

**EAST AMWELL PLANNING BOARD MINUTES**  
**7:30 PM East Amwell Municipal Building**  
**April 8, 2015 - Meeting**

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

This meeting of the East Amwell Planning Board was opened on April 8, 2015 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 22, 2015 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 April 2, 2015."

**Present:** Fred Gardner  
Rob Gilbert  
Gail Glashoff  
Don Reilly, Chairman  
Dart Sageser  
David Wang-Iverson  
Peter Kneski  
John Buckwalter – *Alt. #1*  
Planner Slagle

**Excused:** Roger DeLay  
Linda Lenox  
Dante DiPirro – *Alt. #2*

The Board welcomed new Planning Board Member Peter Kneski.

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

A motion by Rob Gilbert, seconded by Peter Kneski to open the floor to public comment was unanimously approved. Frances Gavigan of 123 Wertsville Road came forward and commented on doing research in another county and used East Amwell's Flood Management Plan as an example of the way to do things and she stated that the Hunterdon County website has a draft from 2010-2011 which is not updated. Ms. Gavigan indicated that she discovered during her research that there was a situation where FEMA came down on the NJDEP regarding the manner in which construction ordinances were established. She noted in some cases residents were not eligible for flood insurance and suggested East Amwell may want to look into ensuring that residents are/remain eligible. Ms. Gavigan commented that the County had a meeting on the 25<sup>th</sup> to address emergency management and risk determination. Mr. Kneski commented that his understanding is that the manager of the local flood insurance program is the Construction Official. He explained the DCA believes that when you are dealing with flood plains and flood insurance programs it is relative to the type of construction that would occur within flood plains and the best person to monitor and understand this criteria is the Construction Official. 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.

**Approval of Minutes**

A motion by Gail Glashoff, seconded by Dart Sageser to approve the Board's 2/11/15 minutes with no revisions noted was approved with Mr. Kneski, Mr. Gardner and Mr. Gilbert abstaining.

**New Business – Other**

**Discussion: Process for Approving Vouchers for Payment**

Chairman Reilly explained that this matter came up at a meeting held for all of the Board Chairs and Secretaries/Administrators were asked to attend. He stated the new Township CFO has requested that Boards consider either authorizing the Chairs or the Secretaries/Administrators to approve the vouchers on a regular basis so that in the event a meeting is cancelled, the bill payment process doesn't stop and vouchers aren't waiting for approval over several months. Chairman Reilly indicated that if the Board considers implementing this procedure, all of the vouchers will still be listed on the agenda as "Approved Vouchers" instead of "Vouchers for Payment" so the Board remains aware of all of its expenses.

A motion by Gail Glashoff, seconded by Rob Gilbert to allow the Board Chairman to approve and sign off on vouchers as necessary was unanimously approved.

**Discussion: Latest COAH Decisions**

Planner Slagle provided the Board with a memo outlining the Supreme Court's most recent decision. She stated the Court has come back and reaffirmed that inclusionary zoning is likely the most direct way a municipality can meet its affordable housing obligation. She noted the difference for East Amwell vs. many other towns is that East Amwell received substantive certification in 2009 and what that means now is that the town will get a little deferential treatment and COAH will be "generously inclined" to grant East Amwell some immunity while planning for the new COAH requirements.

Planner Slagle remarked that the effective date of the Court Order was delayed until 6/8/15 to allow for a smooth transition and then the Township will have 5 months from that date to get their plan submitted. She stated the numbers have changed. Last year there was a 55 unit obligation and now the figure is 202 units per the Fair Share Housing Center (FSHC) and 65 units per COAH, to be established by 2024.

Mr. Sageser asked who FSHC is. Planner Slagle explained they are an organization promoting the Fair Housing Act and the entity who leads the charge in all of the litigation that has been on-going the past several years.

Chairman Reilly commented that if the Township files a declaratory judgment we will have 5 months to put a plan together, picking some number that we believe is defensible, that will likely be challenged. Planner Slagle said yes. Mr. Gardner asked if it would be reasonable to think that a Judge would give the Township additional time to submit a revised plan if they didn't agree with the first one. Planner Slagle noted that as it stands right now COAH is doing individual assessments which means that as the plans come in, they will be assessed as to whether or not the Township has made a good faith effort to meet the COAH obligation and promote planning that will encourage affordable housing. She stated that if the answer is yes, then the Township may be granted additional immunity.

Mr. Sageser asked what constitutes a plan. Planner Slagle indicated the plan will follow the same format as previous ones with a new section explaining how the 65 units will be addressed. Mr. Sageser asked what the Township's monetary obligation is to make this happen. Chairman Reilly asked if there is a limit to the bonus that can be offered under the new guidelines. Planner Slagle stated she believes it is 10%. Chairman Reilly commented that the Township would need a builder to put in 500 units in order to get 50 COAH units.

Mr. Gardner asked if it is reasonable to have part of the COAH obligation satisfied by organizations that may be able to fit into a zone within the Township where this type of housing can be promoted and encouraged. Planner Slagle commented that the Township has to review ways they can achieve establishing the required COAH units through zoning or through group homes, etc. She said there are many organizations such as Habitat for Humanity, Homeless Solutions, Veteran Housing... where the Township donates a piece of land and helps the organization get through the permitting process and they then build and maintain the property.

Mr. Gilbert asked if the Township creates a plan to build the required COAH units, does that take away our ability to contest the numbers in the future if we determine the required amount of units are impossible to build? Planner Slagle commented that COAH would rather see the Township amend their Housing Plan to eliminate a non-viable option and draft something that can work, than to sit on a stagnant plan. She remarked if you have a stagnant plan you are at the most risk because COAH will view that as essentially having no plan at all because there is no realistic hope of establishing the required affordable housing.

Mr. Sageser asked if there is any example in the country of COAH working. Planner Slagle stated that New Jersey and California are the only two states that require affordable housing and California handles it more regionally. She commented that she does not know if it's working.

Chairman Reilly commented that FSHC indicates we must build 202 units and COAH is requiring 65 units. He asked if Banisch Associates has a number that the Township should be working towards if a plan was to be submitted. Planner Slagle indicated 65 units is what the Township should be focusing on trying to address.

It was noted that the Township has until 7/8/15 to file a Declaratory Judgment and once that is filed and accepted, the Township will have 5 months to put a plan together. Planner Slagle commented that we need to utilize our time to figure out how the Township can implement the required 65 units. Chairman Reilly remarked that he believes COAH has limited resources and that they will be chasing the municipalities who require a significant amount of affordable housing units. He stated East Amwell will likely have creditability with a submitted plan as long as we continue to do things in a rational and reasonable way.

**Discussion: Open Space and Recreation Plan Update**

Chairman Reilly noted that Planner Banisch had prepared a memo dated 2/10/15 regarding updating the Open Space and Recreation Plan per the Board's request. The update would include review of the following areas:

- Executive Summary
- Goals and Policies
- Inventory
- Needs Analysis
- Resource Assessment
- Action Plan
- Open Space System Map
- Additional Parcel Data Requirements
- Public Participation
- Planning Adoption

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Mr. Gardner remarked that it is important to keep the Open Space and Recreation Plan updated if the Township wants to continue to receive Green Acres funding. Planner Slagle clarified that the Recreation and Open Space Inventory (ROSI) must be updated regularly in order for the Township to receive Planning Incentive Grant (PIG) funding and stated that there is no requirement to update the Open Space and Recreation Plan.

It was noted for the record that since the Open Space and Recreation Plan was adopted in October 2005 it should be updated. Planner Slagle indicated she will get an updated plan to the Board sometime this summer for review.

**Discussion: Continued Implementation of the Village Study**

Mr. Wang-Iverson commented that the Township Committee has adopted an Unfit Building Ordinance to address safety concerns on properties and has purchased two solar speed signs in an effort to calm traffic in the Village. He also noted that the adoption of a Complete Streets Resolution is listed on tomorrow night's Township Committee agenda and that they are also working on the introduction of a Nuisance Ordinance to address the maintenance of foreclosed properties as well as a Vacant Property Ordinance to address the maintenance of abandoned properties.

Mr. Wang-Iverson also commented that he had spoken to Freeholders John King and John Lanza this afternoon and mentioned the desire to bring the library back to the Village. Mr. Wang-Iverson stated that Mr. Lanza was very enthusiastic about the proposal the Township had submitted to the Library Commission last year. Mr. Wang-Iverson remarked that the Township needs to keep pursuing this matter.

**Oral Reports**

FOSPC – Mr. Gardner commented that the FOSPC meeting is this Monday and indicated FOSPC is working on updating their preservation list of properties of interest.

Agricultural Advisory Committee – It was noted that no Ag Committee has been established yet for 2015.

Environmental Commission – Mr. Sageser commented that Greenfest is scheduled for 5/9/15 and that Environmental is applying for an ANJEC grant to develop a Cider Mill trail and parking area.

PB Secretary – No report was given.

Chairman – Chairman Reilly commented that Mr. Gilbert had spoken to him about an issue. Mr. Gilbert explained that he has a new client at work and will be traveling much more frequently resulting in his missing some Planning Board meetings. He stated that he had asked Chairman Reilly if he should consider resigning or taking a leave of absence because he didn't want the Board to think he was a non-attending member. Chairman Reilly commented that he encouraged Mr. Gilbert not to resign because he has been on the Board for a number of years and offers a wealth of experience. He commented that he would hate to see him leave due to a period of sporadically missed meetings and suggested that if it becomes a problem it can be discussed at that time.

**Correspondence**

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

**Open to the Public**

A motion by Dart Sageser, seconded by Peter Kneski to open to the public was unanimously approved. Frances Gavigan of 123 Wertsville Road came forward and suggested that perhaps some COAH units can be addressed through existing apartments on farms within the Township. Seeing no other members of the public come forward, a motion by Rob Gilbert, seconded by Peter Kneski to close to the public was unanimously approved.

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**Presentation of Vouchers**

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

**Adjournment**

Chairman Reilly adjourned the meeting at 8:58 PM.

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Maria Andrews, Administrative Officer