

**LEBANON TOWNSHIP BOARD OF ADJUSTMENT
MEETING MINUTES – APRIL 10, 2024 – 7:00 PM
LEBANON TOWNSHIP MUNICIPAL BUILDING**

The Lebanon Township Board of Adjustment meeting was called to order at 7:00 PM by Chairman Wayne Eberle followed by the salute to the flag.

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Chairman Eberle: Notice of this meeting was published in the “Annual Meeting Notice Schedule” adopted by this Board on January 10, 2024. Notices of this meeting and location were published in the Hunterdon Review and Hunterdon County Democrat on December 14, 2023. Copies of the agenda were posted on the bulletin board at the Municipal Building and as a courtesy, posted on the Township website.

Attendance – Roll Call

Present: Michael Iannace
Tom Sachs
Karen Zatika
Wayne Eberle
Brandon Staten – *Alt. #1*
Derrick Van Doren – *Alt. #2*
Jonathan Drill, Esq.
Bryce Good, Engineer
Jessica Caldwell, Planner

Excused: Derek Porcino
Matt Walls

PRESENTATION OF MINUTES

A motion was made by Karen Zatika and seconded by Tom Sachs approving the 3/27/24 minutes as revised. The motion was approved by voice vote with Mr. Iannace, Mr. Eberle, Mr. Staten and Mr. Van Doren abstaining.

PRESENTATION OF BILLS

A motion was made by Karen Zatika and seconded by Derrick Van Doren approving the 4/10/24 vouchers for payment. The motion was unanimously approved by voice vote.

PUBLIC HEARINGS

Judith Jaheriss – Block 35 Lot 31.18 – 4 Whiteoak Ridge Road: Use Variance Approval to Allow an Existing Two-Family Dwelling or in the Alternative Conditional Use Approval to Allow Existing Supplementary Apartment

Present on behalf of the applicant was Attorney Brent Lamaire. He requested the public hearing be carried to the Board’s 4/24/24 meeting with no further public notice being required. He noted there is a neighborhood group of objectors who have hired Attorney Michael Selvaggi to represent them and he would like time to meet with the group and explain the application prior to having the public hearing. Attorney Lamaire also granted the Board an extension of time to hear the application through 7/30/24 if needed.

It was noted for the record that the Board took no issue with carrying the matter to the 4/24/24 agenda.

Estate of Lester Philhower, III – Block 26 Lots 40 and 41 – Bunvale Road: Minor Subdivision Approval to Adjust the Lot Line to Provide Additional Land to Lot 40 to Accommodate a Proposed New Septic System

Present for the public hearing was Administrator of the Estate Tina Ferrara, her Attorney Alan Lowcher and Engineer/Planner Wayne Ingram.

Attorney Drill swore in all parties.

Attorney Lowcher explained the purpose of the minor subdivision is to accommodate a new septic system on Lot 40. He noted the applicant is proposing to take .78 acres from Lot 41 and add it to Lot 40. He provided the following details:

Lot 40 has 2 existing single family dwellings, 1 garage and various sheds

Lot 41 has 1 existing dwelling

Administrator of the Estate Tina Ferrara testified that she was born and raised at 32 Bunvale Road with her Grandfather living next door at 28 Bunvale Road. She commented that at some point the family moved to property near Round Valley Reservoir and actually re-located that dwelling, in the early 1960's, to 30 Bunvale Road where the 2 dwellings still exist today.

Attorney Lowcher called Engineer/Planner Wayne Ingram forward. He provided his credentials to the Board and was accepted as an expert to provide testimony on this application.

Engineer/Planner Ingram stated the two structures on Lot 41 are pre-existing non-conforming structures. He indicated the garage appears in aerial photos around 1970 and believed the sheds were put on the property about 15 years ago.

With regard to the garage, the peak is at 18 ft. where the maximum allowed height for accessory structures in the zone is 15 ft. He commented the garage has been on the property for 50 years and is mostly hidden from public view.

Engineer/Planner Ingram provided the following variance details for Lot 40 which he noted are all pre-existing, non-conforming conditions:

Minimum Lot Area is 1.5 acres where .25 exists and .83 is proposed

Minimum Lot Width is 200 ft. where 75 ft. exists and 75 ft. proposed

Minimum Lot Frontage is 200 ft. where 75 ft. exists and 75 ft. is proposed

Minimum Front Yard is 50 ft. where 37.5 ft. exists and 37.5 ft. is proposed

Minimum Rear Yard is 50 ft. where 35 ft. exists and no changes are proposed

Minimum Side Yard is 20 ft. where 11.5 ft. and 16.2 ft. exists and no changes are proposed

Engineer/Planner Ingram noted the new C2 Variance being requested is for the height of the existing accessory garage. He explained it is 12 ft. from the side yard and 18 ft. tall. Engineer/Planner Ingram again stated it has been there for 50 years and mostly hidden from the public view. He noted it would be difficult to reconfigure the garage roof and remarked the structure provides for indoor storage.

Engineer/Planner Ingram noted the following positive criteria regarding the D2 Variance request:

- A. 3 acres is appropriate for the 2 homes, and no additional land is needed for Lot 40 because the amount subdivided accomplishes the goal to accommodate the proposed new septic system

Zoning Board of Adjustment Meeting Minutes – 4/10/24

- B. The subdivision promotes the public good and the wellbeing of people and neighborhoods
- C. This is an equitable distribution of land
- D. The subdivision promotes a safer access to the county road by removing 1 driveway

It was noted that there are no negative impacts because nothing about how the land is being utilized will change and there are no visible changes to the existing public view. Engineer/Planner Ingram also noted there is no impact to the Master Plan or zoning plan, Lot 40 becomes more conforming and Lot 41 remains very close to the 3 acre required size in the zone.

Board Engineer Bryce Good confirmed the items outlined in his 4/3/24 memo will be complied with.

Board Planner Jessica Caldwell asked if there will be any future subdivision considered. Engineer/Planner Ingram said no because the property is not conducive to subdividing due to the driveway configuration which would require cross access if it were to be subdivided.

Chairman Eberle opened the floor to public comment. Seeing no members of the public who wished to comment on the application, a motion was made by Tom Sachs and seconded by Karen Zatika to close the floor to public comment. The motion was unanimously approved by voice vote.

After a brief deliberation by the Board Members, a motion was made by Karen Zatika and seconded by Mike Iannace to grant the requested variances. The motion was unanimously approved by roll call vote. *Iannace: Yes, Sachs: Yes, Zatika: Yes, Eberle: Yes, Staten: Yes, Van Doren: Yes*

CORRESPONDENCE

It was noted for the record that no correspondence was listed on the agenda.

OPEN TO THE PUBLIC

Chairman Eberle opened the floor to public comment.

Nitan Manglani asked if the appeal from the “Save Lebanon Township” objectors will be on the Board’s 5/8/24 agenda. It was noted that Attorney Drill and Attorney Webb, present in the public, indicated they believed an extension to hear the matter was granted until sometime in the summer. They noted they would get back to Mr. Manglani. Seeing no other members of the public who wished to speak, a motion was made by Karen Zatika and seconded by Brandon Staten to close the floor to public comment. The motion was unanimously approved by voice vote.

ADJOURNMENT

A motion by Karen Zatika, seconded by Tom Sachs to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 7:57 PM.

Maria Andrews, Planning Board Secretary