

**EAST AMWELL PLANNING BOARD MINUTES**  
**7:30 PM East Amwell Municipal Building**  
**April 11, 2012 - Meeting**

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

This meeting of the East Amwell Planning Board was opened on April 11, 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 April 4, 2012."

**Present:** Fred Gardner  
Gail Glashoff  
Linda Lenox  
Don Reilly, Chairman  
Dart Sageser  
Michael Weis  
Attorney Norman  
Planner Slagle

**Excused:** Rob Gilbert  
Joe Wolfgang  
Roger DeLay – Alt. #1  
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 Dart Sageser, seconded by Linda Lenox to approve the Board's minutes from 3/14/12 was approved with no revisions noted and Gail Glashoff, Fred Gardner and Michael Weis abstaining.

**New Business – Other**

**Discussion: Renewable Energy Ordinance Amendments – Final Draft**

Planner Slagle explained that at the Board's March meeting an initial draft of the amended solar ordinance was reviewed and this month she provided a draft amended solar ordinance containing those changes which were discussed in March. She noted that the changes were minimal and highlighted the following items:

1. Landscaping Buffer: A minimum of three rows of trees was established
2. Grading: Clarification of language to state that grading within prime farmland and farmlands of statewide significance shall be limited to that necessary to construct access roads, converter and switching equipment and paths, parking areas and construction trailers and associated facilities.
3. Maintenance Plan: Language was added stating that areas not devoted to solar but are on-site shall be maintained to a level that will discourage successional growth or the establishment of invasive species. Planting of warm weather native grasses which allow for mid to late summer mowing, providing beneficial critical habitat to native bird species and other wildlife is encouraged.

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4. Decommissioning Plan: Location of truck washing areas was discussed. Planner Slagle noted that she spoke with Engineer O’Neal on this matter and he indicated that truck washing is covered under the County Soil Conservation District criteria and believed it was important to include in the Township’s ordinance to address soil being dragged into the roadway from trucks during the construction phase of a solar facility.
5. Landscaping for Minor Ground Mounted Facilities: Language was added to clarify that “if it is determined that additional landscaping is required to adequately screen the installation” (*of minor ground mounted facilities*) applicants shall submit a landscaping plan satisfactory to the Township Planner to mitigate any resulting glare and to screen the facilities and structures from adjoining residential uses.

The consensus of the Board was that the changes were reasonable.

There was some discussion on the following points:

Mr. Gardner asked for clarification on deed restricted lands being bordered on no more than two sides. He indicated he didn’t understand the English. Planner Slagle and several board members remarked that the language implies that a solar facility cannot be constructed in the middle of a large parcel, but should instead be configured in a manner that will keep as much open land as possible.

Mr. Gardner commented that the language regarding permanent deed restrictions on remaining lands may not be appropriate and suggested that the deed restriction be in effect only as long as the solar facility is on the property. He explained that a solar facility may be temporary and therefore wouldn’t warrant a permanent deed restriction. Attorney Norman recommended that the language be changed to implement a deed restriction through the completion of the decommissioning of the solar facility.

Chairman Reilly commented that he had one other detail regarding buffering. He read from section B4 saying, “...no structure of portion of the facility shall be visible from public view or historic site as defined in Section 92-4...” he remarked that in other areas there is reference to “adequate screening” and suggested that B4 be worded in the positive to say, “...all structures and other portions of the facility shall be adequately screened from the public view or historic site as defined in Section 92-4...” the consensus of the Board was to change the change for consistency.

Chairman Reilly noted that the Board had received a memo from the Historic Preservation Committee regarding the proposed amendments to the solar ordinance. He commented that dual uses on parcels are permitted regarding farm structures and dwellings. He explained that the Historic Committee suggested the height of solar panels be reviewed and he indicated that the Planning Board believes 12 feet is reasonable and after much discussion the Board had determined that a more restrictive height was not practical. With regard to the impact statement, Chairman Reilly noted that the Board had elected to omit it based on Planer Slagle’s explanation that it was redundant. Planner Slagle remarked that many of the things being asked for in the solar facility impact statement were things that were already required by ordinance elsewhere—such as noise, glare, floodplains, steep slopes, wetlands, countryside aesthetics and stormwater runoff.

A motion by Michael Weis, seconded by Dart Sageser to open to the public was unanimously approved. Frances Gavigan of 123 Wertsville Road came forward. She expressed concern with deleting the impact statement from the solar ordinance saying there is nothing wrong with being redundant.

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Tom Chesar of 4 Garboski Road came forward. He asked for clarification on deed restricted lands being bordered on no more than two sides. He asked why it wouldn't be beneficial if a land owner wanted to protect an adjacent property by moving panels away from the common lot line. Chairman Reilly commented that this is an argument that an applicant could make and the Board could grant relief for. He noted that these types of exceptions are possible but the applicant must make the case.

Seeing no other members of the public come forward, a motion by Dart Sageser, seconded by Gail Glashoff to close to the public was unanimously approved.

**Discussion: Tree Harvesting Ordinance – Intention Statement**

Chairman Reilly explained that there was a policy issue raised by Planner Slagle regarding whether or not the Planning Board intended for the Tree Harvesting Ordinance to apply to all zones in the township or if it is really meant for the Sourland Mountain District.

Mr. Weis commented that the subcommittee felt that there are many aspects of the ordinance that they believed should apply to all zones.

Chairman Reilly added that the consensus of the Board is that there is support for the direction the subcommittee has taken and remarked that the intent of the Board was to have the Tree Harvesting Ordinance apply to all zones in the township.

Mr. Weis brought up that the right-to-farm is not specifically addressed in the ordinance. Mr. Sageser commented that right-to-farm does not need to be addressed because it stands on its own.

Chairman Reilly indicated that he will reach out to Mayor Kneski to get a meeting set up with all of the relevant people needed to finalize the amendments to the Tree Harvesting Ordinance so the Township Committee can act upon it with the support of the Planning Board.

**Discussion: Historic Preservation Ordinance – Status Update**

Chairman Reilly commented that he had received an outline of a demolition ordinance that the Historic Preservation Committee modeled after a Lambertville ordinance. Barbara Sageser, Chair of the Historic Preservation Committee came forward and outlined that she had spoken with the State Office of Historic Preservation who recommended that they use a NJ based ordinance to draft something relevant to address demolition of historic structures. She noted that she reviewed both the Cranbury Township and Lambertville ordinances and then drafted something applicable for East Amwell.

Chairman Reilly noted the importance of defining exactly what triggers this ordinance and clarified that it gives the Township the opportunity to offer the property owner other options and to categorize historic structures prior to demolition. He explained that a property owner will still have the right to demolish the structure if they wish to do so because the Township does not have a Historic Commission, but rather a Committee.

Chairman Reilly asked Ms. Andrews to forward the draft Historic Ordinance to the Board for background information and encouraged Ms. Sageser to continue to fine tune the proposed ordinance for future discussion.

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Ms. Sageser also noted they are working on putting the Quick collection historic memorabilia on the Township website complete with photographs and mapping.

Attorney Norman and Planner Slagle were excused from the meeting at this time, 9:03 PM.

Chairman Reilly suggested re-ordering the agenda to open to the public. A motion by Fred Gardner, seconded by Gail Glashoff to open to the public was unanimously approved.

**Open to the Public**

Joann Chesar of 4 Garboski Road came forward. She asked about the correspondence listed on the agenda regarding the NJDEP withdrawal of the LOI application for several lots in Block 6 of the Township and asked if they could re-submit an application. Chairman Reilly explained that they could always re-submit an application but expressed that he believes they withdrew the current application because they don't have any intention of moving forward with anything at this time.

Ms. Chesar also asked if there have been any studies done on the impact solar facilities have on home values. Chairman Reilly said no and explained that the State has said that solar facilities are inherently beneficial uses so municipalities are forced to work with such projects. He indicated that the Planning Board has made a policy decision that it is better to regulate solar facilities than to not establish any standards. He remarked that it was never the intention of the Board to create agricultural land and fill it up with solar but the State legislature has created a situation where guidelines had to be established to permit such facilities.

Ms. Glashoff commented that she believes these types of facilities can also be installed on preserved farms. Chairman Reilly clarified that solar facilities can be installed on preserved farms based on 110% of the prior year's energy consumption. Mr. Gardner noted that wind turbines were the subject of discussion because the SADC had not gotten around to writing regulations regarding wind energy and the State legislators were trying to force the SADC's hand.

Frances Gavigan of 123 Wertsville Road came forward and requested that the agendas reference street addresses as well as the property owner's block and lot information for better clarification. The Board agreed.

A motion by Fred Gardner, seconded by Gail Glashoff to close to the public was unanimously approved.

**Oral Reports**

FOSPC – Mr. Gardner reported that the Scibilia preservation is moving toward completion, the Jorgenson property has been accepted for preservation and he believes alternative financing has been found to move forward on the preservation of the Drift property. Mr. Gardner also reported that the County Freeholders are proposing to reduce the County Open Space tax and he encouraged people to express their opinion on the matter.

Agricultural Advisory Committee – Ms. Glashoff reported that at their last meeting Mr. Pehinys provided a report on the Stony Brook Meadows Farm regarding the Right to Farm Act and recent hearings at the CADB brought about by a complaining neighbor. Ms. Andrews stated this matter should not be discussed due to the fact that there is a pending appeal application before the Board of Adjustment.

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Environmental Commission – Mr. Sageser reported that the annual road clean-up day is coming on Saturday. There was a brief discussion on Mr. Sageser acting as the Environmental liaison being that he serves on the Township Committee. Ms. Glashoff commented that the MLUL states a Township Committee member cannot also serve on the Environmental Commission. Chairman Reilly remarked that that doesn't mean Mr. Sageser cannot be the Environmental liaison to the Planning Board.

Wastewater Management – No report was given

PB Secretary – No report was given

Chairman – No report was given

**Correspondence**

Chairman Reilly noted the County's intention to resurface the roadway and install sidewalks in the village of Ringoes. It was noted that the project is scheduled to start this summer.

**Presentation of Vouchers**

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

**Adjournment**

Chairman Reilly adjourned the meeting at 9:24 PM.

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Maria Andrews, Administrative Officer