin Board in the Municipal Building on May 17, 2023.

PRESENTATION OF MINUTES: April 26, 2023 Regular Meeting

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

May 10, 2023 Executive Session

Motion by Ms. Zatika and seconded by Mr. Sachs to approve the Executive Minutes as presented. Unanimously approved.

May 10, 2023 Regular Meeting

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

NEW BUSINESS:

Christian McNallan Block #17 Lot #10.01
146 Mt. Grove Road Mt. Grove Road RC 7½
Califon, N.J. 07830

PUBLIC HEARING Bulk Variances for an In-Ground Pool

Chairman Eberle announced that the application for McNallan will be carried to the June 28, 2023 Meeting at 7:00 p.m. Motion by Mr. Sachs and seconded by Ms. Zatika that the McNallan application is carried to the June 28, 2023 meeting date at 7:00 p.m. Unanimously approved.

Lebanon Township Board of Adjustment
May 24, 2023
Page 2

Doug Newbold
1 Anthony Road
Port Murray, N.J.

Block #76 Lot #1
Anthony Road R1 ½

PUBLIC HEARING

Bulk Variance for Front & Side yard setbacks

Mr. Newbold and Engineer Bryce Good were sworn in to give testimony. Mr. Newbold made a presentation to the board explaining why he needed a Generator for the house. Mr. Newbold stated that the house sits in the front and side yard setbacks. At this time, Attorney Blount announced that all the notices are in order and had jurisdiction to proceed. The following items marked into evidence: **A1**-Affadavit of Proof of Service, Notice to Property Owners & Certified Mailing slips, **A2**-Certified List of Property Owners & Utilities, **A3**-Certified Notice in Hunterdon Review, **A4**-Property Taxes Paid.

During the testimony, the following was marked into evidence: **A5**-Survey of Property dated February 10, 2023 and revised March 22, 2023. Engineer Good stated that there is 1 propane tank at this time and a second propane tank will be installed next to the existing propane tank. Mr. Newbold reviewed for the board the photos that were taken regarding the generator. Mr. Newbold said that the second variance was for the barn/garage which sits in the side yard setback. Comments were made by the Board Engineer and Planner. The board had questions for the applicant. When open to the public, there were no questions or comments. At the conclusion of the board's discussion, motion by Ms. Zatika and seconded by Mr. Sachs to approve the application for a C1 Variance for front yard and side yard variances with the following conditions:

- a. The applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction.
- b. The applicant will pay all necessary fees and escrows payable in connection with this application.
- c. All necessary permits shall be obtained within 18 months of the date of the adoption of the Resolution. (The applicant is advised that pursuant to Ordinance Section 45-20, if an extension of this time period is needed, the request must be made in writing prior to the expiration of the 18-month period).
- d. The testing time will be from 8:00 am to 5:00 pm.
- e. The applicant shall maintain an adequate escrow with the Township for any inspection fees that may become due.

Lebanon Township Board of Adjustment
May 24, 2023
Page 3

f. The applicant shall comply with all representations made to the Board during the public hearing process, even if those representations were not specifically set forth and enumerated herein as conditions.

ROLL CALL **Yes:** Mr. Eberle Mr. Porcino Mr. Iannance **Absent:** Mr. Terzuolo
 Ms. Zatika Mr. Sachs **Abstain:** Mr. Van Doren
 Ms. Devine Mr. Staten

UNFINISHED BUSINESS:

Cecelia De Venezia Block #56 Lot #20
9 Oak Street Penwell Road RC
Port Murray, N.J. 07865

CONTINUATION OF PUBLIC HEARING Bulk Variances

Attorney Selvaggi was present along with Engineer John Ferrante to represent the applicant Cecelia De Venezia. The applicant is looking to build a house on Penwell Road in the RC zone. Attorney Selvaggi stated that the lot is an undersized lot consisting of .26 acres. Attorney Selvaggi informed the board that the applicant is looking to build a single family, 2-bedroom home. At the February meeting the board expressed concerns about parking, environmental issues and, the applicant has spent the last couple of months trying to address the board's concerns. The house has been redesigned, the parking area has been relocated from the front of the house to the side. The applicant has also tried to address some of the outside agencies' approvals. Attorney Selvaggi stated that they have reduced the amount of coverage on the lot.

Attorney Selvaggi said at this time, he would like Engineer Ferrante to review the revised plan for the board. Engineer Ferrante that all variances are still in place because of the size of the lot. The parking for two cars were in the front of the house will now be alongside the house which will make the distance from Penwell Road 21.6 feet. Engineer Ferrante went on to say the gravel area in the front of the house will now be grass and the house has been moved back 8.3'.

Attorney Selvaggi asked to have the revised site plan marked along with the revised Architect Plan. The following was marked into evidence as **A9**-Site Plan revised May 3, 2023 consisting of 3 sheets, **A10**-Architect Plan revised April 12, 2023. At the conclusion of Engineer Ferrante's testimony, Chairman Eberle opened the hearing to the public for questions of Engineer

Lebanon Township Board of Adjustment

May 24, 2023

Page 4

Ferrante. Several residents had questions. At the conclusion of the public questions, Attorney Selvaggi had the applicant's Planner Caldwell sworn in to give testimony. At the conclusion of Planner Caldwell's testimony, Chairman Eberle asked Planner Kyle for his comments. Planner Kyle reviewed for the board his report with additional comments and recommendations for conditions if the board approves this application. Engineer Bayer reviewed for the board his report and recommendations to be included in the resolution if the application is approved by the board. When opened to the public for comments and statements, several members of the public spoke. During the public portion the following was marked into evidence: **O1-Traffic study on Penwell Road.** At the conclusion of the public statements, Chairman Eberle asked for a motion to close the public portion of the hearing. Motion by Mr. Sachs and seconded by Ms. Zatika to close the public portion of the hearing. Unanimously approved.

Attorney Selvaggi gave his summary at this time. At the conclusion of Attorney Selvaggi's summary, the board deliberated along with discussing conditions to be placed in the Resolution. Chairman Eberle asked for a motion. Motion by Ms. Zatika and seconded by Mr. Porcino to approve the application for a C1/Bulk Variance with the following conditions:

- a. The applicant shall obtain all other necessary approvals from any outside agencies having jurisdiction, including but not limited to building sub-code approval, N.J. Highlands. Hunterdon County Board of Health, Hunterdon County Soil Conservation and, Hunterdon County Planning shall be provided and reviewed prior to any construction permits being issued.
- b. The applicant will pay all necessary fees and escrows payable in connection with the application.
- c. All necessary permits regarding the proposed home shall be obtained within eighteen (18) months from the date of the adoption of this Resolution. (The applicant is advised that Pursuant to Ordinance section 45-20, if an extension of this time period is needed: the request must be made in writing prior to the expiration of the 18-month period).
- d. The applicant is to submit copies of all permits obtained from the NJDEP for review by the Board Engineer.
- e. A copy of the Flood Hazard Area Permit for review by the Board Engineer.
- f. Deed of Dedication to be provided to the Board Engineer for review and approval prior to filing with the County Clerk.
- g. A copy of the Septic Approval to be submitted and reviewed by the Board Engineer.
- h. The Board Engineer will confirm the proposed grading which will keep water from flowing off the subject property.

Lebanon Township Board of Adjustment
May 24, 2023
Page 5

- i. Leader drains on the East elevation to be piped into piping that discharges to South elevation.
- j. An Ecologist to be present on site during construction regarding threatened & endangered species.
- k. The unfinished basement is restricted from being converted to a bedroom without securing appropriate NJDEP wetlands permit and Hunterdon County Health Department approval.
- l. A berm be incorporated into the proposed grading plan to prevent water conveyed by the proposed swale from flowing onto the neighboring property.
- m. Absolutely no disturbances are permitted on adjoining properties during construction
- n. Regarding the ROW along Penwell Road, an additional dedication be recorded in the easement agreement. There is to be no street parking on Penwell Road.
- o. A K-turn area be installed off the proposed driveway area for K-turn only.
- p. Letters from Utility Companies (Will Serve) shall be provided.
- q. Applicant will resubmit final lot development plan for board engineer approval prior to building permit being issued
- r. Existing stone wall on East side being altered to redirect water from Lot #19.

ROLL CALL **Yes:** Mr. Eberle Mr. Porcino **Absent:** Mr. Terzuolo
 Ms. Zatika Ms. Devine **Abstain:** Mr. Iannace
 Mr. Sachs Mr. Staten Mr. Van Doren

Resolutions for Newbold and De Venezia to be prepared and on the agenda for June 28, 2023 Meeting.

REPORT: Karen Zatika as liaison to Planning Board had no report at this time.

ITEMS FOR DISCUSSION:

Have a Closed Executive Session regarding contracts. The board decided to have the Executive Session on June 14, 2023.

PRESENTATION OF BILLS: a. Court Stenographer \$250.00

Motion by Ms. Zatika and seconded by Mr. Iannance to approve the bill for payment.
Unanimously approved.

Lebanon Township Board of Adjustment
May 24, 2023
Page 6

Chairman Eberle referred to the correspondence from NJPO and Law of the Land.

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

CHAIRMAN WAYNE EBERLE

GAIL W. GLASHOFF, BOARD SECRETARY