

**EAST AMWELL
ZONING BOARD OF ADJUSTMENT - MINUTES
Municipal Building – 7:30 PM
September 10, 2013**

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 September 10, 2013 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 17, 2013 issue of the Hunterdon County Democrat, filed in the Township Clerk's Office, and posted on the Bulletin Board on September 4, 2013.

Roll Call and Agenda Review

Present: Nancy Cunningham
Gael Gardner
Sue Posselt
Kendra Schroeder
Diana Garrett – Alt. #1 – *(arrived at 7:32 PM)*
Anne Williams – Alt. #2

Absent: Sherrie Binder
Gloria Frederick
Paul Gavzy

Presentation of Minutes

A motion by Gael Gardner, seconded by Anne Williams to approve the Board's minutes from 7/9/13 with no revisions noted was approved with Ms. Cunningham abstaining.

Presentation of Bills for Payment

A motion by Nancy Cunningham, seconded by Sue Posselt to approve the vouchers for payment as listed on the agenda was unanimously approved.

Chair Schroeder 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

Hess Corporation – AJ-13-01 – Block 15.01 Lot 2 – Highway Office: Preliminary & Final Major Site Plan Approval with Variances

Present at the meeting was Attorney Donna Jennings on behalf of the applicant and Hess Permitting Manager Andy Lautenbacher.

Attorney Jennings indicated the proposed application is for Preliminary and Final Major Site Plan approval with variances. She explained the current Dunkin Donuts will be modified into a Hess Express convenience store along with some other on-site renovations and upgrades. Attorney Jennings clarified that the issue of a convenience store on this site was litigated by a previous property owner and the Courts ruled that a convenience store could be constructed on the property. It was noted that the current application was filed before the Board of Adjustment because that was the Board who had the original jurisdiction.

Attorney Waterbury Cecil commented that in 1991 the Zoning Board had granted a use variance to allow the existing Dunkin Donuts building to be used for various retail uses but specifically excluded deli's and convenience stores. She explained that the Appellate Division of the Court ruled in 1998 that convenience stores and deli's should not have been excluded. Attorney Waterbury Cecil stated that based on this decision she believes the Hess Express convenience store is permitted and no further use variance relief is required. She further clarified that the application before the Board is strictly for bulk variance and site plan approval.

A few waiver requests from checklist items were outlined in Planner Slagle's review memo. It was noted that she believed the requested waivers were appropriate and that she recommended the application could be deemed complete.

Ms. Cunningham asked if the referenced letter of no interest from the NJDOT had been submitted. Attorney Jennings indicated they are likely still drafting the letter and remarked that she would forward it upon receipt.

Ms. Gardner and Ms. Cunningham requested that photos of the site including an aerial photo be available for the public hearing. Attorney Jennings stated she will have photos. Ms. Gardner also noted she would like additional details regarding wetlands delineation per the memo from the Environmental Commission. Attorney Jennings indicated there are no wetlands on the site and stated their Engineer will be able to answer any questions at the public hearing.

A motion by Nancy Cunningham, seconded by Gael Gardner to deem the application complete was unanimously approved.

Applications for Public Hearing

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

Old Business

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

New Business

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

Comments of the Board Members

It was noted for the record that no comments were made by any of the Board Members.

Attorney Comments

Attorney Waterbury Cecil indicated she had a comment and requested the Board go into Executive Session because it was regarding a personnel matter.

Open to the Public

A motion by Nancy Cunningham, seconded by Gael Gardner to open to the public was unanimously approved.

Frances Gavigan of 123 Wertsville Road came forward and expressed the importance of reviewing traffic safety and the logistics on the site that will be the subject of an upcoming public hearing. Attorney Waterbury Cecil cut Ms. Gavigan’s comments short because it is inappropriate for pending applications to be discussed.

Attorney Walter Schneider came forward with his client Denise Gonsiewski who is an Orchard Road resident. He stated that they came to the meeting because the notice of violation Ms. Gonsiewski received is listed on the Board’s agenda under correspondence and he asked for clarification on what his client is doing that is considered a violation. Attorney Waterbury Cecil directed Attorney Schneider and his client to speak with Zoning Officer McManus. She stated the Board cannot opine they can only consider a variance application or an appeal of Mr. McManus’s decision.

Ms. Gonsiewski remarked that she has been living on Orchard Road for 3 years and doesn’t know what she is doing on her property that is in violation with the Township’s ordinances.

Attorney Waterbury Cecil commented that they have 20 days from the date of the Zoning Officer’s letter to appeal if they wished to do so or they could try to further discuss the matter with him.

Seeing no other members of the public come forward, a motion by Gael Gardner, seconded by Nancy Cunningham to close to the public was unanimously approved.

Executive Session

A motion by Nancy Cunningham, seconded by Sue Posselt to go into Executive Session for the purpose of discussing a personnel matter was unanimously approved.

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The Board was in Executive Session from 7:55 PM – 8:00 PM

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A motion by Nancy Cunningham, seconded by Gael Gardner to return to open public session was unanimously approved.

Adjournment

A motion by Anne Williams, seconded by Sue Posselt to adjourn the meeting was unanimously approved.

The meeting adjourned at 8:00 PM.

Maria Andrews, Administrative Officer