

**WEST AMWELL TOWNSHIP  
ZONING BOARD OF ADJUSTMENT MEETING  
June 28, 2022 – 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 2/10/22. 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 the Township Clerk.

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

**Attendance – Roll Call**

**Present:** John Cronce  
Joe Romano  
John Ashton  
Marvin “Tuck” Hartpence  
Rob Fulper  
Attorney Kevin Van Hise  
Planner Joanna Slagle  
Engineer Tom Decker

**Absent:** Brian Fitting  
Mark Bowles

**Presentation of Minutes**

A motion by Joe Romano, seconded by Tuck Hartpence to approve the Board’s 1/25/22 minutes with no revisions noted was approved by roll call vote with Mr. Cronce and Mr. Ashton abstaining.  
*Romano: Yes, Hartpence: Yes, Fulper: Yes*

**Resolutions of Approval**

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

**Applications**

**Dave Busch – 329 Rocktown- Lambertville Road – Block 21 Lot 5: Variance Approval to Construct a Single Family Home**

Present for the application was property owner Dave Busch and his Engineer Wayne Ingram from Environmental & Land Planning.

Board Attorney Van Hise noted that public notice was provided in accordance with the Municipal Land Use Law requirements and he indicated the Board had jurisdiction to proceed.

Engineer Ingram provided his credentials to the Board and was accepted as an expert to provide testimony on this matter. He noted that Mr. Busch wished to construct a single family home on the property located at 329 Rocktown-Lambertville Road. He explained the parcel is a 4.3 acre flag lot in the SRPD zone and requires a 150 ft. rear yard setback where 50 ft. is proposed and therefore will require a variance. Due to

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the wetlands transition area, the proposed development must be pushed toward the rear of the property. It was noted that the site is wooded with an existing gravel driveway which will be resurfaced with clean stone.

Mr. Busch explained he wishes to build a 2400 sq. ft. ranch house with a 12/12 pitch roof. He stated he would like to eliminate having to remove any trees and encroaching on the conservation easement so he is seeking variance approval. Engineer Ingram noted they also need waivers from the driveway standards because the driveway already exists, and from the tree plan because they are minimizing the disturbance on the site as much as possible. It was also noted that there is a 36 acre parcel behind the subject site that is in a conservation easement so there are no visible neighbors.

Engineer Ingram indicated they will seek NJDEP permit approval rather than a letter of interpretation (LOI) because he said the State is taking up to 2 years to provide LOI's. He noted the utilities will be overhead to the stream and then likely underground after that.

Mr. Romano asked about impervious coverage. Engineer Decker confirmed that the application complies with the allowed limit of coverage on the site.

Chairman Fulper opened the floor to public comment.

Linda Meier of 224 Rock Road W. came forward and was sworn in. She questioned the wetlands delineation and commented that without an LOI, the Board is reviewing something that the NJDEP has not verified. She expressed the importance of the applicant having to obtain an LOI and not just a permit. Engineer Decker stated applicants are not required to come to the Board with an LOI in hand and noted obtaining one could be a condition of approval if the Board desired.

Ms. Meier remarked that an LOI is a review of the whole site whereas the permit does not provide a complete review. Engineer Decker clarified that the NJDEP will essentially review the whole site plan and render an opinion.

Planner Slagle commented that the plan is similar to a C2 variance request and noted the design eliminates intrusion into the buffer areas. Engineer Ingram also noted that there is no detriment to the zone plan or ordinances.

Chairman Fulper opened the floor to public comment, hearing no one wish to speak, he closed the floor to public comment.

A motion was made by Joe Romano and seconded by John Cronic to approve the application and grant the 50 ft. rear yard setback along with the requested waivers. The motion was unanimously approved by roll call vote.

*Cronic: Yes, Romano: Yes, Ashton: Yes, Hartpence: Yes, Fulper: Yes*

**Millstone Realty Partners, LLC – 1530 Route 179 – Block 36 Lot 1: Variance Approval for “Vet Vision” Signage**

Present for the application were property owners Dr. Shelby Reinstein and Dr. Garrett Pachtinger along with their Attorney Larry Wohl and their sign fabricator Howard Chinn of Foreman Signs.

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Board Attorney Van Hise noted that the public notice had been provided in accordance with the municipal land use law requirements and he stated the Board had jurisdiction to proceed.

Attorney Wohl commented that his clients have self-funded a specialized vet ophthalmology facility and intend on staying in the community. He stated the business is permitted in the HC zone and that they are just seeking the following variance approvals to allow for multiple signs:

**Northwest Elevation = Road sign facing Route 179**

28 sq. ft. of signage where 24 sq. ft. is allowed

4 ft. high where 2 ft. is allowed

**Northeast Elevation = Rear parking lot**

It was noted that this is just an “eye” logo sign that will be 3 ft. high where 2 ft. is allowed

**Southwest Elevation = Entrance**

It was noted that there will be 2 wall signs totaling 15 ft. in length and 6 inches in depth

Acrylic letters, each 10 inches in height

**Monument Sign**

83” x 96” = 55 sq. ft.

9 ft. in height, 4 ft. from the property line

Aluminum and acrylic materials to resemble wood

**Freestanding Sign**

36” x 84” = 21 sq. ft.

6 ft. in height, approximately 22’6” from the curb

A post and panel sign repurposing the existing sign

Concrete base

It was noted for the record that the wall mounted signs will only be lit by the existing lights in the soffit of the building with solar cells being used to illuminate the other signs. Engineer Decker noted that none of the other signs impede any site triangles.

Engineer Decker commented that the septic will take up part of the parking lot and asked if the number of remaining spots meet the ordinance requirement. Dr. Reinstein said yes and stated Mr. Cronic is installing it, gesturing that he could confirm compliance. Board Member John Cronic remarked he was not doing any work on the site.

Planner Slagle asked if the solar cells can be adjusted to turn off an hour after closing. Dr. Reinstein stated the solar cells are a security feature allowing for natural daylight patterns and she clarified the soffit lights will be on all night. Planner Slagle asked if other alternatives were considered to try and eliminate the need for so many variances. Dr. Reinstein noted they did eliminate the extra 2” extension on the signs.

Attorney Wohl remarked that there is no negative criteria associated with their proposed signage and stated the positive criteria is primarily the safety of the site.

Chairman Fulper asked if there are standards for signage as it relates to the distance from the roadway. Mr. Chinn explained that depending on the topography, the base of the sign can be adjusted for optimum

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visibility. Attorney Wohl commented that the speed of cars traveling on Route 179 is particularly why so many signs are needed.

Mr. Romano stated that the quality of the signs seems to address safety concerns and asked why the height has to be 9 ft., expressing that it seemed excessive. Mr. Chinn explained that the sign is really only 4' x 7' with a 2 ft. high base. Mr. Hartpence commented that an "entrance" sign at the driveway is actually all that is needed.

Chairman Fulper opened the floor to public comment.

Steve Stintsman of 17 Old York Road asked why any lights needed to be on all night long. Dr. Reinstein commented that there are no additional lights on the property and what is lit has always been there.

Harry Heller of 27 Old York Road expressed concern about the lights too. Specifically, stating the ones along Route 179 are too bright. Dr. Reinstein commented that those street lights, on poles, and are not hers. Engineer Decker looked at the street view of the property on his cellphone and confirmed they are pole mounted lights that seem to be facing toward Dr. Reinstein's parking lot, but noted the application before the Board is only for signage and not lighting.

Hearing no other members of the public who wished to comment on the application, Chairman Fulper closed the floor to public comment.

A motion was made by John Ashton and seconded by John Cronic approving the requested sign variances as outlined and granting the waivers from the sign area and materials noting that the Board approved the southwest wall signage (*not stacked*) and noting the façade will comply with the total maximum allowed square footage of 24 sq. ft. The motion was unanimously approved by roll call vote.  
*Cronic: Yes, Romano: Yes, Ashton: Yes, Hartpence: Yes, Fulper: Yes*

### **Correspondence**

It was noted for the record that no correspondence was listed on the agenda.

### **Approval of Vouchers**

A motion by John Ashton, seconded by John Cronic to approve the vouchers for payment as listed on the agenda was unanimously approved by voice vote.

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

It was noted for the record that no comments were made by any of the Board Members.

### **Open to the Public**

It was noted for the record that no members of the public made any additional comments.

### **Adjournment**

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

The meeting adjourned at 9:30 PM.

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Maria Andrews, Zoning Board Secretary