

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
Reorganization – January 17, 2012**

The West Amwell Township Planning Board meeting was called to order at 7:30 PM by Attorney Shurts followed by the salute to the flag.

The following statement of compliance with the Open Public Meetings Act as listed on the meeting agenda was read into the record by Attorney Shurts: This meeting was called pursuant to the provisions of the Open Public Meetings Act. This meeting was included in a list of meetings transmitted to the Hunterdon County Democrat and Trenton Times on January 27, 2011. Notice has been posted on the bulletin board at Town Hall on January 12, 2012, and has remained continuously posted as to required notices under the Statute. A copy of this notice is available to the public and is on file in the Office of the Planning Board and Township Clerk.

The following general policy statement of the Board was read into the record by Attorney Shurts: The Board's general policy is to end the presentation of testimony on applications by 10:30 PM and to conclude all Board business by 11:00 PM. When necessary, the Chair may permit a reasonable extension of those time limits.

The meeting was recorded via digital recording system and a copy of the CD is on file in the Office of the Planning Board.

Oaths of Office – Appointed/Reappointed Members

Attorney Shurts administered the following oaths of office:

- Class I – George Fisher – 1 year term (exp. 12/31/12)
- Class II – Lonnie Baldino – 1 year term (exp. 12/31/12)
- Class III – Zach Rich – 1 year term (exp. 12/31/12)
- Class IV – Joan Van der Veen – 3 year term (1/1/12 – 12/31/14)
- Class IV – John Haug – 4 year term (1/1/12 – 12/31/15)
- Class IV – Rob Tomenchok – 4 year term (1/1/12 – 12/31/15)
- Class IV – Chester Urbanski – 4 year term (1/1/12 – 12/31/15)
- Alt. #1 – Nella Hamtil – 2 year term (1/1/12 – 12/31/13)
- Alt #2 – Theodore Hills – (unexpired 2 year term 12/31/12)

Attendance – Roll Call

Present: Lonnie Baldino
Stephen Bergenfeld
George Fisher
Zach Rich
Hal Shute
Rob Tomenchok
Chester Urbanski
Joan Van der Veen
Nella Hamtil – Alt. #1 (*arrived at 7:40 PM*)
Ted Hills – Alt. #2
Attorney Shurts

Excused: John Haug

Nominations/Appointments

Nominations

Attorney Shurts asked for nominations for the Board's Chairman. A motion by Urbanski, seconded by Shute to nominate Rob Tomenchok as the Board's Chairman was made. Hearing no other nominations, a motion by Fisher, seconded by Rich to close the nominations was unanimously approved. The Board unanimously approved Mr. Tomenchok's nomination by voice vote and congratulated him. Chairman Tomenchok took over the meeting.

Chairman Tomenchok asked for nominations for the Board's Vice Chairman. A motion was made by Urbanski to nominate Joan Van der Veen as the Board's Vice Chairman. Ms. Van der Veen thanked Mr. Urbanski for the nomination but declined the position. Hearing Ms. Van der Veen's comment, the motion was not seconded and subsequently withdrawn. A motion by Fisher, seconded by Rich to nominate Chester Urbanski as the Board's Vice Chairman was made. Hearing no other nominations, a motion by Fisher, seconded by Rich to close the nominations was unanimously approved. The Board unanimously approved Mr. Urbanski nomination by voice vote.

Appointments

A motion by Rich, seconded by Bergenfeld to appoint Maria Andrews as the Planning Board Secretary was unanimously approved by voice vote.

A motion by Van der Veen, seconded by Urbanski to appoint Ruth Hall the Deputy Planning Board Secretary was unanimously approved by voice vote.

Appointments – Subcommittees

It was noted that the following Planning Board Members will serve on the By-Laws Subcommittee: Chester Urbanski, John Haug and Nella Hamtil. Mr. Urbanski asked for a copy of the Planning Board's current By-Laws. Ms. Andrews noted she would provide the By-Laws to the subcommittee.

It was noted that the following Planning Board Members will serve on the Subdivision Subcommittee: Hal Shute, Rob Tomenchok and Lonnie Baldino.

Approval of Bill List

A motion by Urbanski, seconded by Fisher to approve the vouchers for payment as listed on the 1/17/12 bill list was unanimously approved by roll call vote.

Reorganization Resolutions

Resolution PB#2012-01: Consent Agenda was discussed. Mr. Tomenchok explained a consent agenda allows the Planning Board to adopt several items at once, if there is a desire to do so. Mr. Hills asked for further clarification. Mr. Tomenchok explained that a consent agenda allows the Board to act on a number of items at the same time with the ability to pull out any item that may prompt a complaint or question for further discussion. A motion by Fisher, seconded by Rich to approve Resolution PB#2012-01: Consent Agenda was unanimously approved by voice vote.

A motion by Bergenfeld, seconded by Van der Veen to approve Resolution PB#2012-02: Meeting Schedule was unanimously approved by voice vote. It was noted that the Planning Board will continue to meet on the third Tuesday of each month at 7:30 PM.

A motion Fisher, seconded by Van der Veen to approve Resolution PB#2012-03: Designation of Official Newspaper was unanimously approved by voice vote. It was noted that the Planning Board's official newspaper will be the Hunterdon County Democrat which is a weekly newspaper and the Times of Trenton which is a daily newspaper. Mr. Shute referred to a bill that he believed was passed by the legislature allowing Township's to bypass public notice but he indicated he was not sure whether or not the Governor had actually signed it. Mr. Rich indicated the bill has not yet been signed.

A motion by Van der Veen, seconded by Hamtil to approve Resolution PB#2012-04: Appointment of Bill Shurts as the Planning Board Attorney for 2012 was unanimously approved by roll call vote. It was noted that Attorney Shurts's contract will be on next month's agenda for approval.

It was noted that Resolution PB#2012-05 to appoint a Planning Board Engineer was opened for discussion. Ms. Hamtil asked about whether or not the Board's professionals charge for mileage/travel time to the meetings. Ms. Andrews commented that she believes Planner Hintz and Attorney Shurts both waived their mileage reimbursement as a courtesy because they live close by in the Lambertville/Stockton area. It was noted that Van Cleef Engineering in Lebanon currently charges travel time and Maser Consulting who may be considered as the new Planning Board Engineer will also charge for travel time from their Clinton, NJ offices.

Mr. Shute noted that Maser Consulting was appointed by the Township Committee as the Township Engineer. Attorney Shurts suggested this discussion be tabled and advised the Planning Board to go into executive session later in the meeting to discuss the appointment of the Planning Board's Engineer position. A motion by Rich, seconded by Urbanski to table the discussion and the approval of Resolution PB#2012-05 for the moment was unanimously approved.

A motion by Rich, seconded by Urbanski to approve Resolution PB#2012-06: Appointment of Clarke Caton Hintz as the Planning Board Planner for 2012 was unanimously approved by roll call vote. It was noted that Planner Hintz's contract will be on next month's agenda for approval. There was some discussion on whether or not to request Planner Beth McManus attend the Planning Board meetings or Planner Carl Hintz. The consensus of the Board was to have Planner McManus attend the Board's meetings unless a matter requiring Planner Hintz's attention should arise.

Applications

It was noted that there were no applications listed on the agenda for public hearing this evening.

Resolutions for Approval

It was noted that there were no other resolutions listed on the agenda for approval this evening.

Unfinished Business

Discussion – Section 109 Schedule 3 – Schedule of Permitted Uses – Status Update

Mr. Baldino commented that the subcommittee had revised the current schedule to include a more detailed listing of permitted uses and he expressed support for the amended changes.

A motion was made by Van der Veen and seconded by Urbanski to forward the amended schedule of permitted uses to the Township Committee for introduction with additional language added indicating the listing is not completely comprehensive and correcting the language to indicate that solar and wind facilities are allowed uses, not conditional uses, in the Light Industrial zone. The motion was approved by voice vote with Mr. Rich abstaining.

Discussion – Section 109-4 Definitions – Status Update

Mr. Baldino noted he is currently still working on revising some definitions in Section 109-4.

Discussion – Draft Preserved Properties Map – Status Update

Mr. Shute indicated he will continue working on completing the updates to the preserved properties map in his capacity as a member of the Open Space Committee.

New Business

Discussion – Possible Preservation of Toll Property

Mr. Shute explained that as an Economic Plan is being developed for the Township, one of the things being discussed is the consideration of the economic impact of preserving properties. He commented that the Finance Committee indicated that preservation is good but wanted to discuss the possibility of retaining some commercial frontage on the Toll property rather than preserving the entire parcel. Mr. Urbanski was supportive of the idea. Ms. Van der Veen was concerned that the proposal may jeopardize the entire preservation project. Mr. Shute and Mr. Rich indicated the proposal was just a thought at the moment and commented they didn't know whether or not it would hinder the preservation on the site.

Mr. Shute commented that Toll had decided that they wanted to preserve the site but recently revisited the thought. Ms. Van der Veen commented that she believed this project was a priority preservation site with the County and the State and that the funding for it was already worked out.

Mr. Rich clarified that he was just trying to get a feel for whether or not the proposal to retain a portion of the frontage for commercial use would be amendable to the Planning Board or not. Chairman Tomenchok suggested a poll of the members be taken. The following comments were noted:

Mr. Hills: In favor of the concept of retaining a portion of the Toll parcel frontage for commercial use

Ms. Van der Veen: Uncomfortable with the concept

Mr. Urbanski: In favor of the concept of retaining a portion of the Toll parcel frontage for commercial use

Ms. Hamtil: In favor of the concept of retaining a portion of the Toll parcel frontage for commercial use

Chairman Tomenchok: In favor of the concept of retaining a portion of the Toll parcel frontage for commercial use

Mr. Rich: In favor of the concept of retaining a portion of the Toll parcel frontage for commercial use

Mr. Baldino: Uncomfortable with the concept commenting that preservation is part of the Master Plan

Mr. Shute: In favor of the concept of retaining a portion of the Toll parcel frontage for commercial use

Mr. Fisher: In favor of the concept of retaining a portion of the Toll parcel frontage for commercial use

Mr. Bergenfeld: In favor of the concept of retaining a portion of the Toll parcel frontage for commercial use

Chairman Tomenchok asked Attorney Shurts if retaining a portion of the frontage on the Toll parcel for commercial use was legal. Attorney Shurts indicated the matter is not a legal one but rather a planning one. He commented that there is no reason not to explore the concept and he noted the Master Plan can be amended.

Correspondence

Chairman Tomenchok reminded everyone to turn in their citizen volunteer forms and he remarked that there is mandatory training for Planning and Zoning Board members available in February and March that is being offered relatively locally. After some discussion, it was noted that Ms. Andrews will register Chairman Tomenchok, Ms. Hamtil and Mr. Hills for the mandatory training class at Voorhees High School in Glen Gardner, NJ on Saturday 2/25/12.

Mr. Rich clarified for the record that even though the area of the Toll property being discussed is actually zoned Highway/Commercial, it could not be developed because the language in the Master Plan overrides it. Attorney Shurts commented that he doesn't agree with that interpretation and explained that the current zoning in the Master Plan requires the property owner to obtain variances. He remarked that any property owner has the right to make an application to deviate from any Township's zoning or Master Plan.

Approval of Minutes

A motion by Urbanski, seconded by Van der Veen to approve the Board's minutes from 12/20/11 as revised was approved with Mr. Bergenfeld, Mr. Rich and Mr. Hills abstaining.

Executive Session

A motion by Fisher, seconded by Bergenfeld to go into Executive Session for the purpose of discussing a personnel matter and noting that action may or may not be taken was made and unanimously approved.

Attorney Shurts was excused from the meeting at this time, 8:58 PM.

The Board went into Executive Session from 8:58 PM – 9:08 PM

A motion by Fisher, seconded by Van der Veen to return to open public session was made and unanimously approved. A motion by Van der Veen, seconded by Urbanski to approve Resolution PB#2012-05 appointing Maser Consulting as the Planning Board's Engineer for 2012 was unanimously approved by roll call vote.

Mr. Rich commented that the Township Committee would like to see relationships between boards and committees strengthen and he referenced an email that was sent out. Chairman Tomenchok read the email for the record: *Planning Board – The Environmental Commission has recently reviewed its role as an advisory body, its relationship to other boards and committees and how we might better serve our Township. The Commission feels that its members are very knowledgeable on environmental issues and environmental law. We would like to share this with you and develop a working relationship with the Planning Board as per MLUL 40:55-D-27(b). Please also be advised that in 2012 the Commission will be updating the 2008 Natural Resource Inventory. We will provide the Board with copies when it is completed. Thank you – West Amwell Township Environmental Commission.*

Chairman Tomenchok opened the floor to public comment.

Sean Pfeiffer of 74 Rocktown-Lambertville Road came forward and congratulated Mr. Tomenchok on being nominated as the Planning Board Chairman. He then clarified the following points:

1. Planner McManus does charge for her travel time to Planning Board meetings because she lives in Hamilton, NJ and Planner Hintz does not charge for travel time since he lives more local.
2. The schedule of permitted uses has not yet been reviewed by the Board's Planner or Engineer for their comments and he suggested it should be.
3. With respect to agricultural development rights easements, structures can be built on the property if they are for agricultural purposes.
4. With respect to the Township's Farmland Preservation Plan, it required approval by the State Agriculture Development Committee (SADC) and he noted that if any changes are made to it, the State must approve the revisions prior to it being adopted.
5. With regard to the Toll property, he noted Toll came in and spoke to the Township Committee in 2007 and 2008 and suggested any interested parties read the minutes from those discussions. He indicated commercial use of the property was discussed with Toll deciding they were interested in preserving the entire parcel.

A motion by Fisher, seconded by Bergenfeld to close to the public was unanimously approved by voice vote.

Adjournment

A motion by Rich, seconded by Urbanski to adjourn was unanimously approved by voice vote.

The meeting adjourned at 9:16 PM.

Maria Andrews, Planning Board Secretary