

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REORGANIZATION/REGULAR MEETING**

7:30pm

January 23, 2018

The West Amwell Township Zoning Board of Adjustment reorganization meeting was called to order at 7:35 PM by Chairman Fulper.

The following statement of compliance with the Open Public Meetings Law as listed on the meeting agenda was summarized by Chairman Fulper: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was transmitted to the Hunterdon County Democrat and Trenton Times on January 9, 2017. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Zoning Board of Adjustment Office. The meeting was recorded via digital recording system and a copy of the CD is on file in the Zoning Board of Adjustment Office.

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

Chairman Fulper welcomed the two new members to the Board; Marven Hartpence and Michael Rassweiler. He recommended Board members read an article in the recent issue of the Planner which explains how the Board is a quasi-judicial Board that hears cases as a judge would and that each member acts as a judge on the cases they listen to. He said the article says to listen to the case on the facts only and try to remember that whatever you hear that is brought forward during the case is all you can react to and make a decision based on.

APPOINTMENTS/OATH OF OFFICE:

Board Attorney Palilonis administered oath of office to the following Board members prior to the meeting:

- George Fisher (4 yr. term through 12/31/21)
- Frank Sabatino (unexpired 4 yr. term through 12/31/18)
- Marvin Hartpence – Alt. #1 (2 yr. term through 12/31/19)
- Michael Rassweiller – Alt. #2 (unexpired 2 yr. term through 12/31/18)

ATTENDANCE/ROLL CALL:

Roll call on attendance: John Cronce-present, Brian Fitting-present, Joe Romano-present, John Ashton-present, George Fisher - present, Frank Sabatino -present, Marvin Hartpence (alt. #1)- present, Michael Rassweiller (alt.#2)-present, Robert Fulper-present

Absent: There were no members absent.

Professionals Present: Stewart Palilonis, Board Attorney; Tom Decker, Board Engineer

NOMINATIONS/APPOINTMENTS:

Chairperson – Board Secretary Rosikiewicz opened the floor for nominations for the position of Chairperson. Nomination was cast by Mr. Cronce for the appointment of Rob Fulper. Motion was seconded by Mr. Fisher. Hearing no other nominations the floor was closed to nominations and roll call

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was called for the appointment of Mr. Fulper as Chair: Cronce-aye, Fitting-aye, Romano-aye, Ashton-aye, Fisher-aye, Sabatino-aye, Fulper-aye
Motion carried. Robert Fulper II appointed as Chairperson for 2018.

Vice Chairperson – Chairman Fulper opened the floor for nominations for the position of Vice Chairperson. Nomination was cast by Mr. Ashton for the appointment of John Cronce. Motion was seconded by Mr. Fisher. Hearing no other nominations the floor was closed to nominations and roll call vote was taken: Cronce-aye, Fitting-aye, Romano-aye, Ashton-aye, Fisher-aye, Sabatino-aye, Fulper-aye
Motion carried. John Cronce appointed as Vice Chairperson for 2018.

Secretary - Motion was made by Mr. Cronce with a second by Mr. Fisher for the appointment of Christine Rosikiewicz as Board Secretary. Roll call: Cronce-aye, Fitting-aye, Romano-aye, Ashton-aye, Fisher-aye, Sabatino-aye, Fulper-aye
Motion carried. Christine Rosikiewicz was appointed as Board Secretary for 2018.

Deputy Secretary - Motion was made by Mr. Cronce with a second by Mr. Fisher for the appointment of Maria Andrews as Deputy Board Secretary. Roll call: Cronce-aye, Fitting-aye, Romano-aye, Ashton-aye, Fisher-aye, Sabatino-aye, Fulper-aye
Motion carried. Maria Andrews appointed as Deputy Board Secretary for 2018

REORGANIZATION RESOLUTIONS:

ZBA2018-01 – Consent Agenda

ZBA2018-02 – Meeting Schedule

ZBA2018-03 – Designation of Official Newspaper

ZBA2018-04 – Appointment of Board Attorney

ZBA2018-05 – Appointment of Board Engineer

ZBA2018-06 – Appointment of Board Planner

Motion was made by Mr. Cronce with a second by Mr. Fitting for the adoption of resolutions 2018-01 thru 2018-06 and execution of professional services agreements by way of formal adoption of consent agenda 2018-01. Roll call: Cronce-aye, Fitting-aye, Romano-aye, Ashton-aye, Fisher-aye, Sabatino-aye, Fulper-aye
Motion carried.

PRESENTATION OF MINUTES:

Special Meeting November 20, 2017 – Mr. Fisher made a motion to approve the November 20, 2017 Special Meeting minutes with typographical corrections and the following edit:

Page 2, paragraph 5, add the word “proposed” before “fire company”.

Mr. Ashton seconded the motion. Roll call vote: Cronce-aye, Fitting-aye, Romano-aye, Ashton-aye, Fisher-aye, Sabatino-abstain, Hartpence-abstain, Rassweiller-abstain, Fulper-aye

Regular Meeting Minutes November 28, 2017-Mr. Fisher made a motion, seconded by Mr. Ashton to approve the November 28, 2017 minutes with one typographic error and the following edit:

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Page 8, under discussion, 5th paragraph should read “The reorganizational meeting will be on January 23rd”.

Roll call vote: Cronce-aye, Fitting-aye, Romano-abstain, Ashton-aye, Fisher-aye, Sabatino-aye, Hartpence-abstain, Rassweiller-abstain, Fulper-aye

RESOLUTION(S) OF APPROVAL:

Resolution 2018-7 2018 Annual Report –

Mr. Fisher made a motion to approve Resolution 2018-7 2018 Annual Report. Mr. Ashton seconded it. Roll call vote: Cronce-aye, Fitting-aye, Romano-aye, Ashton-aye, Fisher-aye, Sabatino-aye, Fulper-aye

APPLICATION(S):

Completeness and Public Hearing: – Columbia Fire House, No. 4 – Block 39 Lot 4.01 – Site Plan (7:50PM)

Prior to the meeting Board members received the following:

1/9/18 letter from A. Maxwell Peters, T&M Associates re: Preliminary and Final Site Plan Application, West Amwell Township Application for Development, Land Development Review Checklist, Environmental Impact Statement prepared by T&M Associates dated 1/5/18, Stormwater Calculations and supporting documentation by T&M Associates dated 1/5/18, Plan Set

A Review Letter by Board Engineer Tom Decker, dated 1/20/18, was provided to the Board, applicant, and the applicant’s professionals.

Attorney Palilonis asked if notices were sent out. Attorney Frinz said they were but he does not have the affidavit yet. A resident commented on receiving the mailing on January 19th. Attorney Palilonis said the notices were mailed on January 12th (per the stamp from the applicant’s attorney’s mail system) and that the applicant only has to prove the notices were mailed in a timely matter.

There was further discussion on the noticing. Attorney Palilonis recommended the hearing be postponed until all parts of the notice were present.

Board Engineer Decker went over his 1/20/18 letter. Comment #1 identifies a waiver which he does not see as a problem for completeness purposes with the understanding if the Board needed this information for a determination they are still entitled to it. Item #2 refers to item 16B of the checklist regarding manmade features within 200 feet of the property; Engineer Decker commented that there are residents within 200 feet and the Board may want to see where the homes are relative to the proposed application. Item #3 refers to I and 18 in the checklist pertaining to providing soil log testing to confirm a viable system can be constructed in the area. Item #4 refers to #20; a landscape plan is required along with buffering as this is a commercial use. Item #5 refers to #30 which requires a lighting plan; Township ordinance requires the parking lot to be lit. Item #6 refers to #32 regarding architectural plans including elevations and the foot print of the building.

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There is 18% impervious coverage proposed; 20% is permitted. The calculation provided did not include the gravel parking lot. A variance will be needed for this.

With regard to the soil testing; if the septic cannot be constructed in that location it changes the design of the property.

The applicant's attorney, Eric Frins from Simon Law Group, introduced himself and site design engineer Max Peters.

Engineer Peters said the Fire Company is under contract for the septic design and testing will be done later this week. The system will be oversized and they are comfortable it will be feasible. They would like to discuss the landscaping and lighting with the Board. It is a small site and considered a commercial building, it looks like a single family home. The architect plans were brought to the meeting tonight. There is an aerial photograph which depicts the site and residents in the surrounding area. Engineer Decker was okay with the aerial being used.

There were Board member comments that these items have not been made available for public inspection nor has the Board Engineer had the opportunity to review these items before the meeting.

For the record Attorney Palilonis asked if waivers were being requested for any of these items. Engineer Peters said they will be provided or could be a condition of approval. Comments were made by the Board professionals that they should not be conditions of approval as they are important to the decision.

Engineer Peters asked if they could have an informal discussion on landscaping. Comments were exchanged that they should present a plan next month that can be inspected by the public and engineer. There are some design waivers needed.

Attorney Frins confirmed that notices were sent out. Attorney Palilonis requested the affidavit be provided as soon as possible. The hearing will be on February 27, 2018. There will be no further notice as long as the notice was proper.

Mr. Cronce made a motion (8:15PM) to deem the application incomplete subject to the items 2 through 6 listed in the Board Engineer's January 20, 2018 letter and to grant the requested waiver as recommended for items 1 A-E. Mr. Fitting seconded the motion.

Roll call vote: Cronce-aye, Fitting-aye, Romano-aye, Ashton-aye, Fisher-aye, Sabatino-aye, Fulper-aye

Completeness and Public Hearing: Krishna Bice- Block 17 Lot 20.04 – 166 Rock Road West – C Variance (setback)

Chairman Fulper said this application will not be heard tonight as it was not noticed.

Completeness and Public Hearing: Renee Soto and Dave Krasne- Block 8 Lot 34.02 – 70 Rocktown-Lambertville Rd. – C Variance (setback) (8:22PM)

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The following were provided to the Board Members prior to the meeting:

Completed application form for a variance dated December 28, 2017, West Amwell Township Zoning Board of Adjustment Checklist dated December 28, 2017, zoning permit application dated August 28, 2017, letter re: Zoning Denial from Zoning Officer Chris Rose dated August 31, 2017, unsigned plan titled "Property Survey for Renee Soto" prepared by Landmark Surveys dated July 27, 2011, copy of West Amwell USGS topography, four color 5X7 photos of the existing barn

A copy of the Completeness Review letter dated January 16, 2018 from Tom Decker was also provided to the Board members and the applicant prior to the meeting.

Attorney Palilonis said to let the record reflect that the notice is in order.

Rene Soto and David Krasne approached the Board and stated their names and address of 70 Rocktown-Lambertville Rd. Attorney Palilonis swore them in.

Ms. Soto explained that there is an existing barn on the property which is not in good shape that they would like to replace. The new barn will be smaller in the same footprint.

A motion was made by Mr. Fisher, seconded by Mr. Fitting to deem the application complete. (8:24pm)
Roll call vote: Cronce-aye, Fitting-aye, Romano-aye, Ashton-aye, Fisher-aye, Sabatino-aye, Fulper-aye

The following exhibits were entered into the record:

Exhibit S-1, dated 1/23/18, a depiction of elevations

Exhibit S-2, dated 1/23/18, depiction of elevation of the proposed replacement barn

Mr. Krasne explained that the proposed replacement barn is about ten feet shorter than what is existing. Variances are needed for setback and height. The height was not indicated on the application but came up during the completeness review and is indicated in the Engineer's review letter. The proposed barn is slightly smaller and shorter.

Ms. Soto said they are trying to maintain the orientation and position on property of the previous barn. They considered rehabbing the existing barn but it is not feasible for engineering and budgetary reasons. They want to replace the barn in a small scale but in the same position as the existing one. The current barn is 15 feet from the neighboring property. The proposed barn will be 28 feet from the neighboring property and does not meet the 50 foot sideyard setback. She explained that if the barn was moved to the southwest it would be in front of the carriage house which did not preserve the harmonious feel of the buildings. To turn it north or south would not be attractive options. The east to west orientation provides optimum light and ventilation.

In response to a question about fixing the existing barn the applicants replied that there is too much rot in the frame and water damage. Ms. Soto said the existing barn is over thirty feet high, the proposed barn has smaller dimensions and a lower roof. A loft would not be possible with a height of thirty feet.

The following was marked into evidence:

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Exhibit S-3, dated 1/23/18, series of four photos of existing barn

A variance for the rear setback is needed. The proposed barn will be 51.7 feet from the rear of the property, the rear setback requirement is 100 feet. Ms. Soto said if the barn is moved forward trees that provide buffering to the neighboring property will have to be removed.

Ms. Soto said the barn will be a timber frame wood barn, traditional construction with wood siding. It will maintain a traditional look. There is electric in the existing barn, the electric will be updated in the new barn. There will be no plumbing at this point.

There will be exterior lighting on the west side which faces the subject house, the barn door is on the west side. The existing carriage house and barn have lights on the west side near the sliding door entrance. The lights will face the street and the subject home.

There was a discussion about the east side of the barn that faces the neighboring property. There is a house twenty five feet away from the property line, Mr. Krasne described the property. In response from a question from the Board Mr. Krasne indicated he was open to providing buffering.

The meeting was open to the public at this time:

Amy Jackson, 68 Rocktown-Lamberville Rd. introduced herself. She read a prepared statement to the Board. She shares the rear property line with the applicant and sees the best side of the barn from her house and commented on the barn being in need of attention for a long time. She admires the applicants' initiative and the new structure in keeping with the history of the area. She commented how the rear setback requirement of 100 feet is not being met as the proposed barn will be 56 feet from the property line. There is no mention of this discrepancy in the application or denial. She believes this should be considered as a variance. She supports this project as it stands.

Sean Pfeiffer, 74 Rocktown-Lambertville Road, introduced himself. He sees the proposed barn as an improvement. He commented that the barn had a new roof installed in the 1980's but was not maintained. Nails have popped off the barn onto his property. He is supportive of the applicants improving their property.

Mr. Pfeiffer asked that any resolution of approval be clear that it is for a barn and not a workshop or garage. Attorney Palilonis responded that that it is an accessory structure and can be a workshop. Mr. Pfeiffer commented on the proximity of his well head to the barn. He would like to be aware of what is proposed so the impact on the well head will be mitigated.

Mr. Pfeiffer requested that no exterior lighting be installed on the east side of the barn.

Mr. Pfeiffer expressed concern about what future residents may do with the barn. Mr. Pfeiffer is okay with the current buffer as he has trees on that side of his property.

Ms. Soto summarized that variances are being requested for the side yard for 22 feet, rear yard setback for 44 feet, and height of the building for 11 feet for the reasons discussed. They do not have objection to any of the requests that were made from the public. The proposed barn cannot be moved forward due to the location of the trees and driveway; they are trying to maintain the original position of the existing barn.

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On a question from the Board regarding the bump out the barn will have Ms. Soto explained that there is an idea to incorporate a glass greenhouse on the west side of the barn facing their house. It will be glass on its own stone foundation with a gravel floor. Comments were exchanged with the Board that it shares a foundation with the barn, has access from the barn, and is less than half the short side of the barn.

A motion was made by Mr. Fitting to grant 22 feet of side yard relief, 11 feet of height relief, and 44 feet of rear yeard relief. (8:54pm) Mr. Ashton seconded the motion. Roll call vote: Cronic-aye, Fitting-aye, Romano-aye, Ashton-aye, Fisher-aye, Sabatino-aye, Fulper-aye

Attorney Palilonis said he will be develop the resolution, the resolution will be published once approved. The applicants may proceed at their own risk until 45 days after publication.

Correspondence:

There were no comments on any correspondence.

Approval of Bill List 1/23/18:

The bill list was presented with a total of \$4163.67 for approval. Approval of the bill list was made by voice vote, all were in favor.

DISCUSSION:

Chairman Fulper opened a discussion on the Board of Adjustment budget. He asked the Board Secretary her thoughts on the budget. She mentioned the increase in applications. There were three in 2015, seven in 2016, and thirteen in 2017. There are two new members that will be taking courses. Chairman Fulper mentioned the courses the Board Secretary took and asked if she would be reimbursed for them [for the record they will not be reimbursed]. Chairman Fulper said he had talked to the former Board Secretary, and the present Secretary regarding being paid by salary with extra compensation for special meetings. If there are not many applicants they get a fair compensation. If there is a year with a lot of applications and a lot of work, they don't. An alternate way of handling it was brought up. Mr. Cronic agreed that there should be compensation for an overflow of meetings. Chairman Fulper commented on the amount of time the former and present Secretary spent on the work. Mr. Cronic commented on this being taken care of immediately and inquired about the process. The former Secretary spend at least 12-13 hours a week. Comments were made about time spent with the increase in applications. Board member comments included seeing how the year goes or doing something now, suggestions for changing compensation structure, and the inconsistency of the work load from year to year. There were further questions, it was decided further questions should be addressed in Executive Session.

OPEN TO PUBLIC:

The floor was opened to the public.

Lonnie Baldino greeted the Board, he has returned as Zoning Officer and is available to them with questions. He will be in Tuesday nights and available to the public from 5-7pm. He is also on Planning Board as their Class 2 member. The Board welcomed him back.

The floor was closed to the public. (9:09pm)

EXECUTIVE SESSION:

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The Board entered Executive Session to discuss personnel at 9:10pm.

The Board returned to regular session at 9:27 p.m.

ADJOURNMENT:

A motion to adjourn was made by Mr. Ashton, seconded by Mr. Fisher. All members voted in favor of adjournment at 9:27 PM

Respectfully submitted,

Christine A. Rosikiewicz