

The Reorganization Meeting of the Township of Hamilton Planning Board was held on the above date with Chairman David Wigglesworth presiding. Other members present were Harry Bilicki, Charles Cain, Richard Cheek, William Christman, Wayne Choyce, John Kurtz, John Percy and Heather Tomasello. Alternate members present were David Adams and Harry Rogers. Also present was John Rosenberger, Solicitor.

Compliance with the Open Public Meetings Law was acknowledged.

The oath of office was administered to the newly appointed members.

Election of Chairperson – Mr. Cain nominated David Wigglesworth, seconded by Mr. Christman, to serve as chairman of the Township of Hamilton Planning Board for the year 2012, until the Board reorganizes in 2013.

No other nominations were presented.

ROLL CALL VOTE ON THE NOMINATION FOR CHAIRPERSON:

|                                  |                                   |
|----------------------------------|-----------------------------------|
| Mr. Adams – Not eligible to vote | Mr. Choyce - Aye                  |
| Mr. Bilicki – Aye                | Mr. Kurtz - Aye                   |
| Mr. Cain – Aye                   | Mr. Percy – Aye                   |
| Mr. Cheek – Aye                  | Mr. Rogers – Not eligible to vote |
| Mr. Christman – Aye              | Ms. Tomasello – Aye               |
|                                  | Mr. Wigglesworth – Aye            |

SAID MOTION CARRIED.

Election of Vice-chairperson – Mr. Cain nominated Harry Bilicki, seconded by Mr. Choyce, to serve as vice-chairman of the Township of Hamilton Planning Board for the Year 2012, until the Board reorganizes in 2013.

No other nominations were presented.

ROLL CALL VOTE ON THE NOMINATION FOR VICE-CHAIRPERSON:

|                                  |                                   |
|----------------------------------|-----------------------------------|
| Mr. Adams – Not eligible to vote | Mr. Choyce - Aye                  |
| Mr. Bilicki – Aye                | Mr. Kurtz - Aye                   |
| Mr. Cain – Aye                   | Mr. Percy - Aye                   |
| Mr. Cheek – Aye                  | Mr. Rogers – Not eligible to vote |
| Mr. Christman – Aye              | Ms. Tomasello – Aye               |
|                                  | Mr. Wigglesworth – Aye            |

SAID MOTION CARRIED.

Appointment of Administrator/Secretary – Mr. Percy moved, seconded by Mr. Cain, to appoint Nancy Rainbow to serve as administrator/secretary to the Township of Hamilton Planning Board for the year 2012, until the Board reorganizes in 2013.

ROLL CALL VOTE ON THE APPOINTMENT OF ADMINISTRATOR/SECRETARY:

|                                  |                                   |
|----------------------------------|-----------------------------------|
| Mr. Adams – Not eligible to vote | Mr. Choyce - Aye                  |
| Mr. Bilicki – Aye                | Mr. Kurtz - Aye                   |
| Mr. Cain – Aye                   | Mr. Percy - Aye                   |
| Mr. Cheek – Aye                  | Mr. Rogers – Not eligible to vote |
| Mr. Christman – Aye              | Mr. Tomasello – Aye               |
|                                  | Mr. Wigglesworth – Aye            |

SAID MOTION CARRIED.

Appointment of Solicitor – Mr. Percy moved, seconded by Mr. Kurtz, to appoint John Rosenberger of Rosenberger & Wolf to serve as solicitor to the Township of Hamilton Planning Board for the year 2012, until the Board reorganizes in 2013.

ROLL CALL VOTE ON THE ABOVE APPOINTMEN OF SOLICITOR:

|                                  |                                   |
|----------------------------------|-----------------------------------|
| Mr. Adams – Not eligible to vote | Mr. Choyce - Aye                  |
| Mr. Bilicki – Aye                | Mr. Kurtz - Aye                   |
| Mr. Cain – Aye                   | Mr. Percy - Aye                   |
| Mr. Cheek – Aye                  | Mr. Rogers – Not eligible to vote |
| Mr. Christman – Aye              | Mr. Tomasello – Aye               |
|                                  | Mr. Wigglesworth – Aye            |

SAID MOTION CARRIED.

Appointment of Alternate Solicitor – Mr. Wigglesworth stated that the appointment of an alternate solicitor would be deferred until it became necessary.

Appointment of Engineer Consultant – Mr. Cain moved, seconded by Mr. Christman, to appoint Steven Filippone of Engineering Design Associates to serve as engineer consultant to the Township of Hamilton Planning Board during the year 2012, until the Board reorganizes in 2013.

ROLL CALL VOTE ON THE ABOVE APPOINTMENT OF ENGINEER CONSULTANT:

|                                  |                                   |
|----------------------------------|-----------------------------------|
| Mr. Adams – Not eligible to vote | Mr. Choyce - Aye                  |
| Mr. Bilicki – Aye                | Mr. Kurtz - Aye                   |
| Mr. Cain – Aye                   | Mr. Percy - Aye                   |
| Mr. Cheek – Aye                  | Mr. Rogers – Not eligible to vote |
| Mr. Christman – Aye              | Ms. Tomasello – Aye               |
|                                  | Mr. Wigglesworth – Aye            |

SAID MOTION CARRIED.

Appointment of Alternate Engineer Consultant – Mr. Cain moved seconded by Mr. Christman, to appoint Kevin Dixon of Dixon Associates Engineering to serve as alternate engineer consultant during the year 2012, until the Board reorganizes in 2013.

ROLL CALL VOTE ON THE ABOVE MOTION:

|                                  |                                   |
|----------------------------------|-----------------------------------|
| Mr. Adams – Not eligible to vote | Mr. Choyce - Aye                  |
| Mr. Bilicki – Aye                | Mr. Kurtz - Aye                   |
| Mr. Cain – Aye                   | Mr. Percy - Aye                   |
| Mr. Cheek – Aye                  | Mr. Rogers – Not eligible to vote |
| Mr. Christman - Aye              | Ms. Tomasello – Aye               |
|                                  | Mr. Wigglesworth – Aye            |

SAID MOTION CARRIED.

Appointment of Planner Consultant – Mr. Kurtz moved, seconded by Mr. Percy, to appoint Vincent Polistina of Polistina & Associates to serve as planner consultant to the Township of Hamilton Planning Board during the year 2012, until the Board reorganizes in 2013.

ROLL CALL VOTE ON THE ABOVE MOTION:

|                                  |                                   |
|----------------------------------|-----------------------------------|
| Mr. Adams – Not eligible to vote | Mr. Choyce - Aye                  |
| Mr. Bilicki – Aye                | Mr. Kurtz - Aye                   |
| Mr. Cain – Aye                   | Mr. Percy - Aye                   |
| Mr. Cheek – Aye                  | Mr. Rogers – Not eligible to vote |
| Mr. Christman – Aye              | Ms. Tomasello – Aye               |
|                                  | Mr. Wigglesworth – Aye            |

SAID MOTION CARRIED.

Appointment of Alternate Planner Consultant – Mr. Percy moved, seconded by Mr. Cain, to appoint Robert Watkins of Mott Associates to serve as alternate planner consultant to the Township of Hamilton Planning Board during the year 2012, until the Board reorganizes in 2013.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Adams – Not eligible to vote  
Mr. Bilicki – Aye  
Mr. Cain – Aye  
Mr. Cheek – Aye  
Mr. Christman – Aye

Mr. Choyce - Aye  
Mr. Kurtz - Aye  
Mr. Percy - Aye  
Mr. Rogers – Not eligible to vote  
Ms. Tomasello – Aye  
Mr. Wigglesworth – Aye

SAID MOTION CARRIED.

Appointment of Traffic Engineer Consultant – Mr. Bilicki moved, seconded by Mr. Choyce, to appoint Alexander Litwornia of Litwornia Associates to serve as traffic engineer consultant to the Township of Hamilton Planning Board during the year 2012, until the Board reorganizes in 2013.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Adams – Not eligible to vote  
Mr. Bilicki – Aye  
Mr. Cain – Aye  
Mr. Cheek – Aye  
Mr. Christman – Aye

Mr. Choyce - Aye  
Mr. Kurtz - Aye  
Mr. Percy - Aye  
Mr. Rogers – Not eligible to vote  
Ms. Tomasello – Aye  
Mr. Wigglesworth – Aye

SAID MOTION CARRIED.

Appointment of Alternate Traffic Engineer Consultant – Mr. Kurtz moved, seconded by Mr. Cheek, to appoint Kevin Dixon of Dixon Associates Engineering to serve as alternate traffic engineer consultant to the Township of Hamilton Planning Board during the year 2012, until the Board reorganizes in 2013.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Adams – Not eligible to vote  
Mr. Bilicki – Aye  
Mr. Cain – Aye  
Mr. Cheek – Aye  
Mr. Christman – Aye

Mr. Choyce - Aye  
Mr. Kurtz - Aye  
Mr. Percy - Aye  
Mr. Rogers – Not eligible to vote  
Ms. Tomasello – Aye  
Mr. Wigglesworth – Aye

SAID MOTION CARRIED.

Appointment of Landscape Architect Consultant – Mr. Cain moved, seconded by Mr. Christman, to appoint Christopher Carey of Engineering Design Associates to serve as landscape architect consultant to the Township of Hamilton Planning Board during the year 2012, until the Board reorganizes in 2013.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Adams Not eligible to vote  
Mr. Bilicki – Aye  
Mr. Cain – Aye  
Mr. Cheek – Aye  
Mr. Christman – Aye

Mr. Choyce - Aye  
Mr. Kurtz - Aye  
Mr. Percy - Aye  
Mr. Rogers – Not eligible to vote  
Ms. Tomasello – Aye  
Mr. Wigglesworth – Aye

SAID MOTION CARRIED.

Historic Architect Consultant – Mr. Kurtz moved, seconded by Mr. Percy, to appoint Hugh McCauley to serve as historic architect consultant to the Township of Hamilton Planning Board during the year 2012, until the Board reorganizes in 2013.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Adams – Not eligible to vote  
Mr. Bilicki – Aye  
Mr. Cain – Aye  
Mr. Cheek – Aye  
Mr. Christman – Aye

Mr. Choyce - Aye  
Mr. Kurtz - Aye  
Mr. Percy - Aye  
Mr. Rogers – Not eligible to vote  
Ms. Tomasello – Aye  
Mr. Wigglesworth – Aye

SAID MOTION CARRIED.

Meeting Dates and Time – Mr. Wigglesworth announced that the Township of Hamilton Planning Board would meet on the first and third Thursdays of every month during the year 2012, with the exception of the third Thursday in November, as listed on the meeting schedule, dated December 20, 2011, and that 7:00 PM would be the time at which the meetings would commence.

Appointment of Subcommittees – Mr. Wigglesworth deferred appointment of subcommittees until a future meeting.

Public Comment – Mr. Wigglesworth opened the meeting to Public Comment.

Roger Silva, Mayor, congratulated the re-appointed members of the Board and the appointed professional consultants and stated that he believed they would continue to serve the Township well.

Aline Dix, Township Committee Member, asked for clarification as to when the meetings would be conducted.

Mr. Cain moved, seconded by Mr. Percy, to close the public portion of the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING “AYE”, NO “NAY”, NO “ABSTAIN”.

Member Education – Ms. Tomasello expressed the desire to receive additional instruction about the Planning Board process, as there were some things that were not addressed during the State’s training sessions.

Mr. Cain pointed out that there was a lot of information available at the November League of Municipalities Convention, and at its web site, that would be helpful, but he suggested the possibility of Philip Sartorio providing a brief overview, or conducting an orientation that would cover the basics. Mr. Cain asked Ms. Rainbow to ask Mr. Sartorio if he would be willing to conduct a session for both the Planning Board and Zoning Board, and he stated that he would present the idea for discussion at the next Township Committee meeting.

Mr. Choyce commented that board member education had been discussed by the Smart Growth Committee.

Clustering Provisions – Mr. Choyce mentioned the meeting that had been arranged with Pinelands Commission staff members to discuss the issues raised by Board members involving the proposed revisions to the ordinance to comply with the amendments to the Pinelands CMP involving clustering in the Rural Development Area and Forest Area.

Vince Polistina was present and the issues were briefly discussed.

Mr. Choyce stated that he hoped to gain a better understanding of the Pinelands’ position with regard to the clustering provisions, and to get the Pinelands staff to understand the Township’s concerns, and, in the end, compromise in a way that would satisfy both.

Mr. Polistina cautioned that the issue involving how density is calculated would be the “sticking point”, as Pinelands allows wetlands to be included, and his efforts on behalf of the Township to exclude wetlands had not been successful

Mr. Polistina stated that Mr. Nehmad was fighting the provision that would allow the exclusion of any lots that were not in common ownership as of April, 2009, as he had clients that had secured property in anticipation of clustering.

Mr. Choyce questioned what recourse Mr. Nehmad would have if the Township adopts the provision, and Mr. Rosenberger advised that he could file a lawsuit in the Office of Administrative Law, and there could be a direct appeal from there to the Appellate Division by either party.

In response Mr. Cheek's question whether Mr. Nehmad had a right to interfere with the Township's effort, Mr. Rosenberger stated that he, as well as others, had the right to petition Pinelands for relief, whatever it is, even though it may be at cross-purpose.

NJDOT Sidewalk Request – Mr. Cain reported that, Mayor Gatto had sent a letter to NJDOT to request that it place sidewalk along the Black Horse Pike from Wrangleboro Road to the Hamilton Mall property and from River Drive to the paved area at County Seat Florist in Mays Landing.

GA-L Lot Area Requirement – Mr. Percy mentioned the issue involving lot area for properties located in the GA-L Zone that were not under Pinelands jurisdiction, and expressed the desire to amend the Ordinance to provide for a minimum of one acre, as is required in the Pinelands Area of the Township. He expressed the opinion that the lot area requirement throughout the GA-L Zone was intended to be one acre minimum.

Mr. Rosenberger stated that the Board would be receiving from him a letter that sets forth his opinion that the argument presented by the Applicant was technically correct, but because of the Board's long history of disregarding that and applying the one acre minimum requirement, it would be necessary for the Applicant to seek a variance.

Mr. Rosenberger stated that he had already advised Mr. Plackter of his opinion, and that any further discussion of the matter would need to take place in executive session.

Mr. Rosenberger stated that the Board could advise Township Committee of the deficiency, and Township Committee could determine what the appropriate action should be with regard to the Ordinance provision.

Executive Session – Mr. Percy moved, seconded by Mr. Cheek, to adjourn the meeting to Executive Session to discuss a matter related to the application submitted by Charlor, LLC, for the River's Edge subdivision.

ROLL CALL VOTE ON THE ABOVE MOTION:

Mr. Adams – Not eligible to vote  
Mr. Bilicki – Aye  
Mr. Cain – Aye  
Mr. Cheek – Aye  
Mr. Christman – Aye

Mr. Choyce - Aye  
Mr. Kurtz - Aye  
Mr. Percy - Aye  
Mr. Rogers – Not eligible to vote  
Ms. Tomasello – Aye  
Mr. Wigglesworth – Aye

SAID MOTION CARRIED.

Adjournment – When Public Session resumed, Mr. Percy moved, seconded by Mr. Cain, to adjourn the meeting. SAID MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN".

Respectfully submitted,

Nancy Rainbow,  
Planning Board Administrator