

**EAST AMWELL
ZONING BOARD OF ADJUSTMENT - MINUTES
Municipal Building – 7:30 PM
May 11, 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 May 11, 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 May 4, 2010.

Roll Call and Agenda Review

Present: Sherrie Binder
Nancy Cunningham – Chair
Gloria Frederick
Paul Gavzy
Sue Posselt
Kendra Schroeder
Diana Garrett – Alt. #1 – *arrived at 7:40 PM*
Anne Williams – Alt. #2
Attorney Waterbury

Absent: Gael Gardner

Chair Cunningham noted that she was reordering the agenda to move the Fiscor matter up to be dealt with prior to the Spies completeness determination.

Presentation of Minutes

A motion by Paul Gavzy, seconded by Gloria Frederick to approve the minutes from 4/13/10 was approved with no revisions noted.

Presentation of Bills for Payment

A motion by Paul Gavzy, seconded by Sherrie Binder to pay the vouchers as listed on the agenda was unanimously approved.

Correspondence

It was noted that there will be a brief discussion on the budget that was provided to the Board Members. This matter will be addressed under Old Business on the agenda.

Applications for Public Hearing

Michael and Audrey Fiscor – AJ-10-01 – Block 40 Lot 51.05: Appeal of Zoning Officer's Decision
Attorney Waterbury noted that the Board can take jurisdiction over the application this evening but that she is requesting the public hearing be carried to the Board's 6/7/10 meeting. She noted there was a new legal issue raised on Friday (5/7/10) regarding the Board of Adjustment's jurisdiction as well as the Zoning Officer's jurisdiction on the matter and she said she has been researching the matter ever since and she needs additional time.

Attorney Waterbury explained that if the Board carries the public hearing to a specific date, the applicant will not be required to re-notice.

Mr. Fiscor's Attorney, Kevin McManimon came forward and indicated that his client was not available for the Board's 6/7/10 meeting. After some discussion, it was noted that the next meeting where all parties would be available is the Board's 8/10/10 meeting.

Attorney Arnold Lakind came forward on behalf of the Fiscor's neighbor Grey Jones. He commented that Mr. Fiscor has been engaging in the activities that are the subject of the application for a long time and he remarked that it is unfair for his client to have the meeting adjourned for an additional 3 months. Attorney Waterbury stated that she is recommending the adjournment because she has not had an opportunity to fully research the issues that were recently raised. She noted that she was not in a position to properly advise the Board. Attorney Lakind asked if Mr. Fiscor would then agree to cease the milling operations until the matter could be heard so that the surrounding neighbors aren't forced to deal with the continued disturbance. Attorney McManimon commented that when his client filed the appeal, that triggered a "stay" of the notice of violation and therefore Mr. Fiscor is under no obligation to agree to refrain from engaging in that activity.

A motion by Sherrie Binder, seconded by Paul Gavzy to carry this matter to the Board's 8/10/10 meeting, to start the meeting at 7:00 PM and to try to not schedule any other applications for that agenda was unanimously approved. It was noted that Ms. Andrews will notice the change in the meeting's start time accordingly.

Attorney McManimon approached the Board with copies of a brief legal opinion he had prepared in support of his client's application. Each member received a copy as well as Attorney Waterbury and Attorney Lakind.

Applications to be Deemed Complete or Incomplete

Mike & Audrey Spies – AJ-10-02 – Block 34 Lot 25.07: Bulk Variance

Present for the application was property owner Mike Spies and his contractor Jim Berg. Mr. Berg explained that the property is located at 74 Lindbergh Road in the Sourland Mountain District. It is an 8.25 acre parcel and they are proposing to put a 24' x 30' garage/storage building in the front yard. The height of the building will be 17.6". Mr. Berg noted that at least 7 acres of the property is completely wooded, the septic system is located in the rear of the property and the well is in the side yard. The garage/storage building will be for two cars and the lawn mowing equipment so that the items currently in the driveway will be stored and protected from the elements. It was noted that the Spies have two sons of driving age and the existing garage is being used for household items, bikes and yard equipment.

Mr. Berg clarified that the application indicates the side yard setback is 40' and they found out the required setback is 50'. He indicated they can meet the setback and will not require a variance for the side yard.

Chair Cunningham asked if any trees will be removed. Mr. Berg indicated there are no trees in the area of the proposed structure, but there is scrub brush. There will be no additional driveway area added and the structure will be approximately 190' off of the roadway.

A motion by Gloria Frederick, seconded by Paul Gavzy to deem the application complete was unanimously approved. Ms. Andrews informed the applicant that they will be on the Board's 6/7/10 agenda which is a Monday evening because of the election scheduled for the Board's regular Tuesday meeting night.

Old Business

Discussion: 2010 Board of Adjustment Budget

Chair Cunningham noted that the budget had been cut and noted specific line items such as legal general and legal lawsuit. It was also noted that the salary and wages remained the same as 2009.

New Business

Review of Revised Draft Board of Adjustment Application

Chair Cunningham explained that the new application is a modified version of the application currently being used by West Windsor's Board of Adjustment and was recommended by Attorney Waterbury as a good example of an easy to follow, thorough application. The Board reviewed the document and made a few minor changes. It was the consensus of the Board that the new proposed application is a great improvement over the current application. Chair Cunningham thanked the application review committee for their great work in revising the application.

A motion by Sue Posselt, seconded by Gloria Frederick to approve the revised Board of Adjustment application with the noted revisions and forward it to the Township Committee for their review and adoption was unanimously approved.

Discussion on Packets

Ms. Andrews explained that the Township Committee had requested the various Boards try and eliminate monthly packets in an effort to cut costs on paper and postage. The goal was to try and send the majority of information to the Board Members electronically via email. There was some discussion on the matter with some comments regarding the inconvenience to Board Members who will now have to print out their own information, the expense associated with using their personal printers and the size of the files being too large for some personal computers to handle.

Ms. Posselt suggested that she and the three Board Members closest to her residence could share in the responsibility of picking up and hand delivering their (4) packets to each other each month. Ms. Binder remarked that the postage is minimal and stated the May packet only cost \$1.73 to mail. Mr. Gavzy remarked that he doesn't deal with computers and it is an inconvenience to him to have to print out his own documentation.

Chair Cunningham commented she was in favor of sending more information electronically. She commented that it takes about 90 seconds to scan the agenda online and the minutes are only a few pages long which doesn't take a lot to print out. Chair Cunningham stated, "I will go with the will of the Board."

It was the consensus of the Board to continue mailing monthly packets with all correspondence items being scanned and emailed.

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Open to the Public

A motion by Sue Posselt, seconded by Paul Gavzy to open to the public was unanimously approved. There was no public present at the meeting at this time. A motion by Kendra Schroeder, seconded by Gloria Frederick to close to the public was unanimously approved.

Adjournment

A motion by Paul Gavzy, seconded by Sherrie Binder to adjourn was unanimously approved.

The meeting adjourned at 8:31 PM.

Maria Andrews, Administrative Officer