

WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
October 25, 2016

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:41 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 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:

None

ATTENDANCE/ROLL CALL:

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

Absent: John Ashton, Kevin Koveloski, George Fisher (*alt.#2*)

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

PRESENTATION OF MINUTES:

Meeting Minutes -
August 23, 2016 – carried
September 27, 2016 – carried

RESOLUTION(S) OF APPROVAL:

1872 River Road, LLC (The Generals Retreat) – Block 26 Lot 17 - Use and Bulk Variance Application/Site Plan Application (7:40 PM)

Motion was made by Romano with a second by Cronce to accept the resolution as presented. Roll call: Cronce-aye, Romano-aye, Hall-aye, Sabatino (*alt. #1*)-aye, Fulper-aye

Chairman Fulper related that there would be a change in the order of agenda, stating that Vernor/Lubchansky application would be the first hearing of the evening.

APPLICATION(S):

Completeness Determination/Public Hearing: Vernor/Lubchansky (A-Z Venue Management, LLC) – Block 11 Lot 28 – 16 Mill Road – Conditional Use variance **Carried**

Page 2

Chairman Fulper stated that last month we were in cross examinations with Mr. Lubchansky. Mr. Palilonis asked who was present on behalf of the township. Christopher Trofimov, Lanza & Lanza, LLP special council for the town and Mayor Zach Rich, stated there was no need for additional cross examination of Mr. Lubchansky at this time.

Chairman Fulper reminded the public we had some testimony by Mr. Lubchansky and we were doing some cross examination of that testimony, asking if the public had any questions of that testimony at this time.

Arnold Lakind, attorney for the applicant confirmed there were only six Board members in attendance, stating the number of votes needed could create a problem and requested a few moments with the applicant

Mr. Lakind stated they appreciate being moved up on the agenda but because they need a super majority they ask the matter be adjourned, they would not want to move forward with only six members.

Attorney Palilonis confirmed the completeness date being the September meeting and having enough time to be heard if adjourned. Mr. Palilonis reminded Mr. Lakind they have a stenographer, and a verbatim recording is being made. However it is the applicant's choice. Mr. Lakind reminded they need 5 votes to prevail, to get five out of six is harder than five out of seven. Mr. Palilonis stated it would not be necessary make a decision tonight, rather just to hear testimony.

Applicant's attorney stated they would rather have a full board, stating they would grant an extension if necessary.

Chairman Fulper stated he would call one of the absent members that expected to be here.

Chairman Fulper related that there would be a brief recess at this time – Meeting recessed (7:48 PM – 7:54PM)

Chairman Fulper related the member is unavailable. Asking if the applicant is available for a special meeting, the applicant indicated they would be out of the country for two weeks, leaving on Friday.

Attorney Morgan spoke for the residents of Hills of Hunterdon, and suggested a definitive meeting date be set. Stating the residents have waited long enough.

A poll of members; including those absent, board professionals, and applicant, rendered an agreed upon special meeting for Monday, November 28, 2016.

Chairman Fulper notified the public that the A-Z Venue Management (Brookmill Farm) application will be carried to a special meeting on Monday, November 28, 2016 at 7:30 P.M. No additional notice will be made. (8:15 P.M.)

Chairman Fulper related that there would be a brief recess at this time – Meeting recessed (8:15 PM – 8:26 PM)

Completeness Determination/Public Hearing: – Paul King – Block 32 Lot 19 -30 Barry Road – Accessory Apartment (Carried)

Chairman Fulper notified the public that the King application is being carried to the next meeting with no additional notice necessary. (8:26 P.M.)

Page 3

Completeness Determination/Public Hearing: – Joseph & Denise D’Agostino Block 8 Lot 52.0 1410 Hwy 179 – Conditional Use variance (Carried)

Chairman Fulper notified the public that the D’Agostino application is being carried to the next meeting with no additional notice necessary. (8:26 P.M.)

Public Hearing: – Barnyard Ventures Block 14 Lot 20 – 530 Route 31 Ringoes – Expansion of a Nonconforming Use (Carried)

Chairman Fulper notified the public that the D’Agostino application is being carried to the next meeting with no additional notice necessary (8:27 P.M.)

Brian Keller, 527 Route 31, East Amwell, stated he had something to say about this application. Chairman Fulper stated he would need to come back next month.

CORRESPONDENCE:

The following items were received and distributed as correspondence:

Letter from Attorney Chou re: request to be on agenda for Vernor Blk 11 Lot 28 with request for a one-year extension of C variance granted in 2014. The Board granted a one-year extension in November 2015. Discussion ensued regarding whether a CO was obtained for the property. Construction Official Rose indicated all permits were closed with CO’s being issued pertaining to the items listed in the 2014 variance application. Extension of the variance approval is required to satisfy DEP application. Mr. Rose stated they have contacted DEP, being told an application is on file, with no follow through.

Engineer Decker stated the township is required to receive a copy of the application with enclosures, when submitted to DEP. This would have gone to the township clerk.

Received from Clerk Olsen **Ord 13, 2016 schedule 3**

Letter from Attorney Morgan re: Blk 11 Lot 29 (incorrect lot listed on letter, correct lot is 28) 16 Mill Road – advising of having been retained by Hills of Hunterdon Residents.

Planner Kyle updated the members on the D’Agostino survey, stating it is a 10-year old survey. The main concern is that it reflects the drainage and conservation easement and to see the relationship between the existing improvements and where that easement is. Stating that if that information isn’t on there, perhaps a new survey should be prepared. There is a shed currently is the drainage easement that the owner is willing to remove.

Board discussion decided our professionals should review the **Barnyard Ventures applications**, it is a commercial application.

Violation Notice from Zoning Office Rose for Chang, Block 30 Lot 16, 30 Woodens Lane, animal boarding.

Violation Notice, Chimney Hill Bed and Breakfast, Block 28 Lot 1.07, 207 Goat Hill, Cease and Desist

Page 4

Approval of Bill List 10/25/16:

A motion by Cronic seconded by Fitting to approve the vouchers for payment as listed on the 10/25/16 bill list was unanimously approved by voice vote – all ayes.

DISCUSSION:

It was suggested Mr. Rose attend the regular meetings.

OPEN TO PUBLIC:

The floor was opened to the public. Hearing no comments/questions, the floor was closed. (8:53 P.M.)

ADJOURNMENT:

All members voted in favor of adjournment at 8:53 P.M.

Respectfully submitted,

Ruth J. Hall