

**WEST AMWELL TOWNSHIP**  
**ZONING BOARD OF ADJUSTMENT REORGANIZATION MEETING**  
**January 24, 2023 Minutes – 7:30 PM**

The West Amwell Township Zoning Board of Adjustment reorganization meeting was called to order at 7:30 PM by Secretary Andrews.

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Secretary Andrews: 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 December 15, 2022. Notice has been posted accordingly and 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.

Ms. Andrews led the Pledge of Allegiance to the American Flag.

**Oaths of Office**

Attorney Van Hise administered the Oaths of Office to John Ashton, David Pasquale, Marvin “Tuck” Hartpence, Scott Greenwood and Jennifer Batchellor.

**Attendance – Roll Call**

**Present:** John Ashton  
Mark Bowles  
Brian Fitting  
Rob Fulper  
Marvin “Tuck” Hartpence  
David Pasquale  
Joe Romano  
Scott Greenwood – Alt. #1  
Jennifer Batchellor – Alt. #2  
Attorney Kevin Van Hise  
Engineer Tom Decker  
Planner Joanna Slagle

**Excused:** No one

**Nominations/Appointments**

Secretary Andrews asked for nominations for the Board’s Chairman. Mr. Fulper commented that he has served as the Board’s Chairman for many years and remarked that he believes it’s healthy to rotate the position. A motion was made by Mr. Fulper and seconded by Mr. Romano to nominate John Ashton as the Board’s Chairman. Hearing no other nominations, the motion was unanimously approved by voice vote. Chairman Ashton thanked the Board and took over the meeting at this time.

Chairman Ashton asked for nominations for the Board’s Vice Chairman. A motion was made by Mr. Fitting and seconded by Mr. Romano to nominate Rob Fulper as the Board’s Vice Chairman. Hearing no other nominations, the motion was unanimously approved by voice vote.

A motion was made by Mr. Fulper and seconded by Mr. Hartpence to appoint Maria Andrews as the Zoning Board Secretary. The motion was unanimously approved by voice vote.

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A motion was made by Mr. Fulper and seconded by Mr. Bowles to appoint Suzanne Currie as the Zoning Board Deputy Secretary. The motion was unanimously approved by voice vote.

### **Re-organization Resolutions**

A motion by Mr. Bowles, seconded by Mr. Fitting to approve the following resolutions was unanimously approved by voice vote:

ZBA#2023-01: Consent Agenda

ZBA#2023-02: Meeting Schedule

ZBA#2023-03: Designation of Official Newspaper

ZBA#2023-04: Appointment of Board Attorney

ZBA#2023-05: Appointment of Board Engineer

ZBA#2023-06: Appointment of Board Planner

### **Presentation of Minutes – 11/22/22**

A motion by Mr. Bowles, seconded by Mr. Hartpence to approve the Board's 11/22/22 minutes with no revisions noted was approved by voice vote with Mr. Hartpence, Mr. Greenwood, Ms. Batchellor and Mr. Pasquale abstaining.

### **Applications: Completeness/Public Hearing**

#### **Completeness/Public Hearing: David Byrne – 166 Rock Road West: Application to Renew Previous Variance Approval to Build a Single Family Home on Block 17 Lot 20.04**

Present for the public hearing was property owner David Byrne and his Engineer Eric Rupnarain from Goldenbaum Baill along with his Architect Michael Burns.

Attorney Van Hise swore in all parties and Engineer Decker referenced his review memo dated 12/20/22. He commented that the requested waivers seem reasonable and noted that if the Board agreed, he believed that application was complete.

Engineer Rupnarain presented his credentials to the Board and was accepted as an expert to provide testimony on the application. He stated that Mr. Byrne was the contract purchaser of the subject property. He explained that the previous owners had obtained variance approval to build a single family residence on the site with a front yard setback of 75.5 ft. where 100 ft. is required. Engineer Rupnarain remarked the property is in the SRPD Zone and has wetlands which make it impossible to comply with the required setbacks.

Engineer Rupnarain explained that in 2018 an NJDEP “presence absence delineation” depicting the wetlands and buffer areas was requested. He noted they have applied for an extension of that permit because NJDEP has indicated the limits depicted by the dotted area on the site plan are still accurate and will ultimately be approved. Engineer Rupnarain explained they are seeking to build a 2500 sq. ft. home with a 75 ft. front yard setback off of Rock Road West which will allow the homeowners to have a small backyard.

Engineer Decker commented that the property received the same variance in 2018 and noted the only difference with this application is the garage will be attached to the home whereas the 2018 approval allowed for a detached garage.

Mr. Romano asked about the width of the front porch. Architect Burns stated it will be 6 ft. wide. It was noted for the record that the variance for the front yard setback will actually be 69.5 ft.

Chairman Ashton opened the floor to public comment. It was noted for the record that no members of the public wished to speak on the application. Chairman Ashton closed the floor to public comment.

A motion was made by Mr. Bowles and seconded by Mr. Fitting to approve the requested variance allowing for a 69.5 ft. front yard setback to the porch and a 75 ft. front yard setback to the house. The motion was unanimously approved by roll call vote.

**Roll Call Vote:** Ashton: Yes, Bowles: Yes, Fitting: Yes, Fulper: Yes, Hartpence: Yes, Pasquale: Yes and Romano: Yes

**Public Hearing (*continued from 10/25/22 and 11/22/22 meetings*): 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, Planner Jim Kyle property owners Michael Ehrenreich and Rebecca Gelman.

Attorney Hirsch asked if Board Members Hartpence, Fitting, Pasquale, Greenwood and Batchellor had read the transcripts for the meetings they missed. Secretary Andrews confirmed that they did and had signed off on certifications accordingly.

Engineer Bayer came forward to clarify his previous testimony regarding how a garbage truck would be able to maneuver on site. He presented **Exhibit A-10** depicting how a truck would enter and exit the site.

Engineer Bayer referred to sheet 19 of the site plans and explained how the Old River Road improvements will include stormwater improvements on the south side of the road and a new inlet with gabion baskets to control water runoff/output. On the north side of the road there will be check-dams and swales to prevent erosion. Then the road will then get a base course and be paved.

Engineer Bayer noted the potential construction sequence of events will include coordinating with the residents on Old River Road, clearing out vegetation from the site and working with the Township Engineer and NJDOT. He remarked that traffic control will be necessary during construction.

Engineer Bayer commented that some renovations to the existing residence on the property may be made prior to any road improvements because large vehicles will not need to access the site for these renovations.

Both Board Member Joe Romano and Engineer Decker expressed concern with potential stacking of vehicles on Old River Road and indicated that the road improvements must be done first. There was some discussion on a temporary pull off area and a flagger to control traffic flow.

Attorney Hirsch stated that they have not received any response from Fire Safety Official/Inspector Phil Langon despite numerous memos, letters and emails that have been sent to him. Engineer Bayer indicated Mr. Langon will need to inspect the sprinklers in the barn. Dr. Ehrenreich commented the sprinklers are

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not required for the existing residential use and noted they are a requirement once the building changes to a hotel use.

Mr. Romano commented on the Traffic Impact Analysis Study saying it concludes that some improvements to the site can be made later but it doesn't reflect any of the existing conditions on the site. He suggested a note be put in the file to address this discrepancy.

Chairman Ashton opened the floor to public comment for any questions on Engineer Bayer's testimony.

John Martorana of 34 Old River Road came forward and asked what precludes guests of the hotel from making a left out of the site and going down Old River Road. Engineer Bayer proposed a "no outlet" sign could be installed advising motorists that Old River Road is a dead end. Mr. Martorana then asked if any consideration was given to the amount of water runoff that flows down Old River Road. Engineer Bayer remarked that their analysis addresses water from the subject site, not from any other source.

Melissa Masset of 21 Old River Road came forward and asked what guarantee there will be that garbage trucks won't back onto Old River Road. Engineer Bayer commented that once the road is improved there would be no need for a garbage truck to back out of the site.

Guita Martorana of 34 Old River Road came forward and asked if they reviewed the actual number of cars that can safely park on the subject site. Engineer Bayer remarked the number of cars allowed on site could be a condition of approval.

Harry Gordon of 17 Old River Road came forward and asked if someone will be directing traffic during construction so he continues to have access to his house. Engineer Bayer stated they cannot stop access to anyone's home.

Planner Jim Kyle came forward and provided his credentials to the board. He was sworn in and was accepted as an expert to provide testimony on the application.

Planner Kyle presented **Exhibit A-11** which is an updated version of Exhibit A-3 outlining all of the requested variances. He explained in 2016 the applicants received approval for essentially the same concept, except no restaurant or outdoor kitchen was proposed at that time. He provided the following overview:

1. D2 variance for the expansion of the carriage barn which promotes the general public welfare, is an efficient use of the land and ensures the conservation of a historic site. Planner Kyle noted there is no substantial detriment to the surrounding properties and no impairment to the Township zoning or ordinances. *Mr. Romano asked if there will be events in the designated recreational space. Planner Kyle indicated this area was strictly for residential use. Planner Slagle commented that the Board needs to be comfortable with this expansion even if the applicant never completes the other renovations because this will essentially provide for a 6 bedroom property.*
2. D3 variance for the hotel which Planner Kyle noted is a conditional use approval promotes the general public welfare and ensures the conservation of a historic site. He noted that the property is 7 acres where 10 acres is required. There is an existing 50 ft. front yard setback where 100 ft. is

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required and an existing 23 ft. side yard setback where 100 ft. is required. Planner Kyle commented that all of these deviations exist and stated nothing is being exacerbated. Noting none of the deviations impact any of the surrounding properties.

3. C1 Hardship variances for:

Minimum buildable area because 1 acre cannot be met due to the wetlands and steep slopes  
Exceeding maximum allowed disturbance due to steep slopes  
Exceeding maximum allowed height of 15 ft. for accessory structures – carriage barn is 25 ft.  
Exceeding max. allowed floor area of 500 sq. ft. (*carriage barn 760 sq. ft., spring house 324 sq. ft.*)

Planner Kyle commented that these all promote the general welfare of the public and are visually desirable.

4. C2 Planning variances for:

Monument sign within the 25 ft. minimum setback so it's visible from Route 29  
Additional monument sign where only 1 is permitted (*the subject site has 2 front yards*)  
3 ft. vertical wall mounted sign where 2 ft. vertical is permitted  
2 generators located in the front yard setback of Old River Road  
Carriage barn outside stairway is located in the front yard setback

Planner Kyle commented that these all promote the general welfare of the public and are visually desirable.

Planner Kyle also requested relief for the following additional items:

1. Site plan exception for parking within 20 ft. setback from the lot line
2. Site plan exception for parking within 50 ft. setback from a right-of-way line
3. Fencing for the existing pool which will be filled in and restored to grass
4. Light intensity of 0.9 footcandles where 0.5 is permitted
5. Site plan exception because no street trees are proposed to be planted
6. Site plan exception for off-street loading space less than the required 14' W x 60' L
7. Relief from the 18 month construction requirement

Attorney Hirsch commented on the parking noting that the applicant has agreed to provide for 25 parking spaces and not utilize any off-site parking with the understanding that limousines will likely be bringing people to and from the site. Mr. Fitting expressed concern over parking saying that in theory, there could be a special event every night. Engineer Decker noted that the ordinance sets the guidelines for parking based on the use. He clarified that a 10 room hotel and 17 seat restaurant requires 25 parking spaces. Chairman Ashton expressed concern with too many cars coming to the site to park and the Township has no recourse. Attorney Hirsch stated the applicant is agreeable to having strict conditions in the resolution regarding parking and she added that the police can enforce all parking regulations. Engineer Decker noted if parking regulations and signage is not part of any ordinance, violations are not enforceable by the police.

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Mr. Romano asked if there was any possibility of utilizing parking spaces at the Golden Nugget flee market for off-site parking. Planner Kyle stated that was not an option because the owner of the Golden Nugget was not interested in making any such agreement.

Mr. Romano expressed overall safety concerns regarding the footpath that traverses from the commonly owned Big Bear Gear property next door, through the subject Quarry House site and terminates on Old River Road approximately 60 feet from the Route 29 intersection. It was noted there could be up to 24 people per day renting bicycles and kayaks from Big Bear Gear and up to 79 people at the Quarry House for an event which could mean up to 100 people potentially trying to cross Route 29 to get to the bridge or the foot/canal path leading into Lambertville. Since the footpath does not connect to Route 29, it is possible that it may not be apparent to NJDOT when the applicant submits their application for review. It was suggested by Engineer Decker that both he and Township Engineer Burr attach a letter to the applicant's submission to NJDOT specifically requesting their review of the pedestrian access/connectivity across Route 29 in order for people to access the foot/canal path. It was noted for the record that the letter should also request the Township be provided with a copy of NJDOT's recommendation(s) to the applicant. Attorney Van Hise commented that the Board can impose a strict condition that if NJDOT won't allow any pedestrian crossing the applicant must return to the Board.

It was noted for the record that the Board took a 7 minute break from 10:01 PM – 10:08 PM.

Mr. Bowles asked how long of a construction extension the applicant was looking for. Attorney Hirsch suggested the Board consider what falls under the Municipal Land Use Law (MLUL) for Preliminary approvals: 3 years with up to two 1 year extensions and Final approvals are for 2 years with up to three 1 year extensions.

Chairman Ashton opened the floor to public comment.

Melissa Masset of 21 Old River Road came forward and clarified the 25 parking spaces. She commented that she didn't believe there were enough spaces to accommodate the guests and staff. Ms. Masset also wanted to know how the Township would know what NJDOT has to say about the project. Planner Kyle noted the Township and Board Engineers would both be working with NJDOT and could advise the residents.

Harry Gordon of 17 Old River Road came forward and asked about the required site triangle associated with the proposed signage. Engineer Bayer noted there will be site easements to ensure clear lines and visibility for traffic. Mr. Gordon also expressed safety concerns for bicycles turning left onto Old River Road.

Guita Martorana of 34 Old River Road came forward and asked how a variance could be obtained for the carriage barn for recreational space when nothing there resembles that type of use. Planner Kyle remarked that the Construction Office issued the permits.

Chairman Ashton noted the late hour and it was agreed upon to continue the public hearing to the Board's 2/28/23 meeting agenda at 7:30 PM with no further public notice required. It was noted for the record that Attorney Hirsch granted any necessary extensions to the 2/28/23 meeting.

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**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**

Chairman Ashton opened the floor to public comment. Melissa Masset clarified the procedure for the public to present exhibits on the Quarry House application at the next meeting.

**Adjournment**

A motion by Mr. Fulper, seconded by Mr. Romano to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 10:30 PM.

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Maria Andrews, Zoning Board Secretary