

**EAST AMWELL PLANNING BOARD MINUTES**  
**7:30 PM East Amwell Municipal Building**  
**June 13, 2018 - Meeting**

**Call to Order, Attendance and Pledge of Allegiance**

This meeting of the East Amwell Planning Board was called to order on June 13, 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 May 30, 2018."

**Roll Call and Agenda Review**

**Present:** Mark Castellano  
Roger DeLay  
Frances Gavigan  
Rick Wolfe  
Don Reilly  
John Buckwalter  
Tamara Lee  
Tim Willey

**Also Present:** Joanna Slagle (Planner)  
Chris Norman (Attorney)  
Krista Parsons (Admin Officer)

**Absent:** Dick Mc Manus  
Rob Gilbert  
Gail Glashoff  
Joe Nyce

**Agenda Review**

Mr. Wolfe and Mr. Castellano recused themselves as this is a D1 variance. Chairman Reilly rearranged the agenda as the tent application was not being heard due to it being approved by the Zoning Officer. Therefore, item 1 will be removed, items 2 will be moved to item 1, item 3 will become item 2 and item 4 will become item 3.

**Citizens' Privilege to Speak on Items not on the Agenda**

Mr. Reilly entered a motion to open to the public, motion made by Mr. Wolfe, second by Mr. DeLay, all were in favor.

Pamela Wells of 96 Back Brook Road in Ringoes came forward and wanted to formally put in two complaints regarding her neighbor at 92 Back Brook Road, Jamie Mirabito. Ms. Wells

requests that Ms. Mirabito be fined until vegetation has been removed from her yard that is impeding her property from the neighboring property. Ms. Wells and Ms. Mirabito have been through this issue before and Ms. Mirabito received letters from Ms. Wells' attorney as well as Mr. McManus, East Amwell Township Zoning Officer. Ms. Wells also wants to state that Ms. Mirabito is running an Air BNB with people going from week to week. Ms. Wells stated that their neighborhood is zoned historical/agricultural. This is a commercial enterprise and Ms. Mirabito has not received a permit as a Bed and Breakfast. Ms. Wells did some research regarding regulations for an Air BNB and the first use is the planning permission/zoning. Ms. Wells did submit a form letter of complaint to the Administrative Officer/Interim Alternate Zoning Officer Krista Parsons with her concerns. Mr. Reilly explained to Ms. Wells that we are concerned with her complaints however, the board is not the enforcement agent. Ms. Wells understood and wanted her complaints formally documented in the meeting. Ms. Wells would like us to look into these matters and have the Zoning Officer visit the site as it's extremely emotionally upsetting to her. She also stated that she applied for two propane tanks two months ago and she has not heard from Dick McManus in two months. She also stated that Krista was working on the application for her and was notified it was going to be approved, so Ms. Wells wanted to make everyone here at the meeting, in the town of East Amwell, that something like this should not take two months and she does not want this complaint to take that as well. Mr. Wolfe apologized for the two Ms. Wells for the delay in the application and explained what was occurring with the Zoning Officer and also explained getting coverage for him. Mr. Wolfe also asked Ms. Wells to see the pictures that she brought of the vegetation that was impeding her property. Mr. Wolfe and Ms. Wells discussed the pictures in length.

Seeing no one else of the public come forward, Mr. Reilly made a motion to close to the public, a motion was made by Mr. Wolfe, second by Mr. DeLay, and all were in favor.

### **Review of Minutes**

Mr. Reilly made a motion to approve the May 9, 2018 minutes, Mr. Wolfe made a motion to approve. Ms. Gavigan stated "there were some process issues, as the board can handle later, as she got the minutes through the Environmental Committee so in terms and sequence, this is not a complaint. It is all new, it's a learning curve and it's difficult to put things up there but here may be things that are in there either may not be there suddenly or whatever or not as accurate. At the end of the day the tapes exist if somebody needs to, she thinks there was one thing there not clear with the vouchers not approved unanimously versus what she's doing to do that unanimously or what was approved. Clarification, stuff happens." Ms. Gavigan stated "she didn't get a chance to come in to meet and talk with Ms. Parsons, but with just a carveout that if we have process or things like that." Ms. Gavigan "doesn't understand a lot of it. Ms. Gavigan assumes Ms. Parsons drafts the minutes and then she sends them to Mr. Reilly." Ms. Parsons stated that she does meeting minutes verbatim from what she hears on the minutes and then she sends them to Mr. Reilly who reviews and approves them. Mr. Reilly stated "right". "That is why we review them here as a board so that they all agree as to what they are. Mr. Reilly state we can only record what people say and we can't interpret what they meant after the fact.

Mr. Wolfe stated that what he got from the email was that there may be two problems. 1. Which is a problem also experienced on the Township Committee is sometimes when you are sitting here at the desk and you're talking to people that doesn't translate well in the minutes. People here can see facial expressions etc. that does' come through on the minutes. If Ms. Parsons is

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doing the minutes verbatim from the tapes, which Mr. Wolfe stated that he is fine with and he thinks that is the right way to do it. The board can't rely on Ms. Parsons to interpret, so to the extent that something was said verbatim in the minutes, is misleading, then you just mark up the minutes to correct it. Ms. Gavigan stated yes, that would be something she would do but spell check something like that. Mr. Reilly stated that's what they have done in the past is noted in these minutes. We can't change the minutes of what was said but we can add the nuance when they reviewed them.

Ms. Parsons stated that what happened is she accidentally sent out the unrevised version of the minutes and she immediately caught it and sent the revised one and that is what this discussion is about and what people are having an issue with. Ms. Parsons stated she immediately caught it and the correct one was sent right away.

Mr. Wolfe stated they can also change it in the original minutes, just bracket it that it's a correction or clarification. He has seen that in other Township Committee meeting minutes. The second issue is, if you have a couple of comments that just bring them to the meeting and we will talk about them at the meeting. If you have extensive comments, sometimes what Mr. Wolfe does is he does a black line. Mr. Wolfe does his comments and does a black line and sends it to Ms. Stahl who sends it to the other committee members and that way they don't have to talk up a significant amount of time at the meeting talking about the corrections, we don't have to discuss it at all, we just approve the minutes.

Ms. Gavigan stated "the form she intends to use is she inserts a comment outside rather than her trying to wordsmith someone else's work. Its variations on the theme of illegal black line.

Mr. Wolfe stated you need to wordsmith somebody else's work. In other words, we can't say to Ms. Parsons, we can't give her a conceptual comment and expect her to translate that to the extent that you want to change the words of the minutes. You have to give us your words.

Ms. Gavigan stated "what she intends to do is put her ta dot dot and phrase and quotes as opposed to changing something. I think we'll, I will resolve to talk to you know, whenever we get them to make sure we are in the loop." Ms. Gavigan stated "she doesn't like being blindsided as she sure Ms. Parsons doesn't either." "We just want to make sure that people understand that you know, if there is any confusion when they read these minutes and next month, you know that there's a tape out there and they can check them. I don't want to hold up the process, it's an evolutionary one and I empathize and appreciate the hard work Ms. Parsons is putting in, it's a difficult thing especially when there's a lot of things coming at you all at one time."

Mr. DeLay stated he is trying to understand what changes are necessary in the minutes as he has a copy of the minutes before him, and he has chapter, page and paragraph. What are they trying to change?

Ms. Gavigan stated "unfortunately she does it electronically as unfortunately she got here later, so at this point and time, let's let it go, approve them and we'll take it from there.

Mr. Reilly asked if anyone else had any corrections or additions here. Since no one had any additional comments, Mr. Reilly would like, to call a vote. All were in favor. No one opposed, minutes were approved.

**New Business – Other**

**Discussion- AJ-18-04: C&E ROUTE 31 LLC. – BIFURCATED APPLICATION WITH BULK VARIANCE ISSUES AND SITE PLAN APPROVAL BEING ADDRESSED SEPARATE FROM THE USE VARIANCE DETERMINATION.**

Present for the public hearing was Applicant Mr. Douglas Stryker and his Attorney Douglas Orr.

Exhibit A1: Letter from J. Douglas Orr to John & Lilian Orlando, dated February 16, 2018, requesting access easement or subdivision.

Exhibit A2: Elevations for proposed 2,400 story building on subject property.

Exhibit A3: 2015 Aerial Photograph of subject property, May prepared June 12, 2018

Exhibit A4: Variance Plan- Lands of Douglas G. Stryker, prepared by George H. Folk, P.E, dated 4/9/18

Exhibit A5: Application Form with checklist dated May 9, 2018 consisting of thirty-two pages including description of the relief sought by applicant and copy of East Amwell Zoning Board Resolution AJ-08-03.

Exhibit A6: Report of Planning Board Planner, Banisch Associates, Inc. dated May 23, 2018. Completeness Determination.

Exhibit A7: Report of Planning Board Planner, Banisch Associates, Inc., dated May 23, 2018, Bifurcated Use Variance Application.

The applicant, Mr. Stryker, is seeking a use variance to construct a two-story, 60'X40' building with two 1200 square foot retail/commercial space on the first floor and two one bedroom residential apartments on the second floor with access through the rear, one being specifically for Affordable Housing. There will be twelve parking spaces in the front for the retail/commercial and four in the rear for residential. There will be a circular driveway in the rear, as well as a dumpster area. There will also be a stormwater detention basin in the eastern portion of the lot where Route 31 and Route 518 meet. The subject property consists of 1.05 acres, is a vacant, overgrown unique triangular lot located at the west corner of the intersection of Route 31 and Route 518 in the Sourland Mountain District.

Mr. Stryker has tried numerous times to sell the property since acquiring the property in 2008, but has been unsuccessful in doing so due to the triangular shape and the permitted residential use. Mr. Stryker contacted the owners daughter of Orlando's to inquire if an easement could be acquired for a shared driveway access on Route 31, or if vacant adjoining land could be purchased for subdivision. Mr. Stryker stated that the Orlando's had no interest in his proposal.

Mr. Stires, professional engineer, stated that percolation tests have been conducted and that the property would be suitable for an onsite septic system to service the proposed uses. He also stated he could secure right-in and right-out only access on Route 31.

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Mr. Kyle, professional planner, testified in support of the D1 use variance relief that special reasons exist. Residential apartment would be rented as an affordable housing unit, conforming into the regulations of the former COAH regulations and current UHAC regulations and the properties is suitable for the mixed residential/commercial use based on the location. Due to the location and the shape of the property, Mr. Kyle states it created an undue hardship and has been unmarketable for permitted residential development since the applicant acquired it in 2008.

Mr. Kyle also stated that they meet the negative criteria due to its location at Route 31 which is already developed with adjoining commercial uses, Northfield Bank to the South and Orlando's Restaurant to the North. The addition of the proposed mixed commercial use residential second-floor apartments would be compatible with the existing neighborhood scheme and would not disrupt the existing character of the Sourland Mountain Zoning District. Mr. Kyle also agreed to provide landscape buffering and also stated it will promote the properties aesthetics. The property is currently vacant, overgrown and an eyesore. Mr. Kyle also supported the Floor Area Ratio (FAR) variance of 10.5% to permit the proposed two-story building with 2400 square feet on each floor for a total of 4800 square feet. Mr. Kyle stated that the property can accommodate the FAR and provide sufficient parking for the proposed uses.

Mr. John Simone of 52 Fiddlers Creek Road in Titusville, NJ came forward and stated he is the owner of the property across the street from the subject property, Lot 2 Block 41. That property has been owned by his family for many years. They have an interest in what's being developed and being discussed here. Looking at the plan that was presented by Mr. Stryker, it's something that is appealing, he likes the design of the building and he thinks the use is appropriate for that site. He agrees with the applicant that the property will not likely be developed as a single family lot at any time. Mr. Simone can't imagine who would build a home there. Mr. Simone and his family supports that use for the property as they think it's a good use.

After hearing the testimonies of the applicant's professional engineer and planner, the arguments of the applicant's attorney and the owners of neighboring properties, the board approved and granted the D1 use variance and FAR variance. Revised plans shall be submitted by the Applicant incorporating all the required revisions and notations. The proposed commercial uses shall be limited to retail, office, financial institution, personal service and fast food restaurants, such as pizzeria or deli. Convenience stores and or drive-thru will not be permitted. The access from Route 31 will be a right-in and right-out only. The affordable housing unit shall be deed restricted to conform to with Uniform Housing Affordability Controls (UHAC). Subject to site plan approval and FAR of 10.5% and 4800 square foot maximum.

Ms. Gavigan made a motion on the above criteria, second by Mr. DeLay.

Mr. DeLay- Yes

Ms. Gavigan- Yes

Mr. Reilly- Yes

Mr. Buckwalter- Yes

Ms. Lee- Yes

Mr. Willey- Yes

Vote: 6-0

**Discussion- COAH UPDATE- HOUSING PLAN ELEMENT AND FAIR SHARE PALN DRAFT**

Initial Draft was emailed of Plan Element and Fair Share Plan in response to the settle agreement with Fair Share Housing and our intervener Thompson Realty

We entered settlement agreement last year; Judge Miller approved it on April 9 which sent the Township into the Compliance Period. The board has 120 days to satisfy the terms of the settlement agreement which in involves numerous documents and ordinances. Many are model ordinances that were done previously under the COAH Administration, now we are doing them as part of our settlement agreement. Because the Board had given Planner Slagle permission to start developing the Fair Share and Housing Plan prior to actually getting Judge Miller's approval for expediency, Planner Slagle started to do that and was able to get this out last month. Planner Slagle wanted to update the board and get any feedback and get the ball rolling. Our settlement agreement with Fair Share Housing Center provided us a 30% discount from their initial numbers. That brought the township obligation down to 128 new units for a prospective need. This encompasses the years 1999-2025. 2025 is the end of our third round period. It's been extended many times. Just for comparison we have been waiting to see how Richard Reading the Judge Jacobson's special numbers master would come out those numbers for east Amwell were 139. We did slightly better doing the fair share housing numbers, we are in the 120 day compliance period, and our compliance hearing is September 13th with Betsy McKenzie. We need to have all the documentation to her at that point. She actually needs a couple weeks before that so she can write her compliance report to the judge. We need the documentations and resolutions adopted by the end of August to hand into Judge Miller. Adopted by the Planning Board and approved by the Township Committee. The compliance documents include the plan, inclusionary zoning ordinance, updated group home surveys with Jim Robbins is working on, updated spending plan, updated development fee ordinance, informative marketing plan, affordable housing ordinance, resolution of appointment for affordable housing liaison and agent, bond.

MLUL requires that a Housing Element and Fair Share Plan include an inventory of the housing stock, objection of housing stock, demographic analysis, determination of the need, and consideration of land appropriate for construction of affordable housing. The settlement agreement has to be folded into this plan.

Using the group homes through the Women's Crisis Center, we use that in a prior round and we were to carry some units into this round. We have four right down, buy down. Where the township purchased homes and sells them to income qualifying people through subsidized mortgages. Then the main mechanism is the inclusionary zoning, we've chosen 4 sites, 2 sites were through our intervener, Thompson Realty, and we chose two other sites that are adjacent to Ringoes. The developer of any of these sites has to provide water and wastewater. Durational adjustment that we do not need to meet this obligation until such time as a developer come in with a plan and can provide water and wastewater.

It will also include any of Thompson stipulations, which are an appendix, they requested in the settlement agreement that their prior Larrison Corner settlement agreement from 1999 be incorporated in to the settlement plan which was agreed to. When an overlay ordinance is done, they are all in the valley, the valley stays the same, they are not rezoning those properties they are putting a overlay zoning on top of that so if those property owners want to develop at the higher inclusionary densities

their permitted to do so. Thompson also has a third option that they can develop at the valley regulations, inclusionary zoning regulating or the Larrison Corner settlement agreement, which was for commercial and residential use.

The draft given was the overlay zone draft. This will be a development option in the Amwell Valley Agricultural Zone specific to those four properties only. Draft is intentionally general.

### **Discussion – ORDINANCE ESTABLISHING A RINGOES VILLAGE ADVISORY COMMITTEE**

Mr. Wolfe is looking to establish a Ringoes Village Advisory Committee. Mr. Wolfe prepared a draft of an Ordinance, and then circulated to the board. The number of things in square brackets is things where Mr. Wolfe would like to get input from people. Those aren't the only things, everything in the ordinance is fair game and if you have any comments feel free to give them. He provided that no one from the Township Committee could be on the advisory committee. He also put into brackets that no one from the planning board could be on the committee. Mr. Wolfe doesn't know if that is right or not but he would like input as to how people feel about that. Ideally he's like the committee to be apolitical, politically neutral, seven people, and a rigorous interview process. This is a very important advisory committee and could have a very significant impact on East Amwell. So Mr. Wolfe would really like to ensure that get the ordinance right. The goal is to have the Township Committee introduce it at its July meeting.

### **Oral Reports**

FOSPC – They are going to start reaching out to some of the farm owners on the target list.

Environmental Commission – There was a fair amount of discussion at the last meeting about the Environmental Resource Inventory Letter going out that was raised at a committee meeting. Ms. Gavigan suggested that they reach out and come to the next meeting why they felt the way they did about the committee being a volunteer committee and things in that regard. There was a certain level of frustration that they thought that things had been adequately communicated, that they were volunteers and that regard. Ms. Gavigan did see a draft floating around that was going out in the tax mailer in regards to it. But the additional things that were discussed about calling or noticing or to be more polite were things that were raised at the committee meeting. To be more sensitive to the owners of the areas. Ms. Gavigan stated that the Environmental Commission had a tent a Community Day in which they had a game and gave away seed packets. There is a change in the Environmental Resource Inventory Subcommittee. It had been Dave and Dee Kellogg wants to be on that instead of Dave and there still was discussion about no grants being available and wanted to wait to November to see if they can get some money out of the Township Committee.

There was some confusion regarding the Environmental Resource Inventory. Per Atty. Norman one is not needed.

PB Secretary – No report given.

Chairman – No report given.

**CORRESPONDENCE**

1. Approved 2018 Salary & Wage Ordinance/Resolution
2. New Jersey DOT Grant Information

**Open to the Public**

A motion made by Ms. Gavigan, seconded by Mr. Wolfe 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 Ms. Gavigan and seconded by Mr. DeLay to close to the public. The motion was unanimously approved.

**Presentation of Vouchers**

Mr. Reilly had a question regarding McKenzie, Gebhardt & Kiefer. Should that come out of the Township Committees budget or the Planning Boards Committee Mr. Wolfe will chat with Mr. Reilly to get more background.

A motion made by Mr. Wolfe, second by Ms. Gavigan, all were in favor.

**Adjournment**

The Chair adjourned the meeting at 10:40 PM.

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**Krista Parsons**  
**Administrative Officer**