

**EAST AMWELL PLANNING BOARD MINUTES**  
**7:30 PM East Amwell Municipal Building**  
**July 13, 2011 - Meeting**

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

This meeting of the East Amwell Planning Board was opened on July 13, 2011 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 20, 2011 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 July 6, 2011."

**Present:** Fred Gardner  
Rob Gilbert  
Gail Glashoff  
Linda Lenox  
Don Reilly, Chairman  
Dart Sageser  
Michael Weis  
Joe Wolfgang  
Roger DeLay – Alt. #1  
Edward Feinberg – Alt. #2  
Planner Slagle

**Excused:** Peter Kneski

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

Chairman Reilly noted for the record that there were no members of the public present at the meeting at this time.

**Review of Minutes**

A motion by Fred Gardner, seconded by Gail Glashoff to approve the Board's minutes from 6/8/11 was approved with no revisions noted and Linda Lenox abstaining.

**New Business – Other**

**Discussion: Tree Harvesting Ordinance Update**

Mr. Weis explained that he had compiled a list of potential issues for this second round of revisions to the Tree Harvesting Ordinance based on comments from the public during the last revision. He suggested the Board review the list and decide whether or not the following list of items should be addressed:

1. Establish a definition for tree
2. Establish guidelines for remediation – Planner Slagle suggested not including remediation in the penalty section because there is enough case law that would make it problematic. She recommended including remediation in the regular section of the Ordinance as part of the permit process.
3. Establish criteria (if any) to be included as part of the permit request – Planner Slagle noted that nothing should be included on the permit form that isn't required in the Ordinance – Mr. DeLay commented that the Board should identify which items they want included on the permit rather than *format* the permit which should be left up to the Tree Harvesting Committee.
4. Determine whether or not the Best Management Practices (BMP's) are sufficient for the Tree Harvesting Committee to evaluate and enforce the Ordinance

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5. Establish another threshold for tree harvesting – Mr. Sageser explained that one of the things we see when we look at other towns is that we have a Tree Harvesting Ordinance and the other towns seem to deal with a more progressively lower level of tree cutting. There was some discussion on limiting cutting to “more than X amount at a given size” then the property owner should either remediate or should have a Woodlands Management Plan. He explained we don’t have any mechanism in the current ordinance to regulate this. Mr. Sageser indicated that from reading other Ordinances there may be some type of formula that can be created to introduce a threshold. Mr. Weis agreed saying the Ordinance does not make any distinction between someone cutting 12 trees or 1200 trees and the concern is that if someone comes in and wants to clear their property, the Tree Harvesting Committee will not have enough information to flag the activity as being “major.” Planner Slagle remarked that State approved Woodland Management Plans are beyond the Board’s jurisdiction and the Board cannot mandate a property owner to obtain such a plan. She clarified that the BMP notes property owners conducting *commercial* forestry practice must have a plan which is not applicable to private property owners. Planner Slagle commented that if a property owner comes in for a permit to clear 1200 trees they would have to come before a Board for approval for something to trigger that much activity and she stated she does not know what the relevance is to having a threshold this high. It was the consensus of the Board for this matter to be reviewed further.
6. Determine whether or not permits should have an expiration date – Mr. Gilbert asked Planner Slagle if the current Ordinance allows permits to be denied. Planner Slagle said yes if there is a clear basis that the activity for which the permit is being requested is not consistent with the Land Development Ordinance or other provisions of the Ordinance. Mr. Gardner remarked that there is a further problem stating this begs the question of who has the competence to look at the permit and deny it. It was also noted that there is no mechanism for denying a permit. Chairman Reilly remarked that the permit is self policing saying if a property owner fills it out, there will be no basis to deny it.
7. Determine whether or not the Tree Harvesting Committee can hire a Forester for consulting purposes
8. Establish whether or not a permit should be required for clearing associated with building a home, an accessory structure, farm building etc.
9. Determine whether or not the limit of cutting without a permit should apply to an individual or to a lot/parcel. It was the consensus of the Board that the permit goes with the lot/parcel.

It was noted that Mr. Weis has reached out to the Tree Harvesting Committee and Zoning Officer McManus for input on revisions to the Ordinance as well as obtained copies of relevant Ordinances from the surrounding municipalities in the Sourland Alliance.

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

Frances Gavigan of 123 Wertsville Road came forward and expressed that the public perception of the Tree Harvesting Ordinance is that they can’t cut trees and she remarked that people need to be educated. She asked if the Board is considering restricting personal property rights for the common good. Chairman Reilly indicated this is an issue being reviewed.

**Discussion: AVAD Design Standards – Update**

Chairman Reilly explained that the review of the design standards in the Amwell Valley Agricultural District is quickly moving toward being included as part of the Master Plan Re-examination. It was noted that the Board requested Planner Slagle to draft a proposal on the cost of including this review as part of the Master Plan Re-exam which must be done by 2013.

**Discussion: Request from FOSPC to Adopt a Policy Statement Regarding Land Preservation – Status Update from Planner**

Chairman Reilly commented that this matter will be part of the Master Plan Re-exam and he indicated that it can be removed from the agenda.

**Oral Reports**

FOSPC – Mr. Gardner reported that FOSPC is continuing to make progress on preservation noting Mrs. Rynearson’s 81 acres closed, Scibilia is still close to being finalized, Mrs. Harrison’s 101 acres closed, the Holcombe’s have signed an agreement to sell easements to the State and the SADC is still pursuing the Jorgenson application despite the fact that the farm has filed bankruptcy. He also noted that the Drift property is tied up with bank subordination problems. Mr. Gardner commented that FOSPC had drafted a letter to the Township Committee expressing discouragement at the thought of the Legislature removing restrictions on preserved farms regarding renewable energy installations.

Agricultural Advisory Committee – No report given.

Environmental Commission – No report given.

Wastewater Management – No report given.

AVAD Design Standards – No report given and Chairman Reilly indicated this item should be removed from oral reports.

PB Secretary – No report given.

Chairman – No report given.

**Correspondence**

There were no comments made on any of the correspondence listed on the agenda.

**Open to the Public**

Chairman Reilly opened the floor to public comment. Frances Gavigan of 123 Wertsville Road came forward and commented on last night’s Board of Adjustment meeting and the discussion that took place on JCP&L making the determination as to whether or not solar facilities can tie into the existing power lines. She suggested the Township invite JCP&L to provide information on how they do their assessments and to provide details on the age of the transformer infrastructure within the Township.

Mr. Gardner commented that the capacity of the nearby substation will limit what can be generated from the solar facility being proposed before the Board of Adjustment.

**Presentation of Vouchers**

A motion by Gail Glashoff, seconded by Fred Gardner to approve the vouchers for payment as listed on the agenda was unanimously approved.

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**Adjournment**

Chairman Reilly adjourned the meeting at 8:45 PM.

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Maria Andrews, Administrative Officer