

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
November 22, 2011**

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:33PM 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.

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

ATTENDANCE/ROLL CALL:

Roll call on attendance: John Cronce-present, Joe Romano -present, Ruth Hall-present, Dave Sanzalone-present, John Dale-present, John Ashton (ALT. #1) -present, John Hoff (ALT. #2) -present, Robert Fulper-present.

Brian Fitting arrived at 7:35PM

Professionals Present: Stewart Palilonis, Board Attorney

PRESENTATION OF MINUTES:

Regular Meeting Minutes – October 25, 2011 – Motion was made by Sanzalone with a second by Dale to accept the minutes as written. Roll call, Cronce- aye, Fitting-aye, Romano-abstain, Hall-aye, Sanzalone-aye, Dale-aye, Fulper-aye.

RESOLUTION(S) OF APPROVAL:

New Cingular Wireless PCS, LLC (AT&T) - Block 5.01 Lot 3 –125 Alexauken Creek Road – Use/Height/Preliminary and Final Site Plan Approval
Motion was made by Sanzalone with a second by Hall for approval of the resolution with minor correction as discussed. Roll call: Cronce-aye, Fitting-aye, Hall-aye, Sanzalone-aye, Dale-aye, Ashton (Alt. #1)-aye, Fulper-aye. Motion carried

APPLICATION(S):

Completeness/Public Hearing: PECO Energy Company c/o Dilworth Paxson, LLP
– **Block 17 Lot 13.01 – 79 Rocktown- Lambertville Rd.** - Variance Request – Use/Height/Appeal of Zoning Officers Denial.

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Chairman Fulper advised that due to improper notice the application for PECO Energy Company would be carried to the December 21, 2011 meeting of the Board.

Continued Public Hearing: Lingerfield, Mark - Block 32 Lot 18 – Barry Rd.– Variance Request – Addition to Single Family Home/side yard setback. Copies of application, zoning denial dated 10-4-11, Google Map imagery of 34 Barry Rd. dated 4/11/10, plan of Block 32 Lot 18 dated 10/4/11 were distributed.

Proofs of publication and service were reviewed by Attorney Palilonis and found to be in order. Property owner, Mark Lingerfield, 34 Barry Road, and Jim Powel, 31 Barry Road, Building Contractor were sworn in by Attorney Palilonis.

Mr. Lingerfield provided an overview of the existing conditions stating the proposed addition would be 18x20ft. The existing home is on an angle on the property the front corner is at 50 ½ft from the side setback with the back corner at 47 ½ft from the side setback. The addition would continue at a right angle with the furthest back corner being at 42 ½ft from the side yard. Looking at the house from Barry Rd, it would be the right side on the back of the house, the furthest corner will be 42 ½ft with the proposed addition. The current corner of the house is at 47.1ft side yard setback.

Mr. Powel stated the proposed addition, because of working square off the house, drifts over 4.3 ft in the furthest corner, setting the addition over the side yard setback line.

Chairman Fulper clarified it is a preexisting nonconforming deficiency, Mr. Powell added the Zoning Officer stated if the deficiency wasn't expanded, rather maintained at 47ft, it would be fine. However, to maintain the 47ft would not tie into the roof line. The proposed location is the only location allowing the size necessary. On the other side is the kitchen and to the rear is a new patio, and on the other side is the well.

Attorney Palilonis questioned whether there was a house on the adjoining lot 17 and how far from the property line it was located, in response Mr. Lingerfield stated yes and it was located closer to the road with sheds being closest to the Lingerfield property. In response, Mr. Lingerfield stated lot 22 is separated by a wooded area and unable to view the house. Lot 17 house is located to the front of the Lingerfield house.

Mr. Powel testified that cedar shake siding is currently on the house with 8"clapboard siding on the garage, stating 8" clapboard is proposed for the addition. There is an existing projection of a fireplace and one existing ac unit; there will be one additional ac unit for the proposed addition. The septic is located at the back of the house; the field is to the left and the tank is between the addition and the rear patio approx. 25ft. from the proposed addition.

Motion was made by Fitting with a second by Cronce to grant relief providing the addition is no more than 20ft extended past the back of the house and stays in plane with the existing south (right) side yard setback, and locate any new air conditioner unit in line with the existing air conditioner.

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Roll call: Cronic-aye, Fitting-aye, Romano-aye, Hall-aye, Sanzalone-aye, Dale-aye, Fulper-aye, Motion carried to approve. Resolution to be prepared for December meeting. (8:02PM)

CORRESPONDENCE:

The following items were distributed as correspondence:

Code Supplements

Received from Clerk Olsen, **Ordinance17, 2011, Ordinance18, 2011, Ordinance19, 2011** introduced Oct 26, 2011, scheduled for **final adoption Nov 23, 2011**

Approval of Bill List 11/22/11:

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

Chairman Fulper requested Secretary Hall to remind VanCleaf that invoices should be submitted to the Board Secretary for review and not submitted directly to the Assistant Treasurer for payment.

DISCUSSION:

Chairman Fulper advised that he and Vice Chairman Cronic have a conflict with the PECO application, Secretary Hall informed that a temporary Chairman will need to be appointed for the PECO application.

Secretary Hall advised that PECO's fees and escrow have not been paid.

OPEN TO PUBLIC:

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

ADJOURNMENT:

A motion by Sanzalone, seconded by Hoff to adjourn was unanimously approved by voice vote (8:15PM)

Respectfully submitted,

Ruth J. Hall