

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
February 8, 2012 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on February 8, 2012 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 19, 2012 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 February 2, 2012."

Present: Fred Gardner
Rob Gilbert
Gail Glashoff
Linda Lenox
Don Reilly, Chairman
Dart Sageser
Gail Skupien
Michael Weis
Joe Wolfgang
Roger DeLay – Alt. #1
Attorney Norman
Engineer O'Neal
Planner Slagle

Excused: Edward Feinberg – Alt. #2

Chairman Reilly welcomed new Board Member Gail Skupien to the Planning Board.

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 suggested that the Township's renewable energy ordinance should address maintenance and mowing of any unused portions of land with respect to any proposed solar projects.

Seeing no other members of the public come forward, a motion by Gail Glashoff, seconded by Rob Gilbert to close to the public was unanimously approved.

Chairman Reilly commented that a personnel matter was brought to his attention that the Board needs to address and he asked the members of the public to leave for about 10 minutes so the Board could discuss the matter.

A motion by Gail Glashoff, seconded by Rob Gilbert to go into Executive Session for the purpose of discussing a personnel matter was unanimously approved.

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The Board went into Executive Session from 7:35 PM to 7:42 PM.
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A motion by Rob Gilbert, seconded by Gail Glashoff to return to open public session was unanimously approved. It was noted for the record that Ms. Skupien recused herself from this evenings meeting and stepped down from the dais.

Review of Minutes

A motion by Fred Gardner, seconded by Rob Gilbert to approve the Board’s minutes from 1/11/12 with no revisions noted was approved with Michael Weis and Linda Lenox abstaining.

New Business – Other

Resolution PB#2012-04: Conflict Engineering Services to be Provided by Tom Decker of Van Cleef Engineering.

A motion by Fred Gardner, seconded by Rob Gilbert to approve Resolution PB#2012-04 was unanimously approved.

Public Hearing: Thompson Realty of Princeton, Inc. B:17 L:32 (Back Brook Road) – Final Major Subdivision Approval

Present for the application was Attorney Archibald Reid, property owner Bryce Thompson, Sr., and Engineer Eric Rupnarain of Goldenbaum Baill.

Attorney Reid explained that they are seeking Final Major Subdivision Approval on a project that has already received preliminary approval to create 6 building lots off of Back Brook Road.

Attorney Norman swore everyone in and Engineer Rupnarain came forward. He provided his background credentials and the Board accepted him as an expert to provide testimony on this application.

Exhibit A-1 was presented – a mounted site plan sheet depicting the 62 acre parcel showing the 6 new lots. Engineer Rupnarain explained that the parcel is located on the northeast side of Back Brook Road. He indicated the lot sizes will be: 4 acres, 4.97 acres, 5.33 acres, 13.03 acres, 16.68 acres and 19.91 acres. He noted all of the lots will have frontage on Back Brook Road but only three new driveway cuts will be needed for the lots. He noted that lot 32.14 is the only lot that will not share a common driveway. He stated that the parcel currently contains mature woods throughout the site with natural hedgerows. Engineer Rupnarain indicated the wetlands areas will have conservation easements.

Attorney Reid asked if there was a fire safety concern with the proposed lots. Engineer Rupnarain indicated they are proposing a 30,000 gallon underground water tank with an easement allowing the Township Fire Company access to maintain it.

Attorney Reid remarked that there is one outstanding issue raised by Engineer O’Neal’s memo concerning buffering. He explained that at the time preliminary approval was granted the applicant had agreed to create easements on all of the hedgerows and they will be subject to the Attorney Norman’s review.

Mr. Thompson, Sr. came forward and shared his thoughts on land preservation. He noted that he and several family member all live on preserved farms within the Township and he stated that he has sold 3400 acres to preservation over the past 40 years within many different counties in New Jersey.

Attorney Reid noted that the Letter of Interpretation previously received is still in effect and he presented an updated letter from the NJDEP.

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Engineer O’Neal reviewed his memo making the following recommendation:

1. The three flag lots should be deed restricted against further subdivision to ensure future compliance with the lot-averaging provisions of the Township’s Land Management Ordinance.
2. Conservation easements should be placed around wetlands and buffer areas, including preserved hedgerows, and shown on the plat and noted on the deeds.
3. All utilities to the 6 new lots shall be underground.
4. Deeds for the shared common driveways must be reviewed by Attorney Norman
5. Property deeds shall include language noting compliance with Stormwater regulations is required at the time the CO is applied for.
6. Right-to-Farm language will also be included in the deeds.
7. All relevant site easements must be shown on the plan and included in the deeds.

Planner Slagle reviewed her memo making the following recommendations:

1. The applicant shall provide additional landscaping along the “S” curve driveway area of lot 32 to mitigate potential headlight glare. The landscaping will be reviewed and approved by Planner Slagle.
2. The applicant will soften the second curve in the driveway along the southern corner of lot 32.

There was some discussion on the fencing requirement in the Ordinance regarding the installation of a fence between preserved land and developed land. The Board Engineer and Planner both agreed that in this case, the previously required condition of Preliminary Subdivision Approval should be waived since conservation easements will be established around the existing hedgerows and the proposed fence location is already densely wooded which provides an adequate natural buffer.

There was some concern expressed by a few Board Members over the odd driveway configurations. Engineer Rupnarain explained that the plan was drawn to leave as much open land as possible for potential farming activities. It was also noted that the driveways were approved per the preliminary approval.

Mr. Gardner asked Mr. Thompson, Sr. if there was any possibility of establishing trail easements on the property. Mr. Thompson, Sr. commented that it has taken several years to get to this point of subdivision approval with many revisions made along the way and he indicated he did not want to make any additional changes to the proposal at this time.

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

Beverly Smith of 30 Back Brook Road came forward and was sworn in. She expressed opposition to the Final Subdivision approval stating they moved into the Township in 2008 and had no idea of the preliminary approval to develop the surrounding land. She noted that 6 new homes on Back Brook Road is a lot and said, “...traffic is pretty intense on that road now.” Ms. Smith asked why this development has to be done. Attorney Norman explained that the applicant received preliminary approval in March 2006 and noted that under the MLUL regarding Final Subdivision approval, the Board’s only job is to review the final plan to ensure consistency with the preliminary plan.

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Chairman Reilly remarked that land development is complicated and explained to Ms. Smith that when she moved into the Township there was 60 acres of land surrounding her home and the Ordinance at that time would have allowed for six building lots to be developed and he noted that nothing has changed and the subdivision was already approved when she purchased her home.

Ms. Smith asked where the water for the underground tank will come from. Engineer O’Neal explained that the applicant is responsible for filling it first and then the Fire Company will maintain it.

Pam McGovern of 36 Back Brook Road came forward and was sworn in. She asked for details on the water tank and expressed concern for potential leaks. Engineer O’Neal explained the tank is a 30,000 gallon double walled fiberglass cylindrical tank that is placed in pea gravel for protection and he noted that there is little concern and rarely any problems with them. Ms. McGovern asked if there is any intention to build on speculation. Attorney Reid commented that if a single developer came in and a price was negotiated, that type of development could happen. He noted that traditionally they sell the lots individually and stated that he didn’t want to make any promises.

Toni Robbi of 144 Lambertville-Hopewell Road came forward and was sworn in. He commented on the required buffering and hedgerows noting that the Environmental Commission had submitted a report to the Planning Board in 2006. Chairman Reilly noted that the issues brought up by Mr. Robbi have been discussed previously and are part of the record at the time preliminary approval was granted. Mr. Robbi remarked that since then the Zuegner farm has been preserved and he commented that the hedgerow on that side of the subject parcel should now be required to have the characteristics of a fence. Attorney Norman noted that once the conditions of preliminary approval are set, they become fixed and the Board cannot change them at final approval regardless of what happens to surrounding properties.

Mr. Robbi stated he serves on the Environmental Commission and has inspected conservation easements. He noted it is very useful to have some corners marked. Attorney Reid noted that they will agree to mark the ends of each wetland easement on the site so anyone inspecting the easement will be able to delineate the area.

Seeing no other members of the public come forward, a motion by Fred Gardner, seconded by Michael Weis to close to the public was unanimously approved.

Mr. Sageser suggested the site plan should reflect the current surrounding property owners. Attorney Reid agreed to revise the site plan with the updated information.

Engineer O’Neal noted the following possible conditions of final approval:

1. The flag lots will be deed restricted from further subdivision
2. Conservation easements will be placed around wetlands and buffer areas, shown on the plat and noted on the deeds
3. All utilities for the 6 lots shall be underground, noted on the plat and noted on the deeds
4. Confirmation that Hunterdon County Planning Board has reviewed the plans
5. Maximum of 3 driveway cuts on Back Brook Road with common driveway easements with specific driveway locations shown on the plans
6. Waiver granted for landscape and buffer plan because conservation easements were provided
7. Waiver from Section 92-54: Installation of Fire Protection System because underground tank will be provided in accordance with Section 92-54
8. Right-to-Farm language shall be included in the deeds and on the final plat

9. Revise plat to be submitted in conformance with the map filing law of NJ
10. Waiver from required fencing along northern boundary of the parcel
11. Execution of site easements for Attorney review and shown on the site plan
12. Property deeds shall include language noting compliance with Stormwater regulations is required at the time a CO is applied for
13. Execution of Developer's Agreement and posting of Performance Bond
14. Obtain driveway permits for each driveway apron as required under the Ordinance
15. Site plan must be updated to reflect the current surrounding property owners
16. Five markers will be added to delineate the wetlands at the site
17. Review of softened driveway curves and additional landscaping to be approved by the Board Professionals

A motion by Gail Glashoff, seconded by Michael Weis to approve the Thompson Final Subdivision Approval with the conditions noted above was unanimously approved by roll call vote.

Roll Call Vote: Gail Glashoff: Yes, Michael Weis: Yes, Fred Gardner: Yes, Rob Gilbert: Yes, Linda Lenox: Yes, Don Reilly: Yes, Dart Sageser: Yes, Joe Wolfgang: Yes, Roger DeLay: Yes

Discussion: Approval of 2012 List of PB Goals and Objectives

Planner Slagle outlined the following Planning Board Goals and Objectives for 2012 noting some highlights:

1. Master Plan Re-exam
2. AVAD Design Standards – noting the ANJEC Grant availability
3. Tree Harvesting Ordinance revisions
4. Solar Ordinance revisions – noting possible landscape buffering changes to include: Permitting berms, a listing of appropriate tree species, mixing deciduous trees and evergreens and conducting a final landscape review prior to the issuance of a CO. Other possible revisions may include requiring a construction staging plan, requiring a detailed decommissioning plan, permitting dual uses on sites, limiting the size of allowed solar sites and requiring long term maintenance plans for unused land on any solar site. Mr. Gardner suggested the language in the Ordinance regarding “grading” of land be clarified as well.

It was noted that the consensus of the Board was to request Planner Slagle amend the Renewable Energy Ordinance and present a draft revision at the Board's next meeting.

Other Planning Board Goals and Objectives included establishing a definition for corner lots, establishing language for fire protection systems and creating separate checklists for Preliminary Subdivision Approval and Final Subdivision Approval.

Planner Slagle also noted that attached to the list of 2012 Planning Board Goals and Objectives, she provided a brief background memo regarding the State's Strategic Plan which will be replacing the State's current Development and Redevelopment Plan. She explained that the new plan allows for more flexibility and remarked that she will continue to provide the Board with updates as the State moves forward with the Plan.

A motion by Dart Sageser, seconded by Rob Gilbert to adopt Planner Slagle's list of 2012 Planning Board Goals and Objectives was unanimously approved.

Discussion: Historic Preservation Ordinance

Barbara Sageser, Chair of the Historic Preservation Committee came forward and explained that she would like to work with the Board on establishing a demolition ordinance regarding historic structures. She showed an old site map done by Banisch Associates in 2004 depicting the locations of historic sites/structures within the Township and commented that the map has a corresponding excel spread sheet listing each location.

Ms. Sageser stated the Historic Committee is currently working to update the listing. She indicated their goal is to establish a demolition ordinance that would offer options other than destruction or delay the destruction of any historic site within the Township long enough for the location to be adequately documented and inventoried.

Chairman Reilly clarified that the intent of any potential demolition ordinance would be to offer the owner of any historic property options other than destruction of the site and in the absence of reaching an agreement the Historic Preservation Committee would be given the opportunity to catalog the site. Chairman Reilly encouraged Ms. Sageser to continue to work with the Board on this matter and provide progress updates.

Frances Gavigan of 123 Wertsville Road came forward and suggested that as part of the Planning Board's 2012 Goals and Objectives, the proper language should be incorporated into the Master Plan to allow for the Board to tap into the resources of the Historic Preservation Committee and Environmental Commission when considering preserving structures and resources within the Township. Chairman Reilly remarked this may be an entirely different issue and he stated what Ms. Sageser is focusing on trying to establish a demolition ordinance. Ms. Gavigan also suggested the Planning Board consider sharing some of their professional resources since the Historic Committee has such a tight budget. Chairman Reilly remarked that all of the Boards are facing budget constraints.

It was noted for the record that Attorney Norman, Engineer O'Neal and Planner Slagle were excused from the meeting at this time, 10:11 PM.

Oral Reports

FOSPC – No report given

Agricultural Advisory Committee – Ms. Glashoff reported that the Committee is currently working on establishing their 2012 budget. Mr. Sageser remarked that has a new member of the Township Committee, it would be tremendously helpful if each Board/Committee submitted a paragraph explaining what items they would like considered for budget purposes and why.

Environmental Commission – No report given

Wastewater Management – No report given

PB Secretary – No report given

Chairman – Chairman Reilly commented that he believes the Board made a very rational decision regarding the buffering associated with the Thompson application heard this evening. He remarked that he believes the right approach was to take advantage of the natural buffers.

Open to the Public

Chairman Reilly opened the floor to public comment. It was noted for the record that no one from the public came forward. A motion by Fred Gardner, seconded by Rob Gilbert to close to the public was unanimously approved.

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Correspondence

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

Presentation of Vouchers

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

Adjournment

A motion by Roger DeLay, seconded by Michael Weis to adjourn was unanimously approved.

The meeting adjourned at 10:18 PM.

Maria Andrews, Administrative Officer