

**2019 LAND USE PLAN AMENDMENT**

**Affecting East Amwell's Greenways, Open Space and Recreation  
Planning Policies Pertaining to Golf Courses**

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

ADOPTED:  
*[Insert Date]*

**Prepared by:  
The East Amwell Township Planning Board**

## 2019 LAND USE PLAN AMENDMENT

ADOPTED: *[Insert Date]*

### **Purpose**

Pursuant to and in accordance with N.J.S.A. 40:55D-28, planning boards may amend master plans or component parts thereof as necessary to guide the use of lands within the municipality in a manner that protects public health and safety and promotes the general welfare.

The East Amwell Township Planning Board has determined that an amendment to the Township's Master Plan is necessary at this time, because the potential intensity of golf courses in the Amwell Valley Agricultural District (the "AVAD") is now much greater than originally envisioned.

Originally, golf courses were introduced into the AVAD in 1999 when local ordinances were amended to allow them as a permitted use. Those amendments were carefully drafted to ensure that any golf course use would be compatible with the greater goals and objectives of the Township in general and with the AVAD in particular.

Over the years since 1999, ordinance amendments have been approved and planning board applications pursued, all designed to increase the activities and reduce necessary safe guards that pertain to golf course development and operation in the AVAD. The cumulative result of these amendments and applications is a significant increase in the potential impact of local golf courses on the environment, wildlife and the community. Clearly, the current vision of what constitutes an acceptable golf course has strayed from the initial concept and, as a result, other long-standing Township goals and objectives are now in jeopardy. This concern was brought into sharp focus by a recent application by a golf course in the AVAD to the New Jersey Department of Transportation for a helistop.

The purpose of this Master Plan Amendment is to 1) re-examine the original planning policies underlying the ordinance amendments in 1999 that first permitted golf courses in the AVAD, 2) re-assess the incremental amendments that have been made to those ordinances since 1999 and finally, 3) make recommendations to improve local ordinances so they will reflect a golf course development and operation policy that is better integrated with the Township's other greenways, open space, environmental protection and recreation policies.

### **The Original Planning Policy**

Golf courses generally are environmentally intense uses. Construction of a typical golf course often significantly impacts the environment, for example by reshaping the land, redirecting the natural flow of water, and disrupting the natural habitat of wildlife. The idyllic landscapes of

golf courses require copious amounts of fertilizers and pesticides; chemicals that are or may be harmful to sensitive environments, wildlife, waterbodies and drinking water. The maintenance of golf courses requires the use of loud, gas-powered equipment, such as movers, blowers and weed whackers, which also can be disruptive to sensitive environments and people who live in close proximity to the golf courses. Additionally, the tournaments and other special events conducted at golf courses generate a lot of regional traffic, which are not conducive to environmentally sensitive areas.

More than twenty years ago East Amwell was asked to consider golf courses as a permitted use in the AVAD, which is an environmentally sensitive area.

At the time, a Golf Course Developer (the “**Golf Course Developer**”) proposed “a very exclusive private golf course” on a 300 acre site known locally as the Magic Meadow. The Golf Course Developer told the Planning Board that there would be “...no other recreational activities on the property besides golf.” No residences. No pool. No tennis courts.<sup>1</sup>

Regarding professional golf tournaments, the Golf Course Developer told the Planning Board that “...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.”<sup>2</sup>

Additionally, the Golf Course Developer told the Planning Board that “he will attempt to strike a balance between development and the environment in order to create linkages and re-establish linkages for wildlife on the subject site.” The Golf Course Developer further said that his plans for the golf course would take “measures intended to encourage habitation by birds and other desirable species” and that out of play areas would be designed “with the intention to attract birds, beneficial insects and butterflies.”<sup>3</sup>

Based on these representations by the Golf Course Developer, the proposed golf course (the “**Golf Course**”), which ultimately was constructed and completed in 2004, was expected to be a less intense use than a typical golf course, and a significantly less intense use than golf courses that are part of common country clubs, i.e., golf courses that include substantial club houses, restaurant and special event facilities, tennis courts, swimming pools, overnight housing and other non-golf facilities -- and sometimes even residential developments.<sup>4</sup>

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<sup>1</sup> December 2, 1998 Planning Board minutes; December 21, 1998 and January 6, 1999 Planning Board Task Force minutes; 1999 Planning Board minutes.

<sup>2</sup> August 18, 1999 Planning Board minutes. See also, the November 3, 1999 Planning Board minutes (“In response to a question about spectators at outings or events, L. Santowasso said that there probably would be none because no spectator mounds are including in the golf course design, and it would not be easily accommodated. Other club members may want to watch their friends play, but there will not be large numbers of spectators.”).

<sup>3</sup> East Amwell Township Planning Board Resolution 2000-22, October 13, 2000.

<sup>4</sup> See the Outline of Testimony of Elizabeth C. McKenzie, dated June 12, 2000, which states: “The proposal is unique relative to many other golf courses in that the ancillary facilities associated with the club will be very limited. Unlike a typical country club golf course, there will not be extensive social facilities such as pools, tennis courts, banquet facilities, etc., associated with it, nor will there be any ‘golf course residential’ development. This course, and the club, will be for golfing only. If the course were not being designed to be among the top golf courses in the

The vision presented by the Golf Course Developer of the Golf Course was one of an environmentally respectful, community conscious, small, private establishment that would enhance the local landscape and be a good neighbor to the wider community. It is clear from the 1999 Planning Board minutes and the Planning Board resolutions approving the Golf Course, that this stated vision ultimately guided the drafting of an ordinance that permitted golf courses in the AVAD. For example, the minutes of the January 20, 1999 Planning Board meeting state the following:

The issue is whether a golf course, with no other associated residential development, social activities or other recreational uses, is more compatible with farming and the farming industry than residential development. It was stressed that this club is strictly for golfers and will not have banquet facilities, tennis, swimming or any other kinds of activities. There is a large wooded area on this 300 acres, and a high amount of environmental stewardship will be necessary in the ordinance.<sup>5</sup>

Similarly, the minutes of the February 3, 1999 Planning Board meeting state the following:

A Task Force was appointed to recommend a policy as to whether golf courses should be a permitted use in the Amwell Valley district. The Task Force met with the applicant [the Golf Course Developer] twice to explore his plans and the Township's need for safeguards. The Task Force recommended that this use be allowed as a conditional use in the Amwell Valley district subject to strict environmental safeguards. The applicant and the Board agreed that there would be no residences, no other commercial uses, no swimming pool, no tennis courts or other recreation and no catering other than a couple of events for golf members under a tent outside. There will be approximately 270 members and all applications of pesticides will be strictly controlled by licensed employees. All aspects of water usage and pesticide application are strictly controlled by the NJDEP and the local authorities cannot usurp DEP authority. The Task Force considered that as long as there are strict environmental safeguards, a limited private golf course would provide open space at no cost to the taxpayers and a ratable with no residential development and little municipal cost.

With a carefully crafted list of conditions and specific design regulations, East Amwell residents felt reassured that the Golf Course and any other golf courses built within the parameters prescribed by the new ordinance would be consistent with existing local planning policies

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country in terms of both its physical beauty and degree of challenge of play, it quite likely could not sustain itself without such facilities.”

<sup>5</sup> January 1, 1999 Planning Board minutes.

intended to protect the rural character and environmentally sensitive lands of the Township in general and the AVAD in particular.

### **Assessment of Increment Changes**

Without a doubt, when the Golf Course was first proposed, it was presented as a small, private club for golfing only. One that would not have a significant impact on the environmentally sensitive AVAD or on the residents in the vicinity of the golf course.

In the years since the completion of the Golf Course, however, the concept of a small scale, low intensity use changed dramatically. Ordinance amendments permitting more expansive uses, such as tennis courts and related facilities, a swimming pool and related facilities, and sizable structures for overnight housing, were pursued by the Golf Course and granted; previously agreed limitations on the number of people that may be present at the Golf Course for an event were waived; an application for a helistop on the Golf Course was sought; and testing requirements to ensure that chemicals utilized by the Golf Course were not adversely impacting the water supply were relaxed.

As a result, the potential for development at the Golf Course, and the risk of adverse environmental impact, was much greater than when the planning policy was first conceived. And for the most part these changes occurred without any substantive explanation supporting them.

Ancillary Uses. A key component of the original 1999 ordinance was that a golf course with a clubhouse would be the “sole principle use on the tract,” with a specific stipulation that “there shall be no residential uses on the tract.” But a 2016 amendment significantly expanded the original ordinance to allow “ancillary uses,” which, according to the amendment:

“may include a swimming pool and related facilities, tennis courts and related facilities and not more than two buildings to provide overnight accommodations for members and their guests, each such building not to exceed 6,250 square feet of floor space and not to exceed four bedrooms and four bathrooms (sleeping accommodations for eight persons per building).”<sup>6</sup>  
[Underlining added.]

This 2016 amendment allows a host of activities on golf courses in the AVAD, including the Golf Course, having nothing whatsoever to do with golf, and also uses the open-ended term “related facilities.” Moreover, the 2016 amendment apparently is not limited to swimming pools, tennis courts, “related facilities,” and overnight housing, because it provides that ancillary uses “may include” those activities. Thus, the 2016 amendment is not limited to the specified activities, nor is there a definition of ancillary uses that includes reasonable limitations on what constitutes an ancillary use.

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<sup>6</sup> East Amwell Township Code Section 92-91B(9)(h).

Consequently, the 2016 amendment contradicts both the purpose and intent of the original 1999 ordinance as well as the Township's general regulations pertaining to accessory buildings, structures and uses.

Professional Tournaments. As discussed above, in connection with the adoption of the golf course ordinance in 1999, the Golf Course Developer stated that "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."<sup>7</sup> The Golf Course Developer also said that there may be charitable or corporate events at the Golf Course, but they would be relatively infrequent and would involve about 100-120 players arriving over the course of 2.5 hours.<sup>8</sup>

Based on the foregoing, in granting approval to the Golf Course for the construction of its golf course, the Planning Board, with the agreement of the Golf Course Developer, imposed a restriction on the Golf Course requiring Township Committee approval if more than 250 people are anticipated to be present at the golf course at any one time in connection with an event. The Planning Board's intent was to restrict the intensity of the use in a manner appropriate for the AVAD.

In 2016, the Golf Course sought and received from the Planning Board conditional relief from this 250 person limitation, in order "to pursue a commitment for third-party approval of a prestigious PGA/LPGA professional or USGA amateur golf tournament event" at the Golf Course.<sup>9</sup> In seeking this relief, the Golf Course Developer (i) gave as an example a Shop-Rite LPGA event that drew 62,000 people for a 7-day golf tournament event, (ii) estimated that a large event at the Golf Course would draw "about 60,000 people for the week," and (iii) noted that the County Fairgrounds could be utilized "for off-site parking of 7,800 motor vehicles to accommodate 15,000 to 20,000 persons per day for the golf tournament event."<sup>10</sup>

To become effective, this conditional relief from the 250 person limitation requires the East Amwell Township Committee to adopt a special events ordinance. To date, the Township Committee has not adopted such an ordinance. The Golf Course, however, continues to seek Township Committee approval of the ordinance.

The ongoing pursuit by the Golf Course of relief from the 250 person limitation and the prospect of the passage by the Township Committee of a special events ordinance is troublesome because the original golf course ordinance in 1999 was adopted only after the Golf Course Developer made a clear statement to the Township that professional tournaments would not be part of the

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<sup>7</sup> August 18, 1999 Planning Board minutes. See also, the November 3, 1999 Planning Board minutes ("In response to a question about spectators at outings or events, L. Santowasso said that there probably would be none because no spectator mounds are including in the golf course design, and it would not be easily accommodated. Other club members may want to watch their friends play, but there will not be large numbers of spectators.").

<sup>8</sup> August 18, 1999 Planning Board Minutes.

<sup>9</sup> Planning Board Resolution #2016-08.

<sup>10</sup> Planning Board Resolution #2016-08; January 13, 2016 Planning Board minutes.

Golf Course's golf club. The Golf Course Developer even noted that professional tournaments would be harmful to the Golf Course. Township officials and residents were reassured by this assertion since professional tournaments would also be harmful to the community. The new found interest in hosting professional tournaments at the Golf Course represents a serious departure from the original vision and the best interests of the Township.

Reduced Environmental Monitoring. There is a concern that the risk of the Golf Course having an adverse impact on the environment, particularly the local water supply, has been increased by certain changes that have been made to water monitoring the conditions imposed by the Planning Board in conjunction with its original site plan approval. The changes relaxed the initial provisions designed to monitor the impact of the Golf Course on local groundwater and protect the environment. This represents another change to the original concept that promised a low intensity golf course; one managed in an environmentally responsive way so that the golf use could be effectively integrated into the coveted natural environs of the East Amwell community.

Helistop. In 2005 and 2008, the Golf Course Developer requested approval from the Planning Board for a helistop on the Golf Course, allowing helicopters to take off and land from a designated area on the Golf Course. Each time, the Planning Board denied the request, on the grounds that the helistop was not permitted under the Township's golf course ordinance. In neither instance did the Golf Course Developer challenge the Planning Board's determination.

In 2018, the Golf Course bypassed the Planning Board and applied directly to the New Jersey Department of Transportation for a permanent helistop license for the Golf Course. Under New Jersey law currently in effect, approval by East Amwell Township of the helistop is no longer required in order for the Golf Course to obtain a helistop license from the New Jersey Department of Transportation. In other words, East Amwell Township does not have the ability to stop the Golf Course from obtaining the helistop license.

The Golf Course's desire to have helicopters take off and land on its property represents another instance of the Golf Course deviating from the original concept of it being a pure golf course, which would not have a significant impact on the environmentally sensitive AVAD or on the residents in the vicinity of the Golf Course. The introduction of helicopters will disrupt the residential quality of life and adversely impact wildlife habitats and equestrian activity in the area. Additionally, a single helicopter accident at or near the Golf Course could potentially harm the local ecosystems in significant ways.

The Golf Course's proposed helistop is a significant digression from the original planning policy of the golf course ordinance. This is evidenced by the multiple denials by the Planning Board and strong opposition to the helistop by a significant number of residents of East Amwell.

Conclusion. In 1999, when the idea of permitting golf courses in the AVAD was first proposed, the Township's Master Plan referenced a potential golf course, which is the Golf Course. It highlighted important elements under consideration including "connectivity to existing trails,"

and certification from the “International Audubon Cooperative Sanctuary Program,” which strives to encourage “habitat enhancement, establishment of Integrated Pest Management programs, and protection of water resources.” The Master Plan went on to emphasize that “(w)ith its extensive streams, steep slopes, forest, and wildlife habitat areas, this [the Golf Course] is an environmentally valuable property.”<sup>11</sup>

This concept is reinforced in the minutes of the February 3, 1999 Planning Board meeting, which, as noted above, state:

A Task Force was appointed to recommend a policy as to whether golf courses should be a permitted use in the Amwell Valley district. The Task Force met with the applicant [the Golf Course Developer] twice to explore his plans and the Township's need for safeguards. The Task Force recommended that this use be allowed as a conditional use in the Amwell Valley district subject to strict environmental safeguards. The applicant and the Board agreed that there would be no residences, no other commercial uses, no swimming pool, no tennis courts or other recreation and no catering other than a couple of events for golf members under a tent outside. There will be approximately 270 members and all applications of pesticides will be strictly controlled by licensed employees. All aspects of water usage and pesticide application are strictly controlled by the NJDEP and the local authorities cannot usurp DEP authority. The Task Force considered that as long as there are strict environmental safeguards, a limited private golf course would provide open space at no cost to the taxpayers and a ratable with no residential development and little municipal cost.

Clearly, and inexplicably, this environmental sensitivity has been lost in the intervening years.

Given the potential adverse impact on the Township and its residents of all the changes described above, both those that have been implemented and those that are proposed, the Planning Board has determined that it is time for the Planning Board to reassert and clearly articulate a sensible planning policy for guiding the development and operation of golf courses in East Amwell.

### **Recommendations**

The East Amwell Planning Board believes that, consistent with the purposes of the AVAD, including protecting this environmentally sensitive area, and preserving its rural character and farming activities, a properly designed and well-managed golf course in the AVAD should:

- maximize and protect of the AVAD’s open space and bucolic landscapes
- minimize development pressures and preserve the rural character of the AVAD
- not interfere with farming activities, including raising, breeding and boarding of livestock

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<sup>11</sup> Greenways and Open Space Element of the East Amwell Township Master Plan, December 29, 1999, pg. 18.

- not interfere with the use of public trails for horse riding, hiking, birding and other non-motorized uses
- safeguard the environment and protect valuable wildlife habitat
- provide a valuable ratable to help balance the tax base.

The Planning Board believes that any golf course constructed in the AVAD should advance all six of these objectives.

The Planning Board also believes that the original vision of a golf course in the AVAD is the only one that reflects sound Township policies. Thus, the correct vision for a golf course in the AVAD is one that is a “pure” golf club, with facilities solely for golfing. Additionally, such a club should be designed and managed in a fashion that protects the environment and respects the rural character of the AVAD. The Planning Board also believes that it is in the best interest of the Township to revise local ordinances so they will implement the original vision more accurately and effectively.

The following is a list of recommended ordinance revisions. While this list addresses some of the most important criteria for a golf course use, it should not be assumed that this list is necessarily all inclusive, though any proposed ordinance revision should support all six of the over-riding purposes outlined above.

1. Golf courses should be classified as a conditional use in the AVAD, not a permitted use. *Rationale:* Any use that cannot exist absent specific conditions, which apply only to that use and not all uses in the same zoning district, should be classified as a conditional use in accordance with N.J.S.A. 40:55D-3.
2. The permitted use should be defined as a golf course with customary accessory buildings, structures and uses, including a clubhouse. Other accessory uses not specifically related to the sport of golfing should be expressly prohibited, including but not limited to swimming pools, tennis courts, guesthouses and helistops. *Rationale:* Only low intensity golf course uses are compatible with the AVAD.
3. Golf tournaments that will attract a significant number of spectators should be expressly prohibited. *Rationale:* Tournaments that will attract a significant number of spectators are inconsistent with the planning policy that permits only low intensity golf activities.
4. Best Management Practices shall be employed to prevent and/or minimize adverse impacts of the golf course on groundwater and surface water resources, and any deviation from the approved Integrated Turf Management Plan, Integrated Pesticide and Pest Management Plan, Water Use Budget and Water Recycling Plan and the Aquifer Test Plan should only be approved by the East Amwell Township Committee following a mandatory review by, with recommendations from, the local Board of Health. *Rationale:* Local hydrology is absolutely critical to both the wildlife and the residential quality of

life in the AVAD and, as a sensitive and invaluable community resource, the groundwater and surface water systems warrant special protections from potentially harsh and permanent adverse impacts.

5. Any golf course that is a Certified Audubon Cooperative Sanctuary may be presumed to be operating in a manner consistent with the environmental goals and objectives of the Township as long as the course's certification is current and valid. *Rationale:* The Audubon Cooperative Sanctuary Program for golf facilities is designed to protect the environment and preserve natural habitats. Any golf course that operates as a certified sanctuary is therefore operating in a manner consistent with the environmental goals of East Amwell, and this type of operation should be encouraged.

The Planning Board further recommends that the Township review and re-affirm the other provisions in its ordinances pertaining to golf courses, amending them as may be appropriate to reflect the Township's primary objective - to permit only low intensity golf courses that are respectful of East Amwell's natural resources, the environment, farming operations, public trails and community values.