

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT MEETING
October 25, 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 Ashton
Mark Bowles
John Cronic
Rob Fulper
Marvin “Tuck” Hartpence
Joe Romano
Attorney Kevin Van Hise
Engineer Tom Decker
Planner Joanna Slagle

Absent: Brian Fitting

Presentation of Minutes

A motion by John Ashton, seconded by Mark Bowles to approve the Board’s 8/23/22 minutes with no revisions noted was approved by voice vote with Mr. Cronic and Mr. Fulper abstaining.

Resolutions of Approval

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

Applications

Completeness/Public Hearing: 1872 River Road, LLC (*The Quarry House*): 1872 River Road – Block 26 Lot 17: Conditional Use Variance Approval and Preliminary & Final Major Site Plan Approval to Construct a Hotel and Restaurant with Associated Amenities

Present for the public hearing was Attorney Guliet Hirsch, Engineer Ted Bayer and property owners Dr. Michael Ehrenreich and Rebecca Gelman who is also the Architect.

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

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Engineer Decker referenced his completeness review memo noting several requested waivers and explained the Board could deem the application complete and seek additional information on any of the waived items over the course of the public hearing if they wish to.

A motion by John Cronic, seconded by Mark Bowles to deem the application complete with the requested waivers was unanimously approved by roll call vote.

Attorney Hirsch came forward and noted the first question the Board must make a determination on is the Township's Short Term Rental Ordinance. Attorney Van Hise believes that the ordinance is not applicable until the proposed hotel reaches full phase completion at "10 units." He noted the State Statute recognizes a hotel at 10 units which is what he based his legal opinion on.

Attorney Hirsch disagreed noting that West Amwell's definition of a hotel does not preclude a 10 unit size. She clarified that the applicant's have complied with Attorney Van Hise's legal opinion, though, and re-did the phasing of their project.

Attorney Van Hise remarked that the Board simply needs to determine if 10 units is the threshold for establishing a hotel in West Amwell.

A motion was made by Joe Romano, stating that for a hotel to be recognized in the HC District it would need 10 or more units. The motion was seconded by John Cronic and unanimously approved by roll call vote.

Attorney Hirsch explained that the project consists of 2 phases with 3 components:

1. What currently exists on the site
2. Phase 1 – Hotel (*10 units*) and Conference Room
3. Phase 2 – Restaurant (*17 seats*)

Attorney Hirsch highlighted the following details of the 2016 conditional use approval for a hotel and restaurant which was not constructed due to financial issues:

1. A Hotel (*10 units*)
2. Restaurant (*16 seats*)
3. Retail use in the barn

It was noted that the 2016 conditional use approval has expired because construction needed to commence within 18 months of that approval, and it didn't.

Attorney Hirsch explained that renovations have taken place on the carriage barn to create recreational space for the family living in the existing dwelling on the property.

The following exhibits were presented:

Exhibit A-1: Corporate disclosure form

Exhibit A-2: BOA Resolution #2016-11

Exhibit A-3: A listing of all the relief requested by the applicants

Engineer Bayer came forward and provided his credentials to the Board. He was accepted as an expert to provide testimony on the application.

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Engineer Bayer noted the following relief is needed:

Minimum Lot Size: 7.36 acres existing where 10 acres is required

Minimum Buildable Area: .9 acres where 1 acre is required

Front Yard Setback: 50 ft. from Old River Rd., 70 ft. from River Rd./Route 29 where 100 ft. is required

Side Yard Setback for the Accessory Structure: 24 ft. where 100 ft. is required

Height of the Accessory Structure: 25 ft. where 15 ft. is allowed

Front Yard Setback/Accessory Structure: 10 ft. for generators where no structure is allowed in front yard

Maximum Floor Area/Accessory Structure: 1796 sq. ft. where 1060 sq. ft. exists and 500 sq. ft. is allowed

Engineer Bayer explained the applicants obtained permits to convert the carriage barn into recreational space but when they attempted to install the outside staircase it triggered the need for a variance because it exacerbates the side yard setback non-conformity.

Engineer Bayer noted the septic system was designed in 2014 to service the existing 4 bedroom dwelling on the property. He stated the County issued a construction referral permit in July 2020 allowing the applicants to tie the carriage barn into the existing septic and well. He presented **Exhibit A-4:** The construction referral permit. Engineer Bayer stated they will seek a TWA renewal for the septic system and noted the well yields 10 gallons of water per minute equaling 14,400 gpd which complies with the code requirements.

Engineer Bayer commented that the applicants will require Preliminary & Final Site Plan Approval for the following existing conditions:

1. The outside stairway on the carriage barn
2. Tying the well and septic to the carriage barn
3. The proposed bike path from Big Bear Gear, located on the adjoining property, across the subject site to Old River Road in order for guests to access the D&R State Park area

Attorney Hirsch clarified that the properties are owned by 2 different LLC's but that the principals are the same. The applicant agreed to record a deed of easement and limit specific use of the bike path.

Engineer Decker asked about the discrepancy of the carriage barn depicting 2 bedrooms rather than recreational space. Engineer Bayer clarified that there is simply a bathroom on each floor of the barn. Architect Gelman was sworn in and testified that the 2 floors of the barn mimic each other with both having a closet, a bathroom and some open space. Engineer Decker expressed concern with the septic system noting it was designed to service 4 bedrooms and now they have 6 bedrooms on the property.

Planner Slagle remarked the applicants need a D2 variance to address the existing conditions and referenced section 109-93 of the code. It was noted for the record that Attorney Hirsch disagreed. Attorney Van Hise stated he would review the matter with Planner Slagle and get back to Attorney Hirsch with his legal opinion.

Engineer Bayer provided the following time frame and outline of Phase I:

1. There will be a two-part addition to the existing residence creating 8 rooms
2. The carriage barn will be converted into 2 rooms (*completing the 10 unit hotel*)
3. The septic system will be expanded
4. A driveway installed around the west side of the house and the installation of parking
5. Installation of the 30,000 gallon water tank per the Fire Chief

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6. Installation of the 3000 gallon water tank for the hotel sprinkler system
7. Construction of the dumpster enclosure
8. Installation of all stormwater management
9. Installation of generators
10. Construction of the fire pit
11. Signage
12. Lighting
13. Conversion of existing spring house to an outdoor kitchen
14. Installation of an EV charging station
15. Installation of a walkway from Big Bear Gear to the hotel area over to Old River Road

It was noted that the hotel will have staffing 24 hours a day, seven days a week.

The Board took a break from 9:25 PM – 9:30 PM.

Engineer Bayer addressed potential special events explaining that weddings would be limited by the capacity of the septic. His calculations supported a maximum of 79 people attending any event. Additionally, there could be up to 6 employees at any event, for a grand total of 85 people on-site.

Attorney Hirsch clarified that if an event was occurring, the rest of the facilities would be closed to the public.

Engineer Bayer added that there will be no on-site laundering for any of the hotel linens. He stated they will all be taken off-site.

With regard to the delivery loading area, the code requires a 14' x 60' designated space but the applicants are proposing a 12' x 40' area due to limited space on the property. Engineer Bayer clarified that deliveries will only be made by vans and box trucks.

The parking will be established under Phase I of the project and will include 25 spaces which will be sufficient for the restaurant too. Engineer Bayer stated the restaurant will not be open during special events in order to maximize the amount of available parking spaces, but explained they will still need to secure about 20 off-site parking spaces. He noted they intend to coordinate with the Police Department on this matter and will provide copies of "parking agreements" once they are established with local entities.

The existing Spring House on the property will be converted to an outdoor kitchen space for use only by the property owners or a professional chef/catering service hired for a special event.

Engineer Bayer testified that the generators will be installed in the front yard which requires variance approval. He noted they will be 18 – 26 kilowatts and will run on propane.

Engineer Bayer discussed the steep slope disturbance on-site noting it will be the same as the 2016 approval and highlighted the following details:

- 9000 sq. ft. of disturbance in the 15% - 20% slope area
- 9000 sq. ft. of disturbance in the 20% - 25% slope area
- 20,000 sq. ft. of disturbance in the 25% or greater slope area

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He noted the proposed walkway behind the hotel to the carriage barn cannot be located on the Route 29 side of the property because of the proposed retaining walls, stormwater management, signage and water tanks.

With regard to the landscaping, Engineer Bayer indicated they are seeking a waiver from the street tree requirement because there are existing trees but noted there will be landscaping planted around the parking spaces.

Engineer Bayer provided the lighting details noting they require a waiver from the 0.5 footcandles, as their lighting will produce 0.9 footcandles. He commented that some of their lighting specifications are missing from the plans but explained there will be sconces on the front and side of the building. He referred to pages 8 and 12 of the submitted plans.

The signage will consist of 3 monument signs installed at the north and south sides of the property and along Route 29, a blade sign at the entrance off of Old River Road and 3 mounted signs on the building. The following variances are needed:

1. For the amount of monument signs because only 1 is allowed
2. For the square footage of signage, 28 sq. ft. where 25 sq. ft. is allowed

Engineer Decker commented that if valet parking is used on-site they will need approval from the Fire Chief to ensure that the driveway access isn't blocked.

Engineer Decker asked for clarification on the proposed tents referred to in the plans, to be utilized during special events and whether or not they would be in the steep slope area. Engineer Bayer explained they would be set up in front of the steep slope.

Engineer Decker asked about the proposed pathway in relation to the right-of-way along Route 29. Engineer Bayer stated this will be addressed by the Traffic Engineer.

Engineer Decker asked why the applicant is not utilizing his Big Bear Gear property for off-site parking. Attorney Hirsch explained that there is a pending application before the Planning Board and they did not want to confuse matters by proposing a secondary use on that site.

Mr. Ashton asked why the mounted signs can't comply with the ordinance requirements. Attorney Hirsch stated they will address that later.

Chairman Fulper recognized the late hour and expressed that he would like to open the floor to public comment for any questions on the testimony provided so far.

Melissa Masset of 21 Old River Road expressed stormwater runoff concerns and suggested the proposed road widening take place during Phase I because the road is currently not wide enough for 2 cars to pass.

John Martorana of 34 Old River Road expressed concern over potential porta-potties being put on the site and over increased noise coming from the property if the application is approved.

Attorney Hirsch explained at the continuation of the public hearing next month they will finish up Engineer Bayer's testimony and then provide testimony from the Architect, Traffic Engineer and Planner.

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Attorney Van Hise announced the public hearing on the Quarry House application will be carried to the Board's 11/22/22 meeting at 7:30 PM with no further public notice being required.

Correspondence

It was noted for the record that there were no comments made on any of the correspondence listed on the agenda.

Approval of Vouchers

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

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 all members of the public had left the meeting at this time.

Adjournment

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

The meeting adjourned at 10:22 PM.

Maria Andrews, Zoning Board Secretary