

**WEST AMWELL TOWNSHIP  
ZONING BOARD OF ADJUSTMENT MEETING  
August 25, 2020 Minutes – 7:30 PM**

The West Amwell Township Zoning Board of Adjustment meeting was called to order at 7:30 PM by Chairman Rob Fulper.

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Chairman Fulper: This meeting was called pursuant to the provisions of the Open Public Meetings Act. This meeting was included in a list of meetings transmitted to the Hunterdon County Democrat and the Times of Trenton on 2/13/20. Notice has been posted on the bulletin board at Town Hall and has remained continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Zoning Board of Adjustment and Township Clerk.

Chairman Fulper led the Pledge of Allegiance to the American Flag.

**Attendance – Roll Call**

**Present:** George Fisher  
Brian Fitting  
Rob Fulper  
Joe Romano  
Michael Rassweiler – Alt. #1  
Mark Bowles – Alt. #2  
Attorney Kevin Van Hise

**Excused:** John Ashton  
John Cronic  
Marvin Hartpence

**Presentation of Minutes**

A motion by George Fisher, seconded by Mark Bowles to approve the Board's 7/28/20 minutes with no revisions noted was approved by roll call vote with Mr. Romano abstaining.

*Ashton: Yes, Fisher: Yes, Hartpence: Yes, Fulper: Yes, Rassweiler: Yes, Bowles: Yes*

**Resolutions of Approval**

**Resolution #2020-08: Dennis Arcamone – 733 Brunswick Pike – Block 28 Lot 9: Approval of Rear Yard Setback and Height Variance to Construct a 40' x 40' Pole Barn**

A motion by Mark Bowles, seconded by George Fisher to approve Resolution #2020-08 was approved by roll call vote by those member who were eligible to vote on the matter.

*Fisher: Yes, Fulper: Yes, Rassweiler: Yes, Bowles: Yes*

**Applications: Completeness/Public Hearing**

**Joseph DeFazio – 222 Mt. Airy-Harbourton Road – Block 20 Lot 29: Request for Side Yard Setback Variance Approval to Construct a Deck**

Present for the application was property owner Joseph DeFazio.

## West Amwell Township Zoning Board of Adjustment Minutes – 8/25/20

Attorney Van Hise noted that public notice had been provided in accordance with the Municipal Land Use Law (MLUL) requirements and indicated the Board could take jurisdiction over the application.

Mr. DeFazio came forward and was sworn in. He explained he inherited the property from his mother and is seeking approval to rebuild the deck. He indicated he would like to build a 15' x 24' deck to replace the 6' x 6' platform and steps that previously existed and which did not meet the current 35 ft. side yard setback requirement under the Township code. Mr. DeFazio explained that his intention is to make the new deck slightly larger to accommodate some outdoor furniture. It was noted that the configuration will require a variance to permit construction of the deck 15 ft. from the side property line. He explained that he has spoken with the neighbor, Ms. Lipson, who has no issue with the proposed deck location.

It was noted the subject site is approximately 1.78 acres with an existing dwelling, shed, and above ground pool. Mr. DeFazio stated the property has adequate natural buffering and will not negatively impact the surrounding property owners.

Mr. Romano questioned the accuracy of the measurements that were provided on the illustrated survey and requested a more accurate, revised drawing be submitted. Mr. Romano expressed that it appears Mr. DeFazio actually needs a 24 ft. side yard setback variance to account for the new deck stairs. This would locate the deck 11 ft. from the side yard property line, rather than the 15 ft. previously mentioned.

There was some discussion among the Board Members on exactly how wide the stairs should be and what the requested relief actually is.

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

A motion by Mark Bowles, seconded by George Fisher to grant approval of a deck to be constructed no wider than 20 ft. including the stairs and conditioned upon submission of a drawing accurately depicting the measurements, was approved by roll call vote.

*Fitting: Yes, Romano: Yes, Fisher: Yes, Fulper: Yes, Rassweiler: Yes, Bowles: Yes*

Attorney Van Hise explained to Mr. DeFazio that the resolution will be listed on the Board's September meeting agenda for memorialization. He stated that any objector has 45 days from the date of publication of the memorialization to notify the Board of their objections. Attorney Van Hise commented that Mr. DeFazio can pull building permits during that time but would be proceeding at his own risk.

### **Approval of Vouchers**

A motion by George Fisher, seconded by Joe Romano to approve the vouchers for payment as listed on the Board's 8/25/20 bill list was unanimously approved by voice vote.

### **Comments from the Board Members**

Mr. Rassweiler asked if there is a certain distance, generally speaking, from a property line that the Board is not comfortable encroaching upon. Chairman Fulper explained that each application is decided on its own merits and expressed that he took no issue with tonight's request because of the subject site's location and because it had natural screening.

West Amwell Township Zoning Board of Adjustment Minutes – 8/25/20

**Open to the Public**

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

**Adjournment**

A motion by George Fisher, seconded by Brian Fitting to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 8:12 PM.

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Maria Andrews, Zoning Board Secretary