

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
July 10, 2013 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on July 10, 2013 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 17, 2013 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 3, 2013."

Present: Roger DeLay
Fred Gardner
Rob Gilbert
Gail Glashoff
Don Reilly, Chairman
Dart Sageser
David Wang-Iverson
Linda Lenox – Alt. #1
Gail Skupien – Alt. #2

Excused: Joe Wolfgang

Citizens' Privilege to Speak on Items not on the Agenda

Chairman Reilly opened the floor to public comment for any items not on the agenda. It was noted for the record that no members of the public came forward so he closed the floor.

Review of Minutes

A motion by Roger DeLay, seconded by Gail Glashoff to approve the Board's 6/12/13 minutes with no revisions noted was unanimously approved.

New Business – Other

Discussion – Continued Review of Draft Master Plan Re-Examination Report

Chairman Reilly commented that he wanted to take advantage of this evening's light agenda to discuss the Sourland Mountain District as it may relate to the Master Plan Re-examination. He noted that one concern was recently brought to the Board's attention regarding a property in the Sourlands where the owners wish to pursue a large farming operation. Chairman Reilly indicated that he had spoken with the new property owners who are confident that they have adequate water and specified that no trees will need to be removed in order for them to pursue their farming venture. Chairman Reilly noted that water and recharge are two primary concerns that the Board has always focused on in the Sourlands as well as nitrate dilution and maintaining the forest cover.

East Amwell Township Planning Board Minutes – 7/10/13

Chairman Reilly stated that one of the concerns he has is with properties that are located in the Sourland Mountain and may have adequate water to sustain substantially greater development than what the current ordinance allows. He indicated he wanted to get the Board's opinion and input on the matter for possible consideration because of the pending Master Plan Re-exam. Chairman Reilly pondered whether or not these properties may be providing a type of buffer and are part of the recharge in the zone. He remarked that in order to make a valid determination a study would likely need to be done and he stated at this point he was just proposing whether or not the Board may wish to consider adding some type of language in the re-exam indicating the Board wishes to review this matter further.

Chairman Reilly added that in his discussions with Planner Slagle, she raised some other issues with respect to how the Sourlands are currently developing in relation to the surrounding areas and what some of the potential impacts may be.

It was noted that the subject parcel in the Sourlands is bordered by farms located in the Amwell Valley Agricultural District where Chairman Reilly indicated he believes the farming operations have remained stable for quite some time. He pondered what the impacts may be if things were to change dramatically in this specific area.

Mr. Wang-Iverson asked Chairman Reilly if he was implying that he believes this particular property doesn't belong in the Sourland Mountain District. Chairman Reilly clarified that his rationale is that if the Planning Board states their primary concern in the Sourlands is water and the forest cover and a property owner can demonstrate that they have an adequate water supply and that they do not have to cut down any trees in order to perform their operation, how can the Board validate their position? Chairman Reilly commented that this particular property may be providing water for a surrounding area which is a concern.

Mr. Gardner remarked that the Township has created the zoning lines and he stated there is a property in the Sourlands that has a well that produces 33 gallons of water per minute because they hit a crevasse in the rock and he commented that in the Sourlands you are dealing with an environment where water is scarce. He stated if you pull water out at the kind of rate needed for a large horse farm, he believes water will be taken from someone else.

Mr. Gilbert asked what is to be gained by the Board discussing this in the re-exam prior to research actually being done to determine whether or not this is a legitimate concern. Chairman Reilly remarked that he believes it simply legitimizes reviewing the issue and indicated the Board may be completely justified in not allowing those types of properties to develop beyond the current zoning because of the potential impact development may have on the surrounding area. He stressed his concern is what happens if the zoning is challenged because a particular property doesn't meet the conditions which justify the zoning. Mr. Sageser commented that this is why there is a Board of Adjustment. He remarked that the Planning Board creates a Master Plan with a general vision and the Board of Adjustment addresses deviations for specific properties. Chairman Reilly stated he is concerned with the potential impact to the entire Sourland region due to the potential activities on any given property. Mr. Gardner agreed that there should be a rationale for why there should not be exceptions to the zone plan. He remarked that there should be a policy statement that makes it more difficult for a property to get an exception. Mr. Sageser asked why the Board would want to make things more difficult without knowing all of the facts.

East Amwell Township Planning Board Minutes – 7/10/13

Chairman Reilly clarified that is why he brought the subject up, because it is a concern but he doesn't know if it is a valid issue.

Chairman Reilly also expressed the possibility of the State and County agencies getting involved with various farming applications and he commented that if the Township is able to provide sufficient information and data it makes it more difficult for any group of people to make an arbitrary decision.

Mr. Sageser remarked that he came from Bergen County where there was a lot of action before the Board of Adjustment and he opined that it seems like some take offense at the prospect of that happening in East Amwell. Mr. Sageser expressed that is the perfect way for a property owner with a unique circumstance that doesn't fit the explicit goals of a specific zone to seek relief. Mr. Gilbert remarked that the question isn't just whether or not the general policies should always apply to every property, but whether or not exceptions made for individual properties affect the whole common good.

Mr. Gardner clarified that nothing the Planning Board does can prevent an applicant from going to the Board of Adjustment. He stressed that the question Chairman Reilly is proposing is whether or not a policy statement regarding the Sourland Mountain is needed to bolster the Board's intention for that zone. He noted that the Demicco groundwater study done in 2002 concluded that there were too many water uses in the Sourland Mountain at the time and future water use needed to be limited specifically fewer single family homes and no expansion of farming.

Mr. Sageser asked if this study defined the parameters of the Sourland Mountain District. Chairman Reilly said no and clarified that the Sourland Mountain zone was expanded by assimilating a portion of the Stony Brook District because the Stony Brook well data was not dissimilar to the Sourlands area. It was noted that the original boundaries of the Sourland Mountain pre-date the Demicco study. He further commented that zoning boundaries were not created arbitrarily. He said that if variances are granted to deviate from the zoning essentially you have moved the zoning line and he stated that there may be a good reason not to do that and for this subject site there is a question as to how much recharge this site provides to other parts of the Sourland Mountain.

Mr. Gilbert suggested the re-exam contain language that cites the Demicco report and the concern for the whole district.

A motion by Fred Gardner, seconded by Rob Gilbert to request Planner Slagle develop a statement to be included in the Master Plan Re-exam expressing the Board's position on the impact water usage in the Sourland Mountain District has on the entire area rather than just on an individual property was made. The motion was carried unanimously by voice vote.

Open to the Public

Chairman Reilly opened the floor to public comment. Frances Gavigan of 123 Wertsville Road came forward and commented on the Master Plan Re-exam saying she has been researching the old Planning Board minutes from 1956 – 1963. She made reference to discussion of a "10 acre floating district" as well as to a hydrogeological study done in the 1970's or early 1980's that focused on water, well capacity and recharge.

East Amwell Township Planning Board Minutes – 7/10/13

Ms. Gavigan also commented on an application that was approved by the West Amwell Township Planning Board. She informed the Board that the former Pine Creek Miniature Golf site on Route 31 has been approved to re-open the mini golf operation, a snack bar and ice cream stand and they will be constructing a liquor store on the property.

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

Oral Reports

FOSPC – Mr. Gardner commented that there was no FOSPC meeting.

Agricultural Advisory Committee – Ms. Glashoff commented that Ag Advisory had discussed the West Amwell application previously referenced by Ms. Gavigan.

Environmental Commission – No report was given.

Wastewater Management – No report was given. Chairman Reilly asked that this item be removed from the oral reports until it is active again at the County level.

PB Secretary – No report was given.

Chairman – No report was given.

Presentation of Vouchers

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

Adjournment

Chairman Reilly adjourned the meeting at 8:28 PM.

Maria Andrews, Administrative Officer