

**WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

**Regular Meeting
September 22, 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, Brian Fitting-present, Gary Langfelder-present, Joseph Romano-present, David Sanzalone-present, Robert Fulper-present, Joseph Rosina (Alt. #1)-present, John Cronce-present.

Professionals Present: Stewart Palilonis, Board Attorney

PRESENTATION OF MINUTES:

Regular Meeting Minutes – August 25, 2009 – Motion was made by Fulper with a second by Romano for the approval of the minutes contingent upon typographical correction. Motion carried on roll call vote – all ayes; Hall-abstain.

RESOLUTION(S) OF APPROVAL:

Snyder - Block 13 Lot 50 - Rocktown-Lambertville Rd. - Variance Request - Addition to Single Family Home - Resolution as prepared by Attorney Palilonis was distributed. Copy was provided to the applicant prior to the meeting; no response was received. Motion was made by Romano with a second by Sanzalone for the approval of the resolution contingent upon correction of minor typographical errors. Roll call: Fitting-aye, Romano-aye, Sanzalone-aye, Fulper-aye, Langfelder-aye, Rosina (Alt. #1)-aye, Cronce-aye. Motion carried.

Bowles - Block 18 Lot 19.03 - Rock Road West - Variance Request - Accessory Building - Resolution as prepared by Attorney Palilonis was distributed. Copy was provided to the applicant. E-mail response dated 9/16/09 was received from applicant, Mark Bowles, indicating that the resolution is acceptable. Recommendation was made by the Board for further clarification in the resolution as to the location of the plantings. The following language to be included in the fourth "Whereas, Section b" - "He agreed to plant a staggered, double row of evergreens, at least four feet high, and 15' on centers, along the easterly line of the p.q., *starting at the back of the building envelope and extending 80 ft. north along the easterly building envelope line...*" Motion was made by Langfelder with a second by Fitting for the approval of the resolution with the aforementioned change. Roll call: Fitting-aye, Romano-aye, Sanzalone-

aye, Fulper-aye, Langfelder-aye, Rosina (Alt. #1)-aye, Cronce-aye. Motion carried.

Minutes - September 22, 2009
Page 2

Continued Public Hearing: Varela/Basara - Block 40 Lot 6 - Jackson St. - Variance Request – Deck - (7:43 PM)

Jesse Varela and Stacey Basara (Applicants), 119 Jackson St., appeared before the Board. The applicants were previously sworn in by Attorney Palilonis. It was noted for the record that Board member Hall was ineligible to take action on the application. A more detailed plan of the proposed project and property in question titled, Arrangement Plan, Block 40 Lot 6, 119 Jackson, dated 9/11/09 was received and distributed as requested by the Board.

Applicants are proposing to construct a deck (20' x 30') 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. The lot coverage as it exists is 24.5%; proposed lot coverage with deck is 26.8%; 20% lot coverage is allowable. Rear setback existing is 53'; proposed setback with deck is 34'1"; 50' is allowable.

Applicants expressed the need for the construction of the deck due to the fact that there is no deck on the house currently. The house is 3 ft. above grade and applicants stated there is a safety concern with not having the deck. Applicants related that the house was built in 2005-2006 and they purchased it in 2007. It was their understanding from the seller that they would be able to erect a deck on the back of the house where the sliding glass door exists. It was related that there would be no detriment to the public good by erecting the deck, and the intent of the code would remain intact. Applicants related that it is believed that the property did not fall within the code requirements when the house was purchased due to the fact that the lot coverage as it exists is 24.5% due to a large area of blacktop existing in the driveway area. Photographs of the applicants' property and neighborhood properties with rear decks were distributed to the Board. Mr. Varela testified that approximately five properties in the area have rear decks, and it is believed that they are conforming.

Board comments/questions:

In response to questioning, Mr. Varela indicated that the addition of stairs off of the deck out to the yard would exceed the dimensions provided. Stairs are proposed to exit the rear and the east side of the property. In response to questioning as to whether the deck could be constructed on the west side (end) of the house, the applicants advised that the west side of the house is where the gas line is run and the proposed location is off of the existing, sliding glass door. It was related that the proposed location provides for privacy for both them and the neighbors, and construction on the west side may still result in them exceeding the lot coverage requirements and possibly the side yard setback requirement.

Mr. Varela testified that the deck will be composed of treated lumber and possibly composite decking and railing. . There is a tree line that runs along the fence line along the property which consists of a small cluster of trees. There will be no removal of trees on the property.

In response to questioning as to whether they would be amenable to remove some of the asphalt to be more compliant, the applicants advised that this would be cost prohibitive.

They indicated that the construction of the deck would not cause additional drainage/impervious coverage issues since it is raised. Per recommendation by the Board, applicants agreed to eliminate the stairs off the south side of the deck and have them placed only on the east or west side.

The floor was opened to the public for comments/questions. Hearing none, the floor was closed. E-mail dated 8/25/09 from J. Cally (neighbor) advising he takes no exception to the project was received.

Minutes - September 22, 2009
Page 3

Motion was made by Romano with a second by Langfelder approving the application contingent upon the following: applicant will submit a revised application to accurately reflect what is proposed and will be built; the stairs are not to come off the south side (only the east or west side), and the project will not exceed the 34'1" rear setback. Roll call: Fitting-aye, Romano-aye, Sanzalone-aye, Fulper-aye, Langfelder-aye, Rosina (Alt. #1)-aye, Cronce-aye. Motion carried. Resolution to be prepared for the next Board meeting. (8:06 PM)

Public Hearing: Johnson - Block 29 Lot 1 - Goat Hill Rd. - Variance Request - Fence - (8:07 PM)

Michael Johnson (Applicant), 281 Goat Hill Rd., Lambertville, NJ, appeared before the Board. Mr. Johnson provided receipt of service to property owner within 200 ft. that was deficient from last meeting. Upon review of the receipt, it was determined that notice was not served within the 10 day notice requirement. Motion was made by Sanzalone with a second by Fulper for the continuation of the public meeting to the October 27, 2009, meeting. Motion carried on roll call vote - all ayes. Clarification was provided that applicant will be seeking relief from fence height requirements. Members of the public were informed of the continuation of the public hearing of this application to the October 27, 2009, meeting at 7:30 PM. (8:15 PM).

Completeness Review/Determination - Mostofizadeh - Block 21 Lot 12 - Variance/Minor Subdivision Application - State Highway 31 - Richard Jefferson, Esq. appeared on behalf of the applicant. Completeness review letter dated 9/21/09 from Engineer Clerico was received and distributed. Applicant was advised that the escrow account is in need of replenishment; the applicant will remit the necessary funds needed to replenish the account. In response to outstanding items as listed in Engineer Clerico's review letter, Mr. Jefferson advised that easement information as requested and the soil test results will be provided to Engineer Clerico within two weeks of the October 27, 2009, meeting (required time frame for submission). He further related that the application will not be bifurcated. Application to be scheduled for public hearing on October 27, 2009, provided outstanding completeness information is provided to Engineer Clerico within 14 days of the hearing date and the escrow account is replenished.

CORRESPONDENCE:

- Information on land use classes being held by Rutgers and the NJPO was received.

PRESENTATION OF BILLS FOR PAYMENT:

The following bills were received:

Stewart Palilonis - \$712.50 for August services.

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

DISCUSSION:

Other:

Sample notice guidelines from the NJDEP were provided by Board member Rosina to Attorney Palilonis and Secretary Griffiths. Secretary Griffiths will draft proposed changes to the Board's application for review at the next meeting.

Minutes - September 22, 2009
Page 4

OPEN TO PUBLIC:

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

ADJOURNMENT:

Motion was made by Hall with a second by Rosina to adjourn at 8:25 PM. All voted in favor of adjournment.

Respectfully submitted,

Donna M. Griffiths
Secretary