

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
September 8, 2010 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on September 8, 2010 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 21, 2010 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 1, 2010."

Present: Rob Gilbert
Gail Glashoff
Bela Kamensky
Peter Kneski
Linda Lenox
Don Reilly, Chairman
Dart Sageser
Michael Weis
Joe Wolfgang
Roger DeLay
Attorney Norman
Engineer O'Neal
Planner Slagle

Excused: Fred Gardner

Citizens' Privilege to Speak on Items Not on the Agenda

Chairman Reilly opened the floor to public comment. Frances Gavigan of 123 Wertsville Road came forward and informed the Board that energy companies have been scouring the area in search of large tracts of land to install solar farms. She cautioned the Board to be proactive on the matter because she believes solar farms are protected from stormwater regulations and can be erected on preserved land. Ms. Gavigan also commented that she has seen solar panels on many of the telephone poles in Mercer County.

Chairman Reilly noted that the Board is currently reviewing design standards in the Amwell Valley Agricultural District and thanked Mr. Gavigan for her comments.

A motion by Gail Glashoff, seconded by Rob Gilbert to close to the public was unanimously approved.

Review of Minutes

A motion by Rob Gilbert, seconded by Gail Glashoff to approve the Board's minutes from 7/14/10 as revised was approved.

New Business – Other

Public Hearing: Barbara Hay – Block 21 Lots 16 & 16.01 – Site Plan Approval

Present for the application was property owner Barbara Hay. She came forward and was sworn in. Engineer O'Neal reviewed the checklist and it was noted that the Board agreed to grant submission waivers from the following site plan items:

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- #9 – Approval signature and date lines for the Chairperson, Secretary and Township Engineer
- #10 (a) – The names, addresses, block and lot numbers of all property owners within two-hundred feet (200') of the extreme limits of the tract
- #12 – Evidence that a duplicate copy(ies) of the application for minor development has been filed with other governmental agencies having jurisdiction

It was noted that waivers were granted from all items relating to soil logs, environmental impact statement and subdivisions.

A motion by Linda Lenox, seconded by Michael Weis to deem the application complete was unanimously approved. Ms. Hay explained that she is proposing to consolidate her two lots and construct an indoor riding arena and barn. She noted that her business is breeding and training horses and she has been doing this for 30 years in East Amwell Township. Ms. Hay said she had put her land into Farmland Preservation with the understanding that she would use the money from the preservation to construct an indoor riding arena so she can continue to work all through the winter.

The lot consolidation is required to essentially eliminate the property line between the two parcels. It was noted that SADC views the land as one tract but because the property line was never eliminated, it shows on the Township tax map as two lots and the Zoning Officer could not approve the riding arena location because it was too close to the boundary line and would have required a variance. Ms. Hay said she has had the lots consolidated and the deed was filed with the County on 8/18/10.

The riding arena is proposed to be 70' x 212' and the proposed barn will be 36' x 48'.

Attorney Norman commented that he read the deed of consolidation regarding the two lots upon Engineer O'Neal's request. He stated that in order to make the deed technically correct, a legal description needs to be added explaining the resulting combined parcel. Engineer O'Neal explained that this needs to be done in order for the tax maps to be revised. Attorney Norman indicated he will call Ms. Hay's Attorney James Hay and explain what needs to be done.

Mr. Kneski asked if there will be any living quarters in the barn. Ms. Hay said no.

A motion by Linda Lenox, seconded by Dart Sageser to open to the public was unanimously approved. Frances Gavigan of 123 Wertsville Road came forward and was sworn in. She endorsed the application and suggested the Planning Board come up with a better application process for farmers putting up agricultural buildings. A motion by Bela Kamensky, seconded by Rob Gilbert to close to the public was unanimously approved.

Chairman Reilly noted that the Board had discussed this matter at their July meeting and since then, the professionals have had the time to review the site plan. Mr. Weis commented that the proposal is an appropriate use of the land.

A motion by Linda Lenox, seconded by Gail Glashoff to approve the application with the submission waivers was unanimously approved by roll call vote.

Roll Call Vote: Linda Lenox: Yes, Gail Glashoff: Yes, Rob Gilbert: Yes, Bela Kamensky: Yes, Pete Kneski: Yes, Don Reilly: Yes, Dart Sageser: Yes, Michael Weis: Yes, Joe Wolfgang: Yes.

Public Hearing: Dr. J. Dilts House – Block 16 Lot 1 – Site Plan Approval

It was noted that Chairman Reilly and Mr. DeLay recused themselves and stepped down from the dais because they are members of the Kirkpatrick Church who is a property owner within 200’ of the subject lot. Michael Weis, Chairman of the ARC, chaired this portion of the meeting.

Engineer O’Neal reviewed the checklist and it was noted that the Board agreed to grant submission waivers for the following site plan items:

- #6 – Drainage calculations
- #10 – Application number
- #18 – Certification that the applicant is the owner of the land or his/her properly authorized agent, or that the owner has given his/her consent under an option agreement
- #21 – Municipal services and utilities impact statement
- #23 – Traffic Impact Statement, Engineer O’Neal noted that the Board may decide they want additional information regarding the traffic at the site at a later date, but for submission purposes he recommended a waiver
- #28(g) – Wetlands (LOI), Engineer O’Neal remarked that the applicants have gotten a report from a soil scientist in the form of a letter indicating there are no wetlands on the site. He commented that the Board has accepted these types of documents in the past
- #28(o) – Proposed buffer and landscape areas, including any deed restricted buffer, if required
- #28 (s) – Location of found and proposed concrete monuments
- #29 – Proposals for soil erosion and sediment control as required...Engineer O’Neal commented a submission waiver is a reasonable request as long as the soil disturbance is less than 5000 sq. ft.
- #32 – Evidence that a duplicate copy(ies) of the application for major development has been filed with any other agency...

The Board agreed to grant waivers from the following site plan items:

- #4 – Environmental Impact Statement
- #28 (bb) – Lot corners must be “flagged” for purposes of site walks
- #35 – Proof of application to the NJDEP for consistency determination (CD) for a Water Quality Management Plan (WQMP), if applicable, or statement by a NJ licensed engineer that CD is not applicable.

A motion by Gail Glashoff, seconded by Rob Gilbert to deem the application complete was unanimously approved. The applicants came forward and identified themselves as property owners/partners: Adam Wengryn of 118 Peaquest Run, Belvidere, NJ; Tim Johnson of 577 Montgomery Road, Hillsborough, NJ; George Wengryn, Jr. of 504 Route 31, Ringoes, NJ. All parties were sworn in and Mr. Johnson explained that their proposed project is to renovate the property located at 1084 Old York Road in two phases: Phase one is the restoration of the original structure along with parking and a new ingress/egress configuration. Phase two is the restoration and relocation of the existing barn structure into additional commercial leasing space. The renovation of the property is to create commercial office space (1 -4 office spaces) with 16 parking spots and an ADA parking space.

Mr. Johnson commented that their plan does include a landscape buffer. **Exhibit A-1** was presented – a mounted site plan depicting colored shrubs.

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It was noted that an existing issue with the property is the ingress/egress. Mr. Johnson explained that NJDOT had come out to the site and determined that the existing driveway (off of Route 179) must be abandoned because it is not in compliance for a commercial use. Mr. Johnson explained that there is a shared right-of-way (ROW) with adjoining property (Block 16 Lot 1.01) that would allow them to access Route 179 through the parking lot on Lot 1.01 and it is the State's recommendation that this access point be used. Mr. Wengryn clarified that even though the State would like them to use the ROW easement as an access it only provides for an ingress point, not an egress. He noted they are exploring their options to appeal the State's recommendation and also looking into creating an access point off of Wertsville Road.

There was some discussion on the driveway matter and it was the consensus of the Board that since the access issue is so important and can potentially change the entire lot configuration, it must be resolved prior to the Board making any determinations on site plan approval.

A motion by Gail Glashoff, seconded by Rob Gilbert to open to the public was unanimously approved. Adam Lucarini owner of adjoining property (Block 16 Lot 1.01) located at 1080 Old York Road came forward and was sworn in. He expressed concern over the applicants proposing to utilize his existing parking lot as an access for their business. He referenced the deed of easement language regarding the ROW saying, "...the said right-of-way shall be for the free and equal use, for *driveway* purposes only..." Mr. Lucarini explained that Mark Diamond was the previous owner of the property and he had the driveway easement for his own personal access to his pharmacy. Mr. Lucarini indicated the easement was never intended to be used for commercial access. He added that when he purchased the property approximately 8 years ago the Planning Board made him "jump through hoops" to allow the existing bank and deli that are currently operating on the property. Mr. Lucarini stated that the parking lot is configured with one entrance point and one exit point for safety reasons and to allow the applicants access with their potential commercial use would be unsafe. He also commented that he has never received any money from the applicants or anyone else for the maintenance, repairs and snow removal of the jointly owned easement.

Mr. Lucarini remarked that the original property owners, Lincoln Stoddard and John Burke provided written permission to him to allow him to pursue his project of constructing a bank and deli. Mr. Lucarini explained that in turn, he assumed sole responsibility for maintaining, repairing and removing snow on the property—including the easement. He indicated the Planning Board required he obtain Mr. Stoddard's and Mr. Burke's permission. Mr. Lucarini said the applicants are not aware of this subsequent agreement, noting they only have the original deed of easement. Mr. Weis asked Mr. Lucarini if he had copies of the subsequent agreement. Mr. Lucarini commented that his Attorney had the paperwork and said that he did not want to get him involved at this point. Attorney Norman suggested that if Mr. Lucarini has a deed that conflicts with what the applicants presented he should provide a copy of the deed to Planning Board Secretary Andrews. Mr. Lucarini indicated tracking down this information would cost him money and he doesn't want to take time out of his day to do so.

Mr. Lucarini expressed concerns with drainage related to his septic system when the applicants blacktop their property for parking. He also expressed concerns with traffic if the applicants lease commercial space to doctors or other professionals that may have appointments all day long.

Mr. Weis clarified that there seems to be three issues: (1) The legality of the easement (2) The potential for traffic issues and cars traveling through Mr. Lucarini's property (3) Other impacts – drainage, septic and traffic.

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Attorney Norman suggested the applicants try to work out the concerns with NJDOT and Mr. Lucarini and consider carrying the hearing for a certain time period since there are significant issues with the proposed application that still need to be addressed.

Mr. Lucarini added that the zoning for this property is not commercial, but rather Village/Business. He stated that when he bought his property, the post office was currently operating there which was considered “governmental” not commercial and he was forced to get zoning approval to allow the bank. He questioned the applicant’s proposal to allow commercial business. Planner Slagle commented that she doesn’t recall what the zoning or the allowed uses were at the time Mr. Lucarini brought forth his application, but what the applicant’s are proposing is an acceptable use and a permitted use in the zone.

Mr. Weis asked if there were any other members of the public that wanted to comment on the application. Don Reilly of 30 Hart Lane came forward and commented that there are legitimate concerns that need to be addressed but indicated he believes the applicant’s proposed use of the building on their property is appropriate and remarked that the adjoining property will likely benefit from the increased traffic to the site. Mr. Lucarini questioned how the applicant’s proposal would benefit him saying he only receives rent from his tenants and stated, “My rent isn’t going to change whether 3 customers come in a day or 10 customers come in a day.”

A motion by Rob Gilbert, seconded by Pete Kneski to close to the public was unanimously approved.

The applicant’s indicated 6 months would be sufficient time to carry their application. A motion by Gail Glashoff, seconded by Pete Kneski to extend the time, with the applicant’s consent, for the Planning Board to hear the application in this matter to March 31, 2011 was unanimously approved by roll call vote.

Roll Call Vote: Gail Glashoff: Yes, Pete Kneski: Yes, Rob Gilbert: Yes, Bela Kamensky: Yes, Linda Lenox: Yes, Dart Sageser: Yes, Michael Weis: Yes, Joe Wolfgang: Yes.

It was noted that if the applicants wish to return to the Board before March 31, 2011 they will need to provide public notice. If the applicants are not prepared to proceed by March 31, 2011 then they will have to request another extension of time. Attorney Norman commented for the record that if there is a major snow storm in March that would affect this public hearing, then the matter will be carried for 7 months—until April 30, 2011.

It was noted that Chairman Reilly and Mr. DeLay returned to the dais at this time.

Chairman Reilly excused Attorney Norman, Engineer O’Neal and Planner Slagle from the meeting at this time, 9:14 PM.

Oral Reports

FOSPC – No report was given.

Agricultural Advisory Committee – No report was given.

Environmental Commission – Mr. Sageser reported that the 4-H Fair was a success.

SM Smart Growth Grant – No report was given.

HART Representative – No report was given.

COAH – No report was given.

Wastewater Management – No report was given.

AVAD Design Standards – No report was given.

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PB Secretary – No report was given.

Chairman – Mr. Reilly reported that the Township Committee will be dealing with the Tree Harvesting Ordinance at their meeting tomorrow night.

Correspondence

It was noted that there were no comments made on any of the correspondence listed on agenda.

Open to the Public

It was noted that there were no members of the public present at the meeting at this time.

Presentation of Vouchers

A motion by Pete Kneski, seconded by Linda Lenox to approve the vouchers for payment as listed on the agenda was unanimously approved.

Adjournment

Chairman Reilly adjourned the meeting at this time, 9:15 PM.

Maria Andrews, Administrative Officer