

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT MEETING
February 28, 2023 Minutes – 7:30 PM**

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

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Chairman Ashton: 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 February 9, 2023. 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.

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

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

Presentation of Minutes – 1/24/23

A motion by Mr. Fulper, seconded by Mr. Bowles to approve the Board’s 1/24/23 minutes as revised was unanimously approved by voice vote.

Applications: Completeness/Public Hearing

Public Hearing (*continued from the 10/25/22, 11/22/22 and 1/24/23 meetings*): 1872 River Road, LLC (The Quarry House): 1872 River Road - Block 26 Lot 17: Conditional Use Variance Approval and Preliminary 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 owner Michael Ehrenreich.

Chairman Ashton asked Attorney Van Hise to explain the process for the public to present their testimony. He noted that the Board is a quasi-judicial board tasked with making reasonable determinations based on the evidence they consider. They can also establish conditions of approval.

West Amwell Township Zoning Board Minutes – 2/28/23

Attorney Hirsch noted she wished to get on with the public comment but reserved the right to make a closing statement if she deemed one to be necessary.

Joel Coyne of 3 Old River Road came forward and provided his credentials to the Board which included 30 years experience as an environmental health specialist with NJDEP. He commented that he wished to speak about the well, the septic and the proposed special events. Attorney Hirsch questioned Mr. Coyne's credentials, specifically targeting the degrees he held.

Mr. Coyne presented **Exhibit P-1:** An 80 page printout of the Power Point presentation he intended to present.

Mr. Coyne began going through the Power Point page by page and Attorney Hirsch objected to the steep slope map because it was "not specific." She stated the maps submitted with the application are relevant.

Mr. Coyne continued to express that the Quarry House application was an intensified use of the property and he remarked that he believes any approval will be a detriment.

Attorney Van Hise expressed concerns over the admissibility of the Power Point printout and suggested it be collected from everyone with one copy kept in the file for "identification purposes only." He then suggested each resident clearly state their concerns and comments.

John Martorana of 34 Old River Road came forward stated he has safety concerns with the proposed project, he questioned the architectural design and noted that the application was not presented clearly due to amended plans being submitted during one of the meetings. He asked why the residents don't have the same rights as the applicant to present evidence. Attorney Van Hise explained the residents do have the same rights but noted the Power Point printout is not evidence. He clarified that the printout contains articles and if the author is not present for cross examination, the information is not admissible.

Mr. Coyne referred to the Municipal Land Use Law (MLUL) and commented on the negative criteria. Attorney Hirsch objected because Mr. Coyne is not a lawyer. Mr. Coyne then listed the following concerns over the application:

- Detrimental to the quality of life for the Old River Road residents
- An approval will burden the Township's Police, Zoning and DPW Departments
- Surrounding wells will potentially run dry – *Attorney Hirsch objected*
- Depletion of the aquifer
- No well testing is being done
- No ground water modeling study
- Light pollution
- Noise pollution
- Odors from the proposed restaurant
- Potential grease trap overflow during times of flooding
- Potential vermin activity
- Increased traffic
- Potential accidents
- Septic overflow during special events
- Lack of steep slope protection
- Flooding

West Amwell Township Zoning Board Minutes – 2/28/23

Diabase rock is not porous – *Attorney Hirsch objected*
Stormwater Management Plan does not address Route 29 flooding
Tree removal to widen the road
Drywells not being permeability tested
Propane tanks near high traffic area
Shuttle buses
Parking
Safety and liability of guests potentially wondering onto Old River Road resident's properties

Attorney Hirsch asked several questions challenging Mr. Coyne's comments.

Harry Gordon of 17 Old River Road came forward and expressed concerns over stormwater management and stated at least once a year for the past 35 years the road has washed out due to flooding. Mr. Gordon questioned potential guests who may be lost trying to turn around on Old River Road and he questioned who will be paying for the proposed road widening improvements which he stated, he is not in favor of.

Mr. Gordon referenced a letter Mr. Ehrenreich wrote in 2016 regarding his own safety concerns on Route 29. Attorney Hirsch stated Route 29 is an NJDOT matter and she commented the letter from her client has no context.

Mr. Gordon continued to express safety concerns noting he witnessed a head on crash years ago where a man burned to death in the cab of his truck. He also noted concerns over his own safety while being stopped on Route 29 waiting for people on bicycles to move so he could turn down his road. Mr. Gordon explained that he has his own home business that the Zoning Board approved 35 years ago because he agreed to **not** allow any public there. He clarified his business is an art studio and no customers/public ever visits.

Mr. Gordon remarked that there is a bridge at the end of Old River Road where he suspects Mr. Ehrenreich may try to establish a parking area. He commented that Mr. Ehrenreich has already run tours out of his Big Bear Gear property and had 30 people walking down Old River Road. He again stated concerns over the potential road widening and being cut off from access while the road improvements are being done.

Lastly, Mr. Gordon expressed concern with water usage at the hotel suggesting the Old River Road residents should get some type of assurance that their wells won't go dry.

Attorney Hirsch asked several questions regarding Mr. Gordon's business and challenged some of his other comments.

Melissa Masset of 21 Old River Road came forward and commented that she was a restaurant owner in Lambertville for 29 years and knows what it takes to run such a business. She questioned the amount of available parking for the proposed project. Ms. Masset stated she requested police reports from 2006 – 2022 and noted that there have been random accidents with deer and tire blow outs as well as rear end collisions and she noted a pedestrian was hit in 2006. Attorney Hirsch requested the accident report involving the pedestrian be marked as **Exhibit P-2**.

West Amwell Township Zoning Board Minutes – 2/28/23

Ms. Masset asked who is responsible for policing the parking issues that will inevitably arise. Attorney Hirsch clarified that her client's proposed project complies with the Township's parking ordinance requirements.

Guita Martorana of 34 Old River Road expressed the following architectural concerns:

1. No occupancy totals shown on any of the proposed hotel rooms or for any of the structures
2. Historic character – the exterior of the Quarry House does not respect the original architecture
3. The use of the carriage barn – it appears the 2 bedrooms are not really “recreational space”

Ms. Martorana referred to various site plan pages and made the following comments:

1. Sheet A1.4 – Shows the revised elevation for the hotel depicting barn-like siding with stone features and no longer incorporates a brick façade which eliminates all of the original character.
2. Sheet A1.4 – Depicting the hotel: The first floor layout says “existing” but it's all brand new and no longer includes a lounge, but rather a meeting room.
3. Sheet A1.5 – Phase II: Now shows a second meeting room which she believes will then create a conference center. She questioned why there is a need for a 1240 sq. ft. kitchen with 5 sinks for a 17 seat restaurant. Ms. Martorana questioned if this will actually be a catering facility instead.

Ms. Martorana questioned the following items:

1. The ADA turnarounds in the proposed bathrooms and the egress coming out of the basement which depicts someone will actually hit their head on the bay window
2. Why the kitchen is in the basement
3. How will the hotel and restaurant impact the existing well and septic
4. The reference to the pool and patio renovation in the letter sent to Old River Road homeowners from Eastern Environmental seeking NJDEP permits for the project. Engineer Bayer explained that Eastern was hired to seek a general permit in the wetlands area and everyone within 200 ft. of the subject site is required to be notified.

Attorney Hirsch challenged some of Ms. Martorana's comments.

The Board took a break from 9:40 PM – 9:51 PM.

Ms. Martorana continued to question the following details:

1. The lighting around the carriage barn.
2. Special events – specifically weddings and potential tents for guests and caterers and where 70 people would go if the weather was bad. Mr. Ehrenreich commented that guests could go inside the conference room(s) or the restaurant. Ms. Martorana then asked if that impacts the intended use of those areas.
3. The hours of operation and disruption to neighbors if special events go late into the evening.
4. The use of shuttle buses and where they will be parking.
5. Concern that 2 bathrooms in the hotel are not enough.
6. Noise from bands and DJ's

Ulrike Zimmer of 3 Old River Road came forward and expressed the following concerns:

1. Noise
2. Possible litigation from guests wondering on their property and getting hurt
3. Quality of life will change with a commercial operation right next door

West Amwell Township Zoning Board Minutes – 2/28/23

4. Staffing on the site to manage and oversee the daily activities
5. Potential vandalism

Mr. Fitting asked Mr. Ehrenreich to address the security issues that have been raised. Mr. Ehrenreich stated it is not easy to go from property to property on Old River Road because of the steep slopes and rocky terrain, however, he suggested he could install fencing or a landscape buffer if the Board wanted him to.

Ms. Zimmer commented that Mr. Ehrenreich had created hiking trails and several people deviated from them and walked down their driveway instead because it was easier. She indicated she would be happy with a fence or landscaping to try and mitigate potential trespassing.

John Martorana of 34 Old River Road came forward and expressed the following concerns:

1. There is not enough parking – 25 spots will not cover a 17 seat restaurant, 10 room hotel, staff and an event with 70 people
2. The usable acreage, .897 acres, is too small for a hotel, restaurant and event center
3. Erosion and other environmental issues
4. Steep slopes
5. Shuttle buses on Old River Road

Mr. Romano asked if shuttle buses could maneuver on Old River Road. Engineer Decker remarked the road is one lane and you can only have one vehicle moving in one direction at any given time.

Mr. Fitting asked about the property at the end of Old River Road. Mr. Ehrenreich explained he owns 110 acres in Hopewell Township and is currently working on a project for that property. He noted he has 2 existing parking lots on Valley Road in Hopewell that the Township won't allow him to use so he doesn't believe there is any way they will let him build a parking lot at the end of Old River Road so the neighbors should not be concerned. He clarified that the project in Hopewell includes 4 residential lots.

Ms. Martorana of 34 Old River Road asked where the shuttle buses will be parking. Mr. Ehrenreich stated they will park in the Quarry House parking lot.

Melissa Masset of 21 Old River Road referenced the 11/22/22 Zoning Board minutes where Mr. Cronic expressed concern about having any off site parking. Attorney Van Hise noted that testimony has been given on this matter. She also commented on the copperhead snakes in the area.

Harry Gordon of 17 Old River Road stated he is worried about people walking up Old River Road. He remarked that 70 people at an event will inevitably lead to someone walking up the road or over to the toe path. He stated he doesn't want anyone gawking at his home.

Mr. Gordon presented **Exhibit P-4** depicting flooding and Old River Road being washed out. Engineer Decker commented that the stormwater plan meets the requirements for the project and he remarked the calculations address the flooding and runoff from the subject site to Route 29, but that won't control what is upstream. Mr. Gordon stated he believes the flooding will undermine any improvements done to the road.

West Amwell Township Zoning Board Minutes – 2/28/23

Mr. Romano clarified that the drainage will not address any water from off the subject site. Engineer Decker confirmed that is the case.

Melissa Masset of 21 Old River Road commented on the animosity that has developed over the turn around area on Old River Road and she stated she wants to ensure that the roadway continues to have 2 “ends.”

Seeing no other members of the public come forward, Chairman Ashton closed the floor to public comment.

Mr. Pasquale commented that he visited the site 3 times and expressed the following concerns:

The property is not well suited for the project – it’s only .897 acres

The project requires too many variances

There are too many phases associated with the construction

There are septic concerns

There is not enough parking

Old River Road is a narrow country road with no lighting and deep ditches

Mr. Pasquale added that he doesn’t believe the project is a good idea and stated the fact that testimony spanned 4 months should tell everyone something. He also added that the resident’s quality of life is very important and should be considered.

Ms. Batchellor questioned the use of the event space and why the kitchen needed to be so large. She also questioned the recreational space in the carriage barn. Attorney Van Hise explained the application could be bifurcated because the recreation space will remain until such time as the barn space becomes part of the 10 room hotel. He noted the MLUL allows the Board to look at the use whereas the barn could be considered an apartment or an in-law suite making the property a 6 bedroom. Attorney Van Hise suggested the Board could condition any approval to state that if the hotel is not constructed the closets on the carriage barn must be decommissioned so the property cannot then be considered a 6 bedroom residence.

Mr. Bowles asked how this could be guaranteed. Attorney Van Hise stated through a deed restriction.

Mr. Romano asked if “interim” was well defined. Attorney Van Hise stated it means from “today to when the hotel use takes over.”

A motion by Mr. Fulper, seconded by Mr. Fitting to approve the existing condition that Phase “0” acknowledges the carriage house as an accessory use to the residence which is currently recreational space will remain as such until the hotel is built was made and conditioned upon a deed restriction stating these details and expressly noting the recreational space will not be used as dwelling units. The motion was approved by roll call vote with Mr. Pasquale opposing.

Ashton: Yes, Bowles: Yes, Fitting: Yes, Fulper: Yes, Hartpence: Yes, Romano: Yes

Mr. Romano commented that there have been a lot of changes made to the application and he asked if they will be included in the documentation sent to NJDOT. Engineer Bayer commented that he had already sent the application to NJDOT with the proposed crosswalk across Route 29. Mr. Romano asked if the letter from the Board and Township Engineers was included. Engineer Decker said no. The Board

West Amwell Township Zoning Board Minutes – 2/28/23

made it clear that they want Engineer Decker to coordinate with Township Engineer Bill Burr to get a letter out to NJDOT as soon as possible.

A motion by Mr. Fulper, seconded by Mr. Romano to approve the Preliminary Site Plan with the variances and site plan exceptions outlined in Exhibit A-11 was made and conditioned upon the following items:

1. The road improvements must be done first
2. A landscape and buffering plan must be provided to the Board's professionals
3. Construction must be done in phases to ensure residents continue to have access to Old River Rd.
4. Signage must be installed stating no left turn out of the subject site onto Old River Road
5. No off-site parking is allowed
6. NJDOT must approve a pedestrian crossing or the applicant must return to the Board

The motion was approved by roll call vote with Mr. Pasquale opposing.

Ashton: Yes, Bowles: Yes, Fitting: Yes, Fulper: Yes, Hartpence: Yes, Romano: Yes

Attorney Hirsch thanked the Board for their attention to the application.

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. John Martorana of 34 Old River Road asked why the Board gave the applicant a blanket approval. He asked why they granted everything without any consideration to the concerns expressed by the Old River Road residents. Chairman Ashton explained the Board listened to all of the testimony and made their determination accordingly.

Mr. Fitting asked about the propriety of communications received from members of the governing body regarding the Board's hearing of applications. Attorney Van Hise advised that although members of the Township Committee are not barred from such communication, it could be viewed as being inappropriate or be seen by an applicant or member of the public as an impermissible attempt to politically influence the Board. He further explained that such actions could also complicate potential litigation by creating appealable issues the Board would then be forced to have to defend. Several board members expressed concerns over the communications and Attorney Van Hise stated he would address the issue with the Township Attorney.

Adjournment

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

The meeting adjourned at 11:53 PM.

Maria Andrews, Zoning Board Secretary