

**EAST AMWELL TOWNSHIP PLANNING BOARD
MEETING MINUTES
East Amwell Township Municipal Building
1070 Route 202, Ringoes, NJ 08551
March 20, 2022 @ 7:00pm**

I. CALL TO ORDER - meeting was called to order at 7:01 p.m.

II. FLAG SALUTE

III. STATEMENT OF COMPLIANCE/ATTENDANCE

In compliance with the Open Public Meetings Act, this is a regularly scheduled meeting, pursuant to the resolution adopted on January 11, 2023, with a meeting notice sent to the Hunterdon County Democrat on January 18, 2023. A copy of the agenda for this meeting was posted to the Township website, posted on the bulletin board, and filed in the Clerk's Office on March 16, 2023.

In attendance: Vice Chair Marnie Stetson, Mayor Jenna Casper-Bloom, Township Committee Member Dante DiPirro, Nathalie Nelson, Al Nardi, Michael Mills, Emily Deadwyler, Richard Catenacci, Michael Gum. Also in attendance were Attorney Linda Gallela and Planner Elena Gable.

Excused: Chair Timothy Willey, John Seramba, Breonna Pirrone, Engineer Paul Ferriero.

IV. REVIEW OF AGENDA

V. CITIZENS PRIVILEGE TO SPEAK ON ITEMS NOT ON THE AGENDA

A motion was made by Mr. Nardi to open the meeting to public comment on items not on the agenda, the motion was seconded by Ms. Nelson.

Francis Gavigan asked about Kristen Panos's hours. The hours, which are not official hours, were stated. The hours are still subject to vary.

Barbara Dipierno asked about the Van Lieus bridge. Mayor Jenna Casper-Bloom responded that the bridge is a County bridge and the work to repair the bridge is set to begin before the end of the year. The Township is waiting to see what the County plans look like.

Robert Dipierno, East Amwell Resident, spoke about the condition of Runyan Mill Rd. He was advised that the Township Committee would be better able to address his concern about paving.

Noelle Wiggins asked about opportunities to volunteer for the preservation of the historic district of Ringoes. Township Committee Member Dante DiPirro provided information about Ringoes Village Advisory Committee and Vice Chair Marnie Stetson suggested she contact the Historical Committee.

A motion was made by Ms. Deadwyler to close to the public, Mr. Nardi seconded the motion.

VI. PRESENTATION OF MINUTES

1. January 31, 2023 Special Meeting Minutes
2. February 21, 2023 Regular Meeting Minutes
3. April 13, 2022 Regular Meeting Minutes - carry
4. June 8, 2022 Regular Meeting Minutes – carry
5. July 13, 2022 Regular Meeting Minutes – carry
6. August 10, 2022 Regular Meeting Minutes – carry
7. September 14, 2022 Regular Meeting Minutes – carry
8. September 29, 2022 Special Meeting Minutes– carry
9. October 12, 2022 Regular Meeting Minutes- carry

Ms. Nelson made the motion to approve the January 31, 2023 meeting minutes;

Ms. Deadwyler and Township Committee Member DiPirro recused themselves from approving the minutes.

Roll Call was taken. In Favor: Mr. Kadri, Ms. Nelson, Mr. Nardi, Mr. Mills, and Vice Chair Stetson. No one opposed.

Vice Chair Stetson asked for a motion to approve February 21, 2023 Meeting Minutes.

Mr. Nardi, Township Committee Member DiPirro and Ms. Deadwyler brought up revisions they would like to see in the Draft minutes of the February 21, 2023 Meeting Minutes. Attorney Gallela recommended that the approval of minutes be carried to the April meeting.

VII. RESOLUTIONS FOR APPROVAL -

1. UAW Region 9 Housing Block: 27.01 Lots: 18.01
20 John Ringoes Rd. Village of Ringoes
**USE VARIANCE WITH
PRELIMINARY SITE PLAN
AND BULK VARIANCES**

Mr. Nardi motioned for the Resolution to be approved, Ms. Nelson second the motion.

Roll Call was made. In favor: Mr. Kadri, Ms. Nelson, Mr. Nardi, Mr. Mills, Vice Chair Stetson.

Recused: Township Committee Member DiPirro, Mayor Casper-Bloom, Emily Deadwyler.

VIII. NEW BUSINESS -

1. DISH Wireless, LLC Block: 40 Lots: 41.01
14 Stoney Brook Rd. Sourland Mountain
MINOR SITE PLAN APPROVAL

Attorney Gallela stated the application is being continued to the April 17th Planning Board meeting.

2. Toad Lane
59 Toad Lane

Block: 4 Lots: 3
Village of Ringoes

REQUEST FOR AMENDED APPROVAL

Attorney Gallela explained the Board would be convening as a Zoning Board of Adjustment because this application is to consider a D-Variance, therefore Township Committee Member DiPirro and Mayor Casper-Bloom recused themselves at 7:23 p.m.

Ms. Nelson also recused herself.

Attorney Robert McNally introduced himself as the representative for the applicant, Mr. and Mrs. Brad Stangil. The Applicant is requesting the Board amend a condition of the resolution adopted on February 26, 1985 when this property was approved as a two-family residence, but upon resale the approval would become null and void and the property would revert to a single family use only. The variance approving this house for two-family use was approved by The East Amwell Zoning Board in 1985. The home is currently under contract to be sold. The new owners are present. In Exhibit A of the application the Applicant provided Case Law of *The Berninger v. Board of Adjustment of Midland Park*, 254 NJS 401 (App. Div. 1991) aff'd. 127 NJ 226. The Court held that a condition that limits the life of a variance to ownership by a particular individual is patently illegal as it advances no legitimate land use purpose. Attorney McNally also cited *DeFelice v. Zoning Board of Adjustment of Point Pleasant Beach*, 216 NJS 377 (App. Div. 1987).

Attorney McNally stated that Mrs. Stangil's mother had purchased the property in 1961, and had been living there since 1969 while the structure was a two-family dwelling. The East Amwell Zoning Board approved the two-family variance in 1985. In 2014, Mrs. Constantini, the original owner, became ill and her grandson moved one of the two units to take care of his grandmother. In 2015, the grandson remained on the property and the upstairs was rented to another tenant after Mrs. Constantini passed. The family placed the property for sale subsequent to the grandson's move for employment. The property has been used for 54 years as a two-family residence. The property has been assessed as a two-family home since 1988, as confirmed with Tax-Assessor Marianne Busher. The Applicant asked the Board to remove the condition and allow the home to remain a two-family residence.

Mr. Brad Stangil was sworn in to testify by Attorney Galella. Mr. Stangil stated he was 76 in April. He testified that he does not necessarily remember the meeting that occurred in 1985. He and his wife married in 1968. The house was built in 1963. In response to questions from Attorney McNally, Mr. Stangil confirmed that his wife's mother had owned this property in 1961, Mrs. Stangil's father died in the late 1960's and the couple moved in to help Mrs. Stangil's mother with expenses. From 1969 to 1983 Mr. and Mrs. Brad Stangil were residents in the house, helping her mother. Then, the couple had built their brand new home in the backyard of this house. In 1985 Mrs. Constantini came to the Zoning Board to get approval for the Variance relief. After it was approved, the extra unit was rented. The unit has consistently had a tenant in the home since 1985. Now that Mrs. Constantini's grandson has moved, the family decided to sell the home.

The home had been a two-family home for as long as they could remember and only upon the sale of the home, had the Stangils discovered that the two-family home provision was not contingent on the land, but rather the owner.

Mr. Kadri asked if any neighbors had complained about the two-family dwelling. Mr. Stangil stated he has never had any complaints from their neighbors. Mr. Kadri followed up asking if the house was affordable, renting for under \$1,500. Mr. Stangil stated that the unit had been rented for \$1,150.

Mr. Catenacci asked if this Board should revise a 1985 provision or should the Applicant's attorney bring this provision to the Chancellery division.

Attorney Gallela explained that the Board does have jurisdiction. The Board may entertain applications to revise or extend conditions which it has attached to variances previously granted which is what is happening in this application. The Applicant is asking the Board to rescind a condition to a variance previously granted back in 1985, on the basis that it was an unlawful condition.

Mr. Nardi motioned to open to the public for questions and comments on the application, Ms. Deadwyler second the motion.

Francis Gavigan, expressed that her understanding of the conditions of approval for a mother-daughter unit could have been to help the family through a hard time. Her concerns would be if granting this approval would set a precedent in the Ringoes Village and if other neighbors within the historic village would also seek such approval.

Mr. Catenacci followed up with a question whether there would be a distinction between one family with an in-law suite vs. a two-family residence. Attorney Galella explained the distinction that the accessory apartments can be limited by certain classes of persons. That is not what we are referencing here; they had created a rental unit in 1985 for supplemental income.

Attorney Galella said that the law is clear that this condition is not valid. The household had their taxes reassessed in 1988 as a two-family home and the home is listed as a two-family dwelling.

Mr. Nardi motioned to close the public comment, Mr. Kadri second the motion. All in favor.

Attorney Galella left it up to the Board as to if they would like the testimony of the new owners. After some discussion it was determined they had heard all testimony necessary to make a decision.

Attorney McNally acknowledged that all proper notice was provided to the authorized newspaper and neighbors of the property.

Mr. Mills motioned to excise the condition of the Resolution for application #85-2 of Catherine Constantini, for Block 4, Lot 3, as adopted on February 26, 1985, that the use variance granted to allow the property to become a two-family dwelling would expire upon change of ownership. Mr. Kadri second the motion.

Roll Call : Mr. Kadri, Mr. Nardi, Mr. Mills, Ms. Deadwyler, Mr. Catenacci, Mr. Gum, Vice Chair Stetson voted unanimously in favor.

IX. UNFINISHED BUSINESS

1. Master Plan Re-Examination Report

Members of the Planning Board that were recused from the New Business returned to the dais to discuss the Master Plan Reexamination.

Planner Gable asked if everyone had a chance to review the red-lined Draft Reexamination. Mr. Kadri asked about what was considered vacant land within the municipality. Planner Gable clarified.

Ms. Deadwyler asked about the special occasion events on preserved farmland as discussed on Pg. 30. Her concern is about the impacts it will have on water and sewer constraints. Planner Gable explained that since the law is brand-new, the Township's jurisdiction over the possible circumstances of these events is not fully known. Ms. Deadwyler continued; she was also concerned about dead Ash trees and large local deer populations. Ms. Stetson provided historical information that the Ag Committee has spear-headed the deer control. Mr. Kadri added the State has been helping landowners acquire depredation permits.

Mr. Kadri asked about properties that the property owners are neglecting and a possible program to prevent owners from neglecting their houses. There was a discussion between Township Committee Member DiPirro and Planner Gable about an inventory of dilapidated houses that has been circulated. While it had not originated from the Master Plan, Planner Gable advised that it may have been produced during the Ringoes Village Study in 2015 or 2014. Planner Gable confirmed that the Study had been updated in the Ringoes Land Use Element adopted last year. Township Committee Member DiPirro said he does not see a need to re-inventory at this time.

Mr. Catenacci asked about the process of whether the Planning Board will follow through with "Coordination between the Historic Preservation Committee and the Planning Board to create an inventory of local cultural and historically significant sites, structures and districts and create an ordinance aimed at preserving as many resources as possible." This paragraph is from pg. 10 of the draft Re-Exam. Planner Gable explained that while there has been coordination between the HPC and PB, no ordinance has yet been developed. Ms. Stetson stated that the historical property inventory needs a consensus building effort to accomplish this goal. Mr. Catenacci said that it would be good if the PB and Township Committee could collaborate to provide incentives for historic preservation. Planner Gable added that the Land Use Element adopted last year discusses steps to develop a Historic Preservation Overlay and Historic Preservation Land Element that inventories all of it and includes the recommendations which then can be turned into an implementable ordinance.

There was a discussion about the ordinances under Items for Discussion. Members of the Board deliberated whether the ordinances would need to be addressed in the Master Plan Reexamination before being carefully considered for recommendation to the Township Committee.

A motion was made by Mr. Mills to carry the Master Plan Reexamination discussion to the April meeting and second by Mr. Nardi.

IX. ITEMS FOR DISCUSSION

1. Farmland Preservation Plan – Mr. Mills discussed how the language was being worked on from previous plans and a draft has been provided to the Ag Advisory Board to review it and make recommendations. Mr. Mills is working to get the data from the State and from the

County. The tables and maps will still need to be updated with the information collected. It is costly and there is still a lot of work to be done to collect the data and compile it for the Plan. Ms. Stetson asked if the finalization of this Plan is a contingency to acquire State funds. Mr. Mills confirmed it is.

2. Ordinances - Cell tower ordinance was discussed. Township Committee Member DiPirro asked that if Federal law preempts our ordinance, then why would the zoning officer direct the applicant to our Planning Board. Planner Gable and Vice Chair Stetson explained that in our ordinance it asks for the Zoning Officer to direct the applicant to our Planning Board out of precaution. Attorney Gallela said that she is aware a lot of other Planning Boards do not hear these types of applications. Township Committee Member DiPirro said he would call the West Amwell Zoning Officer to ask why these applications are being directed to the PB. The Building Height Ordinance was pushed to the next meeting.

X. ORAL REPORTS

1. FOSPC- Mr. Mills explained that they have been working on the Farmland Preservation Plan.
2. ENVIRONMENTAL COMMISSION - Vice Chair Stetson said the E.C. has a very busy April planned. On March 19, there was a clean-up of Amwell Lake. On April 15, there is a stream clean-up of Cider Mill bridge. Between April 17 and 21st township residents can do well testing. Residents can come to the Township office to get the fee schedule. Jason met-up with the E.C. and a native plant expert at Clawson Park to determine what can be done with the rain gardens. The green scene is on April 23rd and following that is the road clean-up.
3. HISTORIC PRESERVATION COMMITTEE - No report.
4. AGRICULTURAL ADVISORY COMMITTEE - Mr. Mills - meeting last week on Farmland Preservation and deer management, with depredation permits.
5. PB SECRETARY - Kristen Panos asked the Board members to respond if they intend to be in attendance at PB meetings.
6. PB CHAIR - No report.

XI. OPEN TO THE PUBLIC

Township Committee Member DiPirro motioned to open to the public, Ms. Nelson second the motion.

East Amwell resident spoke about how applicants for cell towers would come to the Planning Board to speak about color, screening,

Barbara DePierro, East Amwell resident, asked about the UAW application. Vice Chair Stetson informed her that the approval was for the preliminary site plan and that the application will be back in front of the Board after the conditions have been met.

Francis Gavigan, East Amwell Resident, spoke about destructive invasive species, deer and coyotes. She asked that the Master Plan address Dark Sky and View Shed ordinances. She also wants to have protective language regarding small farmers vs. industrial scale farming.

Linda Ranft, East Amwell Resident, spoke about the two ordinances that were not named on the agenda.

Motion was made to close to the public by Mr. Nardi, second by Township Committee Member DiPirro.

A discussion was held regarding what the advantages are to have the work product of the Master Plan Reexamination Report available to the public before it is ready for a public hearing. The discussion continued as to what the requirements of noticing are and where the copies of the Reexamination Report can be retrieved.

XII. CORRESPONDENCE

1. Hunterdon County Planning Board - Comprehensive Farmland Preservation Plan Public Hearing Notice April 6, 2023 at 8:15 a.m.

XIII. ADJOURN

Motion to adjourn made by Township Committee Member DiPirro, second by Mr. Catenacci. Meeting was adjourned at 9:20 p.m.