

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
Regular Meeting
August 25, 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 – Dawn Serio - Alt. #2 – (unexpired term through 12/31/10)

Chairman Cronce advised that Ms. Serio has declined the appointment to the Board due to personal commitments. Board members were requested to provide any recommendations for filling the position to Chairman Cronce.

ATTENDANCE/ROLL CALL:

Roll call on attendance: Brian Fitting-present, Gary Langfelder-present, Joseph Romano-present, David Sanzalone-present, Robert Fulper-present, Joseph Rosina (Alt. #1)-present, John Cronce-present.

Absent: Ruth Hall

Professionals Present: Stewart Palilonis, Board Attorney

PRESENTATION OF MINUTES:

Regular Meeting Minutes – June 23, 2009 – Motion was made by Fulper with a second by Romano for the approval of the minutes as presented. Motion carried on roll call vote – all ayes; Langfelder, Rosina -abstain.

APPLICATION(S):

Public Hearing: Snyder - Block 13 Lot 50 - Rocktown-Lambertville Rd. - Variance Request - Addition to Single Family Home - (7:35 PM)

Kevin Snyder (Applicant), 250 Rocktown Lambertville Rd., Lambertville, NJ, and Mathew Piotrowski, Architect, Warminster, PA, were sworn in by Attorney Palilonis. Notices and proof of publication were reviewed by Attorney Palilonis. It was determined that the applicant did not notify the public utilities as referenced in the certified list of property owners provided by the Tax Assessor. Applicant was advised that if they wished to proceed with the public hearing, they would be doing so at their own risk and subject to possible appeal. Applicant Kevin Snyder requested to proceed with the hearing with the understanding that any approval granted could be subject to appeal.

Mr. Snyder provided an overview of the proposed project. Applicants live in a single ranch home with two bedrooms; one bath. They are *in* need of additional bedroom space and given the setback and configuration of the property as it exists, they are proposing to build an addition to the existing single family

structure which would be flush with the front of the house extending to the rear and to the back. The Snyders prefer to maintain the ranch style design of the house as opposed to building a second story addition.

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Application, checklist, and the following plans were distributed: “Snyder Residence Individual Sewage Disposal System”, prepared by Engineering and Land Planning Associates Inc. dated 8/28/06; “Snyder Residence Architectural Plan”, prepared by M.V. Piotrowski, R.A. dated 4/20/09. Zoning Permit denial dated 6/4/09 from Zoning Official Lonnie Baldino was also distributed. Photographs of the site to include the den that will be removed were entered into the record and marked as Exhibits S1-5.

Mr. Snyder referred to the architectural plan noting the removal of the small den on the east side and construction of the proposed addition. Applicant is seeking side yard setback relief for the addition which would have a side yard setback of 30 ft. 1 in. The existing den edge is at 34 ft 2 in. Mr. Piotrowski advised that the applicant is not expanding the nonconformity past the edge of the den in terms of the house but because of the way the house is located on the property line the addition would be encroaching closer to the property line. The applicant has attempted to minimize how far back they go thus resulting in the 30 ft. 1 in setback. Required side yard setback in this zone is 50 ft. Mr. Piotrowski related that the house as it exists is nonconforming on both sides of the property, however, it sits within both side yard setbacks. The front yard setback requirements will be met with the construction of the addition, and the addition is well within impervious surface and building coverage ratios. Mr. Piotrowski related that there is a hardship to the property owner wherein the house is nonconforming in the way it is situated and it is difficult to add an addition without the need for variance relief. He further related that the relief being requested is diminimus in nature (30 ft.1 in. proposed - existing side yard approximately 34 ft.). Mr. Piotrowski related there would be no adverse impact on the community whereas there are no sidewalks on the road and there is primarily vehicular traffic which will not be affected by the placement of the addition.

Applicant is seeking relief due to the unique layout of the property. Mr. Snyder testified that other properties in the area are developed with similar lot areas and frontages.

In response to questioning by the Board, Mr. Snyder advised that the siding on the addition will be similar to what is currently on the house. It was related that the well is located within the garage and the addition can not be expanded to the rear of the property due to the proximity of the septic area and tank. In response to further questioning, Mr. Snyder provided a letter from the NJDEP confirming the septic system is adequate for the construction of the addition (Exhibit S-6). Mr. Snyder advised that the NJDEP issued the letter in response to Township Board of Health request. A copy was provided to the County Health Department by the applicant.

The Zoning Official denied the application for a zoning permit and referred the applicant to the Board for two variances: side yard setback and expansion of a non-conformity. Section 109-93 of the land development ordinance was referred to in regard to whether there was a need for the second variance for the expansion of a non-conformity. After review and discussion, Attorney Palilonis rendered opinion that the applicant was only in need of “c” variance relief from the side yard setback requirement. It was agreed that the applicant would be refunded the application and escrow fee which was paid for two variances.

The floor was opened to the public for comments/questions. Hearing none, the floor was closed.

Motion was made by Fulper with a second by Rosina to grant side yard setback relief not to exceed 30 ft. 1 in. as demonstrated on the plan of 4/20/09. Roll call: Fitting-aye, Romano-aye, Sanzalone-aye, Fulper-aye, Langfelder-aye, Rosina (Alt.#1)-aye, Cronic-aye. Motion carried. Resolution of approval will be scheduled for action at the September meeting of the Board. Applicant will provide a sealed copy of the architectural plan for the Board's file (8:08PM).

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Public Hearing: Varela/Basara - Block 40 Lot 6 - Jackson St. - Variance Request – Deck - (8:10PM)

Jesse Varela and Stacey Basara (Applicants), 119 Jackson St., were sworn in by Attorney Palilonis. Applicants are proposing to construct a deck off a sliding glass door on the rear of the single family dwelling. "C" variance relief for rear yard setback and maximum lot coverage are being requested. Application, checklist, "Septic Drawing Design", dated 4/11/07, and "Plan of Survey" dated 11/5/07 were distributed. Notice of denial from Zoning Official Baldino was also distributed.

Notices and proof of publication were reviewed by Attorney Palilonis. It was determined that applicant did not notice the public utilities as listed in the certified list of property owners provided by the tax assessor. Question was also raised as to the content of the form of notice that was provided. Applicant was advised of the potential for appeal if they chose to proceed with the hearing based on the form of notice provided. Mr. Varela acknowledged that by proceeding with the hearing, they would be doing so at their own risk and any decision could be subject to appeal. Mr. Varela requested to proceed with the public hearing.

Upon review of the plans submitted, it was concluded by the Board that more detail of the size of the proposed deck and property in question was needed. Applicant was requested to submit a more detailed plan of the deck, the property, and information on the surrounding properties.

Motion was made by Fulper with a second by Sanzalone to continue the hearing to the September meeting at 7:30 PM contingent upon receipt of a more detailed plan. Motion carried on roll call vote –all ayes. Members of the public present were informed of the continuation of the public hearing on this application. (8:45 PM).

Public Hearing: Johnson - Block 29 Lot 1 - Goat Hill Rd. - Variance Request – Fence - (8:45 PM)

Michael and Diane Johnson (Applicants), 281 Goat Hill Rd., Lambertville, NJ, were sworn in by Attorney Palilonis. Notices and proof of publication were reviewed by Attorney Palilonis. It was determined that not all property owners within 200 ft. were noticed and notices were not sent in accordance with statutory time frame of 10 days prior to the public hearing. Applicants were advised by Attorney Palilonis that the public hearing could not be held at this time due to the lack of sufficient notice. Motion was made by Sanzalone with a second by Romano to continue the public hearing to the September meeting of the Board at 7:30 PM. Members of the public present were informed of the continuation of the public hearing on this application (8:55 PM).

Public Hearing: Bowles - Block 18 Lot 19.03 - Rock Road West - Variance Request - Accessory Building (8:55 PM)

Mark Bowles (Applicant), 153 Rock Road West, Lambertville, NJ and Steve Reiss, P.E., Hampton, NJ, appeared before the Board and were sworn in by Attorney Palilonis.

Applicant is requesting variance relief relative to the construction of an accessory building for height and square footage. The proposed building is 36 ft. x 50 ft. in size. Application, checklist, and plan entitled, "Variance Plan Proposed Detached Garage" prepared by S. Risse, P.E. dated 8/6/09, were distributed. Zoning Permit Denial dated 8/4/09 from Zoning Official Lonnie Baldino was also distributed. Attorney Palilonis reviewed the notices and proof of publication finding same to be in order.

Mr. Bowles presented an overview of the proposed accessory building which will be used for the storage of vehicles/equipment to include: recreation vehicle, pick up truck, trailer, snow plow, gator, and mower. Height requirement for an accessory structure is 15 ft.;

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applicant is proposing a structure at a height of 19 ft. Structure proposed is 1800 sq. ft.; 1200 sq. ft. is permitted. Mr. Bowles advised that the building will be a pioneer building design. The additional height is required for the storage of a recreation vehicle. The garage doors needed to be installed on the building will need to be 11 ft. high in order to accommodate the recreation vehicle.

Engineer Reiss questioned whether the applicant was in need of a variance or interpretation based on the language contained in Section 109-17d relative to the storage of vehicles in a garage. Section 109-17 pertaining to the storage of vehicles in garages was reviewed. In response to questioning, Mr. Bowles attested that he does have an attached garage on his single family dwelling.

Lonnie Baldino, Zoning Officer of the Township of West Amwell, was sworn in by Attorney Palilonis. Mr. Baldino referred to Section 109-17 pertaining to permitted uses and the storage of vehicles in garages and discussion ensued regarding the interpretation of this language. After review of the ordinance language, Attorney Palilonis rendered his opinion that the applicant is in need of use "d" variance relief for the height of the accessory structure and "c" variance relief for the size of the accessory structure.

Mr. Bowles again related that he is proposing to construct the accessory building at the proposed size in order to house a recreation vehicle, pick up truck, trailer, snow plow, gator, and mower. Photographs of the equipment to be stored, the proposed garage, and existing house were entered into the record. Mr. Bowles attested that the equipment is his personal property and is not used for a business. In response to questioning, he advised there will be no bathroom, no heat, no plumbing; electrical service only will be installed in the building.

Suggestion was made by the Board that more than one conforming, accessory structure could be erected which would obviate the need for the variances. It was related that one structure would be more aesthetically pleasing and would more accommodate the applicant's needs.

Mr. Bowles related that there is an empty lot to the east of his property. He advised that there is considerable screening on his property, but in response to request by the Board, he agreed to the planting of a buffer along the east and northeast side of the building for screening purposes. The building would be set back from the road approximately 650 ft. There is a dwelling in the front of the Bowles' residence and Mr. Bowles related that the property owner (Losch) advised the applicant that he is not opposed to the construction of the accessory structure.

In response to further questioning by the Board, Mr. Bowles advised that the structure will have a four pitch roof. There will be stone around the apron of the building and steel siding similar to that on the house will be installed. Mr. Reiss advised that the driveway grades up from the road and the structure would be 102 ft. to the ridge line from the property line so visibility from the road would be minimal.

Question was raised by the Board as to the need for a structure of this size (36'x50').

Mr. Bowles advised that he is need of a structure of this size in order to house all of the vehicles/equipment. He will be removing a shed that is currently on the property. He related that once all of the equipment is housed in the two bay structure, there will not be much open space remaining. He advised that he has scaled the building down as much as possible in order to accommodate the housing of the recreation vehicle that he is desirous of owning. The applicant offered that the structure will be aesthetically pleasing and will be proportionate on the size of the property (6+ acres) and it will be adequately set back from the road. Mr. Bowles further related that there are similar properties along his roadway with large lots and large accessory structures. Engineer Reiss referenced information on the application pertaining to the hardship being incurred by the applicant noting that the garage is considered reasonable based on the size of the lot in question and the need for the relief. The applicant maintained that the granting of the variances

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would not be detrimental to the public good and would not impair the view scape of adjoining properties and/or the public.

The floor was opened to the public for comments/questions. Hearing none, the floor was closed.

Motion was set forth by Fitting with a second by Langfelder granting approval of the accessory building at 1800 sq. ft. with a four feet height variance contingent upon the planting of a double row of staggered evergreens, 4 ft. in height, on the easterly side of the building, to be planted 12-15' on center, and extending 80 ft. east down the building envelope corner of the property. Roll call: Fitting-aye, Romano-aye, Sanzalone-aye, Fulper-aye, Langfelder-aye, Rosina (Alt.#!)-aye, Cronce-aye. Motion carried. Resolution to be prepared for action at the September meeting. (10:02 PM).

CORRESPONDENCE:

Letter dated 6/25/09 from **Antonia Motola** was received declining appointment to the Zoning Board of Adjustment due to a conflict of interest.

Notice of the **NJLM Convention** scheduled for Nov 17 through Nov 19, 2009 was received from the Clerk's Office.

PRESENTATION OF BILLS FOR PAYMENT:

The following bills were received:

Stewart Palilonis - \$150.00 for June services;

NJN Publishing - \$19.01 - Bob Escrow Account

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

DISCUSSION:

Other:

Attorney Palilonis raised concern with the form of notice being provided by applicants. It was noted that a sample notice is provided to applicants in the application packet, however, adequate notice is not being provided. Additionally, applicants are not following through with noticing the public utilities as included in the list of certified property owners from the Tax Assessor. It was agreed that going forward applicants should be advised that the form of notice must be reviewed by the Board Secretary prior to distribution and publication of same. In the event that the notices are not submitted to the Board Secretary and they are deemed inadequate, the applicant will not be able to proceed with public hearings until such time as adequate notice is provided. Board member Rosina will provide Attorney Palilonis and Secretary Griffiths with the sample guidelines and instructions for noticing from the NJDEP website. The Board's application and checklist requirements pertaining to noticing will be reviewed for possible modification in order to provide more instruction to applicants.

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 Sanzalone with a second by Rosina to adjourn at 10:10 PM. All voted in favor of adjournment.

Respectfully submitted,

Donna M. Griffiths
Secretary