

EAST AMWELL PLANNING BOARD MINUTES- DRAFT
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

Note: These minutes have not been formally approved and are subject to change at the Board's 05/8/2019 meeting.