

**EAST AMWELL PLANNING BOARD MINUTES**  
**East Amwell Municipal Building**  
**August 8, 2018 - Meeting**

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

Following are the minutes of the East Amwell Planning Board held at the site of the East Amwell Township Building on August 8, 2018 commencing at 7:30 P.M. This meeting of the East Amwell Planning Board was opened on August 8, 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 25, 2018."

**Roll Call and Agenda Review**

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

**Absent:** Joe Nyce  
Joanna Slagle (Planner)  
Chris Norman (Attorney)

**Agenda Review**

Chairman Reilly asked if there were any changes to the agenda. Ms. Parsons stated that the Public Hearing has to be taken off. Chairman Reilly stated that we will have a brief discussion on item number 1 but it will not be the public hearing and the explanation for that.

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

A motion was made by Ms. Glashoff, seconded by Mr. Gilbert with a unanimous vote to open the meeting to the public. Seeing no members of the public come forward, a motion made by Mr. Gilbert, seconded by Ms. Glashoff with a unanimous vote, the meeting was closed to the public.

**Review of Minutes**

Mr. Gilbert and Ms. Glashoff stated they were not in attendance at the June 13, 2018 meeting therefore they recused themselves Ms. Glashoff stated she spoke with Ms. Parsons in regards to

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her concerns prior to the meeting and Ms. Parsons subsequently corrected the errors brought to her attention.

Ms. Gavigan stated that she has issues with the minutes. She continued to state, the minutes are long and delayed but there is an inaccuracy at the start. Under agenda review, there is a statement regarding the tent denial being removed later and that did not occur. The inaccuracy Ms. Gavigan was pertaining to was regarding the explanation of why the tent denial was removed from the agenda and where it was located in the minutes. Ms. Gavigan mentioned there was a member from the public at the meeting who specifically was interested in hearing about the denial and it disappeared from the agenda. Ms. Gavigan would like the sequence of events to accurately be reflected in the minutes. Ms. Gavigan realizes that we had this discussion before about minutes being done verbatim and there is a mixture of verbatim and paraphrasing done in the minutes. Since one of the first things we do every year is adopt Robert's Rules of Order, Ms. Gavigan went to Robert's Rules of Order online and asked about minutes being done verbatim and they are pretty clear and specific about not doing verbatim, that it's just the essentials. Ms. Gavigan stated that she was at the meeting and she spoke and on page two (2) and well into page three (3) there are statements attributed to her and they make no sense to her. Chairman Reilly asked Ms. Gavigan to be specific as she is talking in generalities and he is having difficulty following. Ms. Gavigan stated on page two (2) just above review the minutes there is a discussion about Ms. Wells complaint and there is a statement in there that Mr. Wolfe also asked Ms. Wells to see the pictures that she brought in of the vegetation that was impeding per property, Mr. Wolfe and Ms. Wells discussed the pictures in length. Ms. Gavigan asked to have some clarity as to what that was, especially since it potentially could become an issue. Ms. Gavigan stated that this is an area that whatever was discussed would be nice to be captioned. Ms. Parsons stated this is when Ms. Wells came up to the dias and was having a one on one conversation with Mr. Wolfe. Chairman Reilly stated that we have to be very careful about what these are. Chairman Reilly continued to state we technically don't even have to have minutes. What is the record is what is recorded. The minutes are provided so that people have an understanding about what has been discussed at the Planning Board. They are not to be this extensive and what we have to be certain of is that what is included here is the essence of what is discussed and if somebody has a keen interest and wants to know more, they have the opportunity to listen to the tape and get it exactly verbatim from the tape. Ms. Glashoff stated that the minutes don't have to be verbatim but with Robert's Rules if they tell you what to put in the minutes, there would be nothing. Chairman Reilly stated that they get plenty of detail in the minutes. If the board thinks that they don't get sufficient enough detail then that is a board decision but from Mr. Reilly's perspective, they are sufficiently detailed and where there are quotes it may mean that what you said wasn't clear so it was quoted as is, as not to interpret something. If you want to clarify that then it's an opportunity to do that. Ms. Gavigan said what she would like is where the quotes are back and forth, not be in these minutes. Because if she was here and she can't understand it, God knows who else would. Ms. Parsons stated to Ms. Gavigan that she suggests she listen to the recording. Ms. Gavigan stated "it will" and all that "stuff" and "she will ask that the recording be put on the minutes." Chairman Reilly stated that he'd prefer Ms. Gavigan provide the board with an interpretation of what she meant, if she felt this this didn't reflect exactly what Ms. Gavigan meant. Ms. Gavigan stated that she didn't have the chance to go through the minutes or get the

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tape. Ms. Gavigan asked that the tape be on the website so maybe “someone else can” or else it needs to be tabled to next month and she will provide the specific clarification once she listens to the minutes she has. Mr. Wolfe stated that they may be an issue with labeling the minutes due to a 45 day requirement to finalize them after a meeting. minutes have to be available within a certain period of time. Ms. Glashoff stated they have to be available, but she feels that doing it verbatim is bad and you don’t want to get into the nitty gritty stuff and you just want the meat of what was said. Ms. Glashoff stated that verbatim minutes are not necessary and she thinks doing that is going to cause more problems. Mr. Wolfe stated he spent time looking at what New Jersey Law requires for minutes and they just need “reasonable”, however, reasonable was not defined. The minutes do not have to be verbatim but there is no prohibition on being verbatim. In regards to the Township Committee there are instances where they do have verbatim minutes and Mr. Wolfe feels that is important. So people can see exactly what was said as opposed to someone's interpretation as to what was said on important things. Mr. Wolfe doesn’t believe that the entirety of the minutes of the meeting have to be verbatim but there are portions where he thinks it is much better for Ms. Parsons to put in verbatim than Ms. Parsons to try and interpret what she thinks was meant. Mr. Wolfe stated that Ms. Parsons would do minutes differently than any other person on the board would do them. Mr. Wolfe stated that in certain instances, he doesn’t feel it's appropriate to have an interpretation, he thinks it's appropriate to have verbatim minutes, as it avoids any confusion. Mr. Wolfe stated that when it comes to key discussions he has no issue with verbatim minutes, they avoid misinterpretation of what transpired.

Chairman Reilly suggested not tabling the June 13, 2018 minutes. Chairman Reilly stated that if Ms. Gavigan feels that a clarification needs to be made, that certainly can be done at the September meeting and can be made part of the September minutes, so Ms. Gavigan can clarify what was said. Ms. Gavigan said she will have to listen to the tape. Mr. Wolfe informed Ms. Gavigan that she is on record in this meeting and Ms. Parsons will reflect in the minutes that Ms. Gavigan has concerns regarding portions of the June minutes and how they don’t accurately reflect what she meant. If Ms. Gavigan wants to expand on that and submit something next month, they will be put in the record. Mr. Wolfe doesn’t want anything Ms. Gavigan said to be misinterpreted and if Ms. Gavigan wants to clarify, then Mr. Wolfe agrees. Ms. Gavigan stated that so when the factual part has to do with when it came up or when the information was shared about the tent hearing not occurring because they have gotten an approval, that occurred at the end, because Ms. Gavigan specifically asked Chairman Reilly as opposed to right up front. She wouldn’t have asked if it would had been up front. Chairman Reilly stated that he is not confident if that is true, but Ms. Gavigan certainly can listen to the tape and verify whether that is true, he doesn’t know whether that matters. Ms. Parsons asked does it matter where in the minutes it’s located. Mr. DeLay stated that he thought it was under agenda review as well as Ms. Glashoff. Mr. Reilly stated that they can get that clarified. Mr. DeLay stated that is the first thing that goes on in the meeting. Ms. Gavigan stated that it was discussed that we weren't going to be dealing with it, it wasn't to be going forward. It was only later that the detail about it was because he had gotten the approval from the Zoning Officer. There's two different things, it came off but we never knew why. Ms. Parsons stated instead of putting it at the bottom she put it where it was discussed earlier instead of adding another subject in regards to it at the bottom. Mr.

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Gilbert stated it makes sense to put similar ideas together. Ms. Parsons agreed with Mr. Gilbert and stated that this is so items are not scattered all over the minutes.

In a motion made by Mr. DeLay and second by Mr. Buckwalter, the minutes of June 13, 2018 were approved by majority. Ms. Glashoff and Mr. Gilbert abstained and Ms. Gavigan opposed.

In a motion by Mr. Gilbert and second by Mr. DeLay to approve the Board's July 11, 2018 minutes with revisions noted was approved by majority.

Chairman Reilly stated that if anyone has an issue with the minutes as they receive them and feel they need a clarification, please contact Ms. Parsons prior to the meeting and if a clarification can not be provided, then it will be discussed at the meeting.

### **New Business – Other**

#### **1. Public Hearing-COAH Update- Housing Plan Element and Fair Share Plan**

Chairman Reilly stated that there will be no Public Hearing concerning the Housing Plan and Fair Share Plan as we did not get the notice in the Democrat in time for the ten (10) day statutory requirement. It now appears, based on Planner Slagle's Monday August 6, 2018 email, this is the timeline. We will have a Public Hearing on September 12, 2018 to adopt the Housing Plan Element and Fair Share Plan, September 13, 2018 the Township Committee will have the plan to determine if they will endorse it and the introduction of the first reading of the Associated Affordable Housing Ordinances. The committee will refer the Draft Overlay Ordinance back to the Planning Board for review and approval. On October 10, 2018, at the regularly scheduled Planning Board meeting, the Planning Board will have the Draft Overlay Ordinance to approve and send back to the committee for adoption. On October 11, 2018 at the regularly scheduled Township Committee meeting, it will adopt all the Affordable Housing Ordinances that has been issued.

Chairman Reilly stated that this was an Administrative error that resulted in delaying the timeline, as he knows we have all been pushing hard to get through but unfortunately there was a snafu. Chairman Reilly doesn't feel that there will be any consequences. A request will be made to the court for a thirty (30) day extension because the deadline will be exceeded. Based on the Attorney, Planner and Special Master, they anticipate no issues with this and it's a formality that we request the extension.

Chairman Reilly stated that there is a member of the public here that would like to speak about this matter. Mr. Gilbert made a motion to open to the public, second by Mr. DeLay. All in favor.

Tony Robi residing at 144 Lambertville-Hopewell Road Hopewell, NJ came to the table. He commented on the use variance on the corner of Route 31 and Route 518. He asked if this was part of the plan that we were just talking about. Chairman Reilly stated no, that he is referring to the resolution. Chairman Reilly stated that we are respectfully done with Item 1 and we can move on to Item 2.

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Mr. Wolfe recused himself due to the nature of the application. Mr. DeLay stated just for clarification we had the public hearing two months ago, so we are here to formalize the resolution, which is correct.

Mr. Robi stated that this property is down the road from him and was looked at by the Environmental Commission because it was a use variance previously proposed to conduct a daycare center. Mr. Robi questioned the lack of a site review. Chairman Reilly stated that he is not aware of a site review by the Environmental Commission. Mr. Robi stated that it is routine that the Environmental Commission should be informed about all variances and major subdivisions and be given the opportunity to comment. They have a site plan committee, it has been there for forty (40) years or so. Up to now they have been informed regularly of all subdivisions or use variances or other kinds of variances. They should be informed. Also recently, the Historic Commission has been informed, however, he doesn't know for how long and he doesn't see any comment from them, not that there would be one, for this case. Mr. Robi does not want a precedent set that these committees are not informed of variances. Chairman Reilly thanked Mr. Robi for bringing this to the boards attention as it appears that this was an oversight on their part. Chairman Reilly assured Mr. Robi it will not be overlooked in the future. Mr. Robi stated that this application could be in jeopardy if somebody wanted to say the Board failed to do something they were supposed to do. He does not know if its a legal requirement. Maybe the attorney could comment. Chairman Reilly stated that we do not have our attorney here this evening, but he will contact him.

A motion was made by Ms. Glashoff and seconded by Mr. Buckwalter, followed by a unanimous vote to close the public meeting.

### **New Business – Other**

- 2. AJ-18-04: C&E ROUTE 31, LLC.- Memorialization  
Block 42 Lot 12.01- 304 Route 31 South  
Sourland Mountain District**

Chairman Reilly stated that there was an issue raised by Ms. Lee, concerning one of the conditions in which she requested was to except what appeared to have been an offer of the applicant to accept a condition of two (2) businesses on the first floor as a requirement as opposed to one (1) or two (2). Chairman Reilly asked Ms. Lee if this was her recollection is that she raised the issue with the applicant and even asked him if he would accept that. Ms. Lee stated that her recollection about the way the meeting went was, that there was a lot of discussion about traffic, there was concern about traffic as commercial use generates more traffic then residential and this is a busy dangerous intersection. As apart of that discussion, a number comments were made, one by Planner Slagle where she pointed out that these are two small businesses and since they were so small that in of itself was going to limit traffic, which Ms. Lee thought was a good point. At which point Ms. Lee turned to the applicant and asked if they would be willing to accept a condition that there would be two uses here not one, and there response was yes as that's what they were intending to do anyway. At the end, when Attorney Norman was defining the resolution and listing the conditions, he had left that part off so Ms.Lee reminded him about that,

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and she didn't believe there was any discussion, therefore Ms. Lee assumed everyone was okay with that condition and thought it would be in the resolution.

Chairman Reilly stated that it was not in the resolution and that he had a conversation with Planner Slagle and Attorney Norman with regards to this matter. Attorney Norman then prepared a second resolution that included Ms. Lee's condition. From Planner Slagle's perspective, it was better to give them flexibility then to limit them, but it is a board decision to make. However, it is not clear to Chairman Reilly that the applicant left the meeting with the understanding that this was in fact going to be a condition. Ms. Lee stated she thinks that the resolution should accurately reflect the testimony and the discussion, that is her opinion. Chairman Reilly stated for the future, the board has to be explicit that conditions are included and that they actually have to have a discussion as a board that this is a condition of the board. Chairman Reilly suggested that someone on the Board needs to make a motion on which version they want the Board to approve, we get a second and have a discussion will occur and a vote will take place.

A motion made by Mr. Buckwalter to approve the second version of the resolution that included the condition in which Ms. Lee requested, regarding where it specifies two (2) businesses on the first floor., seconded by Ms. Gavigan and the resolution was approved by vote. Mr. DeLay- Yes, Ms. Gavigan- Yes, Mr. Reilly- No, Mr. Buckwalter-Yes, Ms. Lee- Yes, Mr. Willey- Yes.

Ms. Gavigan said to speak on Mr. Robi's point, she did review that 2008 Environmental Site Plan and brought it up, so they weren't unaware of the environmental concerns, as there were at least some discussion that this was resijudica.

Ms. Parsons asked to be clear, that the notice to the other Boards has to be done on every application and subdivision? Chairman Reilly and Ms. Glashoff replied yes. Ms. Gavigan stated that it may also end up going to the Historical Committee.

### **CORRESPONDENCE**

The New Jersey Planner May/June 2018

#### **Oral Reports**

FOSPC – No report was given.

Environmental Commission – No report given.

PB Secretary – Ms. Parsons reported that she received a phone call regarding the establishment of an ordinance allowing medical marijuana and if so location.

Chairman – Chairman Reilly and Mr. DeLay will not be here in September for our regular meeting. We have something very important to vote on and we need a quorum. Mr. Gilbert will take over. It's very important the next two months that we have things to get done and onto the Township Committee to satisfy the courts requirements.

Mr. DeLay will also not be in attendance at the September meeting.

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Ms. Gavigan asked if anything came out of the complaint they got from Ms. Wells from Back Brook. Ms. Parsons stated that she did a site visit as Zoning Officer, and the vegetation was clearly pushing her fence down. The neighbor received a potential violation letter and agreed to remedy the issue. Ms. Parsons will follow up. Mr. Buckwalter asked what about the B&B. Ms. Parsons stated that there is no ordinance on an Airbnb or a B&B Ordinance. Ms. Glashoff stated that it is not a bad idea to think about that. Mr. Wolfe stated he has been thinking about it. Ms. Parsons also stated that she has been doing some research in regards to it as well. Mr. Wolfe stated at some point we may have to deal with Airbnb, but he's not convinced we are there yet and trying to put together an Airbnb Ordinance is going to be very difficult.

Airbnb discussion will be held at a later date.

### **Open to the Public**

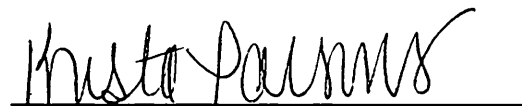
No members of the public were present.

### **Presentation of Vouchers**

A motion made by Ms. Glashoff and seconded by Mr. Gilbert with a unanimous voice vote to authorize Chairman Reilly to sign off on the vouchers on the agenda. 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 8:30 PM.



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