

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
December 9, 2015 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on December 9, 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 December 3, 2015."

Present: Roger DeLay
Fred Gardner
Rob Gilbert
Gail Glashoff
Linda Lenox
Don Reilly, Chairman
Dart Sageser
David Wang-Iverson
Peter Kneski
John Buckwalter – *Alt. #1*
Attorney Chris Norman
Planner Joanna Slagle
Engineer Dennis O'Neal

Excused: Dante DiPirro – *Alt. #2*

Citizens' Privilege to Speak on Items not on the Agenda

A motion by Linda Lenox, seconded by Pete Kneski to open to the public was unanimously approved. Seeing no members of the public come forward, a motion by Fred Gardner, seconded by Roger DeLay to close to the public was unanimously approved.

Review of Minutes

A motion by Fred Gardner, seconded by Linda Lenox to approve the Board's 10/14/15 minutes as revised was approved with Ms. Glashoff abstaining.

New Business – Other

Resolution of Approval: Resolution PB#2015-04: Section 26 MLUL Review – Proposed Zoning Amendments to Section 92-13F, Expiration of Variance, of Chapter 92 Land Management of the Ordinance of the Township of East Amwell

A motion by Roger DeLay, seconded by Rob Gilbert to approve Resolution PB#2015-04 was approved by voice vote with Mr. Gardner abstaining.

Resolution of Approval: Resolution PB#2015-05: Appointment of Stephen Souza, PhD as Special Planning Board Hydrogeologist and Approval of Related Contract

A motion by Rob Gilbert, seconded by Dart Sageser to approve Resolution PB#2015-05 and the related contract was unanimously approved by voice vote.

Public Hearing: Carrega Properties, LLC – Block 12 Lot 12 – 1059 Old York Road – Minor Site Plan Review

Present for the application was property owner Louis Carrega, his Attorney Peter Lanfrit, Land Surveyor David Newton and Realtor Rick Alberalla

Planner Slagle referred to her review memo and noted the requested waivers were reasonable. She indicated the application could be found to be complete. A motion by Rob Gilbert, seconded by Fred Gardner to deem the application complete and grant the requested waivers was unanimously approved by voice vote.

Attorney Lanfrit came forward and explained his client is seeking preliminary and final minor site plan approval for a change of use to allow retail and office space in the existing building. It was noted that the property is located in the Village District and is a .60 acre lot currently developed with a one-story building, garage and associated parking and driveway areas.

Attorney Lanfrit explained for the Board that his client was originally sent to the Board of Adjustment for use variance approval but the Zoning Board Attorney had determined that the Board did not have jurisdiction because while retail and office space is conditionally permitted in the Village District, there are no specific conditions outlined in the ordinance therefore a use variance is not required, but rather site plan approval which is why the application is now before the Planning Board. Attorney Lanfrit requested that if the Board approves the application, he would like the resolution to permit what is allowed under the ordinance so his client does not have to come back to the Board.

Mr. Carrega came forward and stated he has owned the property for 10 years. When he purchased it there was a realtor/insurance office, a commercial roofer who used the garage for storage and a portion of the building was unoccupied. He explained the property has been vacant for about a year and Realtor Alberalla has found a tenant who is interested in running an equestrian retail operation on the site. He stated the business would be open Monday – Friday 10 AM to 5 PM and Thursday evenings until 8 PM. He noted there would be 2 employees on site and stated the business typically only has 2 – 3 customers weekly. He noted deliveries come by UPS or Fedex box truck and stated no tractor trailers or animals would be coming to the site.

Mr. Carrega indicated a lease has been prepared for the business but not signed until he can ensure approval from the Board. The equestrian business would be occupying approximately two thirds of the building. He remarked that the remaining third may be rented to a small business operation with equipment storage in the garage.

Surveyor Newton came forward and provided his credentials to the Board. He was accepted as an expert to provide testimony on this application. He explained that he had prepared the site survey and stated no additional lighting will be needed, no dumpster, no additional landscaping and noted that any new signage will conform with all zoning requirements.

Mr. Buckwalter asked about the utilities. Mr. Carrega indicated PSE&G has 3 meters on the building and stated there won't be any changes made to the utilities.

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Mr. Sageser asked for clarification on the allocation of the building space. Mr. Carrega explained that the equestrian business will occupy the center and right portion of the front building. He stated the garage space is only for storage, no auto mechanics, and only for use by an existing tenant. Engineer O’Neal clarified that the building is approximately 2050 sq. ft.

Mr. Gardner asked about the existing parking on site. Mr. Carrega explained that tenants park in the rear of the site and customer parking is available in the front of the site. Engineer O’Neal noted the ordinance requires 1 space for every 150 sq. ft. of building space. He remarked that the equestrian business would require about 10 parking spaces under the ordinance if it’s going to occupy two thirds of the building.

Attorney Norman asked how many additional spaces could potentially be provided on the site. Engineer O’Neal commented that he believed there could be 3 parking spaces in the rear of the property facing the dumpster pad that can be striped for employees and if the spots were strictly for employee usage he indicated 4 spaces could potentially be squeezed in. It was noted that a design waiver would still be required because the site technically requires a total of 14 parking spaces.

There was some discussion on the applicant not having to return to the Board for a change of use if another tenant expresses interest to conduct a permitted use within the zone. Attorney Lanfrit noted that he is aware there are permitted uses that would not be conducive to the site such as a restaurant. He stated they have no issue not seeking a restaurant tenant. He did say that if wanted to change from a tack shop to a dress shop he didn’t want his client to have to come back for Planning Board approval. Chairman Reilly commented the Board will need to be very specific as to what permitted uses are low impact uses, similar to what is currently being proposed. Attorney Lanfrit stated the ordinances spells it out well and read, “...retail sales of consumable products, wearing apparel, pharmaceutical, hardware, appliances, household goods, confectionary, stationary, printed materials and similar goods in small scale retail operations and not large scale merchandise department stores or supermarket type operations.”

Mr. Kneski asked if any additional landscaping is being proposed. The applicant indicated no. Engineer O’Neal asked about additional signage. Attorney Lanfrit stated any additional signage will conform with the zoning ordinance requirements.

A motion by Gail Glashoff, seconded by Pete Kneski to open to the public was unanimously approved.

Ilona English of 9 Runyon Mill Road came forward and was sworn in. She requested to be accepted as an expert and listed the following credentials: A real estate degree from the University of Pennsylvania and the Wharton School of Business, a horse breeder ranked first in the United States, a masters degree in historic preservation from the University of Pennsylvania and she noted she serves on the Board of that University’s Veterinary School. Ms. Glashoff commented that Ms. English’s credentials sounded good.

Ms. English stated she believes it is sad Mr. Carrega had to go through all of this to get approval to rent to an equestrian shop. She commented the Village looks terrible and the Township needs business in that area. She remarked that a saddle shop is appropriate and noted the Village District had such businesses in it going back to the 1700s. Ms. English expressed that the horse industry in the State of NJ is the second largest agricultural industry but noted East Amwell always puts its horse community “to the wall” for reasons she will never understand. Ms. English stated the horse people produce a lot of industry in the Township because they buy all of the hay from the local farmers. She commented the equestrian shop will not have a lot of daily customers. It will service the local area and bring some vitality to the Village District. She questioned why the Zoning Officer couldn’t have approved this without making the property

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owner waste time and money. She stated the Township needs to get back to being “real and regular people” and she asked the Board to explain why property owners are being micromanaged.

Attorney Norman stated, “The process has been established to remain agnostic to the use because the decision itself to say we like this use, we don’t like this type of use...you run the risk of it becoming discriminatory.”

Frances Gavigan of 123 Wertsville Road came forward and referenced a Rocktown Road/Route 31 property. She commented that the property owner has been forced to come to the Zoning Board and spend a few thousand dollars on use variance approval each time a tenant changes. Ms. Gavigan remarked that the Board had crafted an approval that was broad enough to encompass many retail uses so the property owner had some flexibility with tenants. She also expressed support for the proposed application and commented that there are many reasons why a tack shop should do well in the Township.

Will Harrison of 4 Larison Lane came forward and stated the Board has spent way too much time on this matter indicating much of what has been discussed is grandfathered and expressed support for the application with the request that any outdoor storage be kept to a minimum.

Megan Van Horn of 1061 Old York Road came forward and was sworn in. She stated that she has no problem with the current application but expressed concern over possible expansion of tenants and traffic at the site. She also remarked that parking at the rear of the site impacts her privacy in her backyard and deck area. Ms. Van Horn stated that when they bought their property they were told Mr. Carrega’s property could be used for office space, not retail. Chairman Reilly explained that the change in use is what is triggering the application for site plan approval and that retail use is permitted in the zone. He noted that if the uses were to change significantly, they would have to return to the Board for additional review and approval.

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

Chairman Reilly commented that he believes the property is self limiting to low impact uses and remarked that crafting the right language in order to minimize the property owner’s need to return to the Board when there is a change of use is the key. Mr. Gardner expressed that he thinks the current change of use is acceptable and believes it makes sense for the Board to try and simplify future tenant changes for the owner. Mr. Sageser suggested additional buffering along the side and rear of the property may help mitigate the neighboring property owner’s concerns.

Surveyor Newton commented that the Van Horn’s fence already encroaches 5 ft. onto Mr. Carrega’s property. Attorney Lanfrit suggested they screen off the rear of the subject site by continuing some sort of buffer from the end of the Van Horn’s fence to the end of Mr. Carrega’s parking area. Planner Slagle suggested evergreen trees be planted along the parking area to minimize headlight glare and provide some privacy screening.

Attorney Norman suggested the following possible conditions of approval:
County Planning Board approval or letter of no interest
The garage be utilized only for tenant storage
No change of use is required for small scale retail, excluding restaurant usage
Evergreen plantings to screen the parking area

Letter of no interest from the State, re: Old York Road
Design waiver for parking (9 spaces where 14 are required)
Design waiver from parking space size (9' x 18' where 10' x 20' is required)
3 employee parking spots will be striped (9' x 18') in the rear of the property
A handicapped parking space will be designated out front

A motion was made by Rob Gilbert and seconded by Gail Glashoff approving the minor site plan application with the conditions outlined by Attorney Norman. The motion was unanimously approved by roll call vote.

Roll Call Vote: Rob Gilbert: Yes, Gail Glashoff: Yes, Roger DeLay: Yes, Fred Gardner: Yes, Linda Lenox: Yes, Don Reilly: Yes, Dart Sageser: Yes, David Wang-Iverson: Yes, Peter Kneski: Yes

Public Hearing: The Ridge at Back Brook – Block 25 Lot 10 – 211 Wertsville Road – Request to Amend Approved Site Plan and Conditions of Approval

Present for the public hearing was property owner Joel Moore, his Attorney David Gordon and Hydrogeologist Matt Mulhall.

Planner Slagle referred to her completeness review memo and noted the following points: No information was provided regarding the water monitoring and therefore she was deferring to Township Hydrogeologist Stephen Souza, no details were given regarding the request to eliminate the cap on the maximum number of guests (*250 people*) allowed at events and no details were provided regarding the requested modifications to the short game area and therefore she was deferring to Township Engineer O'Neal.

Chairman Reilly asked Hydrogeologist Souza about the water testing. He indicated he has been working with Hydrogeologist Mulhall to establish a monitoring program that would be less frequent than the currently required annual sampling but yet still be effective. It was noted that Hydrogeologist Souza would likely be recommending that water monitoring take place every 3 years but additional details still needed to be worked out.

Chairman Reilly asked the Board Members if they had enough information to proceed with the public hearing this evening. He remarked that the essential application submission materials need to be received 10 days prior to the meeting in order for the public to be able to review them if they wished to do so and the Board's Professionals need to have adequate time to look over the information as well. It was noted that the water monitoring information was received by Chairman Reilly via an email he received from Hydrogeologist Souza just the other day. He expressed concern that all of the necessary information on several aspects of the application had not been received. Mr. Gardner, Ms. Glashoff and Mr. DeLay agreed with the sentiment.

Attorney Gordon indicated he had submitted additional information on the removal of the condition regarding the limit of 250 people on the property and for the nature of the request on the short game area modifications. With regard to the water monitoring, Attorney Gordon explained that what they are asking for is that the Planning Board approve the recommendations of the Hydrogeologists. He clarified that the condition in the original approval states that we, "...provide a water quality monitoring plan confirming sampling locations of 2 monitoring wells and 3 surface water monitoring stations. Sampling frequency and sampling methodology to the satisfaction of the Township Environmental Consultant and approval of the Planning Board." He stated this is an issue for the professionals to work out and simply bring forth to the Planning Board for approval. He stated the issue is not something new.

After some continued brief discussion, it was the consensus of the Board that additional detailed information needed to be provided on the various aspects of the requests being made prior to the Board feeling comfortable moving forward with a public hearing on the matter. A motion was made by Roger DeLay and seconded by Gail Glashoff to deem the application incomplete. The motion was unanimously approved by roll call vote.

Roll Call Vote: Roger DeLay: Yes, Gail Glashoff: Yes, Fred Gardner: Yes, Rob Gilbert: Yes, Linda Lenox: Yes, Don Reilly: Yes, Dart Sageser: Yes, David Wang-Iverson: Yes, Peter Kneski: Yes

Chairman Reilly re-ordered the agenda to address the oral reports before the Board moved into Executive Session.

Oral Reports

FOSPC – Mr. Gardner reported that the plans for preserving 2 of Mr. Higgins’ parcels that abut North Hill Road are moving forward. He noted the County has given approval for a portion of the funding.

Environmental Commission – No report was given.

PB Secretary – No report was given.

Chairman – No report was given.

Correspondence

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

Open to the Public

Chairman Reilly opened the floor to public comment. Frances Gavigan of 123 Wertsville Road came forward and commented that she was glad to see one of this evening’s applications deemed incomplete. She brought up escrow and remarked that she made an OPRA request and saw that a lot of money has been expended to accommodate The Ridge. Ms. Gavigan shared her research saying The Ridge set up a \$1000 escrow account on 9/9/15 and compared it to the New Market Farm escrow that was established 3/15/13 and closed 6/3/15 with a total cost to the applicant of \$30,284.71. She expressed concern with the process and the costs to applicants.

Ilona English of 9 Runyon Mill Road came forward and commented that when you have large lot zoning you end up with gentrification which is when there is nowhere for senior citizens to stay and nowhere for young families to afford to live. She read a portion of the Board’s 9/9/15 minutes regarding a comment made by Mr. Gardner on The Ridge property, “...the subject parcel is over 300 acres and if the golf course wasn’t there the land would potentially have 30 homes on it.” Ms. English remarked that this is impossible and noted that just because you have 300 acres and 10 acre zoning does not mean 30 houses could be built because it doesn’t account for the roadways, the wetlands or the steep slopes. Mr. Gardner remarked that the ordinance has a cluster provision. She stated she believes these types of comments scare people into thinking something like this may actually evolve when it’s not possible. Ms. English also commented on The Ridge’s water monitoring discussion and remarked that pesticides are not an issue for mammals like us or the ones kept on properties, it is the herbicides that are the problem. She advocated for more water monitoring on the site, not less. She also questioned how the Township will be able to handle large scale events that The Ridge is seeking to hold.

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Executive Session

A motion by Gail Glashoff, seconded by Rob Gilbert to go into Executive Session for the purposes of discussing pending litigation was unanimously approved.

The Board was in Executive Session from 9:34 PM – 9:45 PM.

Adjournment

Chairman Reilly adjourned the meeting at 9:46 PM.

Maria Andrews, Administrative Officer