

**WEST AMWELL TOWNSHIP**  
**ZONING BOARD OF ADJUSTMENT**  
**Regular Meeting**  
**October 27, 2009**

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 30, 2009. 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 - Alt. #2 – unexpired term through 12/31/10**

No appointment made to date.

**ATTENDANCE/ROLL CALL:**

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

Absent: Brian Fitting, Joseph Romano, David Sanzalone, Gary Langfelder

Professionals Present: Stewart Palilonis, Board Attorney

**PRESENTATION OF MINUTES:**

**Regular Meeting Minutes – September 22, 2009** – Motion was made by Rosina with a second by Hall for the approval of the minutes as presented. Motion carried on roll call vote – all ayes.

**RESOLUTION(S) OF APPROVAL:**

**Varela/Basara – Block 40 Lot 6 – Jackson St. – Variance – Deck** - Resolution as prepared by Attorney Palilonis was distributed. E-mail dated 10/27/09 from Mr. Varela was received and distributed. Mr. Varela questioned language in the resolution pertaining to the lot coverage. Upon review of the minutes, it was agreed that the resolution should be amended to reflect that the lot coverage requested is 26.8%. Motion was made by Rosina with a second by Fulper to approve the resolution contingent upon the correction to the lot coverage. Roll call: Fulper-aye, Rosina (Alt. #1) – aye, Cronce-aye. Motion carried.

**APPLICATION(S):**

**Public Hearing: Mostofizadeh – Block 21 Lot 12 – Completeness Determination – Use/Bulk Variance and Minor Subdivision Application**

Review letter dated 10/21/09 from Engineer Clerico was received and distributed. Review letter dated 10/26/09 from Planner Mercantante was received and distributed. Letter dated 10/27/09 from applicant's attorney, Richard Jefferson, was received and distributed. Based on the report issued by Engineer Clerico, Mr. Jefferson requested via the letter of 10/27/09 that the hearing on this application be carried to the November 24, 2009 meeting of the Board in order that the application may be amended to meet criteria outlined in the engineer's

report. Members of the public present were notified that the public hearing is continued to the 11/24/09 meeting of the Board and that no additional Minutes – October 27, 2009  
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notice will be issued. Proofs of notice and publication were reviewed by Attorney Palilonis and found to be in order.

**Public Hearing: Johnson – Block 29 Lot 1 – Goat Hill Rd. – Variance Request - Fence** (7:40PM)

Applicant, Michael Johnson, appeared before the Board and was sworn in by Attorney Palilonis. Notices were reviewed by Attorney Palilonis and found to be in order.

Notice of Violation dated 6/15/09 from Zoning Official Baldino was received. Also distributed was Application for Zoning Permit dated 4/7/09, construction permit dated 6/2/09, application and checklist for bulk variance for fence height, photographs of the fence and pergola. Applicant was granted approval by the zoning and construction officials to erect a fence on the property, however, the height of the fence and pergola that have been constructed exceed the *maximum* six feet height requirement. The height of the existing fence and pergola is 7'4". Chapter 109 of the land use ordinance was referred to by the Board relative to accessory structure requirements. It was the consensus that the pergola could be considered an accessory structure and would meet the ordinance requirements if it is not in excess of 100 sq. ft.

The applicant agreed with the interpretation of the ordinance that the fence height as it exists is in violation of the ordinance requirements and agreed to cut back the fence height to make same conforming. Zoning Official Baldino was present and agreed that the applicant would only need to apply for a construction permit for the pergola as long as it doesn't exceed the 100 sq. ft. requirement. Applicant agreed to a time line of two weeks to reduce the height of the fence down to 6 ft. Motion was made by Rosina with a second by Fulper finding that the applicant would not be in need of variance relief provided that the fence is reduced down to six (6) ft. or less within two weeks of this date and provided the pergola is classified as an accessory structure meeting the ordinance requirements for same and will receive the appropriate approval from the construction official. Roll call: Hall-aye, Fulper-aye, Rosina (Alt. #1) – aye, Cronic – aye. Motion carried. Resolution will be prepared confirming the action taken. (7:53PM)

**CORRESPONDENCE:**

Letter dated 9/28/09 from Goldenbaum Bail addressed to the municipal clerk, Re: **Application for General Permit** – Block 19 Lot 7.03 was received.

Notice of public hearing to be held on 11/18/09 for **Ordinance #27, 2009 – An Ordinance to Amend Chapter 109 Article IV Section 109-13, Fee Schedule of the Code of West Amwell**” was received and distributed.

Notice of the Board's adopted **2009 budget** from CFO Luhrs dated 9/28/09 was received. It was noted that there was no reduction in the Board's 2009 budget request.

**Budget request for 2010** was received from CFO Luhrs. Copy of the budget worksheet was distributed to the Board for review and discussion at the November meeting.

Copies of the **NJ Planner** dated Summer 2009 and September/October 2009 were distributed.

**PRESENTATION OF BILLS FOR PAYMENT:**

The following bills were received:

Stewart Palilonis - \$300.00 for September services;

NJN Publishing - \$10.90 – Snyder Escrow Account  
\$10.91 – Bowles Escrow Account

Van Cleef Engineering - \$375.00 – Mostofizadeh (certification by CFO received).

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

**DISCUSSION:**

**Other:**

**Proposed Changes to Application Instructions** - Secretary Griffiths distributed proposed changes to the general instructions relative to the following: notice required to be made to all property owners listed on the certified list from the tax assessor to include public utilities; the need for detailed information to be provided in public notices as to the project being proposed and standards that are in violation. Also to be included in the notice requirements is provision for applicants to provide a copy of the public notice to the Board Secretary for review prior to publication and/or service to ensure that adequate information is contained within. It was noted that while the Board Secretary will review the notices, the review will not be considered a guarantee as to accuracy. Motion was made by Fulper with a second by Rosina to accept the modifications to the general instructions as drafted. Motion carried on roll call vote – all ayes. Discussion ensued as to whether the practice of receiving draft or sketched plans from applicants for certain applications should continue. It was agreed that the Board should continue to work with applicants in a user-friendly manner.

**Request for Refund of Escrow Monies**

Phillips, Richard - Block 13 Lot 61.05 - Request for refund of escrow balance of \$115.00 was received from Richard Phillips, 216 Rocktown Lambertville Rd. The application for the expansion of a single family dwelling was approved in October 2005. Attorney Pailonis advised that he has no outstanding charges on the account. Motion was made by Hall with a second by Fulper authorizing the refund of funds. Motion carried on roll call vote – all ayes.

**OPEN TO PUBLIC:**

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

**ADJOURNMENT:**

Motion was made by Rosina with a second by Hall to adjourn at 8:19 PM. All voted in favor of adjournment.

Respectfully submitted,

Donna M. Griffiths  
Secretary