

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
March 14, 2012 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on March 14, 2012 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 19, 2012 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 7, 2012."

Present: Rob Gilbert
Linda Lenox
Don Reilly, Chairman
Dart Sageser
Roger DeLay – Alt. #1
Planner Slagle

Excused: Fred Gardner
Gail Glashoff
Gail Skupien
Michael Weis
Joe Wolfgang
Edward Feinberg – Alt. #2

Citizens' Privilege to Speak on Items not on the Agenda

It was 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 Rob Gilbert, seconded by Linda Lenox to approve the Board's open session minutes from 2/8/12 was unanimously approved with no revisions noted.

A motion by Dart Sageser, seconded by Linda Lenox to approve the Board's executive session minutes from 2/8/12 was unanimously approved with no revisions noted.

New Business – Other

Resolution PB#2012-05: Thompson Realty Company of Princeton, Inc. – Final Major Subdivision Approval – B:17 L:32

A motion by Roger DeLay, seconded by Dart Sageser to approve Resolution PB#2012-05 was approved by roll call vote.

Roll Call Vote: Roger DeLay: Yes, Dart Sageser: Yes, Rob Gilbert: Yes, Linda Lenox: Yes, Don Reilly: Yes

Discussion: Renewable Energy Ordinance Amendments

Planner Slagle reviewed the proposed ordinance amendments with the following items highlighted:

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1. Landscaping requirements – the discussion addressed allowing berms at the discretion of the Board, allowing additional landscaping review prior to the issuance of a CO, establishing a list of appropriate tree species to be utilized for buffering, developing a percentage mix of evergreen and deciduous trees and requiring shrub undergrowth in the landscape buffer to enhance the visually impenetrable requirement.
2. Grading of soil – the discussion focused on not allowing any concrete footings within areas containing prime farmland or farmlands of statewide significance for the purposes of erecting solar panels or racking systems, but concrete footings can be used in these areas for inverter pads or similar equipment. It was also clarified that grading within these areas shall be limited to only that necessary to construct access roads and for construction of inverter and switching equipment pads.
3. Deed restrictions in the AVAD Zone – the discussion addressed in the AVAD, where there are deed restricted lands, the land will not be occupied by any component of the major solar facility, and will be permanently deed restricted from further development, subject to the following conditions: On all tracts of land 40 acres or greater, solar cannot occupy more than 50% of the gross tract provided that the remaining 50% be agriculturally deed restricted or deed restricted from further development; and farm structures and not more than one residential farm dwelling supporting continuing farm operations on the open lands portion of the site are permitted as long as the areas occupied by farm buildings and the residential farm dwelling not be counted toward the open lands requirement.
4. Deed restricted land guidelines – the discussion focused on the configuration of proposed solar panels to facilitate agricultural uses and existing farm operations and to maintain the rural character of the community and viewsheds.
5. Maintenance plan – the discussion focused on the importance of maintenance plans addressing the entire site and not just the portion designated for solar installation. It was noted that mowing times shall be conducive to migrating birds.
6. Construction staging and sequencing plan – the discussion included requiring more details regarding the timing of construction activities over the course of the solar installation, days and hours of construction, location of parking and loading areas, location of construction trailers, location of topsoil stockpiles, designating truck routes to and from the site, temporary lighting, security needs and possible tire washing to eliminate mud being trailed onto the roadway.

It was noted that Planner Slagle will provide a final revised draft for review at the Board's 4/11/12 meeting. Chairman Reilly commented that he would like to try to get a public hearing on the amended solar ordinance scheduled for the Board's May meeting.

Discussion: Historic Preservation Ordinance – Status Update

Frances Gavigan of 123 Wertsville Road came forward as a member of the Historic Committee and commented that she is aware of a number of ordinances in other municipalities that include viewshed and agricultural district criteria in their Historic Ordinances. Chairman Reilly remarked that the two primary concerns originally expressed by the Historic Committee were: Identifying historic structures and establishing a demolition ordinance. He remarked that while he appreciates Ms. Gavigan's broader agenda, the Board would like to focus on these two issues. Ms. Gavigan suggested that the amended solar ordinance be submitted to Barbara Sageser, Chair of the Historic Committee and Christine Rosikiewicz, Secretary to the Ag Advisory Committee for discussion at both committee meetings.

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It was noted Ms. Andrews will forward the electronic version of the solar ordinance amendments to Ms. Gavigan.

Oral Reports

FOSPC – No report was given

Agricultural Advisory Committee – No report was given

Environmental Commission – No report was given

Wastewater Management – No report was given

PB Secretary – No report was given

Chairman – Chairman Reilly commented that the issues associated with enforcing the Tree Harvesting Ordinance have come up at the Township Committee again. He remarked that the ordinance is not part of the Land Management section because it is an enforcement ordinance which puts it under the jurisdiction of the Township Committee. Chairman Reilly indicated he has spoken to Planner Slagle and Attorney Norman regarding the ordinance and one of the things that the Planning Board should provide is a clear explanation of the intent of the ordinance. He noted the Board must determine if it is their intention for the ordinance to be applicable to the entire Township (*which it currently is*) or just the Sourland Mountain District or everything except the Amwell Valley District. Chairman Reilly indicated he would like to have the intention statement discussed at the Board's next meeting and once that intention statement is established he will request that he, the Planning Board Attorney, the Township Attorney, Mr. Sageser, Mr. Weis, Planner Slagle and maybe some others sit down and delineate what the actual issues are within the ordinance and resolve them so everyone can move on from this matter.

Mr. Sageser agreed with Chairman Reilly's suggestion and commented that enforcement has always been an issue. He remarked that there has been some misunderstanding regarding how the Tree Harvesting Ordinance applies to farms and stated that he has spoken with Bill Millette at the County who indicated the Planning Board can adopt reasonable standards and requirements for farms and if farmers object they can appeal.

Open to the Public

Chairman Reilly opened the floor to public comment. Frances Gavigan of 123 Wertsville Road came forward and commented that the County is making progress in obtaining NJDEP permits for repairs to the E-174 bridge next year. She also commented on the PSE&G correspondence regarding their application for wetlands permits saying someone should look into this further because it may have something to do with extending the Philadelphia pipeline which comes directly through East Amwell. Mr. Sageser commented that a map of PSE&G's service area was attached to the correspondence and it appears that they are only applying for wetlands permits in their service area and PSE&G doesn't service East Amwell. Ms. Gavigan made some final comments regarding the Tree Harvesting Ordinance and remarked that she has learned that there were financial incentives for the property owner who recently removed 12 acres of trees on his property based on contracts he had with the proposed solar developer. Seeing no other members of the public come forward, a motion by Roger DeLay, seconded by Linda Lenox to close to the public was unanimously approved.

Presentation of Vouchers

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

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Adjournment

Chairman Reilly adjourned the meeting at 9:34 PM.

Maria Andrews, Administrative Officer

Note: These minutes have not been formally approved and are subject to change at the Board's 4/11/12 meeting.