

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
August 28, 2018 Minutes – 7:30 PM**

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order by Chairman Fulper.

The following statement of compliance with the Open Public Meetings Law as listed on the meeting agenda was read into the record by Chairman Fulper: This meeting is called pursuant to the provisions of the Open Public Meetings Act. 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

Present: John Ashton
John Cronce
George Fisher
Brian Fitting
Robert Fulper
Michael Rassweiler – Alt. #2
Attorney Stewart Palilonis

Excused: Joe Romano
Frank Sabatino
Marvin Hartpence – Alt. #1

Presentation of Minutes

A motion by Mr. Fisher, seconded by Mr. Cronce to approve the Board's 7/24/18 minutes as revised was approved by roll call vote with Mr. Ashton abstaining.

Roll Call Vote: Mr. Fisher: Yes, Mr. Cronce: Yes, Mr. Fitting: Yes, Mr. Rassweiler: Mr. Fulper: Yes

Resolutions

It was noted for the record that there were no resolutions listed on the agenda for approval.

Applications

Public Hearing: Michael Verga – 3 Rose Run – Block 11 Lot 5.29 – Request for Side Yard Setback Variance Approval for Installation of an In-ground Pool

It was noted for the record that this application was carried from the Board's 6/26/18 meeting. Present for the public hearing was property owner Michael Verga and his Pool Contractor Dwight Hudgins.

Attorney Palilonis swore in all parties. Mr. Hudgins identified himself as residing at 183 Hickory Corner Road in Milford, NJ 08848.

Zoning Board of Adjustment Minutes – 8/28/18

It was noted that the public hearing was carried in order to clarify the impervious coverage on the property and determine whether or not a variance will be needed. Mr. Hudgins noted that according to his calculations, the coverage will not exceed the maximum allowed impervious coverage of 15% and therefore no variance is being requested. He indicated they are only seeking approval for the side yard setback variance to be 15 ft. from the southeast property line where 35 ft. is required.

Chairman Fulper clarified that each of the outstanding documents outlined in Engineer Decker's review memo have been received.

A motion by Mr. Cronce, seconded by Mr. Ashton to deem the application complete was unanimously approved by roll call vote.

Roll Call Vote: Mr. Cronce: Yes, Mr. Ashton: Yes, Mr. Fisher: Yes, Mr. Fitting: Yes, Mr. Rassweiler: Yes, Mr. Fulper: Yes

It was noted the subject property is a 1.13 acre lot in the RR-5 Zone. The property owner is proposing to construct a 40' x 16' in-ground pool and associated patio area. The side yard setback variance is needed because of the location of the existing septic field and the grading of the lot.

The proposed pool is designed to be a long rectangle so it doesn't encroach any further into the sloping hill of the yard. It was noted the pool dimensions cannot change for safety reasons. If the width gets any narrower than 16 ft. it may encourage children to attempt jumping across it.

Mr. Hudgins presented the following exhibits:

Exhibit V-4: Depicting 15% impervious coverage calculations on the subject site

Exhibit V-5: Depicting 15.7% impervious coverage calculations on the subject site

Mr. Hudgins asked for clarification on the existing deck which includes a portion that is covered and a portion that is not. Attorney Palilonis read the definition of lot coverage in the Township Code which specifically notes, "roofed porches and decks" count toward impervious coverage. Mr. Hudgins then revised Exhibit V-5 to reflect an updated impervious calculation of 14.1% depicting a roofed portion of the deck to be removed and a 4 foot apron around the pool to be created. Mr. Verga commented he would like to be able to put some chairs around the pool and would rather have the apron than the roofed deck.

Mr. Verga further explained there will be a fence around the entire back yard and clarified the pool equipment will be at least 15 ft. from the side yard.

Chairman Fulper opened the floor to public comment. Seeing no members of the public come forward, he closed the floor.

A motion by Mr. Fitting, seconded by Mr. Fisher approving the requested side yard setback variance of 15 feet from the southeast property line was unanimously approved by roll call vote.

Roll Call Vote: Mr. Fitting: Yes, Mr. Fisher: Yes, Mr. Ashton: Yes, Mr. Cronce: Yes, Mr. Rassweiler: Yes, Mr. Fulper: Yes

Zoning Board of Adjustment Minutes – 8/28/18

Attorney Palilonis explained to Mr. Verga that the Board must approve the Resolution and there is a 45 day window from the date the memorialization of the resolution is published for anyone to appeal the Board's decision. He noted Mr. Verga would be proceeding at his own risk if he chooses not to wait out the 45 days before pulling permits.

Public Hearing: Carl Simonye -13 Hewitt Road – Block 28 Lot 16 – Request for Variance Approval to Construct a Pole Barn

It was noted for the record that this application was carried from the Board's 7/24/18 meeting. Present for the public hearing was property owner Carl Simonye. Attorney Palilonis swore him in.

It was noted the public hearing was carried so that Mr. Simonye could provide the Board and Engineer Decker with the requested architectural/elevation drawings of the proposed pole barn along with an amended site plan depicting which trees on the property will be removed. Mr. Simonye provided the requested documents which were marked as the following exhibits:

Exhibit: S-2: Drawings from PPB, Inc. depicting the proposed 30' x 40' pole barn

Exhibit: S-3: A copy of the property survey showing 3 trees to be removed

A motion by Mr. Fisher, seconded by Mr. Cronce to deem the application complete was unanimously approved by roll call vote.

Roll Call Vote: Mr. Fisher: Yes, Mr. Cronce: Yes, Mr. Ashton: Yes, Mr. Fitting: Yes, Mr. Rassweiler: Yes, Mr. Fulper: Yes

It was noted the subject property is a 3.14 acre lot in the SRPD Zone. The property currently has a 2 story dwelling, a detached garage, in-ground pool, pool house and 2 sheds. Mr. Simonye clarified the existing shed to the right of the stone driveway will be removed. The proposed pole barn will be located on the flat part of the lot which is also the furthest away from the road with access to the pole barn from the existing driveway to be slightly extended.

Mr. Simonye explained he is seeking variance approval to allow a 20 ft. pole barn height where 15 ft. is permitted along with a 45 ft. rear yard setback where 100 ft. is required. He noted he needs the extra height to provide adequate space for a lift so he can work on his motorcycle and equipment without issue.

There was some discussion on the reference to Ordinance Section 109-117D in Engineer Decker's review memo which states accessory buildings between 500 and 1200 sq. ft. must comply with the principal building setbacks. Additionally, Section 117E of this Ordinance regarding garages states, "...private garages shall have space for 2 motor vehicles for the first 10,000 sq. ft. of lot area, and thereafter one garage space for each additional 15,000 sq. ft. of lot area up to a maximum of four spaces..."

Mr. Simonye clarified the existing garage has 3 bays with 2 service doors. The new proposed pole barn will have 2 bays with 2 garage doors of different sizes with 1 pedestrian doorway. It was noted the pole barn will have electric with one outside light by the pedestrian doorway. There will not be any water or plumbing in the pole barn. Mr. Simonye also stated the pole barn will be tan in color.

Zoning Board of Adjustment Minutes – 8/28/18

Mr. Fitting asked what the definition in the code is for garages vs. accessory building. Mr. Cronce remarked that he believes the type of doors on the structure shouldn't designate what it is and noted the use of the building is what is relevant. Mr. Fitting also asked for additional clarification regarding Section 117D as it relates to the square footage of the accessory structure and believed a variance may be needed if the proposed pole barn is 1200 sq. ft. Attorney Palilonis clarified that he does not believe a variance is needed in this case. Mr. Simonye noted the proposed pole barn is an accessory structure that he intends to use as a workshop. He remarked he has a motorcycle, a pick-up truck, a backhoe and a storage trailer and said the pole barn will allow him to work on his equipment as needed and clean-up outside storage areas on the property, making the subject site more visibly appealing from the road.

The Board asked if the pole barn could be relocated to not require a rear yard setback variance. Mr. Simonye explained that in order to do so it would require in excess of 50 trees to be cut down and he didn't wish to do that when an already cleared area exists and can be accessed from the exiting driveway.

Chairman Fulper opened the floor to public comment. Seeing no members of the public come forward, he closed the floor.

A motion by Mr. Fisher, seconded by Mr. Cronce to approve the pole barn and grant the 20 ft. height variance along with the 45 ft. rear yard setback was unanimously approved with the conditions that the 1 shed be removed, no plumbing will be installed and there will only be one exterior light fixture by the pedestrian doorway. The motion was unanimously approved by roll call vote.

Roll Call Vote: Mr. Fisher: Yes, Mr. Cronce: Yes, Mr. Ashton: Yes, Mr. Fitting: Yes, Mr. Rassweiler: Yes, Mr. Fulper: Yes

Attorney Palilonis noted the same 45 day process he explained to Mr. Verga regarding publication of the resolution of approval and the right of anyone to appeal the Board's decision. Mr. Simonye commented he was present for the Verga application and is aware of the process.

New Business/Other

Appointment of Board Secretary: Maria Andrews – *for the remainder of 2018*

Chairman Fulper explained Ms. Andrews was filling in this evening as the Board's Deputy Secretary due to the recent resignation of the Board's former secretary. He noted Ms. Andrews has expressed an interest in perhaps continuing on as the Board's permanent secretary.

Ms. Andrews provided an overview of her 15 years experience serving in various municipalities as the Planning and Zoning Board Secretary including 11 years here as West Amwell's Planning Board Secretary. Mr. Cronce expressed support for Ms. Andrews' work experience and willingness to cover the Planning and Zoning Boards for the Township. Chairman Fulper commented on the benefits of having coverage on a full time basis as well as with continuity between boards.

A motion by Mr. Cronce, seconded by Mr. Fisher to appoint/promote Maria Andrews from Deputy Secretary to Zoning Board of Adjustment Secretary on a regular basis and not just for the remainder of the year was unanimously approved by roll call vote.

Roll Call Vote: Mr. Cronce: Yes, Mr. Fisher: Yes, Mr. Ashton: Yes, Mr. Fitting: Yes, Mr. Rassweiler: Yes, Mr. Fulper: Yes

Zoning Board of Adjustment Minutes – 8/28/18

Discussion/Appointment of Deputy BOA Secretary

Ms. Andrews suggested Linda Jacukowicz be appointed as the Board's Deputy Secretary. She noted Ms. Jacukowicz was appointed as the Planning Board's Deputy Secretary at their last meeting and has 16 years experience as the former Planning Board Administrator for Readington Township. Ms. Andrews noted Ms. Jacukowicz currently serves as West Amwell's Municipal Housing Liaison and would provide great coverage to the Zoning Board if ever called upon.

A motion by Mr. Cronic, seconded by Mr. Fisher to appoint Linda Jacukowicz as the Deputy Secretary for the Zoning Board of Adjustment was unanimously approved by roll call vote.

Roll Call Vote: Mr. Cronic: Yes, Mr. Fisher: Yes, Mr. Ashton: Yes, Mr. Fitting: Yes, Mr. Rassweiler: Yes, Mr. Fulper: Yes

Approval of the Bill List – 8/28/18

A motion by Mr. Cronic, seconded by Mr. Fisher to approve the voucher for payment as listed on the bill list was unanimously approved by voice vote.

Comments of the Board Members

Mr. Fisher asked about the status of the Mill Road litigation. Attorney Palilonis noted the matter is still proceeding through the Court.

Open to the Public

It was noted for the record that there were no members of the public present at the meeting at this time.

Adjournment

A motion by Mr. Ashton, seconded by Mr. Cronic to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 9:04 PM.

Maria Andrews, Zoning Board Secretary