

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

Roll Call and Agenda Review

Present: Nancy Cunningham – Chair
Gael Gardner
Paul Gavzy
Sue Posselt
Kendra Schroeder
Diana Garrett – Alt. #1
Anne Williams – Alt. #2

Absent: Sherrie Binder
Gloria Frederick

Presentation of Minutes

A motion by Paul Gavzy, seconded by Sue Posselt to approve the minutes from 11/10/09 was approved with Kendra Schroeder, Gael Gardner and Diana Garrett abstaining.

Presentation of Bills for Payment

A motion by Kendra Schroeder, seconded by Gael Gardner 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

There were no applications listed on the agenda for public hearing.

Old Business

Resolution of Approval – Geis: Block 30 Lot 8.01

A motion by Paul Gavzy, seconded by Sue Posselt to approve Resolution AJ-09-09 granting “c” bulk variances to construct a pole barn in the front yard of the property was approved by roll call vote.

Roll Call Vote: Paul Gavzy: Yes, Sue Posselt: Yes, Nancy Cunningham: Yes, Anne Williams: Yes

Review of Escrow Fees

It was noted that this matter had been carried from the Board’s 11/10/09 agenda for further discussion this evening. The Board remarked that the current initial escrow fee for bulk variance applications is \$750.00 which no longer appears to be sufficient to cover the majority of costs incurred by applicants.

It was noted that the Attorney’s time to review applications for the completeness hearings along with the preparation required to draft the detailed resolutions required by the Courts is what seems to be driving the escrow fees up.

It was the consensus of the Board to recommend the initial escrow fee for bulk variance applications be increased to \$1250.00.

A motion by Paul Gavzy, seconded by Sue Posselt to recommend the Township Committee approve an increase in the initial escrow fee collected for bulk variance applications to \$1250.00 was unanimously approved by roll call vote.

Roll Call Vote: Paul Gavzy: Yes, Sue Posselt: Yes, Nancy Cunningham: Yes, Gael Gardner: Yes, Kendra Schroeder: Yes, Diana Garrett: Yes, Anne Williams: Yes

New Business

Antonio Elmaleh – Block 34 Lot 5.01 – Bulk Variances: Motion to Deny Without Prejudice

It was noted that this application was deemed complete on 10/14/08 and the applicant has supplied letters of extension for the matter to be heard for the past year. Ms. Andrews commented that she routinely lists any application that has been the subject of extensions for over a year on the Board’s December agenda simply for administrative purposes to clear them off of the calendar and stop the MLUL clock. It was noted that when an application is denied without prejudice, it allows the applicant to return to the Board at any time in the future when they are ready to proceed with the application.

A motion by Gael Gardner, seconded by Paul Gavzy to deny the Elmaleh bulk variance application without prejudice was approved by roll call vote.

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

(It was noted that Anne Williams did not vote on this matter because she is related to the applicant.)

Open to the Public

A motion by Gael Gardner, seconded by Paul Gavzy to open to the public was unanimously approved. Ralph Maiwaldt of 46 Van Lieu’s Road came forward and expressed concern with his neighbor’s recent addition to his existing barn. Mr. Maiwaldt claims the barn has doubled in size and questioned why his neighbor was allowed to expand the structure when it is situated so close to the adjoining property line without notification to the surrounding neighbors.

Mr. Maiwaldt commented that he had spoken to Zoning Officer McManus who informed him that the barn was a grandfathered structure and the addition was put on with all of the proper permits and approvals. Mr. Maiwaldt was seeking some type of assurance from the Board that the structure would not be enlarged any further without notification to the neighbors and/or a public hearing.

East Amwell Township Zoning Board of Adjustment Minutes – 12/8/09

Chair Cunningham informed Mr. Maiwaldt that it is not the Zoning Board's job to serve as an extension of enforcement to the Zoning Officer. She explained the Board is responsible for hearing applications before them and to make determinations based on the merits of the information presented. She suggested if it is the "zoning" Mr. Maiwaldt is taking issue with, than he may wish to present his concerns to the Planning Board who would have jurisdiction to hear such matters.

A motion by Paul Gavzy, seconded by Kendra Schroeder 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 8:04 PM.

Maria Andrews, Administrative Officer