

WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
April 26, 2016

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:32PM 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 February 4, 2016. 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.

APPOINTMENTS/OATH OF OFFICE:

Board Attorney Palilonis administered oath of office to the following Board member(s):

Frank Sabatino - (*alt.#1*) (2 yr. term through 12/31/17)

ATTENDANCE/ROLL CALL:

Roll call on attendance: John Cronce-present, Brian Fitting-present, Joe Romano-present, Ruth Hall-present, John Ashton-present, Kevin Koveloski-present, Frank Sabatino (*alt.#1*)-present, Robert Fulper-present

Absent: Ken Turi (*alt.#2*)

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

PRESENTATION OF MINUTES:

Meeting Minutes - March 22, 2016 - Motion was made by Koveloski with a second by Fitting to accept the minutes as presented. Roll call: Cronce-aye, Fitting-aye, Romano-abstain, Hall-aye, Ashton-abstain, Koveloski-aye, Fulper-aye

RESOLUTION(S) OF APPROVAL: None

APPLICATION(S):

Completeness Determination: 1872 River Road, LLC (The Generals Retreat) – Block 26 Lot 17 - Use and Bulk Variance Application/Site Plan Application. (7:36 PM)

Guliet Hirsch, attorney for the applicant, appeared on behalf of the applicant, 1872 Rive Road LLC, (The Generals Retreat). Application, checklist, March 4, 2016 submission letter, Storm Water Design and Storm Sewer Report dated February 26, 2016 prepared by Bayer-Risse Engineering, Storm Water Operations and Maintenance Manual dated February 29, 2016 prepared by Bayer-Risse Engineering,

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Plan set titled "Preliminary Site Plan Application dated February 26, 2016 prepared by Bayer-Risse Engineering consisting of 13 sheets, Architectural plan set prepared by Gelman Architecture, LLC dated

March 6, 2016 consisting of 17 sheets, Letter dated January 26, 2016 from Eastern States Environmental Associates, Inc. to NJDEP for Freshwater Wetland LOI, Letter dated January 26, 2016 from Eastern States Environmental Associates, Inc. to NJDEP submitting application for a Statewide General Wetlands Permit #6, Development Review Application to Hunterdon County Planning Board, Application for Soil Erosion and Sediment Control plan Certification to Hunterdon County Soil Conservation District dated February 29, 2016, were received and distributed.

Additional material(s) received on April 26, 2016 consisted of; Letter from Bayer-Risse Engineering dated April 25, 2016 addressing March 21, 2016 completeness review by Tom Decker, Engineer, Plan set titled "Preliminary & Final Site Plan dated April 16, 2016 prepared by Bayer-Risse Engineering consisting of 17 sheets, Property survey prepared by Heritage Consulting Engineers dated November 12, 2014, Daily Sewage Volume, Soil Removal Calculations, Square Footage Calculations, 12 color photographs of project site, were added to the block and lot file.

Attorney Hirsch provided an overview of the property, stating the property has frontage along Route 29 and accessed from Old River Road, there is an existing residential structure on the property. The application as submitted is for conditional use approval, a conditional use variance and preliminary and final site plan.

Ms. Hirsch referred to Completeness Review revised letter dated March 21, 2016, prepared by Engineer Decker, stating, a letter of Variance Exceptions and Submission Waivers was submitted in response to Mr. Decker's review.

Mr. Decker stated, on April 26, 2016, he received a supplemental packet for completeness review, stating, the documents listed in the March 21, 2016 letter of review have been received and are now complete.

Ms. Hirsch stated the remaining waivers pertain to outside agencies:

Wetlands LOI – application is in the process and has been submitted. Stating, they have a Wetlands consultant available to testify. Anticipate having the LOI by the time the application is through the Board.

Delaware Raritan Canal Commission and the Hunterdon County Health Department, stating they decided to see if the Board is satisfied with the plans and willing to grant a conditional variance prior to applying to these agencies.

Mr. Decker stated he is satisfied and has no problem with the waivers they are requesting for completeness purposes. Adding that the other outside agency waiver required is from DOT.

Motion for completeness was made by Ashton with a second by Koveloski. Roll call: Cronce-aye, Fitting-aye, Romano-aye, Hall-aye, Ashton-aye, Koveloski-aye, Fulper-aye

Attorney Palilonis asked if the additional variances were reflected on the application. Secretary Hall suggested an amended application form to reflect the additional variances be submitted. (7:46 PM)

Completeness Determination/Public Hearing: Frank Minervini – Block 8 Lot 29.03 – 27 Mill Road – Height – 2nd floor/detached garage (7:48 PM)

Application, checklist, plan Proposed Second Floor Above Otherwise Conforming Garage comprised of five sheets prepared by Minervini Vandermark Architects dated February 29, 2016, were received and distributed.

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Notices of service and publication were reviewed by Attorney Palilonis and found to be in order.

The following witnesses present on behalf of the applicant were sworn in by Attorney Palilonis:

Frank Minervini, Property owner – Hoboken, NJ

Mr. Minervini offered an overview of the application, stating, he and his wife purchased 27 Mill Road in 2015, an empty lot, originally subdivided from 29 Mill Road in 2003. They are here to request a height variance for a second floor above a detached garage. Intentions for the second floor is for a home office, for both homeowners. Stating he is an architect, a principal in an architectural firm in Hoboken. His wife Melisa is a scientific researcher, working in Manhattan. The goal is to work from home in a home-based position. The proposed office space would be used solely for this purpose.

Referencing the West Amwell zoning ordinance and stating that if the garage were to be moved and attached to the main house, or to connect the garage to the main house, a variance would not be required. The proposed is permitted in terms of lot coverage, and height; in terms of the overall height of the building. Stating they are here to ask for a variance, stating, it is a better planning solution by separating the two structures by approx. 35 to 40 feet, and opening, as an architect, having less of an impact on the site relative to having one big larger house. Mr. Minervini stated it's not a very large space, approx. 600+-sq.ft. The height difference is about 8.5 ft. Permitted height for a garage is 15ft, proposed height is 23ft 6in.

Entered as *Exhibit M-1, Proposed Second Floor Above Otherwise Conforming Garage comprised of five sheets prepared by Minervini Vandermark Architects dated February 29, 2016.*

Mr. Minervini stated the site is 2.4 acres, the driveway and the foundation for both have been constructed and indicating on *Exhibit M-1* where the garage would be connected to the house should the variance not be approved. Stating the garage is 1200 sq.ft., the maximum allowed by ordinance, with 3 car bays, also the max allowed by ordinance. The second floor shows the proposed floor plan of the proposed studio/office. Stairs were brought into the garage, opposed to being outside and easily accessed by anyone, eliminating the concern for the use as an apartment,

Referring to *Exhibit M-1, sheet Z3,-schematic renderings* – shows relative massive comparison between what is permitted and what is requested. Also shows schematic renderings of what the garage would be like in context to the house. A gabion wall will connect the garage to the house and continue to the back of the house. A covered walkway is proposed as a physical connection between the house and garage. Proposing to keep the walkway space open, if denied, they will enclose it and meet the ordinance as written.

The foundation has been constructed and construction permits are being reviewed. Attorney Palilonis informed the applicant that any approval would be conditioned upon the completion of the house, stating that accessory structures are not permitted without a principal structure.

Mr. Minervini added that the house is completely conforming, in terms of lot coverage and in terms of setbacks, adding that there is an additional 50% of lot coverage allowed on the lot. Offering that the house is set back as far as possible, locating the driveway in a natural open area; removing only three trees. At the top of the driveway is a big open field acting as a buffer for neighbors at 29 Mill Rd.

Stating that rather than having one big house, separating the garage from the house was a nice feature, adding that the house at 29 Mill Rd. has the same feature. Opining that it has no impact in terms of height.

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Adding that the house has been approved at the construction office at approx. 28 ft. in height.

Mr., Minervini added that the positive criteria would be that it allows for a less massive structure by separating these two particular uses. There is no negative impact on any adjacent properties. The negative would be more if they were physically connected.

Mr. Minervini stated the structure sits off the road approx. 339 ft. and cannot be seen from the road. Mr. Minervini testified that no clients will be seen at the proposed office. A bathroom and small kitchenette are proposed in the office.

Chairman Fulper opened the floor for comments from the public (8:09 PM)

Resident 29 Mill Road - Stated they just received the notice upon return from England, plans look nice. Offered concerns for their privacy with the structure looking down on their property.

Mr. Minervini offered that the location is as far back as possible, with consideration for neighbor's privacy.

Resident 29 Mill Road – Questioned the window placement, and whether any would look down onto their property.

Mr. Minervini stated there is a small bay window that extends 1 ½ feet and three small windows 12 inches wide by 4 feet high.

Mr. Minervini stated, in summary they are asking for height variance of 8ft. 6in, whereas 15 ft is allowed to the peak of the garage roof, requesting 23 ft. 6 in. This will be a home office, not a home occupation, no clients will visit the office.

Mr. Minervini offered that if the garage and house were connected, the entire structure could be 35ft. in height, instead they have compressed it, squeezed it together and pushed it off into a corner where it will have the least amount of impact. The connector is being referred to as a covered walkway.

Planner Kyle stated, since this is a stand-alone garage, it should be a bulk variance. Stating that Mr. Minervini testified the visual element improved by separating the structures. Suggesting whatever trees are on the property to the west, should remain. Mr. Minervini agreed not to remove the trees. Mr. Kyle stated a C-2 variance is required, instead of a D variance, opining the benefits out way the detriments.

Motion was made by Ashton with a second by Cronce to grant relief of 8ft. 6in. on height, conditioned that it would not be a home occupation and the tree buffer at 29 Mill Road would not be removed. Subject to all other necessary approvals for building. Roll call: Cronce-aye, Fitting-aye, Romano-aye, Hall-aye, Ashton-aye, Koveloski-aye, Fulper-aye (8:23 PM)

Cronce stated that this has been a very well presented application and consideration given to the neighbors was appreciated.

Attorney Palilonis advised the resolution would be adopted at the next meeting. Notice would be published in the newspaper, objectors have 45 days to appeal.

Completeness/Public Hearing: Garden Solar LLC – Block 18 Lot 1 - 624 Brunswick Pike
(D-2) Use variance

Attorney Palilonis advised that a new judge has been assigned to the case.

The applicant requested, by email, to be adjourned to the June 2016 regular meeting date.

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Chairman Fulper opened the floor for comments from the public, hearing none the floor was closed to the public. (8:41PM)

CORRESPONDENCE:

The following items were received and distributed as correspondence:

Zoning denial: Blk 19 Lot 3- 239 Rock Road West.- Asplundh - farm pond

Clerk Olsen re: News article regarding fire at **Brookmill Farm**, highlighted discrepancy between report and statement from April 22, 2014 owner testimony in minutes.

Hunterdon County Community Day, June 4, 2016 flyer

Clerk Olsen re: **Financial disclosure reminder**

D&R Canal Commission Staff Report re: **Blk 19 Lot 1.09 8A Corsalo Road**

January/February Planner

Approval of Bill List 4/26/16:

Motion was made by Cronce with a second by Fitting for the approval of the Bill List contingent upon certification of funds. Motion carried on voice vote - all ayes.

DISCUSSION:

Resolution 2016-07 – 2015 ZBA Annual Report – Resolution/Annual Report of 2015 containing cases heard by the Board for 2015, was presented by Secretary Hall. The ZBA is required to file the report annually with the Township Committee and Planning Board. Motion was made by Cronce with a second by Ashton to approve the resolution as presented. Motion carried on voice vote - all ayes.

Secretary Hall noted that she added memorialized dates to the annual report as requested by the Planning Board

OPEN TO PUBLIC:

The floor was opened to the public. Hearing no comments/questions, the floor was closed. (8:51PM)

ADJOURNMENT:

All members voted in favor of adjournment at 8:51 PM

Respectfully submitted,

Ruth J. Hall