

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
February 21, 2018 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on February 21, 2018 at 7:30 PM. 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 18, 2018 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 14, 2018."

Roll Call and Agenda Review

Present: Mark Castellano
Roger DeLay
Frances Gavigan
Gail Glashoff
Dick McManus
Joe Nyce
Don Reilly – *Chairman*
Rick Wolfe
Attorney Norman
Planner Slagle

Absent: Rob Gilbert
John Buckwalter – *Alt. #1*

Chairman Reilly welcomed Mr. Castellano and Mr. McManus as new Planning Board members. Mr. McManus is the new Township Zoning Officer.

Citizens' Privilege to Speak on Items not on the Agenda

A motion by Ms. Gavigan, seconded by Ms. Glashoff to open to the public was unanimously approved. Seeing no members of the public come forward, a motion by Ms. Gavigan, seconded by Mr. Delay to close to the public was unanimously approved.

Review of Minutes

A motion by Ms. Glashoff, seconded by Mr. Delay to approve the Board's 1/10/18 minutes with no revisions noted was approved.

A motion by Mr. Delay, seconded by Mr. Nyce to approve the Board's 1/10/18 Closed Session – Affordable Housing minutes with no revisions noted was approved.

New Business – Other

Discussion: COAH Settlement

The Township Committee has taken action on the settlement agreement at their last meeting. They approved a Resolution of the settlement agreement. There has been confirmation of the agreement between all the professionals. A Fairness Hearing is tentatively scheduled for April 19 to be held at the Somerville Court House. This hearing would be open to the public. Chairman Reilly announced his intent to attend the hearing so he can see this to the end. The hearing will be noticed appropriately. All parties

should be in agreement by the time of the Fairness Hearing. The hearing is for any third parties who might have concerns that have not been expressed elsewhere.

After the Fairness Hearing, the compliance documents will be sent to the Township, outlining all of the items to be done. The Fairness Hearing starts the 120 day period to introduce certain ordinances and the spending plan. The Housing Plan will need to be updated as well. If all the items are not completed within 120 days, there are extra legal fees to extend this time. The Township Committee would like to avoid these fees, so Planner Slagle has begun some of the work needed for the Housing Plan.

Discussion – Township Committee Introduction of Ordinance 18-02: An Ordinance of the Township of East Amwell to Dissolve the Board of Adjustment and Vest Its Powers in the Planning Board

Chairman Reilly asked Mr. Wolfe to explain the Township Committee's thoughts regarding the proposed ordinance and Attorney Norman to explain how a combined Board works in other Townships.

Mr. Wolfe explained that the Township Committee had discussed and researched the provision under New Jersey law that allows for the Zoning Board to be vested within the Planning Board. This is not a merger of the two Boards. The members of the Planning Board will remain the same. As per the law, there will be four alternates, so two new alternate members will need to be brought on to the Planning Board. The rationale was two-fold: efficiency, particularly cost efficiency, and quality. It was noted that these Boards require specialized education and a real commitment. It was felt that finding sixteen people for these Boards is challenging, while finding nine people could be easier. It was also noted that there are similar concepts for the Planning Board and Board of Adjustment. There is a certain synergy between the two Boards. There is an efficiency to combining the Boards. The Township Committee also expects a meaningful cost efficiency. The Township Committee introduced an Ordinance at the last Township Committee Meeting to dissolve the Board of Adjustment and vest its powers in the Planning Board. There will be a public hearing at the next Township Committee Meeting in March. Then the Committee will vote on it. If it passes, shortly after the Township Committee Meeting the Planning Board will hear both Planning Board and Zoning Board tasks.

A question was posed regarding the number of other New Jersey municipalities that have a combined Planning and Zoning Boards. The total number was not known, but an article expressing the benefits for small towns was mentioned. It was noted that neighboring towns have this format as well.

Chairman Reilly mentioned that he was contacted by Mr. Wolfe for his thoughts prior to the Ordinance being introduced. He had thought about this provision in the past as something that East Amwell should consider. When Chairman Reilly first joined the Planning Board, the Board was meeting twice a month reviewing numerous applications a year. Now, times have changed and the Board meets once a month and there are only a few applications a year. A proposed downside of dissolving the Board of Adjustment is the lack of citizen involvement by those Board members.

Mr. Wolfe agreed that times have changed and noted that the Board of Adjustment is not as active as it once was. When the zoning changed in 1999, the activity level of the Planning Board changed as well. Mr. Wolfe addressed the citizen participation question. He mentioned that the Township Committee is creating a Township Webpage and Resident Communication Committee. This Committee should be formed and working by April. There is also a proposed Village Committee, dedicated to revitalizing Ringoes Village. The Recreation Committee has been expanded from seven members to nine. Residents are interested in more events. There is plenty for interested residents to do.

There was a question regarding the name of the Board. Attorney Norman explained that the Board could be called a Planning Board, or it could be called a Joint Land Use Board. It is a nine member board, which is a Planning Board, but any application which includes a D variance, the Board shrinks to a seven member board. The class one (Mayor's Designee) and class three (Township Committee member) members would have to recuse themselves. This would be Mr. Castellano and Mr. Wolfe. The combined board would have 4 alternates, so that there are enough extra people to hear an application, in case of absences and recusals. It was noted that for a D variance, five affirmative votes are needed, and most attorneys prefer all seven affirmative votes. It was noted that Union and Tewksbury Townships have combined boards.

There was a question of when the Board would be formally combined. If the ordinance is approved on March 9, then it would go into effect immediately, so the Board would be combined by the March 14 meeting. It was noted that with a combined Board, there might be times that a second meeting during the month would be needed in order to hear applications and discuss any plans being worked on.

It was suggested that the existing Planning Board members could benefit from a session about the Board of Adjustment and how it works. It was noted that since Mr. McManus is not a resident of East Amwell, he can not sit on a D zoning variance application. An alternate could sit in Mr. McManus' place as a class two, but an alternate could not sit in for either the class one or class three member during a D zoning variance application.

It was also noted that there is an application pending for the Board of Adjustment. It was suggested that the applicant should wait until the ordinance has passed so they can be heard at the combined Board.

The need for a class on zoning matters was reiterated by Board members. Attorney Norman teaches classes on the Board of Adjustment, so he can prepare materials for the Board. The new Board members will be attending a class on March 10 for the mandatory Planning Board instruction. It was suggested that some time at the next Planning Board could be used for instruction on zoning matters.

Ms. Glashoff announced that the MLULs will be printed in full, rather than inserts. NJPO will be printing 2018 MLUL, but due to the printing process, it will be several months until they are available. She recommended that every member should have an updated MLUL as part of being a combined Board.

Discussion: Ringoes Village Study Recommendations

It was noted that since the Township Committee is focusing its attention on Ringoes, it would be good for the Planning Board members to review the Ringoes Village Study that was done in December 2014. The study is available on the Township website. Hard copies are available from the Township. It was noted that participation was slim when the plan was prepared in 2014. It is hoped that there can be greater participation in the future. It was also noted that, due to the needs of the Housing Plan, the Planning Board will need to wait until after the Housing Plan is completed in order to assess how much of the budget is available in order to review the Ringoes Village Study and other Planning Board matters.

There was a comment that a lot of problems were not addressed in the Ringoes Village Study. The largest issue not mentioned is the issue of septic failures and access to water, making certain properties nonfunctional. It was suggested that the Township has a responsibility to address the functioning of each property. Otherwise, the only recourse property owners have is to let their properties go to disrepair. This is a larger issue that needs to be addressed by the Ringoes Village Study. It was also noted that at this time, it may not be economically feasible to bring these properties back, and septic and water is part of this. There was a question of developing a cooperative well for smaller properties, without becoming a public utility. It was noted that part of this issue is that banks will not grant mortgages without updated

septic systems. It was noted that a holistic approach, hearing from the other Township boards and committees, could be useful as part of this discussion.

It was suggested that the Township may need to get more involved in issues affecting the deterioration of properties in the village. Before the new Ringoes Village Committee is formed, the purpose of the committee would be reviewed by the Planning Board, as well as at the Township Committee.

In respect of the changes proposed for the Planning Board, it was suggested that the recordings of the Planning Board meetings should be posted on the Township website. Mr. Wolfe was willing to have any recordings of any committee meetings posted on the webpage. One goal of the Communications committee is to have video recordings of meetings available online. This could include the Planning Board, if so desired.

Oral Reports

FOSPC – There was no February FOSPC meeting.

Environmental Commission – There was no official Environmental Commission meeting; the Commission has not reorganized. Information was distributed to both Environmental Commission members and Planning Board members. There are educational opportunities available among neighboring towns.

PB Secretary – There was no report from the Planning Board Secretary.

Chairman – The Chairman referred to last month's NJ Planner. There was a good article on Guidelines for Quasi-Judicial Bodies. There were ten items listed per the Planning Board as a quasi-judicial body. The Chair particularly referenced basing decisions only on the information presented. There was a point about independent research. The professionals or applicants need to provide the information and present it during the public hearing. The applications should not be discussed outside of the Planning Board meetings. Board members should be respectful to applicants, other Board members, and the public. If a Board member feels he or she has a conflict of interest, they should contact the Planning Board Attorney for guidance. It was strongly recommended that all Board members should read this article.

Correspondence

There were numerous pieces of correspondence, some of it was too late to act on. This may be due to the vacancy of the Planning Board Secretary position. The Chair offered to speak to the Township Clerk regarding the correspondence.

Open to the Public

A motion by Mr. Wolfe, seconded by Ms. Gavigan to open to the public was unanimously approved by voice vote. Seeing no other members of the public come forward, a motion was made by Mr. Delay and seconded by Ms. Gavigan to close to the public. The motion was unanimously approved by voice vote.

Presentation of Vouchers

There was a question of whether any of the housing plan bills should go to the Township Committee. That is a policy question. Ms. Gavigan offered to review the bills for efficiencies. Applicants and taxpayers pay for the Planning Board review. A holistic review of the bills should be done to make sure that optimal savings are done for the Township. It was noted that there is one new bill presented to the Board for the Engineer to review an application.

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A motion by Mr. Wolfe, seconded by Mr. Delay to authorize Chairman Reilly to sign off on the vouchers listed on the agenda was unanimously approved by voice vote.

Adjournment

The Chair adjourned the meeting at 8:50 PM.

Katherine Fullerton

Note: These minutes have not been formally approved and are subject to change at the Board's 3/14/18 meeting.