

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

**ORDINANCE #19-10**

**AN ORDINANCE AMENDING VARIOUS SECTION OF CHAPTER 92  
OF THE CODE OF EAST AMWELL TOWNSHIP  
GOVERNING GOLF COURSES/CLUBS**

**WHEREAS**, in 1999, Chapter 92 of the Code of the Township of East Amwell (the "Township") was amended to permit golf courses/clubs in the Amwell Valley Agricultural District (the "AVAD"); and

**WHEREAS**, the facts and circumstances surrounding those amendments in 1999 (the "1999 Amendments"), including (i) the Greenways and Open Space Element of the East Amwell Township Master Plan (the "Greenways Element") and (ii) the relevant minutes of the Planning Board and the Task Force established by the Planning Board to assist the Planning Board in determining whether golf courses should be permitted in the AVAD (the "Original Minutes"), indicate the following:

1. the objective of the 1999 Amendments was to allow in the AVAD small private golf clubs for golfing only, (i) with no residential development, no other recreational uses, such as tennis courts and swimming pools, no other commercial uses or activities, no banquet facilities, no significant social activities, and no large tournaments or other special events, (ii) with strict environmental safeguards, (iii) having minimal impact on the environmentally sensitive AVAD and the residents surrounding the golf club, and (iv) that would provide a valuable ratable to help balance the Township's property tax base; and

2. in recommending the 1999 Amendments, the Planning Board concluded that a golf club built and operated in accordance with the standards in 1 above would be significantly less intense than a typical golf club, would protect the rural character of and the environmentally sensitive lands in the AVAD, and thus would be consistent and compatible with the objectives in the Township's Master Plan regarding the AVAD; and

**WHEREAS**, in the years since 1999, changes were made to the 1999 Amendments, and other changes occurred, which in the aggregate have dramatically altered the small scale, low intensity golf club envisioned by the 1999 Amendments; and

**WHEREAS**, those changes (the "Post-1999 Changes") include the following:

1. the Township Committee of the Township of East Amwell (the "Township Committee") has made significant changes to the 1999 Amendments, permitting more expansive uses by golf clubs, such as tennis courts and related facilities, a swimming pool and related facilities and sizable overnight housing structures;

2. at the request of the sole golf club in the AVAD, the Planning Board waived agreed upon limitations on the number of people that may be present at that golf club for an event, thereby

allowing potentially tens of thousands of people to attend professional golf tournaments at the golf club;

3. the sole golf club in the AVAD has requested that the Planning Board relax certain water testing requirements that were put in place to ensure that chemicals utilized by the golf club were not adversely impacting the water supply; and

4. the sole golf club in the AVAD sought and recently received a license from the New Jersey Department of Transportation that allows helicopters to land at and take off from the golf club, to transport its members to and from the golf club; and

**WHEREAS**, in late 2018, the Planning Board became concerned about the cumulative effect of the Post-1999 Changes, particularly the potential for a significant increase in the impact of golf courses in the AVAD on the environment, the wildlife, the streams and waterbodies, the riding and hiking trails, the horse and other animal farms, the limited infrastructure, and the community in general; and

**WHEREAS**, at that time, the Planning Board decided to (i) reexamine the original planning policies underlying the 1999 Amendments that allowed golf courses in the otherwise largely agricultural AVAD, (ii) review and reassess the Post-1999 Changes, and (iii) articulate a sensible planning policy for guiding the development and operation of golf courses in the AVAD; and

**WHEREAS**, following completion of that endeavor, on April 10, 2019 the Planning Board adopted the Land Use Plan Amendment Affecting East Amwell's Greenways, Open Space and Recreation Planning Policies Pertaining to Golf Courses (the "Land Use Plan Amendment"); and

**WHEREAS**, the Land Use Plan Amendment concludes that (i) the original vision of a golf course in the AVAD, as articulated in the Greenways Element and the Original Minutes, is the only one that reflects sound Township policies, and thus (ii) the correct vision for a golf course in the AVAD is one that is a "pure" golf club, with facilities solely for golfing; and

**WHEREAS**, the Land Use Plan Amendment further concludes 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 advance all six of the following objectives:

- 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;
- 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; and
- provide a valuable ratable to help balance the tax base; and

**WHEREAS**, the Land Use Plan Amendment further concludes that it is in the best interest of the Township to revise certain provisions in Chapter 92 of the Township’s Code pertaining to golf courses in the AVAD, so they will implement more accurately and effectively the concepts described in the two immediately preceding WHEREAS clauses; and

**WHEREAS**, the Land Use Plan Amendment made several recommendations regarding the revisions that should be made to those provisions in Chapter 92; and

**WHEREAS**, given the Township’s experience with the sole golf club in the AVAD, including numerous complaints from residents living around that golf club, the Township Committee believes that, in addition to those recommendations, the Land Use Plan should have also considered more fully the impact on the surrounding residents of noise resulting from the operation of the maintenance equipment of a golf course, even a well-managed golf course, particularly during the overnight and early morning hours; and

**WHEREAS**, following a careful review of the Land Use Plan Amendment, the Township Committee desires, in this Ordinance, to effectuate certain of those recommendations.

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of East Amwell, County of Hunterdon, and State of New Jersey, as follows:

**Section 1.** The term “Golf Course/Club” in Section 92-4 of the Code of East Amwell Township is hereby deleted, and replaced with the following:

**“GOLF COURSE/CLUB**

A tract of land improved with 18 holes for playing the game of golf, and improved with tees, greens, fairways and hazards, practice facilities, and a clubhouse, which may include a dining room, a bar with club license if qualified, a pro shop, kitchen, locker rooms and administrative offices.”

**Section 2.** Section 92-91B(9) of the Code of East Amwell Township is hereby repealed (deleted) in its entirety.

**Section 3.** Section 92-91D of the Code of East Amwell Township is hereby amended by adding after Section 92-91D(7) the following:

- “(8) A golf course/club, provided the following conditions are met:
- (a) The tract on which the golf course/club is to be constructed shall comprise at least 200 acres for 18 holes.
  - (b) The length of the golf course shall be not less than 7,000 yards.
  - (c) The golf course/club shall be the sole principal use on the tract. In particular (and without limiting the foregoing provision), there shall be no residential uses on the tract, whether in conjunction with the golf course/club or otherwise.

(d) No portion of any golf tee, fairway or green shall be located closer than 150 feet to any tract boundary or public road right-of-way, except that cart paths may be located no closer than 100 feet to such boundaries or roads.

(e) There shall be a direct driveway access to the golf course/club, over the tract, from a state or county road.

(f) A vegetated buffer at least one-hundred-feet wide, consisting of native trees, shrubs and ground covers, shall be provided and maintained between any turf area which will be treated with fertilizers or pesticides and the closest point of any one-hundred-year floodplain; or if there is no floodplain, the top of bank of any permanent, nonseasonal stream or open water body, on or off site, except that up to 35% of such stream or pond frontage shall be exempt from this requirement, upon a showing of good cause by the applicant.

(g) Gasoline powered golf carts shall be prohibited on any golf course/club.

(h) All golf course/club facilities shall also comply with additional standards set forth in § 92-81 of this Code.”

**Section 4.** Note 8 in Section 92-092c of the Code of East Amwell Township is hereby deleted, and replaced with the following:

“For a golf course/club, see § 92-91D(8)”

**Section 5.** If any provision in this ordinance is, or is held to be, invalid or unlawful, (i) such provision shall, if possible, be deemed amended to the extent necessary to make it valid and lawful, and (ii) such invalidity or unlawfulness shall not affect the validity of the remaining provisions of this ordinance.

**Section 6.** This ordinance shall become effective immediately upon its final passage and publication as required by law.

By Order of the Township Committee

\_\_\_\_\_  
Richard Wolfe, Mayor

ATTEST: \_\_\_\_\_  
Krista Parsons,  
Acting Municipal Clerk

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Please take notice that this ordinance was introduced on first reading at the regular meeting of the East Amwell Township Committee, held on May 9, 2019, and will be considered for final adoption

on second reading and public hearing at a regular meeting of the Township Committee to be held on Thursday, June 13, 2019, at 7:30 p.m. at the Municipal Building, 1070 Route 202/31, Ringoes, NJ 08551. A copy of the above ordinance may be obtained at the Municipal Building during regular business hours, which are Monday through Friday, 8:30 a.m. - 3 p.m. and Tuesday, 3 p.m. - 7:30 p.m.

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