

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT MEETING
June 27, 2023 Minutes – 7:30 PM**

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

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Vice 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 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.

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

Attendance – Roll Call

Present: Mark Bowles
Brian Fitting
Rob Fulper
David Pasquale
Scott Greenwood – Alt. #1
Attorney Kevin Van Hise
Engineer Tom Decker
Planner Joanna Slagle

Excused: John Ashton
Marvin “Tuck” Hartpence
Joe Romano
Jennifer Batchellor – Alt. #2

Presentation of Minutes – 4/25/23

A motion was made by Mark Bowles and seconded by Scott Greenwood to approve the Board’s 4/25/23 minutes with no revisions noted. The motion was approved by voice vote with Mr. Fitting and Mr. Pasquale abstaining.

Resolutions of Approval

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

Applications

John Thompson – 315 Goat Hill Road – Block 29 Lot 18.01: Variance Approval to Run a Bed-and-Breakfast on the Property

Present for the application was property owner John Thompson.

Board Attorney Kevin Van Hise commented that prior to the Board taking jurisdiction over the application, the Board must first determine whether the proposed use is a Bed-and-Breakfast or the rental of a dwelling unit. He explained the applicant is seeking a conditional use variance to permit the operation of a Bed-and-Breakfast on the site, which does not meet the requirements of the conditional use standards in the ordinance.

Zoning Board of Adjustment Meeting Minutes – 6/27/23

It was noted that the ordinance defines a Bed-and-Breakfast as a “residential dwelling in which rooms are rented for temporary lodging, and meals are only served to guests...” and it goes on to outline 11 conditions, one of which states “the use shall be carried on primarily by members of the immediate family, who must reside on the premises.”

Mr. Pasquale remarked he did not believe the subject use could be considered a Bed-and-Breakfast because Mr. Thompson was renting an entire dwelling where guests had access to a full kitchen and could cook their own meals.

Mr. Fulper commented that he was struggling with the “reside on the premises” language because he believed that could mean *on the property* and not necessarily in the same dwelling.

Mr. Fitting commented that he was struggling with the kitchen aspect and asked if the Board approved the application could it be conditioned upon removal of the kitchen facilities. Mr. Fulper noted that language in the definition clearly states, “meals are... served.” Planner Slagle clarified that typically a Bed-and-Breakfast is a room and someone else prepares breakfast because you don’t have access to the kitchen.

Mr. Fulper asked Planner Slagle how the Board can contemplate the Bed-and-Breakfast use. She suggested the Board make a determination on whether the proposed use is the rental of an accessory dwelling unit or an actual Bed-and-Breakfast.

Engineer Decker noted the property was the subject of a previously approved accessory dwelling and asked if it mattered which structure was being used as the primary dwelling unit. Attorney Van Hise stated that is a distinction without a difference and noted it does not matter which house the owner actually lives in because the property is still a 2-dwelling site.

A motion was made by Mark Bowles and seconded by David Pasquale finding the use as proposed is a Bed-and-Breakfast. The motion failed on a 3 to 2 roll call vote.

Roll Call Vote: Bowles: Yes, Fitting: No, Fulper: No, Pasquale: No, Greenwood: Yes

Attorney Van Hise confirmed the Board could not take jurisdiction to proceed with the public hearing on the application and informed Mr. Thompson that he could continue renting the dwelling on a long term basis or go to the Governing Body and request they reconsider the ordinance to allow short term rentals.

Approval of Vouchers

A motion was made by David Pasquale and seconded by Scott Greenwood to approve the vouchers for payment as listed on the agenda. The motion 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 there were no members of the public present at the meeting.

Zoning Board of Adjustment Meeting Minutes – 6/27/23

Closed Session

Resolution #2023-09: Authorizing a Closed Session Discussion on Pending Litigation

A motion was made by David Pasquale and seconded by Scott Greenwood to approve Resolution #2023-09 and enter into Closed Session. The motion was unanimously approved by voice vote.

It was noted for the record that the Board was in Closed Session from 8:22 PM to 8:34 PM.

Adjournment

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

The meeting adjourned at 8:35 PM.

Maria Andrews, Zoning Board Secretary