

WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
June 22, 2010

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:30 PM by Chairman Cronce. A moment of silence was observed in memory of former Committeeman and Board Member Gary Bleacher.

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.

ATTENDANCE/ROLL CALL:

Roll call on attendance: Robert Fulper-present, Ruth Hall-present, John Ashton (Alt. #1)-present, John Hoff (Alt. #2)-present, John Cronce-present.

Late attendance: Joseph Romano (7:35 PM – after approval of minutes)

Absent: Brian Fitting, David Sanzalone, John Dale

Professionals Present: Stewart Palilonis, Board Attorney

PRESENTATION OF MINUTES:

Regular Meeting Minutes – May 25, 2010 – Motion was made by Hall with a second by Ashton for approval of the minutes as presented. Motion carried on roll call vote – all ayes; Fulper-abstain.

APPLICATION(S):

Continued Public Hearing: Gasparro – Block 11 Lot 5.33 – Surrey Lane – Variance Request – Rear Yard Setback - (7:35 PM)

Peter Gasparro and Dixon Munds appeared before the Board (previously sworn). Revised landscaping sketch plan by Munds Landscaping (marked as Exhibit G-3)

was distributed. It was agreed that Board member Fulper would be eligible to act on the

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application. Applicant agreed to proceed with the public hearing based on the number of Board members present.

Applicant is seeking rear yard setback relief for the installation of an in-ground pool.

Mr. Gasparro provided an overview of the proposal and changes to the plan as a result of discussion and request from the Board for more detail on the proposal at the prior hearing. Mr. Gasparro related that some of the patio has been reduced, the location of the pool has been changed, more detail has been added to the plan. Rear yard setback of 15 ft. from the property line (as depicted on the plan) to the pool is being proposed. Impervious coverage calculations as well as the location of the pool equipment has been included on the plan. In response to questioning, Mr. Gasparro advised that there is no concrete beyond the area shown (no patio on the side of the pool as depicted). Mr. Gasparro related the rear yard setback requirement in the RR-5 zone is 50 ft. thus he received a denial from the zoning official for rear yard setback. He is proposing a 15 ft. rear yard setback due to the location of the septic field/mound, existing patio, and irregular shape of the property. Applicant testified that there is no other location on the site suitable for the pool due to these factors.

He related that there is an existing fence that runs along the rear of the property and around the pool. There are existing oak trees along this property and the adjoining property (Masterson) that will remain. The existing fence is a split rail fence with coded meshing that is in compliance with building regulations. The continuation of fence around the pool will consist of *aluminum* material. There is no shed being proposed at this time. Mr. Gasparro related that the pool equipment will be buffered by shrubs. Mr. Munds advised that new plantings as reflected on the plan will be comprised of white pines and blue spruce. Mr. Gasparro testified that the plantings as shown on the sketch will be planted. Photos of the septic mound were presented and referred to by the Board. It was noted that adjoining property owner, Mr. Masterson, was in attendance at the previous hearing and offered no comment. Mr. Gasparro related that the Mastersons are supportive of this project.

The floor was opened to the public; hearing none, the floor was closed.

In response to question raised regarding the actual location of the pool in relation to the rear yard area, Mr. Gasparro advised that the property has been recently surveyed and re-staked. Mr. Munds referred to a plan showing the location of the pool measured from the septic inspection ports.

Applicant was made aware that any future improvements to the site may result in the property exceeding the maximum allowable impervious coverage requirements and relief from this requirement may be needed at such time.

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Motion was made by Romano with a second by Hall to grant 35 ft. rear yard setback relief such that there will be a minimum of a 15 ft. setback from the rear property line of

Block 11 Lot 32 pursuant to the sketch marked as Exhibit G-3. Roll call: Fulper-aye, Romano-aye, Hall-aye, Ashton (Alt.#1)-aye, Hoff (Alt. #2)-aye, Cronce-aye. Motion carried. Resolution of approval to be prepared for the next meeting. (8:05 PM)

Public Hearing: Rosenberg – Block 11 Lot 5.13 – Rose Run – Variance Request – Stream Corridor - (8:05 PM)

Applicant Amy Rosenberg, 24 Rose Run, and Rosemary Franco of Swim-mor Pools, Westfield, NJ, were sworn in by Attorney Palilonis. The notices and proof of publication and service were reviewed and found to be in order. Application, checklist, Zoning Permit denial dated 5/4/10, and survey plan depicting existing conservation easement and proposed fence, pool, and equipment were received and distributed. Also distributed was email communications from Zoning Official Baldino, Re: DEPE Flood Hazard Area Control Act regulations along with Township Stream Corridor Ordinance regulations.

Ms. Rosenberg provided an overview of the proposal for an in-ground pool thus requiring the need for relief from the required 75 ft. stream corridor requirements. Zoning Official Baldino was present and provided an overview of the application: The existing easement on the property was created when the development was established. The stream corridor ordinance made it more restrictive; thus a 75 ft. buffer from the edge of the stream has been established. The easement on the survey is not indicative of the stream corridor ordinance. He related that the easement applies but the ordinance pushes it further away from the stream itself. It was noted that DEPE ruling provides that an in-ground pool can be put within the 300 ft. setback (Category I stream) provided there are no other structures included. The applicant would not need to apply to DEPE. Mr. Baldino related that according to the Township's ordinance requirements, the proposal must be outside of the 75 ft. setback or meet the stream corridor requirements and it does not appear they can meet that requirement based on the location of the pool. It was related that it is unclear from the survey provided how close the applicant is to the stream bank (headwater).

Based on discussion and review of the stream corridor ordinance requirements, it was concluded that the applicant would need to provide a formal plan rendered by a licensed land surveyor/engineer identifying the location of the edge of the stream corridor. In response to questioning over jurisdiction, Attorney Palilonis advised that the Zoning Board of Adjustment would retain jurisdiction over the application.

Motion was made by Hall with a second by Fulper to carry the hearing to the regularly scheduled July meeting of the Board. Motion carried on roll call vote – all ayes. Applicant was directed to provide a copy of the survey in compliance with stream

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corridor regulations to the zoning official prior to the next meeting to confirm that relief is still needed from the Board. (8:40PM)

Signing of Deeds – Kilmer – Block 8 Lots 13, 14, 15, and 53 – Route 179 – Lot Consolidation/Use Variance – Deeds for signature by the Chair and Secretary of the Board were submitted. The deeds were reviewed by Attorney Palilonis and Engineer Decker and authorization was provided for the required signatures. Secretary Griffiths noted that the escrow account is in need of replenishment and the applicant's attorney has been advised of same. An escrow payment has not been received to date. It was agreed that the deeds be signed and held until such time as the escrow fees have been paid as required..

CORRESPONDENCE:

Summer 2010 Course Information for Zoning and Planning Board Members from Rutgers Center for Government Services

NJ Planner May/June 2010 Edition

PRESENTATION OF BILLS FOR PAYMENT:

The following bills were received:

Stewart Palilonis - \$175.00 (May meeting)

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

DISCUSSION:

Board member Hall will confer with Secretary Griffiths regarding recent ordinance updates.

OPEN TO PUBLIC:

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

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ADJOURNMENT:

Motion was made by Hoff with a second by Fulper to adjourn at 8:50 PM. All voted in favor of adjournment.

Respectfully submitted,

Donna M. Griffiths
Secretary