

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
September 12, 2018 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on September 12, 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 September 4, 2018."

Roll Call and Agenda Review

Present: Mark Castellano
Frances Gavigan
Rick Wolfe
Rob Gilbert
Tamara Lee
Tim Willey

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

Absent: Don Reilly (Chairman)
Roger DeLay
Gail Glashoff
Joe Nyce
John Buckwalter

Citizens' Privilege to Speak on Items not on the Agenda

A motion made by Rick Wolfe, seconded by Frances Gavigan to open the meeting to the public was unanimously approved. Seeing no members of the public come forward, a motion by Frances Gavigan, seconded by Rick Wolfe to close to the public was unanimously approved.

Review of Minutes

A motion by Rick Wolfe, seconded by Mark Castellano to approve the Board's 8/8/2018 open session minutes with noted revisions was unanimously approved.

New Business – Other

- 1. COAH Update- Public Hearing Housing Plan Element and Fair Share Plan**
Planner Slagle stated this is the public hearing to adopt the Township's Housing Element and Fair Share Plan in compliance with the MLUL and the Township's Settlement Agreement with Fair Share Housing Center and the Intervener, Thompson Realty. A

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draft of the Plan was provided and has been on file for two months at the Municipal Building. Planner Slagle briefly discussed the process and the contents of the Plan. The Township has been in negotiations regarding Affordable Housing for several years. The Township entered into a Settlement Agreement with all interested parties and that Agreement was approved by the Township this year and approved by the Court at a Fairness Hearing in April of this year. As a condition of the Agreement, the Township is required to develop a Housing Element and Fair Share Plan which must include the affordable housing mechanisms outlined in the Settlement Agreement. There are two components addressed in the Plan, 1). The MLUL requirements for Housing Element and Fair Share Plan that require an Inventory of Housing Stock, Projection of Housing Stock, Demographic Analysis, a Determination of Present and Prospective Affordable Housing Needs (obligation) and 2). The consideration of lands appropriate for providing Affordable Housing.

As noted in the Settlement Agreement, Fair Share Housing Center and the Court determined that, the Township has and affordable housing prospective need of 128 units for the time period of 1999 through 2025. The Township is addressing most of that need through Inclusionary Zoning techniques on four properties in the Township. Other mechanisms addressing the Township's needs include group homes, and four "write down, buy-down: units within the Township; the write down, buy-down, units will be purchased by the Township and then sold to income qualified residents. The Township is also getting bonus credits from the group home. With this plan, the Township will meet its total obligation of 128 units.

With The Plan, the Township much also provide and Inclusionary Overlay Ordinance and other compliance documents. Some of those other compliance documents required action by the Township Committee. The other documents include an Affirmative Marketing Plan, updated Affordable Housing Ordinances, verification of the Township's Affordable Housing Liaison and Agent and an Affordable Housing Spending Plan approved by the Township Committee. The objective for the Planning Board meeting tonight is to adopt the Housing Element and Fair Share Plan and send it to the Township Committee tomorrow for their endorsement as part of the process.

Attorney Norman explained the Housing Element is a subcomponent within the overall Master Plan for the whole Township. It is a mandatory requirement and a blueprint on how zoning will be implemented to meet the Affordable Housing obligation.

A motion made by Frances Gavigan, seconded by Rick Wolfe to open to the public was unanimously approved.

Glorianne Robbi residing at 144 Lambertville Hopewell Road, Hopewell, NJ came to the table. Ms. Robbi asked for a description of the Amwell Valley Zone and the four lots dedicated to the Affordable Housing. Planner Slagle stated that the four lots are all located on within the AVAD District and two of the lots belong to Intervener, Thompson Realty. The Thompson lots, are located on Route 202/31 and Dutch Lane and the other two sites are located on the west side of the Village. The ordinances are Overlay

Ordinances. The AVAD remains intact on the four properties, and the Overlay just means that if the property owners wish to develop using the Overlay Ordinance, they may do so. The Overlay provides a higher density, with a specific set aside for Affordable Housing, 15% for rental development and 20% for, for-sale developments. The Township requested and received through the Settlement Agreement, a Durational Adjustment which states that these sites can only be developed at these higher densities if and when infrastructure is provided. That infrastructure has to be provided by the developer of that site. Ms. Robbi asked what the block and lots were in the western section. Planner Slagle provided Block 11, Lots 4 & 37.02 and Block 16.01, Lots 26 & 27.

Seeing no one else from the public come forward, a motion made by Frances Gavigan, seconded by Rick Wolfe, was unanimously approved.

A motion was made by Rick Wolfe to approve the Housing Element and Fair Share Plan, seconded by Frances Gavigan.

Roll Call Vote:

Rob Gilbert: Aye, Frances Gavigan: Yes, Rick Wolfe: Yes, Tamara Lee: Yes and Tim Willey: Yes.

2. Discussion- Notification of Variances and Subdivisions to Other Committees

Rick Wolfe wanted to clarify the legality of noticing other boards for variances and subdivisions. Rick Wolfe looked at the State Law, East Amwell Ordinance, spoke to Attorney Norman and also spoke to Tamara Lee, who has a lot of knowledge regarding this topic and came to the conclusion that there is no affirmative obligation on the part of the Planning Board to give the Environmental Commission notices of variances. This is not to be interpreted as Rick Wolfe being opposed to doing this, however, he wanted to clarify this on record as it was raised at the last meeting that the boards were not being notified and could potentially become an issue when applications are heard.

Frances Gavigan spoke as a member of the Environmental Commission. Ms. Gavigan stated for informational purposes, that prior to the hearing of the application regarding C&E Route 31, LLC., Ms. Gavigan, who is on the Environmental Commission's Site Plan Committee, obtained the 2008 Environmental Report that was done by Mr. Robbi and others. She did visit and walk the site and the constraints haven't really changed. Ms. Gavigan shared this information with others. When the applicant files the application for the site plan, there will be another site visit by the Site Plan Committee and an updated report will be done.

Open to the Public

A motion made by Rick Wolfe, seconded by Frances Gavigan to open to the public was unanimously approved.

Toni Robbi residing at 144 Lambertville Hopewell Road, Hopewell, NJ came to the table. Mr. Robbi stated that due to Attorney Norman not being present at last month's meeting and due to him not memorizing the MLUL, he did not know whether or not it was mandatory for the

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Planning Board to provide the Environmental Commission with a notification of an application and he doesn't believe he said it was mandatory. Mr. Robbi also stated that the Environmental Commission was notified regarding major subdivisions as well. Mr. Robbi asked if we have a Site Review Committee. Planner Slagle and Attorney Norman both answered him, stating that the Planning Board will continue to retain an Application Review Committee, however Zoning Boards are more quasi-judicial and so not allowed to review an application prior to the hearing. Zoning Boards are more judge like and must avoid any pre-judgement of an application. When The Planning Board is functioning as a Planning Board, it can look at the application prior to the hearing. Any member of any board is allowed to conduct a site visit as long as they don't do it as a group large enough to form a quorum. Planner Slagle stated for the new board members, at every reorganization of the Zoning Board, the Zoning Board used to identify three members as the Site Review Committee and they would go out at the same time to review the site and write a memo about what they saw at the site and it was very factual. These memos were generated in case another member could not get out to the site review. The new Planning Board has not yet set up a Site Review Committee, however, the few applications we have had, and everyone has gone out to the sites on their own.

Seeing no one else from the public come forward, a motion made by Rick Wolfe, seconded by Frances Gavigan, was unanimously approved.

Oral Reports

FOSPC – No report was given.

Environmental Commission – Frances Gavigan stated that some members of the Commission were not in attendance at the last meeting but there was discussion of what occurred at the Township Committee Meeting. There was also discussion in regards to the Color Run.

PB Secretary – No report was given.

Vice Chairman – No report was given

CORRESPONDENCE

No correspondence.

Open to the Public

A motion by Frances Gavigan, seconded by Tamara Lee to open to the public was unanimously approved. Seeing no other members of the public come forward, a motion made by Frances Gavigan and seconded by Rick Wolfe to close to the public, was unanimously approved.

Presentation of Vouchers

A motion made by Frances Gavigan and seconded by Rick Wolfe to approve the vouchers, was unanimously approved.

Adjournment

The Vice Chair adjourned the meeting at 7:59 PM.

Krista Parsons
Administrative Officer