

**EAST AMWELL TOWNSHIP PLANNING BOARD
MEETING AGENDA
East Amwell Township Municipal Building
1070 Route 202, Ringoes, NJ 08551
January 31, 2023 @ 7:00pm**

CALL TO ORDER

The Special Meeting was called to order by Chair Timothy Willey at 7:02 p.m.

FLAG SALUTE

STATEMENT OF COMPLIANCE

ATTENDANCE

In attendance : Chair Timothy Willey, Vice Chair Marnie Stetson, Mayor Jenna Casper-Bloom, Jamal Kadri, Nathalie Nelson, John Seramba, Al Nardi, Michael Mills, Emily Deadwyler, Breona Pirrone, Richard Catenacci, Michael Gum, Kristen Panos.
Excused : Councilman Dante DiPirro. Also in attendance: Attorney Linda Gallela, Planner Elena Gable, Engineer Paul Ferriero.

REVIEW OF AGENDA

The Resolution to Rescind the appointment of McNally, Yaros, Kaczynski & Lime was introduced by Chair Willey because of scheduling conflicts with the firm.

A motion was made by Vice Chair Stetson, second by Mr. Mills.

In favor: Jamal Kadri, Nathalie Nelson, John Seramba, Al Nardi, Michael Mills, Mayor Jenna Casper-Bloom, Vice Chair Stetson, Chair Willey.

RESOLUTION FOR BOARD ATTORNEY

PB Resolution # 2023-07 was introduced by Chair Willey. A motion was made by Vice Chair Stetson, and second by Ms. Nelson.

In favor : Jamal Kadri, Nathalie Nelson, John Seramba, Al Nardi, Michael Mills, Mayor Jenna Casper-Bloom, Vice Chair Stetson, Chair Willey.

RESOLUTION FOR BOARD ENGINEER

PB Resolution # 2023-05 was introduced to be memorialized by Chair Willey. A motion was made by Councilman DiPirro, second by Mr. Seramba at the January 11, 2023 Reorganization meeting.

In favor : Jamal Kadri, Nathalie Nelson, John Seramba, Al Nardi, Michael Mills, Mayor Jenna Casper-Bloom, Vice Chair Stetson, Chair Willey.

CITIZENS PRIVILEGE TO SPEAK ON ITEMS NOT ON THE AGENDA

A motion was made to open to the public to speak on items not on the agenda by Mr. Nardi, second by Mr. Seramba. All in favor.

Unidentified speaker, asked Board members to speak louder and into the microphone.

Francis Gavigan, East Amwell resident, spoke about the issues of having too many deer in the region.

A motion was made to close to the public comment on items not on the agenda by Mr. Nardi and second by Ms. Nelson. All in favor.

UNFINISHED BUSINESS

1. UAW Urban Renewal Housing Corp.
aka Region Nine Senior Housing
20 John Ringo Road

Block: 27.01 Lot:18.01
Village District
**USE VARIANCE WITH
PRELIMINARY SITE PLAN
AND BULK VARIANCES**

Unfinished Business was introduced by Chair Willey. Mayor Casper-Bloom recused herself. Attorney Gallela attended housekeeping by certifying that new Board members had listened to the recordings of previous meetings where the application was covered. Mr. Nardi and Mr. Kadri both testified that they had listened to all testimony and commentary on the matter. Ms. Deadwyler recused herself from the Board for this application.

Attorney Lanza introduced himself as the representative of the applicant. He had produced missing exhibits A-1, A-2 and A-3 to the Board and the Board Secretary. He confirmed the plans of the applicant to let the existing house remain with improvements, with the intention of coming back to the Board for a subdivision in the future. Attorney Lanza asked that the subdivision be identified as a condition of approval, as this would allow the applicant to obtain funding to keep and maintain the existing house. It was determined it is in the best interest for the property and to keep the character of the historic district. He ensured the Board that the applicant is committed to being a part of the community.

Engineer Eric Riparian was sworn in by Attorney Gallela. Engineer Riparian testified that he is the engineer that designed the site, the stormwater management system, layout, lighting, landscaping, etc. Attorney Lanza asked if Engineer Riparian had done anything to address the neighbor's concerns in regards to the lighting and landscaping. Engineer Riparian said that the site plan has evergreen trees along the property line, but the

neighbor has requested Arborvitae trees be planted instead. The double row of evergreen trees would be replaced with a single row of Arborvitae trees extending along the Southerly line and Easterly line of the property in an L-shape. The applicant is amenable to that change. Engineer Riparian will have to include that change to the site plans dependent on the Board's approval. Engineer Riparian showed the Board where that change will take place on the plans.

In regards to fire suppression, Engineer Riparian testified that throughout the entire 24 unit building the applicant will be required to install a sprinkler system. The sprinkler system will meet all required fire protection standards and Federal fire suppression codes.

A bulk C variance is required because the building height exceeds the permitted 35' allowable height. The additional part of the building in which the applicant is seeking the variance is for decorative purposes only. That space is not meant for occupancy or any storage. All occupancy will be on the ground level, second and third floor. Attorney Lanza asked Engineer Riparian what size ladder will be needed to reach occupants on the third floor. Engineer Riparian stated that a ladder anywhere between 30'-40' could reach the third floor windows.

The applicant represented through Attorney Lanza that there would be a subdivision of the house from the development in the future. Engineer Riparian was asked if the applicant had him provide a concept plan of the subdivision. Engineer Riparian stated that he had in fact created that concept plan. The concept plan was introduced to the Board as Exhibit A-12.

Attorney Lanza stated it is conceptual to show that the subdivision is feasible. There was some discussion to clarify the need for a D(1) variance. The applicant intends to make an application for the subdivision in the future. The subdivision line will be to the west of the proposed septic system which will serve both the residence and the 24 unit dwelling. Attorney Lanza stated the septic is designed for 26 units. As the applicant has looked into how to restore and maintain the building, it was determined the existing house along the frontage of John Ringoes Rd. could be subdivided from the rear of the property. The subdivision, as is being contemplated, will be about .63 acres which is undersized for the current zoning, which requires 1 acre. Cross-easements will be proposed. Since the proposed septic system will have capacity for 26 units, this is a cross-easement that the applicant will request. An additional cross-easement will require allowing some parking to be partially located on the new lot.

The intention is to keep the residence for residential use to keep the character of the historic building. A discussion was held about the Historical Preservation Committee report by John F. Allen, Jr., East Amwell Historian on October 25, 2020. A copy of the report was provided to Attorney Lanza by Mr. Seramba.

Mr. Seramba asked if the applicant would consider speaking to all of the neighbors about screening along their properties. Engineer Riparian confirmed the applicant would speak to additional neighbors in regards to extending the arborvitae tree line.

Chair Willey opened the questioning of the applicant's Engineer to the Planning Board Professionals.

Engineer Ferriero asked the applicant if the subsequent subdivision application would still require a D(1) variance for a two-family home. Attorney Lanza testified the existing house was a two-family home. Engineer Ferriero explained that intensifying the non-conforming use requires a new D(3) variance for the expansion of non-conforming use. Also, in regards to the septic system, it will require a number of approvals at the State level, such as a water quality management plan amendment, and Treatment Works Approval. He continued to explain that any septic system over 2,000 gallons a day, will be reviewed and approved at the State level.

Planner Gable asked questions about building height and also the proposed trash enclosure. Discussion and clarification ensued.

Mr. Catenacci motioned to open to the public to question Engineer Riparian on the testimony, Mr. Nardi second the motion.

David Bond, East Amwell resident, asked about the septic system, the well and wetlands on site. Engineer Riparian addressed Mr. Bond's questions.

Alison Occurso, East Amwell resident, asked if a landscape architect could testify as to the longevity of the Arborvitae.

Francis Gavigan, East Amwell resident, asked Engineer Riparian more questions about the septic system, wetlands, landscaping and the two family house. She also asked about the applicant's communications with the Township's fire department. Engineer Riparian addressed her questions.

Noelle Wiggins, East Amwell resident, asked about the older trees towards the back of the property. Engineer Riparian stated trees that could remain would be along the property line of the fire company, but most of the trees will have to be cleared.

Laura Olson, East Amwell resident, asked more questions about the septic system and Engineer Riparian addressed them.

Rick Wolfe, East Amwell resident, asked questions about the approval process that governs new septic systems and wells. Engineer Riparian explained the process.

Matthew Ruper, East Amwell resident, asked questions about the potential impact of the new septic system and well on his nearby well. Engineer Riparian stated that the septic system on this property will not have any impact on Mr. Ruper being able to maintain or replace the next door septic system, also that it will not impair his leach field. Engineer Riparian stated the applicant agrees to test Mr. Ruper's well system for the first 5 years of the development being inhabited. Mr. Ruper also asked for any landscape architect who

could recommend more native trees along the property line to please reach out to him. The applicant agreed to consider more native trees instead of arborvitae.

A motion was made to close the public questions to the Engineer Riparian by Vice Chair Stetson, second by Ms. Nelson.

Attorney Lanza next called Planner Francis Banisch to testify. Attorney Gallela swore Planner Banisch in before the Board. Planner Banisch testified that he previously testified in front of the Board as the applicant's planner, that he is a licensed planner in the State of New Jersey, that he previously served as the Township of East Amwell's professional planner and that the Township has an fair share housing plan. Planner Banisch stated East Amwell's Housing Element and Fair Share Housing Plan that was signed on August 11, 2019 was designed by Planner Banisch's office. It was subject of a compliance and repose judgment in Superior Court where the Township pursued the avenue that was made available to municipalities part of the COAH process. It was subject of a third round compliance judgment and received a durational adjustment, which is an adjustment to Fair Share because there is a lack of water or sewer or both. There have been 8 units created as a result of this plan. The inclusionary zoning, for the other 29 units, apart from the rental bonuses, the 89 inclusionary zoning opportunities will not come to fruition during the Third Round. It is impossible because nobody is applying for anything to be built before July 2025. The reason he says this is because there is a Consent Order, Exhibit A-13, that was entered into the Fair Share Housing Center to assure East Amwell as the proposal by this applicant does not conflict with the Township's Final Judgment of Compliance and Repose. The Township will be guaranteed crediting availability for these 24 units for the Fourth Round. It is not needed for the Third Round, but will provide real low and moderate housing for the future of East Amwell.

He further testified that the proposed use is an inherently beneficial use for East Amwell, and that the applicant will comply with all of the conditions, including the building height to avoid having to request a D(1) variance.

Planner Banisch was asked to review the negative criteria of this project. He reviewed both the public good and the impact of the project on the public interest.

Mr Catenacci asked if East Amwell would receive credit for every unit of the 24 unit development. Planner Banisch confirmed that is true. There will be less development from this proposal than if the 4 inclusionary zones were proposed to be developed. More infrastructure would be needed to support the larger developments, such as is seen in surrounding towns.

Engineer Ferriero asked about the parking variance, noting that it might also require a diminutive exception under the residential site improvement standards. Engineer Ferriero asked Planner Banisch if it is justified under the same variance. Planner Banisch responded that it is. Engineer Ferriero stated if the Board was to approve this, it would have to mention diminutive exceptions in the approval.

Planner Gable asked for clarification of the building height and the associated bulk variance required. Attorney Lanza confirmed the applicant is asking for the variance. Planner Gable further asked if the applicant ever considered placing this project in one of the inclusionary zones, Planner Banisch stated that he was unaware if the applicant considered this project in a different location.

Planner Gable asked how the density of the overlay zones compare to this site. Planner Banisch reviewed the information. Planner Gable clarified for the Board that the overlay zones would permit 6 units per acre where 16% of the units are required for affordable housing in the inclusionary zoning. Planner Banisch stated by comparison that 6 units per acre is the minimum density for COAH affordable housing. The average density for multifamily inclusionary housing is 10 units per acre. The approximate density for this development after the subdivision would be 24 units divided by 6 acres, resulting in a density of 4 units per acre. Attorney Gallela asked if the density provided was only calculated using the buildable land. Planner Banisch said it is on the overall tract of land and that the ordinance does not require non-buildable land to be taken out of the equation.

Lastly, Planner Gable asked if Planner Banisch was aware of any caps limiting the number of senior affordable units. Planner Banisch stated that he has never gotten close to the 25% cap on senior affordable units. Planner Gable clarified that the 25% senior cap is on your total obligation. When asked if the 24 units wouldn't push East Amwell past that 25% cap, Planner Banisch referred to the Consent Order stating that is why he received the Consent Order and that it should also include any rental bonuses.

A motion was made by Vice Chair Stetson to open the meeting to the public to ask questions to Planner Banisch, it was seconded by Mr. Nardi.

David Bond, East Amwell resident, asked if the applicant intends to bring adequate water and sewer to the site. Planner Banisch responded that the applicant will provide water and sewer to the site.

Noelle Wiggins, East Amwell resident, asked about LYNK bus service and whether people from the Township will have any priority for affordable housing. Planner Banisch clarified his previous comments on these issues.

Timothy Matthews, East Amwell resident, asked if there are statistics from other affordable housing developments regarding how many local residents ultimately occupied the units. Planner Banisch said he was unaware but he could look into it. Mr. Matthews also asked about the overlay zoning and if that could also be accredited towards Round 4. Planner Banisch stated that he believes that would have to stay in place and in Round 4 the State will require another assignment of need.

Laura Olsen, East Amwell resident, asked about the inclusionary zones permitting major development outside of the Village. Planner Banisch referenced the two pieces of Thompson property on Route 202 and two pieces of property behind the church. Those are places where major development, 450 houses, could be built.

Francis Gavigan, East Amwell resident, asked how prospective tenants would be identified. Planner Banisch explained that the affordable housing would be administered by creating a lottery and a pool of applicants.

Ann Christiansen, East Amwell resident, asked who is making the decision of who gets housing in this development. Planner Banisch stated applicants that will get priority for the senior housing at this development will be from the Hunterdon County, Middlesex County and Somerset County region.

Planner Gable asked if the applicant will be providing their own Administrative Agent services. Planner Banisch stated that he never discussed that with the applicant. He said he could ask the owners what they plan to do.

Mr. Comroe, applicant, stated the Department of Community Affairs will be certifying the resident's income.

A motion was made to close the public questioning of Mr. Banisch by Mr. Nardi, and second by Chair Willey.

Mr. Lanza stated that the applicant rests. Chair Willey asked for any additional questions from the professionals. No additional questions were made.

A motion was made to open to the public for comments by Mr. Seramba, second by Ms. Nelson.

Allison Accurso, East Amwell resident, noted that this project is in her backyard. She said the applicant has addressed her concerns and she thinks UAW Region 9 will be a good neighbor to us in East Amwell.

David Bond, East Amwell resident, expressed concern about water and sewer service, the project's density and the newly proposed, but future, subdivision.

Noelle Wiggins, East Amwell resident, produced a letter from the Concerned Citizens of East Amwell. Attorney Gallela stated that the letter could be read into the record for the Board to consider the content. Ms. Wiggins continued to read the following letter:

“Re: Use Variance Application by East Amwell UAW Urban Renewal
Housing Corp. 20 John Ringo Rd.
Block 27.01, Lot 18.01

Dear Chairman Willey and Members of the Planning Board:

We write on behalf of concerned citizens of Ringoes to oppose the above-noted Use Variance Application (the “Application”) submitted by East Amwell UAW Urban Renewal Housing Corp. (the “Applicant”).

1. THE APPLICATION WOULD IRREVERSIBLY DAMAGE THE PROTECTED HISTORIC CHARACTER OF THE VILLAGE DISTRICT.

The Ringoes Historic District possesses significance in the areas of settlement pattern, architecture, education, communications, transportation, commerce, agriculture, and industry. The village exemplifies the small agglomerate settlements that proliferated throughout the region in the 18th and 19th centuries to serve its dispersed agricultural population, and whose moderate ~~later~~ growth later reflected their limited access to 19th-century transportation innovations.

The Ringoes Historic District has architectural significance as an assemblage of modest, mostly 19th century buildings whose construction, form, detailing, and spatial organization are representative of the rural region's vernacular architecture in that era. Significance in the area of education stems from its two 19th century private schools: the Amwell Academy, typical of the many private schools providing a classically based education established throughout the region in the 19th century, and the Academy of Science and Art, whose founder, local physician Dr. Cornelius W. Larison (1837-1910), sought to provide interested youths with an education in the natural sciences. Besides his work as a physician and educator, Dr. Larison was active as an author, editor, publisher, and exponent of phonetic spelling, writing on a variety of subjects including health, education, and local history, as well as phonetic spelling, and operating a "Fonic Publishing House" at Ringoes for many years. His efforts in these fields give the Ringoes Historic District significance in the area of communications.

Ringoes has transportation significance because of its railroad station, one of the few surviving Hunterdon County examples, and the only one to retain its original function. The Ringoes Historic District possesses commercial significance because of its store, lodge halls and tavern, physical documents of the important economic and social roles of such establishments in small rural communities. Agricultural and industrial significance are due to the milk station/dairy and the tomato cannery, which are representative of the small plants established throughout the region in the later 19th century, usually in locations with rail access, to process local agricultural products. Additional industrial significance comes from the blacksmith shop, the last survivor of the artisan shops once such a feature of the village and vital in establishing its role as a rural service center. Archaeological resources relating to the area's 18th- and 19th-century material culture also may be present in the environs of district buildings and sites.

As a result, Ringoes has managed to preserve much of its 19th/early 20th century character despite the loss of many of its historic commercial and industrial resources and the intrusion of several modern commercial and institutional buildings. A majority of the Ringoes Historic District's buildings were erected c.1850-1930, although several are earlier or later and one house dates to the middle of the 18th century. The distinctive historical character of the village results from the survival of these buildings, their linear organization with varied spacing and set back, and their

juxtaposition with the surrounding open countryside to the south and west. These resources — mostly dwellings with attendant outbuildings, but including a number of commercial, institutional, and industrial buildings as well — are in general well preserved and exhibit relatively few modern alterations. Collectively they possess architectural significance. Their form, construction, detailing, and siting provide a representative illustration of the rural region's essentially vernacular architecture in the 19th and early 20th centuries. The tavern, lower store, grange hall, dairy and tomato cannery buildings, typical of the area's small rural commercial and industrial buildings, are all small-scaled buildings of unadorned utilitarian design. The influence of popular architectural styles is readily apparent in the design and/or detailing of many district buildings. Many houses are essentially vernacular structures of traditional or popular type embellished with detailing associated with the [Federal](#), [Greek Revival](#), [Italianate](#), [Gothic Revival](#), [Colonial Revival](#).
https://www.livingplaces.com/NJ/Hunterdon_County/East_Amwell_Township/Ringoes_Historic_District.html

2. THE APPLICATION REPRESENTS A DRAMATIC AND IRREVERSIBLE DEPARTURE FROM THE TOWNSHIP'S ENFORCEABLE PLAN FOR THE VILLAGE DISTRICT.

The Historic District of Ringoes was on the National Register of Historic Places in 1990 and has its own Museum. Its historic Character is protected by Section 92-94 of the Township of East Amwell Ordinances, which states:

... This zone is established to set specific standards to protect the character of the designated areas and the historic Village of Ringoes. ***Major changes in land use relationships are not intended.*** The areas are basically developed. ***Major housing development is intended to take place around the villages, not in them. As the Township grows in population, the village is intended to provide local not regional needs and services.*** Rather, other commercial services should be provided in order to protect the present balance of commercial and residential uses having emerged in a rural area.

Yet, despite the clear language of this ordinance, the Applicant has applied for a use variance that does not just “vary” from the ordinance, but *directly contradicts* the ordinance, and its purpose. We submit that the Planning Board does not have discretion to grant a “use variance” that is so far outside the clear and unambiguous intent of Section 92-94.

First, the only permitted principle uses within the Village District are (1) detached single family homes, (2) parks and playgrounds, (3) firehouses and municipal facilities, (4) houses of worship, and (5) antique shops. All other principal uses are prohibited. Furthermore, the Application for a use variance to build a 24-unit

“modern” apartment building within the Village District would constitute a “major change,” which is expressly prohibited by Section 92-94 (“*major changes in land use relationships are not intended.*”)

Second, the ordinance expressly provides that “*major housing development is intended to take place around the villages, not in them.*” Yet, Applicant seeks to do precisely what the ordinance expressly prohibits – to construct a “major housing development” within the Village District.

Third, Applicant’s proposed structure would damage the historic character of the Village District, which the ordinance was enacted to protect. The Applicant’s proposed structure does not have the charm of the Historic Village of Ringoes. It is evident that virtually no effort has been made by the Applicant to reflect the historic character of the Village District. Just because a building has a cosmetic front porch does not mean that it has the same charm as the majority of the homes in Ringoes. The Historic Village District does not allow for apartment buildings for this reason, to keep the charm of the Village (§ 92-95). The plans do not fit the uniform building period, style or design. The larger structure or overbuilding will affect historic feeling of the Village, the character of the neighborhood is deserving of protection and this will be a factor to be seriously considered. New development should be compatible and respect the established physical character of the historic village of Ringoes. On December 12, 2022, Mr. Banisch said, “towns turn into city” and their architect said, “they do this in cities all the time”. Ringoes is not a city, and the ordinance is intended to ensure it does not become one. (Attached are pictures of a few homes in Ringoes.)

Furthermore, the most recent version of the Application made publicly available stated that the Applicant will tear down the current dwelling on the property, which was built circa 1819, and is listed on the National Register of Historic Places. That the Applicant would seek to destroy such an important part of Ringoes’ heritage shows how little regard the Applicant has both for our town, and for our duly-enacted ordinances.

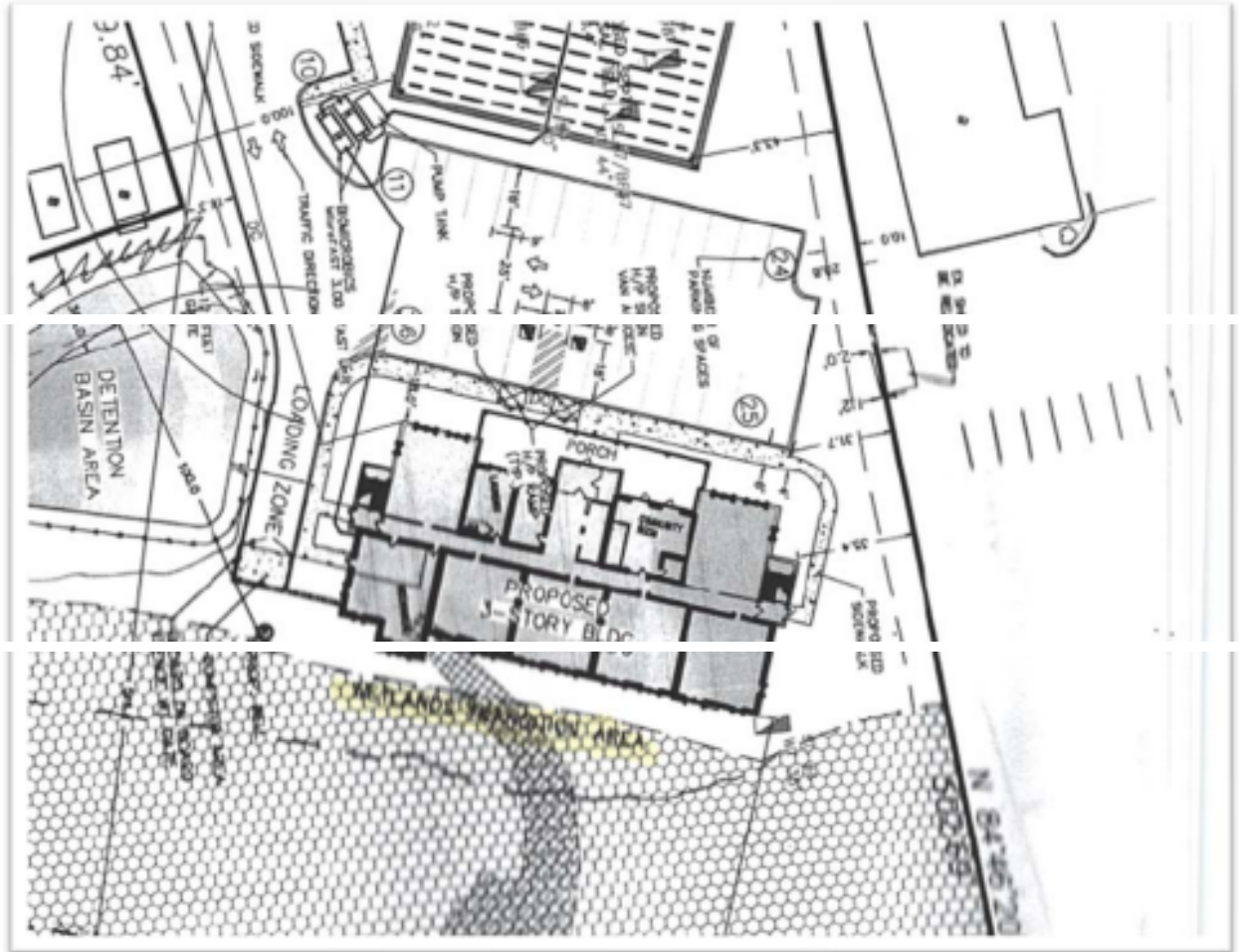
We are informed that Applicant has made unwritten representations that this dwelling will not be torn down, but will be renovated. But, to our knowledge, the Applicant has not detailed how this would be achieved, or provided a detailed plan for renovation and use.

3. VIEWS

For some of the surrounding homes the apartment building will ruin the views and visual enjoyment of open areas shared by the community as a whole and the negative impact of insensitive and obstructive overbuilding on greenery and openness. Applicant’s own reports state that adjoining residences will experience light glare at night.

4. DRAINAGE & SEPTIC

The foundations of the older homes and businesses are particularly vulnerable to water leakage and lot drainage problems created by new development. The proposed apartment building would be constructed as close as possible to adjoining wetlands and with a mound septic system.



This raises a considerable risk that the proposed project will divert water, and cause additional water damage to the existing homes, businesses, parks, and roadways within the Village District. This risk has not been adequately addressed by Applicant.

Furthermore, the Applicant has not adequately addressed how the considerable additional human waste created by 26-28 additional families will be properly disposed of within the narrow confines of the Village District—particularly when the proposed building abuts wetlands. The pre-existing homes in the Village District use well and septic systems, and there is a considerable risk that the Applicant’s proposed addition of 26-28 additional families will create serious issues surrounding the safe and hygienic disposal of human waste. It is our intention to use our limited funds to retain experts to give opinions on the possible impact of these issues.

5. BUILDING MAINTENANCE

There will be a dumpster which may create serious problems with respect to debris on surrounding locations (i.e. street, neighboring yards, baseball field and wetlands). The location of the building is located next to wetland and certain debris can cause destruction to wildlife and greenery. As for the parking lot, there will be motor oil, antifreeze, etc. which could contaminate the well water supply.

6. TRAFFIC

Traffic has been a major issue in Ringoes and it is getting worse with building in the surrounding towns. Region 9's traffic expert conclusorily stated that there would not be traffic problems. However, this conclusory opinion is contradicted by the 2014 East Amwell study, which states that there *is already* traffic issue in Ringoes. Also, with the Link transportation schedule to come to the Village (picking up at the Library) public transportation will increase traffic. (Attached is East Amwell's 2014 study).

It is implausible for the Applicant and its "experts" to contend that the historic Village District of Ringoes—which already has a documented surplus of traffic—will not have additional traffic issues if the Applicant is permitted to build an apartment building for 26-29 additional families.

CONCLUSION

For all these reasons, we vigorously oppose Use Variance Application submitted by East Amwell UAW Urban Renewal Housing Corp. To grant this grossly deficient and clearly inappropriate Application would be a violation of the existing ordinances, and an abuse of discretion. The Application should therefore be denied.

We look forward to participating in this process going forward, and having our voices heard.

Sincerely,

Concerned Citizens of Ringoes"

Timothy Matthews, East Amwell resident, stated that there are clearly benefits from this project, but there are always arguments regarding development.

Nancy Cunningham, East Amwell resident, presented a letter that she had a letter from Candace Wiggins, who could not attend the meeting. Attorney Gallela explained that this letter is hearsay, where both the Board and the applicant would have to waive their rights to cross-examine the individual. The letter was not read

into the record. Ms. Cunningham went on to express her own opinions. The property abuts her backyard and she agrees that there are benefits to having this development. She encouraged the Board to approve this application.

Les Hamilton, East Amwell resident, also recommended approving this application and he cited several reasons why, including that the project represents an alternative to having another development with upwards of 120 units for the same amount of credits.

Richard Wolfe, East Amwell resident, expressed his support for the project. After speaking with the Fire Chief, Max Jason, Mr. Wolfe is satisfied that the Town's fire department will be able to protect this facility from a potential fire. He noted that this development will generate affordable housing without any corresponding market rate units. He strongly urged the Board to approve this application.

Francis Gavigan, East Amwell resident, expressed concern about possible flooding from this development.

A motion was made to close to the public for comment by Mr. Nardi, and seconded by Ms. Nelson.

Attorney Gallela summarized the law and the proofs required to justify approving the variances requested, should the Board choose to do that. Vice Chair Stetson asked for clarification regarding the subdivision proposed for the future, more specifically, whether or not the Board needs to grant the D variance for the 2 principal uses? Engineer Ferriero stated that the D variance is still required.

Mr Nardi expressed concern that there have not been any reports provided by the fire department. The size of this facility in the Village of Ringoes does not sit well with him.

Mr. Kadri stated that he understands the final proposal is contingent on hydrologic studies and the State's approval of a treatment system, if that can be subsequently met, he believes the proposal will help sustain local businesses and will be good to the community.

Mr. Seramba stated that he still has concerns in regards to the well and septic system, but given the proposed future subdivision and his role as the Chair of the Historic Preservation Committee, he recused himself from voting on this application.

Mr. Mills stated that the applicant submitted a compelling case and they were able to adapt and he is in favor of supporting this application. A few conditions are important for his approval.

Ms. Nelson stated that she is torn and would like to go over the conditions of the application.

Vice Chair Stetson said she is most concerned for the residents directly around the facility. She appreciates how amenable the applicant has been to addressing concerns of the community, and she recognizes how desperate the Township is to get affordable housing in this area.

Chairman Willey acknowledged that the use was inherently beneficial and it will help the Township meet its affordable housing obligation.

Attorney Gallela then certified that PB Alternate members Mr. Catenacci and Ms. Breona Pirrone are eligible to comment on this application.

Ms. Pirrone said she sees the benefits for our community to have affordable housing. She wants to make sure that we protect the environment. She also noted that low-income citizens have the least ability to rebound from flooding. She approves of the project with conditions that it includes measures to reduce flooding issues.

Mr. Catenacci noted that no other developers will offer 24 units all affordable without market-rate units as well. He sees no negative impact. He thinks this application is good.

Attorney Gallela reviewed the conditions for this application's approval.

- 1) Add an emergency access to the fire house lot;
- 2) Test the aquifer;
- 3) There is going to be a subdivision of the historical home;
- 4) The application must comply with UHAC goals per the State statute of how these houses are administered;
- 5) The unit sizes are 622 square feet;
- 6) Maximum number of occupants are two per unit;
- 7) There will be fencing to a buffer line before the start of construction to ensure construction does not encroach on the wetlands buffer;
- 8) There will be a wetlands Letter Of Interpretation permit extension before approval;
- 9) The sidewalks must be connected from the parking area to in front of the building;
- 10) The lights must turn off at night;
- 11) Parking spaces must be assigned to residents;
- 12) There will be four electric charging spaces;
- 13) The applicant will add street trees along the road;
- 14) The applicant will receive written approval from the fire department to ensure they have no objections to the project;
- 15) The height of the building will reflect the Engineer's drawing and the applicant agreed to do a calculation for the height from the finished grade, not the finished floor;
- 16) Energy efficient construction;

- 17) HVAC will be on the roof and not visible from behind the faux roof;
- 18) No external leaders for rain gutters;
- 19) Will include materials from material boards of architectural plans;
- 20) No external access to the roof, access will be internal to the roof;
- 21) There has to be approvals from the Board of Health and DEP for the septic and well;
- 22) A test of the monitoring wells;
- 23) Age restriction will be 62, not 65;
- 24) Lease restriction will use lease restriction language;
- 25) Guests will not be permitted to stay longer than two weeks per year;
- 26) There will maintenance to the building to ensure it does not fall into disrepair, but the applicant has agreed to restore the building;
- 27) Site lighting will include light shields, so the lighting will not spill off the property line;
- 28) Will fix the site distance problems to the satisfaction of the traffic engineer;
- 29) Will provide Arborvitaes around the side and rear of the adjacent properties;
- 30) Applicant had agreed to use native plants within the retention basin;

Mr. Kadri asked if the lights are necessary to be on late at night. Engineer Ferriero stated often a builder can get preliminary site plan approval and start construction. That is not the case here, they will need final site plan approval and close all of the loopholes. In respect to the lighting, there is merit to lowering the light levels after 11 p.m. It is necessary to have security lighting overnight, but motion sensors are not advisable. Half or a third of the lighting will be on from dusk until dawn. The question about the septic system approval, technically the Board of Health does not have the authority to approve the septic. The State transfers the authority to approve septic systems up to 2,000 gallons a day or less. The State does not transfer the authority for septic systems 2,000 gallons or more a day to the local governments. That being said, part of the process is to collect commentary from local and County Governing Body. That is the time that the local Board of Health can request a reserve area. Usually it is 18-24 months to gain approval for these systems. A report done by Collier's Engineering provides any other engineering recommendations that should be included in the conditions for this application's approval.

Attorney Gallela also brought to the attention of the Board that there are 4 waivers that have been brought up by the applicant. The waivers requested includes allowing some light spillage off of the property, parking space dimensions from 10' by 20' to 9' by 18', parking spaces are supposed to be within 150' of the building and they are asking for a waiver on that requirement, and the active recreation requirement.

Engineer Ferriero stated that the light spillage waiver was made before the Arborvitae row was decided upon and that will remove the need for that waiver. Planner Gable asked that the applicant also comply with the Township's

affordable housing ordinances.

Engineer Ferriero recommended that the waiver requested for light spillage, should be allowed with the condition of the row of Arborvitae trees. Attorney Gallela asked if the light shields would still be necessary and Engineer Ferriero confirmed that should also be included in the list of conditions.

A recap of the motion is to approve a D(1) use variance for a 24-unit senior housing facility, when the use is not permitted in the Village district. A D(1) variance to allow two principal uses on the property where only one is permitted, a C Variance on the height, and allow off-street to allow for 36 parking spaces, the waivers that were just covered and the conditions for approval. Engineer Ferriero added that the diminutive exception be included for the parking as well.

Vice Chair Stetson moved to approve the said the application with conditions as outlined; the motion was second by Mr. Mills.

Mr. Seramba and Ms. Deadwyler recused themselves.

Mr. Kadri voted in support as long as the condition is added to preserve the trees along the property line.

Mr. Ferriero stated that the real limit of disturbance to the trees will be available after the septic system is graded out.

Ms. Nelson voted in favor of the application with all of the conditions in place.

Mr. Nardi voted in favor with all conditions in place.

Mr. Mills voted in favor of the application.

Ms. Pirrone voted in favor of the application.

Vice Chair Stetson voted in favor of the application with the understanding that there is a great benefit and that the conditions being imposed greatly mitigate any substantial detriments.

Chairman Willey voted not in favor.

With six board members in favor and one opposing, Attorney Gallela stated that the application was approved.

NEW BUSINESS

None

OPEN TO THE PUBLIC

A motion was made by Mr. Seramba to open to the public, and second by Ms. Nelson.

A motion was made to close to the public by Vice Chair Stetson and second by Ms. Nelson.

CORRESPONDENCE

None

ADJOURN

A motion was made to adjourn the meeting by Mr. Seramba, second by Ms. Nelson.

The meeting was adjourned at 10:48 p.m.