

**EAST AMWELL  
ZONING BOARD OF ADJUSTMENT - MINUTES  
Municipal Building – 7:30 PM  
Reorganization Meeting - January 11, 2011**

**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 January 11, 2011 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, the Administrative Officer announced this was a regularly scheduled/reorganizational meeting pursuant to the Annual Meeting Notice as published in the January 21, 2010 and December 23, 2010 issues of the Hunterdon County Democrat, filed in the Township Clerk's Office, and posted on the Bulletin Board on January 5, 2011.

**Roll Call and Agenda Review**

**Present:** Sherrie Binder – *(arrived at 7:36 PM)*  
Nancy Cunningham  
Gloria Frederick  
Kendra Schroeder - Chair  
Diana Garrett – Alt. #1  
Attorney Waterbury

**Absent:** Gael Gardner  
Paul Gavzy  
Sue Posselt  
Anne Williams – Alt. #2

**Election of Officers**

Administrative Officer Andrews asked for nominations for the Board's Chair. A nomination by Nancy Cunningham, seconded by Diana Garrett to appoint Kendra Schroeder as the Board's Chair was made. Hearing no other nominations, a motion by Diana Garrett, seconded by Nancy Cunningham to close the nominations was unanimously approved. The motion to nominate Kendra Schroeder as the Board's Chair was unanimously approved by voice vote. Ms. Andrews congratulated her and Chair Schroeder took over the meeting.

Chair Schroeder asked for nominations for the Board's Vice Chair. A nomination by Nancy Cunningham, seconded by Diana Garrett to nominate Sherrie Binder as the Board's Vice Chair was made. Hearing no other nominations, a motion by Gloria Frederick, seconded by Diana Garrett to close the nominations was unanimously approved. The motion to nominate Sherrie Binder as the Board's Vice Chair was unanimously approved by voice vote.

Chair Schroeder asked for nominations for the Board's Secretary. A motion by Nancy Cunningham, seconded by Diana Garrett to nominate Sue Posselt as the Board's Secretary was made. Hearing no other nominations, a motion by Diana Garrett, seconded by Nancy Cunningham to close the nominations was unanimously approved. The motion to nominate Sue Posselt as the Board's Secretary was unanimously approved by voice vote.

The following subcommittees were formed:

On-site inspection – Sherrie Binder, Anne Williams, Nancy Cunningham and Sue Posselt as the alternate. Ms. Cunningham commented that she would like to see at least two members of the On-site Committee be at every site inspection.

Policy Committee – Paul Gavzy, Kendra Schroeder, Nancy Cunningham, Gloria Frederick as alternate #1 and Diana Garrett as alternate #2.

Application Review Committee – Kendra Schroeder, Sue Posselt and Maria Andrews.

### **Selection of Employees and Approval of Professional’s Contracts**

A motion by Gloria Frederick, seconded by Diana Garrett to appoint Maria Andrews as the Board’s Administrative Officer was unanimously approved by roll call vote.

**Roll Call Vote:** Gloria Frederick: Yes, Diana Garrett: Yes, Sherrie Binder: Yes, Nancy Cunningham: Yes, Kendra Schroeder: Yes.

A motion by Nancy Cunningham, seconded by Sherrie Binder to appoint Trishka Waterbury as the Board’s Attorney and approve her contract for 2011 with the date on page 2 of the contract revised to reflect 2011 was unanimously approved by roll call vote.

**Roll Call Vote:** Nancy Cunningham: Yes, Sherrie Binder: Yes, Gloria Frederick: Yes, Kendra Schroeder: Yes, Diana Garrett: Yes.

A motion by Nancy Cunningham, seconded by Diana Garrett to appoint Dennis O’Neal as the Board’s Engineer and approve his contract for 2011 was unanimously approved by roll call vote.

**Roll Call Vote:** Nancy Cunningham: Yes, Diana Garrett: Yes, Sherrie Binder: Yes, Gloria Frederick: Yes, Kendra Schroeder: Yes.

A motion by Gloria Frederick, seconded by Nancy Cunningham to appoint Frank Banisch as the Board’s Planner and approve his contract for 2011 was unanimously approved by roll call vote.

**Roll Call Vote:** Gloria Frederick: Yes, Nancy Cunningham: Yes, Sherrie Binder: Yes, Kendra Schroeder: Yes, Diana Garrett: Yes.

### **Adoption of Policies and Procedures**

A motion by Sherrie Binder, seconded by Nancy Cunningham to adopt the Policies of the Board of Adjustment was unanimously approved by voice vote.

A motion by Sherrie Binder, seconded by Nancy Cunningham to adopt the Robert’s Rules of Order as also summarized by “Simplified Parliamentary Procedure” was unanimously approved by voice vote.

A motion by Sherrie Binder, seconded by Nancy Cunningham to adopt the public hearing procedures pamphlet was unanimously approved by voice vote.

The Board was provided with a copy of Attorney Waterbury’s updated (2010) outline of the duties of the Board members. Attorney Waterbury noted that she will be happy to provide her annual informal training session to provide additional policy and procedure information in greater detail to any interested Board members. It was the consensus of the Board to try and schedule an informal training session on an upcoming Saturday morning. Ms. Andrews will email a list of available meeting dates and get something scheduled.

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A motion by Nancy Cunningham, seconded by Diana Garrett to approve the Board's 2011 meeting schedule was unanimously approved by voice vote. It was noted that the Board's 11/8/11 meeting falls on Election Day and will need to be rescheduled. A suggestion was made to change the meeting date to 11/1/11. Ms. Andrews noted that if the meeting room is available on 11/1/11 she will notice this date change in the annual meeting notice accordingly. If the meeting room is not available, this matter will be on the Board's February agenda for further discussion.

**Presentation of Minutes**

A motion by Gloria Frederick, seconded by Diana Garrett to approve the Board's 12/14/10 minutes was approved with Nancy Cunningham abstaining.

**Presentation of Bills for Payment**

A motion by Gloria Frederick, seconded by Diana Garrett to approve the vouchers for payment as listed on the agenda was unanimously approved.

**Correspondence**

There was some discussion on the annual report to the Planning Board. It was suggested that the application referenced in the report include the Resolution of Approval number. Chair Schroeder commented that she would like to see the annual report contain additional details. She indicated she will coordinate with Ms. Andrews on revising the annual report.

**Applications to be Deemed Complete**

It was noted that there were no applications listed on the agenda for completeness.

**Applications for Public Hearing**

It was noted that there were no applications listed on the agenda for public hearing.

**Old Business**

There was no old business listed on the agenda.

**New Business**

**Approval of Resolution AJ-10-04: Zoning Ordinance Interpretation – Wilkinson: B:21 L:19.07**

A motion by Sherrie Binder, seconded by Gloria Frederick to approve Resolution AJ-10-04 as revised was approved by roll call vote.

**Roll Call Vote:** Sherrie Binder: Yes, Gloria Frederick: Yes, Diana Garrett: Yes, Kendra Schroeder: Yes

**Attorney Comments**

Attorney Waterbury thanked the Board for her reappointment.

**Open to the Public**

Chair Schroeder opened the floor to public comment. Matthew Wilkinson of 171 Cider Mill Road came forward and provided an overview of his experience in applying to the Board for an interpretation. He expressed appreciation for the time the Zoning Officer and Ms. Andrews spent walking him through the process but expressed frustration with receiving his initial Notice of Violation on a weekend and suggested this type of correspondence should not be mailed out to be received on a weekend when property owners cannot get in touch with any Township Official for days, remarking that this caused undue stress on his family. The Board expressed understanding and noted their recommendation to have Notices of Violations mailed out on Mondays.

Mr. Wilkinson also expressed annoyance with the cost of the entire application citing he believed it to be excessive and indicated he intended to appear before the Township Committee to request a waiver from some of the escrow costs explaining that the Resolution of approval for his requested interpretation provides the Township with clarification for future applications and he expressed that he thinks the Township should share in the costs because his application is of value to the whole Township. He referred to the escrow costs saying, “They far exceeded the escrow that I put in...I accept some ownership in this process...but I also think that East Amwell has gotten a huge service by understanding a zoning ordinance that effects a farming community and it’s going to be my request to the Township to respectfully take on some of that ownership.” Mr. Wilkinson noted that he was grateful for the outcome of his application but he wanted the Board to be aware of the process of what he went through and what his feelings are about it.

Frances Gavigan of 123 Wertsville Road came forward and echoed Mr. Wilkinson’s sentiment saying, “I think he should be refunded...unfortunately it is not an isolated case of a ‘*welcome to East Amwell*’ having to subsidize a decision or an interpretation because of a neighbor.” Ms. Gavigan suggested additional guidance and direction be provided to Zoning Officer McManus commenting that the process for dealing with violations and subsequent applications needs to be reviewed.

A motion by Nancy Cunningham, seconded by Sherrie Binder to close to the public was unanimously approved.

**Board Member Comments**

Attorney Waterbury commented that she provided Mr. Wilkinson with a short outline of the process under the MLUL by which he can appeal his escrow charges. She also noted that she will go back and review her billing in an effort to adjust the time spent on preparing the Resolution as well as reviewing the other invoices. Attorney Waterbury remarked that she stands by the time she billed for but recognizes that as an accommodation, she may be able to make an adjustment if her law firm allows.

**Adjournment**

A motion by Gloria Frederick, seconded by Sherrie Binder to adjourn was unanimously approved.

The meeting adjourned at 8:11 PM.

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Maria Andrews, Administrative Officer