

EAST AMWELL PLANNING BOARD
7:30 PM Zoom Video Conference
January 13, 2021- Reorganization Meeting Minutes

Call to Order, Attendance and Pledge of Allegiance

The East Amwell Township Planning Board meeting was called to order at 7:30 PM by Administrator Krista Parsons followed by the salute to the flag.

The following statement of compliance with the Open Public Meetings Act was read into the record by Board Administrator Parsons: "In compliance with the Open Public Meetings Act, this is a regularly scheduled meeting pursuant to the annual meeting notice as published in the December 17, 2020 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 7, 2020."

Attendance – Roll Call

Present:

Mark Castellano
Tamara Lee
Mike Mills
Nathalie Nelson
Jackson Reiter

John Seramba
Jason Silverthorn
Marnie Stetson
Rick Wolfe
Tim Willey

Also Present:

Jolanta Maziarz, Attorney
Elena Gable, Planner

Bill Burr, Engineer
Krista Parsons, Admin.

NEW BUSINESS- REORGANIZATION

Nomination and Vote for Chair

Administrator Parsons asked for a nomination for Chair for the Planning Board for 2021. Tim Willey was nominated by Rick Wolfe. Hearing no further nominations, the nominations were closed. A motion made by Rick Wolfe, seconded by Tamara Lee to approve the nomination was conducted by roll call vote:

Roll Call: Yes: Mark Castellano, Tamara Lee, Mike Mills, Nathalie, John Seramba, Jason Silverthorn, Marnie Stetson and Rick Wolfe.

The meeting was turned over to Chair Willey.

Nomination and Vote for Vice-Chair

Chair Willey asked for a nomination for Vice-Chair for the Planning Board for 2021. Marnie Stetson was nominated by Tamara Lee. Hearing no further nominations, the nominations were closed. A motion made by Tamara Lee, seconded by Rick Wolfe to approve the nomination was conducted by roll call vote:

Roll Call: Yes: Mark Castellano, Tamara Lee, Mike Mills, Nathalie, John Seramba, Jason Silverthorn, Marnie Stetson and Rick Wolfe.

All Board members who have been reappointed were given their Oath of Office and sworn in by Acting Clerk Krista Parsons.

Appointment of Planning Board Administrator Krista Parsons

A motion made by Rick Wolfe, seconded by Mark Castellano to appoint Krista Parsons as the Board Administrator was conducted by roll call vote:

Roll Call: Yes: Mark Castellano, Tamara Lee, Mike Mills, Nathalie, John Seramba, Jason Silverthorn, Marnie Stetson and Rick Wolfe.

Authorize Contracts with Professionals

Attorney- Jolanta Maziarz, Esq.- Resolution PB#2021-01 and Contract

**EAST AMWELL TOWNSHIP PLANNING BOARD
Resolution PB#2021-01
Professional Attorney Services Without Bids**

WHEREAS, there exists a need for an ATTORNEY to advise the Township of East Amwell Planning Board concerning applications, policy and legal issue during the year 2021; and

WHEREAS, funds are available in the 2021 Temporary Municipal Budget and will be made available in the 2021 Budget for Planning Board expenses; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq, requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself must be available for public inspection; and

NOW, THEREFORE BE IT RESOLVED, by the East Amwell Township Planning Board, County of Hunterdon, State of New Jersey as follows:

1. The Chair and Secretary of the Planning Board are hereby authorized and directed to execute a contract with JOLANTA MAZIARZ, ESQ., of The Law Office of Jolanta Maziarz, LLC located at 79 Mount Horeb Road, Warren, NJ 07059 for professional legal services during 2021; and

2. This contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because a lawyer is a recognized professional who is licensed and regulated by the State of New Jersey, and it is not possible to obtain competitive bids.
3. The notice of this action shall be published in the Township’s paper of general circulation within ten (10) days as required by law.

Timothy Willey, Chair
East Amwell Township Planning Board

Krista Parsons, Board Administrator

Dated: January 13, 2021

Planner- Elena Gable P.P.- Resolution PB#2021-02 and Contract

**EAST AMWELL TOWNSHIP PLANNING BOARD
Resolution PB#2021-02
Professional Planning Services Without Bids**

WHEREAS, there exists a need for PROFESSIONAL PLANNER to advise the Township of East Amwell Planning Board concerning applications, policy and legal issue during the year 2021; and

WHEREAS, funds are available in the 2021 Temporary Municipal Budget and will be made available in the 2021 Budget for Planning Board expenses; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq, requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself must be available for public inspection; and

NOW, THEREFORE BE IT RESOLVED, by the East Amwell Township Planning Board, County of Hunterdon, State of New Jersey as follows:

1. The Chair and Secretary of the Planning Board are hereby authorized and directed to execute a contract with Elena Gable, P.O, AICP, CFM of Heyer, Gruel & Associates located at 236 Broad Street, Red Bank, NJ 07701 for services in 2021 including applications for subdivisions and site plans, and general planning advice to the board; and
2. This contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because a lawyer is a

recognized professional who is licensed and regulated by the State of New Jersey, and it is not possible to obtain competitive bids.

3. This contract requires an agreement by Professional Planner Elena Gable, P.O., AICP, CFM, that she will comply with N.J.S.A. 19:44A-20.4, et seq., because this contract was not awarded through a “fair and open process:.

4. The notice of this action shall be published in the Township’s paper of general circulation within ten (10) days as required by law.

Timothy Willey, Chair
East Amwell Township Planning Board

Krista Parsons, Board Administrator

Dated: January 13, 2021

Engineer- William Burr, P.E.- Resolution PB#2021-03 and Contract

EAST AMWELL TOWNSHIP PLANNING BOARD
Resolution PB#2021-03
Professional Engineering Services Without Bids

WHEREAS, there exists a need for PROFESSIONAL ENGINEER to advise the Township of East Amwell Planning Board concerning applications, policy and legal issue during the year 2021; and

WHEREAS, funds are available in the 2021 Temporary Municipal Budget and will be made available in the 2021 Budget for Planning Board expenses; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq, requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bidding and the contract itself must be available for public inspection; and

NOW, THEREFORE BE IT RESOLVED, by the East Amwell Township Planning Board, County of Hunterdon, State of New Jersey as follows:

1. The Chair and Secretary of the Planning Board are hereby authorized and directed to execute a contract with William H. Burr, IV, P.E. of Maser Consulting, P.A. located at 53 Frontage Road, Suite 110, Hampton, NJ 08827 for engineering services in 2021 including applications for subdivisions and site plans, and general engineering advice to the board; and
2. This contract is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because a lawyer is a recognized professional who is licensed and regulated by the State of New Jersey, and it is not possible to obtain competitive bids.

3. The notice of this action shall be published in the Township's paper of general circulation within ten (10) days as required by law.

Timothy Willey, Chair
East Amwell Township Planning Board

Krista Parsons, Board Administrator

Dated: January 13, 2021

Motion to Approve Robert's Rules of Order- with exception of Board recognizing members of the public to provide information out of turn.

A motion made by Mark Castellano, seconded by Tamara Lee to approve Robert's Rules of Order was unanimously approved by voice vote.

Motion to Approve 2021 Meeting Schedule- 2nd Wednesday of Each Month at 7:30 PM, January 13th, February 10th, March 10th, April 14th, May 12th, June 9th, July 14th, August 11th, September 8th, October 13th, November 10th, December 8th and January 12, 2022.

A motion made by Rick Wolfe, seconded by Tamara Lee to approve the 2021 meeting schedule was unanimously approved by voice vote.

REVIEW OF AGENDA

There were no additions to the agenda.

CITIZENS PRIVILEGE TO SPEAK ON ITEMS NOT ON THE AGENDA

A motion made by Mark Castellano, seconded by Rick Wolfe to open the meeting to the public was unanimously approved by voice vote.

Seeing no members of the public come forward, a motion made by Rick Wolfe, seconded by Nathalie Nelson to close the meeting to the public was unanimously approved by voice vote.

PRESENTATION OF MINUTES:

December 9, 2020 Minutes

A motion made by Rick Wolfe, seconded by Mark Castellano to approve the minutes was unanimously approved by voice vote.

RESOLUTIONS FOR APPROVAL

RESOLUTION OF THE PLANNING BOARD

**TOWNSHIP OF EAST AMWELL
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION 2021-04

**DREW AND NANCY CHAFEY
51 ROCKTOWN ROAD
RINGOES, NEW JERSEY 08551
BLOCK 31, LOT 4.03**

**Hearing Date: December 9, 2020
Board Action: December 9, 2020
Memorialization: January 13, 2021**

WHEREAS, Drew and Nancy Chafey (the “Applicants”) are the owners of property located at 51 Rocktown Road in East Amwell Township, New Jersey, identified as Block 31, Lot 4.03 on the East Amwell Tax Map (the “Property”); and

WHEREAS, the Applicants have applied to the East Amwell Planning Board (the “Board”) for bulk variance approval in accordance with N.J.S.A. 40:55D-70c (the “Relief Requested”) in order to construct a 1,260 square foot pole barn that does not comply with certain standards in the East Amwell Land Management Ordinance (the “Ordinance”), as follows:

Minimum Front Yard Setback (Ordinance Section 92-91):
Required: 75’; Proposed: 50’;

Minimum Side Yard Setback (Ordinance Section 92-91):
Required: 40’; Proposed: 12’;

Location of Accessory Structure (Ordinance Section 92-91):
Permitted: Side or Rear Yard; Proposed: Side and Front Yards; and

WHEREAS, the Applicants complied with the application requirements of the Municipal Land Use Law and the Ordinance and paid in full all property taxes due and owing for the Property and the professional fees/escrow account in connection with the Application enabling the Board to entertain jurisdiction over the request; and

WHEREAS, the Applicants submitted the following documents in support of its request:

Application with checklist and addenda dated August 20, 2020;
Plan of Survey with hand marked location of proposed pole barn;
Architectural plans, prepared by PPB, Inc., consisting of five sheets, dated December 24, 2019;

Undated photographs; and

WHEREAS, the Board considered the following report from the Board's experts:

Memorandum from the Board's Planner, Elena Gable, PP, AICP, CFM dated December 2, 2020;

Memorandum from the Board's Engineer, William H. Burr, IV, P.E., dated December 4, 2020; and

WHEREAS, the Applicants met all jurisdictional requirements enabling the Board to hear and act on the Application and appeared before the Board on the Hearing Date, as specified above; and

WHEREAS, during the public hearing, the Applicants, appearing pro se, were given the opportunity to present testimony and legal argument, and the Board's consultants and members of the public were given an opportunity to comment on the Application; and

WHEREAS, no members of the public appeared to ask questions or to speak with regard to the application, as set forth more fully on the record; and

WHEREAS, the Applicants presented testimony from the following individuals:

1. Drew Chafey, the Applicant; and

WHEREAS, the Applicant, Mr. Chafey, introduced the Application and presented testimony to the Board as more fully set forth on the record, as follows:

1. Drew Chafey was duly sworn according to law and testified indicating that he proposes to construct a pole barn on his Property. Mr. Chafey indicated that the location of the pole barn was largely affected by the odd shape of the Property and the location of the well and septic. In addition, Mr. Chafey testified that the pole barn will be constructed as close to the existing driveway as possible in order to minimize any increase in impervious coverage. Mr. Chafey stated that the garage doors on the pole barn will face the driveway in order to take advantage of existing pavement. Mr. Chafey testified that there are no existing trees located in the proposed location of the pole barn. Mr. Chafey further indicated that gutters will be installed on the pole barn in order to address water runoff which will run south toward the rear of the Property. Mr. Chafey also testified that plantings and landscaping will be installed around the new pole barn and testified with regard to the location of the septic field.

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The Property is an undersized lot located at 51 Rocktown Road in the Amwell Valley Agricultural zoning district and is identified as Block 31, Lot 4.03 on the East Amwell Tax Map. The Applicant proposes to construct a 1,260 square foot pole barn. In order to construct the pole barn, as shown in the plans submitted to the Board and made part of

this Application, the Applicants require bulk variances for encroaching into the front and side yard setbacks and for proposing to construct the pole barn in the side and front yard, in contravention of the Ordinance, as indicated in the Relief Requested, above.

1. An applicant requesting a bulk variance under subsection “c” of N.J.S.A. 40:55D-70 must prove that it has satisfied both the positive and negative criteria, as well. The positive criteria in bulk variance cases may be established by the Applicant’s showing that it would suffer an undue hardship if a zoning regulation were to be applied strictly because of a peculiar and unique situation relating to the property in accordance with N.J.S.A. 40:55D-70c(1). Under the c(1) standard, an applicant must prove that the need for the variance is occasioned by the unique condition of the property that constitutes the basis of the claim of hardship. The positive criteria may also be established by a showing that the application for variance would advance the purposes of the Municipal Land Use Law and the benefits of the deviation would substantially outweigh any detriment in accordance with N.J.S.A. 40:55D-70c(2). In order to establish the positive criteria for a c(2) variance, an applicant must show that the proposed deviation from the zoning ordinance represents a better zoning alternative and advances the purposes of the Municipal Land Use Law, as set forth in N.J.S.A. 40:55D-2.

In order to satisfy the negative criteria for a “c” variance, an applicant must show that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. The requirement that the grant of the variance not substantially impair the intent and the purpose of the zone plan and zoning ordinance focuses on whether the grant of the variance can be reconciled with the zoning restriction from which the applicant intends to deviate. Unlike use variances, reconciliation of a bulk or dimensional variance with the zone plan and zoning depends on whether the grounds offered to support the variance, either under subsection c(1) or c(2), adequately justify the board's action in granting an exception from the ordinance's requirements.

1. The Board finds that relief may be granted for the deviation resulting from the Applicant’s proposal to construct pole barn on the Property. The Applicant’s proposal, as indicated herein, is permitted in the zoning district in which the Property is located. The Board finds that the Property’s odd configuration and topography are existing conditions and constitute a hardship. The Board further finds that the proposed location of the pole barn, despite the need for bulk variance relief, is preferable as it takes advantage of existing pavement without increasing impervious coverage. The Board finds that, overall, the requested deviations are not substantial and the Applicant’s agreement to provide plantings and landscaping and to comply with the Ordinance requirements for lighting will mitigate any negative aspect of the proposed deviation from the Ordinance requirements. The Board finds that although the Property is undersized there are no substantial negative impacts and the Property can accommodate the pole barn, as proposed. The Board further finds that the Applicants’ proposal to construct the pole barn coupled with the Applicant’s agreement to minimize or mitigate any negative aspects of the appearance of the pole barn does not cause substantial detriment to the public good, the zone plan or the zoning ordinance.

WHEREAS, after deliberation, a motion was made by Mr. Willey and seconded by Ms. Gavigan to grant approval of the Relief Requested, subject to certain conditions, as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, on December 9, 2020, based upon the foregoing findings of fact and conclusions of law, the East Amwell Township Planning Board does hereby **GRANT** the Relief Requested, as stated herein, in accordance with the facts presented and subject to the Applicants' compliance with the following conditions:

1. The Applicants shall prepare and submit an updated survey showing the location of the septic field, to the satisfaction of the Board Engineer.

1. The Applicants shall ensure that any lighting installed on the pole barn will be shielded, downward facing, and low wattage.

1. The Applicants shall secure the approval and permits of any and all other agencies having third-party jurisdiction over the proposed development. Further, the Applicants shall provide copies of all correspondence relating to the Application, reviews, approvals and permits between the Applicants and third-party agencies from which approval and permits are required to the Planning Board Secretary at the same time as such correspondence is sent or received by the Applicants.

1. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the Township of East Amwell, other Township Ordinances, or the requirements of any Township agency, board or authority, except as specifically stated in this Resolution.

1. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.

1. All fees assessed by the Township of East Amwell for this Application and the hearing shall be paid prior to any construction. Thereafter, the Applicants shall pay in full any and all taxes, fees, and any other sums owed to the Township before any certificate of occupancy shall issue for the Property.

BE IT FURTHER RESOLVED, that this Resolution, adopted on January 13, 2021, memorializes the action of the Planning Board taken on December 9, 2020 with the following vote: Yes: Mark Castellano, Frances Gavigan, Tamara Lee, John Mills, Mike Mills, Jason Silverthorn, Tim Willey, Rick Wolfe, Gail Glashoff; Recused: None; Not Eligible: None; Absent: None.

ATTEST:

Krista Parsons, Board Administrator

Timothy Willey, Chair

**ROLL CALL VOTE TO APPROVE RESOLUTION OF MEMORIALIZATION
ON JANUARY 13, 2020:**

A motion for adoption of the within Resolution was made by: Rick Wolfe and seconded by Mark Castellano:

Roll Call: Yes: Mark Castellano, Tamara Lee, Mike Mills, Jason Silverthorn, Tim Willey, Rick Wolfe; Recused: None; Not Eligible: Frances Gavigan, John Mills and Gail Glashoff; Absent: None.

I hereby certify this to be a true copy of the Resolution duly adopted by the East Amwell Planning Board at a regular meeting on January 13, 2021.

Krista Parsons, Administrator

**RESOLUTION OF THE PLANNING BOARD
TOWNSHIP OF EAST AMWELL
HUNTERDON COUNTY, NEW JERSEY**

RESOLUTION 2021-05

**JAY AND SUSAN MONROE
27 RIDGE ROAD
RINGOES, NEW JERSEY 08551
BLOCK 38, LOT 12**

**Hearing Date: December 9, 2020
Board Action: December 9, 2020
Memorialization: January 13, 2021**

WHEREAS, Jay and Susan Monroe (the “Applicants”) are the owners of property located at 27 Ridge Road in East Amwell Township, New Jersey, identified as Block 38, Lot 12 on the East Amwell Tax Map (the “Property”); and

WHEREAS, the Applicants have applied to the East Amwell Planning Board (the “Board”) for minor subdivision approval in order to create one new lot that the Applicants are under contract to sell to the Delaware and Raritan Greenway for use as open space; and

WHEREAS, once subdivided in accordance with N.J.S.A. 40:55D-47, the new lot and the remainder lot will require bulk variance relief in accordance with N.J.S.A. 40:55D-70c (collectively, the “Relief Requested”) from certain standards in the East Amwell Land Management Ordinance (the “Ordinance”), as follows:

Minimum Lot Width – New Lot (Ordinance Section 92-89):

Required: 500'; Proposed: 96.4';

Maximum Impervious Coverage – Remainder Lot (Ordinance Section 92-89):
Permitted: 31,346.6 square feet; Proposed: 41,666 square feet; and

WHEREAS, the Applicants complied with the application requirements of the Municipal Land Use Law and the Ordinance and paid in full all property taxes due and owing for the Property and the professional fees/escrow account in connection with the Application enabling the Board to entertain jurisdiction over the request; and

WHEREAS, the Applicants submitted the following documents in support of its request:

Application with checklist and addenda;
Conservation Easement, dated December 1, 1998;
Minor Subdivision Plan, prepared by Shaheed A. Smith Geospatial, LLC, consisting of one sheet, dated October 2, 2020;
Description of Property for Proposed New Lot, prepared by Shaheed A. Smith Geospatial, LLC, consisting of one sheet, dated October 29, 2020;
Description of Property for Lands Remaining, prepared by Shaheed A. Smith Geospatial, LLC, consisting of one sheet, dated October 29, 2020;
FSI Marking Report, prepared by ForesTree Consultants, consisting of one sheet, dated September 11, 2018;
Undated photographs; and

WHEREAS, the Board considered the following report from the Board's experts:

Memorandum from the Board's Planner, Elena Gable, PP, AICP, CFM dated December 2, 2020;
Memorandum from the Board's Engineer, William H. Burr, IV, P.E., dated December 4, 2020; and

WHEREAS, the Applicants met all jurisdictional requirements enabling the Board to hear and act on the Application and appeared before the Board on the Hearing Date, as specified above; and

WHEREAS, during the public hearing, the Applicants, represented by attorney, Janine Bauer, were given the opportunity to present testimony and legal argument, and the Board's consultants and members of the public were given an opportunity to comment on the Application; and

WHEREAS, members of the public appeared to ask questions or to speak with regard to the application, as set forth more fully on the record; and

WHEREAS, the Applicants presented testimony from the following individuals:

1. Susan Monroe, the Applicant;
2. Paul Glietz, Applicant's Planner;
3. John Dura, Applicant's Surveyor; and

WHEREAS, the Applicants presented testimony to the Board as more fully set forth on the record, as follows:

1. Susan Monroe was duly sworn according to law and testified indicating that the rear of the Property is currently subject to a conservation easement with the Delaware and Raritan Canal Commission. The Property is located in the Sourland Mountain zoning district. Ms. Monroe testified that she wishes to subdivide that portion of the Property that is subject to the conservation easement and donate that portion of property to the D&R Greenway. Ms. Monroe testified that the Applicants have already entered into an agreement with the D&R Trust for the donation of the property subject to the minor subdivision. Ms. Monroe stated that the back portion of the Property that will be subject to the minor subdivision contains no improvements. The new lot numbers will be Lot 12.02 for the remainder lot and 12.03 for the new rear lot. Ms. Monroe confirmed that the lot coverage maximum will be reached on the remainder lot as a result of the subdivision and any new site improvements would require lot coverage variances. Ms. Monroe indicated that no new site improvements or fencing is proposed. Ms. Monroe indicated that passive not active recreation will take place on the subdivided portion of the Property.

2. Paul Glietz was duly sworn according to law and was accepted by the Board as a professional planner. Mr. Glietz reviewed the three required bulk variances. A variance for exceeding the maximum impervious coverage is required for lot 12.02 where 31,346 square feet is required and 41,666 square feet is proposed. A variance for failing to meet the minimum lot width is required for lot 12.03 where 500 feet is required and 96.4 feet is proposed on one stem and approximately 200 feet on the other stem. In addition, Mr. Glietz indicated that a tree conservations buffer is required but is not proposed on the plans. Mr. Glietz stated that the design of the subdivision was drawn around the original conservation easement to maximize the protection of the forested lands and buffer the existing developed land.

With regard to the Applicants' satisfaction of the positive and negative criteria of the bulk variances, Mr. Glietz testified that the subdivision, despite its deviations, increases open space and the permanent preservation of habitat in the Sourland Mountains. The subdivision promotes the general welfare by providing sufficient space and appropriate locations for both public and private uses. It provides open space and the conservation of historic sites and natural resources. Mr. Glietz stated that surrounding neighbors will not be impacted because nothing is changing on the Property. In addition, there is an existing buffering on the frontage on Ridge Road. Mr. Glietz concluded by stating that the public benefit of open space outweighs any negative impact.

3. John Dura was duly sworn according to law and was accepted by the Board as a licensed surveyor. Mr. Dura indicated that he had performed the original survey and currently resurveyed the Property. The square footage for each of the lots is accurate. Mr. Dura testified that the flag portion of the flag lot meets the minimum lot area.

WHEREAS, the Board has made the following findings of fact and conclusions of law:

1. The Property is a 76.3877 acre lot located at 27 Ridge Road in the Sourland Mountain zoning district and is identified as Block 38, Lot 12 on the East Amwell Tax Map. The Applicants propose to subdivide the rear portion of the Property consisting of 43.5607 acres which is subject to a conservation easement and to donate that subdivided portion to the D&R Canal Greenway. The Applicants have already entered into an agreement with the D&R Canal Greenway for the transfer of the subdivided portion of the Property. In order to subdivide the Property, as shown in the plans submitted to the Board and made part of this Application, the Applicants require minor subdivision approval and bulk variances, as indicated in the Relief Requested, above.

1. An applicant requesting a bulk variance under subsection “c” of N.J.S.A. 40:55D-70 must prove that it has satisfied both the positive and negative criteria, as well. The positive criteria in bulk variance cases may be established by the Applicant’s showing that it would suffer an undue hardship if a zoning regulation were to be applied strictly because of a peculiar and unique situation relating to the property in accordance with N.J.S.A. 40:55D-70c(1). Under the c(1) standard, an applicant must prove that the need for the variance is occasioned by the unique condition of the property that constitutes the basis of the claim of hardship. The positive criteria may also be established by a showing that the application for variance would advance the purposes of the Municipal Land Use Law and the benefits of the deviation would substantially outweigh any detriment in accordance with N.J.S.A. 40:55D-70c(2). In order to establish the positive criteria for a c(2) variance, an applicant must show that the proposed deviation from the zoning ordinance represents a better zoning alternative and advances the purposes of the Municipal Land Use Law, as set forth in N.J.S.A. 40:55D-2.

In order to satisfy the negative criteria for a “c” variance, an applicant must show that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. The requirement that the grant of the variance not substantially impair the intent and the purpose of the zone plan and zoning ordinance focuses on whether the grant of the variance can be reconciled with the zoning restriction from which the applicant intends to deviate. Unlike use variances, reconciliation of a bulk or dimensional variance with the zone plan and zoning depends on whether the grounds offered to support the variance, either under subsection c(1) or c(2), adequately justify the board's action in granting an exception from the ordinance's requirements.

1. The Board finds that the minor subdivision may be granted as the Applicants meet the standards and requirements in the Ordinance governing subdivision approval, subject to the conditions imposed herein. With regard to the bulk variances, the Board finds that relief may be granted for the deviations resulting from the Applicant’s proposal to subdivide the Property. The Applicant’s proposal, as indicated herein, is permitted in the zoning district in which the Property is located. The Board finds that the Applicants’ proposal satisfies the “c(2)” standard in that the benefits of the subdivision and subsequent donation and conservation of the new lot as open space far represent a better zoning alternative and promote purposes of the Municipal Land Use Law. The use of the rear portion of the Property is not changing visually and will not negatively impact any neighboring property. The permanent conservation of land is a laudable goal and the Board

finds that it promotes the general welfare. For the foregoing reasons and those presented by the Applicants, the Board concludes that the subdivision and required bulk variances do not pose a substantial detriment to the public good, the zone plan or the zoning ordinance.

WHEREAS, after deliberation, a motion was made by Ms. Lee and seconded by Mr. Castellano to grant approval of the Relief Requested, subject to certain conditions, as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, on December 9, 2020, based upon the foregoing findings of fact and conclusions of law, the East Amwell Township Planning Board does hereby **GRANT** the Relief Requested, as stated herein, in accordance with the facts presented and subject to the Applicants' compliance with the following conditions:

1. The Applicants shall prepare and submit a subdivision deed containing a metes and bounds description to Board Engineer and Board Attorney for review and approval.
1. The Applicants shall ensure that any agreement and subsequent deed conveying the rear portion of the Property to the D&R Canal Greenway Trust contains a provision indicating that any recreation on that property is restricted to passive recreation, to the satisfaction of the Board Attorney.
1. The Applicants shall place monument markers on the Property in accordance with the Ordinance.
1. The Applicant shall provide an electronic copy of the subdivision plan to the Township.
1. The Applicants shall secure the approval and permits of any and all other agencies having third-party jurisdiction over the proposed development. Further, the Applicants shall provide copies of all correspondence relating to the Application, reviews, approvals and permits between the Applicants and third-party agencies from which approval and permits are required to the Planning Board Secretary at the same time as such correspondence is sent or received by the Applicants.
1. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the Township of East Amwell, other Township Ordinances, or the requirements of any Township agency, board or authority, except as specifically stated in this Resolution.
1. The grant of this Application shall not be construed to reduce, modify or eliminate any requirement of the State of New Jersey Uniform Construction Code.
1. All fees assessed by the Township of East Amwell for this Application and the hearing shall be paid prior to any construction. Thereafter, the Applicants shall pay in full any and all taxes, fees, and any other sums owed to the Township before any certificate of occupancy shall issue for the Property.

BE IT FURTHER RESOLVED, that this Resolution, adopted on January 13, 2021, memorializes the action of the Planning Board taken on December 9, 2020 with the following vote: Yes: Mark Castellano, Frances Gavigan, Tamara Lee, John Mills, Mike Mills, Jason

Silverthorn, Tim Willey, Rick Wolfe, Gail Glashoff; Recused: None; Not Eligible: None; Absent: None.

ATTEST:

Krista Parsons, Board Administrator

Timothy Willey, Chair

**ROLL CALL VOTE TO APPROVE RESOLUTION OF MEMORIALIZATION
ON JANUARY 13, 2020:**

A motion for adoption of the within Resolution was made by Tamara Lee and seconded by Mark Castellano:

Roll Call: Yes: Mark Castellano, Tamara Lee, Mike Mills, Jason Silverthorn, Tim Willey, Rick Wolfe, Recused: None; Not Eligible: Frances Gavigan, John Mills and Gail Glashoff Absent: None.

I hereby certify this to be a true copy of the Resolution duly adopted by the East Amwell Planning Board at a regular meeting on January 13, 2021.

Krista Parsons, Board Administrator

UNFINISHED BUSINESS

Farm Project

Tamara Lee provided the Board with an update regarding the Farm Project and how she had contacted ag agencies and received feedback from said agencies. Tamara Lee and Katherine Fullerton have completed the email list of all the farmers in East Amwell Township and she will be sending them a notice regarding the special meeting on January 28th.

NEW BUSINESS- OTHER

There were no items to be discussed.

ITEMS FOR DISCUSSION

By-Laws of the Planning Board

Tamara Lee discussed the proposed By-Laws that were distributed to the Board. Tamara Lee asked that all Board members provide feedback and after reviewing them at the February meeting, if all agree, she will ask the Board to adopt the by-laws at the next meeting.

Sub-Committee to Explore Marijuana-Related Zoning Issues, Including Marijuana Dispensaries

Discussion took place regarding the legislation that is quickly approaching and the Planning Board's take on marijuana in East Amwell. The Board decided to create a sub-committee with members from the Planning Board, Township Committee and Board of Health. Tim Willey and Marnie Stetson offered to be on the Committee. John Seramba said he could provide some limited involvement. Rick Wolfe offered to review the legal issues and suggested that Mike Mills look at the farmer issues. Rick also suggested that John Mills should be involved from the Township Committee and maybe Tracy Carluccio from the Board of Health.

ORAL REPORTS

John Seramba proposed the Board recognize by resolution, Frances Gavigan and Gail Glashoff for their years of service on the Planning Board. The Board members were in agreement and they will be presented with resolutions at next month's meeting.

FOSPC- Mike Mills stated he was reappointed as Chair. No new business to report.

ENVIRONMENTAL COMMISSION- No Liaison appointed at this time.

PB SECRETARY- No report provided.

CHAIR- No report provided.

PRESENTATION OF VOUCHERS

A motion made by Rick Wolfe, seconded by John Seramba to approve the vouchers was unanimously approved by voice vote.

OPEN TO THE PUBLIC

A motion made by Mark Castellano, seconded by Rick Wolfe to open the meeting to the public was unanimously approved by voice vote.

Frances Gavigan 123 Wertsville Road, Ringoes, NJ- Ms. Gavigan stated due to the medical marijuana, there are large firms that are operating in New Jersey and Pennsylvania. A company named Terrasend may be interested in a dispensary in East Amwell.

Seeing no other members of the public come forward, a motion by Rick Wolfe, seconded by John Seramba to close the meeting to the public was unanimously approved by voice vote.

CORRESPONDENCE

There were no items for discussion.

ADJOURN

A motion made by Rick Wolfe, seconded by Tamara Lee to adjourn the meeting at 8:51pm was unanimously approved by voice vote.

Krista Parsons, Board Administrator