

EAST AMWELL PLANNING BOARD MINUTES
7:30 PM East Amwell Municipal Building
August 12, 2009 - Meeting

Call to Order, Attendance and Pledge of Allegiance

This meeting of the East Amwell Planning Board was opened on August 12, 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 August 5, 2009."

Present: Fred Gardner
Rob Gilbert
Peter Kneski
Linda Lenox
Don Reilly, Chairman
Dart Sageser
Michael Weis
Roger DeLay
Planner Banisch

Excused: Gail Glashoff
Bela Kamensky
Joe Wolfgang

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. No one came forward. A motion by Fred Gardner, seconded by Rob Gilbert to close to the public was unanimously approved.

Review of Minutes

A motion by Michael Weis, seconded by Linda Lenox to approve the Board's 7/8/09 minutes with revisions was unanimously approved.

New Business – Other

Motion: Approval of Resolution PB#2009-10 – Section 26/Flood Prevention Ordinance

A motion by Michael Weis, seconded by Linda Lenox to approve Resolution PB#2009-10 was unanimously approved by roll call vote.

Roll Call Vote: Michael Weis: Yes, Linda Lenox: Yes, Fred Gardner: Yes, Rob Gilbert: Yes, Peter Kneski: Yes, Don Reilly: Yes, Dart Sageser: Yes, Roger DeLay: Yes.

Motion: Approval of Resolution PB#2009-11 – Section 26/Constrained Lands Ordinance

A motion by Rob Gilbert, seconded by Roger DeLay to approve Resolution PB#2009-11 was unanimously approved by roll call vote.

Roll Call Vote: Rob Gilbert: Yes, Roger DeLay: Yes, Fred Gardner: Yes, Pete Kneski: Yes, Linda Lenox: Yes, Don Reilly: Yes, Dart Sageser: Yes, Michael Weis: Yes.

Discussion: Tree Harvesting Ordinance Revisions

Mr. Gardner explained that he had been working on revisions to the Tree Harvesting Ordinance with Mr. Weis and recently obtained input from resident John Hyland who previously served as the Township’s Zoning Officer and was familiar with this matter. Mr. Gardner noted the new draft is not that different in substance from the existing ordinance. The major revisions address the prior inconsistencies pointed out by prior Zoning Officer Doug Orr.

Mr. Gardner commented that residents in the Sourland Mountain Zone have concerns over the preservation of the tree canopy and the understanding that the Sourland Mountain is a major environmentally sensitive conservation area unique to this section of New Jersey. He indicated that there was concern that some of the existing ordinance provisions were not clear therefore clarifying them became the primary objective of this ordinance revision.

Chairman Reilly commented that there have been instances where extensive clear cutting has taken place in the Sourland Mountain well beyond what the Township and the residents felt was consistent with the Master Plan and the desires of the Township. Mr. Gardner added that the use of heavy equipment is also a concern because it creates gullies and erosion problems.

Mr. Hyland believes that the ordinance should be implemented consistently throughout all of the Township zones and that the Sourland Mountain residents should not be singled out.

Mr. Weis commented that the focus of the revisions was to eliminate the existing contradictions within the ordinance. He specifically noted that the ordinance allows 2 acres of clearing for a home in one section and the Sourland Mountain section states only 30,000 sq. ft. of clearing is allowed plus an additional 10,000 sq. ft. for a driveway.

The following changes were noted by Mr. Weis:

1. An introductory explanation outlining the purpose of the ordinance
2. Some revisions to the “Intent & Findings” section
3. The number of trees (5) allowed to be cut within a 6 month period, excluding those trees that are diseased or pose safety hazards
4. Encouraged remediation and penalties reflecting the impact of the violation

Natalie Ross of 151 Mountain Road interrupted from the public audience asking if someone will be able to cut trees for commercial use in a residential area. Mr. Gardner stated, “There are two conditions under which you can cut trees on a significant basis in the Sourlands: One is if you are approved for Woodland Assessment...if you want to cut more than 5 trees in a 6 month period—that is not permitted. If you want to do a commercial job with heavy equipment, you have to come to the Township for a permit.” Mr. Weis clarified that in the Sourland Mountain District there is a separate ordinance that limits clearing of any sort to 30,000 sq. ft. around the home and 10,000 sq. ft. for a driveway. He said it does not allow any other kind of clearing except if you have a Woodland Management Plan.

Planner Banisch noted a potential glitch with the draft ordinance commenting that a permit is not needed just because you are cutting more than 5 trees, but if you are cutting more than 5 trees you are conducting a forestry type of activity that has been identified as having to be done in accordance with the management practices that are recommended for foresting by the State. Mr. Weis added, “...with the exception of clear cutting which hasn’t yet been defined.”

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Chairman Reilly commented that the way Planner Banisch is interpreting the ordinance is that if someone wanted to cut down 10 trees they just need to follow the Best Management Practices because the permit is required only for the use of heavy equipment. He noted this is an area that needs to be reviewed because the intent is a firm limit of 5 trees cut in any 6 month period unless you have a tree harvesting plan or obtain a permit.

Chairman Reilly summarized that the landowners will be allowed to harvest 5 trees in 6 months and in addition to that there are exceptions for diseased trees and those posing safety hazards. Landowners with forestry plans and farmland assessment don't need permits, and landowners who are clearing building lots are already governed by building permits—but if heavy equipment is going to be brought in with tree harvesting being done then permits will be required so the Township can assure that the tree cutting is being performed in accordance with Best Management Practices. It was noted that Planner Banisch will be responsible for ultimately crafting the language for the ordinance.

Mr. Weis noted that he put a phone call into Dr. Jeffrey Keller who Planner Banisch has worked with and he intends to have a brief discussion with him regarding clear cutting and his familiarity with trained forester certification training. Mr. Weis also stated his concern with the ecological diversity of the Sourland Mountain and the importance of foresters understanding the unique nature of this area.

A motion by Fred Gardner, seconded by Linda Lenox to open to the public was unanimously approved.

Frances Gavigan of 123 Wertsville Road came forward and commented that she believed the ordinance revision was to address the inconsistencies in the Sourland Mountain District noted by previous Zoning Officer Doug Orr and stated she is surprised to see that now farms and the Valley District are noted in the ordinance. She also commented that the 20 acre rule is very restrictive noting she has several acres of pertinent woodland on her property that are not part of a forestry management plan but that impact the health and safety of her animals. Ms. Gavigan commented that the ordinance can not anticipate every Best Management or Farming Practice and the Board should consider implementing some sort of a notification option rather than requiring a permit.

Ms. Gavigan requested an electronic version of the draft ordinance to review. Chairman Reilly asked Ms. Andrews to forward it to Ms. Gavigan and to anyone else who requests a copy.

Andrea Bonette of 17 Ridge Road came forward and noted there may be additional inconsistencies within the ordinance related to impervious coverage. She also suggested the Board speak to Curtis Helm who is a Ridge Road resident and a State approved forester who is familiar with the Sourland Mountain. Ms. Bonette then noted that there was a Best Management Practices manual from the State of NJ that allowed clear cutting and she indicated she does not believe the manual has ever been rewritten which is a concern.

Ms. Bonette then stated she would forward Ms. Andrews an aerial photograph of 26 acres in Hopewell Township that was clear cut and inspected by a State Forester as well as being consistent with an approved plan. The photograph was taken by Ms. Bonette when she was invited by Hopewell Township Administrator Paul Pogorzelski to go for an airplane ride. Ms. Bonette claimed the property owner indicated he was going to leave 25 – 30 seed trees on every acre of the 26 acres but apparently did not.

John Kelly of 270 Wertsville Road came forward and commented that he believed it would be a good idea if the County and Township people conducted an inspection of the trees along the roadways that are posing a hazard so they can be trimmed or removed prior to them falling down in a storm. Mr. Kneski commented that the Township has received a letter from JCP&L indicating they are working with the local municipalities regarding tree limbs hanging over the power lines.

A motion by Roger DeLay, seconded by Michael Weis to close to the public was unanimously approved.

It was the consensus of the Board to have Planner Banisch draft a revised ordinance based on this evening's discussion and comments for review at the Board's September meeting.

Discussion: Update from Ag Advisory, re: Status of Minimum Acreage Requirement for Horses

Ms. Lenox commented that the Ag Committee has not been able to come up with a consensus on a minimum acreage requirement for horses. She stated everyone takes such good care of their horses in East Amwell regardless of the size of their properties. She commented that the manure management plan the State is trying to implement will impose regulations on horse owners and the Ag Committee is more concerned about this matter.

John Kelly of 270 Wertsville Road cautioned the Board not to regulate the size of horse properties noting that the Township's equine industry supports many local farmers. Mr. Weis commented that this whole issue came to the Planning Board because the Township is seeing new homeowners requesting to put horses on small lots—under 5 acres. Mr. Kelly was reassured that this matter focused primarily on the “pet” equine owners and not the “business” equine owners.

Oral Reports

FOSPC – Mr. Gardner reported that they are continuing to work on the Farmland Preservation Plan required by SADC and continuing to push through applications for land preservation. Chairman Reilly commented on an Open Space and Recreation letter addressing a provision in the Master Plan that Green Acres was looking for. He noted that our plan is consistent with what they are looking for and Planner Banisch has notified them accordingly.

Agricultural Advisory Committee – No report given.

Environmental Commission - Mr. Sageser invited everyone to the County Fair next week.

SM Smart Growth Grant – No report given.

Stormwater Committee – No report given.

COAH – No report given.

Wastewater Management – Mr. DeLay reported that the deadline for municipalities to establish a wastewater plan has been postponed to the end of the year.

PB Secretary – No report given.

Chairman – No report given.

Open to the Public

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

Presentation of Vouchers

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

Adjournment

Chairman Reilly adjourned the meeting at 9:26 PM.

Maria Andrews, Administrative Officer