

WEST AMWELL TOWNSHIP
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
June 28, 2016

The West Amwell Township Zoning Board of Adjustment regular meeting was called to order at 7:37 PM 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:

None

ATTENDANCE/ROLL CALL:

Roll call on attendance: John Cronce-present, Brian Fitting-present, Joe Romano-present, Ruth Hall present, Robert Fulper-present

John Ashton-present – arrived at 7:38 PM

Absent: Kevin Koveloski, Frank Sabatino (*alt.#1*), George Fisher (*alt.#2*)

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

PRESENTATION OF MINUTES:

Meeting Minutes - April 26, 2016- Motion was made by Cronce with a second by Romano to accept the minutes as presented. Roll call: Cronce-aye, Fitting-aye, Romano-aye, Hall-aye, Ashton-aye, Fulper-aye

Meeting Minutes – May 24, 2016- Motion was made by Cronce with a second by Ashton to accept the minutes with as presented. Roll call: Cronce-aye, Fitting-abstain, Romano-abstain, Hall-aye, Ashton-aye, Fulper-aye

RESOLUTION(S) OF APPROVAL:

Bond - Block 13 Lot 28 – 1200 Route 179

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

APPLICATION(S):

Chairman Fulper notified the public that the Garden Solar application was not scheduled to be before the Board, in the event they received public notice.

Public Hearing: 1872 River Road, LLC (The Generals Retreat) – Block 26 Lot 17 - Use and Bulk Variance Application/Site Plan Application. (7:42 PM)

Guliet Hirsch, attorney for the applicant, appeared on behalf of the applicant, 1872 Rive Road LLC, (The Generals Retreat).

Attorney Hirsch advised that the applicant would not be appearing and apologized for pulling it from the agenda on short notice. Stating the applicant is working with the township Fire Officials on revised plans. Adding that they do anticipate being on the July 26 agenda with revised plans.

Chairman Fulper notified the public that The Generals Retreat will be carried to the July 26 hearing with no additional notice necessary.

Completeness Determination/Public Hearing: Vernor/Lubchansky (A-Z Venue Management, LLC) – Block 11 Lot 28 – 16 Mill Road – Conditional Use variance (7:48 PM)

Application, checklist, plan titled “Variance and Plot Plan” for Brookmill Farm, prepared by Hopewell Valley Engineer PC dated February 10, 2014, Reduced and illegible copy of plan titled “Topographic Survey of Brookmill Farm” prepared by Hopewell Valley Engineering, Inc.. Date of preparation is illegible, Print of heavily pixelated aerial photograph with a heading of “Zachary Lubchansky, 16 Mill Road, Lambertville NJ, 08530”, Letter dated April 12, 2016 from West Amwell Township Construction Official regarding open building permits, Letter dated April 26, 2016 from West Amwell Township Construction Official advising that Conditional Use approval from the Zoning Board of Adjustment is required, Letter dated May 26, 2016 from the West Amwell Township Zoning Officer issuing a Cease and Desist Order.

Notices of service and publication were to be reviewed by Attorney Palilonis at a later time, applicant’s attorney to be notified of any deficiencies.

Chairman Fulper stated the applicant was not prepared to move forward with the public hearing, although public notice had been published and mailed, completeness only would be heard this evening.

Chairman Fulper allowed, and answered questions from the public relating to “what is completeness” and the “hearing process”. Chairman Fulper related that he could not answer questions relating to the application.

Jonas Singer, attorney for the applicant, appeared on behalf of the applicant, A-Z Venue Management, LLC. (Brookmill Farm). Mr. Singer stated he was in receipt of the VanCleeef review letter dated June 23, 2016. Stating the author refers to four items concerning completeness, the first being a survey plan of the site. Mr. Singer stated that he is of the understanding that the Board is in receipt, through previous application by the owner, survey plans, and the applicant planned on using those plans for this application.

Engineer Tom Decker of Van Cleef Engineering was present on behalf of the Board. Review letter dated June 23, 2016, was received and distributed.

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Mr. Decker provided a review of his Completeness Review Letter dated June 23, 2016, stating on page 3, of Completeness Review, item 3-B requires accurate location of property lines. Adding that a survey plan was provided at a reduced scale, 8 ½ x 11, and unable to read, with a comment to submit a full size plan copy. Mr. Decker explained that this property was before the Board on previous applications, however, it was a different applicant and a different application, adding this is a new application. Stating the Board keeps a separate file for the two different applications even though it is the same property. Adding, that file should be complete with the documents required even though it may have been submitted back in 2014. Stating there could have been revisions since 2014.

Mr. Singer stated he would review the 2014 plan for accuracy and make arrangements with Secretary Hall for borrowing to make copies. Mr. Decker reminded Mr. Singer that we need a new plan. Secretary Hall stated that the 2014 plan was the only original in the file and therefore could not leave the building. Mr. Singer stated he would contact the engineer for copies, and inquired as to the number of copies required. Secretary Hall stated fourteen copies are now required to include the Fire Safety Official and Fire Chief in distribution.

Engineer Decker continued with review of the *Completeness Review dated June 23, 2016*, stating items 3F and 3H refers to septic, parking; including ADA compliance, off street parking and off-site parking and number of people on site. Documentation will be required for off-site parking agreements. Item 9 relates to septic capacity, referencing the *Checklist* requirements.

Mr. Decker stated those were the four completeness items, with recommendation not to deem the application complete until the listed items are provided.

Additionally, on page 4 is a cursory review of documents submitted, with concerns that the applicant should be aware of.

Mr. Decker referenced *item #7* and suggested for this file we have copies of the previous, DEP and construction, approvals required for the buildings that were reconstructed because of *Sandy*, showing that they have all been satisfied. Secretary Hall confirmed that the file did not contain those copies. The applicant acknowledged that he understood the request for documents.

Mr. Decker advised that the application will need to go to the Fire Safety Official and Fire Chief for review and comment, the applicant acknowledged.

Chairman Fulper opened to the Board for questions of the applicant, stating the recommendation of the Engineer is to deem the application incomplete pending submission of the documented items as discussed.

Motion was made by Cronce with a second by Romano that the application be deemed incomplete, as recommended by the Engineer, for the lack of information. Roll call: Cronce-aye, Fitting-aye, Romano-aye, Hall-aye, Ashton-aye, Fulper-aye (8:02 PM)

Chairman Fulper asked the applicant if it was the applicant's intent to be complete and have a public hearing at the July 26 meeting, Mr. Singer replied that it was.

Chairman Fulper advised that the completeness/public hearing would be continued to the July 26 meeting of the Board at 7:30 PM. No additional notice will be made.

Chairman Fulper allowed completeness process questions from the public, reminding that we cannot discuss the merits of the application.

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CORRESPONDENCE:

The following items were received and distributed as correspondence:

Secretary Hall reported that we are receiving emails regarding the current applications, the emails are being filed in the appropriate block/lot file in accordance with section 27-7.5 of *NJ Zoning and Land Use Law (Cox)*

Approval of Bill List 6/28/16:

A motion by Cronce seconded by Ashton to approve the vouchers for payment as listed on the 6/28/16 bill list was unanimously approved by voice vote – all ayes.

Engineer Decker suggested that we revise the *Application Checklist* to include two additional copies, fourteen complete copies rather than twelve as currently listed on the *Checklist*. Stating that after reviewing the conditional use applications currently before the board, with the fire official and fire chief, they suggested that they be included on the distribution list when a site plan is received for review.

Secretary Hall will revise the *Application Checklist* to reflect fourteen copies. Distribution list will include the Fire Safety Official and Fire Chief. Reviews are to be completed and returned to the secretary as currently followed by professionals.

Attorney Singer returned to inquire if Mr. Decker received a copy of the 2014 plan, stating the well was included on the plan. Mr. Decker stated that he did receive a photo copy of the plan and missed the well, adding that the well was minor in comparison to parking and everything. Adding that the second sheet was so pixelated that he doesn't know what it intends to show.

Mr. Decker requested two additional copies of all documents and plans submitted with the application, to be provided to the Fire Safety Official and Fire Chief. Additionally, fourteen copies of a full size survey are to be submitted, and all required items as listed in the Completeness Review.

Attorney Singer stated they would provide a certification of no change to the 2014 plan, adding this is not a site plan applications, this is a zoning application.

Member Cronce stated whatever Mr. Decker has requested is to be provided, stating it is listed in the *Review* letter.

OPEN TO PUBLIC:

The floor was opened to the public. Hearing no comments/questions, the floor was closed. (8:25 PM)

ADJOURNMENT:

All members voted in favor of adjournment at 8:25 PM

Respectfully submitted,

Ruth J. Hall