

## THE RIDGE AT BACK BROOK

### I. THE ORIGINAL APPROVAL OF THE RIDGE

In late 1998, Joel Moore approach our Planning Board with the idea of building a golf course on the 300 acre parcel of land that was then referred to by some as “Magic Meadows.” It is one of the most beautiful parcels of land in East Amwell Township.

The Planning Board minutes from 1999 state that Mr. Moore made the following representations to the Planning Board:

- i. The golf course would be “a very exclusive private golf course.”
- ii. “There will be no other recreational activities on the property besides golf.”
- iii. “[T]here will be no residences, and only golf, with no pool or other recreational facilities.”
- iv. “The Ridge will be strictly a private golf course, with no pool or tennis courts and no residences.”
- v. “[R]egarding outside tournaments, this course will be of a quality that would support any type of event available in the U.S., but the professional tour is not wanted on this course, since it is an imposition on members for between 4-6 weeks and may damage the course.”
- vi. “It is a private club with a membership cap of 275 members; no accompanied guest play is allowed at the club.” There may charitable or corporate events, but they would be relatively infrequent and would involve about 100-120 players arriving over the course of 2.5 hours.

The Planning Board “felt that the [golf course] would further the goals of the Master Plan (i.e., lower density, supporting agriculture by reduction of residences, a significant ratable).”

In this regard, the November 3, 1999 Planning Board minutes state the following:

D. Griffith explained the Board’s policy position regarding its consideration of the golf course ordinance. She said that there were several public meetings about this issue; the Board considered the issue of ratables, roll-back taxes, open space at no cost to the taxpayers, negative impacts from residential development, including its costs with an increase in taxes, the impact on the environment, etc. Consideration was given to the recent zoning changes in the Amwell Valley Agricultural District, the impact on agriculture, compliance with the Master Plan, and the intent of what the Township is trying to accomplish. The majority of the Board, and all the members of the Township Committee, agreed that the concept of a golf course would coincide with the purposes of the Master Plan, the recent zoning changes in the Amwell Valley Agricultural District and the

desire to avoid development which would not be compatible with farming. The concept of a golf course is a good one . . . .” [Underlining added.]

The June 28, 2000 Planning Board minutes state the following:

The Township has spent an extraordinary amount of money to preserve farmland and open space at great cost to residents. This golf course presents an opportunity to provide a financial benefit to Township residents by providing open space and a tax ratable, with no direct financial burden on taxpayers. Concerns about water supply and water quality are being addressed by Township professionals, the Planning Board and the Board of Health. In general, the substantial benefits from this development outweigh the detriments. . . .”

The odds were very high that this site would be developed in some form and the Township decided that this use was better than the alternative of over 40 houses. Within a mile of this site is over 1,100 acres of preserved farmland and residences would fragment this effort. Additionally, over 20% of the municipal budget is for farmland preservation. The benefits from this preservation will show a financial impact in the future, long after many of the Township’s senior citizens are gone. This golf course will not cost the Township residents money and will support the local tax base. Citizens deserve a financial break with all the money being spent on preservation. There is no guarantee that all environmental concerns will be addressed, but the standards and judgments we have established are sound planning policies. [Underlining added.]

Based on the foregoing passages from the Planning Board minutes, the Planning Board saw two advantages to East Amwell of allowing Mr. Moore to construct a golf course on the 300 acres. First, allowing Mr. Moore to construct the golf course would be the functional equivalent of preserving the 300 acres as open space, and at no cost to the taxpayers. In other words, allowing the golf course to be constructed would avoid the 300 acres from becoming a residential development. Second, unlike land that is actually preserved as open space, the golf course would generate significant tax revenue for East Amwell.

Thus, the Planning Board saw the golf course as a win-win for East Amwell.

## **II. ISSUES DURING CONSTRUCTION**

During the construction period for the golf course, it appears from the Planning Board minutes that the Planning Board generally gave Mr. Moore the variances he requested in order to construct the golf course in the manner he desired. Indeed, at times, it appears that objections raised by our Board of Health were, in effect, overruled.

In those seemingly rare instances where the Township pushed back, Mr. Moore's lawyers did not hesitate to threaten "legal recourse" or "recourse to the courts" against the Township and, in at least one instance, personally against a member of our Board of Health.

These threats by Mr. Moore's lawyers were followed by statements to the effect that East Amwell should be grateful to Mr. Moore for constructing the golf course. For example, a letter dated December 13, 2001 from Mr. Moore's lawyer states:

The Ridge removes approximately 300 acres of developable land from the potential for residential development, while producing a septic demand for only part of the year, and even then for a flow equivalent to fewer than 10 houses (the equivalent of 30 acre lots). It provides an "open space" recreational use which will preserve the rural character of the Township, enhances the tax rolls and puts very little demand on municipal services.

A letter from The Ridge's lawyer dated September 22, 2004 takes this even further by stating:

I would hope that the history of cooperation which the Township has received from The Ridge through and continuing after the approval process (which in many instances was evidenced by The Ridge going above and beyond the requirements of the Planning Board Approval (to which I believe Mr. Reilly, who was on the Planning Board during the approval process can attest), the generous financial support which The Ridge has given to local Township organizations such as the First Aid Squad, the Fire Department and the Little League and the position of The Ridge as one of the larger, if not the largest, tax payer in the Township, would in the future warrant a more personal and less arbitrary manner of dealing with perceived esthetic or operational issues such as those vaguely referred to in your letter.<sup>1</sup> [Underlining added.]

### **III. MOVING FROM A PURE GOLF COURSE TO A COUNTRY CLUB**

It is clear from the Planning Board minutes that, key to the Planning Board's original approval of golf course were Mr. Moore's representations, which are quoted in I above, to the effect that The Ridge would be a "pure" golf course. No residences, no pool, no tennis courts and no recreational activities other than golf. In other words, although the golf course would be commercial in nature, it would be very passive.

In the years since the completion of the golf course, Mr. Moore has on several occasions returned to the Planning Board requesting significant variances that in effect would allow The Ridge to transition from a "pure" golf course to a country club. As you will see, these variances for the most part are inconsistent with the representations Mr. Moore made in connection with the original approval of the golf course.

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<sup>1</sup> The February 15, 2006 Planning Board meeting minutes state that: "J. Moore confirmed that he allows the Fire Co to have an annual fundraiser and also donates \$10,000 to them.

Following is a summary of these variances.

**The Helistop.**

In a letter dated November 23, 2005 to the chairperson of the Planning Board, The Ridge's attorney, David Gordon, stated that The Ridge would like to make an "informal presentation" to the Planning Board "to discuss its plans to locate a private helipad on the golf course property." Mr. Gordon went on to state:

The primary reason for The Ridge wanting to have a helipad on its site is related to health and safety. In the three (3) years that The Ridge has been open, it has had several instances of employees being injured during the utilization of equipment. Several of those have been serious enough to require the services of the East Amwell Volunteer First Aid Squad. During the hot spell last summer, two (2) individuals collapsed at the course from what turned out to be minor heat related problems. As a result of these incidents, however, several of the members had inquired of The Ridge as to what emergency assistance was available in the Township and The Ridge's investigation revealed that the hospital in Flemington does have a helipad which would enable emergency medical evacuation if required. As a result of this information The Ridge thought it would be prudent to install a helipad at the golf course and, upon issuance of the required governmental approvals, intends to advise the East Amwell Volunteer First Aid Squad of the availability of this facility should the first aid squad ever deem it necessary to make such of such a transportation alternative.

Apparently, over the next three weeks, The Ridge's reason for the helistop changed. Specifically, the Planning Board minutes from its December 14, 2005 state: "D. Gordon said that the golf course would hope to get new members who would want to use this venue to play golf and arrive by helicopter 'a couple of times a week'." Additionally, in a written submission dated February 14, 2006, Mr. Gordon stated that "The proposal by The Ridge is for a private restricted use helistop which will be used by members and invited guests of members of the Club and which will be available to the Amwell Valley Rescue Squad for emergency use."

It appears that Mr. Moore did not want the Planning Board to hold a public hearing regarding his helistop application. At the December 14, 2005 Planning Board meeting, one of the Planning Board members "suggested that it would be a good practice to have the neighbors be advised about this use and allow them to listen to an explanation and express their concerns." The minutes from these meeting state that "J. Moore from the audience said that he may reconsider this plan if notice had to be provided."

On February 15, 2006, the Planning Board held a public hearing on The Ridge's helistop application. The minutes from that hearing state:

Joel Moore testified, with his attorney D. Gordon asking questions. . . . There are two main reasons he wants the helistop landing approval: 1) the primary reason is as a marketing tool to attract new members. Seventy-five percent (75%) of his memberships have been sold. However, the remaining 25% are becoming difficult to sell because of the economy and the competition from other up-scale golf courses, such as Lamington, Hamilton Farms, Trump National and Metedeconk. Potential members have asked about the possibility of having a helistop. These other high-end courses do have helicopter landings for their members, and this is a marketing issue for the Ridge. 2) there is also a potential need for helicopters to provide emergency medical transportation from the golf course. Last summer The Ridge had two golfers who became ill in the heat and were rushed to the hospital. The Rescue Squad was a tremendous help and has asked to possibly use the golf course grounds as an emergency landing location if needed. J. Moore is happy to provide this community service.

Roughly 19 residents spoke out at the public hearing, most of them being against the helistop. Based on the documents I reviewed, it appears that the Planning Board was going to approve the helistop, but reversed course and, at the February 15, 2006 meeting, rejected the application by a 4-2 vote, after what one internal memorandum referred to as “vehement public opposition.”

Following this rejection, The Ridge applied to the Planning Board two more times for a helistop, and was rejected both times.

### **The Overnight Lodging, Tennis Courts and Swimming Pool.**

In 2015-16, the Planning Board and the Township Committee (with two of its five members abstaining), voted to allow the Ridge to construct two, 6,250 square foot “overnight guest facilities,” tennis courts and a swimming pool.

The minutes for the Planning Board meeting on September 9, 2015 state:

He [David Gordon, The Ridge’s attorney] reminded the Board that this came about because the Township came to the Ridge and asked what they can do to make The Ridge a secure and economically viable business in this Township. Attorney Gordon remarked that he believes The Ridge may be the largest tax payer in the Township and it makes sense for this facility to have a secure future. He noted that Metedeconk, Hamilton Farms, Trump National, Jasna Polana, Baltusrol, Due Process, Pine Valley, Hidden Creek and others in eastern Pennsylvania all have overnight accommodations and he stated The Ridge is not looking to build a hotel, just two guest cottages. [Underlining added.]

### **Water Testing.**

Apparently concessions were made to the Ridge regarding the frequency that The Ridge must conduct water tests to ensure that its operations are not adversely impacting the Back Brook. I am trying to get more details on this.

### **Special Events Ordinance.**

The approval originally given to The Ridge in 2001 required The Ridge to obtain Township Committee approval for any event at The Ridge that would have more than 250 people present.

In 2016, The Ridge sought from the Planning Board relief from this restriction “in order to pursue a commitment for third-party approval of a prestigious PGA/LPGA professional or USGA amateur golf tournament event.”

On May 11, 2016, the Planning Board approved The Ridge’s request, conditioned upon “the subsequent adoption by the East Amwell Township Committee of a Special Events Ordinance to which Applicant [The Ridge] must seek a Special Events Permit to conduct a golf tournament event.”

In March 2018, David Gordon, The Ridge’s attorney, contacted our Township attorney asking why the Township Committee had not acted on the Special Events Ordinance. In an email to our Township attorney, Mr. Gordon stated the following:

It is my understanding that following the May 2016 Planning Board action memorialized in the attached resolution, the Planning Board made a recommendation to the Township Committee that the Township Committee consider adopting an ordinance governing large public events in East Amwell. No action was taken in 2016, probably because of impending elections and we are inquiring as to whether the Township Committee is contemplating introducing an ordinance to regulation large events.

I do not know why the Township Committee did not act on the Special Events Ordinance in 2016 or 2017. I was not on the Township Committee in 2016, and was in the minority in 2017. I was not aware of this matter until I stumbled across it in early 2018, after Tim Mathews and Pete Miller won the election in November 2017, and I became part of the majority.

I have attached a copy of the Resolution adopted by the Planning Board in May 2016 approving The Ridge’s request, and a copy of a draft Special Events Ordinance, which I have been told was prepared by the prior majority on the Township Committee and our former Administrator, Tim Matheny. The draft is, in my view, very broad; and I question whether it is even workable in East Amwell.

#### **IV. WHAT IS NEXT?**

In 1999, East Amwell was in the midst of a massive project to preserve farm land and open space. Carrying out this project required the Township to borrow and spend significant amounts of money.

It appears from the Planning Board minutes quoted in I above that the Planning Board and the Township Committee saw The Ridge as a way to in effect preserve 300 acres of open space, without spending taxpayer dollars, and to get a sizable amount of revenue in the form of property taxes paid by the golf course. To achieve these objectives, the Planning Board appears to have bent over backwards to accommodate the requests of The Ridge.

I suppose the wisdom of this decision could be debated. But we are where we are.

It also appears from the Planning Board minutes quoted in I above that key to the Planning Board's approval of golf course were Mr. Moore's representations to the effect that The Ridge would be a "pure" golf course. There would be no residences, no pool, no tennis courts and no recreational activities other than golf. In other words, although the golf course would be commercial in nature, it would be very passive.

In the years since the completion of construction of The Ridge, the golf course has been incrementally positioning itself to transition from a "pure" golf course to a country club -- one that would be far more commercial in nature, and potentially far more burdensome on the residents and the environment, than the original incarnation approved by the Planning Board.

This raises the question, why is our Planning Board supporting this transition?

The answer, I believe, becomes clear upon a careful reading of the Planning Board minutes. There is a belief by some that, economically, East Amwell needs The Ridge.

The Ridge's lawyer summarized this succinctly in the letter dated September 22, 2004 (quoted extensively in II above) by stating the East Amwell should accommodate The Ridge's requests because of "the generous financial support which The Ridge has given to local Township organizations such as the First Aid Squad, the Fire Department and the Little League and the position of The Ridge as one of the larger, if not the largest, tax payer in the Township."

This is further evidenced by the statement in the September 15, 2015 Planning Board minutes by The Ridge's lawyer that "the Township came to the Ridge and asked what they can do to make The Ridge a secure and economically viable business in this Township."

Perhaps you can now see why The Ridge believes it is entitled to the helistop. It apparently had a handshake deal with the Planning Board back in 2005 to get approval for the helistop. And the Township has basically given The Ridge every "goodie" it has asked for since then.

I have heard through the grapevine that The Ridge would trade the helistop in exchange for getting a broad Special Events Ordinance, along the lines of the one I attached to this summary. I do not know whether this sort of dealing is legally permissible. However, if it is, this is not the sort of decision I would be comfortable making without first getting input from the residents.

I believe, however, that the helistop matter raises a much broader question: Do we agree with the prior decisions of the Planning Board that The Ridge is so vital to East Amwell that we should disregard some of the most basic tenets of East Amwell -- environmental sensitivity; tranquility; respect for one's neighbors -- in order to accommodate The Ridge's business plan.

In making this decision, there are at least three key points to bear in mind. First, I have been told that Mr. Moore plans on selling The Ridge down the road and retiring, and has been requesting most of "goodies" described above to maximize the sale price. I do not know whether this is in fact true. However, if it is true, The Ridge could wind up in the hands of an owner who makes full use of those "goodies."

Second, The Ridge is not nearly as large a property tax payer as it was years ago. In fact, the assessed value of the golf course is a fraction of its original assessed value.

Finally, best I can tell, if the golf course went under or otherwise stopped operating, there is nothing that would prevent residential development on the property. Given our strict zoning laws, the streams and other waterways on the property, and other constraints, I suspect that the 40-plus home figure thrown around in the Planning Board minutes from 1999 is significantly overstated. However, it would take some work to determine how many homes could be constructed on the property.

Hopefully, this rather long summary gives us all something to think about and discuss.