

**EAST AMWELL
ZONING BOARD OF ADJUSTMENT - MINUTES
Municipal Building – 7:30 PM
August 11, 2015 - Meeting**

Call to order and compliance with the Open Public Meetings Act

The regularly scheduled meeting of the Board of Adjustment was called to order at 7:30 PM on August 11, 2015 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 meeting as published in the January 22, 2015 issue of the Hunterdon County Democrat, filed in the Township Clerk's Office, and posted on the Bulletin Board on August 5, 2015.

Roll Call and Agenda Review

Present: Sherrie Binder – *Chair*
Nancy Cunningham
Gael Gardner
Kendra Schroeder
Anne Williams
Michele Doherty – *Alt. #2*
Attorney Cecil
Planner Banisch

Absent: Diana Garrett
Paul Gavzy
Jamie Atkeson – *Alt. #1*

Presentation of Minutes

A motion by Kendra Schroeder, seconded by Nancy Cunningham to approve the Board's 4/15/15 meeting minutes with no revisions noted was approved with Ms. Gardner abstaining.

Correspondence

Chair Binder noted for the record that the correspondence will be dealt with as it comes up over the course of the meeting.

Applications to be Deemed Complete or Incomplete

Carrega Properties, LLC – AJ-15-04
Block 12 Lot 12 – Village District – 1059 Old York Road
Interpretation (Pre-existing con-conforming use)/Use Variance – To allow retail sales
Submitted: 7/27/15 – 45 days: 8/31/15

Present for the discussion was property owner Louis Carrega and his Attorney Peter Lanfrit. Attorney Lanfrit explained that they believe the proposed use is a pre-existing non-conforming use because the property has always had some type of office use going on on-site. He noted his client is currently in negotiations with a potential tenant to lease the center and right portion of the existing building to allow limited equestrian retail sales and office space. Attorney Lanfrit said in looking at the ordinance, the proposed use may not fit in under the retail sales that are permitted under the Local Business (LB Zone). He stated he has had some discussion with Zoning Officer Kneski who believes this is not a permitted

commercial use that is allowed in the Village District. Attorney Cecil asked for clarification on why the LB zone is being referenced when the property is located in the Village District. Attorney Lanfrit explained that in the zoning ordinance, section D (2) of the Village District references, "...the same uses outlined in the Local Business 92-96 B & C are conditionally permitted in the Village District." He remarked that he is still having discussions with Zoning Officer Kneski, but assuming he takes the position that what his client is proposing is not permitted, then they need to seek the use variance. He also noted that he would simultaneously like to seek a certification that the remaining portion of the building is a pre-existing non-conforming office use in the event a future office space tenant comes along his client will not have any issues renting the space.

Planner Banisch commented that he would like to see an updated survey depicting the septic location as well as a copy of the deed for the property. Attorney Lanfrit noted that copies of the deed were provided this evening and they are currently trying to locate a survey for the property. Planner Banisch also remarked that if a change of use is ultimately granted by the Board, the existing frontage and parking configuration may not be adequate if the uses on the site intensify.

Ms. Cunningham requested she would like the applicant to confirm whether or not the property is located within the Historic District and add that information to page 2 of the application.

A motion by Kendra Schroeder, seconded by Gael Gardner to deem the application complete provided an updated survey is submitted and that the applicant clarifies whether or not the site is located within the Historic District was unanimously approved by voice vote.

Applications for Public Hearing

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

Old Business

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

New Business

Resolution Granting an Extension of Time to Secure Building Permits (AJ-14-02) – Frank DiGioia – Block 25 Lot 7.19

It was noted for the record that Chair Binder recused herself from this discussion and stepped down from the dais. Vice Chair Williams took over the meeting.

Attorney Cecil explained that Mr. DiGioia was granted a side yard setback variance last year to develop a vacant lot on Back Brook Road for residential use and under the code as it is currently written, if a building permit is not pulled within 1 year the variance expires. She noted the Board has the ability to extend that timeframe for an additional 6 months. Attorney Cecil stated that Mr. DiGioia has not had any luck selling the property so far and he is seeking an extension in order to try and secure a buyer.

A motion by Gael Gardner, seconded by Anne Williams to approve the Resolution extending the 2014 grant of "C(1)" hardship variance for side yard setback encroachment was approved by roll call vote.

Roll Call Vote: Gael Gardner: Yes, Anne Williams: Yes, Nancy Cunningham: Yes, Kendra Schroeder: Yes, Michele Doherty: Yes

It was noted for the record that Chair Binder returned to the dais at this time.

Comments of Board Members

Ms. Cunningham referred to the list of approved zoning permits under correspondence on the agenda and asked if every permit since the beginning of the year has been approved. Secretary Andrews said she believed so with the exception of a few that required additional information. Several Board Members noted the approvals seemed to all be for basic things. Ms. Cunningham remarked that the Board used to hear applications for setback and impervious coverage issues.

Open to the Public

A motion by Gael Gardner, seconded by Kendra Schroeder to open to the public was unanimously approved. Seeing no members of the public come forward, Chair Binder closed the floor to the public.

Planner Banisch provided a quick update on COAH. He explained that the Planning Board is working on the Housing Element and noted that part of the discussion will be what the number of required units will be and how that number can be met. He remarked that the Township had a 40 unit prior round obligation that was fulfilled and now the numbers have changed to require anywhere up to 260 units. He said part of the reason the Fair Share Housing Center is coming down so hard on certain municipalities is because some towns have managed to justify things like this that are perceived to be exclusionary. Planner Banisch stated that it is ironic that affordable housing planning has become the “go to” planning that has to be done with everything else just following along. He said as East Amwell responds to this obligation, the Court must be presented with certain facts in order to establish our position. He explained that during the years of 2000 – 2007 approximately 10 residential building permits were issued each year. To put the current COAH numbers in perspective Planner Banisch said over the next 10 years the Township would have to build somewhere between 1500 and 2000 units (depending on whether they were “for sale” or “rental”) in order to meet the Fair Share Housing Center’s figures.

Planner Banisch indicated his job is to demonstrate why the correct figure for East Amwell is lower than the Fair Share Housing Center number. He noted that the Planning Board will be discussing whether or not any inclusionary development makes sense for East Amwell.

Adjournment

A motion by Gael Gardner, seconded by Chair Binder to adjourn was unanimously approved by voice vote.

The meeting adjourned at 7:59 PM.

Maria Andrews, Administrative Officer

Note: These minutes have not been formally approved and are subject to change at the Board’s 10/13/15 minutes.