

**EAST AMWELL
ZONING BOARD OF ADJUSTMENT - MINUTES
Municipal Building – 7:30 PM
September 8, 2009**

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 8, 2009 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, Ms. Andrews announced this was a regularly scheduled meeting pursuant to the Annual Meeting Notice as published in the January 29, 2009 issue of the Hunterdon County Democrat, filed in the Township Clerk's Office, and posted on the Bulletin Board on September 2, 2009.

Roll Call and Agenda Review

Present: Sherrie Binder – *arrived at 7:33 PM*
Nancy Cunningham – Chair
Gael Gardner
Paul Gavzy
Sue Posselt
Kendra Schroeder
Diana Garrett – Alt. #1
Anne Williams – Alt. #2
Attorney Kevin Van Hise (*Filling in for Attorney Waterbury*)

Absent: Gloria Frederick

Presentation of Minutes

A motion by Paul Gavzy, seconded by Kendra Schroeder to approve the minutes from 8/11/09 was approved with Gael Gardner, Sue Posselt and Anne Williams abstaining.

Presentation of Bills for Payment

A motion by Kendra Schroeder, seconded by Sue Posselt to pay the vouchers as listed on the agenda was unanimously approved.

Correspondence

Chair Cunningham 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 – None

Applications for Public Hearing

Michael Stover: AJ-09-08 – Bulk Variances: 68 Back Brook Road – B:25 L:3.03

Present for the hearing was property owner Michael Stover. He came forward and was sworn in. Mr. Stover explained he was requesting a variance to construct a 24' x 24' x 14' (high) pole barn in the northwest corner of his property. It was noted that this is a flag lot and Mr. Stover will need a 25' front yard setback variance and a 10' side yard setback variance. The pole barn will be located 325' from Back Brook Road.

It was noted that both the Board of Adjustment Site Review Committee and the Environmental Commission had visited the property and agree that the proposed location is the best spot on the property for the pole barn. Mr. Stover indicated during his completeness hearing that a structure has always been located in this spot of his property. Originally there was a saw mill there, and currently there is a shed. The shed is in need of repair and is too small for his current needs. He noted that this location minimizes environmental impact to the property, it is secluded from the roadway, and is hidden by trees on the west side property line.

Mr. Stover explained he is requesting the variances because although the flag lot contains just over 11 acres, the building area is limited due to the Back Brook Stream running through the property, the location of the septic and the large swales on the east side of the lot.

It was noted that the total impervious coverage on the property including the new proposed pole barn will only be 2%.

Mr. Stover commented that he has met with all of his surrounding neighbors and indicated no one has any issues with the proposed pole barn. He also stated he had consulted with an excavator who ensured him there will be no problem with leveling off the site for the proposed new structure.

Ms. Cunningham asked what the pole barn will be used for. Mr. Stover indicated he will be storing his lawn tractor and other yard equipment in there. He also said there will be no water or electricity in the pole barn.

Ms. Gardner commented on the Environmental Commission's report indicating they would like the large walnut tree on the property to be saved. Mr. Stover indicated he will only need to take down 3 small trees on the south side of the pole barn location and the walnut tree will not be affected.

A motion by Gael Gardner, seconded by Sue Posselt to open to the public was unanimously approved. There was no public present at the meeting at this time. A motion by Paul Gavzy, seconded by Sherrie Binder to close to the public was unanimously approved.

Ms. Binder read the site review report for the record, a copy of which is attached.

A motion by Paul Gavzy, seconded by Gael Gardner to approve the application with the requested variances was unanimously approved.

Roll Call Vote: Paul Gavzy: Yes, Gael Gardner: Yes, Sherrie Binder: Yes, Nancy Cunningham: Yes, Sue Posselt: Yes, Kendra Schroeder: Yes, Diana Garrett: Yes.

Old Business – None noted.

New Business – None noted.

Comments of the Board Members

Ms. Posselt commented on the "*Guide to Horse Management*" brochure that had been discussed at previous Board of Adjustment meetings. She said, "I'm going to assume that you (*Mr. Gavzy*) didn't like it because it kind of indicated that it was put out by the Township." Mr. Gavzy expressed that Ms. Posselt's assumption was correct.

Attorney Comments – None noted.

Open to the Public

A motion by Kendra Schroeder, seconded by Sherrie Binder to open to the public was unanimously approved. Giulio Cifelli, a Lindbergh Road resident and prior applicant came forward. He indicated he spent \$47,000 to obtain a variance from the Board. He commented that the majority of that money was spent on the Board's professionals with some of it being spent on his own professionals. Mr. Cifelli stated he has done everything the Board has requested of him and compromised on many things in order to reach a mutual agreement. He added that he has spent another \$30,000 working toward completing what has been requested of him. Mr. Cifelli expressed a large degree of frustration with the fact that his name is continuously being mentioned throughout various public meeting minutes.

Mr. Cifelli provided a status report for the Board. He said, "The shed has been moved within the 500 ft. development line...the wood shack has been moved within the 500 ft. line...all the debris, the stumps...that has been completely removed from the property...the barn has been taken down—I haven't had a chance to rebuild it, but it's been taken down. The area where all the stuff was has been graded and made ready for the re-vegetation. That is the final step in the whole process and I'm currently...getting different bids from different landscaping companies to get that done." Mr. Cifelli noted that once everything is completed he will have Construction Official Stewart Doddy conduct his final inspection.

Mr. Cifelli continued commenting, "I am spending an incredible amount of money in an economy where it's tough to make a dollar. But yet there are some people just not happy enough with what I'm doing...I've gone to great lengths to make sure that whatever I did wrong was taken care of. But yet my name has been in the...Star Ledger, in the Hunterdon Democrat—I've been slandered all over the place like I'm some bad guy...*(heard)* comments from people that have nothing to do with my property, *(heard)* comments from people who know nothing about what's going on on my property...comments from the professionals from this Board as well who don't even know what's going on but yet they have to make comments on my behalf—or against my behalf...and I've just stayed quiet, I haven't said anything, I've just moved along, but now enough is enough."

Chair Cunningham thanked Mr. Cifelli for coming in and expressing his feelings to the Board. She apologized to him for what he has gone through. She indicated that she did not believe any members of the Zoning Board have made any public comments about his situation. She stated it was a member of the public who had come to last month's meeting who asked the Board about the status of what was going on. Chair Cunningham noted that Attorney Waterbury commented at the time that the Board had no information about Mr. Cifelli's property nor did the Board have any jurisdiction over what transpires after a variance is approved. It was noted that the Board had recommended to the member of the public that they speak to the Zoning Officer and/or the Township Engineer to address their concerns.

Frances Gavigan of 123 Wertsville Road came forward and commented that she has been at several of the meetings where resident Andrea Bonette has made comments about Mr. Cifelli's property. She indicated on some occasions she believed her comments to be without basis and did not know what the justification was. Ms. Gavigan expressed that she hopes the Township and the various committees continue to consider the consequences to the person whose name gets published when comments are made as well as the negative reflection it may portray on the Township. Ms. Gavigan also commented on the exorbitant amount of money Mr. Cifelli had spent on his application before the Zoning Board, suggesting this was not an isolated incident and commented that she was very concerned about the professional's billing.

East Amwell Township Board of Adjustment Minutes – 9/8/09

A motion by Sherrie Binder, seconded by Gael Gardner to close to the public was unanimously approved.

Adjournment

A motion by Paul Gavzy, seconded by Sue Posselt to adjourn was unanimously approved.

The meeting adjourned at 8:01 PM.

Maria Andrews, Administrative Officer