EAST AMWELL
ZONING BOARD OF ADJUSTMENT MINUTES
Municipal Building – 7:30 PM
November 10, 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 November 10, 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 November 5, 2015.

Roll Call and Agenda Review

Present: Sherrie Binder – *Chair*
Nancy Cunningham
Diana Garrett – *(arrived at 7:35 PM)*
Paul Gavzy
Kendra Schroeder
Anne Williams
Michele Doherty – *Alt. #2*
Attorney Cecil
Planner Slagle
Engineer O'Neal

Absent: Gael Gardner
Jamie Atkeson – *Alt. #1*

Presentation of Minutes
A motion by Kendra Schroeder, seconded by Nancy Cunningham to approve the Board's 10/13/15 minutes with no revisions noted was approved with Ms. Doherty abstaining.

Vouchers
A motion by Paul Gavzy, seconded by Anne Williams 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
Planner Slagle referred to her completeness review memo and commented that the requested waivers are reasonable and indicated the application could be found complete. Chair Binder asked for clarification on the square footage for the new proposed home. Attorney Cecil remarked that the one complication tonight is that when completeness and the public hearing are scheduled together the Board must first determine whether or not they are going to take jurisdiction over the application and move forward with the public hearing prior to asking any questions of the applicant. Attorney Cecil commented that the application may

contain other discrepancies such as impervious coverage calculations. She asked the Board if they wished to push the public hearing off until next month so the information could be corrected and provided prior to next month's meeting. Chair Binder suggested that since the applicant is here and has already provided public notice, that the Board proceed with the public hearing this evening and correct any discrepancies through the testimony provided on the record. She stated that she didn't believe a few discrepancies on the application were a reason to delay everything another month if the items could be clarified.

It was noted for the record that the Board took jurisdiction over the application to move forward with the public hearing but did not make a formal motion deeming the application complete because Attorney Cecil advised the motion wasn't necessary at this point since the MLUL "clock" was not an issue if the public hearing was going to take place.

Application for Public Hearing
Kim & Joseph Pietraszewski – AJ-15-05: Front Yard Setback Variance to Build a Single Family Home – Block 25 Lot 7.19 – Back Brook Road
Present for the application was property owner Frank DiGioia and prospective buyers Joseph and Kimberly Pietraszewski. Attorney Cecil swore everyone in including the Board's professionals, Planner Joanna Slagle and Engineer Dennis O'Neal.

Attorney Cecil noted for the record that the public notice was provided in accordance with the MLUL requirements.

Mr. Pietraszewski came forward and explained that he would like to construct a single family home on an existing lot on Back Brook Road known as Block 25 Lot 7.19. He noted that he needs a front yard setback of 50 ft. where 75 ft. is required in order to construct a home. He explained that there are no modular homes available to fit in the current building envelope designated on the lot.

It was noted that the property was the subject of prior variance approval in 2014 for a side yard setback variance to allow 30 ft. where 50 ft. is required. As part of the resolution of approval for that variance it was noted that the 30 ft. was granted to accommodate existing site conditions and the placement of the septic system which was installed in 1994.

Mr. Pietraszewski stated they are seeking to put a 2500 sq. ft. modular home on the site and they are requesting a 50 ft. front yard setback in order to fit a modest sized home on the site with a front porch entry. He clarified that he believes the setback will really be closer to 60 ft. but he wants a slight cushion if needed. Mr. Pietraszewski also noted that the existing septic tank(s) are 9 ft. 4 in. from the house which has to be relocated because the ordinance requires them to be 10 ft. from the home.

The following exhibits were presented:
Exhibit A-1: Property survey
Exhibit A-2: A plan of the existing site
Exhibit A-3: A series of 14 slides shown on Mr. Pietraszewski's laptop *(a disc was provided for the file)*.
Exhibit A-4: A photocopy of a portion of Exhibit A-1 showing where the proposed new home will be

It was noted that the total area of disturbance to put up the proposed new home will be approximately 8000 sq. ft. Mr. Pietraszewski stated they will not be going anywhere near the stream and will not be removing any trees.

Chair Binder asked if the existing driveway is proposed to be relocated. Mr. Pietraszewski stated he does not intend to move the driveway unless the Board requires it.

Planner Slagle asked for clarification on the distance between the septic system and the house. Mr. Pietraszewski explained that when the septic was put in the laterals could have been made longer to allow for more room between the house and the system but they weren't. Since the septic is in, the tanks have to be moved slightly to comply with the 10 ft. setback from the home. It was noted that the proposed home will be rotated counter clockwise slightly from the depiction on the site plan. The basement will be 28 ft. from the trench and 10 ft. from the tank. The garage will be 20 ft. from the lateral.

Ms. Cunningham asked if there will be a deck or porch on the rear of the home. Mr. Pietraszewski stated he would like to construct a 6' or 8' deck which will be 15' away from the lateral. He indicated the deck may not be constructed if the measurements don't work out once the home is built. The front of the home will have a porch with steps.

Chair Binder requested a quick break and asked Administrative Officer Andrews to make copies of the portion of the site plan depicting the home up close.

Chair Binder asked Engineer O'Neal if the proposed new home meets all of the setback requirements other than the front yard setback variance Mr. Pietraszewski is requesting. Engineer O'Neal stated that is correct. He clarified the home will be 10 ft. off of the septic tanks, 29 ft. off of the laterals and the garage slab will be 22 ft. away. Chair Binder clarified that all of this can only happen if there is a deviation from the front yard setback standards in order to construct the new home. Mr. Pietraszewski said yes.

Ms. Cunningham asked how many feet the proposed home will need to be moved forward. Mr. Pietrszewski indicated the 2 corners of the home will be moved forward 8 ft. because the setback follows the curve in the road. The center of the home will be moving forward approximately 12 ft. plus a 6 ft. or 8 ft. porch. Ms. Williams asked how far the back of the home will be from the septic tanks. Mr. Pietraszewski indicated 10 ft.

Planner Slagle asked how the proposed location of this new home will compare to other homes in the area. Mr. Pietraszewski referred to his aerial slides and stated the home across the street is 12 ft. off of the road, 2 homes on Van Lieu's are 3 ft. and 7 ft. off of the road, respectively. He noted all of these homes are within 200 ft. of the subject site.

Attorney Cecil clarified the standards the Board needs to consider. She stated the applicant is seeking a "C" bulk variance – one is the hardship variance where the applicant can't conform to the zoning requirements because of the physical characteristics of the property, the other is the C(2) flexible variance where the consideration is not on whether it is impractical to conform to the zoning standards but rather weighs the benefits gained by deviating from the specific requirements of the zoning regulations.

Engineer O'Neal commented that if the Board approves the variance he suggests a study be done on the site distance for the existing driveway to ensure that it complies with the 150 ft. site distance ordinance requirement.

Ms. Cunningham asked for clarification on the impervious coverage. Planner Slagle commented that an accurate percentage will need to be provided once the specific details of the home and driveway are calculated but she remarked that it's safe to say the proposal will be well under the maximum allowed impervious coverage.

Ms. Cunningham asked if steps count toward the impervious coverage. Engineer O'Neal said yes. She then asked if it was possible to have the front (center) steps installed on the side of the porch. Mr. Pietraszewski remarked it would be possible but stated it would not look good aesthetically and would ruin the center hall colonial/farmhouse porch concept. Chair Binder stated, "I don't think it's our position as the Board of Adjustment to determine what type of house he builds."

Planner Slagle asked for clarification that the tree line buffer on the property will remain intact per the condition of the prior resolution. Mr. Pietraszewski said yes.

Chair Binder opened the floor to public comment. Attorney Mark Yates came forward on behalf of objecting neighbor Frank Richardson. He asked the following questions of Mr. Pietraszewski:

1. What are the dimensions of the foundation of the house?
   66.8 ft. wide with the garage
   49.8 ft. depth including the front and back porch

2. Where will the central air conditioning unit be?
   Behind the garage, with the master bedroom on the Richardson's side of the property

3. Have you already purchased the property?
   We are under contract

4. Attorney Yates commented that the subject site was approved for a 1232 sq. ft. house under the prior resolution and you are saying you cannot build a 1232 sq. ft. house?
   No, once we did the measurements the septic tanks are 9.4 ft. away from the dwelling and the home would have been closer to the laterals than what was shown on the original plans

5. How big is the house you want to build?
   2521 sq. ft.
   Attorney Yates commented this is twice the size of what Mr. DiGioia got approval for. Mr. Pietraszewski clarified that the home could be two stories and would have been about the same size as what he is proposing or less square footage because the previous application talked about a bonus room over the garage. It was noted that there is an email included in the application from a modular home company indicating there are no homes made within the specifications outlined in Mr. DiGioia's original application.

   Chair Binder asked Attorney Lanfrit if his objection is to the proposed front porch. He explained the objection is to "development by increment." He remarked that the Board considered an application a year ago to build a 1232 sq. ft. home citing it was a small home and noting that encroaching on the side yard was better than the front yard. He stated now a year later someone is seeking approval to encroach on the front yard which equates to applications by increment. Chair Binder stated these are two separate applications by two different people.

6. Would you object to a deed restriction requiring you to maintain the tree line?
   None at all
   Mr. DiGioia commented that the trees were planted in 1982 and are on his property and have nothing to do with Mr. Richardson. Chair Binder commented that she didn't believe the Board could request a deed restriction on the trees as a condition of approval.

   Frank Richardson of 150 Back Brook Road came forward and was sworn in. He stated he likes the trees and doesn't want to see them cut down. He also stated that the proposed new home will be in his sight line and questioned when the encroachments will end. Attorney Yates remarked that he would like the tree line deed restricted because future property owners may not know about the details outlined in the resolution.

   Attorney Cecil explained the problem with deed restricting the trees is that the Township can amend a condition of approval but only a Court can amend a deed and she stated she doesn't believe it's appropriate for the Board to request this.

Frances Gavigan of 123 Wertsville Road came forward and stated she was in attendance for the prior hearing on this property. She commented that she understands the difficulties in marketing this property and believes the requested variance is warranted.

Seeing no other members of the public come forward, a motion was made by Kendra Schroeder and seconded by Paul Gavzy to close to the public

A motion by Paul Gavzy, seconded by Diana Garrett to approve the requested variance with the following conditions was unanimously approved by roll call vote: A site distance study will be conducted on the existing driveway, all of the conditions of approval in the previous resolution will carry forward – specifically the tree line and if the driveway is to be relocated trees will be planted where the current driveway opening is with all required permits to be obtained.
Roll Call Vote: Paul Gavzy: Yes, Diana Garrett: Yes, Sherrie Binder: Yes, Nancy Cunningham: Yes, Kendra Schroeder: Yes, Anne Williams: Yes, Michele Doherty: Yes

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

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

Attorney Comments
It was noted for the record that Attorney Cecil made no comments.

Open to the Public
A motion by Nancy Cunningham, seconded by Anne Williams to open to the public was unanimously approved. Seeing no members of the public come forward, a motion by Kendra Schroeder and seconded by Paul Gavzy to close to the public was unanimously approved.

Adjournment
A motion by Paul Gavzy, seconded by Sherrie Binder to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 8:53 PM.

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Maria Andrews, Administrative Officer