

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
March 9, 2016 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on March 9, 2016 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 28, 2016 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 March 3, 2016."

Present: Roger DeLay
Fred Gardner
Rob Gilbert
Gail Glashoff
Don Reilly, *Chairman*
Dart Sageser
David Wang-Iverson
Peter Kneski
John Buckwalter – *Alt. #1*
Dante DiPirro – *Alt. #2*

Excused: Linda Lenox

Citizens' Privilege to Speak on Items not on the Agenda

Chairman Reilly opened the floor to the public. Seeing no one come forward, a motion by Rob Gilbert, seconded by Fred Gardner to close to the public was unanimously approved.

Review of Minutes

A motion by Gail Glashoff, seconded by Rob Gilbert to approve the Board's 2/10/16 minutes with no revisions noted was approved with Mr. Gardner and Mr. Kneski abstaining. Mr. Gardner expressed that while he was not at the Board's February meeting he would like to comment on the two references that were made implying that the Board of Adjustment should have done something to force the owner of the Peacock's property to incorporate COAH units into the rebuild after the original structure was destroyed by a fire. Mr. Gardner stated that he checked into this and was told that the Board of Adjustment was given legal advice that they had no leverage to force the owner to do so. He noted the Board asked for COAH units but that the discussion didn't go any further.

New Business – Other

Public Hearing: Brian Parker & Robert and Sara Anderson – Block 37 Lots 4 & 4.01 – Minor Subdivision/Lot Line Adjustment: 174 Lindbergh Road

Chairman Reilly noted that there were several members of the public present this evening and briefly explained the public hearing process for their benefit.

Chairman Reilly remarked that the Board must first make a completeness determination. He referred to the memos received by the Board's Professionals and indicated they recommended the application could be found to be complete. A motion Fred Gardner, seconded by Dart Sageser to deem the application complete was unanimously approved by voice vote.

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Present for the public hearing was property owner Brian Parker and his Planner Tamara Lee. Chairman Reilly swore in Planner Lee and the Board accepted her as an expert to provide testimony on this application.

Planner Lee explained the subject property is a 34.1 acre site on Lindbergh Road located in the Sourland Mountain District. She noted the proposed subdivision includes two lots: A 6 acre parcel (Lot 4.01) owned by Robert and Sara Anderson off of Lindbergh Road and a 28.1 acre parcel (Lot 4) owned by Brian Parker with frontage on Lindbergh Road and Burd Lane. She noted that after the proposed lot line adjustment, Lot 4.01 will become 17.5 acres and Lot 4 will become 16.5 acres. It was noted that both lots currently have existing dwellings on them and that there are no variances needed for the proposed subdivision. She noted this proposal is an opportunity to make a currently non-conforming lot, conforming.

Planner Lee explained that the proposed new lot line follows an old stone row/wall through the woods that made a logical new lot line. She speculated it may have been used to delineate property lines years ago. She noted the subdivision was agreed to by the property owners because the Anderson's wished to enlarge their parcel and Mr. Parker wanted to recoup some of the funds he used to purchase his property.

Planner Lee remarked that Mr. Parker is not sure what he is going to do with the existing home. He may rent it out or demolish it and rebuild a new dwelling. Planner Lee noted that while there are no variances associated with the proposed lot line adjustment there are some pre-existing non-conforming variance conditions related to the existing dwelling, the garage and the lot width along Burd Lane. She explained that if Mr. Parker does decide to demolish the existing home, he would build a new home that conforms with the zoning requirements.

Planner Lee referred to the review memos submitted by Planner Slagle and Engineer O'Neal and stated that they have no problem complying with any of the items outlined in their memos and suggested they be included in the resolution as conditions of approval.

Chairman Reilly clarified that the proposed subdivision does not exacerbate any existing non-conforming conditions and will result in two conforming lots in respect to lot size. He asked if there were any easements or agreements that would impact the lots. Planner Lee explained that Burd Lane is a private road so there is an access easement for all of the residents that live there. She stated the easement functions like a shared driveway.

Chairman Reilly referred to Engineer O'Neal's review memo dated 2/29/16 and noted the following items must be addressed:

4. Two of the "missing" corner markers will be added to the site plan
5. The site triangle will be delineated on the site plan
6. All new corner markers will be added to the site plan
8. Deed descriptions will be reviewed and approved by the Planning Board Attorney
9. The Tax Assessor shall approve the lot numbers

Planner Lee agreed to address the items outlined above.

Mr. Sageser commented that he understands Burd Lane is a private road but asked if it would be prudent to request a 50' road right-of-way easement in case things change in the future and the road becomes public. He remarked he knows the Township currently plows the road and occasionally repairs it. Planner Lee noted that the residents on Burd Lane pay a special assessment for those services.

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Ms. Glashoff asked how wide Burd Lane is. Chairman Reilly stated the site plan indicates it is 30 feet.

Mr. Kneski commented that under the Township’s ordinance, the setbacks are based on the Master Plan right-of-ways. He said normally the minimum right-of-way is 50 feet.

Planner Lee stated the setbacks on the site plan are based on the current easement lines. She noted that if the Township wants a wider easement, it cannot be centered because the existing house will be in the easement. She suggested the plans be amended to reflect a “future easement.” After some brief discussion it was the consensus of the Board to show a 50 foot right-of-way future easement to be delineated on Lot 4 which will include a reference note explaining that the right-of-way will be implemented if Burd Lane becomes a public road or if the existing home is demolished and another home is built on the property.

A motion by Pete Kneski, seconded by Gail Glashoff to open to the public was unanimously approved. Virginia Feola of 12 Burd Lane came forward and was sworn in by Chairman Reilly. She asked for clarification on the easement. Planner Lee explained where the new “future easement” line would be and Ms. Feola had no further questions or comments.

Seeing no other members of the public come forward, a motion by Pete Kneski, seconded by Roger DeLay to close to the public was unanimously approved.

A motion by Fred Gardner, seconded by Gail Glashoff to approve the minor subdivision with item numbers 4, 5, 6, 8, and 9 outlined above in Engineer O’Neal’s review memo being included as conditions of approval along with the reference note and site plan delineation regarding the 50 foot future right-of-way easement and all other required outside agency approvals was unanimously approved by roll call vote.

Roll Call Vote: Fred Gardner: Yes, Gail Glashoff: Yes, Roger DeLay: Yes, Rob Gilbert: Yes, Don Reilly: Yes, Dart Sageser: Yes, David Wang-Iverson: Yes, Pete Kneski: Yes, John Buckwalter: Yes

Discussion: COAH – Status Update: The Board May Enter Into Executive Session – Approval of Resolution PB#2016-07

It was noted for the record that the Board did not enter into Executive Session to discuss this matter. Chairman Reilly commented that there isn’t a lot of new information but he provided a brief overview for any members of the public that weren’t present at the Board’s February meeting. He stated that the Board’s expectation is to know what the Township’s required COAH obligation will be by the end of this July. He commented that this information will provide clear direction on how the Planning Board will draft their amended Fair Share Housing Plan. Chairman Reilly remarked that East Amwell’s COAH obligation will likely be somewhere between 65 and 296 units. He stated he believes that the Township will have 90 days after the number is determined to submit the plan to the Court. He noted the plan will include several affordable housing options and he stated one of those is the development of the tract of land owned by Thompson Realty that has been discussed at prior meetings. Chairman Reilly explained that Thompson has submitted to the Court to be an “Intervener” meaning they have expressed an interest in working with the Township to resolve their COAH obligation.

A motion by Gail Glashoff, seconded by Rob Gilbert to open to the public was unanimously approved. Patricia Stabler of 37 Dutch Lane came forward and commented that it seems like the Thompson property is the Township’s contingency plan and asked if other properties have been explored. Chairman Reilly explained that the Board Planner is currently exploring other parcels on this side of Route 202 but noted Mr. Thompson has an advantage because he has submitted to the Court to be an Intervener. Ms. Stabler

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asked why the Township wants major development along the highway. Chairman Reilly explained that the highway corridor can accommodate more traffic than the Township roads. Ms. Stabler expressed concern that her property will back up to a parking lot if this property is developed. Chairman Reilly stated that the Planning Board will do everything possible to minimize the impact to the neighbors and the surrounding viewshed.

Ms. Stabler asked what the “tipping point” is for exploring other options. Chairman Reilly explained that the Township can get credit for about 30 COAH units using existing housing stock and he remarked that if the Courts say the Township’s requirement is 50 units then they may be able to reach that number by seeking group homes. However, he clarified if the Courts recognize that East Amwell has a developer who is willing to voluntarily build the required number of COAH units developers must build market rate units as well. He commented that for this type of development that may mean 250 – 300 units in order for the project to be economically viable.

Mr. Sageser commented on market rate vs. affordable units and said that given Hunterdon’s relatively high medium income and how it applies to COAH he remarked that ironically the rents being charged at the former Peacock property qualify for affordable housing. He stated that even though the housing isn’t technically restricted, it is “affordable housing.” Mr. Sageser commented that he doesn’t believe people will be able to tell the difference between a market rate and an affordable unit. Ms. Stabler expressed that her concern is not with income levels but rather having development in an area that she treasures as being undeveloped.

Frances Gavigan of 123 Wertsville Road came forward and noted there are about 15 acres behind the Presbyterian Church in town that belong to the Case Family Estate along with some other properties and asked if anything is being done to look at other opportunities. She asked if a sewer treatment plant will be required if 250 units are developed. Chairman Reilly confirmed that a 250 unit apartment complex will require a treatment plant. Ms. Gavigan commented that not all properties are created equally and noted there are aquifers and different levels of soil quality. She suggested the Township be open to considering land along State Highway 31 and County Route 518. Chairman Reilly noted that the Planner is reviewing other properties and he stated Mr. Thompson will have to provide data demonstrating his property can accommodate the Township’s needs.

Luke Kirby of 41 Dutch Lane came forward and asked if there was a way to stay apprised of the results of any land suitability testing done by Mr. Thompson. Chairman Reilly stated that Mr. Thompson would have to supply that information voluntarily at this stage. Mr. Kirby expressed his desire to see the Township be proactive rather than reactive and asked if there would be any perks for surrounding property owners such as access to natural gas lines. Chairman Reilly commented Mr. Kirby’s point is a good one and believed that if there were enough potential customers the gas company probably would run the lines.

Patricia Stabler of 37 Dutch Lane came forward again and asked how much time she will have to decide whether or not to list her property for sale. Chairman Reilly commented that his personal belief is that a spade won’t hit the dirt for at least 2 years and even then any development would likely be phased in.

Luke Kirby of 41 Dutch Lane came forward again and asked why Mr. Thompson didn’t develop what he was allowed to originally build. Chairman Reilly commented that there was no market.

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Seeing no other members of the public come forward, a motion by Roger Delay and seconded by Pete Kneski to close to the public was unanimously approved by voice vote.

Oral Reports

FOSPC – Mr. Gardner commented that preservation of the Higgins property is proceeding. He also reported that regretfully their Administrator Pam Thier has resigned. Mr. Gardner expressed that she was an absolutely ideal Administrator for the position.

Environmental Commission – No report was given.

PB Secretary – No report was given.

Chairman – No report was given.

Correspondence

Administrative Officer Andrews clarified that the new detail at the bottom of the annual report from the Board of Adjustment regarding receipt of signed site plans on approved projects was implemented as a tracking mechanism that she and Engineer O’Neal devised.

Presentation of Vouchers

It was noted for the record that there were no comments made regarding the vouchers.

Adjournment

A motion by Fred Gardner, seconded by Rob Gilbert to adjourn the meeting was unanimously approved by voice vote.

The meeting adjourned at 8:37 PM

Maria Andrews, Administrative Officer

Note: These minutes have not been formally approved and are subject to change at the Board’s 4/13/16 meeting.