

**WEST AMWELL TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING**

**7:30pm**

**May 22, 2018**

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:30 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 1, 2018. 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.

**ATTENDANCE/ROLL CALL:**

Roll call on attendance: John Cronce-present, George Fisher - present, Brian Fitting -present, Robert Fulper-present, John Ashton-present, Marvin Hartpence (alt. #1) - present, Michael Rassweiler (alt. #2)-present

Absent: Joe Romano and Frank Sabatino were absent.

Professionals Present: Stewart Palilonis, Board Attorney

**PRESENTATION OF MINUTES:**

**Regular Meeting Minutes April 24, 2018-** Mr. Ashton made a motion, seconded by Mr. Hartpence to approve the April 24, 2018 regular meeting minutes with one change as follows:

Page 3, paragraph 3- Change “driveway” to “parking lot”.

Roll call vote: Cronce-aye, Fitting – abstain, Ashton-aye, Fisher –abstain, Hartpence-aye, Rassweiler-aye, Fulper-aye

**RESOLUTION(S) OF APPROVAL:**

1. **Resolution 2018-10 Columbia Fire House, No. 4 – Block 39 Lot 4.01** – D Variance and Site Plan

The following changes were made to the draft resolution:

Page 1, section b, line 4: Change “west” to “east”.

Page 2, line 2: Add “to the garage doors” after driveways.

Page 2, line 6: Change “offsite” to “onsite”.

Mr. Ashton made a motion to approve Resolution 2018-10. Mr. Cronce seconded the motion.

Roll call vote: Cronce-aye, Ashton-aye, Hartpence-aye, Rassweiler-aye, Fulper-aye

**APPLICATION(S):**

1. Completeness: MaryAnn Kollmer – Blcok 20 L 14 – C Variance –(7:47pm)

The following were provided to the Board members, Attorney, and Engineer previous to the meeting:

Completed Application Form

Letter dated October 17, 2017 from West Amwell Township Zoning Official Christopher Rose determining that the proposed residence does not comply with the side or front setback requirements and requires a variance.

Zoning Permit Application dated May 6, 2018.

Four color photos of existing dwelling.

Plan titled “Survey of Land for Mary Ann Kollmer” dated May 7, 2018 prepared by Bohren & Bohren Associates, Inc.

Completeness & Engineering Review dated May 17, 2018 by Board Engineer Tom Decker

Attorney Palilonis swore in MaryAnn Kollmer. He affirmed that the notices were in order. Completeness will be determined tonight and the public hearing will be at the June meeting. No further noticing is necessary.

Ms. Kollmer mentioned the age of the house and that the Engineer letter mentioned the grandfather clause.

Chairman Fulper asked if the home was a multifamily home. Ms. Kollmer said in 1959 an addition was put on. The tax bill said “2SF” which she assumed meant “two single family”. She explained the layout of the home, there is only a separation on the first floor. Attorney Palilonis said it is not two separate units. Ms. Kollmer said there are pocket doors on the first floor and the upstairs is open. Attorney Palilonis said it cannot be rented out to a third party. Attorney Palilonis commented that it doesn’t sound like it is two separate units and will verify this before the next meeting.

In response to a question from a Board Member Chairman Fulper said they are identifying the use that has been in place.

Zoning Officer Baldino said the schedule of uses was changed in 2017 and “mother daughter” is no longer allowed, accessory dwellings must be self-contained. He read the definition of accessory dwellings into record and stated that it can’t be done unless it is self-contained.

Attorney Palilonis said he will consult with the Planner to determine the meaning of the amendment.

Chairman Fulper commented on a preexisting use that was in place. He said clarification will be needed for when the owner wants to sell it. He asked that the applicant provide drawings of the existing floor plan, along with the proposed addition, ten days before next month’s meeting.

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Mr. Fitting made a motion to deem the application complete based upon updated floor plans. Mr. Fisher seconded the motion.

Roll call vote: Cronce-aye, Fitting – aye, Ashton-aye, Fisher –aye, Hartpence-aye, Rassweiler-aye, Fulper-aye

2. **Ronald R. Tillet Jr. – Block 27 Lot 2 & 3** – Appeal of 5/1/18 Violation Notice (8:08pm)

On May 14, 2018 Mr. Tillet submitted an application for an appeal of a violation notice dated May 1, 2018, this application was provided to the Board members and Attorney previous to the meeting.

Attorney Palilonis swore in Ronald Tillet, Jr. who stated his address at 80 Jackson St., and Lonnie Baldino, West Amwell Township Zoning Officer.

Zoning Officer Baldino testified that it was brought to his office's attention that conditions were not being met from a resolution from April 2003. He visited the property. Mr. Tillet removed the plumbing materials in the yard and a shed that was close to the property line. Zoning Officer Baldino verified with Mr. Tillet that in the new structure twenty percent of the floor area was dedicated to the plumbing supplies. On a subsequent site visit it was observed that Mr. Tillet did comply with everything except that he did not remove the doors from the existing two car garage near the house so the garage could not be used as such. Mr. Tillet would like the doors to remain. Zoning Officer Baldino referred to testimony from 2003 where it stated that a current one door garage is used as a woodshop but it is inadequate for storage of all of Mr. Tillet's personal property. The applicant agreed to remove the doors so it will no longer be usable as a garage. The garage door is what Mr. Tillet was cited on. Zoning Baldino clarified that there are two doors on the garage. Mr. Tillet is appealing removing the two garage doors.

Attorney Palilonis asked Mr. Tillet if he is disputing these facts. Mr. Tillet said he is. He referred to the resolution saying it states it was discussed using the terminology "garage" and "shed" and it clearly states that he cannot use the single car garage for his shop. He said the Board is calling this garage a shed but it had a garage door on it. He referred to the original drawing he submitted with the application for the variance which showed an overhead garage door on the back of the building. The Board had requested he not put this in, he complied when he got his building permit. The single car garage was supposed to come down but didn't until recently. Mr. Tillet said he complied by taking the single garage door off and putting up a man door after the Zoning Officer's original trip to his property. He explained that when the Zoning Officer came the second time, to check with compliance, he said the shed needs to be taken down and the garage doors need to be taken off. Mr. Tillet said he would take the shed down but was not taking off the garage doors. He believes there are misinterpretations. He said the drawings were what was approved less the garage door. He said that nowhere in that communication was he going to close in a perfectly good two car garage next to his home to park vehicles in as then he could not use it for anything. He said in one part of the resolution it is called a one car garage and it is called a shed in another part.

Zoning Officer Baldino read from the resolution that the shed in the southeast corner would be removed. He mistook the shed for the garage when he visited the property for the first time. It was brought to his attention that the shed was not the woodshop and there was an additional garage on the property.

It was noted that the Resolution states removing the doors would make the garage useless.

Mr. Tillet said the Resolution was taken out of context from the meeting as the single car garage is referred to as a shed. He said the property had a two car garage and a single car garage, he was requesting to put in an accessory building with four garage doors in it. He reported that the Board felt that was too many garage doors on one property and they asked to have two doors removed. Mr. Tillet said if the

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garage was taken down there would be one less door and he offered to not put a garage door on the shed. He reported that the Board felt this was adequate at the time.

Mr. Cronic confirmed with Mr. Tillet that the small shed by the septic system was removed. There was discussion on whether or not this was a shed or garage. Mr. Tillet said on paper it was a shed but it was discussed as a single car garage.

The two car garage is referred to as a one car garage in the resolution. It is currently used as a woodshop. Mr. Tillet said the new structure he previously applied for was to be for the woodshop and the cars would go in the two car garage.

Attorney Palilonis confirmed with Mr. Tillet that the one car garage referred to in paragraph B of the resolution does not refer to what is characterized on the plat as the existing masonry garage/woodshop. Mr. Tillet affirmed that this is correct and that it is a two car garage which he was using as a shop. Attorney Palilonis read from the resolution which states there is a one car garage used as a woodshop, applicant agreed to remove the doors so it may no longer be usable as a garage. Mr. Tillet said that this is not what was said at the meeting.

Attorney Palilonis said there are two options: Mr. Tillet can comply with the resolution as written or make an application to have it revised.

Mr. Tillet asked to bring to attention the inconsistency that the Board acknowledged there is a single car garage and then it is called a shed. A discussion followed about whether or not there was an inconsistency. It was determined that the only way to make a change now is for Mr. Tillet to make an application to the Board. Further discussion ensued about the Board and applicant's intent with the original application.

Chairman Fulper said a new application and fees will need to be submitted. Mr. Tillet will also need to notice.

Mr. Tillet requested to withdraw his appeal application. Chairman Fulper said he will not be in violation if he is moving forward and addressing it.

### **CORRESPONDENCE**

There were no comments on any correspondence.

### **APPROVAL OF 5/22/18 BIL LIST**

The bill list was presented for approval. All were in favor by voice vote.

### **DISCUSSION:**

There were no items for discussion.

### **OPEN TO PUBLIC:**

There were no comments from any public.

### **ADJOURNMENT:**

A motion to adjourn was made by Mr. Ashton, seconded by Mr. Cronic. All members voted in favor of adjournment at 8:49PM.

Respectfully submitted,

Christine A. Rosikiewicz