

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
July 25, 2017**

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:32PM 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 9, 2017. 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: Brian Fitting-present, Joe Romano-present, John Ashton-present, Frank Sabatino (alt#1)-present, George Fisher (alt#2)-present, Robert Fulper-present

Absent: John Cronce, Ruth Hall, Kevin Koveloski

Professionals Present: Stewart Palilonis, Board Attorney

PRESENTATION OF MINUTES:

Regular Meeting Minutes – May 23, 2017 - Motion was made by Fisher (Alt#2) with a second by Romano to accept the minutes as presented. Roll call: Fitting-Abstain, Romano-aye, Ashton-abstain, Sabatino (alt#1)-abstain, Fisher (alt #2)-aye, Fulper-aye

RESOLUTION(S) OF APPROVAL: None

APPLICATION(S):

Public Hearing: – Mostofizadeh Block 21 Lot 12 –Route 31 – Request for Extension of Variance Approval - resolution 2010-14 (7:36 pm)

E-mail dated 6/19/17 from Mr. Russ Smith, PE Hopewell Valley Engineering, PC and a copy of resolution 2010-14 were e-mailed and distributed to the Board.

Russel Smith PE, Hopewell Valley Engineering, approached the Board on behalf of the applicant and provided an update on the project and the need for a six month extension. He had previously come to the Board in January. He explained that there were passing soil log tests which have been filed with the County and they are awaiting approval from the DOT. The applicant's attorney is working on the final deeds which need to be sent to DOT before final permits will be issued. They are close to having this done, anticipating one month more, and would like to extend the approval for six months.

Mr. Ashton made a motion to extend the variance approval for six months. Mr. Fisher (alt. #2) seconded the motion. Roll call: Brian Fitting-aye, Joe Romano- aye, John Ashton- aye, Frank Sabatino (alt#1) - aye, George Fisher (alt#2) - aye, Robert Fulper- aye.

Attorney Palilonis noted that this extension is retroactive as the applicant was on the Board's agenda for June but the June meeting was canceled due to lack of quorum. Attorney Palilonis stated that the extension will be for six months from tonight's meeting.

Public Hearing: – Briesch Block 13 Lot 51 — 244 Rocktown-Lambertville Rd. Application for Appeal of Zoning Denial– pole barn garage for vehicles (7:40 pm)

The following items were provided to the Board: application for appeal, zoning application dated 5/31/17, zoning denial dated 5/31/17, map of property, aerial photo of property, topographical map of property, emails from Vanessa Briesch dated 5/17/17 and 6/7/17

Vanessa Briesch and Jared Briesch, 244 Rocktown-Lambertville Rd., approached the Board and were sworn in by Attorney Palilonis.

Mrs. Briesch explained that they would like to build a detached garage on the side of their property. Although they believe they followed the ordinance their application was denied by the Zoning Officer. Mr. and Mrs. Briesch reported that the Zoning Officer said it was a "gray area" as the garage will be 900 square feet which would then classify the building as a primary dwelling. She relayed that the ordinance states "except for the storage of vehicles" the building needs to be under 500 square feet, therefore she believes the proposed garage should fall within that exception. Further details were provided about the property; the building will be 23 feet from the property line instead of 50 feet and there is an existing accessory building, the new building would be in line with it. Their application was denied by the Zoning Officer for the side setback. On a question from the Board the location for the new building cannot be moved as then it would be in the backyard.

Attorney Palilonis read from the ordinance and confirmed with Mrs. Briesch that the maximum building height will be 15 feet, the building will not be located in the front yard, and that it is within ten feet from the property line. Mrs. Briesch said it will be twenty-three feet from the property line. Attorney Palilonis read the ordinance further that an accessory building can exceed 500 square feet if used for the storage of vehicles. The proposed garage is 960 square feet. The property currently does not have a garage. There is an existing shed; the new building would be next to the shed but not attached.

The property owners are applying for farm assessment beginning August 1st.

The Zoning Officer denied the application due to the side yard setbacks. Attorney Palilonis went over the ordinance noting that the key provision is that accessory buildings should be permitted within 10 feet of the property line. A building used as a garage must meet the ten foot setback.

The Board further discussed the proposed building and setbacks with the applicants. Attorney Palilonis summarized that because the building will be used to store vehicles the ten foot setback is required.

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Mr. Ashton made a motion to grant the appeal that the ten foot side yard setbacks per 109-117C is the applicable setback for this proposed garage. Mr. Fisher seconded the motion. Roll call: Brian Fitting-aye, Joe Romano-aye, John Ashton- aye, Frank Sabitino-aye, George Fisher (alt. #2)-aye, Robert Fulper-aye.

Completeness/Public Hearing: – Huebner Block 32 Lot 19 — 30 Barry Road Application for D Variance – Accessory Dwelling (8:04pm)

Application, Zoning Permit Application (undated), Zoning Permit Denial and letter from Zoning Official (dated February 3, 2016), series of four black and white photographs of the site on an 8 ½ x 11 sheet (undated), Google aerial and street view color pictures (undated), plan of survey, prepared by Christopher A. Melick, PLS (dated March 31, 2016) were received and distributed.

Ms. Huebner and Mr. King, property owners, approached the Board.

Notices of service and publication were reviewed by Attorney Palilonis and were determined to not be in order due to the notices not being specific enough. Attorney Palilonis reviewed the newspaper notice which did not specify what requirement the requested relief was for. The letter also referred to an “appeal” rather than an “application for variance”. Attorney Palilonis advised the applicants to compose the notice with their planner. Attorney Palilonis offered to review the notice to insure it is correct before publication.

This application will be put on the agenda for the August meeting.

CORRESPONDENCE:

Letter from NJ DEP dated 5-11-17 re: Freshwater Wetland Letter of Interpretation Footprint of Disturbance – Withdrawal – Vernor B 11 L 28

The Board briefly discussed this letter; Attorney Palilonis will follow up on it.

Zoning Application Denials for B 38 L 18 and B 8 L 63

The Board briefly reviewed these zoning application denials.

Approval of Bill List 7/25/17:

Chairman Fulper presented the bill list with a total of \$695.55 for bills to be paid.

The Bill List was approved for payment via voice vote - all ayes.

DISCUSSION:

Continued Discussions-Off Track Cost Shares

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The Board Secretary previously forwarded Mr. Romano's e-mail regarding off track cost shares to the Engineer and Planner. She will follow up with the Engineer for his guidance and recommendations on this item.

OPEN TO PUBLIC:

The floor was opened to the public.

Hearing no additional comments/questions, the floor was closed. (8:40 PM)

ADJOURNMENT:

Mr. Fisher made a motion, seconded by Mr. Ashton, to adjourn the meeting at 8:42pm. All were in favor, the meeting was adjourned.

Respectfully submitted,

Christine A. Rosikiewicz