

**WEST AMWELL TOWNSHIP  
ZONING BOARD OF ADJUSTMENT REORGANIZATION MEETING  
January 22, 2019 Minutes – 7:30 PM**

The West Amwell Township Zoning Board of Adjustment reorganization meeting was called to order at 7:30 PM by Attorney Palilonis.

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Secretary Andrews: 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 December 13, 2018. Notice has been posted on the bulletin board at Town Hall on January 10, 2019 and has remained continuously posted as to required notices under the Statute. 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.

Attorney Palilonis led the Pledge of Allegiance to the American Flag.

**Oaths of Office**

Attorney Palilonis administered the oaths of office to Mr. Cronce, Mr. Ashton and Mr. Hartpence.

**Attendance – Roll Call**

**Present:** John Ashton  
John Cronce  
George Fisher  
Brian Fitting  
Marvin Hartpence  
Joe Romano  
Rob Fulper  
Michael Rassweiler – Alt. #1  
Attorney Palilonis

**Excused:** Mark Bowles – Alt. #2

**Nominations/Appointments**

Secretary Andrews asked for nominations for the Board's Chairman. Mr. Cronce noted the Board's By-Laws state the Chairman can only hold the position for 3 consecutive years and asked if anyone was interested in serving since Mr. Fulper has been the Chairman for the past 4 years. He commented that if the Board is alright with this then there is no issue, otherwise he suggested the By-Laws should be abided by.

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Hearing no one speak up, a motion was made by Mr. Cronce and seconded by Mr. Fisher to nominate Rob Fulper as the Board's Chairman. Hearing no other nominations, a motion was made by Mr. Ashton and seconded by Mr. Fisher to close the nominations. The motion was unanimously approved by voice vote. Chairman Fulper thanked the Board and took over the meeting at this time.

Chairman Fulper asked for nominations for the Board's Vice Chairman. A motion was made by Mr. Ashton and seconded by Mr. Fisher to nominate John Cronce as the Board's Vice Chairman. Mr. Cronce commented that any other Board Member is welcome to serve as Vice Chairman. Hearing no other nominations, the motion was unanimously approved by voice vote. The Board congratulated Mr. Cronce.

A motion was made by Mr. Cronce and seconded by Mr. Fisher to appoint Maria Andrews as the Zoning Board Secretary. The motion was unanimously approved by voice vote.

A motion was made by Mr. Cronce and seconded by Mr. Fisher to appoint Linda Jacukowicz as the Zoning Board Deputy Secretary. The motion was unanimously approved by voice vote.

### **Resolutions of Approval**

A motion by Mr. Fisher, seconded by Mr. Hartpence to approve the following motions was unanimously approved by roll call vote:

ZBA#2019-01: Consent Agenda

ZBA#2019-02: Meeting Schedule

ZBA#2019-03: Designation of Official Newspaper

ZBA#2019-04: Appointment of Board Attorney

ZBA#2019-05: Appointment of Board Engineer

ZBA#2019-06: Appointment of Board Planner

**Roll Call Vote:** Mr. Ashton: Yes, Mr. Cronce: Yes, Mr. Fisher: Yes, Mr. Fitting: Yes, Mr. Hartpence: Yes, Mr. Romano: Yes, Mr. Rassweiler: Yes and Mr. Fulper: Yes

Mr. Cronce referred to Attorney Palilonis's contract noting the \$180 per hour plus costs language and asked what the "plus costs" means. Attorney Palilonis indicated that would be for copies, filing fees, etc.

Mr. Romano referred to the Engineer's contract noting the language indicating no work is performed without the authorization of the Board. He asked if estimates are provided by the professionals prior to them performing any work. Attorney Palilonis asked what such a quote would accomplish and remarked if a quote is given for a 2 hour review and more time is spent on it, nothing can be done to change that. Mr. Cronce commented that applicant's will know the Board is watching out for the use of their escrow fees. Attorney Palilonis noted legally, the escrow fees are between the applicant and the professional, not the Board.

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Secretary Andrews commented that obtaining quotes could potentially slow up the review process and may even result in the Board incurring costs for such quotes. Mr. Romano stated he disagreed.

Chairman Fulper stated he will speak with the Board's professionals on this matter when the next application to the Board is received.

### **Presentation of Minutes – 9/25/18**

A motion by Mr. Ashton, seconded by Mr. Fitting to approve the Board's 9/25/18 minutes as revised was approved by roll call vote with Mr. Cronce and Mr. Fisher abstaining.

**Roll Call Vote:** Mr. Ashton: Yes, Mr. Fitting: Yes, Mr. Hartpence: Yes, Mr. Romano: Yes, Mr. Rassweiler: Yes and Mr. Fulper: Yes

### **Resolutions of Approval**

It was noted for the record that there were no resolutions listed on the agenda for approval.

### **Applications: Completeness/Public Hearing**

#### **Completeness and Public Hearing: Mr. and Mrs. James Cally – 201 Jackson Street – Block 41 Lot 1 – Request for Front Yard Setback Variance to Permit Construction of Covered Front Porch Entry**

Present for the discussion was Architect Gary O'Connor.

With regard to the completeness determination, Secretary Andrews noted everything has been provided according to the checklist with the exception of a copy of the deed and color photos of the subject site. Architect O'Connor indicated he will request his client provide a copy of the deed and he noted the plans contain a color rendering of the proposed project which he believed to be sufficient.

A motion by Mr. Fisher, seconded by Mr. Hartpence to deem the application complete with the condition that the deed will be provided, was unanimously approved by roll call vote.

**Roll Call Vote:** Mr. Ashton: Yes, Mr. Cronce: Yes, Mr. Fisher: Yes, Mr. Fitting: Yes, Mr. Hartpence: Yes, Mr. Romano: Yes, Mr. Rassweiler: Yes and Mr. Fulper: Yes

Architect O'Connor was sworn in and explained the existing home on the site was built in 2001 and when the foundation was put in the contractor measured the setback from the edge of the road and not from the right-of-way (r-o-w). Subsequently, a variance was sought in order for the home to be built in its current location. That approval allowed for a 16.2 ft. setback from the r-o-w to the corner of the porch and a 9.7 ft. setback from the r-o-w to the garage, both setbacks should have been 25 ft.

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The subject porch requires variance approval because while it is not exacerbating any existing conditions, the ordinance contains language requiring the property owner to seek a variance for this project because of the “prior variance approval.” Architect O’Connor noted his client is seeking approval to extend the proposed front porch entry 13 ft. into the setback.

The following exhibits were presented:

**Exhibit C-1:** Sheet 2 of the site plan submitted with the application dated 1/7/19

**Exhibit C-2:** An 8.5” x 11” black and white copy of a photo depicting weather damage to the existing front door

Architect O’Connor noted the porch will be wood with lattice on the sides. Mr. Fitting asked if the porch will be over the existing front steps. Architect O’Connor said yes.

Mr. Rassweiler asked if the front pathway leading to the porch will change. Architect O’Connor noted it will be slightly reconfigured.

Zoning Officer Lonnie Baldino spoke up from the public and commented that the front steps should be included in the calculations regarding the setback. He suggested that if a variance was granted, the Board may want to use language that allows the applicant to extend the porch no further than 9.7 ft. into the setback noting this is the same as the existing garage. Several board members commented that it would be inappropriate to grant a variance in excess of what is being requested or for more than what is reasonably needed for the project. Architect O’Connor then suggested the variance request should be to extend the front porch entry 12 ft. into the front yard setback.

The following positive criteria was noted by Architect O’Connor: The porch will be aesthetically pleasing to the neighborhood and will provide protection from weather conditions. He remarked there is no detriment to the public good or the zone plan or zoning ordinances.

Chairman Fulper opened the floor to public comment. Seeing no members of the public come forward, he closed the floor to public comment.

A motion by Mr. Fitting, seconded by Mr. Fisher to approve the requested front yard setback variance to allow the proposed 9’ x 12’ porch and stairs to be no less than 11 ft. from the front r-o-w line to the corner of the steps was unanimously approved by roll call vote.

**Roll Call Vote:** Mr. Ashton: Yes, Mr. Cronic: Yes, Mr. Fisher: Yes, Mr. Fitting: Yes, Mr. Hartpence: Yes, Mr. Romano: Yes, Mr. Rassweiler: Yes and Mr. Fulper: Yes

Architect O’Connor thanked the Board for their approval and also for the discussion on requesting estimates from the professionals. He commented this showed they were trying to be conscientious with escrow money.

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**Approval of Bill List**

Mr. Cronce questioned why the Board received bills from both the Board's engineer and the Township's engineer for stormwater review on a prior application. Secretary Andrews explained the Township Engineer's bill was for review of the stormwater device that is proposed to be located within the Township's r-o-w. Some comments were made regarding this being an issue because the Zoning Board doesn't use the same engineer as the Township and the Planning Board.

A motion by Mr. Romano, seconded by Mr. Fisher to approve the vouchers for payment as listed on the Board's 1/22/19 bill list was unanimously approved by voice vote.

**Comments from the Board Members**

Attorney Palilonis commented that he will be leaving for a 4 week vacation and will likely not have the resolution of approval from tonight's public hearing ready for the next meeting agenda. Chairman Fulper suggested he reach out to the applicant and Architect O'Connor to make them aware.

Attorney Palilonis also provided an update on the pending A-Z litigation noting oral arguments were made on 1/8/19 and stated he believes the matter will be remanded. He also remarked that the good thing is the panel is knowledgeable on planning and zoning land use law matters.

**Open to the Public**

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

**Adjournment**

A motion by Mr. Cronce, seconded by Mr. Ashton to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 8:49 PM.

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Maria Andrews, Zoning Board Secretary