

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT MEETING
October 24, 2023 Minutes – 7:30 PM**

The West Amwell Township Zoning Board of Adjustment meeting was called to order at 7:30 PM by Vice Chairman Fulper.

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Vice Chairman Fulper: This meeting was called pursuant to the provisions of the Open Public Meetings Act. This meeting was included in a list of meetings transmitted to the Hunterdon County Democrat and the Times of Trenton on February 9, 2023. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Office of the Zoning Board of Adjustment and Township Clerk.

Vice Chairman Fulper led the Pledge of Allegiance to the American Flag.

Attendance – Roll Call

Present: Mark Bowles
Brian Fitting
Rob Fulper
Marvin “Tuck” Hartpence
David Pasquale
Joe Romano
Scott Greenwood – Alt. #1
Jennifer Batchellor – Alt. #2
Attorney Kevin Van Hise
Engineer Tom Decker

Excused: John Ashton

Presentation of Minutes – 9/26/23

Secretary Andrews noted the 9/26/23 minutes are in the process of being drafted but have not yet been completed and will be listed on the Board’s November agenda for approval.

Resolutions of Approval

Resolution #2023-09: Sheryl Simontis & Charles Davis – 172 Bowne Station Road – Block 6 Lot 14: Variance Application to Construct a 2-story Detached Garage on the Property

A motion was made by David Pasquale and seconded by Mark Bowles approving Resolution #2023-09. The motion was approved by roll call vote by those members eligible to vote on the matter.

Resolution #2023-10: Variance & Minor Site Plan Approval to Create Additional Day Care Center Space and a Second Story Accessory Apartment: CS Learning Properties, LLC – 1293 Route 179 – Block 7.01 Lot 10

It was noted for the record that Attorney Van Hise is still drafting the resolution for the CS Learning application and it will be listed on the Board’s November agenda for memorialization.

Applications

Charles D’Amico – 230 Jackson Street – Block 38 Lot 12: Impervious Coverage/Variance Relief for Existing Improvements

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Present for the application was property owner Charles D’Amico.

Board Attorney Kevin Van Hise commented that the public notice was provided in accordance with the Municipal Land Use Law requirements and stated the Board had jurisdiction to proceed with the public hearing.

Mr. D’Amico came forward and was sworn in. He explained that he is selling his house with a pending closing date of 11/14/23 and is in the process of building a new home in the Township. Mr. D’Amico noted the prospective buyers wanted to see the permits for the improvements he had done and neither he nor the Township can seem to locate any of the approved permits.

It was noted for the record that the subject site is in the R-9 zone and consists of .4 acres (17,875 sq. ft.). It is currently improved with a 2-story residential dwelling, attached garage, a paved driveway with access to Jackson Street, a gravel driveway/parking area, a patio, a covered pavilion and paved walkways. There is a portion of the gravel drive and shed belonging to the applicant, but located outside of the property boundaries, within the public right-of-way on Grove Street.

Mr. D’Amico indicated he is seeking variance relief for impervious coverage. He is allowed 20% coverage and 33.2% exists with all of the outside improvements.

With regard to the shed and gravel area in the Township right-of-way, Mr. D’Amico referenced the Township Committee minutes from July 16, 2003 where the Committee granted permission for Mr. D’Amico to place the shed in its current location, on Grove Street, as long as it wasn’t a “permanent” structure. Engineer Decker suggested some of the gravel be removed to reduce the impervious surface but noted the shed should not be re-located to the 230 Jackson Street property because it would further exacerbate the impervious coverage issues on that site. Engineer Decker noted if the gravel is removed, and the area re-seeded, it will reduce the impervious surface by 3%. Mr. D’Amico confirmed the gravel area is probably about 20’ x 32’ which would be 600 sq. ft.

Attorney Van Hise stated the shed on Grove Street is not part of the subject application and said the Board has no jurisdiction over it.

Engineer Decker also noted the driveway opening is 30 feet where typically driveways are 12 feet. Mr. D’Amico explained when he built the home, Township Official Vennetone wanted the driveway wider to accommodate any potential fire trucks needing to turn around since Jackson Street is a dead end with no cul-de-sac.

Mr. Greenwood asked if any grading work was done on Grove Street. Mr. D’Amico stated the County installed a curtain drain to divert water into the woods.

Mr. D’Amico stated he will remove the gravel area if the Board wants him to and explained that the patio was constructed when he built the home but during the COVID pandemic he built the front porch, the pizza oven and installed a jacuzzi because there was nothing to do.

Vice Chairman Fulper opened the floor to public comment. Seeing no members of the public who wished to speak, he closed the floor to public comment.

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The Board noted that if the new property owners ever wanted to put the shed within the property boundaries, they would need to return to the Board for variance approval. A motion was made by David Pasquale and seconded by Jennifer Batchellor to grant the impervious coverage variance with the condition that the 600 sf. ft. gravel area be removed, was unanimously approved by roll call vote.

Approval of Vouchers

A motion was made by Brian Fitting and seconded by Joe Romano to approve the vouchers for payment as listed on the agenda. The motion was unanimously approved by voice vote.

Comments from the Board Members

It was noted for the record that no comments were made by any of the board members.

Open to the Public

It was noted for the record that there were no members of the public present at the meeting at this time.

Adjournment

A motion by Mark Bowles, seconded by Scott Greenwood to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 8:17 PM.

Maria Andrews, Zoning Board Secretary