

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
September 9, 2015 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on September 9, 2015 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 22, 2015 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 6, 2015."

Present: Fred Gardner
Rob Gilbert
Gail Glashoff
Linda Lenox
Don Reilly, Chairman
Dart Sageser
David Wang-Iverson
Peter Kneski
John Buckwalter – *Alt. #1*
Dante DiPirro – *Alt. #2*
Attorney Chris Norman
Planner Joanna Slagle
Planner Frank Banisch

Excused: Roger DeLay

Citizens' Privilege to Speak on Items not on the Agenda

Chairman Reilly opened the floor to public comment for any items not listed on the agenda. Frances Gavigan of 123 Wertsville Road came forward and requested the Planning Board and Township Committee consider sending a letter to the County asking them to reconsider lowering the speed limit on Wertsville Road. She noted it was recently lowered to 25 mph while the road was under construction and now it's back to 45 mph. Mr. Sageser commented that a traffic study was done at the Welisewitz end of Wertsville which resulted in no change to the speed limit but he remarked they could request a speed study for this end of Wertsville Road. Seeing no other members of the public come forward, a motion by Peter Kneski, seconded by Fred Gardner to close to the public was unanimously approved.

Review of Minutes

A motion by Gail Glashoff, seconded by Fred Gardner to approve the Board's 8/12/15 minutes as revised was approved with Mr. Gilbert abstaining.

New Business – Other

Discussion: Request from The Ridge at Back Brook, re: Possible Amendments to the Land Management Ordinance

Present for the discussion was property owner Joel Moore and his Attorney David Gordon. Attorney Gordon explained that the request is for the Planning Board to consider making a recommendation to the Township Committee to amend the Land Use Ordinance to allow as ancillary uses tennis facilities, swimming facilities and facilities for overnight accommodations, for the exclusive use of members of

East Amwell Township Planning Board Minutes – 9/9/15

The Ridge at Back Brook and their guests. Attorney Gordon noted that the final location of such structures would require site plan approval.

Chairman Reilly commented that the letter Attorney Gordon submitted specified that the proposed overnight guest facilities would be limited to 2 buildings with each building not to exceed 6250 sq. ft. of floor area and not to exceed 4 bedrooms and 4 bathrooms (*accommodations for 8 people per building*). It was noted that the location would be in close proximity to the existing clubhouse and main parking lot so that no additional parking will be required for the ancillary use.

Attorney Gordon commented that in his opinion the Township's Land Management Ordinance is not 100% clear that what they are proposing is not already allowed. He remarked that no residential use is permitted but what they are proposing is more commercial in use.

Chairman Reilly commented that he believes what the Board needs to do this evening is either agree upon following through with The Ridge's request or not. Attorney Norman explained that often times a zoning ordinance originates from the Governing Body and is referred to the Planning Board but he stated a zoning ordinance can originate from the Planning Board. Chairman Reilly remarked that he believed the consensus of the Board was that having it originate from the Planning Board was most appropriate in this case. He stated the Planning Board will vet the proposed amended ordinance and then forward it to the Township Committee.

Planner Banisch added that many upscale golf courses have these types of accommodations for their members and he believes what is being proposed by The Ridge is consistent with the Master Plan so no actual amendments to the Master Plan are really needed therefore the Planning Board doesn't need to have a public hearing on the matter. Chairman Reilly remarked that the members of the Planning Board who were serving at the time of The Ridge's original application were very conservative in what was permitted and allowed and he believes Mr. Moore was very accommodating to the restrictions that were imposed at the time. He commented that tennis courts and a swimming pool are usual and customary at most golf clubs and overnight accommodations are certainly not inconsistent. Chairman Reilly indicated he doesn't see any negative impact to the community and believes their request to be reasonable.

Attorney Norman explained that if what is being proposed is substantially consistent with the Master Plan then a public hearing by the Planning Board is not needed. He indicated Planner Banisch will need to provide a draft ordinance with the proposed changes and the Planning Board will adopt a resolution finding the document consistent with the Master Plan and favorably recommending it be forwarded to the Township Committee for review and adoption.

Mr. DiPirro asked how the Planning Board can recommend such changes without knowing the details on such things as water usage or septic capacity. Attorney Norman commented that the Board is not granting any development approval, just changing zoning language to allow such activities. He noted that the specifics of a particular application would be vetted during site plan review. Mr. DiPirro stated that if the Planning Board is going to make a recommendation, the Board should "hear" something before recommending anything or the potential zoning changes should originate with the Township Committee where a public hearing can be held. Chairman Reilly remarked that the actions the Planning Board is taking are a conceptual approach saying that the Board believes it is appropriate for a golf course to have tennis courts, a swimming pool and 2 buildings for overnight accommodations with The Ridge still responsible for demonstrating the specifics. Mr. DiPirro referred to the letter received by The Ridge

noting it contains specific square footage limits and asked how the Board knows whether or not those limits are appropriate.

Mr. Gardner commented that the subject parcel is over 300 acres and if the golf course wasn't there, the land could potentially have 30 homes on it. He stated, "...it seems to me given the nature of golf courses... that having a maximum of 2 such units is something we shouldn't be terribly concerned about the details on."

Mr. Kneski remarked that he can understand the concern over the specifics because even though the proposed square footage is noted in Attorney Gordon's letter there is no way of knowing whether or not it's appropriate and to make a recommendation on something so specific is basically giving the Board's blessing on what is being requested. Attorney Gordon commented that back in 90's when the Land Management Ordinance was amended to permit the Golf Course in the Amwell Valley District it specifically limited certain things in terms of numbers like the number of seats allowed in the dining room. He remarked that the sizes referenced in his letter are the upper limits of what they would build for their facility. He noted they may come in with plans for something smaller. Attorney Gordon stated they tried to anticipate the kinds of constraints that the Township would impose if it were the proponent of this ordinance. He reminded the Board that this came about because the Township came to The Ridge and asked what they can do to make The Ridge a secure and economically viable business in this Township. Attorney Gordon remarked that he believes The Ridge may be the largest tax payer in the Township and it makes sense for this facility to have a secure future. He noted that Metedeconk, Hamilton Farms, Trump National, Jasna Polana, Baltusrol, Due Process, Pine Valley, Hidden Creek and others in eastern Pennsylvania all have overnight accommodations and he stated The Ridge is not looking to build a hotel, just two guest cottages.

A motion was made by Fred Gardner and seconded by Gail Glashoff requesting Planner Banisch draft something for Attorney Norman to review so the matter can be listed on the Board's October agenda. The motion was unanimously approved by voice vote.

It was noted for the record that the agenda was re-ordered to address the Village Study prior to the COAH discussion.

Discussion: Continued Implementation of the Village Study – Status Update

Planner Banisch commented that he is hoping the discussion on all of the planning that has been done regarding the Village Study will flow into a logical discussion on the best way to address the Township's COAH obligations. The following details were provided regarding the Village:

1. The County has lowered the speed limit on a portion of Wertsville Road from 35 mph to 25 mph
2. The speed limit on John Ringo Road has been lowered to 30 mph before the bend
3. Township Administrator Tim Matheny is working on establishing a location for a permanent speed monitoring sign
4. The Township is actively working with the Construction Department to take action regarding structures that are in disrepair. It was noted the property on John Ringo Road that only has a foundation left in place may soon be demolished so the Lot will become open for someone to rebuild upon
5. The Abandoned Property Ordinance is scheduled to be introduced at tomorrow night's Township Committee meeting
6. The Township Committee is still exploring options regarding tax abatements
7. Road painting is being considered to further implement traffic calming

8. Continued discussions are taking place in order to get the library to move back to Ringoes
9. Clawson House has been sided and Township Administrator Matheny is now working on bids for completing the basement renovations

Discussion: Meeting the Township’s COAH Obligation – Status Update

Planner Banisch commented that the nucleus around the Village District is where businesses exist and without water and sewer capacity there is little ability to develop much beyond what already exists. He explained that when you focus on housing planning we know that we can count on being able to get a durational adjustment against whatever number of COAH units are imposed upon us because we have no water or sewer systems.

Planner Banisch remarked that a settlement was made with Bryce Thompson years ago on 58 acres of property located between Route 202 and Dutch Road and he was given a cluster of sewer served office buildings and a number of single family dwellings and in return the Township was going to get a 4 unit (low and moderate income) apartment building. He noted that he has reached out to the Thompson Group to discuss other options for developing this land and they are agreeable to discuss the matter further. Chairman Reilly clarified that this issue goes back many years and involved a lawsuit filed by Mr. Thompson with a Court settlement ultimately being reached.

Planner Banisch stated the subject parcel has a little flexibility and if there is inclusionary development with a developer building rental units, the Township will receive a 2 for 1 credit. He clarified that with a relatively small compliment of affordable units along the highway the Township can probably cover their rental obligation. He added that he and Planner Slagle will be reviewing the current housing plan and making any necessary revisions.

Mr. Wang-Iverson asked if a zoning change will be required. Planner Banisch commented that ultimately as a result of the Master Plan amendment there will be. Mr. Gardner remarked that a great aspect of this particular property is the accessibility of transportation for affordable housing which is a major consideration.

Planner Banisch provided some final comments stating that the Township still does not know what the final number of required COAH units will be. He said the Kinsey number is disastrous in terms of any application of a set aside formula and noted East Amwell has pointed out the fact that over the last 20 years the Township has had less than 10 building permits issued per year for new homes.

Mr. Wang-Iverson asked who ultimately decides what the proper number of COAH units will be. Planner Banisch stated he will come back with a plan for the Board to review that has a 2 tiered approach to address compliance with the COAH requirements. Attorney Norman commented that in a town where he is the Town Attorney they took the approach of addressing COAH based on what they believe the proper number of affordable units should be and if the Courts indicate the number should be higher they will request a little more time to submit an amended plan. Several Board Members expressed this seemed to be a good approach. Mr. Wang-Iverson indicated the letter East Amwell sent to the Court regarding the Declaratory Judgment implied this approach as well.

Mr. Sageser asked when the Township should expect to hear a response to Attorney St. Angelo’s letter. Chairman Reilly commented that he didn’t think the Planning Board should be discussing that matter. Mr. Wang-Iverson agreed but remarked that the Judge did grant the Township’s motion for immunity.

Oral Reports

FOSPC – Mr. Gardner reported that FOSPC has not had any recent meetings but they have hired a new Administrative Officer, Pam Thier who has great experience and has worked on land preservation at both the State and County level. Mr. Gardner stated FOSPC will be having a meeting next week and Ms. Thier will be there as their Administrative Officer, pending Township Committee approval tomorrow night.
Environmental Commission – Mr. Sageser reported that everyone survived the Fair and had a good time.
PB Secretary – No report was given.
Chairman – No report was given.

Open to the Public

A motion by Gail Glashoff, seconded by Linda Lenox to open to the public was unanimously approved. Frances Gavigan of 123 Wertsville Road came forward and asked if the Planning Board anticipated having any special meetings in order to get the COAH issues addressed. Chairman Reilly commented additional meeting will be scheduled if needed.

Ms. Gavigan commented on The Ridge discussion and stated she doesn't necessarily have any issues with what is being proposed but believed labeling 4 bedroom luxury accommodations, "cottages" is a stretch. Chairman Reilly and Mr. Gardner asked if Ms. Gavigan has ever been to Newport. Ms. Gavigan remarked that the 800 pound gorilla that wasn't mentioned is that when The Ridge was talking to the Planning Board a few months ago they implied they needed the cottages in order to move forward with their request to host professional golf tournaments. Chairman Reilly stated The Ridge will have to submit a formal application to amend the conditions in their resolution of approval if they want to pursue hosting tournaments. He also noted that there a lot of major golf courses that do not have overnight facilities such as Merion who just hosted the Open last year. Ms. Gavigan asked if The Ridge will now be able to host weddings and other big events. Attorney Norman explained these questions could be asked if The Ridge brought forth a site plan application.

Ms. Gavigan commented that she is amused that the Township approached The Ridge and remarked she thinks it came out of their tax litigation. Mr. Wang-Iverson said that comment is not true and stated there is no correlation between the two things.

Ms. Gavigan made a final comment complimenting Planner Banisch on a good idea in approaching Mr. Thompson about potential development options for his land.

Seeing no other members of the public come forward a motion by Dart Sageser and seconded by Fred Gardner to close to the public was unanimously approved.

Adjournment

Chairman Reilly adjourned the meeting at 8:42 PM.

Maria Andrews, Administrative Officer