

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
July 11, 2018 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Township Planning Board was opened on July 11, 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 July 6, 2018."

Roll Call and Agenda Review

Present: Mark Castellano
Roger DeLay
Frances Gavigan (8:42pm)
Rick Wolfe
Don Reilly
Rob Gilbert
Gail Glashoff
Joe Nyce
John Buckwalter
Tamara Lee

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

Absent: Dick Mc Manus
Tim Willey

Citizens' Privilege to Speak on Items not on the Agenda

A motion by Mr. Gilbert, seconded by Mr. Wolfe to open to the public was unanimously approved. Seeing no members of the public come forward, a motion by Mr. Gilbert, seconded by Mr. Wolfe to close to the public was unanimously approved.

Review of Minutes

The minutes will be available at our August meeting to review and approve.

New Business – Other

1. COAH Update- Housing Plan Element and Fair Share Plan Draft

Last month we looked at the preliminary draft of the Housing Element and Fair Share Plan and give everyone a month to review and provide feedback/comments. Ms. Slagle did not get any feedback. In the interim Ms. Slagle sent this to Betsy McKenzie for a quick overview, which didn't have time to review it. She also sent it to the Township Affordable Attorney Tara Angelou. Ms. Angelou made some edits to ensure Planner Slagle had all her legal information correct. Ms. Slagle wanted to give anyone who had comments tonight to provide their feedback as she wants to have this on the Planning Board agenda for adoption in August to keep up with the 120 days compliance period set forth by Judge Miller. Planner Slagle also included an updated overlay ordinance. The overlay ordinance will be our four inclusionary affordable housing zones. It outlines very minimal tract standards for the four properties. It's minimal due to the township durational adjustment, we don't have water and sewer infrastructure, and these are fairly large sites that will require the developer to create a package treatment plant and provide infrastructure. How these sites will be developed comes down to engineering and the economics. We want to provide some minimal guidelines that conform to what we have in our ordinance in terms of parking, buffering, minimal tract standards. The developer will have to come in for site plan approval, and the details will be worked out at that time.

Mr. Wolfe had questions in regards to the ordinance, in which the townhouse portion is 20 % set aside for affordable housing but for multi-family rental housing is only 16% is set aside. Planner Slagle stated that according to the regulations, any for sale inclusionary development in the state, gets a 20% set aside for affordable housing. Rental units get the lower 15% set aside and that is across the board. In our case, we worked out a special deal with Fair Share Housing Center and Thompson Realty to bump that up to 16%. Atty. Norman stated that it is standard with multi-family rentals, due to getting bonus credits. The township doesn't have to take on as many units. Planner Slagle stated that encourage rental housing, it is a more diverse housing stock and you get a one for one housing credit.

Mr. Wolfe stated that we have dedicated a lot of parcels Block 11 Lot 4, the Case property. The township is likely to go to them and seek an easement. In order to get an easement they will need to come across the stated block and lot. Mr. Wolfe asked if this would impact the townships ability from getting an easement. Planner Slagle stated no, because currently the property is owned by the Case's. If and when someone purchases the property and develops it, anything with that property goes with it and the property may never be purchased and developed as affordable housing. The township is providing the opportunity to have it as an inclusionary zoning element. Planner Slagle does not see an easement as a deterrent, or creating an issue.

Thompson Realty also has a settlement agreement from 2001, and the settlement is to also get four single family dwellings and two commercial spaces on the mentioned block and lot. In the settlement agreement they have three options now for this property; Standard Zoning, Settlement Agreement from 2001 and Overlay Agreement.

Ms. Gavigan asked under section 10 under affordable housing, there is a whole new section C, talking about the overlay zone with a 4 underneath it. She asked where number 4 is and isn't it supposed to bold and in italics. Planner Slagle stated that C is the subsection of the ordinance language, (4) is the new subsection of 92:91h4. This is an entirely new subsection that will go into the Valley ordinance section. Mr. DeLay wanted to clarify the numbering sequence. Planner Slagle will check to ensure if this is correct.

The Planning Board has to adopt the actual Housing Element and Fair Share Plan. The Planning Board recommends the overlay to the Township Committee, they review it, they send it back to the Planning Board where they then "okay it" and then back to the Township Committee for adoption.

The rest of the ordinances that are a part of the compliance are Township Committee Ordinances. Development Fee Ordinance, Affordable Housing Ordinance and the Affirmative Marketing Plan, which are all Township Committee Ordinances. These are all completed. Planner Slagle stated we are in good shape and she doesn't see any issues. Next month we want to adopt the Housing Element and Fair Share Plan. Planner Slagle that Tara is going to submit the draft overlay ordinance to Thompson Realty, as they have to sign off on the ordinance. We need Thompson Realty's review and approval. Planner Slagle stated that Betsey McKenzie did see the draft overlay ordinance and she did not have any issues with it.

Chairman Reilly stated that it is critical that we have a quorum for next month's meeting.

Mr. Wolfe asked Chairman Reilly if there was anything that prohibited Ms. Parsons to send an email to the board the Monday before the meeting asking who will be attending the meeting. Atty. Norman stated that is okay, it's procedural. Chairman Reilly stated, if someone on the board cannot attend a meeting, to send an email to Ms. Parsons to inform her.

2. Discussion of whether to permit medical marijuana to be sold in East Amwell

Mr. Wolfe received an email with an article that indicated that a medical marijuana dispensary wanted to locate in Raritan Township, right on the border of East Amwell. Given the publicity with legalization of marijuana in New Jersey that has attracted, Mr. Wolfe figured that this topic may come in front of the township and the board at some point and if it's legalized, farmers may want to start planting it. Mr. Wolfe stated he thought it would be best to have a preliminary discussion and start thinking about it to have a head start.

Chairman Reilly asked theoretically, if they legalize recreational use of marijuana and someone wanted to put in a retail outlet where marijuana could be sold, where in East Amwell can that be done. Planner Slagle stated the Village, possibly the local business zone, but anywhere the municipality permits a retail use. Atty. Norman stated that if they legalize recreational marijuana, it would be a lot like the alcohol. Everything is going to be licensed. A town can be a "dry" town with alcohol; the township can do the same with marijuana. He believes there will be an out period where you have so much time

where you are not going to allow it. The other option is there are different classes of licenses and as Atty. Norman understands it, is that the current bills, is there will be a limited number of licenses for growers, distribution and warehousing and dispensaries (retail sales).

Ms. Glashoff suggested we also should start thinking about microbreweries as that was a big topic last year at the Atlantic City Convention.

Atty. Norman stated as a town, we, the township will have the option to make the policy decision, do we not want it at all, or do we want allow growing of it. Atty. Norman spoke to an engineer about growing it. The marijuana plants will not be out in an open field; it will all be in an enclosed greenhouse, high security and uses a ton of power. The township can decide if they want to have warehouses or dispensaries.

There was discussion in regards to getting information out to the public and getting their input in regards to the marijuana. Mr. Wolfe spoke about the up and coming new website. Mr. Reilly stated that it's hard to get the pulse of the community to come to the Wednesday meetings as well as special meetings even when we go to extraordinary measures to contact them. If residents feel that there is something that strikes a chord with them they will come. Mr. Nyce stated how many people realize that they have a say in this. In fact that it's not coming down from one eye, that the governor wants it, the state legislature passes it and here we are without anything to say or very little to say. He feels it's very important that the residents are aware of the fact that we have a say. That it is not simply something that is going to be imposed on us, but it is something that can be talked about and express their feelings about it.

Mr. Wolfe stated, depending on the timing, it could go on the webpage, put it in the VIP and go out in the tax bills as part of the mailers and the Mayor and Deputy Mayor have been talking about budgeting for mailers to go out to residents in the township.

Ms. Gavigan stated that one thing that comes up time to time, is that people do not understand the process of the Zoning Board or the Board of Adjustment and what is and isn't. Something to think about, every once in a while, if it is a bigger issue, if you have the ability to film the committee meetings to do the same with this and put a link on the township site so somebody could see what the discussion was as opposed to the rumor mill. It is a lot easier to prevent or maybe educate people because it will get them to make more informed decisions and get them interested and getting involved. We need people to be engaged and be apart in all levels and not just the ones who are in the know.

Mr. Wolfe stated that they have been filming the last two Township Committee meetings. They plan on allowing people to watch the meetings live once the webpage is up. There was discussion about doing the same for other committees, or other key committees. Which also raises issues as this is done gratis by a resident. The going rate for this type of service is about \$5,000-\$6,000 per year. Ms. Gavigan suggested a possibility of a Go Fund Me to help fund this.

Ms. Gavigan asked if there was a resolution for C&E Route 31 and if there is a time clock. Atty. Norman stated that statutorily is 45 days and he had sent it over when Ms. Parsons was on vacation. Atty. Norman also stated that the MLUL states 45 days and it is only a problem if the Township is dragging their feet on it and the applicant needs the approval to get up and running then it could be an issue. Ms. Glashoff stated, he has to come back for site plan approval, which he might per Atty. Norman. Mr. Reilly stated we will have the resolution next month.

CORRESPONDENCE

No correspondence.

Oral Reports

FOSPC – No report was given.

Environmental Commission – “They reported on the letter that the Township Committee said was fine. Ms. Gavigan believes it went out with the mailings on for letting people know for their environmental easements. Subsequent to the meeting Ms. Gavigan finally got the easements in a spreadsheet from 2008 and noticed in looking at something else that there appears to be some discrepancies and their acknowledged ones in the inventory of our easements, where they may not all be acknowledged or tracked. She is going to raise it this month, that there needs to be some housekeeping. It came to her mind as reality as looking at the tax map for the property on Cider Mill Road, and it turns out that at the back of that property and the neighbor to it, there 30 foot drainage easements that aren’t in the inventory and aren’t in our easement map from 2010, so there has to be housekeeping and updating that would be warranted. Ms. Gavigan stated she believed that the easement inventories, there is a statutory requirement for that. Is there one that needs to be current or accurate? Atty. Norman asked if it was the open space inventory. Ms. Gavigan stated no. This is the environmental easements that supposedly the Environmental Commission is supposed to at least inspect or look at, like once a year or so and they haven’t been doing much of. Atty. Norman asked if it was in the statute or the local ordinance. Ms. Gavigan thinks it’s in the statute the way it is, however she will follow up and find something a little clearer.” Mr. Wolfe stated that it’s to confirm that people are complying with the easements. Planner Slagle stated a lot of these easements are only going to show up in deed only and they haven’t been transferred to a tax map. A lot of the newer ones will show up on the tax map, it’s the older ones that will not.

PB Secretary – No report was given.

Chairman – No report was given

Correspondence

Open to the Public

There was no one in attendance from the public.

Presentation of Vouchers

Ms. Glashoff stated she spoke earlier to Ms. Parsons, as on some of Atty. Norman's bills there were outstanding balances, she also asked Atty. Norman about them. Atty. Norman stated he will check on them.

Ms. Glashoff asked how we are doing with are budget. Ms. Parsons stated that the accounts are still separated. Mr. Wolfe stated they kept them separated until they were really integrated so they are still separate. Ms. Parsons stated that she has the latest spreadsheets and sends them to Chairman Reilly.

Chairman Reilly entertained a motion to approve the vouchers, motion made by Mr. DeLay, second by Ms. Glashoff, all were in favor.

Adjournment

The Chair adjourned the meeting at 8:18 PM.

Krista Parsons
Administrative Officer