

WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
May 24, 2016

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:41PM by Chairman Fulper.

The following statement of compliance with the Open Public Meetings Law as listed on the meeting agenda was summarized by Chairman Fulper: This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting was transmitted to the Hunterdon County Democrat and Trenton Times on February 4, 2016. 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 a copy of the CD is on file in the Zoning Board of Adjustment Office.

Chairman Fulper led the Pledge of Allegiance to the American Flag.

Chairman Fulper announced the agenda was revised to include the following appointment/oath of office, adding that member Turi submitted his resignation from the Board.

APPOINTMENTS/OATH OF OFFICE:

Board Attorney Palilonis administered oath of office to the following Board member(s):

George Fisher - (*alt.#2*) (unexpired 2 yr. term through 12/31/16)

ATTENDANCE/ROLL CALL:

Roll call on attendance: John Cronce-present, Ruth Hall-present, John Ashton-present, Frank Sabatino (*alt.#1*)-present, George Fisher (*alt.#2*)-present, Robert Fulper-present

Absent: Brian Fitting, Joe Romano, Kevin Koveloski

Professionals Present: Stewart Palilonis, Board Attorney; Tom Decker, Board Engineer; Jim Kyle, Board Planner

PRESENTATION OF MINUTES:

Meeting Minutes - April 26, 2016 carried to June meeting

RESOLUTION(S) OF APPROVAL:

Minervini - Block 8 Lot 29.03 – 27 Mill Road – accessory structure

Motion was made by Cronce with a second by Ashton to accept the resolution with minor revision as discussed. Roll call: Cronce-aye, Hall-aye, Ashton-aye, Fulper-aye

APPLICATION(S):

Completeness Determination/Public Hearing: Trista Bond – Block 13 Lot 28 – 1200 Route 179 – Accessory Use/Commercial Kitchen (7:48 PM)

Application, checklist, one page containing 4 pictures of the premises in question, a schematic survey, zoning permit application and denial dated 2/29/16 were received and distributed.

Notices of service and publication were reviewed by Attorney Palilonis and found to be in order.

The following witnesses present on behalf of the applicant were sworn in by Attorney Palilonis:

Trista Bond, Property owner – West Amwell, NJ

Ms. Bond testified that she applied for a zoning permit to operate a commercial kitchen within the garage area of a single family dwelling. She stated that it would be mostly wholesale with some retail sales, selling mostly to farm markets, restaurants, custom orders. Stating that she delivers all of her orders. It would not generate any traffic to the location.

Chairman Fulper asked if she inquired about a home occupation with the zoning officer. Ms. Bond responded that she did not, however, she did speak with the health inspector regarding the proper procedure for applying for a commercial kitchen. Adding that the Board of Health requires verification of approval from the municipality. Chairman Fulper suggested that we have the home occupation code that this application may fall under.

Ms. Bond stated that no additions to the building, no electrical upgrades and no improvements to the kitchen are necessary. Adding that she will be using the existing kitchen of the single family dwelling rather than the garage as initially proposed.

The following items were entered as *Exhibits*:

Exhibit B-1, Zoning Denial dated 2/29/16

Exhibit B-2, a sheet of three photos showing 1200 Route 179

Exhibit B-3, schematic site map

Exhibit B-4, marked up aerial view from google earth to show septic and well locations

Exhibit B-5, copy of tax map

Ms. Bond testified that no members of the public will be invited to the facility, no deliveries will be made to the facility, and all activities will be performed within the residential structure.

Planner Kyle reviewed the home occupation standard, opining that the application meets the criteria of a home occupation.

Chairman Fulper advised Ms. Bond that the application falls under the home occupation code, and if agreeable the Board would consider the application on those standards, Ms. Bond agreed.

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The floor was opened to the public. Hearing no comments/questions, the floor was closed (8:02 PM)

Motion was made by Fisher with a second by Hall that the Board has determined the proposed activity falls within the definition of a home occupation such that no other relief is needed. Roll call: Cronicc-aye, Hall-aye, Ashton-aye, Sabatino (Alt.#2) -aye, Fisher (Alt.#2) -aye, Fulper-aye (8:03 PM)

Attorney Palilonis advised that the resolution would be adopted at the next meeting. Notice would be published in the newspaper, objectors have 45 days to appeal.

Public Hearing: 1872 River Road, LLC (The Generals Retreat) – Block 26 Lot 17 - Use and Bulk Variance Application/Site Plan Application. (8:05 PM)

Guliet Hirsch, attorney for the applicant, appeared on behalf of the applicant, 1872 Rive Road LLC, (The Generals Retreat). Application, checklist, March 4, 2016 submission letter, Storm Water Design and Storm Sewer Report dated February 26, 2016 prepared by Bayer-Risse Engineering, Storm Water Operations and Maintenance Manual dated February 29, 2016 prepared by Bayer-Risse Engineering, Plan set titled “Preliminary Site Plan Application dated February 26, 2016 prepared by Bayer-Risse Engineering consisting of 13 sheets, Architectural plan set prepared by Gelman Architecture, LLC dated March 6, 2016 consisting of 17 sheets, Letter dated January 26, 2016 from Eastern States Environmental Associates, Inc. to NJDEP for Freshwater Wetland LOI, Letter dated January 26, 2016 from Eastern States Environmental Associates, Inc. to NJDEP submitting application for a Statewide General Wetlands Permit #6, Development Review Application to Hunterdon County Planning Board, Application for Soil Erosion and Sediment Control plan Certification to Hunterdon County Soil Conservation District dated February 29, 2016, were received and distributed.

Additional material(s) received on April 26, 2016 consisted of; Letter from Bayer-Risse Engineering dated April 25, 2016 addressing March 21, 2016 completeness review by Tom Decker, Engineer, Plan set titled “Preliminary & Final Site Plan dated April 16, 2016 prepared by Bayer-Risse Engineering consisting of 17 sheets, Property survey prepared by Heritage Consulting Engineers dated November 12, 2014, Daily Sewage Volume, Soil Removal Calculations, Square Footage Calculations, 12 color photographs of project site, and were added to the block and lot file.

See **attached transcript dated May 24, 2016**, prepared by Joanne L. Sekella, CCR, Rizman Rappaport Dillon & Rose, LLC, Livingston, NJ - present on behalf of the applicant The Generals Retreat (1872 River Road LLC).

Applicant and members of the public were advised that the public hearing would be continued to the June 26, 2016 meeting of the Board at 7:30 PM. No additional notice will be made (10:11 PM)

CORRESPONDENCE:

The following items were received and distributed as correspondence:

Zoning denial: Blk 32 Lot 11.01- 383 Rock Road East.- addition/rear yard setback - Polak

Zoning violation: Blk11 Lot 28 – 16 Mill Road – Conditional Use – Bed and Breakfast/Assembly

March/April Planner

Clerk Olsen – **member Turi resignation**

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Approval of Bill List 5/24/16:

A motion by Cronce seconded by Ashton to approve the vouchers for payment as listed on the 5/24/16 bill list was unanimously approved by voice vote – all ayes.

DISCUSSION:

Member Sabatino is registered to attend member training on June 11

Secretary Hall advised of several applications expected to arrive for the June meeting, Chairman Fulper requested to be kept apprised of the situation.

OPEN TO PUBLIC:

The floor was opened to the public. Hearing no comments/questions, the floor was closed. (10:27 PM)

ADJOURNMENT:

All members voted in favor of adjournment at 10:27 PM

Respectfully submitted,

Ruth J. Hall