

**EAST AMWELL  
ZONING BOARD OF ADJUSTMENT MINUTES  
Municipal Building – 7:30 PM  
October 13, 2015**

**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 October 13, 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 October 8, 2015.

**Roll Call and Agenda Review**

**Present:** Sherrie Binder – *Chair*  
Nancy Cunningham  
Gael Gardner  
Diane Garrett – *(arrived at 7:37 PM)*  
Paul Gavzy  
Kendra Schroeder  
Anne Williams *(arrived at 7:33 PM)*  
Attorney Cecil

**Absent:** Jamie Atkeson – *Alt. #1*  
Michele Doherty – *Alt. #2*

**Presentation of Minutes**

A motion by Kendra Schroeder, seconded by Nancy Cunningham to approve the Board's 8/11/15 minutes as revised was approved with Mr. Gavzy abstaining.

**Vouchers**

A motion by Paul Gavzy, seconded by Kendra Schroeder to approve the vouchers for payment as listed on the agenda was unanimously approved.

**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**

It was noted for the record that no application were listed on the agenda for completeness.

**Application 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 for discussion.

**New Business**

**Discussion: Proposed Ordinance Amendments Regarding Expiration of Variances**

Attorney Cecil explained that there are currently two specific properties in the Township where the owners obtained variance approval to develop their lots and in both cases, due to economic conditions, the property owners have not proceeded in obtaining building permits. She noted that in East Amwell the duration of variances is controlled by ordinance which specifically states that building permits must be secured within 1 year of variance approval with the Board being allowed to grant a 6 month extension.

In one instance the property owner was recently able to obtain an extension from the Board in the hopes that he will be able to sell the property in time. In the other case, the variance granted to allow construction of a home on an undersized lot was approved in 2012 and is beyond the timeframe for any extensions to be effective. Attorney Cecil remarked that the property owners and/or prospective buyers should not have to waste money seeking new approvals and the only way to correct the problem is to amend the ordinance. When she relayed her concerns to Mayor Wang-Iverson he suggested she draft an amendment to the Land Management Ordinance for the Township Committee to review that would increase the initial period of validity for all variances, plus give the planning and zoning boards the authority to extend those approvals when circumstances warrant such an extension.

It was noted that the suggested language change in the amended ordinance would read: “Expiration of variance: In the granting of variances pursuant to N.J.S.A. 40:55D-70c(1), 70c(2), or 70(d), a time limit of five years from the date of the variance approval shall be set, within which time the owner or developer shall secure a construction permit; otherwise the variance or variances granted shall be null and void. The approving authority may for good cause shown extend the period for securing a construction permit for an additional period or periods as it deems necessary and appropriate.

Ms. Cunningham asked if the ordinance change will be retroactive. Attorney Cecil said yes, noting that the ordinance would be applicable retroactively to any variances that were originally granted within the 5 year period prior to the date of adoption of the ordinance.

Chair Binder commented that she gave the proposed change a lot of thought and stated that as a Realtor she knows it is always harder to sell a vacant lot and if the language in the ordinance isn't changed the Board is essentially penalizing the residents, which is not reasonable. Mr. Gavzy stated he agreed with Chair Binder.

It was the consensus of the Board to recommend the amended ordinance language be forwarded to the Township Committee for their review and approval.

**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 Cecil thanked the Board for supporting the proposed ordinance changes.

**Open to the Public**

A motion by Paul Gavzy, seconded by Anne Williams to open to the public was unanimously approved. Seeing no members of the public come forward, a motion by Paul Gavzy, seconded by Anne Williams to close to the public was unanimously approved.

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**Adjournment**

A motion by Paul Gavzy, seconded by Nancy Cunningham to adjourn the meeting was unanimously approved.

The meeting adjourned at 7:47 PM.

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Maria Andrews, Administrative Officer