

**EAST AMWELL
ZONING BOARD OF ADJUSTMENT - MINUTES
Municipal Building – 7:30 PM
July 10, 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 July 10, 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 July 5, 2012.

Roll Call and Agenda Review

Present: Gloria Frederick
Gael Gardner
Sue Posselt
Kendra Schroeder
Anne Williams – Alt. #2

Absent: Sherrie Binder
Nancy Cunningham
Paul Gavzy
Diana Garrett – Alt. #1

Presentation of Minutes

A motion by Gael Gardner, seconded by Gloria Frederick to approve the Board's minutes from 6/12/12 was unanimously approved with no revisions noted.

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 unanimously approved.

Chair Schroeder noted the agenda will be re-ordered to deal with the New Business matter first since Attorney Drill was present at the meeting.

New Business

Memorialization of Resolution AJ-12-02: Dismissal of Appeals as Moot from Zoning Officer's Issuance of Zoning Permits – Feinberg/del Campo Appeal

Attorney Waterbury recused herself from this matter and stepped down from the dais. Attorney Drill stepped up to the dais and joined the Board.

A motion by Gloria Frederick, seconded by Gael Gardner approving Resolution AJ-12-02: Dismissal of Appeals as Moot from Zoning Officer's Issuance of Zoning Permits was approved by roll call vote.

Roll Call Vote: Gloria Frederick: Yes, Gael Gardner: Yes, Kendra Schroeder: Yes

Attorney Waterbury returned to the dais and Attorney Drill left the meeting at this time, 7:39 PM.

Correspondence

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

Applications to be Deemed Complete or Incomplete

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

Attorney Waterbury noted the public notice was done in accordance with the MLUL requirements and indicated the Board had jurisdiction to proceed with the public hearing.

Mr. & Mrs. Kelly came forward and were sworn in. 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.

It was noted the subject property is a 2.5 acre lot located in the Amwell Valley Agricultural District which requires a minimum side yard setback of 30 ft. The Kelly's proposed new garage will be about 18 ft. from the property line and about 128 ft. from the neighbor's home on the adjoining lot. Mr. Kelly explained the new garage will be 24' x 32' which is slightly larger than the existing garage.

Ms. Posselt asked if the new garage will be closer to the road. Mr. Kelly indicated he believed it would be about 4' closer to the road. He remarked that they did not have architectural plans yet because they wanted to first make sure they could obtain approval from the Board.

It was noted that converting the old garage to living space will add approximately 528 sq. ft. to the current dwelling and the proposed new garage and slightly enlarged driveway access area will add approximately 1056 sq. ft. of impervious coverage for a total impervious surface area of about 5300 sq. ft. which is well below the maximum allowed 10,000 sq. ft in the Land Management Ordinance.

Chair Schroeder asked if any trees will need to be removed on the property. Mr. Kelly said no trees will need to be taken down but some will require trimming. It was noted that one of the trees needing to be trimmed was actually on the neighbor's property, Mr. Lowenhaupt who was in attendance at the meeting. Mr. Lowenhaupt did not officially identify himself for the record but did indicate the tree in question was on his property and he stated he did not care if the Kelly's trimmed it. Mr. Kelly remarked that there is an existing Japanese Maple near the garage area that they intend to relocate somewhere else on the property.

Ms. Gardner suggested the Kelly's consider putting an addition off the front of their home in an "L" shaped configuration and leave the existing garage alone. Mr. Kelly remarked that they have considered all of their options and adding onto the front of their home would not be practical since the bedrooms are located where Ms. Gardner suggested they build a family room. He also noted that the property drops off on the northern side of the home as well as in the rear which is also where the septic system is located so building in those areas wouldn't work either. Mr. Kelly commented their property has many large trees in those areas as well and stated he didn't want to cut any of them down.

Ms. Williams read the site review report into the record: *"The subject property is 2.50 acres. The house is approximately 85 feet from the road and faces WNW. It sits to the right of center of the lot. The property has many mature trees, is fairly level at the front and drops off severely to a stream area and flood plain about halfway back from the road. The back of the house has an elevated deck covering about half the length.*

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The neighbor to the right as you face the house sits on 2.22 acres. The house sits about as far off the road as the Kelly's and is pretty much centered in the lot. It also drops off to the stream area at the back of the lot. The area between the two houses is mostly open with some mature trees.

The neighbor to the left as you face the Kelly's sits back considerably further from the road and on the opposite side of the stream bed in the lower plain. There is a long driveway with a bridge to cross the stream. The land between the two houses is substantially covered with trees of a good size.

Trees in front of the house screen much of the views of the neighbors across the street. The rear of the property backs to a large piece of land, currently wetland and farm field. The appurtenant house is not in view.

There are many large, beautiful trees on the Kelly's property. To add an addition to the northern side of the house would require taking down many of them. The rear of the house slopes down and has the septic system. An addition to be added to the right side of the house as you face it would require the least number of trees, if any, to be removed and impacts neither the well nor the septic.

The largest visual impact would be on the neighbor to the southwest at 194 Wertsville Road.”

A motion by Gloria Frederick, seconded by Anne Williams to open to the public was unanimously approved.

Frances Gavigan of 123 Wertsville Road came forward and expressed support for the application. She commented that the Kelly's are a wonderful addition to the community and having them move out would be sad. Ms. Gavigan remarked that what they are proposing is a “well suited proposal for the lot.”

A motion by Gloria Frederick, seconded by Sue Posselt to close to the public was unanimously approved.

Chair Schroeder noted the Board had received a report from the Environmental Commission. Attorney Waterbury explained that the Commission suggested the Kelly's install a rain garden behind their home to offset the additional proposed impervious coverage and also discussed leaving an unmown area between the home and the stream. She noted that the Environmental Commission's comments are only suggestions and that their request exceeds the Board's jurisdiction on what can be imposed. Attorney Waterbury clarified that the rain garden and the unmown area cannot be considered as conditions of approval.

Ms. Gardner commented for the record that she has an issue with anything encroaching this close to a neighboring property even though the neighbor in this case doesn't object to the proposal.

Ms. Frederick commented for the record that she believes the topography of the property supports the proposed addition as presented by the Kelly's.

Attorney Waterbury summarized the application request explaining the Kelly's are seeking permission to encroach into the side yard setback by 12 ft. She noted that everything else with the property is conforming and she indicated the lot meets the grandfathering provisions established in the Ordinance. Attorney Waterbury clarified that the variance is considered a hardship variance which means that in order for the Board to approve the application they would have to find that the strict application of the side yard setback requirement in the Code would be an undue hardship because of the specific conditions related to this piece of property.

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Ms. Frederick commented that she believes the topography of the lot and layout of the home, validate the requested variance.

A motion by Gloria Frederick, seconded Anne Williams to approve the application was unanimously approved by roll call vote.

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

Old Business

It was noted for the record that there were no old business matters listed on the agenda.

Comments of the Board Members

It was noted for the record that no comments were made.

Attorney Comments

It was noted for the record that no comments were made.

Open to the Public

A motion by Gloria Frederick, seconded by Sue Posselt to open to the public was unanimously approved. Seeing no members of the public come forward, a motion by Sue Posselt, seconded by Anne Williams to close to the public was unanimously approved.

Adjournment

A motion by Gloria Frederick, seconded by Kendra Schroeder to adjourn the meeting was unanimously approved.

The meeting adjourned at 8:12 PM.

Maria Andrews, Administrative Officer