

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
February 13, 2019- Meeting Minutes

Call to Order, Attendance and Pledge of Allegiance

This meeting of East Amwell Planning Board was opened on February 13, 2019 at 7:30 P.M. The following notice was read, "In compliance with the Open Public Meetings Act, this is a regularly scheduled meeting pursuant to the annual meeting notice as published in the January 31, 2019 issue of the Hunterdon County Democrat, a copy of the agenda for this meeting was forwarded to the Hunterdon County Democrat, filed in the Township Clerk's Office and posted on the bulletin board on February 7, 2019."

Roll Call and Agenda Review

Present:

Rick Wolfe
Rob Gilbert
Frances Gavigan
Gail Glashoff- Chair
Mark Castellano
Chris Sobieski
Tamara Lee
John Buckwalter
Tim Willey
Joe Nyce

Also Present:

Planner Slagle
Dennis O'Neal, Engr.
Attorney Norman
Krista Parsons (Admin. Officer)

Absent:

Roger DeLay

Agenda Review:

None

Review of Minutes

The January 9, 2019 minutes are being tabled to the March 13, 2019 meeting, due to corrections brought up by Mr. Gilbert.

Chair Glashoff stated Ms. Parsons did not have Mr. Sobieski as attending the meeting last month on the minutes, which needs to be added with the time he came to the meeting.

Citizens' Privilege to Speak on Items Not on The Agenda

Motion made by Ms. Gavigan to open to the public, seconded by Mr. Willey and carried unanimously. There was no comment from the public. Motion made by Ms. Gavigan to close to the public, seconded by Mr. Willey and carried unanimously.

Professional Contracts:

a. Christopher Norman, Esq.- Motion made by Mr. Gilbert to approve the professional contract for Christopher Norman, Esq., seconded by Mr. Sobieski and carried unanimously.

b. Dennis O’Neal, Engr.- Motion made by Mr. Gilbert to approve the professional contract for Dennis O’Neal, Engr., seconded by Mr. Sobieski and carried unanimously.

Resolutions:

a. Professional Attorney Services- Motion made by Mr. Wolfe to approve the Resolution for Professional Attorney Services, seconded by Mr. Ms. Gavigan and carried unanimously.

b. Authorizing the Award of a Non-Fair Open Contract- Motion made by Mr. Wolfe to approve the Resolution for Authorizing the Award of a Non-Fair Open Contract, seconded by Mr. Castellano and carried unanimously.

New Business- Other:

Public Hearing: Chad and Valerie Beyer – Block 31 Lots 5.02 – C Variance- Impervious Coverage to permit a 1,610 square foot paver patio with spa and allow the existing expansion of paved driveway: 36 Linvale Road, Ringoes, NJ

Attorney Norman briefly explained the public hearing process for their benefit. Present for the application was Chad and Valerie Beyer, Landscaper John Lazorchak and Engineer Debbie D’Amico. Attorney Norman swore in all parties.

Engineer D’Amico came forward and provided her credentials to the Board. She was accepted as an expert to provide testimony on the application. She presented the following exhibit:

Exhibit A-2: A mounted site plan of the subject property, proposed patio, future spa and seepage pit.

Engineer D’Amico explained they are proposing to add a 25 foot diameter circular patio in the rear of the house for entertaining and conversation, a 12x20 rectangular upper patio for eating/table and adjacent to this patio a future spa.

Engineer D’Amico stated several options were considered for the patio, a deck, patio in the middle of the yard and a larger patio. Both patio options would still increase the impervious coverage.

Engineer D’Amico proposed a seepage pit on the proposed plans, due to the overage on coverage. The seepage pit is sized to capture the difference in volume in the 100 year storm for the patio addition. The front and back downspouts of the applicants house are already tied in, they would just need to be put into the seepage pit. Engineer D’Amico explained the limited

amount of development proposed does not trigger Township stormwater management regulations.

The applicants testified, swales are located on both sides of the house that collect water during storms and within 2-3 days the water recedes and the swales are dry.

Engineer D'Amico discussed the positive and negative criteria from an engineering aspect. She remarked the house is located 125 feet from the centerline of the road or 100 feet from the front yard dedicated right of way. Engineer D'Amico pointed out the driveway is a little wider than originally proposed, however, it is very close to what was there prior to building the garage. Engineer D'Amico noted, these issues are what put the existing impervious over. Engineer D'Amico's explained that the applicant made the patio as close to the house as possible, they also made the patio smaller but still liveable for what they intend to do on it, which touches on the positive criteria.

Engineer D'Amico stated they spoke about mitigation the impact of the extra impervious coverage. . They considered pervious pavers but decided instead to install a seepage pit. Mr. Beyer added in regards to the negative criteria, they are not harming any trees or harming the environment.

Engineer D'Amico stated the applicants are not disturbing any natural areas other than what has already been disturbed as the patio will be alongside the house, they are not introducing any new development as its an existing use on an existing property, the character of development will be kept at grade in order for the patio to keep the character of the land more rural as opposed to having a high deck, and lastly there will be no disturbance of any natural habitats. The porous pavers will no longer be used as they are implementing a dry well. Ms. Lee asked if they had performed a perc test in the location of the seepage pit. Engineer D'Amico said they would.

Dennis O'Neal, Engr. reviewed his report dated February 6, 2019. Engineer O'Neal explained the right of way dedication and what occurs.

Ms. Beyer explained, they obtained a zoning permit in 2015 to permit an addition to their home as well as the driveway that was drawn onto the sketch for the permit. She noted the sketch was drawn by their architect and they assumed it was correct. Ms. Beyer stated they received the approval for the addition and driveway in 2015. On the approved sketch the driveway was not reflective of what was actually there at the time. Ms. Beyer noted when she called the township in 2017 to tell them about the issue with the driveway, the Zoning Officer, Peter Kineski, stated a new zoning permit was not needed. Ms. Beyer's noted their landscaper John Lazorchak had photos of the driveway prior to and after the revision was done.

Mr. Lazorchak addressed the board. He presented the following exhibit:

Exhibit A-3: A mounted aerial view of before and after pictures of the applicants' property. Mr. Lazorchak reviewed the aerial views of the applicants' property with the Board to show them what the driveway looked like prior to the addition.

Mr. Lazorchak added the property owner had an existing driveway and in 2015 when the application was submitted for the addition to the house, the architect submitted an application to keep them under impervious coverage. Mr. Lazorchak stated, if he is correct, the applicants did not remember seeing the sketch that was submitted with the zoning permit until the meeting with the professionals in December in which they realized the driveway was not what was reflected on the plans. Mr. Lazorchak stated the applicants basically put the driveway back roughly to what they thought they had.

Planner Slagle reviewed her memo and stated the difficulty with this application is the amount of impervious coverage for the Sourland Mountains Zoning District. One of the intents of the Sourland Mountain District is capping impervious coverage because it's important to maintain groundwater recharge in this area and this is one of the basis for the down zoning.

Planner Slagle noted the applicant is responsible for the two part test; positive and negative criteria, for the variance application and they have not been addressed yet. Planner Slagle stated this is an undersized lot in the Sourland Mountains and falls under the Grandfathered provisions which include different bulk requirements than exist for typical lots. She asked if the Board could give the applicants an opportunity to present the positive criteria. Planner Slagle stated the applicants did start to go into the negative criteria which address the purposes of the Master Plan and Zoning Ordinances. The purposes of the MLUL also need to be addressed and are attached to her memo.

Attorney Norman commented that he understands the undue hardship is a C1, however, there is also a flexible C variance, meaning the applicants could have gone with a deck, there could have been less lot coverage, however, the pavers are a better planning alternative due to it being less obtrusive and it doesn't stick out the way a deck would.

Engineer D'Amico commented the only hardship she could find is it's an existing lot and they can not move the house closer to the road to shorten the driveway or make the driveway smaller. They could make it narrower but it appears to be pre-existing before the garage was added. The hardship is they are dealing with a pre-existing driveway, they did not add to the width significantly and the driveway is 125 feet long. If the applicants could shorten the driveway down to 50 feet, it would be almost a 1,000 square feet of savings. But the driveway has to be 125 feet in order to get to the garage as this is where the house is located.

Planner Slagle stated the Board is also looking at the patio and its square footage which needs to be addressed. She stated the applicants provided mitigating factors including the seepage pit and putting the leaders into that, and this would address the negative criteria.

Ms. Beyer addressed the positive and negative criteria the way she interprets it as a citizen. She addressed the positive criteria as having unique physical characteristics of the land in which they like to sit and admire, they have noticed different type of wildlife come through their land, so she was concerned about a deck as animals tend to live in low areas and this would be a health concern if they were to die under a deck and they have very heavy winds that come from the back of the house which blows leaves and could create a fire hazard underneath the deck. By installing a patio, this would eliminate these hazards.

As for the negative criteria, the swales which are existing in between their house and the neighbors has always retained water during rainy seasons and during that time, (30 years), there was never overage of impervious coverage and there was always water retention which is still seen today with the addition and new driveway. The other issue she addressed regarding negative criteria is the chemicals used to treat decks in regards, to chemical maintenance performed on the deck to remove old paint as well as resealing and repainting. The pressure treated wood has serious concerns for arsenic compounds and heavy metal, particularly if on hands or got into food chain, all depending on the manufacturer and wood that you use. In alignment with the MLUL 40:55D-2i, they are seeking to promote a desirable visual environment through creative development techniques and good civic design and arrangement with their professional engineering assessment and design. Ms. Beyer stated they are seeking to accentuate the rugged terrain of the Sourland Mountains with the stone design.

Discussion took place among the board members in review of the application to determine a decision. It was also discussed not to reflect back to what is conforming and for the applicants to mitigate for what they are proposing in the application.

Motion made by Mr. Nyce, seconded by Ms. Gavigan to open to the public was unanimously approved.

Tom Reside-32 Linvale Road, Ringoes, NJ was sworn in by Attorney Norman. Mr. Reside commented on the discussion on the driveway. He has resided at 32 Linvale for 35 years, he is familiar with the property and the actual size of the driveway has not really changed. Mr. Reside stated what was there prior is basically the same thing the Beyer's have. Mr. Reside liked the idea of the paver idea for the patio as it will be at ground level and it will not spoil the view and it will not be as noticeable. Mr. Reside stated if you build something, you would want it to be the size that is usable, do not just shrink it down to where you cannot enjoy or benefit from the money you spent. He stated the Beyer's have a nice yard and view. Mr. Reside noted the

Sourland Mountains are for people to come and enjoy the view and the Beyer's should be able to go out in their yard and enjoy it. Mr. Reside remarked there is a swale on his property. The end furthest from the road was never graded right and it's low. The water will be there, but in 1-3 days the water is gone. The water does go through the ground in that area. The water goes away. Mr. Reside does not feel there would be a detriment anywhere.

Motion made by Ms. Gavigan, seconded by Mr. Gilbert to close to the public was unanimously approved.

Motion made by Ms. Gavigan, seconded by Mr. Wolfe granting the approval of the C Variance-Impervious Coverage to permit a 1,610 square foot paver patio with spa and allow the existing expansion of paved driveway conditioned upon the following:

1. Revised plans shall be submitted by the Applicant incorporating all the required revisions and/or notations referenced during the hearing.
2. Channel runoff from the roof of the dwelling and shall install seepage pits to collect runoff or employ some other equally effective measure to prevent flooding . The seepage pits shall be sized to insure that there is no net increase in the 100-year storm runoff.
3. Conduct percolation testing for the installation of a seepage pit, which testing results shall be witnessed and monitored by the Planning Board Engineer.
4. Comply with the recommendations set forth in the Planning Board Engineer's Report of February 5, 2019.
5. Site the location of the Seepage Pit to prevent any tree removal.
6. Make a right-of-way dedication of 25 feet from the centerline of the road.

Roll Call Vote:

Rob Gilbert: **Yes**, Frances Gavigan: **Yes**, Gail Glashoff: **Yes**, Mark Castellano: **Yes**, Tamara Lee: **Yes**, Rick Wolfe: **Yes**, and Chris Sobieski: **Yes**.

Public Hearing: Wojech & Lorena Bochenek – Block 40.03 Lot 3 – C Variance- to permit a side yard setback relief where 30 feet is required and 28.21 feet is proposed and Floor Area Ratio where 2,253.4 square feet is permitted and 3,102 feet is required to construct an existing single-family home.

Attorney Norman announced, the application/hearing will be continued to the March 13, 2019 meeting and no further notice shall be required.

A motion made by Ms. Gavigan, seconded by Mr. Castellano for the approval of the hearing continuation was unanimously approved.

Items for Discussion:

Planning Board Priorities 2019- Planner Slagle put together a memo outlining the items the Board has been working on throughout the years. Due to time and budget constraints they tend to get carried from year to year.

Application Process Procedures- Chair Glashoff noted Ms. Gavigan, Ms. Lee and herself have been looking into the process, working together and have put items together. Ms. Lee commented it has occurred to them that the Board is a joint board and have a lot of new members and chair, it may be a good time to look at the process and how things are done. At this time, the process remains the same.

Establishing An Ordinance Sub-Committee/Advisory Committee To Review Existing Land Use Ordinances- Chair Glashoff stated she has asked Ms. Lee, Ms. Gavigan and Mr. Castellano to be apart of the sub-committee along with herself.

Motion made by Mr. Wolfe, seconded by Ms. Lee to approve the Ordinance Review Sub-Committee was unanimously approved.

Correspondence:

Airbnb- Chair Glashoff remarked she would like the Board to start looking into this and possibly put an ordinance together for Bed and Breakfast, Airbnb's and other names these entities go by, this way the Board can have a handle on these.

Ms. Lee noted a sub-committee was formed last year to visit Airbnb's and a memo was generated after speaking with an owner of an Airbnb. Ms. Lee has looked at the Bed and Breakfast Ordinance and definition and she doesn't feel the Board has to do much, except rewording of the definition and ordinance. Ms. Lee noted the Board can work with what is already in place to also accommodate Airbnb's and the Ordinance Review Committee can start with what is in place and make recommended modifications to it to incorporate the other names these entities go by. Once compiled, the ordinance can be brought before the Board for their consideration.

Oral Reports:

FOSPC- Mayor Wolfe noted they are making progress and narrowing down a list of farms they would like to pursue. They met with the SADC and they are on board with their game plan to handle what they are dealing with.

EC- Ms. Gavigan sated the Commission is in flux. There is a lot of push for an ERI and funding for said ERI. Ms. Gavigan does not see the ERI as a priority. She was asked for documents including the 1976 ERI, which she provided. Ms. Gavigan mentioned that there has been research of easements and restrictions for a spreadsheet but the research has not been done for

years and is not accurate but if it were updated it could be useful for the Planning Board and for the Zoning Officer as well as the EC and she is pushing for this with the EC.

Mayor Wolfe noted there will be a public hearing on whether the Township Committee should combine the EC, The Green Team and the Recycling Committee.

PB Secretary- No report.

Chair- Chair Glashoff informed the Board, Hunterdon County Prosecutor Anthony Kearns is giving a presentation at Hunterdon County Agricultural Development Board Meeting on Marijuana February 14, 2019 at 8pm on Route 12 if anyone was interested in going.

Correspondence:

The Ridge at Back Brook- Mayor Wolfe sent the water quality report to Tracy Carluccio and he has to reach out to her as he is not sure what the process is as to who reviews the results.

Motion made by Ms. Gavigan, seconded by Mr. Gilbert to open to the public was unanimously approved.

Seeing no member of the public come forward, a motion made by Mr. Gilbert, seconded by Ms. Gavigan to close to the public was unanimously approved.

Approval of Vouchers

Ms. Lee had a discussion with CFO Pasqua regarding the processing of vouchers and how it would be beneficial if professionals clearly identified escrow vs. non escrow invoices. Mayor Wolfe suggested implementing a short set of billing guidelines for professionals.

Adjourn

Motion made by Ms. Gavigan, seconded by Mr. Sobieski to adjourn the meeting at 9:33 pm was unanimously approved.

Krista Parsons, Administrative Officer