

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
October 14, 2009 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on October 14, 2009 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 29, 2009 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 October 7, 2009."

Present: Fred Gardner
Rob Gilbert
Gail Glashoff
Bela Kamensky
Linda Lenox
Don Reilly, Chairman
Dart Sageser
Michael Weis
Joe Wolfgang
Roger DeLay
Planner Slagle

Excused: Peter Kneski

Agenda Review

Ms. Andrews noted that a letter from COAH was handed out this evening indicating that they had received the Township's amended ordinance. Chairman Reilly noted that the Township Committee has the letter and they will address any issues requiring action.

Citizens' Privilege to Speak on Items Not on the Agenda

Chairman Reilly opened the floor to public comment. No one came forward and the floor was closed to public comment.

Review of Minutes

A motion by Fred Gardner, seconded by Rob Gilbert to approve the Board's 9/9/09 minutes was approved with a few noted revisions and Gail Glashoff, Bela Kamensky and Roger DeLay abstaining.

It was noted for the record that at last month's discussion on the draft Tree Harvesting Ordinance, it was the consensus of the Board to remove the CDL requirement. Chairman Reilly noted that the point was raised this evening that the CDL requirement was another issue brought up last month and Planner Banisch was asked to address it in his revisions. It was later noted by Mr. Gilbert and Ms. Lenox that on page 3 of the Board's 9/9/09 minutes, there is mention of the recommendation to leave the CDL requirement out.

New Business - Other

Motion: Approval of Resolution PB#2009-12 – AVFC: Preliminary & Final Major Site Plan Approval with Bulk Variances

A motion by Fred Gardner, seconded by Linda Lenox to approve Resolution PB#2009-12 with a few noted revisions was approved by roll call vote.

Roll Call Vote: Fred Gardner: Yes, Linda Lenox: Yes, Rob Gilbert: Yes, Bela Kamensky: Yes, Don Reilly: Yes, Dart Sageaser: Yes, Michael Weis: Yes, Roger DeLay: Yes

Discussion: Review of Draft Tree Harvesting Ordinance per Planner Banisch

Planner Slagle noted that all of the comments made at last month's meeting have been incorporated into this latest revision. Chairman Reilly indicated this discussion would be handled informally so that the two members of the public in attendance this evening: Frances Gavigan and John Hyland could participate in the conversation.

Mr. Weis noted the following revisions:

1. The purpose section to clarify why changes to the ordinance were made.
2. The intent section to include species diversity language.
3. The definition of Tree Harvesting was simplified.
4. All references to heavy equipment requiring a CDL were eliminated.
5. Tree cutting was limited simply to 5 trees in a 6 month period unless a property owner is harvesting in accordance with a forestry management plan, which would not require a landowner to obtain a separate permit.

Mr. Gardner commented on the permit required section saying that he believed someone reading this ordinance for the first time may get upset over section 129-5 unless there was clarification such as, "except as provided in 129-6 below" because as it reads now it indicates "if you cut more than 5 trees you must come in and get a permit." Mr. Gardner commented that the exceptions should be indicated so people reading the Ordinance don't get unnecessarily excited. Chairman Reilly suggested that language such as "or as exempted" should be added to section 129-5 for clarification.

6. The 20 acre trigger for the Amwell Valley District was changed to 20% of the remaining forested area.

Mr. Gardner pointed out that there is no time period specified. It was the consensus of the Board to specify 20% of the remaining forested area in a 12 month period.

7. The issue of enforcement was revised. Mr. Weis noted that the Township Committee was eliminated as the enforcing authority.

It was noted that the Township Committee is still referenced in Section 129-7 (Violations and Penalties). Mr. Weis asked if the Zoning Officer should be the one in charge of enforcing remediation. There were comments made about a prior Zoning Board application requiring remediation on a property located in the Sourland Mountain Zone. Ms. Andrews clarified that Planner Banisch was designated as the authority responsible for following up to ensure that the remediation for this application was done in accordance with the approved landscape plan. Chairman Reilly asked Planner Slagle if she was uncomfortable with the Planning Board designating the Planner as the person who approves remediation plans. Planner Slagle had no issue with this.

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Mr. DeLay noted that in Section 129-8 it indicates that enforcement is done by the Zoning Officer. Chairman Reilly commented that the Zoning Officer can't approve the plan because it's not his area of expertise. He clarified that the Courts will stipulate whatever the penalties are and if a remediation plan is required, than that is what the property owner must do. It was noted that the Zoning Officer would be the person to issue any summons/complaints if the remediation plan was not followed.

Mr. Sageser referenced Section 129-5(C) and commented that there may be confusion between "Harvesting Plan" and "Forest Management Plan" mentioned in Section 129-8(A-3). Chairman Reilly commented that if a property owner contracts to have someone come in and harvest 40 trees off of their lot, they would need to get a permit and have a harvesting plan. A forest management plan does not require a permit and is drafted by a professional.

Mr. Weis suggested the Zoning Officer sign off on the permits prior to their issuance in order to ensure that the plan is in conformance with the current zoning. The Board agreed. Mr. Weis indicated he will contact Zoning Officer McManus about this issue.

It was also noted that in Section 129-8(B), the reference to the stone pad will be eliminated.

Chairman Reilly commented that this revised ordinance addresses the inconsistencies that exist today within the Township's Ordinances. He suggested a public hearing on this matter be scheduled for the Board's 11/11/09 meeting. Ms. Andrews indicated she would notice the public hearing accordingly. Planner Slagle commented that she will make the revisions noted this evening and send a draft to the Board for final comment before next month's public hearing.

Neither Frances Gavigan nor John Hyland had any comment on the draft document reviewed this evening. Ms. Gavigan requested an electronic version of the updated draft Planner Slagle will send to the Board. Chairman Reilly noted this is a working document, but indicated the Board had no issues with it being released to interested parties. The Board thanked Ms. Gavigan and Mr. Hyland for all of their input over the past months.

Discussion: Steep Slopes Status Update

Planner Slagle explained there are 3 ordinances that have to be sent to the State as part of the required Wastewater Management Plan. She indicated Engineer O'Neal has been spearheading this task. The 3 ordinances are: Riparian Buffer, Steep Slope and Septic Management.

Chairman Reilly noted the Board is dealing with 2 of the 3: Steep Slope and Riparian Buffer. Planner Slagle commented that the Board simply needs to review the documentation provided by Engineer O'Neal. It was noted that these ordinances must be passed by 12/31/09 or submitted as drafts.

Discussion: 2010 Planning Board Budget

Ms. Andrews explained that the budget was included in the packets for the Board to review and think about. It will be listed on next month's agenda again for thorough discussion because the 2010 requested budget must be given to the CFO in December. Ms. Lenox advised the Board that the Township Committee would like to see the budget requests stay the same as 2009 or decrease. Chairman Reilly indicated he will speak with the Board's professionals for their input on some of the line items so the budget request can be finalized next month. He expressed he believed the Board could keep the 2010 budget about the same as last year's.

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Oral Reports

FOSPC – Mr. Gardner commented that there was a question raised regarding how much open space is left in the Township. He noted that there are targeted farms amounting to roughly 1400 acres and then there are additional properties amounting to roughly 2000 acres, some of which D & R Greeways is attempting to preserve. He stated that the Township has preserved close to 7000 acres to date.

Agricultural Advisory Committee – Ms. Lenox reminded everyone about the Farm Forum scheduled for 10/19/09 at 7 PM.

Environmental Commission – No report given.

SM Smart Growth Grant – No report given.

Stormwater Committee – No report given.

COAH – No report given.

Wastewater Management – No report given.

PB Secretary – No report given.

Chairman – No report given.

Open to the Public

Chairman Reilly opened the floor to public comment. Frances Gavigan of 123 Wertsville Road came forward and commented on item number 7 under correspondence listed on the Board’s agenda. She noted the matter involved the McGee’s right to farm complaint against the Seramba’s on Rosement Ringoes Road. Ms. Gavigan indicated the McGee’s have retained Attorney Rylack in Clinton. She expressed the problem with the situation is that the McGee’s are insisting on applying Stormwater Management requirements to farm acreage. She commented that despite right to farm ordinances and clauses in deeds there is a significant amount of “creep” going on. Ms. Gavigan commented that the thought of the on-going harassment and distress having the potential to expand upon other farmers in the community is scary and encouraged the Board to think of ways on strengthening right to farm.

Ms. Lenox commented that Engineer O’Neal inspected the property Ms. Gavigan was referencing. She noted that he reported the matter was not a Stormwater Management issue and he indicated that farms are exempt from Stormwater Management requirements.

Mr. Gilbert commented that the CADB is adamant about protecting farms.

Mr. Weis questioned the Planning Board’s jurisdiction on this matter. Chairman Reilly commented that the Board can’t do anything and remarked that while this particular complainant may not have standing, they can create havoc and there is nothing the Board can do about that.

Ms. Gavigan also thanked the Board for their open collaboration on the Tree Harvesting Ordinance.

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

Presentation of Vouchers

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

Adjournment

Chairman Reilly adjourned the meeting at 8:58 PM.

Maria Andrews, Administrative Officer