

**EAST AMWELL  
ZONING BOARD OF ADJUSTMENT - MINUTES  
Municipal Building – 7:30 PM  
Special Meeting – May 22, 2014**

**Call to order and compliance with the Open Public Meetings Act**

The special meeting of the Board of Adjustment was called to order at 7:30 PM on May 22, 2014 in the Main Meeting Room of the Municipal Building, 1070 Route 202/31, Ringoes, NJ by Chair Binder.

In compliance with the Open Public Meetings Act, the Administrative Officer announced this was a special meeting which was noticed in the April 24, 2014 issue of the Hunterdon County Democrat, filed in the Township Clerk's Office, and posted on the Bulletin Board on May 15, 2014.

**Roll Call and Agenda Review**

**Present:** Sherrie Binder  
Nancy Cunningham  
Gloria Frederick  
Paul Gavzy  
Anne Williams  
Diana Garrett – Alt. #1 – *(arrived at 7:41 PM)*  
Attorney Cecil  
Planner Slagle  
Engineer O'Neal

**Absent:** Gael Gardner  
Kendra Schroeder  
James Atkeson – Alt. #2

**Presentation of Minutes**

A motion by Paul Gavzy, seconded by Gloria Frederick to approve the Board's 4/8/14 meeting minutes with no revisions noted was unanimously approved.

**Presentation of Bills for Payment**

A motion by Nancy Cunningham, seconded by Paul Gavzy to approve the vouchers for payment as listed on the agenda was unanimously approved.

**Applications to be Deemed Complete or Incomplete**

**Frank Di Gioia – AJ-14-02 – Block 25 Lot 7.19 – Amwell Valley: Back Brook Road – Bulk Variance for Side Yard Setback to Build a New Home**

It was noted for the record that Chair Binder recused herself from this discussion and stepped away from the dais. Vice Chair Williams took over the meeting.

Present for the discussion was property owner Frank Di Gioia. Mr. Di Gioia came forward and explained that he bought the Lot in 1982 and installed the driveway, the well and the septic in 1994 when the zoning allowed for a 30' side yard setback. Subsequently the zoning changed and now requires a 50' side yard setback. Mr. Di Gioia explained that he is seeking a variance to deviate from the required 50' so he can build a home on the property.

Planner Slagle referred to her completeness review memo and noted that she recommends the application be deemed complete.

Ms. Cunningham requested photos of the property be provided for the public hearing. Mr. Di Gioia agreed to do so.

A motion by Paul Gavzy, seconded by Gloria Frederick to deem the application complete was unanimously approved by voice vote.

**Applications for Public Hearing**

**New Market Farm, LLC – AJ-14-01 – Block 41 Lot 17.02 – Sourland Mountain: 125 Linvale Road – Preliminary & Final Major Site Plan Approval with Variances**

Chair Binder noted for the record that no new witnesses should be presented after 9:30 PM and clarified that anyone in the process of presenting their testimony at that time will be allowed to finish up.

Present for the public hearing were property owner Ruth Sigal, her Attorney Gary Forshner, Engineer Bob Templin, Geologist Richard Jasaitis, Architect Glen Fries and Planner Carlos Rodrigues.

The property is a 26 acre parcel located in the Sourland Mountain District with an existing single family dwelling, a barn that includes an in home office space and other related outbuildings. Attorney Forshner explained that his client is proposing to establish a farm on the property which will include equine training, horse training, boarding and sales. It was noted that the application is seeking approval for an indoor riding arena and 20 stall barn to allow for the primary residence and equine facility along with a 2 bedroom apartment above the barn for farm labor and the use of the existing in home office space as an office for the property owner's therapy business.

The following required variances were noted:

Minimum Lot Area – 30 acres is required where 26 acres exists

Minimum Lot Width – 500 feet is required where 390 feet exists

d(3) Maximum Lot Coverage – 28,643 sq. ft. is allowed and 72,267 sq. ft. is being proposed

d(1) Variance – to permit two principal uses: The farm use and the office use

d(1) Variance – to permit an office which is not allowed in the Sourland Mountain District

d(3) Variance – to permit the farm/agricultural use on less than 30 acres in the Sourland Mountain District

d(3) Variance – to permit farm labor housing on less than 30 acres in the Sourland Mountain District

Attorney Forshner elaborated on the office space explaining that Ms. Sigal is certified in equine guided education and occasionally invites people from various organizations such as Big Brothers/Big Sisters over to experience interacting with horses, specifically with Buddy, who was described as a very gentle and friendly horse used in the equine therapy sessions. Attorney Forshner commented that Ms. Sigal would like to use the existing barn office to conduct her initial visits with clients because it offers a quiet, private area to initially meet and discuss equine therapy. He noted that if the Board objects to the continued use of the office space, Ms. Sigal will agree to withdraw that aspect of her application. Attorney Forshner remarked that he hopes the Board would allow the office to remain and be utilized for the infrequent and limited use that his client is proposing since the space already exists.

Attorney Forshner commented that despite the property being located in the Sourland Mountain District they maintain it is not characteristic of that zone, but rather of the Amwell Valley Agricultural District. He indicated water will not be an issue and stated they are going to pump a net 2,000,000 gallons of water per year back into the aquifer. It was noted that the professionals will elaborate on the details when they present their testimony but he believes the proposed application is in keeping with the Township's Master Plan and in fact advances the purpose of the Master Plan by protecting the water supply.

The proposed farm buildings were referred to as "state-of-the-art." Attorney Forshner commented that the proposed farm will be sustainable. The flooring for the riding ring will be sand and fiber which doesn't create dust and therefore will not require any watering and the intend to maximize the use of natural lighting.

The horses were described as "well-trained athletes" who work with world class trainers in a very focused manner. It was noted that the horses spend most of their time in the stall or in the riding arena and are only out in the pasture for an hour each day, weather permitting.

Attorney Forshner commented that while his client could seek approvals from the County Agriculture Development Board (CADB), they are trying to work with the Board of Adjustment so the Board can feel comfortable with the proposed project.

Attorney Forshner brought all of his witnesses forward and Attorney Cecil swore everyone in including the Board's professionals.

Ruth Sigal came forward and explained that she would like to build a horse farm on the Linvale Road property with an indoor riding arena and 20 stall barn. She noted that she has been involved with horses and equine activities for 15 years. Ms. Sigal mentioned that she has a number of horses including one that has been accepted into training by the US Olympic Team's Coach, Robert Dover. Additionally she enjoys sharing her Mustang rescue horse, Buddy, with people who don't have the opportunity to be exposed to farms and horses.

**Exhibit A-1** was presented, a mounted color photo of Buddy the horse.

**Exhibit A-2** was presented, a mounted color photo of a horse with trainer Robert Dover.

Ms. Sigal commented that she is able to offer equine training sessions because of Caroline and Stefan Cheret who work with her. Ms. Sigal noted some of their credentials and accomplishments.

**Exhibit A-3** was presented, a mounted color blown up portion of the Township's website. Ms. Sigal read the highlighted portion, "Welcome to East Amwell. We are a rural, farming community known for our commitment to the preservation of farms and open space. East Amwell is a Right-to-Farm township... its non-farming residents respect normal farming activities and its impact on their lives." Ms. Sigal explained her proposed farming operation as raising and training horses for resale. She said each horse gets exercised for approximately 1 hour a day 6 days a week. There will be approximately 20 horses on site, 4 are hers, 3 are the Cheret's and 13 are boarders. Ms. Sigal indicated typically 5 to 10 people would be coming to the farm daily spending about 1 to 3 hours on site.

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Ms. Sigal stated there are many other similarly sized facilities with indoor riding arenas and farm labor housing in East Amwell. The following farms were noted:

Back Brook Farm on Back Brook Road – 20 stalls

Clearview Farm on Snyderstown Road – 30 stalls

Toy Box Farm on Rileyville Road – 36 stalls

Diamond Creek Farm on Gulick Road – 38 stalls (*actually located in West Amwell Township*)

Black River Farm on Boss Road – 50 stalls

Ms. Sigal commented that she believes her New Market Farm application is in keeping with the surrounding facilities and will fit into the community's recreational interests as well as the businesses in the area including local vets, farriers, and feed and farm equipment suppliers.

There was some discussion on soil, pasture and waste management with the following details noted:

Ms. Sigal indicated she had contacted Hunterdon County Soil Conservation and the State Department of Agriculture. They intend to reseed the existing fields with mixtures of grasses and legumes to ensure healthy paddocks and limited fertilization. With regard to the manure management Ms. Sigal remarked that she is proposing a "zero sum" waste management. She explained that when horse manure is managed properly it turns to "black gold" within 2 to 3 months. There will be a compost bin on site with some of the manure recycled on the farm and some of it being picked up by a 5-ton type stone/dump truck.

**Exhibit A-4** was presented, a mounted color photo of the existing barn on site. Ms. Sigal commented that the barn had horses in it at one time and stated they have made some repairs to it. It was noted that this structure currently has an office space and small bathroom. Ms. Sigal is proposing to continue utilizing this area for initial visits and interviews with her clients interested in equine guided education. It was noted that the office may be used approximately once a week.

**Exhibit A-5** was presented, a mounted color photo of the existing field on site.

Chair Binder asked how many pastures there will be. **Exhibit A-6** was presented, a mounted color rendering of the site plan. Stefan Cheret came forward and stated he is a trainer and will be living at the property and managing the farm. He explained there will be 6 to 8 small paddocks each about .50 to 1 acre in size. There will be no run-in sheds because each horse is only turned out for 2 hours each day.

Chair Binder asked how Ms. Sigal solicits her clients for the equine guided education. Ms. Sigal stated she works with a psychiatrist who sometimes refers people to her and she noted she has private paying clients who call her as well as referrals by word of mouth. It was noted that no festivals, horse shows, clinics, events or summer camps will be taking place on site because Ms. Sigal commented that is not the type of business she runs.

Ms. Cunningham asked how frequently horse trailers would be coming in and out of the site. Ms. Sigal said there will be 3 trailers parked on site near the manure compost bin. She estimated the trailers would likely move 20 times a year for vet appointments, off site shows and other travel to Florida for training.

Ms. Frederick asked how often the sand in the arena will need to be replaced. Ms. Sigal stated it never gets replaced, but may need to be replenished after 5 to 10 years of use.

Ms. Garrett asked if the traffic on and off of Route 31 to access Linvale Road has been studied. It was noted that Engineer Bob Templin will address this issue.

Planner Slagle asked how many people Ms. Sigal intends to have living in the farm labor housing. It was noted that they are proposing a two bedroom apartment. She commented that theoretically it could house a family but noted they are looking for one or two people to live there to help with the farm operation. Mr. Cheret commented that having a person on site is more reliable for the horses noting that the issues associated with having to travel to work in bad weather are not a concern if everyone is already on site.

Attorney Forshner asked where the farm operation is currently operating. Mr. Cheret stated they are on a farm in Stockton that has 40 stalls. He remarked the proposed application is for a smaller farm but in keeping with the type of horse facility they have always operated.

Engineer Bob Templin came forward. He provided his credentials to the Board and was accepted as an expert to provide testimony on this application.

**Exhibit A-7** was presented, sheet S-1 from the originally submitted plans depicting the existing characteristics of the property. Engineer Templin stated that the site has streams, a pool, a 1600 ft. long driveway, the main dwelling, existing accessory structures and some wetlands located to the rear of Lot 18 and some wetlands extending onto Lot 17.03 to the north of the subject site. Additional wetlands are located in the tree line between the two fields in the southeast portion of the property. Engineer Templin stated they are waiting for final wetlands determination from the NJDEP.

It was noted that the driveway comes up past the existing septic system which was designed and approved in 2007 and conforms with all current regulations. A reserve septic system is shown on the plans in the southeastern portion of the property. Engineer Templin explained that they intend to use the existing septic system to take in the effluent from the proposed new barn.

Engineer Templin remarked that while the property is located in the Sourland Mountain District, it is adjacent to the Amwell Valley Agricultural District and is more characteristic of that zone. He pointed out that neighboring Lot 17.03 is a 10 acre farm with a barn, a pasture and a few animals. The other surrounding Lots were noted as having farmland assessment, but some seem to be wooded lots.

**Exhibit A-8** was presented, sheet S-2 from the originally submitted plans depicting the proposed project. A pull over area along part of the driveway was pointed out as well as 7 parking spaces between the existing barn and garage and 5 parking spaces next to the proposed new barn.

Stormwater management was discussed with Engineer Templin explaining there will be a detention basin on the westerly portion of the property in order to reduce the runoff rate. He noted that their data provides for a “two-year” frequency storm that will be kept within the basin and will recharge the groundwater. He stated that typically the basin would recharge to a “one-year” storm. Engineer Templin indicated they are proposing to reduce runoff by 91% where state and local requirements are only 25%. They anticipate using approximately 292,000 gallons of water annually for the barn and horses but will actually be recharging approximately 500,000 gallons of water from impervious surfaces annually.

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Ms. Williams asked where the “gray water” on site will go. Engineer Templin stated that the County is requiring a dry well be installed near the proposed barn for the water used to wash the horses to drain into.

Ms. Cunningham asked if a system will be in place to catch roof runoff in the barn area. Engineer Templin said no and explained that the roof runoff will be surface flow and will drain into the detention basin. Ms. Cunningham questioned the 10,000 sq. ft. increase in impervious coverage from the original set of site plans to the revised set of plans. Engineer Templin confirmed that the impervious coverage did increase slightly because of the relocated barn parking in order to decrease disturbance to the horses and also to address Engineer O’Neal’s concern regarding a pull off area in the driveway for vehicles to be able to pass each other if necessary.

Ms. Cunningham asked what materials will be used for the driveway. Engineer Templin explained that the existing driveway is paved and they intend to pave the proposed new parking areas and use gravel on the rest of the driveway.

Ms. Frederick asked if any new trees will be planted on the site. Engineer Templin noted they are not proposing any new landscaping nor do they intend to cut down any existing trees. Planner Slagle asked if any consideration had been given to planting additional trees behind the existing tree row on the south side of the property to offset the impervious coverage. Architect Fries responded that they had not considered planting any trees on the site and stated that the open fields will remain farmed. Attorney Forshner clarified that Mr. Cheret has indicated that the area Planner Slagle is referring to will actually be used for hay to support the farm.

Ms. Cunningham asked if the reserve septic area is too close to the wetlands. Engineer Templin commented that the reserve septic is 150 feet away from the wetlands and noted he doesn’t believe this will be an issue. He added that they will comply with whatever the State regulations are regarding the buffer area.

Engineer O’Neal asked for clarification on lighting. Engineer Templin referred to Exhibit A-8 and noted the proposed “Comanche Commercial Warehouse Shade” that provides direct down lighting and will be installed in the indoor riding arena, the barn and the stable area. It was noted that there will be approximately 8 new fixtures installed.

There was a brief discussion on the proposed new sign. It was noted that the sign will be 3’ x 2’ located just north of the driveway, 30 ft. off of the road and will not be lighted.

Attorney Forshner called Geologist Richard Jasaitis forward. He provided his credentials to the Board and was accepted as an expert to provide testimony on this application.

Geologist Jasaitis explained that he was going to provide information on 3 aspects of the application: (1)The character of the bedrock and how it closely resembles characteristics of the Amwell Valley District rather than the Sourland Mountain District, (2)The well testing, installation and certification and (3)Water availability and its impact on the regional aquifer.

With regard to the character of the bedrock, Geologist Jasaitis explained that igneous rock is the diabase which makes up the Sourlands. He noted that in his investigation of the subject site he observed Brunswick shale which has a remarkable amount of water in it and he stated that it is not diabase. He expressed that in his opinion the New Market Farm property is characteristic of the Amwell Valley and he stated, “I think the property has been misapplied to the wrong district.”

With regard to the well, Geologist Jasaitis explained that the well on the property will be a combined use for both the domestic and agricultural needs on the site. It was noted that the Township’s Ordinance does not provide provisions for this so Geologist Jasaitis indicated he had met with members of the Board of Health as well as with the Township’s Hydrogeologist. He stated that they devised a customized testing scenario for the combined use. In July of 2013 a new well was installed on the property which yielded 15 gallons of water an hour (*should be per minute, Mr. Jasaitis misspoke and the minutes were corrected at the 6/10/14 meeting but the transcript will still reflect the “hour” language*) at 420 ft. It was noted that this is a great well and that interference testing was done on 3 surrounding wells which determined there was no impact on the neighboring property’s water supply.

Geologist Jasaitis provided an overview of the results commenting that the Township Ordinance suggests calculating 10 gallons of water per day for each horse and he calculated 30 gallons per day with no complications. He explained that in his opinion well ordinances typically don’t stress the well hard enough to really test its performance. Attorney Forshner clarified that the well testing performed on the New Market Farm property was performed to higher standards than what is required in the Township’s Ordinance and there were no issues obtaining water at the subject site and no impact to the neighboring properties. It was noted that the Board of Health did require an arsenic filtration unit be installed in the well and a meter to monitor water usage with reports to be sent to the Board of Health Secretary.

With regard to the water availability and the impact on the aquifer, Geologist Jasaitis explained that the average rainfall in this area is about 50 inches per year. He commented that his calculations were then based on 5% (*or 3 inches*) of that rainfall actually getting back into the aquifer. Geologist Jasaitis stated that if they use 1600 gallons of water daily on the site they will be removing 7% of the recharge to the aquifer on a yearly basis. He then noted the additional recharge from the detention basin and commented that he believes they will actually be adding 2.2 million gallons of water back into the aquifer annually. He said, “There will be no negative withdrawal whatsoever.”

Chair Binder asked if the existing well on site will be capped off. Geologist Jasaitis confirmed that it will be and explained that the well is contaminated so they cannot use it.

Attorney Forshner noted that he had 2 witnesses left to testify but realized the time. Chair Binder commented that Board Member Gavzy had to leave at 9:30 PM. It was the consensus of the Board to carry the public hearing to the 6/10/14 agenda. Attorney Cecil commented that no additional public notice is required.

**Old Business**

It was noted for the record that there were no old business matters listed on the agenda.

**New Business**

It was noted for the record that there were no new business matters listed on the agenda.

**Comments of the Board Members**

It was noted for the record that no Board Members made any comments.

**Attorney Comments**

It was noted for the record that Attorney Cecil made no comments.

**Open to the Public**

A motion by Anne Williams, seconded by Gloria Frederick to open to the public was unanimously approved. Tim Mathews of 72 Linvale Road came forward and expressed that he believes it is unreasonable for the Board to list open to the public on their agenda and not allow the members of the public to comment on the application. Attorney Cecil explained that the Board typically allows an applicant to provide all of its testimony prior to taking questions or comments from the public and noted that the application's public hearing will continue in June when the public will likely be able to speak on the matter unless it gets carried further. She also clarified that the open to the public noted on the agenda is for any matters not included on the agenda, and that it is not for public comment on pending applications. Mr. Mathews explained that there may be members of the public present this evening who cannot make next month's meeting and thought they should be given the opportunity to speak.

Chair Binder asked if there were any members of the public present who could not make the 6/10/14 meeting. An unidentified member of the public came forward and stated that he wanted to express his support for the New Market Farm application. Attorney Cecil interrupted him saying it is inappropriate for public comments to be made on pending applications and encouraged him to attend the Board's 6/10/14 meeting.

Seeing no other members of the public come forward, a motion by Nancy Cunningham, seconded by Gloria Frederick to close to the public was unanimously approved.

**Adjournment**

A motion by Paul Gavzy, seconded by Gloria Frederick to adjourn was unanimously approved.

The meeting adjourned at 9:42 PM.

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Maria Andrews, Administrative Officer