

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REORG/BUSINESS MEETING
March 22, 2016**

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:38PM 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:

Frank Sabatino - (*alt.#1*) (2 yr. term through 12/31/17) absent, carried to next meeting

ATTENDANCE/ROLL CALL:

Roll call on attendance: John Cronce-present, Brian Fitting-present, Ruth Hall-present, Kevin Koveloski-present, Robert Fulper-present

Absent: Joe Romano, John Ashton, Frank Sabatino (*alt.#1*), Ken Turi (*alt.#2*)

Professionals Present: Stewart Palilonis, Board Attorney

PRESENTATION OF MINUTES:

Reorganization Meeting Minutes - January 26, 2016 - Motion was made by Cronic with a second by Koveloski to accept the minutes as presented. Roll call: Cronic-abstain, Fitting-aye, Hall-aye, Koveloski-aye, Fulper-aye

RESOLUTION(S) OF APPROVAL: None

APPLICATION(S):

Completeness/Public Hearing: Garden Solar LLC – Block 18 Lot 1 - 624 Brunswick Pike
(D-2) Use variance (7:43 PM)

The applicant was not present for the limited remand hearing. Secretary Hall was advised by Walter Wilson on February 28, 2016 “we will notice and be ready”. Attorney Palilonis will contact the presiding judge to obtain direction on how to proceed.

Chairman Fulper opened the floor for comments from the public (7:46 PM)

Alfonsina Comune, 122 Rock Road West – Resident – appeared, without counsel, and requested that the application for the remand hearing be dismissed, with or without prejudice, on the advice of

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their counsel. The Board chose, with advice of the Board counsel, to take no action at this time, pending further orders from the court.

Ms. Comune stated they have a court order dated August 13, 2015 which states the proceedings have to be before the Board and completed by March 31, 2016.

Chairman Fulper added that since the 31st isn't here yet, we can't take action. Attorney Palilonis added that it is up to the judge to determine if the applicant is allowed to return.

Attorney Palilonis recommended that if the applicant contacts us to come back in April, we request a letter from the judge stating they are to come back.

Tony Sabaducci – 122 Rock Road West- Resident – Stated that Garden Solar would not be able to comply with the March 31st court order, due to the 10-day notice requirement, suggesting the Board dismiss with prejudice.

Jennifer Andreoli –16 Hunter Road – Ms. Andreoli requested clarification on why the Board would not dismiss with prejudice, asking if it is the March 31st deadline date or perceived as stepping on the toes of the court. Attorney Palilonis responded as not seeing a distinction between the two. Ms. Andreoli offered her dis-satisfaction with Garden Solar not attending this meeting. Ms. Andreoli requested the Board dismiss the application with prejudice.

Attorney Palilonis added that the Board has 120 days to act on an application. Adding that we cannot dismiss with prejudice, it is under court jurisdiction. Ms. Andreoli asked what the Board does under normal circumstances if an applicant doesn't appear. Chairman Fulper stated that we dismiss without prejudice after the 120 days.

Pamela Bland, Rock Road West – adjoining property owner to the proposed project. Ms. Bland agreed with the other residents stating that they didn't meet the deadline or follow the rules, they're done.

Hearing no other questions, the floor was closed to the public (8:14 PM)

Attorney Palilonis will consult with the judge for direction on how to proceed.

CORRESPONDENCE:

The following items were received and distributed as correspondence:

Clerk Olsen re: **Ordinance 02, 2016**, Checklist No 1. Land Development Application, adopted 2/17/16

Zoning denial: Blk 32 Lot 19 - 30 Barry Rd.- existing 2nd floor apartment above garage

Zoning denial: Blk 19 Lot 109 - 8A Corsalo Rd. - sfd - stream corridor requirement

Zoning denial: Blk 13 Lot 28 -1200 Route 179 - commercial kitchen in garage

Zoning denial: Blk 8 Lot 29.03 - 27 Mill Rd. - 2nd floor above proposed detached garage - height

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CORRESPONDENCE con't:

Zoning denial: Blk 21 Lot 49 - 1753 Linvale Harbourn Rd. - Private exhibition hall

November/December Planner

Secretary Hall distributed **April meeting packets** containing applications for 1872 River Road, Blk 26 Lot 17 and 27 Mill Road, Blk 8 Lot 29.03

Approval of Bill List 3/22/16:

Secretary Hall advised of a revision to the Bill List, increasing the total to \$337.29. Motion was made by Cronic 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:

Secretary Hall advised the board that **Frank Sabatino** is **due for training**, available NJPO spring dates/locations have been sent to Frank.

Secretary Hall is due to be re-certified this year and has obtained the required 15 CEU's.

OPEN TO PUBLIC:

The floor was opened to the public. Hearing no comments/questions, the floor was closed. (8:34PM)

ADJOURNMENT:

All members voted in favor of adjournment at 8:34 PM

Respectfully submitted,

Ruth J. Hall