

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
April 26, 2011**

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:32PM 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 copy of 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, Brian Fitting-present, Joe Romano-present, Ruth Hall-present, Dave Sanzalone-present, John Ashton (ALT. #1)-present, John Hoff (ALT. #2)-present, Robert Fulper-present.

Absent: John Dale

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

PRESENTATION OF MINUTES:

Special Meeting Minutes – March 7, 2011 – Motion was made by Fitting with a second by Ashton for approval of the minutes with revisions, corrections and verification of statements (listen to cd) as discussed. Roll call, Cronce-aye, Fitting-aye, Romano – abstain, Hall-aye, Sanzalone-aye, Ashton (ALT. #1) aye, Fulper-aye

Regular Meeting Minutes – March 22, 2011 – Motion was made by Fitting with a second by Cronce for approval of the minutes with revisions, corrections and verification of statements (listen to cd) as discussed. Roll call, Cronce-aye, Fitting-aye, Romano – abstain, Hall-aye, Sanzalone-aye, Ashton (ALT. #1) aye, Fulper-aye.

RESOLUTION(S) OF APPROVAL:

Resolution 2011-10 - Green Power of West Amwell, LLC– Block 3 Lot 12/14 – Route 179 -Use and Bulk Variance - Resolution as prepared by Attorney Palilonis was distributed. A copy was provided to the applicant’s attorney and objectors attorney prior to the meeting. Motion was made by Cronce with a second by Sanzalone for approval of the resolution contingent upon minor correction as discussed. Roll call: Cronce-aye, Fitting-aye, Hall-aye, Sanzalone-aye, Ashton (Alt. 1)-aye, Fulper-aye. Motion carried

Attorney Valenti provided a sketch of the screening diagram as agreed upon with the objectors.

APPLICATION(S):

Continued Public Hearing: Santolini, Thomas - Block 14.02 Lot 8 – Old York Road
– Variance Request – Accessory Structure/Pole Barn Garage (7:52PM)
Revised Copies (by Zoning Official Baldino) of plan of survey dated 12/6/10 rev.4/12/11 for said property with location of proposed structure were distributed.

Proofs of publication and service were reviewed by Attorney Palilonis and found to be in order. Property owners, Thomas and Christine Santolini, 1136 Old York Road Ringoes NJ, and James Burke, Phillipsburg, NJ, representing Morton Buildings were sworn in by Attorney Palilonis.

Mr. Santolini stated the proposed building will be for personal use only to house their personal vehicles, a Jeep and a 1937 Ford coupe, toolbox, automotive equipment, and a lift. Mr. Santolini testified these items were currently being stored at his father's property. Due to the recent loss of his father, it is necessary to sell his father's property.

The house is approx. 327ft. from Old York Rd., 214ft. from Route 202; the septic field is between the house and Route 202. Mr. Santolini related that the proposed Morton Bldg. will be an attractive addition to the property and neighborhood

Plan of Survey dated 12/06/10 rev.4/12/11 was entered as Exhibit S-1

Attorney Palilonis related the following variances are required: front yard, 20ft.6in height whereas 15ft. is permitted, a 1364sq.ft structure whereas 1200sq.ft.is permitted.

Chairman Fulper questioned whether the building could be moved to meet the side yard setback. Mr. Santolini testified the proposed structure would be moved 7ft. to the west to meet the side yard setback of 50ft.

Mr. Santolini stated that he has two front yards; Route 202 to the south where the septic field, septic tank, and D-box are located, with an existing shed located 100ft. off Route 202 leaving no room for the proposed building. Mr. Santolini stated the only place for the structure is the other front yard off Route 179. The proposed location is well buffered from Route 179. Mr. Santolini testified the building won't fit in the side yard and wouldn't meet the setbacks.

Packet of (10) pictures detailing the property was entered as Exhibit S-2; Mr. Santolini provided details of each picture.

Mr. Santolini testified the height is required to accommodate the electric lift; the ceiling height needs to be approx. 13ft.

Mr. Burke, Morton Buildings, stated the design of the building allows approx. 13ft.6in.of clearance within the building after a concrete floor is poured. The lift is approx.13ft. high, allowing 6in. for lighting. The building will be insulated, it is a truss system, with a 4/12 roof pitch, 20ft.6in.height to the peak. The building is 30x40 exterior dimensions, 1200 sq.ft., there is a 6ft. porch off the south end wall facing the house.

Attorney Palilonis questioned whether the porch should be considered part of the square footprint of the building. Mr. Burke stated it is an overhang with a 4in. floor.

Board discussion ensued regarding the porch. Upon referencing the code definitions of structure and building, it was determined; the definition of a structure best defined the porch, thus adding to the overall sq. footage of the structure.

Mr. Santolini testified the porch was added for esthetic purposes, whereas the height and size is most important. A water hydrant is proposed for the outside of the structure. There is no bathroom facilities proposed, Electric will be installed. The building will be used solely for personal use. The siding color will be off red with a brown roof. Overhead doors (3) will be white with windows, plus one access door with window. There is a proposed 4ft. concrete apron in front of the overhead doors. Two windows are being considered for the Route 179 side of the structure.

One exterior light is proposed at the access door, to be located facing the house.

Motion was made by Cronce with a second by Sanzalone to approve the application for front yard at a minimum of 240ft. from Route 179 right of way line, 1344sq.ft. building whereas 1200sq.ft. is allowed, 20ft.6in. height whereas 15ft. is allowed.

Roll call: Cronce-aye, Fitting-aye, Romano-aye, Hall-aye, Sanzalone-aye, Ashton (Alt. #1) aye, Fulper-aye. Motion carried. Resolution of approval to be prepared for the next meeting. (8:34PM)

(Chairman Fulper related that there would be a brief recess at this time – Meeting recessed 8:34 PM – 8:43PM)

Completeness Determination: Garden Solar LLC – Block 18 Lot 1– 624 Brunswick Pike – (D-3) Use variance (8:44PM)

Robert DeChellis, attorney for the applicant, appeared on behalf of the applicant Garden Solar

LLC, (property owner, West Amwell Properties, LLC). Application, checklist, binder, and plan titled “Preliminary and Final Site Plan, Clean Generation Solar Energy Farm W2-076”, comprised of fourteen sheets and prepared by Engineering & Land Planning Associates, Inc. dated April 7, 2011, were received and distributed

Mr. DeChellis stated, due to a conflict, he was appearing on behalf of Attorney Walter Wilson.

Engineer Tom Decker of Van Cleef Engineering was present on behalf of the Board. Completeness Review letter dated April 23, 2011, was received and distributed. Engineer Decker provided an overview of the review letter with discussion as follows.

Variances

In addition to the requested conditional use variance, additional variances were identified as:

As outlined in item #1, the definition of Principal Use states, “Unless specifically permitted by a provision of this chapter, no lot shall have more than one principal use.” The solar facility will constitute a second use on the lot. Therefore a variance is required.

As outlined in item #2, a variance may be required for retention of a non-conforming use. The existing masonry supply use is not specifically listed in the “Schedule of Permitted

Uses” as provided in the Land Use Ordinance. Similar uses such as Farm & Garden Supply and Lumberyard are not permitted uses within the NC Zone.

Discussion ensued amongst the Board members regarding the variances. The existing use, if put in the same category as the Farm & Garden Supply and Lumber Yard, it would be an existing non-conforming use. Engineer Decker deferred to Board Attorney Palilonis, questioning if by adding the solar use, does that intensify the existing non-conforming use.

Mr. DeChellis stated that the agricultural use will be changed because of adding the solar use, adding, there isn't going to be any change that impacts the masonry business, it is a prior non-conforming use that isn't going to be changed or expanded. The applicant is seeking a variance from the conditional use because they don't meet the bulk requirements. They are seeking the variance for the conditional use rather than an expansion of a non-conforming use.

Board Member Cronce questioned if there was a record for when West Amwell Mason Supply was established, Secretary Hall stated that there wasn't anything on file for the block and lot.

Attorney Palilonis related to the Board, this is an inherently beneficial use, focus should be on the zoning plan and the public good, taking into account that there is a pre-existing non-conforming use on the lot.

The following checklist items were addressed:

Development Review Checklist

Required Documents

Items D, G - provided
Item I, N - waiver for completeness purposes.

Required Plan Information

Items 3, 5 - provided
Items 11, 17, 32 - waiver
Item 42 - waiver for completeness purposes
Item 15, 34, 36 - will provide
Item 28 - add to plan
*Item 30, 31, 33 b,c,d,g.- will provide

*Chairman Fulper requested a plot plan of the existing West Amwell Supply, to include a lighting plan. Discussion ensued regarding existing parking and emergency access. It was agreed to provide parking detail on the plan, as specified.

Zoning Board of Adjustment Checklist

Item 3 - will provide
Items 5, 12 - provided
Item 6 - will provide at hearing

Attorney Palilonis notified Mr. DeChellis the application was deemed incomplete; the items as discussed should be submitted to the Board's Engineer 10 days prior to the next hearing date.

Board Member Cronce reviewed the construction file on Block 18 Lot 1, finding a plot plan dated 6/22/00 showing the existing building and the new building, on a hand written note, signed by Eugene Venettone, Zoning Officer, "released relief 6/22/00, during the past 10-12 years, Mr. Triola has added a full range of hardware items, paints tools, etc., keeping in character with the Neighborhood Commercial Zone."

Chairman Fulper stated the variances required are conditional use, principal use, and non-conforming use. Attorney Palilonis stated that the board is recommending a site plan review be done. (9:28PM)

CORRESPONDENCE:

The following items were distributed as correspondence:

Ordinance 6,2011 an ordinance to amend chapter 109 of the code of the Township of West Amwell – establish special meeting fees – first reading March 23, 2011, final adoption April 27, 2011

Ordinance 7,2011 an ordinance to amend chapter 109 of the code of the Township of West Amwell – Approval agency – first reading March 23, 2011, final adoption April 27, 2011

E-mail communication between the Planning Board and Engineer Decker regarding **New Cingular Wireless** application regarding Board jurisdiction determination. Because the application went to Engineer Decker, the Board decided it did not need to go to the Zoning Officer.

A copy of the **Feb/Mar 2011** edition of **NJ Planner** was distributed.

Approval of Bill List 4/26/11:

A motion by Cronce, seconded by Sanzalone to approve the 4/26/11 bill list, contingent upon availability of funds, was approved by Voice Vote – all eyes.

DISCUSSION:

Board member Cronce suggested rearranging the order of the agenda to avoid detaining the applicant/professionals. Chairman Fulper offered that we consider the suggestion before implementing.

Chairman Fulper requested a letter be sent to remind applicants, Green Power of West Amwell and Breen Color Concentrates, to forward the special meeting fee.

Secretary Hall distributed a pamphlet outlining Zoning Board Public Hearing Procedures and proposed that it be used as a handout at the Country Fair. Board members were in favor of using the pamphlet as a handout at the Country Fair.

OPEN TO PUBLIC:

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

ADJOURNMENT:

Motion was made by Ashton with a second by Sanzalone for adjournment at 9:47 PM. All members voted in favor of adjournment.

Respectfully submitted,

Ruth J. Hall