

WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
August 25, 2015

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:36PM 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 27, 2015. 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: NONE

ATTENDANCE/ROLL CALL:

Roll call on attendance: John Cronce-present, Ruth Hall-present, Kevin Koveloski-present, Frank Sabatino (Alt.#1)-present, Robert Fulper-present

Absent: Brian Fitting, Joe Romano, John Ashton

Professionals Present: Stewart Palilonis, Board Attorney

PRESENTATION OF MINUTES:

Meeting Minutes – August 25, 2015 - Motion was made by Hall with a second by Fulper to accept the minutes with minor corrections as discussed. Roll call: Cronce-aye, Hall-aye, Koveloski-abstain, Sabatino(Alt.#1)-abstain, Fulper-aye

RESOLUTION(S) OF APPROVAL: None

(Chairman Fulper related that there would be a change in the agenda order of business due to technical difficulties with the recording equipment)

CORRESPONDENCE: NONE

Approval of Bill List 8/25/15:

Motion was made by Koveloski with a second by Sabatino (Alt.#1) for the approval of the Bill List contingent upon certification of funds. Motion carried on voice vote - all ayes.

DISCUSSION:

As follow up to the request made by **Mr. Mostofizadeh's** attorney, Secretary Hall advised Mr. Winget that he is welcome to view the Mostofizadeh file for additional information.

Page 2

(Chairman Fulper related that there would be a brief recess at this time due to technical difficulties with the recording equipment – Meeting recessed 7:47 PM – 8:27PM)

Chairman Fulper called the meeting back to order, moving to the application for Bergenfeld, Block 21, Lot 32.03, stating that members Koveloski and Sabatino have listened to the July meeting recording, qualifying them to vote on this evenings hearing, for a total of five voting members.

The applicant agreed to proceed with five voting members.

APPLICATION(S):

Continued Completeness/Public Hearing: Bergenfeld - Block 21 Lot 32.03 370 Rock Road East – accessory dwelling (8:27 PM)

Existing Site Plan, Domestic Farm Dwelling, comprised of four sheets prepared by Michael Burns Architects dated July 10, 2015, revised August 7, 2015 were received and distributed.

Application, checklist, *Existing Site Plan* comprised of four sheets prepared by Michael Burns Architects dated July 10, 2015, were received and previously distributed.

Mr. Burns, architect for the applicant, stated they re-noticed, revising the application based on recommendation from the Board to revise the application to request an accessory structure for a domestic and farm dwelling, and that is what the notice was for.

Chairman Fulper stated, the record should be clear, the Board did not ask you to do that, we said that you need to rethink about how you want to come to us. You are coming to us with whatever you are presenting, the record should be clear on that, you decided that this is where you are going. Mr. Burns responded “that is correct”.

Mr. Burns stated the application is revised to request approval of an accessory structure for domestic and farm work. Chairman Fulper questioned whether they had a Notice of Denial from the zoning officer. Mr. Burns provided a copy. The Zoning Denial is dated July 8, 2015. Mr. Burns stated they did not submit a revised application to the Board but did provide revised drawings.

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

Entered as ***Exhibit B-2, Existing Site Plan-Domestic Farm Dwelling***, comprised of four sheets prepared by Michael Burns Architects dated July 10, 2015, revised August 7, 2015

Mr. Burns stated the revised proposed structure is now detached from the existing two-story single family residence, the size has been reduced to a 2500 s.f.one-story structure, this includes 1900 s.f residential structure and 600 s.f. garage.

Mr. Burns added that by relocating the proposed structure they were able to eliminate the side yard variance request, it is now within the setback. Additionally, adding just a small extension to the existing gravel area that will allow for access into the garage, we were able to reduce the proposed impervious coverage. The existing lot coverage is 16%, the proposed was an increase to 19.2% and the allowable is 10%. The current proposed is 16.9%, reducing the proposed impervious coverage tremendously.

Mr. Burns stated the ordinance allows for one farm/domestic unit per ten acres, stating the lot is currently a sub-standard lot at 6.225 acres, which triggers a request for a use variance. In addition, the minimum front yard setback is an existing condition by virtue of the existing house sitting completely in the front yard setback. Adding that there are provisions in the ordinance to reduce the front yard setback if it is an

Page 3

existing lot prior to the zoning ordinance. Stating that even with that reduction there is still an issue with the front yard setback, which is an existing condition. Adding that the rear yard setback is the same thing, the existing pole barn violates the rear yard setback, and then the maximum lot coverage.

Mr. Burns stated, all of those are existing non-conformities that are not being affected by the application whatsoever, with the exception of the maximum lot coverage, which now is proposed to increase from 16% to 16.9%.

Attorney Palilonis stated, it is your position that this lot should be viewed in conjunction with Mr. Bergenfeld's big farm lot, Mr. Burns agreed in response. Stating the big farm lot is 56 acres, totaling 62+ acres. Allowing for six units under the ordinance.

Mr. Bergenfeld stated that one of the units on lot 32.03 is a thirty year deed restricted COAH unit and currently occupied by farm help.

Chairman Fulper clarified that lot 32.03 is a separate lot. Mr. Burns stated lot 32.03 already has a number of structures on it and represents itself as a farmstead, and in fact operates as a farmstead because there is an organic farm on it. The idea of clustering all the structures on that property makes sense. Additionally, because we are in the SRPD, the ordinance suggests that we should be mindful of the fact that it's an environmentally sensitive area. The adjoining property does have some environmentally sensitive areas on it, whereas this property has none.

Chairman Fulper questioned if the variance request was for an accessory dwelling, specifically used for farm/domestic help, Mr. Bergenfeld replied yes. Asking if the mother/daughter situation was no longer necessary, Mr. Bergenfeld stated that his mother would be his domestic help.

Chairman Fulper stated there was no deed restriction for a farm/domestic help structure, under the ordinance the use is allowed. Should the zoning officer determine it was being used for something else; that would be a problem. In the event the domestic help was to move, the structure could not be rented, but farm help could be moved in.

Mr. Burns stated by granting the variance requests it will advance the purposes of the MLUL by providing a variety and choice of housing as indicated in item G of the MLUL, also while allowing for the farmstead to provide worker housing. Granting of the variance will also advance the purpose of the SRPD zone and the land use element of the Master Plan by protecting an environmentally sensitive area, the adjoining property does have environmentally sensitive areas, where this property already has a number of structures on it and there are no environmentally sensitive areas. Mr. Burns opined that the variance can be granted without substantial impairment of the zone plan since this is essentially a permitted use, demonstrating that it advances the MLUL, the zoning ordinance, and the land use element of the Master Plan.

Mr. Burns opined that there is no detriment to the public good. There would be no off-site impacts, re-stating that the application advances the MLUL, the zoning ordinance, and the land use element of the Master Plan.

Member Cronce requested explanation of the "triangle" on lot 32.02 referring to **Exhibit B-2**, Mr. Bergenfeld replied that it was the buildable area of that lot. Mr. Burns provided that the property was sub-divided in 2002, when the zone was different. Since the sub-division, the zone was changed, increased the minimum lot area and as a result of that it made two of the lots sub-standard. The triangle referred to is the buildable area as a result of the new zoning.

Member Cronce questioned what the proposed structure style would be, Mr. Bergenfeld stated that his mother preferred one level, two bedroom, two bath. The exterior would resemble the existing farm house.

Page 4

Adding that the COAH unit has a separate septic and will remain, a new septic will be built to service the current farm house and proposed farm/domestic dwelling. The existing well will serve all three units if deemed to be adequate, otherwise a new well will be added.

Chairman Fulper opened the floor to the public for comments/questions of the applicant. Hearing no questions, the floor was closed to the public (8:55 PM).

Motion was made by Cronic with a second by Koveloski to approve the application as presented for an accessory dwelling to be used as a farm/domestic help residence. Roll call: Cronic-aye, Hall-aye, Koveloski-aye, Sabatino (Alt.#1)-aye, Fulper-aye. Motion carried. Resolution of approval to be prepared for the next meeting. (8:57 PM)

DISCUSSION con't:

Attorney Palilonis provided an update on the remand of the **Garden Solar** application back to the Board.

OPEN TO PUBLIC:

The floor was opened to the public. Hearing no comments/questions, the floor was closed. (9:07 PM)

ADJOURNMENT:

All members voted in favor of adjournment at 9:07 PM

Respectfully submitted,

Ruth J. Hall