

**WEST AMWELL TOWNSHIP  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
February 23, 2010**

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

The following statement of compliance with the Open Public Meetings Law as listed on the meeting agenda was summarized by Chairman Cronce: 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 28, 2010. 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 Cronce led the Pledge of Allegiance to the American Flag.

**OATH OF OFFICE:**

John Ashton – Alt. #1 – two year term through 12/31/11;  
John Hoff – Alt. #2 – unexpired two year term through 12/31/10.

The oath of office was administered to the new members by Attorney Palilonis.

**ATTENDANCE/ROLL CALL:**

Roll call on attendance: Ruth Hall-present, Brian Fitting-present, Joseph Romano-present, David Sanzalone-present, Robert Fulper-present, John Dale-present,  
John Ashton (Alt. #1)-present, John Hoff (Alt. #2)-present, John Cronce-present.

Professionals Present: Stewart Palilonis, Board Attorney

**PRESENTATION OF MINUTES:**

Regular Meeting Minutes – January 26, 2010 – Motion was made by Romano with a second by Dale for approval of the minutes as presented. Motion carried on roll call vote – all ayes.

**RESOLUTION(S) OF APPROVAL:**

*(Board member Hall left the meeting at 7:40PM)*

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**Resolution 2010-08 – Myhre, Erik, Block 13 Lot 3 – State Highway 179 – Use/Bulk Variances – Single Family Dwellings** – Discussion ensued regarding clarification of the approval granted and language included in the resolution as presented. Mr. Myhre was present to also seek clarification on the content of the resolution. In response to the discussion held, motion was made by Fulper with a second by Sanzalone to approve the resolution with the following amendments:  
- Fourth Whereas, Section a. - to read in part, "...applicant intends to restore the vacant structure in a historically accurate manner. *The owners' intention is to rent the structures for residential purposes as to justify the expense of the restoration.*"  
- Section c. – to read in part, "*The Board inquired about the bridge's ability to accommodate emergency vehicles such as fire trucks. The applicant agreed to provide a structural assessment of the bridge from a professional engineer.*"  
- Last paragraph, Now, Therefore, Be it Resolved – to read in part, "...*subject to the conditions that applicant produce a structural assessment from a professional engineer concerning the bridge...*".

Roll call: Fitting-aye, Romano-aye, Sanzalone-aye, Fulper-aye, Cronce-aye.  
Motion carried. Applicant will provide a copy of the structural assessment to the West Amwell

Township Fire Chief and to the Township. The applicant advised that while it is his intention to meet the time limit imposed for submission of the required documentation (submission of approvals/reports prior to the issuance of a construction permit or within six months whichever comes first), he may be unable to do so for personal reasons. Attorney Palilonis advised that in the event the applicant can not meet the time limit, he may return to the Board to seek an extension of the conditions and a public hearing will not be required for such request for extension.

**APPLICATION(S):**

**Public Hearing: Mostofizadeh – Block 21 Lot 12 – Use/Bulk Variance and Minor Subdivision Application – Request to place application on hold**

Request dated 2/4/10 from Gholamhossein Mostofizadeh to place a hold on his application was received and distributed. Secretary Griffiths advised the Board that while Mr. Mostofizadeh has remitted some funds in response to notice of the deficiency in his escrow account, the account is still in arrears. Motion was made by Fulper with a second by Fitting to grant an extension of the application for one month to allow the applicant the opportunity to replenish his escrow account and resume action on the application. It was agreed that in the event the escrow is not replenished and there is no activity on the application, action to deny the

application without prejudice will be considered at the next meeting. Roll call: Fitting-aye, Romano-aye, Sanzalone-aye, Fulper-aye, Cronce-aye. Motion carried. Secretary Griffiths will advise Mr. Mostofizadeh of the Board's action on this matter.

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**Public Hearing: Brown, Mark – Block 19 Lot 26 – Variance Request – Pole Barn Garage – Rock Road West** (8:36PM)

Board members Cronce and Fulper recused themselves from the hearing on this application due to conflicts; Mr. Cronce related that Mr. Brown was a former employee and Mr. Fulper is a property owner within 200 ft. of the property under consideration.

Alternate members Ashton and Hoff were eligible to act on the application.

Notices of service and publication were reviewed and found to be in order by Attorney Palilonis. Applicants Mark Brown and Amanda Knechel, 251 Rock Road West, were sworn in by Attorney Palilonis. Attorney Palilonis oversaw the application.

Copies of application, checklist, zoning official denial dated 12/1/09, and survey plan dated 4/23/09 for said property with location of proposed structure were distributed.

Mr. Brown presented his request for the construction of a pole barn/garage which requires size and side yard setback relief. Applicants' property consists of approximately two acres. Applicant desires to place the pole barn in the same area as an existing shed. The placement of the pole barn in this location results in the need for side yard setback relief. Placement of the structure more to the rear would result in the need for rear yard setback relief. Side yard setback requirement is 50 ft.; applicant is proposing setback at 24.9 ft. thus requiring setback relief of 25.1 ft. The proposed structure is approximately 960 sq. ft. and 500 sq. ft. is permitted. Applicant testified that the proposed location of the pole barn also takes into consideration the location of the septic field (between pole and tree) and the use of the existing driveway. The intended use of the garage is for storage of household items and tools. Mr. Brown advised that the residence is a 3,000 sq. ft. ranch built on a slab with no attic or garage and there is a need for storage space.

Mr. Brown described the proposed pole barn as follows: metal construction, approximately 30' x 32 ft. in size; roof is 15 ft. to the peak; sides are 10 ft.; one standard, overhead garage door in the front; one entry door. In response to

questioning by the Board, Mr. Brown advised that the existing shed will be removed from the site, there is no electric or plumbing anticipated at this time nor a concrete floor. In response to further questioning, he advised that he needs a garage of this size for storage purposes and for the ability to pull a vehicle in for servicing. Mr. Brown attested that the pole barn would not be utilized for commercial purposes but for residential purposes only.

Board member Romano suggested relocation of the proposed structure in an area that would be approximately 40 ft. from the septic field and still within the allowable side yard setback requirement. It was the testimony of Mr. Brown and Ms. Knechel that location as proposed on the plan would be more aesthetically pleasing and would allow them to utilize the existing driveway. Concern was expressed with the aesthetics of the roof lines of the garage to the existing dwelling if the structure were moved in closer

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proximity to the dwelling. In response to question raised as to the proposed height of the pole barn (15 ft.), Mr. Brown advised that this height is needed in order to open the garage door and adequately pull a vehicle into the garage.

Applicants testified that both the east and west sides of the property are open field with existing mature tree lines that run the length of the property offering sufficient buffering of the proposed structure. It was noted that the garage will be approximately 150 ft. from the road.

Discussion ensued by the Board in regard to the proposed location of the pole barn vs. ordinance requirements relative to accessory structures that meet setback requirements of principal dwellings. Board member Fitting expressed favoritism with the construction of one accessory structure as opposed to more than one which would be allowable per ordinance requirements. Mr. Brown advised that it would be more advantageous to construct one structure as opposed to two.

No members of the public were present.

Motion was made by Sanzalone to grant 25.1 ft. of side yard set back relief and construction of a pole barn as proposed (30 ft. x 32 ft). Motion seconded by Dale. Roll call: Fitting-aye, Romano-nay, Sanzalone-aye, Dale-aye, Ashton-aye, Hoff-aye. Motion carried. Resolution to be prepared for next meeting. The permit and appeal process was explained to the applicants by Attorney Palilonis. (9:00 PM)

**CORRESPONDENCE:**

**Financial disclosure statements** for 2009 were distributed for completion by Board members.

**Notice of Violation Block 22 Lot 19** - Davis, Malcolm and Jean, as issued by Zoning Official Baldino dated 2/16/10 was received. Property owner cited for violation pertaining to demolition of a cottage house that was located in the front yard without obtaining required township permits.

Notice of 2/1/10 from **Elizabethtown Gas**, Re: Map of their territory, was received.

**PRESENTATION OF BILLS FOR PAYMENT:**

The following bills were received:

VanCleef Engineering - \$2,961.00 – Mostofizadeh escrow account.

Motion was made by Fulper with a second by Sanzalone for the approval of the bill contingent upon certification of funds. Motion carried on roll call vote – all ayes.

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**DISCUSSION:**

**Possible Amendment of ZBA By-Laws** - Copy of the Board's most recent by-laws was distributed. Discussion ensued regarding language contained in the by-laws relative to the reappointment provisions for the chair and vice chair for more than three consecutive years. Attorney Palilonis advised that by-laws need to be re-adopted annually by newly organized Boards, therefore, the by-laws are not binding at this time. Discussion ensued as to whether there is a need for by-laws, whether the language contained in the existing by-laws pertaining to the appointment of the chair and vice chair should be amended, and whether language pertaining to the removal of Board members for absences should be amended as well. Motion was made by Dale with a second by Fulper providing for the review of the by-laws by Board members over the next 30 days. Motion carried on roll call vote - all ayes. Recommended changes to be discussed at the next meeting.

**Resolution 2010-07 – 2009 ZBA Annual Report** – Resolution/Annual Report of 2009 containing cases heard by the Board for 2009 was presented by Secretary Griffiths. The ZBA is required to file the report annually with the Township Committee and Planning Board. Motion was made by Fitting with a second by Sanzalone to approve the resolution as presented. Motion carried on roll call vote - all ayes.

**Resolution to Retire into Executive Session – Personnel – Professional Services Quotes – Board Engineer**

It was directed by Chairman Cronic that this matter be discussed in open session, therefore, executive session was not held. Attorney Palilonis was excused from the meeting at this time.

Requests for quotes were solicited for the position of Board Engineer. Seven responses were received and distributed to include response from the current engineering firm, VanCleaf Engineering. Van Cleef Engineering submitted proposal of offering the services of an associate staff engineer at a lower hourly rate than what is currently being billed for the services of Principal Engineer Clerico. Discussion ensued regarding the services and scope of work that have been provided by Engineer Clerico and the terms of services that would be provided by the associate engineer.

Associate Engineer Tom Decker of Van Cleef Engineering will be requested to attend the March meeting of the Board for interview purposes. The Board will review the other proposals submitted for continued discussion at the March meeting.

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**OPEN TO PUBLIC:**

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

**ADJOURNMENT:**

Motion was made by Fulper with a second by Sanzalone to adjourn at 9:33 PM. All voted in favor of adjournment.

Respectfully submitted,

Donna M. Griffiths  
Secretary