

WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
October 24, 2017

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:31PM 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: John Cronce (Vice Chair)-present, Joe Romano - present, John Ashton-present, Robert Fulper (Chairman)-present

Absent: Brian Fitting, Ruth Hall, Kevin Koveloski, Frank Sabatino (alt#1), George Fisher (alt#2)

Professionals Present: Stewart Palilonis, Board Attorney

PRESENTATION OF MINUTES:

Regular Meeting Minutes – September 26, 2017 - Motion was made by Mr. Cronce with a second by Mr. Ashton to accept the minutes as presented with one typographic error corrected and the following clarification added for paragraphs one and two on page 6:

“There was a discussion on the discrepancy on the site plan regarding the size of the building; the site plan calls for an art storage facility of 2990 square feet. During testimony 2960 square feet was indicated, Mr. Vinokurov explained that the lower number did not include a storage area.

Chairman Fulper said the height of the building (20 feet over allowed height), the size of the building (1790 square feet over allowed size of 1200), and the location of the structure in the front yard will require variances.”

Roll call vote: Cronce-aye, Romano – abstain, Ashton-aye, Fulper-aye

RESOLUTION(S) OF APPROVAL:

Sarvazyan Block 21 Lot 49

It was noted the block and lot number on the Resolution was wrong as presented, this will be corrected.

Mr. Cronce made a motion to approve this Resolution. Mr. Ashton seconded the motion. Roll call vote: Cronce-aye, Romano – abstain, Ashton-aye, Fulper-aye

APPLICATION(S):

Completeness: Affordable Self Storage B 5 L 8 – Application for C Variance (front yard setback), D Variance (floor area ratio and steep slope disturbance) (7:40pm)

The following were received and distributed to the Board Members via mail prior to the meeting:

ZBA Application for a Variance/Appeal/Interpretation, Zoning Permit Application (dated 9/21/17), Zoning Permit Denial letter from Zoning Official (dated 9/21/17), Copy of 8 ½” X 11” proposed Building Concept Drawing by Alexandra Tutela, Copy of 8 ½” X 11” aerial photograph of the site, Plan titled “Variance Plan for Affordable Self Storage” as prepared by SiteWorks Consultants, Inc. (dated 9/6/17)

A letter to the Board was also provided to the Board Members and applicants prior to the meeting from Board Engineer Decker (dated 10/17/17) re: Completeness Review

Attorney Rich Mongelli and the applicant, Charlie Tutela, approached the Board. Attorney Mongelli provided the Board Secretary with an amended page 3 of the application and noted that he will amend the public hearing notice to reflect this change. He explained that this application will be bifurcated; if the variances are approved they will submit a site plan simultaneously with the DEP application.

Mr. Cronce made a motion to deem this application for Affordable Self Storage complete. Mr. Ashton seconded the motion. Roll call vote: Cronce-aye, Romano-aye, Ashton-aye, Fulper-aye (7:44)

Public Hearing: Columbia Fire Company No. 4 Block 39 Lot 4.01 – Application for D Variance (Volunteer Fire House) (7:48)

The following were received and distributed to the Board Members via mail prior to the September meeting:

ZBA Application for a Variance/Appeal/Interpretation, Zoning Permit Application (dated 8/3/17), Zoning Permit Denial letter from Zoning Official (dated 8/7/17), USGS Quad Map Exhibit of Project Location (topical map) by T and M Associates (dated 8/30/17), Aerial Location Map from Google Earth (dated 2017), two color photographs of the site on an 8 ½ x 11 sheet (undated), Plan titled “conceptual Site Plan” by T and M Associates (dated 4/21/17)

The following letter was provided to the Board members and applicant prior to the September meeting: Completeness review from Engineer Tom Decker dated 9/19/17.

The following letter was provided to the Board members and applicant prior to the October meeting: Compliance review from Planner Jim Kyle dated 10/23/17.

Chairman Fulper explained that this application is for a use variance. A vote on a use variance requires five members; five members of the Board were not available tonight. This application will need to be heard at a special meeting or carried until the next regular meeting. The Board discussed the options.

Mr. Cronce made a motion to hold a special meeting on Monday, November 20, 2017 at 7:30pm for the public hearing for Columbia Fire Company No. 4 only. Mr. Ashton seconded the motion. Roll call vote: Cronce-aye, Romano-aye, Ashton-aye, Fulper-aye (7:55)

Susan Peifly, a member of the public, commented regarding B 37 L 2 & 3. She expressed that conditions have not been met for this property. Chairman Fulper explained that the Zoning Board of Adjustment does not enforce and directed her to the Zoning Officer and Construction Office. The resident said she had been directed to come to the meeting from the Zoning Officer. Further comments were exchanged. Ms. Piefly asked how the garage will get finished and how to discuss the fire house. Attorney Palilonis

said the Board needs something in writing that can be compared to the resolution of approval. Ms. Peifly said she has brought this up at a prior meeting and was told it was too old to talk about. There was further discussion about the buildings on the property. Attorney Palilonis said they should get something in writing that they can compare to the resolution of approval and then bring that to the Zoning Officer. Ms. Peifly commented favorably about the neighbors and does not want to complain. The conditions on the property were mentioned. Attorney Palilonis commented that Mr. Tillet being involved with both properties is not relevant. Ms. Peifly said that does not matter to her, this just brought it up. It was noted that the fire company is a separate legal entity. Chairman Fulper said the Board will get involved although they typically don't do that. Ms. Peifly asked about follow up. Chairman Fulper said hopefully it will be inspected and results will be seen. Attorney Palilonis asked the resident what she has put in writing to the Board. She replied that she has not put anything in writing. Attorney Palilonis said that if the resident does not put something in writing she will not receive something back in writing. Ms. Peifly said she will forward her e-mail address and asked who to send it to. Attorney Palilonis said to send it to the Board Secretary. Ms. Peifly replied that Christine has her e-mail address.

Andrea Little, 69 Hancock Street, asked if she could comment on Columbia Fire House. Chairman Fulper said testimony cannot be taken at this time as it is legally not proper. Comments can be shared at the hearing.

Ms. Little asked if she could ask a generic question. She explained that she is in the process of building a small 3 bedroom 1.5 bath home in an R9 district. She said that the area should be gentrified. She has bought an abandoned house which she will demolish. She spoke at length; highlights included that she pays \$2600 for a blank lot while neighboring property owners pay \$600 and surrounding properties are high density and they should be residential. She said residential properties should be surrounding her property only. She said that is what it is zoned to be unless there was a deregulation.

Chairman Fulper asked for clarification on her question. Ms. Little asked what if she decided she didn't want to build a house and wanted to build something else. She was told by the Board that she would have to come to the Board and appeal her case, positive and negative criteria must be explained, and an increase in property value is not relevant.

Approval of Bill List 10/24/17:

Chairman Fulper presented the updated bill list with a total of \$2090.58 for bills to be paid.

Mr. Cronce made a motion to pay the bills per the bill list. Mr. Romano seconded the motion. The Bill List was approved for payment via voice vote - all ayes.

DISCUSSION:

Attorney Palilonis shared a court order with the Board regarding A-Z Venue Management LLC and Zachary Lubchanski vs. Zoning Board of West Amwell Township. He read the court order into record; the court has ordered the Zoning Board's land use approval to the plaintiff reversed.

Attorney Palilonis said the buildings do not have CO's. Mr. Vernor withdrew his application to the DEP for stream encroachment. A site plan approval is needed. The judge only ruled on use. Attorney Palilonis went over options with the Board, he believes it is not up to the Board on whether or not a motion for reconsideration should be made as the suit was filed by Township Committee. He has spoken to the Clerk and will be speaking to Township Committee.

OPEN TO THE PUBLIC:

Ms. Little said she thought the Board had a rule that you could not have a business on a residential property. Comments were exchanged, Board members explained that the Board exists to make adjustments if it is adequate by considering positive criteria, negative criteria, and case law to frame the decisions.

EXECUTIVE SESSION:

The Board entered into Executive Session at 8:30pm to receive Attorney advice regarding litigation. The Board left Executive Session and returned to the regular meeting at 8:52pm.

ADJOURNMENT:

The meeting was adjourned at 8:52pm.

Respectfully submitted,

Christine A. Rosikiewicz