

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
August 10, 2011 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on August 10, 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 August 3, 2011."

Present: Fred Gardner
Gail Glashoff
Peter Kneski
Linda Lenox
Don Reilly, Chairman
Dart Sageser
Michael Weis
Roger DeLay – Alt. #1
Attorney Norman
Engineer O'Neal
Planner Slagle

Excused: Rob Gilbert
Joe Wolfgang
Edward Feinberg – Alt. #2

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 Roger DeLay to approve the Board's minutes from 7/13/11 as revised was approved with Peter Kneski abstaining.

New Business – Other

Informal Concept Review/Site Plan: Communication Infrastructure Corp. – Block 40 Lot 41.01 – 14 Stony Brook Road: Co-location of Antennas on Existing Tower

Present for the discussion was Attorney Nicholas Menas on behalf of the applicant Communication Infrastructure Corp. Attorney Norman commented that the Board has been asked to waive site plan approval. He explained the Board must make a determination as to whether or not the proposed co-location of antennas is de minimis. Planner Slagle explained that the cell tower is in the Sourland Mountain District and they are a permitted accessory use where the wireless telecommunication antenna is located on existing structures subject to site plan approval. She noted that the tower already exists and the applicant is only proposing to install 2 new antennas.

Chairman Reilly noted there was an ARC meeting on the application. Mr. Weis reported that ARC determined that the proposal is de minimis. Engineer O'Neal agreed.

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Attorney Menas explained the subject cell tower is an existing structure with other telecommunication carriers located on it. He indicated his client is proposing to install two parabolic dish antennas that will increase data transmission capabilities and provide more cellular capacity. He noted that with all of the Blackberry devices and iPhones there is much more data transmission capacity required.

Attorney Menas explained there will not be any new equipment cabinets because they intend to use the existing Sprint/Nextel cabinet. The two antennas were described as being one 4' diameter parabolic dish located at 235' on the tower and one 6' diameter parabolic dish located at the same height. The overall height of the cell tower was said to be 275'.

Chairman Reilly noted there were no members of the public present at the meeting.

Attorney Norman asked what the capacity of the cell tower is. Attorney Menas commented that if every licensed carrier in this region installed a maximum build out of 6 panel antennas and 6 parabolic dish antennas this particular cell tower could accommodate the equipment and likely still have room for more.

Engineer O'Neal remarked the applicant did not submit a boundary survey and stated he didn't think he needed one in this case because he believes the cell tower to be within the site boundaries. Engineer O'Neal asked Attorney Norman what plan will be provided if the application is approved. He commented that if the Board grants a waiver of site plan nothing will be on file at the County. He stated the Board can simply adopt a Resolution referencing the submitted site plans as an exhibit.

A motion by Fred Gardner, seconded by Gail Glashoff finding the proposed project de minimis was unanimously approved.

A motion by Gail Glashoff, seconded by Dart Sageser to grant the waiver of site plan, based on the fact that the submitted plans were sufficient for the Application Review Committee (ARC) as well as the Board's Professionals to support such a motion, and conditioned upon the applicant submitting a revised site plan titled "Site Plan Waiver" was unanimously approved by roll call vote.

Roll Call Vote: Gail Glashoff: Yes, Dart Sageser: Yes, Fred Gardner: Yes, Peter Kneski: Yes, Linda Lenox: Yes, Don Reilly: Yes, Michael Weis: Yes, Roger DeLay: Yes

Discussion: Tree Harvesting Ordinance – Update

Mr. Weis commented that the subcommittee is making progress and noted they are focusing on the following issues:

1. Defensibility of an "absolute ban" which they have concluded there is no absolute ban and this is not an issue unless it gets raised by the Township Attorney. He noted the Ordinance does not prohibit residents from cutting trees down on their own property, even though some people believe it does.
2. A permit expiration date of 2 years seems to be the recommendation.
3. Does cutting trees apply to the lot or the individual? Mr. Weis noted that Planner Slagle has indicated tree cutting applies to the lot.

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Mr. Weis remarked that the subcommittee is still reviewing breaking the permit into two parts: One section for a smaller number of trees to be removed, following BMP guidelines, but enough to require a permit and the second section would be for a larger number of trees to be removed where the resident must demonstrate that they have read the Ordinance and the BMP and their situation addresses the specifics of the tree harvest being requested. He indicated they believe a distinction needs to be made between the types of clearing taking place and the levels of intensity where applicants seeking permits may be asked to come before the Tree Harvesting Committee with a plan.

Mr. Weis commented that he is hoping to have a marked up copy of the Tree Harvesting Ordinance available for review at an upcoming Planning Board meeting.

Planner Slagle added that a major enforcement issue has come to light regarding the Tree Harvesting Ordinance and indicated some revisions may need to take place sooner rather than later to clarify the enforcement section of the Ordinance regarding who has jurisdiction and what the enforcement procedures are as related to right to farm.

Mr. Weis noted that the subcommittee has discussed right to farm and the consensus seems to be that the policy focus is the Sourland Mountain Zone because of the area's unique ecology. He remarked that the right to farm is out of their scope. Planner Slagle stated that the enforcement issue is not only right to farm but also the way the Ordinance has been structured indicating a Tree Harvesting Committee is the enforcing agency and she stated that it now appears there are some holes in their ability to enforce the Ordinance.

Chairman Reilly commented that the Board understands right to farm and stated he believes it is just a function of crafting the Ordinance so that it is clear as to the process that should be followed.

Oral Reports

FOSPC – No report given.

Agricultural Advisory Committee – Ms. Glashoff reported that Ag Advisory is still working on putting together an open forum/seminar regarding renewable energy.

Environmental Commission – Mr. Sageser reported that the Commission continues to investigate salt in the water and cows accessing wetland areas.

Wastewater Management – No report given.

PB Secretary – No report given.

Chairman – Mr. Reilly reported that based on the remaining balance in the Planning Board's 2011 budget it is not likely that the Board will be able to address the Master Plan Re-examination this year. He indicated it will be slated as a 2012 project. Mr. Reilly also commented that he recently had an opportunity to participate in a charity golf outing at the Ridge at Back Brook and wanted to express what a spectacular facility it is and remarked how East Amwell should be proud to have them in the Township. Mr. Weis added that he is aware that the rules the members must abide by are in line with the philosophies of the Township, which is nice.

Attorney Norman, Engineer O'Neal and Planner Slagle were excused from the meeting at this time, 8:13 PM.

Correspondence

It was noted that there were no comments made on any of the correspondence listed on the agenda.

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Open to the Public

It was noted that there were no members of the public present at the meeting at this time.

Presentation of Vouchers

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

Adjournment

Chairman Reilly adjourned the meeting at 8:14 PM.

Maria Andrews, Administrative Officer