

**EAST AMWELL
ZONING BOARD OF ADJUSTMENT - MINUTES
Municipal Building – 7:30 PM
November 10, 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 November 10, 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 November 4, 2009.

Roll Call and Agenda Review

Present: Sherrie Binder
Nancy Cunningham – Chair
Gloria Frederick
Paul Gavzy
Sue Posselt
Anne Williams – Alt. #2
Attorney Waterbury

Absent: Gael Gardner
Kendra Schroeder
Diana Garrett – Alt. #1

Presentation of Minutes

A motion by Paul Gavzy, seconded by Gloria Frederick to approve the minutes from 10/13/09 was approved with Anne Williams abstaining.

Presentation of Bills for Payment

A motion by Paul Gavzy, seconded by Sherrie Binder 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

There were no applications listed on the agenda for completeness determination.

Applications for Public Hearing

Robert & Kim Geis – AJ-09-09 – Bulk Variances: 217 Mountain Road – B:30 L:8.01

Present for the application was Robert Geis. He came forward and explained he is proposing to put a 30' x 40' x 13' high pole barn/garage on his property. He stated his lot is an "L" shape and the proposed location for the garage would be in front of his existing dwelling. Mr. Geis explained the garage will be

500 feet off of the road and will not be visible from the roadway. He noted that if he placed the garage in line with the house, it would be situated in a drainage ditch that runs through his property. He indicated he did not want to incur the expense to alter the drainage area. Mr. Geis also informed the Board that he was injured 2 years ago and would like to keep his personal vehicles in his garage for safety in the event of bad weather. The existing garage is situated under the current dwelling and houses Mr. Geis's antique cars. If the new garage is approved, the antique cars will be stored in it. Mr. Geis needs variances for impervious coverage and to allow the proposed garage to be placed in the front yard.

Mr. Gavzy referenced the Environmental Commission's report and asked Mr. Geis if he was amenable to their suggestion of installing a shallow bio-retention basin between the proposed new garage location and the nearby drainage channel. Mr. Geis indicated he had no problem with the suggestion.

Chair Cunningham clarified that there is some existing gravel in the proposed new garage location. Mr. Geis noted that all of the gravel areas on his property have been included in the impervious coverage calculations. She confirmed that should the proposed garage be approved, any unused gravel areas would be top soiled and seeded. Mr. Geis agreed to do so.

Ms. Binder asked Mr. Geis about lighting and plumbing in the proposed new garage. Mr. Geis stated there would not be any water to the structure, but indicated he intended to install motion sensor lighting and possibly some low voltage lighting along a pathway to the new structure. He noted that all lighting will comply with the Township's ordinance and commented that this proposed structure will not be his primary garage and therefore will have limited activity and limited lighting.

Ms. Posselt questioned the location of the existing driveway in relation to the property line. Mr. Geis confirmed that his map is not drawn to scale and indicated the driveway is close to the property line.

Ms. Binder read the site review report for the record, noting Mr. Geis's proposed location for the garage is the best spot on his property for the structure. A copy of the site report is attached.

A motion by Gloria Frederick, seconded by Sherrie Binder to open to the public was unanimously approved. There being no public present, a motion by Paul Gavzy, seconded by Gloria Frederick to close to the public was unanimously approved.

A motion by Gloria Frederick, seconded by Sue Posselt to approve the application with the conditions that any exterior lighting conform to the Township's ordinance, that a bio-retention basin will be installed per the Environmental Commission's report and that all unused gravel areas around the new garage structure will be top soiled and seeded was unanimously approved.

Roll Call Vote: Gloria Frederick: Yes, Sue Posselt: Yes, Sherrie Binder: Yes, Nancy Cunningham: Yes, Paul Gavzy: Yes, Anne Williams: Yes.

New Business

2010 Board of Adjustment Budget

The Board of Adjustment increased their budget \$100 from \$39,895 in 2009 to \$39,995 requested in 2010. It was noted that the extra \$100 is to cover an overage in the "Other Expenses" budget line item.

Review of Escrow Fees

The Board discussed whether or not the initial escrow fee collected from applicants should be increased due to recent research indicating the initial escrow fee often does not cover all of the costs incurred by applicant's seeking variances before the Board.

Mr. Gavzy commented that he did not think it was a good idea to increase the fee. He suggested people will not be able to pay a higher amount which will result in residents doing things on their property without permits or approvals. Attorney Waterbury noted that Judges are requiring a high level of detail in the resolutions in the event a denied application is appealed. She commented that this often results in her spending more time drafting resolutions which may increase escrow charges to applicants. Attorney Waterbury also commented that the Resolutions must justify the Board's decision and noted that no Zoning Board should ever see a flood of applications because that would signify that the ordinances are out of line. She also suggested that the Board may wish to create a more comprehensive application form which will cut down on her time to review and prepare for application hearings. Attorney Waterbury offered to provide examples of more comprehensive application forms and to assist the Board with creating a new application.

It was the consensus of the Board to think about the escrow fees and discuss this matter further at the December meeting.

Attorney Comments

Attorney Waterbury advised the Board that she had revised Mr. Stover's bill based on follow up review of his comments made at the Board's 10/13/09 meeting.

Open to the Public

A motion by Gloria Frederick, seconded by Sherrie Binder to open to the public was unanimously approved. Frances Gavigan of 123 Wertsville Road came forward and commented that it would be helpful if potential applicants were provided with data showing the "going rate" for various variance requests and what the fees associated with the various professionals are. Ms. Gavigan also commented that there is a signal popping up that the Township's ordinances may not be clear.

Attorney Waterbury commented that every bill each professional submits is public information. She noted that her bills are very detailed and that the applicants always receive copies of her billing so they know what their escrow money is paying for.

A motion by Gloria Frederick, seconded by Sherrie Binder to close to the public was unanimously approved.

Adjournment

A motion by Paul Gavzy, seconded by Sherrie Binder to adjourn was unanimously approved.

The meeting adjourned at 8:34 PM.

Maria Andrews, Administrative Officer