

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
Reorganization Meeting - January 13, 2010

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on January 13, 2010 at 7:30 PM. The following notice was read, "In compliance with the Open Public Meetings Act, this is a regularly scheduled meeting and reorganization meeting pursuant to the annual meeting notice as published in the January 29, 2009 and December 24, 2009 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 January 6, 2010."

Present: Fred Gardner
Rob Gilbert
Gail Glashoff
Bela Kamensky
Pete Kneski
Linda Lenox
Don Reilly, Chairman
Dart Sageser
Joe Wolfgang
Roger DeLay

Excused: Michael Weis

New Business – Reorganization

Ms. Andrews asked for nominations for the Board's Chair. A motion by Gail Glashoff, seconded by Rob Gilbert to nominate Don Reilly as the Board Chair was made. Hearing no other nominations, a motion by Roger DeLay, seconded by Pete Kneski to close the nominations was approved. The Board unanimously approved Mr. Reilly's nomination and congratulated him. Chairman Reilly took over the meeting.

Chairman Reilly asked for nominations for the Board's Vice Chair. A motion by Linda Lenox, seconded by Rob Gilbert to nominate Fred Gardner was made. Hearing no other nominations, the Board unanimously approved Mr. Gardner's nomination.

The Application Review Committee (ARC) will be chaired by Michael Weis. Fred Gardner will be Vice Chair. Gail Glashoff and Dart Sageser will serve on the Committee with Linda Lenox as an alternate.

A motion by Gail Glashoff, seconded by Fred Gardner to appoint Maria Andrews as the Board's Administrative Officer was unanimously approved.

It was noted that the approval of the Attorney's contract and related resolution will be carried to the Board's 2/3/10 agenda.

A motion by Fred Gardner, seconded by Linda Lenox to appoint Frank Banisch as the Board's Planner and to approve his contract and related resolution was unanimously approved.

A motion by Gail Glashoff, seconded by Roger DeLay to appoint Dennis O'Neal as the Board's Engineer and to approve his contract and related resolution was unanimously approved.

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A motion by Pete Kneski, seconded by Linda Lenox to adopt the Robert's Rules of Order was unanimously approved. It was noted that the Board reserves the right to recognize members of the public during public discussion when the Board believes there is a need to do so.

A motion by Fred Gardner, seconded by Rob Gilbert to approve the Board's 2010 meeting schedule was unanimously approved. It was noted the Planning Board will meet the second Wednesday of each month at 7:30 PM.

Agenda Review

Mr. Gardner commented that he has a question he would like to raise regarding the County ADA as it relates to FOSPC's review of candidates for possible preservation. Chairman Reilly suggested the matter be discussed under new business.

Citizens Privilege to Speak on Items Not on the Agenda

Chairman Reilly noted for the record that there was no public present at the meeting.

Approval of Minutes

A motion by Rob Gilbert, seconded by Roger DeLay to approve the Board's minutes from 12/9/09 was approved with Gail Glashoff and Pete Kneski abstaining.

New Business – Other

Adopt Goals/Priorities for 2010

The following list of Goals and Priorities was adopted for 2010:

1. Design standards for the AVAD.
2. Review of the Sourland Mountain District based on findings and work of the Sourlands Alliance and regional Master Plan.
3. Wastewater Management Plan – (Model ordinances to be reviewed and adopted.)
4. Larison's Corner Highway Office District
5. COAH/HFSP issues as they become necessary to address.
6. Review of the "Grandfather Clause" for clarity and consistency.

Selection/Appointment of the Ad Hoc Committees/ Representatives

It was noted that the following people will represent the various committees listed below:

1. Smart Growth II Project – Bela Kamensky
2. Agricultural Advisory Committee – Linda Lenox
3. Environmental Commission – Dart Sageser
4. FOSPC Liaison – Fred Gardner
5. COAH – Don Reilly
6. Wastewater Management – Roger DeLay
7. HART Representative – Bela Kamensky

It was noted that the Zoning Ordinance Review Subcommittee will consist of: Michael Weis and Fred Gardner.

Chairman Reilly added a new subcommittee to address the AVAD design standards. The subcommittee will include: Roger DeLay, Dart Sageser, Linda Lenox and Don Reilly.

Discussion: Update on Resident Maiwaldt’s Concern Regarding Grandfathered Structures

Chairman Reilly noted that he spoke with Zoning Officer McManus on this issue. Zoning Officer McManus commented that his interpretation of our ordinances was based on his experience and the reading and interpretation of other ordinances in other Townships that he has been involved with. Chairman Reilly said that Zoning Officer McManus acknowledges that the ordinance is somewhat ambiguous and that he made a determination based on his interpretation of the ordinance. Chairman Reilly told Zoning Officer McManus he didn’t believe this interpretation was consistent with the intent of the Board and the Township Committee when the Grandfather Clause was adopted. Zoning Officer McManus believes the remedy is to re-word the clause so that it is not ambiguous.

Chairman Reilly commented that Zoning Officer McManus is great to work with and has always exhibited good judgment. He added that he believes he would be willing to assist the Board with revising the Grandfather Clause. It was the consensus of the Board to have Planner Slagle review the clause and come back to the Board with suggested language to remedy the ambiguity.

Mr. Gardner commented that he believes there is a larger problem. He indicated he thinks the entire issue of grandfathering needs to be examined. He noted he had a hard time finding grandfathering in the index of the Township’s ordinance book and commented that it was very difficult to even find anything in the ordinances explaining what is currently allowed. He noted that he did find on page 92:184 a series of provisions which pertain to what can be done on lots in the AVAD between .5 acres and 1 acre and 1 acre and 1.5 acres. He added that he thinks this all dates back to when the zoning was 1.5 and/or 3 acre zoning. He said now the current zoning is 10 acres and nothing has been done to address this issue. Mr. Gardner referred to this section of the ordinance saying it indicates that on a lot 1 acre to 1.5 acres, if the property owner is going to add to the principal building, they must have a side yard setback of at least 30 feet.

Chairman Reilly commented section 92:87(C)(1) is what governed the decision of the Zoning Officer: “Building Additions/Residential Lots.” He said Zoning Officer McManus’ interpretation of what “into required setbacks or yard space” means is the key. Chairman Reilly said Zoning Officer McManus’ interpretation of the “into required setbacks” was the *grandfathered* setback.

Mr. Sageser commented that in his experience, this is the type of situation/application that should always appear before the Board of Adjustment.

Mr. Kneski explained the history of the ordinance saying he was the Township’s Zoning Officer at the time this provision went into existence. He said a number of applications were coming in along Wertsville Road and Old York Road from several homeowners living in the older homes situated within or close to the front setback. Mr. Kneski explained the applications were for home additions on either side of the structure, keeping the front building line in tact and in doing that, it required a variance. The Township then put together an ordinance that would allow a building situated in the front setback to expand on either side without seeking a variance. It was then later broadened to allow expansion on any side of a structure provided it did not violate any of the setbacks.

Comments from Fred Gardner Regarding County ADA as it Relates to FOSPC

Mr. Gardner commented that FOSPC has had a list of targeted farms for possible preservation for years and while they continue to try and work with these property owners, they are not getting much in the way of responses. He said as a goal for 2010 FOSPC wants to expand the list and explore other opportunities for preservation. In doing so, they have discovered that there are 3 farms in the Saddle Shop Road area of about 80 acres each. The parcels are located south of the County Agricultural District and FOSPC thought this may be a problem. Mr. Gardner expressed that they need information on how to address this matter.

Planner Slagle commented that the SADC has changed their criteria and processing of Farmland Preservation. She said a few years ago they came out with a list of guidelines that forced all of the participating Municipalities to redo their Farmland Preservation Plans and Planning Incentive Grant Applications. She explained this was set up to streamline the process and also to set up a rolling deadline of December 15th every year for amendments to a Township's grant application and if need be Master Plan element. Planner Slagle indicated she had spoken to FOSPC Administrator Judy Conard in December when the deadline was rolling forward and at that time it was the 2011 grant period for SADC. She noted that there is 44 million dollars for the entire State for Farmland Preservation. She said if the County has not identified the Saddle Shop Road parcels as part of their ADA it doesn't mean that the Township can't put them in their own project area and move forward at their risk on a municipal level for funding, bypassing the County and relying solely on State funding. Planner Slagle commented that some County's are really tightening up their ADA's and project areas to get a boost in ranking so they're really only going after very viable farmland proportional to the land area of the Township. She said FOSPC could proceed to continue to talk to these 3 landowners with the understanding that they are not in the ADA right now, and begin conversations with the County to see if they will shift their ADA to include them and come December 15th have everything ready to go for the next funding round.

Planner Slagle suggested that Ms. Conard of FOSPC speak with Bill Millette at the County to get more details on the process. She commented this is really not a Planning Board matter. She said the Planning Board aspect of this matter is in relation to the Farmland Preservation Master Plan Element. She said what is really changing with the rolling December 15th deadline is the Planning Incentive Grant applications which is not a Planning Board function.

Oral Reports

FOSPC – no report given.

Agricultural Advisory Committee – no report given.

Environmental Commission – no report given.

SM Smart Growth Grant – no report given.

COAH – no report given.

Wastewater Management – no report given.

PB Secretary – Ms. Andrews commented there is a right to farm application on tomorrow night's CADB agenda regarding DW Vineyards (*the former Amwell Valley Vineyards*) if anyone is interested in attending.

Chairman – no report given.

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Open to the Public

There was no public present at the meeting.

Presentation of Vouchers

A motion by Fred Gardner, seconded by Gail Glashoff to approve the vouchers for payment as listed on the agenda was unanimously approved.

Adjournment

Chairman Reilly adjourned the meeting at 8:36 PM.

Maria Andrews, Administrative Officer