

**EAST AMWELL
ZONING BOARD OF ADJUSTMENT - MINUTES
Municipal Building – 7:30 PM
April 13, 2010**

Call to order and compliance with the Open Public Meetings Act

The regular meeting of the Board of Adjustment was called to order at 7:30 PM on April 13, 2010 in the Main Meeting Room of the Municipal Building, 1070 Route 202/31, Ringoes, NJ by Administrative Officer Andrews.

In compliance with the Open Public Meetings Act, Ms. Andrews announced this was a regularly scheduled meeting pursuant to the Annual Meeting Notice as published in the January 21, 2010 issue of the Hunterdon County Democrat, filed in the Township Clerk's Office, and posted on the Bulletin Board on April 6, 2010.

Roll Call and Agenda Review

Present: Sherrie Binder
Nancy Cunningham – Chair
Gloria Frederick
Gael Gardner
Paul Gavzy
Sue Posselt
Kendra Schroeder
Anne Williams – Alt. #2
Attorney Kevin Van Hise – *Filling in for regular Board Attorney Trishka Waterbury*

Absent: Diana Garrett – Alt. #1

Presentation of Minutes

A motion by Sue Posselt, seconded by Sherrie Binder to approve the minutes from 3/9/10 was approved with Gael Gardner and Anne Williams abstaining. No revisions to the minutes were noted.

Presentation of Bills for Payment

A motion by Gloria Frederick, seconded by Kendra Schroeder to pay the vouchers as listed on the agenda was unanimously approved.

Correspondence

It was noted that the correspondence will be dealt with as it comes up over the course of the meeting.

Applications to be Deemed Complete or Incomplete

Michael and Audrey Fiscor – AJ-10-01 – Block 40 Lot 51.05: Appeal of Zoning Officer's Decision
Present for the completeness hearing was property owner Michael Fiscor and his Attorney Kevin McManimon. Attorney McManimon explained that their view is that the application/appeal addresses a very narrow issue: The Zoning Officer issued a Notice of Violation to the Fiscors demanding they stop an activity which they contend is permitted to be conducted under the Zoning Ordinance. He clarified that the appeal is really limited to whether or not Zoning Officer McManus had the right, and was correct in ordering the Fiscors to stop the activity.

Chair Cunningham noted that the escrow agreement and the certification form indicating that the taxes are current have all been received.

Ms. Posselt commented that she had read in the documentation that was provided that the Fiscor's were new purchasers of the property—that they had purchased the property “within the past year” and according to the tax book, the Fiscor's owned the property in 2004. Mr. Fiscor stated that they bought the property in November 1999 and their Forest Management Plan is dated November 2000.

Ms. Frederick commented that she believes the Board needs to see a copy of the deed. Attorney McManimon indicated they would supply a copy of the deed.

Ms. Binder commented that she is interested in knowing how much land is already cleared at the site and asked if it was possible to get aerial photos or a google map of the property. Chair Cunningham reminded the Board that this application is an appeal/interpretation of the Zoning Officer's decision. Mr. Fiscor indicated there were some photos included in the Forest Management Plan.

Ms. Posselt noted the application is an appeal of the Zoning Officer's decision and asked if it is alternatively anything else. Attorney McManimon commented that one of the sections of the application asked if the appeal is one of an interpretation of a zoning ordinance. He said it is their view that this particular appeal, unlike others, is asking the Board to *interpret* the Zoning Officer's *interpretation* of the Zoning Ordinance. He continued explaining that they didn't check off the part of the application that says this is an interpretation of a zoning ordinance because in his view it was redundant. Attorney McManimon noted that in order for the Board to address the issues being presented in their appeal of Zoning Officer McManus's determination, the Board must interpret the relevant section of the Zoning Ordinance.

A motion by Paul Gavzy, seconded by Gloria Frederick to deem the application complete with the condition that a copy of the deed is provided, was unanimously approved.

The Board thanked Attorney Van Hise for his services this evening and he was excused from the meeting at this time, 7:51 PM.

Applications for Public Hearing

There were no applications listed on the agenda for public hearing.

Old Business

Status Update of Review of Board of Adjustment Application and Submission Process

Chair Cunningham commented that the ad hoc Application Review Committee met to discuss two issues: (1) Whether or not the West Windsor Board of Adjustment Application, recommended by Attorney Waterbury, would be a good guide for reworking the East Amwell Board of Adjustment application and (2) Reviewing the process by which applications are deemed complete.

It was noted that the consensus of the ad hoc committee was that the West Windsor application is a good template for East Amwell. Chair Cunningham commented that she will incorporate all of the input she received into a rough draft version of a new application for the Board to review at next month's meeting.

There was some discussion on the process of determining completeness when applications are received. The ad hoc committee had suggested establishing an Application Review Committee (ARC) that would review all applications submitted to the Board of Adjustment prior to the full Board's review. There was also discussion on having the Zoning Officer look over submitted applications with Administrative Officer Andrews prior to review by the full Board. It was the consensus of the Board to try to implement a procedure with the Zoning Officer whereby he will look over all submitted applications in an effort to work out any details that may prevent a completeness determination.

There was also some discussion on making a note to the Board of Adjustment application checklist to include a signature line for the Zoning Officer to sign off on once he has reviewed the application.

Comments of the Board Members

It was noted that the Board requested Zoning Officer McManus's presence at next month's meeting. Ms. Andrews will follow up on this request.

Open to the Public

A motion by Paul Gavzy, seconded by Sue Posselt to open to the public was unanimously approved. No members of the public came forward. A motion by Paul Gavzy, seconded by Gloria Frederick to close to the public was unanimously approved.

Adjournment

A motion by Paul Gavzy, seconded by Gloria Frederick to adjourn the meeting was unanimously approved.

The meeting adjourned at 8:05 PM.

Maria Andrews, Administrative Officer