

**EAST AMWELL TOWNSHIP PLANNING BOARD  
MEETING AGENDA  
East Amwell Township Municipal Building  
1070 Route 202, Ringoes, NJ 08551  
May 15, 2022 @ 7:00pm**

**I. CALL TO ORDER**

The meeting was called to order at 7:00 p.m.

**II. FLAG SALUTE**

**III. STATEMENT OF COMPLIANCE/ATTENDANCE**

In Attendance: Chairman **Tim Willey**, Vice Chair Marnie Stetson, Mayor Jenna Casper-Bloom, Jamal Kadri, Town Committee Member Dante DiPirro, Nathalie Nelson, Al Nardi, Mike Mills, Emily Deadwyler, Richard Catenacci, and Breona Pirrone. Also present: Attorney Alexis Smith, Planner Susan Gruel. Excused: Engineer Paul Ferriero.

In compliance with the Open Public Meetings Act, this is a regularly scheduled meeting, pursuant to the resolution adopted on January 11, 2023, with a meeting notice sent to the Hunterdon County Democrat on January 18, 2023. A copy of the agenda for this meeting was posted to the Township website on May 12, 2023, posted on the bulletin board, and filed in the Clerk's Office on May 12, 2023.

**IV. SWEARING IN OF EMILY DEADWYLER AS OFFICIAL MEMBER**

Emily Deadwyler and Richard Catenacci were sworn in by Attorney Alexis Smith, Esq.

**V. REVIEW OF AGENDA**

**VI. CITIZENS PRIVILEGE TO SPEAK ON ITEMS NOT ON THE AGENDA**

Francis Gavigan, East Amwell Resident, got up to speak about solar green houses in the town that she was informed will be moving forward. She asked for the Planning Board to introduce some ordinance that would incorporate the dark skies, protecting viewsheds as a resource, and identifying the difference between farming and factory farming. She also asked the Board to consider greenhouses on properties that suffer from 100 year flooding; she explained that is a concern of hers.

Diane Griffith, East Amwell resident, mentioned a US1 newspaper article that speaks highly of EA and Tewksbury's light ordinances.

Mr. Catenacci asked Ms. Gavigan if she is aware of any immanence to the Solar Farm being built. Ms. Gavigan explained that the NJDEP had sent a letter to owners of properties within two hundred feet of the solar farm. Her friend received the letter and she was relaying the information to the Board.

Chairman Willey notified the Board that the entity that holds ownership of the solar farm has had communication with the Superintendent at the school. The owner is seeking to apply for a grant that would provide solar power to a nonprofit, and that is why the company had reached out to the Superintendent.

Vice Chair Stetson recommended that the Board discuss what ordinances should be in place to protect the town against mega structures.

Further discussion was held on the topic and whether this topic should be included in the reexamination report. When asked for professional opinion, Planner Susan Gruel explained the reexamination report will touch on the topic, but she would like to wait until her presentation to discuss how the reexamination report is implemented.

Mr. Nardi motioned to close the meeting to the public, Ms. Nelson seconded the motion.

## **VII. PRESENTATION OF MINUTES**

1. March 9, 2022 Regular Meeting Minutes
2. April 17, 2023 Regular Meeting Minutes
3. April 13, 2022 Regular Meeting Minutes - carry
4. June 8, 2022 Regular Meeting Minutes – carry
5. July 13, 2022 Regular Meeting Minutes – carry
6. August 10, 2022 Regular Meeting Minutes – carry
7. September 14, 2022 Regular Meeting Minutes – carry
8. September 29, 2022 Special Meeting Minutes– carry
9. October 12, 2022 Regular Meeting Minutes- carry

Vice Chair Stetson motioned to approve the March 9, 2022 Meeting Minutes, the motion was seconded by Mr. Mills. All were in favor.

Recused: Mayor Jenna Casper-Bloom, Town Committee Member DiPirro, Mr. Kadri, Mr. Nardi, Ms. Deadwyler, Ms. Pirrone, and Mr. Catenacci.

Ms. Deadwyler motioned to approve the April 17, 2023 Meeting Minutes. The motion was seconded by Mr. Nardi. All were in favor.

Recused: Mr. Mills and Mr. Catenacci.

## **VIII. RESOLUTIONS FOR APPROVAL -**

None

## **VIII. NEW BUSINESS -**

1. DISH Wireless, LLC  
14 Stoney Brook Rd.

Block: 40 Lots: 41.01  
Sourland Mountain

### **MINOR SITE PLAN APPROVAL**

Attorney Nicholas Cuce introduced himself as the representative for DISH Wireless, LLC for minor site plan approval. DISH Network is a satellite company that purchased Spectrum through the

FCC. DISH Wireless, LLC is currently building out their network, similar to how Metro PCS began. He explained that DISH Wireless, LLC plans to predominantly use existing structures rather than put up new towers as they build out their network.

The DISH Wireless, LLC application in front of the Board is a colocation on an existing tower at 14 Stoney Brook Road. Attorney Cuce stated for the record that the taxes have been paid to date. Attorney Cuce then directed the Board's attention to the affidavit of notice in exhibit A-2 showing all notices were properly sent. He continued to explain that exhibit A-3 authorizes Riley, Riper, Hollin & Colagreco to be in front of the Board on behalf of the application. Exhibit A-3 is a license in place to authorize the firm to represent their client on this application, as the land is owned by American Tower Corporation.

Attorney Cuce explained this property has a 328 foot tower in existence. The tower has multiple carriers, as well as emergency services located on it. DISH Wireless, LLC intends to colocate their facility at a height of 267 feet, with equipment at the base. There will be no extension of the tower, and no expansion of the ground fence compound.

Attorney Cuce explained that initially this application appeared to be under Federal legislation 6409. While working with the Township, the applicant recognized there is a zoning ordinance in place that required the applicant to present the minor site plan application to the Board.

Radio frequency Engineer, Mr. Andy Peterson, and Engineer Peter Smith were sworn in to provide testimony in the DISH Wireless, LLC application by Attorney Alexis Smith.

Engineer Peterson reviewed his qualifications and was accepted as an expert witness in Electrical Engineering.

Engineer Peterson's role in regards to this application pertains to looking at DISH's planned network in the area as they launch their Philadelphia network. DISH Wireless, LLC intends for this facility to be able to compensate for lack of coverage in their planned network. Using Exhibit A-4, Engineer Peterson explained how he used propagation modeling software to demonstrate what areas will be covered by the proposed improvements to the existing tower. DISH Wireless will be able to provide service for a large portion of the area by activating the proposed antennae on the tower that already exists.

More people rely on cell phones; it is estimated more than 70% of adults rely on cell phone calls, and 90% of emergency calls originate from cell phones.

Using Exhibit A-5, Engineer Peterson explained that the electromagnetic emissions compliance report conducted by SiteSafe concludes that the tower will be safe under FCC guidelines for both existing and proposed antennas on the tower.

Town Committee Member Dipirro asked if the process followed in the Electromagnetic emissions report uses regulations imposed by the FCC. Engineer Peterson confirmed that the regulations are all implemented by the FCC.

Peter Smith reviewed his qualifications and was accepted as an expert witness in Architectural Engineering. Attorney Cuce then asked Engineer Smith to describe the site and the proposed changes.

TC Member DiPirro asked to clarify that the dark section is the only part that has changed, Engineer Smith confirmed that is accurate. TC member DiPirro further asked if the concrete platform was already there. Engineer Smith explained the concrete pad is a gravel base that already exists and directed the Board's attention to Exhibit A-3 that shows the existing platform is approximately 1.3% above grade.

Chairman Willey asked to clarify if the satellite would be placed on both towers or only one. Engineer Smith responded it would only be one tower.

Mr. Catenacci asked about a possible photo simulation. Ultimately it was determined that a simulation is not essential. TC Member DiPirro asked how big the drums are that are currently there. Engineer Peterson stated that they are usually 6 ft diameter.

TC Member DiPirro asked how many more drums would be added. Engineer Smith responded that there would not be additional drums, rather this would be an antennae. In regards to the size, Engineer Peterson stated they are equivalent to the size of a shoe box but elongated and that they would be hard to see from the ground.

Attorney Cuce asked Engineer Smith to read the waivers requested into the record.

It was discussed that the applicant would have to seek any and all necessary approval from officials pertaining to construction.

TC Member DiPirro motioned to open the meeting to the public to ask questions of DISH Wireless, LLC experts. Ms. Nelson seconded the motion.

Diane Griffith, EA resident, stated several buildings are at the base of the property along with a substantial gate. The gate is 50 feet from Stoney Brook Road. She stated the light spills off of the American Tower Corporation property. It is brilliantly bright from her property approximately 500 ft from the light source. It is mounted above a door on a building completely enclosed by a metal fence. She had concerns that the light might violate local lighting ordinances. She requested that the application be approved conditionally upon American Tower addressing these issues about the lighting.

TC Member DiPirro asked the applicant if their lease agreement allows them in any way to do anything about the lighting issue. Attorney Cuce testified the applicant would not have the ability to address those issues under their lease agreement.

Chairman Willey said he will reach out to the zoning officer about the lighting.

Arthur Slack, East Amwell resident, stated it was a microwave relay tower when he first moved here. He asked the Engineers how many outfits are on that tower now. Engineer Smith responded that his company does not have that information, as it could be a variety of different entities, and emergency services are right up at the top of the tower.

Freda Routh, East Amell resident, stated she is a neighbor of the tower. She goes away for the winter. When she returned home this spring, the tower looked completely different than it did last summer. She wants to know if there have been any other changes. Chairman Willey stated that no other applications for this tower have come before this Board.

TC member DiPirro asked if the Planning Board professionals have looked at the tower or the site as part of this application, Chairman Willey replied that they had not. TC member DiPirro said that the Board professionals should be asked to review every application and provide analysis and recommendations to the Planning Board.

Motion was made by Vice Chair Stetson to close to the public questions. The motion was seconded by Ms. Nelson.

Ms. Pirrone asked how the applicant would place the additional antennae on the tower at 267 feet and what type of equipment would be used. She was informed that would be considered when applying for the building permit. Chairman Willey added that steel pads will likely be brought in for stabilization sake and then removed upon completion. He commented that the equipment will not veer off of the path because their equipment might get stuck.

Mr. Catenacci asked if there is an account of the cumulative effect of the Electromagnetic emissions to residents. Engineer Smith directed Mr. Catenacci to exhibit A-5 which shows the cumulative effect of all antennas with an inventory of everything on the tower. Engineer Smith answered further questions regarding the projected energy displayed in the diagram on exhibit A-5, regarding the elevation of the antennae and ground level exposure.

Attorney Cuce explained that leases with tower owners relate to replacement and modifications. The language in an ordinance dictates how the renter proceeds in regards to coming back before the Planning Board for augmentations. If the ordinance does not address continued work being done, it can be revised to include it.

A motion was made to approve the minor site plan with the list of waivers for DISH Wireless, LLC by Mr. Nardi. The motion was seconded by Mr. Mills.

TC member DiPirro stated that he would be more comfortable with reports from the Planning Board professionals regarding the limited review that would be applicable to this application.

Attorney Smith provided clarity regarding the site plan requirements for a wireless communication tower for the purposes of voting. The information requirements of the applicant pertaining to this application must contain a report from a qualified expert, and that report must contain a description of the tower and technical explanation in regards to tower height and design; It must include documentation that there is sufficient structural integrity, and meets the safety design and requirements and margins from the FCC requirement; General type of tower and the number of antennas it is designed to accommodate; Order of commitment shall include a stipulation on the lease, excess space on the tower and other potential users at prevailing rates, which is the lease that was provided within the application.

Attorney Smith also stated she would include a condition of approval that states the applicant must seek any and all approval from appropriate authorities, as is a general condition of all resolutions.

Roll Call was made.

Aye : Chairman Willey, Vice Chair Stetson, Mayor Jenna Casper-Bloom, TC member DiPirro, Ms. Nelson, Mr. Nardi, Mr. Mills, Ms. Deadwyler.

All were in favor.

## **IX. UNFINISHED BUSINESS**

### **1. Master Plan Reexamination Report**

Chairman Willey explained that Planner Gable has resigned and the owner of Heyer, Gruel and Associates, Susan Gruel was at the meeting to present the Master Plan Reexamination Report. TC member DiPirro commented that Planning Board agendas need to provide adequate notice to the public. Here, the agenda item “Master Plan Reexamination Report” did not inform the public what would happen at the Board meeting and what Board action was contemplated. If it was to be a public hearing, the agenda needs to include the words “public hearing.”

Attorney Smith stated that the Board could proceed with a public hearing today and then continue the hearing to next month. She added that if there is a continuation, the noticing will only be required again if the content of the reexamination report changes. Vice Chair Stetson asked Board members to contact the Chair if there is any confusion pertaining to the agenda prior to the meeting.

Planner Gruel continued to explain what the Master Plan Reexamination Report is set to accomplish. It is a policy planning document; it is neither ordinance, nor law, it is policy. She explained that the Planning Board determines land use policy, but the governing body implements that policy through ordinances. When the Governing Body passes an ordinance, it comes back to the Planning Board as a referral, basically to determine if it is substantially consistent with the Master Plan.

The documents that she has reviewed, including the draft Reexamination Report, reflect that the core of what the Planning Board is doing as policy, to the extent possible, preserves farmland and open space. That is the most significant policy goal. A number of different approaches can be taken to achieve that policy goal. It can be done through capital projects, such as purchasing property, or it can be achieved through ordinance to ideally implement the objectives of the Master Plan.

Planner Gruel explained that the last Reexamination Report had been completed in 2013, and passing one in 2023 would statutorily comply with the State law that a reexamination report must be completed within every 10 years. The Reexamination Report reflects on the previous policy and offers a chance to think about what has happened in the interim. What has been done to address the previous plan’s objectives? Are there new objectives to be addressed?

Planner Gruel noted that a new provision in the Reexamination Report addresses electric vehicles and how the municipality will comply with the new requirements pertaining to electric vehicles. The report also highlights recommended changes to the Master Plan or the Land Development Ordinance proposed in the reexamination report under Section D. One is to adopt a comprehensive Circulation Plan Element, and there are specific recommendations associated with adopting the Element. The other recommendation is to update the Historic Preservation Plan within an Element. The report also recommends updates for the Farmland Preservation Plan Element, which is important to East Amwell given the emphasis on preserving farmland. Farmland Preservation is contingent on the SADC standards, and a number of those standards have changed. The Element doesn’t necessarily affect ordinance, rather sometimes the element

helps determine where the Township gets the money from. The Township has an open space tax, but getting the Farmland Preservation Plan Element updated could help leverage money.

In addition to the above, the report also includes a recommendation to create a land use plan for the Amwell Valley Agricultural District and the Sourland Mountain District. They are two key districts that reinforce your emphasis on farmland, open space, and environmental consideration. Stormwater management is discussed because the rules have changed through the DEP. A Climate Hazard Vulnerability Assessment is a new recommendation that helps communities become more resilient. Hunterdon County has done a new Hazard Mitigation Plan and this recommendation builds off of the County's plan.

The recommended changes to the ordinance includes clearly identifying what is an agricultural use and how it relates to warehousing, and making sure that is very clear. It will eliminate confusion about "what is agricultural." The dark sky ordinances, because what you see in downtown Ringoes Village is not necessarily what the Township would want to appear in the Sourland Mountain District, and it helps protect the Township's rural character.

Some other recommendations are regarding open space properties, riding trails, shared driveways, deer fencing, and updating the Natural Resources Inventory (NRI). This will provide East Amwell with a foundation to use and explain how the Township is making decisions and how variables affect the Township's policy.

Mr. Catenacci asked for clarification regarding the information that would be provided within this report and how every Element was only touched upon. Planner Gruel explained that the Elements within a Master Plan Element address the details of the report. Within an Element you could find the recommendations for potential rezoning, design standards, by no means would touch upon increased density, but it may plan for more cluster development or shared driveways. A Circulation Plan would be very detailed in regards to what would be recommended by ordinance. Once the Elements are adopted, then the Board will need to determine what regulatory components will need to be implemented, an example of this could be a change of lot coverage. The recommendations are then given to the Governing Body by the PB to adopt the ordinances. Typically, the Reexamination Report should not get into the details for policy that would be discussed further in an Element. The Reexamination Report should only touch upon the existing Master Plan with the new pertinent information collected from regional authorities.

Mr. Catenacci also asked about Farmland Preservation. He stated the Township does not necessarily differentiate between family-owned farms as opposed to commercial farms, at this time. He thinks this is something that needs to be addressed very specifically. Planner Gruel recommended his concerns should be addressed in the Farmland Preservation Plan update. She explained the Township will want to go to the State with the information, as East Amwell has been very successful and it shows by the amount of preserved farmland and open space. She further explained in the Element the Planning Board will want to determine the priority sites for farming, farmland preservation and open space. That is when you get into that level of detail. For the Reexamination, the PB should avoid including too much detail. Mr. Catenacci asked if the Board should split into subcommittees to get these objectives accomplished. Planner Gruel responded that it would be up to the Board on how they would like the process to work. The Reexamination Report will only help to give the Township guidance.

Motion was made to open to questions from the public by TC member DiPirro, motion was seconded by Ms. Nelson.

Ms. Glorianne Robbie, Ringoes resident, testified she had been involved with the Farmland Preservation Committee when it was initiated by the Mayor and Township Committee in the 1980s. She warned that the process takes a lot of time. She had gone into the field with the SADC to find out what they thought about particular pieces of land. If she had a willing farmland owner, then the old committee would ask the SADC what they thought, because the SADC has the money and it would have to give the approval for preservation. The County was not initially keen on farmland preservation, but there was a referendum on the ballot and it won overwhelmingly. She recommended the Board give directives to the Township committees to follow the recommendations within the Reexamination Report.

Frieda Routh, Ringoes resident, would like the Report to revisit the Dark Sky ordinance. She stated her concern regarding LED lights remaining on because they last so long. She also stated that a lot of new residents have built houses that they are very proud of, so they shine lights on their beautiful house. That is okay if they are having a party on a Saturday night but she is dismayed that the lights remain on all night. She is concerned about what businesses would be allowed within the Ringoes Village. Lastly, she spoke about the devastation of the Emerald Ash Borer and how the recovery process in her yard included not mowing. Ms. Routh also spoke about home businesses. She thinks a lot more people are working from home and she has concerns about circulation in Ringoes Village.

Noelle Wiggins, East Amwell resident, spoke to town officials and other interested parties dealing with buildings in historic districts. Some towns are now requiring licensed historic design architects for the construction of houses. She would like this included in the Report. She wants E-106 forms to be required if someone builds on a historic property. She also asked if the Clawson House and 20 John Ringoes Road had been added to the Historic Preservation Element of the Master Plan.

Diane Griffith, East Amwell resident, thinks delegation to the committees will be necessary in order to address applications and planning for the Planning Board. She emphasizes reliance on the planning experts to provide some planning basics to provide a gameplan to work with.

Linda Ranft, East Amwell resident, asked whether the Governing Body is the Planning Board or the Township Committee. She was informed the Township Committee is the Governing Body. Her next question was regarding the elected officials who were elected to keep East Amwell rural, and why the Board continues to talk about development. She had a further discussion with Planner Gruel regarding prioritizing items within the Reexamination Report, and what recommendations were made to make the Report meet statutory requirements. Some topics discussed include how Climate Change Resilience is a new provision that must be looked at according to the state, and how a historic overlay provides policy basis to help make decisions regarding a Historic Preservation Element.

Francis Gavigan, East Amwell resident, spoke about the general challenges she experienced regarding volunteers and committees. Ms. Gavigan asked about more potential communication between the Historic Preservation Committee and the construction department in West Amwell to ensure requirements are met for a historical account of the Township plan. She would also like the Board to take a look at environmental risks and have a plan to eliminate potential wildfire along with recommendations for frontage viewscales.



Ms. Deadwyler motioned to close to the public. Ms. Nelson seconded the motion.

Chairman Willey asked for a motion to continue the Master Plan Reexamination Report Public Hearing to the June 20, 2023 meeting date without any further notice. A motion was made by TC member DiPirro and seconded by Mr. Nardi. Attorney Smith reiterated that no further notice would be provided for the Reexamination Report to be continued to the June 20, 2023 meeting, starting at 7 p.m. at 1070 Rte 202/31, Ringoes, NJ. Mayor Casper-Bloom asked that the secretary provide a Newsflash weekly to the residents of East Amwell.

#### **IX. ITEMS FOR DISCUSSION**

1. Farmland Preservation Plan – Mr. Mills informed the public that the Farmland Preservation preliminary draft plan had been submitted for funding. It was conditionally approved. East Amwell could acquire funding as long as they work on the conditional requirements.
2. Invoices - The Board approved all invoices.
3. Mr. Catenacci agreed to serve as a liaison to the Historical Preservation Committee.

#### **X. ORAL REPORTS**

1. FOSPC- Nothing additional to report.
2. ENVIRONMENTAL COMMISSION - Vice Chair Stetson reported that the Green Scene was a success from both a community building perspective and an educational perspective. The Environmental Commission gave out over 650 trees. Deer proofing was provided to residents. Mike Van Clef from New Jersey's STRIKE team will be coming to speak at the May 22, 2023 EA Environmental Commission meeting.
3. AGRICULTURAL ADVISORY COMMITTEE - Mr. Mills had nothing to report
4. PB SECRETARY - Ms. Panos had nothing to report.
5. PB CHAIR - Chairman Willey congratulated Ms. Panos on completing the Rutgers certification for the Planning Board Secretary position and commended the Environmental Commission on the Green Scene event.

**XI. OPEN TO THE PUBLIC** - Mr. Nardi motioned to open to the public. Ms. Nelson seconded the motion.

Diane Griffin, East Amwell resident, asked how minutes from last year can be provided with only a few remaining Board members. Chairman Willey explained that the Board was without a secretary for an extended period of time and the current secretary is working to get caught up on the previous minutes. Attorney Smith explained that as long as the Board has one member who served on the Board during the meeting to approve the minutes, the vote would act in the affirmative to pass them as official minutes. At this time, the minutes could continue to be carried until they are completed.

Freida Routh, East Amwell resident, asked about the time-frame for publishing the PB agenda.

Glorianne Robbi, East Amwell resident, asked whether there is an active FOSPC Committee, and she was informed by Mr. Mills that it is still active. She also asked if there was a functioning Ag Advisory Committee. Chairman Willey confirmed that there is, and that all information pertaining to their meeting

dates can be found on the Township's website. She was also informed that the Ag Advisory Committee will be off for the next two months because of the farming season.

Francis Gavigan, East Amwell resident, wanted to thank Heyer, Gruel and Associates for the Reexamination Report. She also wanted to commend Planner Elena Gable for her time putting it together.

Mr. Nardi motioned to close to the public, Ms. Nelson seconded the motion.

**XII. CORRESPONDENCE - None**

**XIII. ADJOURN - A motion was made to adjourn the meeting by Vice Chair Stetson and seconded by Mr. Nardi.**

The meeting was adjourned at 9:56 p.m.