

1. Comments Made By Robert Gilbert To The January 9, 2019 Meeting Minutes
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Documents:

[EAST AMWELL PLANNING BOARD MINUTES 1_9_19-DRAFT_RG.PDF](#)

- 1.1. Planning Board Agenda & Minutes

Documents:

[EAPB 5.8.19 1 \(1\).PDF](#)

[4.10.19 EAPB MEETING MIN \(1\).PDF](#)

EAST AMWELL PLANNING BOARD MINUTES- DRAFT
7:30 PM East Amwell Municipal Building
January 9, 2019 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on January 9, 2019 at 7:30 PM. The following notice was read, "In compliance with the Open Public Meetings Act, this is a regularly scheduled meeting and reorganization meeting pursuant to the annual meeting notice as published in the January 18, 2018 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 January 4, 2019."

Roll Call and Agenda Review

Present: Roger DeLay
Rob Gilbert
Frances Gavigan
Gail Glashoff
Mark Castellano
Rick Wolfe
John Buckwalter
Tamara Lee
Tim Willey
Joe Nyce

Also Present: Chris Norman (Attorney)
Krista Parsons (Admin Officer)

Absent: Joanna Slagle (Planner)

New Business- Reorganization

Ms. Parsons asked for nominations for the Board's Chair. A motion by Tamara Lee, seconded by Frances Gavigan to nominate Gail Glashoff as the Board's Chair was made. Hearing no other nominations, the Board unanimously approved Ms. Glashoff's nomination and congratulated her. Chairperson Glashoff took over the meeting.

Chairperson Glashoff asked for nominations for the Board's Vice Chair. A motion by Rick Wolfe, seconded by Tamara Lee to nominate Mark Castellano as the Board's Vice Chair was made. Hearing no other nominations, the Board unanimously approved Mr. Castellano's nomination. The Board congratulated Mr. Castellano.

A motion by Rob Gilbert, seconded by Roger DeLay to appoint the Application Review Committee as follows; Chairperson Glashoff, Roger DeLay, Mark Castellano and Frances Gavigan, was unanimously approved by the Board.

A motion by Mayor Wolfe, seconded by Mark Castellano to appoint Krista Parsons as the Board's Administrative Officer was unanimously approved. Hearing no other nominations, the Board unanimously approved Ms. Parsons' nomination. The Board congratulated Ms. Parsons.

A motion by Rob Gilbert, seconded by Roger DeLay to approve Resolution PB#2018-01 and the related contract to appoint Chris Norman as the Planning Board's Attorney for 2019 was unanimously approved.

Ms. Lee asked Attorney Norman in regards to the amount he charged for the meetings as it was a flat fee stated in the contract. Ms. Lee asked what if there were an application, Attorney Norman replied he does not bill the escrow for the attendance of the meeting. Ms. Lee asked why? Attorney Norman stated this would be double billing. Ms. Lee asked why he just does not bill the escrow and then bill the Planning Board less. Attorney Norman stated that he can't do this, as there is a section in Cox, where it states it cannot be done. The Board has to retain a professional to represent at the meetings, and this would be a regulatory expense.

Chairperson Glashoff stated if there was an application before the Board and that application was heard for one hour then his hourly rate for one hour should be deducted from the flat fee he charges the Planning Board. Attorney Norman replied he will check on this, but he is pretty sure this cannot be done as there is a section in the Cox book and he is very careful about this situation as he wants to do it the right way.

Chairperson Glashoff asked Mayor Wolfe if there was an update on the Engineering position. Mayor Wolfe replied the Township Committee is preparing an RFQ and it will go out shortly. Once proposals come in they will be brought to the Planning Board to determine who will be appointed.

Mr. DeLay asked what will be done in the meantime. Mayor Wolfe stated they will be keeping the existing Engineer. Ms. Parsons stated Dennis O'Neal is willing to work on a month to month contract but would like something in writing. It was suggested by Mayor Wolfe that Mr. O'Neal send a revised contract from last year, stating month to month as we are all familiar with it.

A motion by Rob Gilbert, seconded by Roger DeLay to approve Resolution PB#2019-02 and the related contract to appoint Frank Banisch Associates as the Planning Board's Planner for 2019 was unanimously approved.

A motion by Roger DeLay, seconded by Frances Gavigan to adopt the Robert's Rules of Order was unanimously approved. It was noted that the Board reserves the right to recognize members of the public during public discussion when the Board believes there is a need to do so.

A motion by John Buckwalter, seconded by Mark Castellano to approve the Board's 2019 meeting schedule was unanimously approved. It was noted the Planning Board will continue to meet the second Wednesday of each month at 7:30 PM.

Agenda Review:

Ms.Parsons added the Williams Memorialization under Old Business item #2.

Review of Minutes

A motion by Mr. DeLay, seconded by Mr. Castellano to approve the Board's November 14, 2018 minutes was unanimously approved with Mr. Gilbert and Mr. Sobieski abstaining.

A motion by Mr. Gilbert, seconded by Mayor Wolfe to approve the Board's December 12, 2018 minutes with revisions noted, was unanimously approved with Mr. Sobieski abstaining.

Citizens' Privilege to Speak on Items not on the Agenda

Motion made by Mr. Gilbert to open to the public, seconded by Mr. Castellano and carried unanimously.

There was no comment from the public.

Motion made by Mr. DeLay to close to the public, seconded by Mr. Willey and carried unanimously.

New Business – Other

None

Old Business

1. Update on The Ridge Helipad

Mayor Wolfe noted he circulated a summary to a group of residents that expressed interest in the helistop issue and to the Planning Board starting from the beginning until the present. The reasoning behind this was, as he got into the issue and focused on The Ridge, he came to the conclusion that some of the things he was coming across struck him as odd and inconsistent with the way processes have typically been handled in East Amwell over the years.

Please refer to the memo on the Township webpage:

<http://www.eastamwelltownship.com/DocumentCenter/View/601/The-Ridge-at-Back-Brook-Update-from-Rick-Wolfe-1-6-19>

Mayor Wolfe touched base on the property taxes pertaining to The Ridge at Back Brook. The initial assessed value of the golf course in 2005 was \$19,756,700.00. The value of the golf course currently is \$5,347,200.00, which means the current value is about ¼ of what it was in 2005. Mayor Wolfe stated the property taxes that were being paid in 2005 were \$329,937.00, the property taxes in 2019 will be \$112,291.00 or about 34% of what they originally were.

Mayor Wolfe stated the portion of the total rateable base (the assessed value of all the properties in East Amwell), originally the golf course was 2.52%, which is a large percentage for a single piece of property. In 2019 there will be a decline of almost 70%.

Mayor Wolfe's own view on the decision in 1999 to in effect treat this as open space was a mistake, he does not believe this was the right call. Mayor Wolfe believes individuals may have been looking at the facts that were in front of them and not looking at the ramifications down the

road. Mayor Wolfe claimed that the township went on the record and said this golf-course is the greatest thing since sliced-bread, thus giving Mr. Moore leverage that he seized upon. [6, 7:56]

In 2030, per Mayor Wolfe, the membership interests at The Ridge hit their 30th anniversary and the members have the right to ask for their deposit back. Apparently a large number of members have already put in the request for the return of their deposit. Mayor Wolfe stated he is not sure where The Ridge will come up with the money to pay back all the deposits. Unless the owner is able to successfully put together a new business model for the golf course, the golf course will not be one anymore. The notion of open space may go right out the window.

Mayor Wolfe noted he wanted to discuss this topic with the Planning Board, as it is not clear to him that the Township is going in the right direction on the golf course.

Mayor Wolfe stated they may want to rethink the zoning that is applicable to the golf course and decide if the Planning Board wants a commercial country club, which seems to him to be entirely inconsistent to the Master Plan and to be entirely inconsistent with the basic tendency of East Amwell Township.

Mayor Wolfe wanted to get others thinking about this as in the end, the greatest impacts are to the residents who reside around the golf course.

Mayor Wolfe heard through the grapevine that Mr. Moore may want to trade the helistop for a Special Events Ordinance [6, 7:59]. The Special Events Ordinance, it seems to him, was drafted for a town that has resources far in excess of what East Amwell has. Mayor Wolfe had earlier mistakenly stated that the Special Events Ordinance had ultimately been approved [6, 7:51:45]. Note: This requires approval by the Township Committee.

Mayor Wolfe is looking for individuals to weigh in; do they think the Township is going in the wrong direction and the zoning should be reconsidered? Do people think the Township is going in the right direction and in effect should partner with The Ridge to try and make its business more profitable? Mayor Wolfe has his own views however, this is not his decision and he wants to throw this out to be discussed.

Mr. DeLay and Mr. Gilbert asked about how the changes in valuation of the golf-course came about. Mayor Wolfe said that he was involved in negotiating this settlement, along with Tim Matthews, Martin Allen, and Mary-Anne Buscher (sp?). Mayor Wolfe reviewed the taxes and litigation case involving The Ridge and what transpired. Full details of this discussion can be heard on the recording. Essentially, Mayor Wolfe lost confidence in the township's legal representation and estimate of the costs of litigation and noted how difficult it is to determine the value of the ongoing business and contracts.

Mr. Willey commented he was not on the Planning or Zoning Board when The Ridge got an ordinance passed for the pool, tennis courts and cottages. He was interested in the issue when it was going to be passed as an ordinance because he had 10 year experience working at Hopewell Valley Golf Club in which he was in charge of an olympic size pool, three leehydrocourts (tennis courts) and paddle tennis courts. Mr. Willey came before the Township Committee and they

basically told him to shut up, that he didn't know what he was talking about. Mr. Willey said he disagreed with the proposed ordinance as he had 10 years experience, and the Township Committee proceeded to tell Mr. Willey that Mr. Moore was never going to use water from his well to fill the pool and Mr. Moore was going to document the truck loads of water that he was having brought in. Mr. Willey stated, this may last the first six months while everyone is watching him, but he will eventually use the site's wells to fill the pool as that's what Mr. Willey does at his golf club. It's not affordable to pay for water to be trucked in every time the system is backwashed. An olympic size pool will approximately go through 3,000 gallons of water every time it's backwashed and when it's busy it's backwashed once per day.

Mr. Willey stated no one wanted to hear him when he brought it up to the Township Committee. Mr. Willey also could not believe Mr. Moore was getting an ordinance and not going before the Planning Board and or Zoning Board to get a variance. Mr. Willey commented why is he (Mr. Moore) special and didn't have to come before any of the boards for approval, how did it just become an ordinance to allow him to do what he wants to do? The Committee couldn't explain it to him and didn't trust what Mr. Willey had to say.

Mr. Willey stated the hydrocourts went through 1,000's of water per day and no one installs hard courts anymore. His point was the water usage. Mr. Willey stated the ordinance was stating the Township was going to have someone monitor it and Mr. Willey informed the Committee he would like to sign up for that job.

Mr. DeLay stated it did come before the Planning Board. Chairperson Glashoff noted it was back in 2016. Mr. DeLay explained that it was brought up to the Township Committee but had to come before the Planning Board as the ordinance had to be amended.

Mayor Wolfe stated the head of Board of Health was against this and there are a number of documents in the files that show how she was run right over. There was a letter from Mr. Moore's lawyer threatening to sue her personally because she was standing up and saying this isn't right.

Mayor Wolfe spoke to Tracy Carluccio informing her the composition in the Town both on the Planning Board and Township Committee has changed, and they will be revisiting The Ridge situation in its entirety and to the extent that she wants to weigh in on pesticides, water testing, cottages, tennis courts, pools, to the extent in her capacity as the Chair of the Board of Health, she wants to weigh in, she will be treated fairly and with an open ear.

Chairperson Glashoff pointed out back in 2016 when The Ridge came in it was a bifurcated application, the water and all the accessories Mr. Moore wanted, such as cottages, tennis courts and swimming pool. Chairperson Glashoff stated when it came down to the water issue, Mr. Moore wanted to sunset the monitoring as he didn't want to have to test the water anymore.

Chairperson Glashoff stated the resolution dedicated to specifically the water in 2001, stated Mr. Moore was to test the water three times per year; Spring, Summer and Fall. She noted that Mr. Moore never did this as he always performed the test at the end of the year.

Chairperson Glashoff noted a number of chemicals that are going into the ground that are to make the property look pristine. She commented when the soil is not being tested to ensure it's okay, you are hurting everyone else around the golf course as it slopes down to the Back Brook, homes on the other side and wells. Chairperson Glashoff commented Mr. Moore wanted to do away with any type of testing.

Chairperson Glashoff explained, in meetings prior to the vote, the Board agreed to have the local Board of Health review everything, look at it, and inform the Planning Board of their findings. Chairperson Glashoff stated the night of the vote, Tracy Carluccio came to the meeting and did a beautiful presentation and made it clear that the Board should not allow Mr. Moore do that and he needs to continue to do all the required testing. In the end the Board voted and it was to deny Mr. Moore and he had to revert back to the regular testing.

Chairperson Glashoff voiced that she does not know if the testing is being done at this point in time.

Ms. Gavigan noted with the testing, the cost of reviewing this with Princeton Hydro has always been on the Township and it is not just the adjacent wells and or property owners.

Ms. Gavigan pointed out a lot of the chemicals being used can be hormone disruptors and so on, so the agricultural properties in the area such as horse breeders could be negatively impacted.

Mr. DeLay noted, he recalls Princeton Hydro presented the data they had collected for about 15 years and there had been no indication in the data they had been collecting that there was any impact to the water in the Back Brook. Chairperson Glashoff disagreed with this and said there had to have been contamination. [11, 8:23]

Ms. Lee commented if they are testing at the end of the year, they are closed for the winter season and the plants are dormant and you're not fertilizing at the end of the year, they may have not received bad results as they weren't testing when they were using the fertilizers.

It was suggested by Mayor Wolfe to invite Tracy Carluccio to the next Planning Board meeting. Mr. DeLay asked if the documents from Princeton Hydro could be brought back as they were very informative as to the situation at the time. Mayor Wolfe responded they are in the files and there are red wells full of documents pertaining to water both the Back Brook and groundwater.

Mayor Wolfe did look at results from tests for the last few years and there was nothing problematic coming up in the tests.

Ms. Lee asked when the ordinance was changed, was the Master Plan updated, was there an amendment to the Master Plan to reflect the change in the ordinance? Mayor Wolfe replied the current Master Plan reflects the golf course. Ms. Gavigan and Ms. Lee asked if it was changed. Mayor Wolfe replied he does not know, he would have to look.

Ms. Lee stated if the ordinance changes the character of the golf course then she is wondering if the Master Plan anticipated that.

Ms. Gavigan noted there are several years of results that were never reviewed by Princeton Hydro in real time due to funding issues. Chairperson Glashoff commented there are a lot of issues that need to be addressed.

Mayor Wolfe said he is looking to start a discussion, the response may be no, they want to continue down this road, or this should be revisited. Mayor Wolfe emphasized come 2030, the golf course may not be there, no matter what changes may be made to the ordinances, due to the refunding of all the deposits of the memberships to the members.

Mayor Wolfe explained Mr. Moore indicated through a member of the Ridge that Mr. Moore wanted to meet with Mayor Wolfe and Tim Mathews; and Mayor Wolfe responded no, and that Mr. Moore can come to a Township Committee meeting, or if he doesn't want to come to a meeting because he's concerned due to the residents being there, they will meet with him but they will bring a representative group of residents to the meeting as there will be no one-on-one meetings and no backroom deals made and the people who have the most skin in the game are the residents who live on Wertsville, Back Brook and the off roads.

Mr. Gilbert stated to Mayor Wolfe, he mentioned he wasn't going to make any type of backroom deal and in the memo Mayor Wolfe commented there was a handshake agreement and the Planning Board led them to believe they were entitled to a helipad. Mr. Gilbert stated the Planning Board voted against the helipad three times. The Planning Board didn't give The Ridge any sense they were entitled to it; that doesn't seem fair.

Mayor Wolfe stated the documents surrounding 2005, all point in the direction that there was a handshake deal with Mr. Moore in which the helistop would be approved. Per Mayor Wolfe, at a Planning Board meeting, one of the Planning Board members stood up and said there should be a public hearing on this and Mr. Moore said from the audience, if there is a public hearing on this he may withdraw the application. Mayor Wolfe continued there was a public hearing and approximately 19 residents spoke, and predominantly against the helipad and the Planning Board voted 4-2 against it. Mr. Gilbert stated, then the Board voted against it two more times. Mayor Wolfe replied, correct.

Mr. Gilbert asked Mayor Wolfe, why did he say that the Board led them to believe Mr. Moore was entitled to a helipad as the Board voted against it three times, it doesn't seem fair. Mayor Wolfe remarked, the Board did and he is trying to keep it objective however, he said the paper trail supports the notion that there was a handshake deal with Mr. Moore in 2005.

Mr. Gilbert commented, the paper trail and the documents Mayor Wolfe is referring to, is he implying or alleging someone did something improper? What are these documents that prove this handshake deal that led them to believe this? Mr. DeLay asked Mayor Wolfe what paper are you trailing? Mr. Gilbert stated he wasn't on the Planning Board in 2005, and Mr. DeLay stated he wasn't either. Mr. Gilbert said he wasn't either in 1999, and he knows people who were and they seem like very fine people and he is offended for their sake that Mayor Wolfe made these innuendo allegations and does not think this will help to have a reevaluation objectively of what is going on. Mayor Wolfe replied, he is not looking to go on a fishing expedition and he is

proceeding on the assumption that the people who were involved were acting in what they believed was the best interest of the town and were not influenced by their own self interests. Mayor Wolfe stated the documents that go back to 1999, there are a number of things that would cast a cloud on that assumption. Mayor Wolfe twice stated that he didn't think Mr. Gilbert wanted to go there. Mr. Gilbert said he would not have asked if he did not want to know. [14, 8:37:50]

Mayor Wolfe continued, stating the Chair of the Planning Board was one of the sellers to The Ridge. This alone casts significant cloud. The Chair at the time was one of the most powerful people in the Township, was one of the people selling the people to The Ridge. Mr. Gilbert asked who the person was. Mayor Wolfe answered Barbara Wolfe. Ms. Buckwalter commented from the audience, Ms. Wolfe recused herself. Mayor Wolfe replied she did recuse herself but all the documents were still sent to her in her name, and she was still in the room. Mayor Wolfe continued there was a Planning Board member during the meeting inadvertently was selling wine to The Ridge, there are other documents where Planning Board members were doing activities at The Ridge which all of these may be innocent but it does cast a dark cloud on the whole process.

Mayor Wolfe stated regarding the backroom deal, there is a memo from the Planning Board Administrator at the time that talks about this particular deal. The Township Planner said it was okay to do the helistop. Mayor Wolfe again said that he didn't think Mr. Gilbert wanted to delve into this and also commented **that he himself didn't** have a complete set of files. Mayor Wolfe said his guess is that the more Mr. Gilbert gets into these files, the more he is not going to like what he sees.

Mr. Gilbert said he had no 'liking' one way or the other, but he does think that that if Mayor Wolfe is going to make innuendo type accusations, it should be upfront. Mayor Wolfe, replied he is being up front. Ms. Gavigan stated to Mr. Gilbert, she was at these meetings including the one with Tim and the recused one and the recusal was after a fight occurred. Ms. Gavigan stated the past is the past, between the settlements and with all this information coming out, it is a good time to take a look at things and see where we are and what we can do. Mr. Gilbert replied, sure, he has no problem with that; it is always a good time to reevaluate. He continued asking, in line with this, what is being done right now by the Township to ensure they abide by their agreement to fill their pool. Mayor Wolfe replied there is no pool, no tennis courts and no cottages. None of these have been built. Mr. Moore came in for approval, from his understanding, not that Mr. Moore intends to build these accessories right now but because he wanted to increase the value when he sells.

Mr. DeLay stated, Mr. Moore couldn't bring a site plan in until the ordinance was amended.

Ms. Gavigan stated that there was testimony and a site walk conducted and there were issues due to the topography of the area in which he wanted to locate all these accessories in this one small area.

Mr. Gilbert stated in the 6-7 or whatever number of years that he has been on the Planning Board, he has never seen anyone give Mr. Moore any sense of entitlement to get a helipad (Mr. DeLay agreed). The exact opposite. Three times it was denied and it was vigorously opposed by

the Chair of the Planning Board. Mayor Wolfe said the paper trail does not support that conclusion. Mr. Gilbert reminded Mayor Wolfe that the mayor had been talking about events from 1999 and 2005 and asked again if there was any kind of paper trail that contradicts what he stated? Mayor Wolfe admitted there was not., not since Mr. Gilbert has been on the Board.

Mayor Wolfe stated from 2005, when the residents got wind of this, the tone changed. Someone on the Planning Board raised their hand and said there needs to be a public hearing and that was that. Mr. Delay asked why the Mayor is bringing up these issues now. The Mayor said he was only raising these issues in response to Mr. Gilbert's questions. Mr. Delay and Mr. Gilbert clarified that it was indeed the Mayor who raised these issues in his memo. Mayor Wolfe stated the memo was designed to give a chronology and tried to present it the best way he could and he wasn't necessarily looking to infer anything and was trying to present an objective chronology. Mr. DeLay observed that the Mayor inferred quite a bit and Mr. Gilbert agreed. Mayor Wolfe said he thinks maybe Mr. Gilbert and Mr. DeLay don't like the conclusions and maybe they're drawing the inferences. Mayor Wolfe insisted that his account was objective and included exact quotes and that he could not be accused of manipulating. Mr. Gilbert said no one had objected to quotations, just to the inferences that the Mayor was clearly drawing and implying in his memo. Mayor Wolfe asked how Mr. Gilbert could be offended if he was not even on the planning board at the time. Mr. Gilbert said that the memo was also making inferences about the intentions of the planning board in more recent times and again clarified that he was not personally offended but rather for the sake of the people on the planning board who are good people. It is not true that 'the Planning Board has given them every goodie they've asked for since then'. Mayor Wolfe asked what goodies they have not given them since then? Mr. Delay and Mr. Gilbert clarified that the helistop and sun-setting the water-testing were denied them.

Mayor Wolfe stated there were concessions on the water testing. He discussed this with Ms. Carluccio who stated that she is not happy where the Board ended up over the water testing. Mr. DeLay stated she was unhappy because it hasn't been enforced, not because it has been changed. Attorney Norman stated what he believes the Board did on the water testing is they expanded the frequency of time between testings but would not agree to sun set. Mr. DeLay stated part of the problem was they were trying to test in July and August and Back Brook is practically dry and there is nothing to test. This was the issue that came up at that point.

Ms. Gavigan commented the testing was to occur during the first and second quarter; the start of the year, the middle of the year and at the end of the year. Ms. Gavigan said that there was party debate as to the accuracy and how viable the water testing could be and going forward all of this could be implemented again.

Ms. Gavigan stated that in one testimony by Mr. Moore, he stated he was contacted by the Township regarding doing things or what could be done and possible meetings held. Ms. Gavigan stated there is an opportunity for the Planning Board as it's their duty and due diligence to take a look at everything currently going on at The Ridge and take this opportunity while there is no tax litigation or anything else occurring.

Chairperson Glashoff commented on the water testing, stating there was an assumption the sun setting was a done deal. Chairperson Glashoff noted Mr. Moore believed he was going to get

what he wanted when he came to the meeting and the vote went against him. Chairperson Glashoff stated a week later, four of the board members including her, received an individual email from Don Reilly asking them if they would change their vote, and she has this in writing in an email.

Mr. Gilbert asked who the four people were; Ms. Gavigan replied, Dante, Pete, herself, and Linda Lenox. Chairperson Glashoff stated because of the fact that Mr. Moore didn't get what he wanted, they were asked to change their vote. It was a done deal and there were people on the Planning Board that were not at a meeting that should have listened to the tape and didn't so they could vote.

Ms. Glashoff stated she was offended when she received the email from Mr. Reilly asking her to reconsider her vote so there could be another vote done. She stated what right does anyone have to ask her to change her vote because "she didn't know what she was doing" and that is what each one of them got, an email to that effect. Chairperson Glashoff noted, when it comes to the water testing there has been a lot going on. Mr. Gilbert and Mr. DeLay both said they wished Gail had brought that up at the time and given Don a chance to respond.

Mayor Wolfe stated his very strong advice on this is the Board proceed under the assumption that everyone who was involved in the process was acting in what they perceived in the best interest of the Township and not acting to further their own personal interests and to address the matter on this basis. Mayor Wolfe twice more said that Mr. Gilbert and Mr. DeLay do not want to go where they are going. Mr. Gilbert again disagreed. Then Mayor Wolfe suggested that Mr. Gilbert talk to the people he says are his friends and ask them if they really want him to go there and again said that Mr. Gilbert did not want to go there. Mr. Gilbert said it is not an issue of friendship. Mayor Wolfe insisted that Mr. Gilbert just said he knows these people, they're friends, and they're good people. Mr. Gilbert corrected the mayor and said he did not say they were friends but he does consider them good people. Mayor Wolfe said that if Mr. Gilbert does not really know them well then he doesn't see how Mr. Gilbert can say they are good people. Mr. Gilbert said he based his opinion just on 7 or 8 years of being on a board with them. Someone suggested we should focus on moving forward and Mayor Wolfe agreed not to focus on the dark side.

Mayor Wolfe asked does the Board want to revisit the situation with The Ridge. Mr. DeLay asked what parts does Mayor Wolfe want to revisit and how does the Board go about doing this? Mayor Wolfe explained there was a commitment made to the Township by Mr. Moore and there was representation made in 1998 and 1999 that the golf course would be operated as a pure golf course. The Township put in place the ordinance on this basis. Over time Mr. Moore has chipped away at this and to the point if Mr. Moore moves forward with these plans it would be a country club, not a pure golf course. Does the Board want to go back and revisit these decisions and go back to the basic roots to where this should be, which is a basic golf course?

Mr. DeLay asked how do we do this? Attorney Norman stated the Board can, among other things, vacate the ordinance such as the ordinance that allowed for the accessory country club type amenities. Attorney Norman stated the ordinance can be repealed. This will set the clock

back to when the intent was to approve a golf course and not a country club, the Board can go back to this.

Ms. Gavigan stated, every year during this time of year, the board starts to come up with goals and plans for the year and she suggested the Board make it a priority to put this as a 2019 goal, based on the new information that became available.

The topic for discussion with the public would investigate if we should continue to support the migration of The Ridge from a pure golf club to a country club, or do we want to go back to the original roots where it was supposed to be a pure golf course? When Mr. Moore came before the Board, the Township did not have a golf course ordinance.

Mr. Castellano asked what the update is with the helistop currently. Mayor Wolfe replied, there have been a lot of letters written and sent to various parties. The Township letter is due January 24, 2019. Mayor Wolfe has gathered a lot of material and plans to draft the letter this weekend. As of now, based on what Mayor Wolfe received so far, the Township had originally envisioned a three pronged approach; the water bodies, wildlife and the horses. The best of the three are the horses. This became clear as Mayor Wolfe walked the trail.

Mayor Wolfe had a long conversation with Senator Turner's assistant and Senator Turner is going to write a letter to the NJDOT encouraging them to pay very serious attention to the Township letters. Mayor Wolfe suggested that Senator Turner hold off until the draft of the Township letter was completed, as she could see the letter and incorporate some of those thoughts into her letter.

There are two experts in environmental issues that are working on that and people have been able to identify threatened and endangered species of interest on or around The Ridge,

Chairperson Glashoff asked the Board how they felt about inviting Tracy Carluccio to the next meeting and opening the meeting to the public for feedback, who will be most impacted. It was requested by Mr. DeLay to send out the original ordinance and any amendments prior to the meeting so they can be reviewed.

Chairperson Glashoff suggested having the goals and priorities from last year for next meeting.

A motion was made by Ms. Gavigan to invite Tracy Carluccio and the public to the next Planning Board meeting to discuss the interest or viability of reviewing/looking at the Golf Course Ordinance as well as the situation, there was no motion for a seconded, however, the consensus of the Board was for inviting Tracy Carluccio and the public to the next meeting.

2. AJ 18-07: Loryn Williams- Height variance for proposed barn. Block 40.01 Lot: 1.02-180 Mountain Road- Sourland Mountain District. Submitted: 11/13/2018 45 days: 12/28/2018 Deemed Complete: 11/30/2018 Variance Approved: 12/12/18 Memorialization: 1/9/19

Ms. Lee stated the three conditions the Board agreed upon were not listed in the Memorialization nor was the Whereas clause that referred to the buffer averaging. The three conditions to be listed; channel gutters to avoid erosion, NJDEP compliance in regards to the wetlands delineations with the finding included and ensure the structure will be in compliance with the 50 ft. setback requirement.

Chairperson Glashoff had a couple corrections that were grammatical corrections, elimination of a word and use of either bulk or variance when referring to the type of application. She previously spoke to Attorney Norman about this.

Attorney Norman advised he will make the necessary corrections to the Memorialization.

A motion made by Ms. Gavigan, seconded by Mr. Gilbert to approve the Memorialization with revisions noted, was unanimously approved.

Oral Reports

FOSPC (Mayor Wolfe) – No report.

Environmental Commission (Frances Gavigan)– No report.

Ms. Gavigan asked if the liaison had to be reappointed again for this year. Chairperson Glashoff asked Ms. Gavigan if she would like to continue to be the liaison for the Environmental Commission. Ms. Gavigan replied she will continue to serve at the pleasure of the committee and the township.

PB Secretary – No report.

Chairperson – No report.

CORRESPONDENCE

New Jersey Planner November/December 2018

Open to the Public

A motion made by Mr. Gilbert, seconded by Mayor Wolfe to open to the public was unanimously approved.

Jamie Atkinson 201 Wertsville Road- Mr. Atkinson thanked everyone for the information about The Ridge. He was very encouraged and was thankful for the comprehensive report as well. Mr. Atkinson stated that he certainly kept his ears open to those who are interested in preserving a phenomenal parcel of land. Mr. Atkinson believes that he would think most residents who live around there are very keen to work to see this land preserved as open space but also many people who don't will appreciate something like this.

Mr. Atkinson said the way things have progressed, there has been an interest in preserving the land and a lot of what has been done is part of a strategy to try and do that. It is always good to reassess these strategies. Mr. Atkinson stated, if there is a new opportunity here, the Planning Board will grasp this opportunity. Mr. Atkinson said many of the things that were granted to The

Ridge, have been granted to try and preserve the open space, but if in fact they see an end to Mr. Moore's tenure on the property and control of this is close at hand and lines up with a market that is low and the land could go on the market in some way, then perhaps there is an opportunity for open space, and he hopes the Township will not be wedded to one particular strategy, but will do what is best to promote that.

Mr. Atkinson commented if the next meeting will be promoted as one for feedback from the public, then if a lot of the information can be put out in advance, people will be able to respond to it better because it's hard to walk into the room and give feedback when they don't know a lot about specific topics ahead of time. Mr. Atkinson stated, this is the best way for him to give feedback.

A motion made by Mr. DeLay, seconded by Mr. Willey to close to the public was unanimously approved.

Presentation of Vouchers

A motion made by Mr. DeLay, seconded by Mr. Gilbert to approve the vouchers was unanimously approved.

Gail asked Mr. Norman about how to notify people of the upcoming discussion on the Ridge. Mr. Norman advised that it should be listed as an agenda item but nothing should be done to create the impression that it is a public hearing with respect to a formal action. Mayor Wolfe said he would send out an email tomorrow to a distribution list he has of interested residents so that they will know a month in advance. It will also be posted on the website. Mr. DeLay asked Mr. Norman if it was appropriate to selectively invite some residents. Mr. Norman said it was OK as long as there is no formal action to be taken. Mayor Wolfe was asked whether Mr. Moore is on the list. He is not.

Chris Sobieski introduced himself. Mayor Wolfe noted Mr. Sobieski is the newly elected Township Committeeman, perhaps the youngest in East Amwell history. Mayor Wolfe stated if Mr. Sobieski represents the next generation of leadership in East Amwell, the Township will be in very good hands.

Adjournment

A motion made by Mayor Wolfe to adjourn the meeting at 9:32 pm, seconded by Mr. Castellano was unanimously approved.

Krista Parsons- Administrative Officer

UNFINISHED BUSINESS:

- a. Bed and Breakfast Ordinance

ITEM FOR DISCUSSION:

- a. The Ridge at Back Brook Heliport

ORAL REPORTS:

FOSPC- Mayor Wolfe

EC- Ms. Gavigan

Secretary-

Chair-

CORRESPONDENCE:

- a. Hopewell Township- Land Use and Development Ordinance
- b. Hunterdon County Planning Board- Breakfast Talk: Cyber Securities for Municipalities
- c. Proposal by NJDEP to reclassify certain rivers and streams, including Back Brook
- d. NJDEP proposed amendments and public hearing pertaining to environmental protection, water resource management, water monitoring standards and surface water quality standards and Proposed Amendments: N.J.A.C. 7:9B-1.4 and 1.15

OPEN TO THE PUBLIC

CLOSED EXECUTIVE SESSION: Chair will ask for a motion to close to the public

PRESENTATION OF VOUCHERS:

Platt & Riso, PC

- a. February 2019- Beyer Escrow \$ 945.50
- b. March 2019- Danebb LLC. Escrow \$ 77.50
- c. March 2019- Land Use Services \$1,178.00

Ferriero Engineering, Inc.

- a. February 2019- Beyer Escrow \$1,051.25

Total: \$3,252.25

ADJOURN

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
April 10, 2019

Call to Order, Attendance and Pledge of Allegiance

This meeting of East Amwell Planning Board was opened on March 13, 2019 at 7:30 P.M. The following notice was read, "In compliance with the Open Public Meetings Act, this is a regularly scheduled meeting pursuant to the annual meeting notice as published in the January 31, 2019 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 April 4, 2019."

Roll Call and Agenda Review

Present:

Rick Wolfe
Roger DeLay
Frances Gavigan
Gail Glashoff- Chair
Mark Castellano
Chris Sobieski
Tamara Lee
Tim Willey
Joe Nyce

Also Present:

Planner Slagle
Dennis O'Neal, Engr.
Attorney Norman
Krista Parsons (Admin. Officer)

Absent:

John Buckwalter

(7:35:02)

Agenda Review:

None

Review of Minutes

Chair Glashoff stated the January 9, 2019 minutes will be carried to the May meeting.

A motion by Mr. DeLay, seconded by Mr. Sobieski to approve the Board's March 13, 2019 minutes was unanimously approved.

(7:33:48)

Citizens' Privilege to Speak on Items Not on The Agenda

A motion by Ms. Gavigan, seconded by Mr. Sobieski to open and close the meeting to the public was unanimously approved.

(7:34:20)

The Following Two Applications Will Be Heard at the May Meeting

A motion by Ms. Gavigan, seconded by Mr. Castellano to defer Wojech & Lorena Bochenek Bulk Variance and Danebb LLC. Minor Subdivision/Lot Line Adjustment to the May meeting was unanimously approved.

Attorney Norman stated no further legal notice will be required of the applicant.

New Business-

(7:35:02)

New Jersey Conservation Foundation (NJCF)

James Wyse, of the law firm Coughlin Duffy LLP from Morristown. He is Counsel to the New Jersey Conservation Foundation. Also with him was Ms. Lisa MacCollum, Assistant Director for Land Acquisition for the New Jersey Conservation Foundation and lead individual for the project. MacCollum was sworn in by Attorney Norman.

Planner Slagle and Attorney Norman noted a completeness review and analysis was done prior to the public hearing of the application.

Planner Slagle noted for the Board's reference, a memo she prepared on February 27, 2019 included a completeness determination. The applicant requested a series of waivers and submission waivers from the checklist requirements, most of which were in response to the subdivision which is not contemplating development at this time and therefore the checklist items that are referred to are not applicable to this application.

Planner Slagle stated in light of the minor subdivision application with no development, Dennis O'Neal, Engineer and Planner Slagle felt the application could be deemed complete by the Board.

A motion by Ms. Gavigan, seconded by Mr. Castellano to deem the application complete was unanimously approved.

Roll Call Vote:

Mr. Wolfe- **Yes**, Mr. DeLay- **Yes**, Ms. Gavigan- **Yes**, Ms. Glashoff- **Yes**, Mr. Castellano- **Yes**, Mr. Sobieski- **Yes**, Ms. Lee- **Yes** and Mr. Willey- **Yes**.

Attorney Wyse presented the application by New Jersey Conservation Foundation. The area around the lake will have a deed restriction prohibiting any future development. The main tract will also have a declaration of restrictions associated with the flag lot. It will grant the public access rights to the lake and it will prevent Mr. Higgins as the continuing owner from erecting any buildings/structures that may interfere with the public access, though permitting appropriate trails would be permitted.

Lisa MacCollum addressed the use of the land. Ms. MacCollum, the Project Manager and NJCF are looking to acquire the lot with the exception of the flag lot, which is about 16.5 acres.

Attorney Wyse addressed the question raised by Planner Slagle in her memo, stating that the width of the driveway is intended to be 30 feet.

Planner Slagle asked Ms. MacCollum regarding the Gun Club access easement on the site. Ms. MacCollum reported this is an access easement that is tied to the land and to the back of the lot. It was intended to be an easement of pertinent and not personal to the Rod and Gun Club and therefore by law it goes with the property that benefited from it, which now is owned by Somerset County.

Dennis O'Neal, Engineer, discussed his memo dated March 13, 2019. Per Mr. O'Neal, the County has asked for sight triangles, easements and details to be added to the plan which has been completed. By state law, the applicants have to provide the signed and sealed boundary survey which has not been provided.

A motion by Ms. Gavigan, seconded by Mr. Sobieski to open the public hearing to the public was unanimously approved.

Joe Angelone- 21 Saddle Shop Road, Ringoes, NJ- Mr. Angelone stated the survey the NJCF is conducting was advertised in the V.I.P.

Philip Jacobi- 12 Ridge Road, Hopewell, NJ- Mr. Jacobi questioned how NJCF were going to keep people out of neighboring properties. Ms. MacCollum stated NJCF will have boundary markers on their property and it will be up to the land owners to post their property.

Terrance English- 9 Runyon Mill Road, Ringoes, NJ- Mr. English informed the applicant and the Board about vandalism that takes place and how they are going to handle that as well as deer management.

Fred Gardner- 46 N. Hill Road, Ringoes, NJ- Mr. Gardner wanted to ensure the Board the Amwell Valley Trail Association and The Hunt are actively working to maintain trails in the area.

Brian Skowronek- 173 Pine Bank Road, Flemington, NJ- Mr. Skowronek, Master of Amwell Valley Hounds, noted the hunt has done all the mowing on the property for their own benefit and wish to continue to do so.

A motion by Ms. Gavigan, seconded by Mr. Sobieski to close to the public was unanimously approved.

A motion by Mr. DeLay, seconded by Mr. Sobieski to approve the subdivision, subject to the recommendations contained in Mr. O'Neal's March 13, 2019 report and recommendations contained in Planner Slagle's report dated February 27, 2019 except for comment #10, deed restriction of the larger lot, which is not required at this time.

Roll Call Vote:

Mr. Wolfe- **Yes**, Mr. DeLay- **Yes**, Ms. Gavigan- **Yes**, Ms. Glashoff- **Yes**, Mr. Castellano- **Yes**, Mr. Sobieski- **Yes**, Ms. Lee- **Yes** and Mr. Willey- **Yes**.

(8:09:35)

Master Plan Amendment-2019

Chair Glashoff explained once the meeting is opened to the public, it will be for comment and statements only. Attorney Norman also noted this is not a quasi judicial proceeding and no swearing in of witnesses will be conducted. Attorney Norman also informed the Board and public, the purpose of the Master Plan Amendment hearing is for the Board to make its presentation of the plan and the public to make comment. There will be no discussion on processes.

Steven Tripp, Wilentz, Goldman & Spitzer, represents The Ridge at Back Brook. Attorney Tripp raised an issue regarding comments and statements made by Mayor Wolfe. They feel he should recuse himself from participating in the consideration of the Land Use Plan Amendment. Attorney Tripp wanted their objection to Mayor Wolfe's participation noted for the record.

Attorney Norman reported there are legal notice requirements for the Master Plan Amendment, which were reviewed and they are in accordance with the Land Use Law and marked into evidence as Exhibit A1.

Mayor Wolfe presented a review of the Land Use Amendment stating the reason for the proposed amendment which is clearly explained in the amendment in itself. Mayor Wolfe stated what was originally presented to the Township starting in late 1998 through 1999 and even into 2000, was a pure golf course.

(8:21:28)

A motion by Ms. Gavigan, seconded by Mr. Sobieski to open to the public was unanimously approved.

(8:21:47)

Iona English- 9 Runyon Mill Road- Ms. English approached the Board and commented she was on the Planning Board when most of the discussion pertaining to the golf course was brought up. Ms. English stated it was very clear and very well understood that this was not going to be a huge golf course with all types of facilities and tournaments.

(8:24:23)

Fred Gardner- 46 N. Hill Road, Ringoes, NJ- Mr. Gardner gave a prepared statement. Statement is attached.

(8:29:07)

Trish Buckwalter- 125 Back Brook Road, Ringoes, NJ- Ms. Buckwalter noted there are trail networks surrounding the golf course which are enjoyed by East Amwell residents and members of the East Amwell Valley Trail Association, Amwell Valley Hounds and Amwell Valley Pony Club. The trails are used for bird watching, riding and hiking. Ms. Buckwalter would like to ask everyone to think about why they live here in East Amwell and what they expect it to look like when they plan for the future. Ms. Buckwalter continued to state a golf course can only be an asset to the Township if it does not adversely impact the Township and its residents.

(8:30:47)

Robert Snyder- 7 Prall Court, Ringoes, NJ- Mr. Snyder noted it is one thing to ride trails when you can predict the weather, it's another when you cannot predict when a helicopter is going to fly over and land. The safety initiative with this alone is a concern. Mr. Snyder also touched based on laboratory testing of the water, and relaxing regulations; in his experience he has found when industries know when the samples will be taking place, they tend to tighten the reins , it's when they are not expecting the visit that you find things that are out of compliance.

(8:32:40)

Greg Krupa- 15 Laga Court, Ringoes, NJ- Mr. Krupa explained he is the closest residence to the golf course. Mr. Krupa remarked the noise at The Ridge starts at 5:00 am and it is a problem for him and it lasts all summer long. Mr. Krupa said there is a state law on noise and townships can adopt their own laws consistent with the state laws. Mr. Krupa requested the Planning Board include provisions with respect to a noise requirement in the ordinance.

(8:34:06)

Jamie Atkinson- 201 Wertsville Road, Ringoes, NJ- Mr. Atkinson said a lot of the residents in the Township are on the same page about what was originally conceived. Mr. Atkinson voiced his support of the recommendations as stated in the amendment.

(8:35:33)

Noreen Bailey- 129 Back Brook Road, Ringoes, NJ- Ms. Bailey commended the Board for doing the amendment. Ms. Bailey noted she has been involved in the golf course development and being a neighbor, she can testify to the noise. Ms. Bailey remarked, when this started it was supposed to be a simple golf course.

(8:36:43)

Steven Tripp from Wilentz, Goldman & Spitzer, representing The Ridge at Back Brook. Attorney Tripp stated they are here clearly to express their strong opposition to the proposed Land Use Amendment. Attorney Tripp noted it seems to them due to the text of the amendment and statements made by the Mayor that the amendment is a reaction to certain things The Ridge has done such as the helistop application and the tax appeal.

Attorney Tripp stated this ordinance will take back changes that were only implemented a couple years ago and additionally it will convert the golf course to a conditional use, which will have an adverse impact.

(8:39:50)

Joel Moore- 136 Back Brook Road, Ringoes, NJ- Mr. Moore read a statement that he prepared in which a copy was not given. Mr. Moore discussed how The Ridge has operated in East Amwell, zoning changes and the current changes to the Golf Course Zoning in East Amwell.

(8:55:39)

Professional Planner, Paul Grygiel, from the firm of Phillips Preiss was accepted as an expert Planner.

Mr. Grygiel was retained by The Ridge at Back Brook to evaluate the appropriateness of the proposed Master Plan Land Use Element Amendment from a planning perspective. Mr. Grygiel visited the subject property and surrounding area, reviewed relevant sections of East Amwell Zoning Ordinance and Master Plan as well as the proposed amendment. Mr. Grygiel gave a summary of his findings

(9:06:05)

Terry English- 9 Runyon Mill Road, Ringoes, NJ- Mr. English commented on the noise produced by helicopters and his concerns for horses being spooked thus injuring someone.

(9:07:15)

Joe Angelone- 21 Saddle Shop Road, Ringoes, NJ- Mr. Angelone referenced the chemicals used by The Ridge and also described the chemicals that are in the foam used to treat crashes involving helicopters and their environmental impact.

(9:10:26)

Mark Kotzas- 121 Back Brook Road, Ringoes, NJ- Mr. Kotzas stated he doesn't know where on the property the heliport is going, where exactly is it proposed to go, how many flights a day and the main thing was an Environmental Impact Statement done by the town for the rotor dust? Also a concern are the abandoned silos that run along Back Brook Road which are filled with asbestos, which is a concern with the rotor dust.

A motion made by Mr. DeLay, seconded by Ms. Gavigan to close to the public was unanimously approved.

(9:11:48)

Mayor Wolfe read an example from a letter dated December 13, 2001, written by Mr. Gordon. See attached.

A motion by Mayor Wolfe, seconded by Ms. Gavigan to adopt the Land Use Plan Amendment, was approved by Roll Call Vote:

Roll Call Vote:

Mr. Wolfe- **Yes**, Mr. DeLay- **No**, Ms. Gavigan- **Yes**, Ms. Glashoff- **Yes**, Mr. Castellano- **Yes**, Mr. Sobieski- **Yes**, Ms. Lee- **Yes** and Mr. Willey- **Yes**.

A motion by Ms. Lee, seconded by Ms. Gavigan to approve Resolution 19-06, entitled 2019 Land Use Plan Amendment Affecting East Amwell's Greenways, Open Space and Recreation Planning Policies Pertaining to Golf Courses, was approved by Roll Call Vote:

Roll Call Vote:

Mr. Wolfe- **Yes**, Ms. Gavigan- **Yes**, Ms. Glashoff- **Yes**, Mr. Castellano- **Yes**, Mr. Sobieski- **Yes**, Ms. Lee- **Yes** and Mr. Willey- **Yes**.

The board took a short recess at 9:43:37

Oral Reports: (9:50:53)

FOSPC- Mayor Wolfe- None

EC- Ms. Gavigan- None

PB Secretary- None

Chair- None

Correspondence (9:51:11)

Open To The Public (9:51:18)

A motion by Ms. Gavigan, seconded by Mr. Sobieski to open to the public was unanimously approved.

(9:51:56) Tim Mathews 72 Linvale Road, Ringoes, NJ- Mr. Mathews stated he has personally witnessed fluorescent green liquid coming out of the creek from The Ridge.

(9:54:30)

Greg Lee- 156 Lindbergh Road, Ringoes, NJ- Mr. Lee asked, if there was any way to implement some type of enforceable noise criteria.

(9:55:12)

There was discussion amongst the board members regarding a noise ordinance or some type of enforceable policy and what the state law currently has in place.

(9:59:30)

Jaime Bowers-Mirabito- 92 Back Brook Road, Ringoes, NJ- Ms. Mirabito commented on the noise coming from The Ridge.

A motion by Mr. DeLay, seconded by Mr. Willey to close to the public, was unanimously approved.

(10:00:53)

A motion by Ms. Gavigan, seconded by Mr. DeLay to enter into Executive Session was unanimously approved.

Executive Session

Executive Session ended at 10:16pm.

(10:16:11)

Approval of Vouchers

A motion by Mr. DeLay, seconded by Mr. Sobieski to approve the vouchers of the evening, was unanimously approved.

(10:16:30)

Chair Glashoff informed the Board, a letter was received from Alice Everett dated March 14, 2019 which included deeds for the property located at 258 County Road 579, Block 3 Lot: 1. Chair Glashoff explained the deeds were never filed after the subdivision for the solar facility. There is a 190 day period, and the Board can only grant a 1 year extension beyond that. Chair Attorney Norman stated they will need to file a new application and with the approval on the

same terms and conditions as the original approval. There was discussion among the Board to determine what action the Board can take and on what basis is the board approving.

Adjourn

A motion by Ms. Gavigan, seconded by Mr. Sobieski to adjourn the meeting was made at 10:24:46

Krista Parsons, Administrative Officer