

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
December 11, 2013 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on December 11, 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 December 4, 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. Frances Gavigan of 123 Wertsville Road came forward and asked if the discussion item on the agenda regarding the keeping of non-customary animals on residential properties throughout the township would be open to the public. Chairman Reilly remarked that the matter would be open for public comment. Seeing no other members of the public come forward, a motion by Fred Gardner, seconded by Roger DeLay to close the floor to public comment was unanimously approved.

Review of Minutes

A motion by Fred Gardner, seconded by Dart Sageser to approve the Board's 11/13/13 minutes as revised was approved with Ms. Glashoff and Mr. DeLay abstaining.

It was noted for the record that Chairman Reilly re-ordered the agenda to address the non-customary animals on residential lots discussion first since he believed the members of the public present at the meeting were there for that discussion and not for the discussion regarding the Board's budget. The Board Members agreed.

New Business – Other

Discussion: The Keeping of Non-customary Animals on Residential Properties Throughout the Township

Chairman Reilly addressed the Board explaining that this matter was listed on the agenda in order to identify what the issues may be regarding the keeping of non-customary animals on residential lots throughout the township and what the possible suggestions may be to address any of those issues.

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Mr. Gardner commented that Rutgers has established criteria indicating 1 acre of “pasture,” not “property,” per horse is a good rule of thumb with respect to manure management and when considering the wear and tear on the land.

Mr. Gilbert remarked that horses are herd animals and shouldn't be kept alone so often times people will have a horse and a goat or pony.

Chairman Reilly stated that he would like to determine what, if any, the policy issues are. Mr. Sageser commented that the impact to the land is a Planning Board matter but believed the technical details of caring for horses is probably addressed by the State Agricultural standards. Chairman Reilly remarked that the Zoning Officer has requested some clarification regarding the ordinance. He stated that any clarification the Board provides must be consistent with the direction the Planning Board wants to go on this matter. Chairman Reilly explained that currently there are no restrictions regarding animals on residential lots. He remarked that since the Township touts itself as being a farming community, having farm animals on properties can be viewed as a usual and customary use. He reiterated that if the Board does anything it must be done as a policy matter for the purpose of clarifying any ambiguity in the ordinance.

Mr. Gardner commented that the Township does regulate the amount of impervious coverage there can be on residential lots and stated many large animals could impact that. Mr. DeLay challenged the comment and remarked that animals impact land differently than actual structures.

Mr. Gilbert commented that he believes a bigger issue is the property owner who only has 3 acres and farms the land as well as keeps various farm animals and has no place to store all of the equipment. Chairman Reilly remarked that the Board needs to determine whether they wish to clarify that it is not regulating residential lots for the keeping of traditional farm animals or that it believes there is a genuine policy issue that needs to be addressed. Mr. Gilbert expressed that if the Township is only seeing a few scattered cases where animals on residential lots are the subject of complaints then he doesn't believe there is a policy issue.

Mr. Wang-Iverson suggested someone from the Planning Board sit down with the Zoning Officer to see exactly what the issue is with the ordinance. Chairman Reilly agreed to do so and said he will ask the Zoning Officer for his suggestion on how the ordinance can be clarified and then report back to the Board.

A motion by Rob Gilbert, seconded by Gail Glashoff to open to the public was unanimously approved.

Frances Gavigan of 123 Wertsville Road came forward and commented that she is somewhat concerned by the direction the discussion seemed to be going by some Board Members. She remarked that they may be creating a problem where none exists and noted that there are mechanisms in place like manure management to address the keeping of animals. She expressed that the few complaints about farm animals on properties are really neighbor disputes. Ms. Gavigan suggested some type of scale be considered like the State of Pennsylvania has when it comes to keeping farm animals on residential lots.

Chairman Reilly summarized the discussion saying that the consensus seems to be that farm animals on residential lots is not a widespread problem, that there are mechanisms in place for the keeping of such animals and that it doesn't seem prudent to implement restrictions.

Mr. Harnett of 8 Orchard Road came forward and questioned the variance process to approve the keeping of livestock on residential lots under 5 acres. Chairman Reilly clarified that there is nothing that can be enforced if there is no commercial activity taking place on a subject site. He stated the Planning Board must determine whether or not they want to regulate such activity. Mr. Harnett went on to suggest that in some cases people barter for services or boarding of horses and no money ever changes hands. He questioned how this type of activity is monitored and remarked that the ordinance provides little direction for the keeping of farm animals on residential lots. Mr. Harnett said these situations just evolve from one horse to many horses and he stated that there is no understanding of what the appropriate use of the property is when new people move into the Township and he questioned how much farming can really take place on a 2 or 3 acre lot.

Chairman Reilly explained that Mr. Harnett had missed a significant portion of the earlier discussion and informed him that he is going to meet with the Zoning Officer to discuss where the ambiguity is within the ordinance. He assured him that the Planning Board will likely be discussing this issue over the next several months.

Mr. Harnett asked that the Planning Board consider establishing an ordinance to regulate pets on all properties.

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

Discussion: 2014 Planning Board Budget

Chairman Reilly commented that he had asked Planner Slagle and Engineer O’Neal about potential ordinance amendments for the purpose of establishing the Planning Board’s 2014 budget. He explained that he had received an email from Planner Slagle indicating that she and Engineer O’Neal estimate approximately \$1500 to update the right to farm ordinance, create a corner lot definition, amend the fire protection ordinance and revise the application checklist to address preliminary and final approvals separately.

Chairman Reilly also noted that Planner Slagle had some suggestions regarding the comments made at last month’s Planning Board meeting over a possible Village Study. He said Planner Slagle is suggesting an initial evaluation and characterization study similar to the one done when the Board reviewed the Route 31 corridor. It was noted that the study would focus on zoning, existing conditions, review of tax information and road conditions in an effort to identify any existing issues or problems. Chairman Reilly indicated that Planner Slagle estimates the cost of such a study to be between \$5000 and \$7500.

Mr. Sageser remarked that a major difference between the two studies is that no input from residents was sought for the Route 31 study and they do want to seek input from residents for the Village study. Mr. Gardner suggested input is sought prior to doing the Village study so the areas of concern that need to be focused on can be included in the study.

Oral Reports

FOSPC – Mr. Gardner noted two items that were discussed at the FOSPC meeting: The Committee is seeking to get the 100 acre parcel on Old York Road owned by Bryce Thompson on the County agenda for discussion of possible preservation and there was discussion on possible preservation of the lot on South Hill Road to be used as a parking lot to provide access to an array of other preserved lots.

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Agricultural Advisory Committee – Frances Gavigan reported from the public that the Ag Committee needs to replace a member and she noted some discussion on changes to the Ag page on the Township website.

Environmental Commission – Mr. Sageser noted the Environmental Commission reviewed the Hess application submitted to the Board of Adjustment for variance and site plan approval. He commented that the EC recommended a drainage retention basin be constructed on the State right of way. He indicated the suggestion was not well received.

PB Secretary – No report was given.

Chairman – Chairman Reilly noted that Planning Board member Joe Wolfgang requested to not be reappointed to the Board next year due to a conflicting travel schedule with his job. Chairman Reilly expressed appreciation for all of Mr. Wolfgang’s service to the Board.

Open to the Public

A motion by Roger DeLay, seconded by Gail Glashoff to open to the public was unanimously approved. Seeing no members of the public come forward, a motion by Fred Gardner, seconded by Gail Glashoff to close to the public was unanimously approved.

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 8:46 PM. He wished everyone happy holidays and thanked the Board Members for all of their service in 2013.

Maria Andrews, Administrative Officer