

**EAST AMWELL PLANNING BOARD MINUTES**  
**7:30 PM East Amwell Municipal Building**  
**March 10, 2010 - Meeting**

**Call to Order, Attendance and Pledge of Allegiance**

This meeting of the East Amwell Planning Board was opened on March 10, 2010 at 7:30 PM. 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 21, 2010 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 March 3, 2010."

**Present:** Fred Gardner – *(arrived at 7:33 PM)*  
Rob Gilbert  
Gail Glashoff  
Bela Kamensky – *(arrived at 7:32 PM)*  
Peter Kneski  
Don Reilly, Chairman  
Dart Sageser  
Michael Weis  
Roger DeLay  
Attorney Norman  
Engineer O'Neal  
Planner Slagle

**Excused:** Linda Lenox  
Joe Wolfgang

**Citizens' Privilege to Speak on Items Not on the Agenda**

Chairman Reilly opened the floor to public comment. No one came forward and he closed the floor to public comment.

**Review of Minutes**

A motion by Gail Glashoff, seconded by Rob Gilbert to approve the Board's minutes from 1/13/10 was approved with Michael Weis abstaining.

It was noted that a copy of the Application Review Committee (ARC) minutes from the 2/24/10 meeting with DW Vineyard was included in the Board Member's packets for information purposes.

**New Business – Other**

**Authorize Contract for Attorney Norman and Approve Related Resolution PB#2010-01**

A motion by Rob Gilbert, seconded by Michael Weis to approve Attorney Norman's 2010 contract and related Resolution PB#2010-04 was unanimously approved by roll call vote.

**Roll Call Vote:** Rob Gilbert: Yes, Michael Weis: Yes, Fred Gardner: Yes, Gail Glashoff: Yes, Bela Kamensky: Yes, Peter Kneski: Yes, Don Reilly: Yes, Dart Sageser: Yes, Roger DeLay: Yes.

**Approval of Resolution PB#2010-04: Section 26 Approval of Township Ordinance #10-03**

A motion by Gail Glashoff, seconded by Rob Gilbert to approve Resolution PB#2010-04 was unanimously approved by roll call vote.

**Roll Call Vote:** Gail Glashoff: Yes, Rob Gilbert: Yes, Fred Gardner: Yes, Bela Kamensky: Yes, Peter Kneski: Yes, Don Reilly: Yes, Dart Sageser: Yes, Michael Weis: Yes, Roger DeLay: Yes.

**Informal Concept Review: DW Vineyard – B: 17 L: 16.03 Winery Site Plan**

Present for the concept review was property owner David Wolin and Wine Maker/Vineyard Manager Scott Garris. All parties were sworn in and Chairman Reilly explained that Mr. Wolin had gone before the CADB in December 2009 and January 2010 and have obtained right-to-farm approval because wineries are recognized as an agricultural land use. It was noted that the approval was conditioned, however, upon Mr. Wolin addressing any zoning or regulation issues with the Township which is why they are presenting their informal concept before the Planning Board this evening. It was also noted that there was an ARC meeting on this matter and there were no significant concerns expressed at the meeting regarding this concept. Chairman Reilly added that he had also spoken to Zoning Officer McManus about this proposal and he did not have any issues either.

Mr. Wolin commented that the parcel is a 27.2 acre lot located in the Amwell Valley Agricultural Zone which became part of Farmland Preservation in November 2009. He said their intention is to clean-up, repair and remodel the existing structures on the property to restore the former Amwell Valley Vineyard site back to a viable business. It was noted that there are approximately 7 acres of grapevines planted on the property with a single story home and 3 out buildings that were used by Amwell Valley Vineyards for 15-20 years in the running of their business. Mr. Wolin indicated he purchased the property, but not the business. He said he hired Mr. Garris to help reestablish a vineyard and winery on the property.

Mr. Wolin referenced mounted plans, last revised on 2/24/10. The following structures were noted:

- Log House: This structure needs internal repairs and their intention is to add a porch sometime in the future.
- Tank Building: This is a low, shed-type structure that they intend to revamp to store new tank equipment. Mr. Wolin explained they will stay within the existing concrete footprint and the existing setback conditions will remain the same.
- Wine Tasting Bldg.: This is currently a garage structure that will require the most renovations. Their intention is to raise the roof to a full two-story structure. (*It is currently 1.5 stories*). The upstairs will include a manager's office, a laboratory, a break room, a kitchen and a bathroom facility. The downstairs will include a handicapped accessible bathroom, a wine tasting room for customers and an outdoor terrace area.
- Large Building: This structure has an existing deck, garage area and a bathroom. They intend to renovate it for use for large group tasting functions. A tractor storage area will also be added to the end of the building for easy access to the vineyard area.

It was noted that all of the structures were built at least 20 years ago and none of the renovations will exacerbate any of the existing setback conditions. Mr. Wolin said they plan on using all existing structures as efficiently as possible and to address any prior zoning issues. He also noted that a new septic system has been approved and will be installed within the next few weeks, weather permitting. Mr. DeLay questioned one septic system for the entire property. Mr. Wolin said their Engineer's have reviewed everything and there is enough slope on the property for the system to be connected and work.

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Engineer O’Neal commented on the bulk requirements noting there are a number of pre-existing non-conforming conditions including front yard setback and lot width. He indicated these conditions will not be made any worse. He noted lighting was discussed at the ARC meeting and Mr. Wolin agreed to make all lighting conform to the ordinance. Engineer O’Neal noted there are no Stormwater Management issues because they are below the ¼ of new impervious and 1 acre of soil disturbance thresholds. All proposed signage will conform to the ordinance and the handicapped parking has been revised and now conforms to the State standards.

With regard to parking, Engineer O’Neal noted that 22 additional parking spaces along the driveway are being proposed and 36 existing spaces are shown in the grassy field behind the buildings corralled by the grapevines. Engineer O’Neal indicated that some concern was expressed at the ARC meeting regarding the parking along side of the driveway and emergency vehicle access. It was noted that Mr. Wolin agreed to use this parking area last and that any parking in this area would be monitored/supervised by vineyard staff to ensure emergency vehicle access at all times. Mr. Wolin commented that this condition is actually noted on the revised plan.

Chairman Reilly commented that although some of the existing setbacks don’t conform to current zoning, all of the structures on the property were built with building permits with no noted exceptions so the assumption is that they conformed to the zoning at the time. He indicated there will be no further encroachment onto the bordering property lines. Everything will be done within the existing footprints with one exception which falls within the current zoning so there are no issues.

Attorney Norman asked if there will be any weddings or banquets held at the winery. Mr. Wolin said no and explained that since the land has been preserved, weddings and banquets are not recognized as agricultural land uses and therefore cannot take place at the vineyard. Attorney Norman asked about wine festivals. Mr. Garris explained that DW Vineyard is not large enough to host the Garden State Wine Growers Festival, but they will participate in festivals at other venues.

Mr. Sageser asked what dictated the amount of parking currently shown. Mr. Wolin explained they reviewed the slope of the property and the available space as well as where parking had taken place in the past and created the spaces shown. It was noted that they are hoping to see 100 people throughout a typical weekend, but depending on the season, traffic flow will change.

Mr. Gardner commented that he found this whole application one of the most refreshing experiences he has had on the Planning Board and expressed gratitude over Mr. Wolin taking the initiative to seek to bring the property up to code.

A motion by Michael Weis, seconded by Gail Glashoff to open to the public was unanimously approved.

Andrea Bonette of 17 Ridge Road came forward and asked if they were going to grow all of their own grapes on their property or if they were planning on getting grapes from other sources. Mr. Wolin said that they will be using 51% of their own grapes which is required under the Farmland Preservation and they will also be buying supplemental grapes. Ms. Bonette also commented, “...I am concerned about the previous owners of Amwell Valley Vineyard...because I am very well aware that they had a flagrant website where they lavishly advertised weddings and all kinds of parties that were in gross violation of any kind of ordinance or zoning or anything and I really hope that whatever kind of resolution you guys write, it will be very adamant that that cannot continue because I know that we have an issue with enforcement sometimes in this Town.”

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A motion by Bela Kamensky, seconded by Gail Glashoff to close to the public was unanimously approved.

Chairman Reilly clarified that this is an informal hearing and the Planning Board's role is to make sure there are no zoning violations relative to the application as it was presented to the CADB and in the absence of finding any zoning violations or concerns, the CADB has effectively approved the plans and is simply asking the Planning Board to comment and bring any concerns forward if any concerns are noted.

A motion by Fred Gardner, seconded by Gail Glashoff indicating that the Planning Board has no comments or concerns regarding this application that need to be brought back to the CADB was approved by voice vote with Roger DeLay abstaining because he is a neighbor of the subject property. Attorney Norman noted that there was no need for Mr. DeLay to recuse himself because this was only an informal hearing.

Chairman Reilly commented that Mr. Wolin's proposal is quite consistent with the Amwell Valley Zoning and wished him great success with the vineyard.

**Discussion: Tree Harvesting Ordinance and Related Comments from Township Attorney's Office**

Chairman Reilly explained the Tree Harvesting Ordinance was discussed at great length by the Planning Board and was passed on to the Township Committee in December 2009. It was noted that some questions and concerns have been raised by both the public and the Township Attorney's office. The consensus was to send the ordinance back to the Planning Board for the concerns to be addressed.

Planner Slagle commented that Attorney Staples pointed out some of the bigger picture issues and she said she can see where a potential applicant may have a problem reading and understanding the ordinance. Planner Slagle remarked that the intent of the ordinance is good but the amendment to the ordinance blurred the line between the Board's intent for commercial logging and loggers who have a forest management plan with the State vs. the Board's intent to reign in unlimited tree cutting on residential/private properties. Her suggestion was to retain the current section 129 ordinance (which addresses commercial logging) and work in a separate section using the language already developed, explicitly addressing private property.

Planner Slagle said that while the Planning Board and the Township doesn't have a lot of jurisdiction over forest management plans and what is regulated by the State, the Board doesn't want to lose track of what they are trying to implement for non-commercial logging on private property. She indicated that in the process of adding language to section 129 and taking portions of section 129 out, a disconnect was created between commercial logging and property maintenance of non-commercial logging. She remarked that what has already been drafted just needs to be filtered back into the existing ordinance so that the intent is clear.

Chairman Reilly commented that the overriding concern now is that the existing Tree Harvesting Ordinance allows you to clear up to two acres while the Sourland Mountain development ordinance limits clearing to 30,000 square feet and the Board must first address the inconsistency and then continue to debate the other issues. Chairman Reilly noted that he had spoken with former Planning Board member Emmerson Bowes who brought up a lot of very good issues. Chairman Reilly said, "But at the end of the day...there are many things that need to be debated, but the first thing we would like to do is reconcile that disconnect and then we need to have an in depth discussion about many items."

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It was the consensus of the Board to have Planner Slagle and Planner Banish draft a revision to section 129 and conduct a consistency review. It was noted that this ordinance will be under police powers and not land management. Attorney Norman referred to the Jackson case which emphasized that the tree clearing ordinance that was upheld was a police powers ordinance, providing greater leeway for enforcement than land use law.

Mr. Gardner commented that assuming the Forest Stewardship passed by the legislature moves forward, someone will need to revisit this whole matter perhaps a year from now to determine the extent to which the Board may want to encourage Forest Stewardship as distinct from tree cutting activities in order to gain woodland assessment. Chairman Reilly remarked that he sees Forest Stewardship as a positive thing because landowners won't have to harvest trees in order to maintain the tax exemption.

Chairman Reilly clarified that the Tree Harvesting Ordinance will be a two step process: (1) Incorporating what has been done to resolve the inconsistencies within the existing ordinances and (2) Continued discussion on where to go with the Tree Harvesting Ordinance relative to the other concerns that have been expressed.

**Discussion: Senate Hearing, re: S-1 Bill – Possible Elimination of COAH and Related Memo from Planner Banisch**

Planner Slagle explained that the general overview is to eliminate COAH and move everything to a separate entity and get rid of some of the prior round obligations in an effort to provide different growth calculations and let municipalities take control of the issue and provide affordable housing as they see fit under certain mandates. She indicated nothing formal has happened yet.

Attorney Norman commented that as he understands it, the revised S-1 Bill says that if your total affordable housing stock is 7.5% affordable or if 1/3 of your housing stock is multi-family you will qualify as an inclusionary municipality and there won't be any obligation. He noted the other part of the issue is areas such as the Highlands and Pinelands—the environmentally sensitive areas that don't have an infrastructure will not have an obligation either.

**Open to the Public**

Chairman Reilly moved open to the public up on the agenda. A motion by Peter Kneski, seconded by Rob Gilbert to open to the public was unanimously approved.

Frances Gavigan of 123 Wertsville Road came forward and commented that the County Planning Board is moving forward on the requirements/applications for what municipalities will need to do to get a portion of the available funds for Historic projects such as the Clawson House. Chairman Reilly asked who would be applying for the funds. Ms. Gavigan remarked that she thought Historic Preservation would most likely handle it.

Ms. Gavigan also noted that the County people will be conducting a site walk for the bridge at Runyon Mill Road at 4:30 PM on 3/31/10. She noted her hope to try and salvage the Amwell Valley Trail Crossing and encouraged people to show up.

Ms. Gavigan also commented that the sidewalk project in the Village of Ringoes is still alive because she has heard it mentioned at the County.

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A motion by Roger DeLay, seconded by Rob Gilbert to close to the public was unanimously approved.

**Oral Reports**

FOSPC – Mr. Gardner noted that there is Green Acres money available and Bill Ralick is following up with suggestions on which properties may qualify for preservation.

Agricultural Advisory Committee – no report given.

Environmental Commission – no report given.

SM Smart Growth Grant – no report given.

HART Representative – no report given.

COAH – no report given.

Wastewater Management – no report given.

AVAD Design Standards – Chairman Reilly noted that this subcommittee has not met yet and he will try to schedule a meeting prior to the Board’s April meeting.

PB Secretary – no report given.

Chairman – no report given.

Attorney Norman and Engineer O’Neal were excused from the meeting at this time, 8:30 PM.

Mr. Gardner asked about the outcome of the Time of Decision pending legislature. Planner Slagle noted that there is a meeting/hearing on the matter tomorrow. She explained that what the bill means is that as soon as an applicant hands an application to the Planning Board Secretary all land use ordinances in effect at that time apply to the application.

Planner Slagle was excused from the meeting at this time, 8:32 PM.

**Presentation of Vouchers**

A motion by Gail Glashoff, seconded by Rob Gilbert to pay the vouchers as listed on the agenda was unanimously approved.

**Adjournment**

The meeting adjourned at 8:33 PM.

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Maria Andrews, Administrative Officer