

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
November 24, 2009**

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:32 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: Joseph Romano-present, David Sanzalone-present, Robert Fulper-present, John Cronce-present.

Absent: Ruth Hall, Brian Fitting, Gary Langfelder, Joseph Rosina (Alt. #1)

Professionals Present: Stewart Palilonis, Board Attorney

PRESENTATION OF MINUTES:

Regular Meeting Minutes – October 27, 2009 – Motion was made by Fulper with a second by Cronce for the approval of the minutes contingent upon the following amendment: Page 2 - Johnson - "...however, the height of the fence and pergola that have been constructed exceed the *maximum* six feet height requirement". Motion carried on roll call vote – all ayes.

RESOLUTION(S) OF APPROVAL:

Johnson - Block 29 Lot 1 - Goat Hill Rd. - Fence - Resolution as prepared by Attorney Palilonis was distributed. Mr. Johnson was present and questioned the decision that was rendered by the Board at the last meeting in terms of the height of the pergola and top of the fence. Zoning Official Baldino reported that Mr. Johnson had not reduced the height of the fence as required. Mr. Johnson advised that it was his understanding that the top portion of the fence (rail/trellis) is part of the pergola and, therefore, was not subject to removal. Mr. Johnson was advised that it was agreed to consider the pergola as an accessory structure and the fence (to include the top rail/trellis) was to be reduced from the 7'4" height to the maximum 6 ft. requirement. Mr. Johnson agreed to remove the top section of the fence (rail/trellis) to bring same into conformance. Motion was made by Fulper with a second by Cronce to approve the resolution contingent upon correction to a minor typographical error. Roll call: Fulper-aye, Cronce-aye. Mr. Johnson's request for the refund of application and escrow fee monies will be addressed after the final billing is received for this application.

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APPLICATION(S):

**Public Hearing: Mostofizadeh – Block 21 Lot 12 – State Highway 31 -
Completeness Determination – Use/Bulk Variance and Minor Subdivision
Application**

Letter was received from applicant's attorney, Richard Jefferson, requesting the public hearing on this matter be carried to the December 22, 2009 meeting due to the fact that they are in the process of amending the application.

It was agreed that a letter should be sent to Attorney Jefferson advising that the public hearing will need to be re-noticed if the application is being amended. Chairman Cronce directed that a copy of the application be forwarded to the Environmental Commission for their review since there is a Category I stream on the property. A copy of the resubmitted application will be forwarded to the Environmental Commission once it is received. Engineer Clerico will be requested to attend the public hearing on this application. Members of the public were advised of the continuance of the hearing.

**Public Hearing: Myhre, Erik – Block 13 Lot 3 – State Highway 179 - Use/Bulk
Variance Request - Single Family Dwellings**

Applicant, Erik Myhre and Planner Louis Zuegner appeared before the Board. Proofs of publication and service were reviewed by Attorney Palilonis and found to be in order.

Applicant requested to carry the public hearing to the December 22, 2009, meeting of the Board due to the nature of the application and the limited number of Board members present. Planner Zuegner questioned the applicant's need for a use variance due to the fact that the project is a continuance of a non-conforming use that pre-dates existing zoning. Attorney Palilonis advised that the Zoning Official denied their request, and the applicant is entitled to appeal that decision or apply for a use variance. It was related that if during the public hearing, the Board determines there was an inappropriate decision made, the application could be treated as an appeal. Members of the public were advised of the continuance of the public hearing to the December 22, 2009, meeting.

CORRESPONDENCE:

Copy of letter dated 11/13/09 from **Thomas King Jr.** to Zoning Official Baldino, Re: Block 13 Lot 62 - Vavrence Property driveway, as received by Chairman Cronce was entered into the record.

Copies of the **NJ Planner** dated November 2009 were distributed.

PRESENTATION OF BILLS FOR PAYMENT:

Secretary Griffiths advised the Board that invoice for outstanding payment was recently received from Engineer Clerico relative to the Dorman application that was heard by the Board in 2007. A letter was sent by Secretary Griffiths dated 10/25/09 to the Dormans requesting that they make payment of \$231.00 in order that the outstanding invoice may be satisfied. To date, no response has been received. It was the consensus of the Board that a follow-up letter be sent to the Dormans via certified mail advising that payment is due and payable and that no construction or zoning permits will be issued until such time as payment is received. The zoning and construction officials will be copied on the letter.

The following bills were received:

Stewart Palilonis - \$300.00 for October services;

Van Cleef Engineering - \$580.00 – Line 4/Pine Creek (certification of available funds provided by CFO).

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

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DISCUSSION:

Other:

2010 Budget - A copy of the Board's 2008 and 2009 budgets to include expenses was received and reviewed. The following requests will be made for 2010:

Salary and Wage line item - request will be made to reinstate the Board Secretary's salary to \$5200.00 which is the salary that was allotted prior to the 10% cut in salaries of Township employees in April 2009.

Other Expenses line item - request for the same appropriation (\$2,000.00) as allotted in 2009.

Request will also be made for the removal of the zoning official's salary and wage and other expenses line items from the Zoning Board's budget.

Authorization was given to Board Secretary Griffiths to purchase a 2010 edition of the Cox Planning and Zoning Reference Manual and a 8 1/2 x 11" minute book from the 2009 budget funds. It was agreed that effective January 1, 2010, the minutes shall be prepared on 8 1/2 x 11" minute paper as opposed to 8 1/2 x 14" minute paper.

Request for Refund of Escrow Monies - Request was received from Kevin and Sara Snyder for the refund of the escrow balance along with the refund of an application fee of \$75.00 as previously authorized by the Board. Attorney Palilonis advised that he has no outstanding billing on this account. Motion was made by Sanzalone with a second by Romano for the refund of \$264.10 to the applicants. Motion carried on roll call vote - all ayes.

Meeting Attendance - Board member Romano apprised the Board of potential conflicts with attending Board meetings due to the change in the West Amwell School Board meeting schedule of which his wife is a member. Mr. Romano advised that he would like to remain on the Board, and he will attempt to make as many meetings as possible in light of the conflict.

In regard to the lack of members present at this evening's meeting, Board Secretary Griffiths will send an e-mail to the Board members to ensure their attendance at the December 22, 2009, meeting in order that the applications scheduled may be heard.

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 8:25 PM. All voted in favor of adjournment.

Respectfully submitted,

Donna M. Griffiths
Secretary