

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
January 24, 2012**

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

The following statement of compliance with the Open Public Meetings Law as listed on the meeting agenda was summarized by Chairman Fulper: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was included in a list of meetings transmitted to the Hunterdon County Democrat and Trenton Times on January 10, 2011. Notice has been posted accordingly and a copy of this notice is available to the public and is on file in the Zoning Board of Adjustment Office. The meeting was recorded via digital recording system and a copy of the CD is on file in the Zoning Board of Adjustment Office.

Secretary Hall led the Pledge of Allegiance to the American Flag.

APPOINTMENTS/OATH OF OFFICE:

Board Attorney Palilonis administered oath of office to the following Board members:

Joe Romano – 4 yr. term through 12/31/15

John Ashton –Alt. #1 – 2 yr. term through 12/31/13

ATTENDANCE/ROLL CALL:

Roll call on attendance: John Cronce- present, Joe Romano -present, Ruth Hall-present, John Ashton (ALT. #1) -present, Robert Fulper-present.

Absent: Brian Fitting, Dave Sanzalone, John Dale, John Hoff (ALT. #2)

Professionals Present: Stewart Palilonis, Board Attorney; Tom Decker, Board Engineer

NOMINATIONS/APPOINTMENTS:

Chairperson - Secretary Hall opened the floor for nominations for the position of Chairperson. Nomination was cast by Cronce for the appointment of Rob Fulper. Motion was seconded by Romano. Hearing no other nominations, the floor was closed to nominations. Roll call: Cronce-aye, Romano-aye, Hall-aye, Ashton (ALT #1)-aye, Fulper-abstain. Motion carried, Robert Fulper II appointed as Chairperson for 2012.

Vice Chairperson – Chairman Fulper opened the floor for nominations for the position of Vice Chairperson. Nomination was cast by Ashton for the appointment of John Cronce. Motion was seconded by Romano. Hearing no other nominations, the floor was closed to nominations. Roll call: Cronce- abstain, Romano-aye, Hall-aye, Ashton (ALT #1)-aye, Fulper-aye. Motion carried, John Cronce appointed as Vice Chairperson for 2012.

Secretary – Motion was made by Cronce with a second by Ashton for the appointment of Ruth Hall as Board Secretary. Roll call: Cronce- aye, Romano-aye, Hall-abstain, Ashton (ALT #1)-aye, Fulper-aye Motion carried.

Deputy Secretary – Motion was made by Cronce with a second by Ashton for the appointment of Maria Andrews as Deputy Secretary. Roll call: Cronce- aye, Romano-aye, Hall-aye, Ashton (ALT #1)-aye, Fulper-aye Motion carried.

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REORGANIZATION RESOLUTIONS:

ZBA2012-01 – CONSENT AGENDA

ZBA2012-02 – MEETING SCHEDULE

ZBA2012-03 – DESIGNATION OF OFFICIAL NEWSPAPER

ZBA2012-04 – APPOINTMENT OF BOARD ATTORNEY

ZBA2012-05 – APPOINTMENT OF BOARD ENGINEER

ZBA2012-06 – APPOINTMENT OF BOARD PLANNER

Secretary Hall noted the December 2012 meeting falls on Christmas; it was the consensus of the Board not to list a December meeting date until determined whether a meeting was necessary, based on agenda needs in December.

Professional services contract for the position of Board Engineer and Board Planner received from

VanCleaf Engineering Services was discussed. It was the consensus of the Board to hold awarding the engineer and planner contracts, for a 12-month period, pending further discussion at the February meeting.

Motion was made by Cronce with a second by Romano for the adoption of resolutions 2012-01, 2012-02, 2012-03, 2012-04, and execution of professional services agreements by way of formal adoption of consent agenda 2012-01. Resolution 2012-05 and accompanying professional services contract for VanCleaf Engineering Associates, Board Engineer for the period 1/1/12 through 3/31/12 and 2012-06 and accompanying professional services contract for VanCleaf Engineering Associates, Board Planner for the period 1/1/12 through 3/31/12. Motion carried on roll call vote—all ayes.

PRESENTATION OF MINUTES:

Regular Meeting Minutes – December 21, 2011 – Motion was made by Romano with a second by Ashton to accept the minutes as presented. Roll call: Cronce- abstain, Romano-aye, Hall-aye, Ashton (ALT #1)-aye, Fulper-aye.

RESOLUTION(S) OF APPROVAL:

PECO Energy Company c/o Dilworth Paxson, LLP – Block 17 Lot 13.01-

Use/Height/Appeal of Zoning Officers Denial.

Motion was made by Hall with a second by Ashton for approval of the resolution with correction as discussed. Roll call: Romano-aye, Hall-aye, Ashton (ALT #1). Motion carried.

APPLICATION(S):

Completeness/Public Hearing: Zone 7, LLC – Block 14 Lot 13– 540 Route 31 North-
Variance Request-Use (7:52 PM)

Bob Casey, attorney for the applicant, appeared on behalf of the applicant, Zone 7. Application, checklist, and plan titled “B-14/L-13/540 Rt. 31; 4-23-96 ZBOA Use Variance to Landscaped Contractor, comprised of one sheet, plan titled “Site Plan for Route 31 Partners”, sheet 1 of 3 prepared by Heritage Consulting Engineers dated September 5, 1996, last revised September 4, 1996, were received and distributed.

Notices of service and publication were reviewed by Attorney Palilonis and found to be in order.

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Mr. Casey stated they are seeking “d” use variance with bulk variance for frontage. Attorney Palilonis questioned whether the applicant would be bifurcating the application, in response

Mr. Casey stated there is a site plan issue, however the physical use of the property is going to be identical to the use that was approved in 1997, and therefore would request a waiver from site plan review and be permitted to proceed on the total application, for both use variance and for site plan waiver.

Attorney Palilonis pointed out only five members of the Board were present; Mr. Casey indicated it was the applicant’s decision to move forward.

Engineer Tom Decker of VanCleaf Engineering was present on behalf of the Board. Completeness Review letter dated January 18, 2012, was received and distributed. Engineer Decker provided an overview of the review letter. Secretary Hall noted checklist items that have been satisfied. Engineer Decker’s recommendation is to deem application incomplete per review letter.

Mr. Casey requested the Board hear the application and allow to supplement with a new plan. Requesting the board hear the testimony in reliance upon the older plans and stated there have been no changes to the property and there will be testimony to confirm.

Board discussion ensued stating, the Board cannot make an informed decision without updated plans or without all of the information before us.

Mr. Casey requested a waiver of site plan approval and to proceed with the use variance pending submission of new plans consistent with plans submitted from 1996 and on testimony from this hearing.

Board discussion continued, Attorney Palilonis stated whenever we grant a use variance under a bifurcated application its always subject to site plan review, adding it comes down to whether or not you have enough information before you to act on the use variance.

Attorney Casey requested a brief recess of this application – Meeting recessed 8:21 PM – 8:27 PM)

Attorney Casey related the applicant would like to be continued to the February meeting of the Board and will submit revised plans, requesting the Board retain jurisdiction with no additional notice necessary. Mr. Casey stated upon review of the West Amwell Code, he was unaware of any ordinance that triggers site plan approval, stating if there is a use variance that automatically triggers site plan approval he didn’t see that in the code.

Members of the public were advised that the hearing would be continued to the February 28, 2012 meeting of the Board at 7:30 PM. No additional notice will be made (8:29 PM)

CORRESPONDENCE:

The following items were distributed as correspondence:

- A. Nov. 2011 Planner
- B. Dec. 2011 Planner

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- C. Request from Clerk Olsen re: Leadership form for Dale and Sanzalone – to be carried to February 28, 2012 meeting.
- D. Email request from Environmental Commission re: request for notice of applications- Board discussion ensued, resulting in a decision to continue with current practice to notify the Environmental Commission (EC) of applications that require EC review as determined by Chairman Fulper, and remind the EC that all applications are available for review by the public, committees or boards. Secretary Hall will respond to EC.
- E. Notice of pending litigation re: Garden Solar- Attorney Palilonis stated that he filed all necessary paperwork on behalf of the Board.

DISCUSSION:

- A. **Zoning Officer Baldino** presented Board members with a copy of the January 2010, NJPO MLUL, stating he thought the books could be useful to the members. In addition, Mr. Baldino requested when a denial was being heard, that he be sworn in and sit at the table with the Board members. Chairman Fulper clarified by asking “you mean when an applicant is appealing your decision”, then referring to Attorney Palilonis for guidance. Attorney Palilonis stated to a certain extent it is up to the applicant’s attorney, but maybe we should just do it. Mr. Baldino felt that it would benefit the Board to have him available for immediate testimony. Attorney Palilonis stated Mr. Baldino would be sworn in and at the table with the board professionals on hearings of appeals only. Mr. Baldino agreed this would be for appeals only, while still on call for applications in general.
- B. **2012 Proposed Budget** spreadsheet of the Board’s expenses showing a breakdown of charges against the budget for 2011 was distributed. It was noted by Secretary Hall that there is a negative balance in the “conferences” line item of the budget due to classes taken by her and Board members, as well as a negative balance in “legal” line item due to an increase in applications as a result of a full year of meetings requiring participation by Attorney Palilonis. It was agreed that Secretary Hall will submit recommendations for the 2012 operating budget line increase to \$3,000. A request to remove the Zoning Officer operating expense line from the Zoning Board budget line will be included with the 2012 budget request.
- C. Discussion regarding the **Board Secretary salary** determined a need to work toward parity between the Zoning Board and Planning Board secretary’s salary. Secretary Hall to draft and circulate among Board members, a letter requesting salary range parity between boards’, prior to submittal to Clerk Olsen.

Approval of Bill List 12/21/11:

A motion by Cronic, seconded by Romano to approve the Bill List for payment was unanimously approved by voice vote.

OPEN TO PUBLIC:

The floor was opened to the public. Hearing no comments/questions, the floor was closed.

ADJOURNMENT:

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A motion by Romano, seconded by Ashton to adjourn was unanimously approved by voice vote (9:15PM)

Respectfully submitted,

Ruth J. Hall