

**EAST AMWELL PLANNING BOARD MINUTES**  
**7:30 PM East Amwell Municipal Building**  
**April 13, 2016 - Meeting**

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

This meeting of the East Amwell Planning Board was opened on April 13, 2016 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 28, 2016 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 7, 2016."

**Present:** Roger DeLay  
Rob Gilbert  
Gail Glashoff  
Linda Lenox  
Don Reilly, *Chairman*  
David Wang-Iverson  
Peter Kneski  
Dante DiPirro – *Alt. #2*  
Attorney Norman  
Planner Banisch  
Engineer O'Neal

**Excused:** Fred Gardner  
Dart Sageser  
John Buckwalter – *Alt. #1*

**Citizens' Privilege to Speak on Items not on the Agenda**

Chairman Reilly opened the floor to the public. Seeing no one come forward, a motion by Peter Kneski, seconded by Rob Gilbert to close to the public was unanimously approved.

**Review of Minutes**

A motion by Gail Glashoff, seconded by Rob Gilbert to approve the Board's 3/9/16 minutes with no revisions noted was approved with Ms. Lenox abstaining.

**New Business – Other**

**Resolution PB#2016-07: Brian Parker & Robert Anderson – Block 37 Lots 4 & 4.01 – Approval of Minor Subdivision/Lot Line Adjustment**

A motion by Gail Glashoff, seconded by Rob Gilbert to approve Resolution PB#2016-07 was approved by roll call vote.

**Roll Call Vote:** Gail Glashoff: Yes, Rob Gilbert: Yes, Roger DeLay: Yes, Don Reilly: Yes, David Wang-Iverson: Yes, Peter Kneski: Yes

**Public Hearing Continuation: The Ridge at Back Brook – Water Monitoring and Amended Prior Condition of Approval, re: Number of Allowed Guests – *discussion carried from 1/13/16 meeting***

Present for the Public Hearing was property owner Joel Moore, his Attorney David Gordon, his Hydrogeologist Matt Mulhall and Township Hydrogeologist Dr. Stephen Souza.

Chairman Reilly commented for the record that an issue was raised at the Township Committee meeting concerning a possible conflict of interest with the two Township Committee Members who also serve on the Planning Board, specifically whether or not a conflict of interest exists if these members participate in The Ridge's tax appeal as well as their application before the Planning Board. Attorney Norman drafted a finding indicating there is no conflict. Attorney Norman stated a tax appeal has nothing to do with a land use application. He said there is no direct or indirect pecuniary or personal interest or benefit to the members of the governing body or Planning Board. He remarked that is the standard for determining a conflict of interest and none exists here. Chairman Reilly also added that the Township Attorney had no issue with Attorney Norman's legal opinion.

Chairman Reilly summarized that The Ridge had completed all of their testimony in January with respect to their application but since Dr. Souza couldn't attend that meeting, the Board wished to hear his testimony this evening regarding the water monitoring.

Dr. Souza came forward and was sworn in and explained that The Ridge put forth a proposal in December 2015 to modify the on-going water monitoring program that was initiated back in 2001 as a condition of approval for the golf course. He noted the proposed modifications consist of 3 different components:

1. Pesticide sampling – not the collection of samples but the pesticides to be sampled. Dr. Souza stated the proposed modification does away with testing for the pesticides that are no longer being used by The Ridge and testing would be replaced with sampling for all currently used pesticides. Dr. Souza indicated this request makes complete sense.
2. Relief from in-stream sampling – this applies to the ecological parameters.
3. Change in the duration of time sampling will be conducted – essentially calling for sampling in 2018, 2021 and 2024 and then all sampling will cease if no pesticides are found in any of the monitoring.

Dr. Souza commented that there are problems with sampling in December because it's common for the Back Brook stream to be dry at that time of year. He indicated that in his opinion the Township is protected and clarified that both ground water and surface water resources are being monitored and he stated he had no issue with the proposed water monitoring modifications. He added that over the past 15 years of sampling there was only one time when a pesticide was detected. Dr. Souza stated it was 24D which he said is a commonly utilized herbicide but indicated it is no longer being used at The Ridge.

Dr. Souza explained that sampling takes place at three well locations: (1) Close to the maintenance building due to concerns about the wash down of equipment and the mixing of pesticides and (2) Close to the Back Brook stream as it enters the course and (3) At the Back Brook stream as it exits the course.

Chairman Reilly summarized that the current proposal is to have monitoring performed in 2018, 2021 and 2024. He noted that if the Planning Board was to approve the modified plan, the next test period would be 2018 with all testing to cease in 2025 if no pesticides are detected. Dr. Souza clarified that if there are any issues the testing would go back to an "every three year" cycle.

Mr. Wang-Iverson asked if a pesticide is determined but below the action limit as in the 24D incident, will that trigger an analysis. Dr. Souza clarified that any determination of pesticides will trigger continued monitoring.

Chairman Reilly asked if there is a protocol. He commented that given the data that has been analyzed, The Ridge has demonstrated that what they are doing is not contaminating Back Brook but he asked if the protocol changes in the future will the past 15 years of data still be applicable. Dr. Souza said yes and explained that the 3 primary pesticides and fungicides are still being sampled.

Mr. Wang-Iverson asked if most golf courses typically have a sunset clause like what is being proposed. Dr. Souza said yes and noted that he has worked on several golf course projects and The Ridge is the only one he knows of that was constructed in the 1990's and still has a monitoring program in place.

Mr. DiPirro commented that generally integrated pest management plans are a good idea because they are protective of the environment but he remarked that given that they work by testing the soil and then making a determination on what treatment to use to deal with the pest he asked how the monitoring program can stay current with whatever pesticides are being used. Dr. Souza explained that the majority that effect mature golf courses are a result of fungal outbreaks, particularly on greens. Mr. DiPirro confirmed that protocols will be established to ensure the monitoring will cover this. Dr. Souza suggested it be included as a final condition of approval.

Mr. DiPirro referred to the change in testing from annually to every three years and asked Dr. Souza how long some of the pesticides will stay in the water. Dr. Souza commented that this is one of the concessions with The Ridge's request and remarked that Mr. Mulhall may be able to comment on this matter further but noted that The Ridge's track record has been good over the past 15 years. Mr. Mulhall explained that The Ridge submits a list of pesticides that they use each year and he selects the 5 that are most likely to have an impact for the sample monitoring. He commented that most pesticides breakdown within 6 months to a year. Chairman Reilly stated that if testing is done every three years, nothing will be detected from the 2 years prior to the year that was monitored. Dr. Souza commented that this is an accurate observation.

Attorney Gordon commented on the previous meeting discussions regarding the implementation of some criteria that would address their request to amend the 250 maximum guest limit which is a condition of approval. He noted this restriction is arbitrary and was not supported by the ordinance when the golf course was approved in 2001. Attorney Gordon indicated they clearly recognize the concern of the Township to preserve the health and safety of the residents by setting objective standards. He stated they are happy to work with a special events ordinance/permit if the Township establishes one. He noted they are confident that the professionals who run PGA events will satisfy the concerns of the municipality and stated he wanted the Board and the public to know that they are completely agreeable to working with a special events ordinance and having their request to modify the condition of approval conditioned upon such an ordinance being established.

Chairman Reilly clarified that the ordinance is a matter for the Township Committee to address.

A motion by Roger DeLay, seconded by Peter Kneski to open to the public was unanimously approved.

Robert Rowe of 33 Toad Lane came forward and was sworn in. He expressed support for The Ridge's requested amendment to their prior condition of approval stating as a fellow local business owner he sees an opportunity for other businesses to be able to profit from such a large event in the community.

East Amwell Township Planning Board Minutes – 4/13/16

Iлона English of 9 Runyon Mill Road came forward and commented that while there was a lot of testimony on pesticides, as a horse breeder she is more concerned with the herbicides. She stated phytoestrogens can abort mares and she remarked this was down played significantly. Ms. English commented that she doesn't believe there was enough discussion on this matter. She indicated there is some issue regarding the application of phytoestrogens on golf greens and how women shouldn't be around them within a certain time period after application. Ms. English asked if this was true. Mr. Moore stated he had never heard of this.

Ms. English referred to the large events being requested and commented that Wertsville Road is "the one" road in the Township. She stated it is a main artery and remarked that busing people to The Ridge will create major congestion at a time of year when farmers may be haying. Ms. English stated that the residents who live off of Wertsville Road will not be able to get around and reminded the Board what an inconvenience it was when the County did bridge repairs on Wertsville Road. She stated that perhaps a more detailed plan should be requested from The Ridge. Ms. English noted that she asked about the large events at Jasna Polana Golf Club in Princeton and was told they no longer host them because of the traffic complaints.

Frances Gavigan of 123 Wertsville Road came forward and expressed concern with when the pesticides are applied and when the testing is actually done as well as with the test sites. She suggested the Board require specific testing times and that the test results be shared with the Township and the Board of Health. Ms. Gavigan commented that The Ridge is asking for the township and the tax payers to assume an inconvenience and a potential burden in order to get relief and support for their private business. She stated she doesn't believe it's unreasonable for the township to ask for some assurances.

Robert Rowe of 33 Toad Lane came forward again and commented that Wertsville Road is not as heavily traveled as Old York Road. He also remarked that his son's property hits Back Brook at 3 points and he stated Back Brook was flowing in December. Dr. Souza acknowledged this and clarified that certain fungi peak in the early Fall which is a better time to run test samples.

Noreen Bailey of 129 Back Brook Road came forward and expressed support for Ms. Gavigan's comments regarding the water testing being done closer to the seasons when the pesticides are used. She also stated that she doesn't want to see the testing cease after 2024 because she is concerned with all of the wells in the township and believes periodic testing is necessary. Ms. Bailey then referred to an entrance to the golf course off of Back Brook Road and commented that she did not want to see it used as an access for food trucks or deliveries if large events are allowed. Mr. Moore clarified that there is no entrance off of Back Brook. He said it is a gate with a footbridge that was installed for construction of the short game area at some point in the future.

Andrea Bonette of 17 Ridge Road came forward and commented that she came to the January meeting and tried to talk about the proposed construction at The Ridge for overnight accommodations and was told to come back to this meeting. She remarked that all of the discussion has been about pesticides and asked if this is the only opportunity to comment about construction issues. Chairman Reilly stated that matter is before the Township Committee for possible ordinance revision based on the Planning Board's recommendations.

Marsha Sepesi of 133 Back Brook Road came forward and was sworn in. She expressed support for Ms. Bailey's comments regarding not having the water testing at The Ridge cease.

East Amwell Township Planning Board Minutes – 4/13/16

Chris Vogel of 5 Manners Road came forward and was sworn in. He expressed concern for having the water testing at The Ridge cease. He remarked that new products are developed every year and stated if there is no testing the Township won't know if there is an impact to the community. He asked the Board to look up the following words and consider them before approving anything for the golf course: Toxicity, carcinogenicity, mutagenicity and teratogenicity. Mr. Vogel stated these words are important when considering what will be placed in the environment.

Frances Gavigan of 123 Wertsville Road came forward again and commented that the European Union identified glyphosate as a probable human carcinogen and asked the Board not to give The Ridge "carte blanche."

Iлона English of 9 Runyon Mill Road came forward again and asked for clarification on the details regarding the Board's recommendation to the Township Committee on the overnight accommodations at The Ridge. She asked if the size of the cottages or how many were specified. Chairman Reilly explained that essentially what the Board did was indicate from a planning perspective the request for overnight accommodations at the golf course was reasonable and recommended the Township Committee consider changing the language in the ordinance to permit such amenities.

Ms. English stated she views The Ridge as a business and since she also runs a business she would like the ability to have such amenities for her farm. She commented that "tiny houses" on wheels could open up a great opportunity for other businesses in the Township. She remarked that East Amwell does not allow temporary housing on properties for aging family members and stated she's trying to understand why the Township would allow hotel rooms at this business.

Bill Reiter of 17 Dutch Lane came forward and commented that as far as the pesticides go, the people who actually apply them are in the most danger. He referenced some people he knew who were exposed to pesticides and later diagnosed with cancer.

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

Chairman Reilly summarized that there are 2 issues for the Board to consider: (1) Modification of the water monitoring and (2) Special events to allow tournaments. Mr. Wang-Iverson commented that prior to the Board making a decision on the water monitoring he would like to make sure that all of the reports done by Mr. Mulhall are provided to the Planning Board office. He remarked that he isn't sure the Township has a complete set. Mr. Wang-Iverson also noted that he would like Dr. Souza to provide a complete review of all of those reports with a summary document that puts all of the individual data in context. Dr. Souza stated he is working on that. Mr. Wang-Iverson also indicated that in the Land Use Ordinance the Board of Health is noted as having authority to review such reports and he stated he would like them to have an opportunity to review Dr. Souza's summary document and provide comments prior to the next Planning Board meeting. He expressed the importance of getting feedback from the Board of Health regarding ceasing the water testing based on this evening's comments from several members of the public.

East Amwell Township Planning Board Minutes – 4/13/16

Ms. Glashoff stated that she agreed with Mr. Wang-Iverson's comments. Ms. Lenox expressed support as well and noted she did not want to see the water testing cease. Attorney Gordon referred to Dr. Souza and stated he had all of the reports to review and compile the summary. Dr. Souza stated he is working on it and remarked what a large task it is. Mr. Mulhall commented that he already has a summary table of every sample with all of the data that he can provide.

Ms. Glashoff asked if the County Board of Health is involved in reviewing any of this. Chairman Reilly said no.

Mr. DiPirro commented that he agreed with Mr. Wang-Iverson's requests as well and asked if there is a procedural issue if the Board requests a continuance on this. Chairman Reilly remarked that based on the comments made this evening, the Board will require a continuation but noted the applicant must be agreeable. Chairman Reilly confirmed that a majority of the Board was in agreement with the request for a summary document and input from the Board of Health. Mr. Moore commented that throughout the hearings and discussions that were held it was his understanding, which is also expressed in The Ridge's approvals, that issues such as this were to be resolved by the Planning Board. He indicated his approvals specifically state between the Township representative, Dr. Souza and The Ridge's representative, Mr. Mulhall. Mr. Moore stated the two representatives have agreed on a water monitoring plan and he questioned why the Board of Health now needs to be brought in at the eleventh hour when this was never brought up over the past 5 months.

Chairman Reilly explained that the dilemma the Board has is that it did not have any input from Dr. Souza until this evening so the Board could not move forward. He also commented that the Planning Board certainly has the ability and the right to seek input from the Board of Health on a matter such as this.

Attorney Gordon asked if the application can be bifurcated so they can move forward on the special events matter. Attorney Norman said yes and Attorney Gordon asked for a moment with his client. The Board went off the record from 8:54 PM – 8:56 PM. Attorney Gordon stated he understands the concern regarding the well water and the testing. He noted that The Ridge drinks the same well water and the Moore's live adjacent to The Ridge on Back Brook Road. He then stated that they will grant the Planning Board a 30 day extension in order to allow sufficient time for the Board of Health to provide input. The extension was granted through 5/13/16.

Chairman Reilly commented that the water monitoring will be carried to the Planning Board's 5/11/16 meeting with no further public notice being provided. He then addressed the other part of the application and clarified that the Board has heard testimony that The Ridge would be agreeable to amending the condition which limits a maximum number of guests to 250 people to state that in the event the Township Committee adopts a special events ordinance/permit, this would supersede that condition of approval.

Planner Banisch noted he helped write the ordinance in Bedminster Township and explained how the governing body can establish structure and guidelines for large events held within the Township. Engineer O'Neal commented that he believes establishing a special events ordinance is the proper approach to address The Ridge's request.

Mr. Gilbert expressed that he hopes the ordinance criteria is flexible so that any issues which may arise after a large event is held, can be addressed without having to re-do the ordinance.

Mr. DeLay asked why the language needs to be changed at all. Attorneys Norman and Gordon both commented that Mr. Moore does not have the ability to discuss holding large events/tournaments with the existing language because the PGA and other venues won't deal with third parties.

A motion by Dante DiPirro, seconded by Rob Gilbert to recommend that the Township Committee consider approval of a Special Events Ordinance noting that if such an ordinance is created it supersedes the language in the existing condition of approval was approved by roll call vote.

**Roll Call Vote:** Dante DiPirro: Yes, Rob Gilbert: Yes, Roger DeLay: Yes, Gail Glashoff: No, Linda Lenox: Yes, Don Reilly: Yes, David Wang-Iverson: Yes, Peter Kneski: Yes

A motion by Gail Glashoff, seconded by Rob Gilbert to carry the public hearing on the water testing to the Board's 5/11/16 meeting with no further public notice required was unanimously approved by voice vote.

Ms. Glashoff noted for the record that she had come in and listened to the Planning Board meeting tape from 1/13/16 and is eligible to vote on The Ridge application.

**Discussion: Request from TC to Review Proposed Amended Land Use Ordinance, re: Golf Courses**

Mr. Wang-Iverson explained that the Township Committee is not looking for any input. He noted that language has been drafted for the proposed changes to Chapter 92 to allow for ancillary uses on golf courses and the hope is that the amended ordinance will be introduced at the Township Committee's May meeting.

**Discussion: COAH – Status update: The Board may enter into Executive Session**

It was noted that the Board did not enter into Executive Session. Chairman Reilly provided a quick update saying there isn't much change from last month. He noted the Township is still waiting for Judge Miller to make a determination on what the Township's COAH obligation will be which probably won't be received until mid to late July.

**Oral Reports**

FOSPC – No report was given  
Environmental Commission – No report was given  
PB Secretary – No report was given  
Chairman – No report was given

**Correspondence**

It was noted for the record that no comments were made on any of the correspondence listed on the agenda.

**Open to the Public**

A motion by Linda Lenox, seconded by Peter Kneski to open to the public was unanimously approved by voice vote.

East Amwell Township Planning Board Minutes – 4/13/16

Frances Gavigan of 123 Wertsville Road came forward and commented that she was glad to see the Board carried The Ridge water testing matter so that more information could be obtained. She asked if any other locations have been sought for COAH development. Chairman Reilly explained that the Planner's office is reviewing some parcels around the Village District. Seeing no other members of the public come forward, a motion by Roger DeLay, seconded by Dante DiPirro to close to the public was unanimously approved by voice vote.

**Presentation of Vouchers**

It was noted for the record that no comments were made on any of the vouchers.

**Adjournment**

Chairman Reilly adjourned the meeting at 9:27 PM.

---

Maria Andrews, Administrative Officer

Note: These minutes have not been formally approved and are subject to change at the Board's 5/11/16 meeting.