

**EAST AMWELL
ZONING BOARD OF ADJUSTMENT - MINUTES
Municipal Building – 7:30 PM
June 12, 2012**

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 June 12, 2012 in the Main Meeting Room of the Municipal Building, 1070 Route 202/31, Ringoes, NJ by Chair Schroeder.

In compliance with the Open Public Meetings Act, the Administrative Officer announced this was a regularly scheduled meeting pursuant to the Annual Meeting Notice as published in the January 19, 2012 issue of the Hunterdon County Democrat, filed in the Township Clerk's Office, and posted on the Bulletin Board on June 5, 2012.

Roll Call and Agenda Review

Present: Sherrie Binder (*arrived at 7:35 PM*)
Gloria Frederick
Gael Gardner
Sue Posselt
Kendra Schroeder
Diana Garrett – Alt. #1
Anne Williams – Alt. #2

Absent: Nancy Cunningham
Paul Gavzy

It was noted for the record that Attorney Jonathan Drill was filling in for regular Board Attorney Trishka Waterbury due to a conflict she had with the parties involved in the public hearing scheduled for this evening.

Presentation of Minutes

A motion by Gael Gardner, seconded by Sue Posselt to approve the Board's minutes from 3/13/12 with no revisions noted was approved with Gloria Frederick abstaining.

Presentation of Bills for Payment

A motion by Gloria Frederick, seconded by Gael Gardner to approve the vouchers for payment as listed on the agenda was approved with Sue Posselt opposing. Ms. Posselt commented that the attorney's fees for the Bajzath resolution seem to be "a lot."

Correspondence

Chair Schroeder noted the correspondence will be dealt with as it comes up over the course of the meeting.

Application to be Deemed Complete or Incomplete

James & Lisa Kelly – AJ-12-03: Block 33 Lot 20 – Amwell Valley/Bulk Variance for Home Addition

Mr. & Mrs. Kelly were present at the meeting. They both came forward and Mr. Kelly explained they are seeking to construct a two car garage addition on their home. It was noted their existing garage will be converted into a family room because they are outgrowing the home but wish to stay in the community rather than move. Mr. Kelly represented that no trees will be removed for the addition but some trimming may need to take place.

Ms. Gardner requested the Kelly's provide the distance from the corner of the proposed new garage to the next door neighbor's home and also provide some photos of the proposed new garage site.

A motion by Gloria Frederick, seconded by Sue Posselt to deem the application complete with the condition that the requested measurement and photos be provided was unanimously approved.

Applications for Public Hearing

Edward & Linda Feinberg – AJ-12-02: Block 41 Lot 40.06 – Sourland Mountain/Appeal of Activity on Neighboring Lot 40.05

Present for the application was property owners Edward and Linda Feinberg, Hydrogeologist Matthew Mullhall and Planner Michael Bolan. Mrs. Feinberg noted that her husband Edward would be acting as her professional Engineer because he was a licensed engineer for 30 years but it was noted that Mr. Feinberg had recently retired. On behalf of neighboring property owner Ann del Campo was Attorney Anthony Sposaro.

Board Attorney Drill swore everyone in and noted that there are 4 procedural issues the Board must address:

1. Attorney Sposaro's emailed letter dated 6/12/12 requesting an adjournment of tonight's meeting.

Attorney Drill commented that Ms. del Campo has abandoned 2 of the 3 zoning permit approvals which were the subject of tonight's appeal. He indicated the only permit left to address is the one regarding the 250 sq. ft. farm market.

Attorney Drill read Attorney Sposaro's letter into the record:

This office continues to represent Ann del Campo. Yesterday my client underwent surgery to remove a malignant growth in her cheek bone. I am enclosing a photograph of my client after the surgery was performed. It is physically impossible for Ms. del Campo to appear at tonight's meeting. Her eye is swollen shut. She cannot read. She is in significant pain and is now heavily medicated. To even suggest that the Feinberg's appeal is so pressing and important that it takes precedence over Ms. del Campo's fundamental right to be present at this hearing, never mind her health and well being is absurd. I am requesting that you contact Chairwoman Schroeder upon receiving this letter and again communicate Ms. del Campo's request that the Feinberg's appeal be carried to the next Board meeting. Surely the Chairwoman has the discretion to determine whether this appeal must be heard this evening. To drag all the parties involved out to tonight's meeting to discuss whether the appeal should proceed is a tremendous waste of everyone's time and money. In fairness to everyone, the decision should be made now.

Attorney Drill then read the Feinberg's Attorney Jeffrey Blumstein's response to Attorney Sposaro's request into the record:

As I indicated last week my client's are prepared and ready to proceed to put on their appeal. Ms. del Campo is represented by competent counsel. Her presence is not required while a direct case for the appellants is being presented. Mr. Sposaro as her Attorney can cross examine the expert witnesses presented by the applicant's. If Ms. del Campo wishes to testify in response to the presentation she can appear with counsel at the next scheduled meeting. Mr. Sposaro has had adequate time to prepare, has already responded to the appellants written submissions and is not being dragged to this long scheduled previously adjourned

hearing. Appellants will agree to extend the time within which the Board has to decide the appeal to next month's meeting to allow Ms. del Campo to testify at that time if she wishes to, however, they will not so agree unless they are able to present their case this evening.

It was noted that Mrs. Feinberg is representing herself for the public hearing, but that Attorney Blumstein was involved up to this point.

Attorney Drill commented that he then responded with the following email which he read into the record:

I am writing in response to the emailed letter I received from Mr. Sposaro at 10:52 AM attached for reference, as well as the email response I received from Mr. Blumstein at 12:22 PM attached for reference. My advice to the Board Members, the Board Staff and the parties is that neither the Board Staff nor I can adjourn the hearing which is scheduled for this evening. This request will have to be made to the Board by Mr. Sposaro this evening at the commencement of the hearing. I am also not sure that the Chair would want to unilaterally adjourn the hearing prior to the request being presented at the meeting this evening especially since the request is being formally made the day of the scheduled hearing. My advice to the Chair would be that Mr. Sposaro should be directed to make an adjournment request in person this evening at the commencement of the hearing. I am further advising staff not to forward the picture attached to the Sposaro email as Ms. del Campo would probably not want it spread accidentally on the internet. Mr. Sposaro is free to bring it to the meeting if he wishes when he verbally makes his request for an adjournment. I'm further advising the staff however, to forward my email along with the attached letters relating to the adjournment request to give the Board Members a heads up that such a request will be made at the commencement of the hearing. On the merits of the adjournment request, it seems to me, and my advice to the Board will be, that there are different rights and levels of rights at stake here. First, the MLUL provides that "the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly if not represented." See, NJSA 40:55D-10d. As Ms. del Campo is represented by Mr. Sposaro, no right of cross examination will be violated by Ms. del Campo not being able to be present at the hearing this evening as it is Mr. Sposaro who must conduct the cross examination, not Ms. del Campo. Second, however, the MLUL provides the right of interested parties as well as other members of the public to participate in a hearing by providing testimony under oath. See, NJSA 40:55D-10c, 11 and 12a. In this case, the Feinberg's have consented to extend the time within which the Board has to act on the appeal to next month to allow Ms. del Campo to testify at that time in the event she wishes. Thus, the right of participation by Ms. del Campo will not be violated. Finally, I note that the applicant here, the Feinberg's, have the right to have the Board decide their appeal within 120-days unless that time is extended by the consent of the Feinberg's. See, NJSA 40:55D-73a. Most significantly, if the Board adjourns the hearing scheduled for this evening in the absence of the Feinberg's consent, the result will be "a decision favorable to the applicant" as a matter of law pursuant to NJSA 40:55D-73b.

Attorney Drill stated that based on his legal opinion provided in the above email, unless the Feinberg's consent to have the public hearing adjourned to July, his advice is to not grant the adjournment. He clarified for the record that there have already been three adjournments for this application: (1) made by the Feinbergs for a medical procedure (2) made by Attorney Sposaro for a medical procedure and (3) made by Attorney Drill for a schedule conflict.

Attorney Drill noted that he wanted to read into the record the advice he gave the Board upon the second adjournment request being made and he indicated the same criteria still applies this evening:

My advice to the Board will be that the Board has discretion to determine whether or not to grant a request for an adjournment but it must act reasonably in exercising its discretion in deciding whether or not to grant the adjournment request by Mr. Sposaro. In exercising its discretion in determining whether or not to grant the adjournment request it's my opinion that the Board should consider factors such as the timeliness of the request...the reason for the request...and consider whether someone else can substitute for him...and also consider the simplicity or complexity of the application thereby implicating whether or not attorney representation will be a significant factor in the application.

It was noted that all of the attorneys ultimately consented to the adjournment so it was granted at that time.

Attorney Drill commented that the same factors can be used to determine tonight's adjournment request and it is his opinion that the facts this evening are different but noted that is a matter for the Board to determine. He explained that this is the fourth request for an adjournment and the 120 days for the Board to act has been extended and will expire tonight. He noted that with no extension of that and with the three other adjournments and with Attorney Sposaro being present this evening he believes the adjournment request should be denied.

Attorney Sposaro insisting on presenting the photograph of Ann del Campo taken after her facial surgery. It was marked as **Exhibit A-1**. He argued that his client needs to be at the hearing to participate because she knows the history of her property. Attorney Sposaro suggested that if the hearing moves proceeds this evening that he be allowed to hold off on cross examination of the Feinberg's witnesses until next month when Ms. del Campo can attend the meeting.

Mrs. Feinberg argued that her expert witnesses are costing her a great deal of financial resources which is why she is acting *pro se* this evening. She suggested her witnesses be allowed to testify tonight and if Ms. del Campo or her attorney wish to ask additional questions next month, after review of the tape, she will bring her witnesses back.

Attorney Sposaro continued to argue that his client needed to be present at the meeting. Attorney Drill asked Attorney Sposaro if he is aware of any case saying his client has the right to be present during his cross examination of the witnesses. Attorney Sposaro said, "No but I'm also not aware of any case that says that Counsel's presence...is an adequate and satisfactory substitute to an interested party being present."

Attorney Drill commented that it is still his legal opinion that since Attorney Sposaro is present he has the right to cross exam the witnesses and if Ms. del Campo has additional questions after listening to the tape of the meeting the Feinberg's witnesses can be brought back.

A motion by Sherrie Binder, seconded by Anne Williams to deny the request for the adjournment because the witnesses are available to come back next month if necessary and because the recording of the meeting can be made available to Ms. del Campo was approved by roll call vote.

Roll Call Vote: Sherrie Binder: Yes, Anne Williams: Yes, Gloria Frederick: Yes, Gael Gardner: Yes, Sue Posselt: No, Kendra Schroeder: Yes, Diana Garrett: Yes

2. Attorney Sposaro's 6/12/12 letter relinquishing all zoning permits except for the 250 sq. ft. farm market.

Attorney Drill explained that the Feinberg's appeal of the issuance of the other two zoning permits is now moot. He noted Zoning Officer McManus issued zoning permit approval on 9/27/11 to allow the 250 sq. ft. farm market. He clarified that NJSA 40:55(D)-72 provides that appeals to the BOA may be taken by an interested party for any determination of an Administrative Officer of the municipality "based on or made in the enforcement of the zoning ordinance." Attorney Drill clarified that it is his opinion that the only issue before the Board this evening now is whether or not the Zoning Officer correctly issued the zoning permit allowing the 250 sq. ft. farm market.

Attorney Sposaro noted that he agreed with Attorney Drill's summation.

Mrs. Feinberg commented that she has an issue with the 9 parking spaces associated with the farm market. She remarked that she believes Ms. del Campo exceeds the allowed impervious coverage on her property by over 64%. Mrs. Feinberg remarked that their appeal covered the farm market, the parking and the signage and they were arguing that Ms. del Campo has never obtained proper conditional use approval for her farm.

Attorney Drill asked Mrs. Feinberg to list the issues she has with the farm market. Mrs. Feinberg explained that at the CADB Ms. del Campo argued she had right-to-farm (RTF) protection and that her farm was a permitted use. Mrs. Feinberg clarified that under RTF you must be a commercial farm and satisfy one of two criteria: (1) The farm must be a permitted use as of 1997 or thereafter and be consistent with the Master Plan or (2) You have to have qualified as a commercial farm as of July 2, 1998. Mrs. Feinberg stated that Ms. del Campo did not check the box indicating she was a commercial farm as of July 2, 1998 on either of her 2005 or 2011 Commercial Farm Certifications. She added that Ms. del Campo did not apply for Farmland Assessment until 2001 which means that she then must establish that her farm is a permitted use in the zone as of December 31, 1997 or thereafter.

Mrs. Feinberg argued that her concern is that if she concedes to the farm market that she is in some way conceding that Ms. del Campo's farm is a permitted use. Mrs. Feinberg remarked that if Ms. del Campo never came in and applied for the farm market approval the argument is still there for continued violations. Attorney Drill clarified that the Feinberg's appeal covers things that the zoning officer *didn't do*. Mrs. Feinberg said yes and Attorney Drill

asked where that is stated in any of their paperwork. Mrs. Feinberg referred to page 2 of her 12/22/11 notice of appeal and explained that the Zoning Officer abdicated responsibility for enforcing the ordinance when he approved the farm market because in 2005 a previous Township Zoning Officer had denied Ms. del Campo zoning approval for other proposals.

Attorney Drill asked for clarification on how the Zoning Officer can compel Ms. del Campo to seek conditional use approval on this matter. Mrs. Feinberg said he could file a zoning violation. Attorney Drill asked from what activity at the time. Mrs. Feinberg commented that Ms. del Campo was engaged in commercial activities in April 2011. Attorney Drill stated that is the 20 day problem noting that this particular argument regarding the zoning officer's alleged inaction was not brought forth within the 20 day required timeframe. Mrs. Feinberg then argued that she would like to retain her appeal for the zoning officer's inaction on the signage on the del Campo property. Attorney Drill noted that the CADB has already given independent approval of the signage so Ms. del Campo is longer relying on the Zoning Officer's approval and he said Attorney Sposaro has relinquished that permit.

Attorney Drill clarified that the CADB resolution states, "The applicant's request to increase the size of the farm infrastructure including an increase in the size of the existing buildings specifically the expansion of the farm market from 250 sq. ft. to 900 sq. ft. without acquiring minor site plan approval from East Amwell Township is denied." He noted that the CADB indicated that it wished to "...rely on the existing Township approval for this structure." He clarified that that refers to the zoning permit issued 9/27/11 and "...as such rendered no additional approval for its existence." Attorney Sposaro commented that he believes this statement refers to the expansion of the farm market and not the underlying farm market itself.

Mrs. Feinberg remarked that the BOA is the only place in the entire system where she can address the issue of whether or not Ms. del Campo's farm is a permitted use and asked for the Board's indulgence to allow her to present testimony and establish a record.

Attorney Drill stated in his opinion the only item the Board has jurisdiction over is whether or not the 9/27/11 zoning permit approval was issued correctly. He said the Board cannot make any determinations under the RTF, it can only focus on how the zoning officer interpreted the zoning ordinance in this particular matter.

3. Was the Feinberg's appeal filed in a timely fashion?

Attorney Drill began to explain and Attorney Sposaro interrupted saying he will stipulate that the appeal was filed timely.

4. Attorney Sposaro claims the CADB issued its opinion and therefore the BOA no longer has jurisdiction over the matter.

Attorney Drill explained that in his opinion Attorney Sposaro is wrong because what the RTF Act preempts is when an applicant gets a determination from CADB, the Township is preempted from taking enforcement actions against the property owner but where the applicant has applied for a zoning permit under the zoning ordinance to open a farm market—and when the applicant has not relinquished that permit—and where the CADB notes they are relying on the issuance of that permit in their Resolution of Approval he believes that the Board would have jurisdiction on hearing an appeal of that permit.

Attorney Sposaro argued there is a fundamental distinction between structure and use and he commented that the CADB refers to the structure in their Resolution. He remarked that in the balance of the Resolution the CADB takes great pains to not approve all of the requested uses such as some type of yoga class and they established limits on the number of events that can take place on the farm. He stated that he believes the CADB was implicit in their approval of the 250 sq. ft. farm market. Attorney Drill asked Attorney Sposaro why he didn't relinquish that zoning permit approval as well if he believed the farm market was already approved. Attorney Sposaro said, "Because this resolution is not a picture of clarity." Attorney Drill commented then it's obvious the Board must have jurisdiction to hear the appeal.

Attorney Drill asked if approval of the 250 sq. ft. farm market was specifically asked for at the CADB meeting. Attorney Sposaro said yes but couldn't provide details on the discussion at the CADB because he was not at the meeting. Attorney Feinberg commented that the CADB's Resolution of approval is what should be relied upon. Attorney Sposaro noted that the Chairman of the CADB was in attendance at tonight's meeting. Dave Bond introduced himself from the public audience and commented that he was not getting involved in tonight's Board of Adjustment hearing.

Zoning Officer McManus spoke up from the public saying that he wished to comment on the jurisdictional issue. Attorney Drill advised the Board against hearing from the Zoning Officer on his opinion regarding the jurisdictional issue and clarified that they should hear from him on his rationale for issuing the zoning permit.

Mrs. Feinberg objected to Zoning Officer McManus offering any input on the Board's jurisdiction. Attorney Sposaro commented that he believes the Zoning Officer should be allowed to provide his opinion because "it's his decision from whom the appeal is being objected." Attorney Drill stated, "I strongly disagree. I think it would be very inappropriate to have the Zoning Officer issue...a legal opinion—even though he's an attorney...on the Board's jurisdiction. I think that he definitely should explain why he issued the permit...but it's up to the Board."

A poll of the Board was taken regarding whether or not the Zoning Officer should provide his opinion on the Board's jurisdiction:

Kendra Schroeder – no

Gael Gardner – no

Gloria Frederick – no

Sherrie Binder – no

Sue Posselt – no

Anne Williams – no

Diana Garrett – no

It was noted that while the Board Members did not think it was appropriate to hear from Zoning Officer McManus on jurisdiction, they did wish to hear from him on his rationale for issuing the zoning permits.

A motion by Gloria Frederick, seconded by Sue Posselt denying the Zoning Officer's request to be heard on jurisdiction was made and unanimously approved by roll call vote.

Roll Call Vote: Gloria Frederick: Yes, Sue Posselt: Yes, Sherrie Binder: Yes, Gael Gardner: Yes, Kendra Schroeder: Yes, Diana Garrett: Yes, Anne Williams: Yes

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Attorney Sposaro asked what the relevance of Mrs. Feinberg's witnesses is to the 250 sq. ft. farm market and remarked that impervious coverage is not relevant nor is any hydrogeologic analysis. Mrs. Feinberg suggested that as each of her witnesses is called, Attorney Sposaro can question them and she stated that to delay the hearing any further is inappropriate.

Attorney Drill asked for a 5 minute break to review Attorney Sposaro's question on the relevance of the witnesses.

The Board took a 10 minute break from 9:01 PM – 9:11 PM.

Attorney Sposaro stated that during the break he called his client Ann del Campo because they firmly believe that the CADB approved the farm market as part of their prior action and he indicated they wish to relinquish the zoning permit approval previously issued for the farm market. He remarked that this action will render the Feinberg's entire appeal moot.

Mrs. Feinberg commented that this situation isn't right and stated that their withdrawal of the zoning permit takes away their opportunity to challenge the farm market and they can continue to operate it. She said she came this evening to make a record and this has become a strategy game to make them go away. Mrs. Feinberg indicated they will not go away.

Attorney Drill addressed Attorney Sposaro saying the worst thing that can happen is for them to abandon the farm market permit and then come back next week and re-apply. Attorney Sposaro indicated they have nothing to hide and said he intends to go to the CADB immediately and seek clarification and approval of the farm market. He stated that if the CADB denies the request they will return to the Zoning Officer and ask for another zoning permit. He emphasized that he believes they have the right under the approval by the CADB and the RTF Act to engage in the farm market activity.

Attorney Drill explained that there is a published case that says once a hearing has commenced the applicant does not have the exclusive right to withdraw their application but rather requires permission from the Board. He noted that conditions can also be imposed such as reimbursement of fees or a timeframe for which Ms. del Campo cannot re-apply for zoning permits. Attorney Sposaro remarked that they do not intend to reimburse anything and stated the Board does not have jurisdiction on an appeal that no longer exists and he noted the hearing has not commenced since there has only been discussion on procedural matters and no testimony has been taken.

Mrs. Feinberg commented that Ms. del Campo will continue to operate her farm stand and the Township can't do anything about it because they are relying on the approval of the CADB. Attorney Sposaro remarked that Mrs. Feinberg is making a presumption that the Township will not take any action against Ms. del Campo and he stated action is up to the Zoning Officer. Mrs. Feinberg remarked that we know the Zoning Officer issued the permit and that he was prepared to argue tonight in support of it.

The Board took a break from 9:24 PM – 9:37 PM.

There was some brief discussion among Board Members on whether or not the Board wanted to impose conditions on Attorney Sposaro's request to withdraw the last zoning permit after the hearing has commenced.

Ms. Frederick asked if there is any case law establishing a timeframe for when an applicant can withdraw an application. Attorney Drill said no.

Attorney Sposaro argued that once the Board has no jurisdiction they cannot attach conditions to something they have no jurisdiction over. He said, "If you do not have jurisdiction you have no authority to act. That's what jurisdiction is, and if you have no authority to act you can impose no conditions, it's really that cut and dry...that's the status of the law in NJ."

Mrs. Feinberg stated, "My position is that when I filed this appeal I established jurisdiction and there is a continued violation." She added that she is asking the Board to reimburse her for the expenses she has incurred for her professionals. Mrs. Feinberg stated, "I've paid my lawyer...I've spent close to \$30,000 or \$40,000 on this case...I would ask the Board...that I be compensated and then I submit an affidavit and if there is any dispute about that let Counsel make an application to the law division...and that any dismissal (*of the zoning permits*) be based upon paying counsel fees to my attorney, to the witnesses who are here tonight and for the costs involved with noticing...I think that's fair." Mrs. Feinberg remarked that she is a taxpayer left with no remedy if the Board allows the zoning permit for the farm stand to be withdrawn. Attorney Sposaro commented that under the RTF Act any person aggrieved by the operation of a commercial farm has the absolute right to take their complaint to the CADB.

Attorney Drill commented to the Board that in his opinion he believes the hearing did commence and that they cannot now unilaterally withdraw the zoning permit without the Board's permission and that the Board also has the right to impose conditions on the withdrawal if they wish to do so.

Attorney Sposaro remarked that it would be outrageous for the Board to impose any condition for reimbursement to the Feinbergs noting they have challenged his client before the Board of Health over a food license, before the CADB over agricultural activities and before Superior Court over the use of a common driveway. Attorney Sposaro said he believes his client is being harassed.

Mrs. Feinberg noted for the record that if the Board imposes conditions for reimbursement, and Ms. del Campo appeals the decision, she will defend the Township.

Ms. Binder commented that she remembers in the past where applicants have withdrawn certain requests or amended their application during the public hearing. She also stated that she remembers where the Board has been advised that once the CADB has made a ruling the Board of Adjustment no longer has jurisdiction. She stated that she doesn't feel the Board has the right to impose reimbursement conditions because there is no guarantee that the Feinberg's would have won their argument tonight and they still would have had to incur those expenses. Ms. Binder also stated that she believes imposing a condition for reimbursement may even be opening the Board up to some type of liability. Ms. Frederick

added that she doesn't believe there is any basis for awarding any reimbursement because once the zoning permit is abandoned the Board no longer has jurisdiction.

Attorney Drill asked if anyone disagreed with not imposing any conditions for reimbursement. It was noted for the record that no Board members spoke up in favor of the reimbursement idea.

A motion by Sherrie Binder, seconded by Gloria Frederick to allow the farm market zoning permit to be abandoned and relinquished was approved by roll call vote.

Roll Call Vote: Sherrie Binder: Yes, Gloria Frederick: Yes, Gael Gardner: Yes, Sue Posselt: No, Kendra Schroeder: Yes, Diana Garrett: Yes, Anne Williams: Yes.

A motion by Gloria Frederick, seconded by Sherrie Binder to dismiss the appeal as moot was approved by roll call vote.

Roll Call Vote: Gloria Frederick: Yes, Sherrie Binder: Yes, Gael Gardner: Yes, Sue Posselt: Yes, Kendra Schroeder: Yes, Diana Garrett: Yes, Anne Williams: No

Old Business

Adoption of Policies of the Zoning Board of Adjustment (*as revised*)

A motion by Gael Gardner, seconded by Anne Williams to adopt the policies of the Board as revised was unanimously approved.

New Business

It was noted for the record that there were no new business items listed on the agenda for discussion.

Comments of the Board Members

Ms. Binder remarked that this application was not easy.

Attorney Comments

It was noted for the record that Attorney Drill had no comments.

Open to the Public

A motion by Gloria Frederick, seconded by Sherrie Binder to open to the public was unanimously approved.

Jeff Smith of 26 Saddle Shop Road came forward and thanked the Board for not imposing any reimbursement of fees.

Doreen Holley of 86 Stony Brook Road came forward and remarked that the Board did a great job. She commented that she believes everyone won saying, "Obviously if the Feinbergs were appealing, they were asking for the zoning permit to go away. The fact that they abandoned the permit—everybody won."

A motion by Gloria Frederick, seconded by Sherrie Binder to close to the public was unanimously approved.

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Adjournment

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

The meeting adjourned at 10:10 PM.

Maria Andrews, Administrative Officer