

**WEST AMWELL TOWNSHIP  
PLANNING BOARD MEETING  
March 20, 2012**

The West Amwell Township Planning Board meeting was called to order at 7:30 PM by Chairman Tomenchok 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 Chairman Tomenchok: 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 26, 2012. Notice has been posted on the bulletin board at Town Hall on March 15, 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 Chairman Tomenchok: 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 Chairman 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.

**Attendance – Roll Call**

- Present:** Lonnie Baldino  
Stephen Bergenfeld  
George Fisher  
John Haug  
Zach Rich  
Hal Shute  
Rob Tomenchok  
Chester Urbanski  
Nella Hamtil – Alt. #1  
Ted Hills – Alt. #2  
Attorney Shurts
- Excused:** Joan Van der Veen

**Approval of Bill List**

A motion by Haug, seconded by Urbanski to approve the vouchers for payment as listed on the Board's 3/20/12 bill list was unanimously approved by roll call vote.

**Resolution of Approval**

**PB#2012-07: Bender Realty – Block 8 Lot 23.01 – Minor Site Plan Approval with Variances**

A motion by Urbanski, seconded by Bergenfeld to approve Resolution PB#2012-07 as revised was approved by roll call vote.

## **Applications**

It was noted for the record that there were no applications listed on the agenda.

## **Unfinished Business**

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

Mr. Baldino noted that he is currently working with Planner McManus on final review of the schedule and indicated it will likely be ready for the Board to review at their 4/17/12 meeting.

### **Discussion – SHREC Update**

Mr. Fisher commented that the South Hunterdon Renewable Energy Coop (SHREC) is trying to schedule a meeting with all of the parties but one has not been coordinated yet. He explained that SHREC entered into an auction this past week. He indicated it was an open auction to bid out all of the combined electrical usage in both Lambertville and West Amwell. Mr. Fisher said the auction was successful and the final price was in the neighborhood of 7.24 cents per kilowatt hour for one year and for two years it was around 7.49 cents. It was noted that these costs are for production only and distribution costs would have to be added which would bring the cost up to approximately 11 cents per kilowatt hour. He stated there are two important things that must be considered: (1) it will lower the Township's electrical costs substantially and (2) any electricity not associated with the solar installation will be at the rate of 7.49 cents, noting the current rate is about 17 cents.

### **Discussion – Master Plan Printing**

Mr. Urbanski suggested that two hard copies of the Master Plan should be made available for the public: One to be kept in the Planning Board office and one in the Clerk's office. He remarked that discs can be provided to anyone else who wishes to have a copy. Mr. Fisher remarked that printing costs on a small scale may be as expensive as having 15 or 20 copies made of the Master Plan. Mr. Tomenchok suggested making the Master Plan available in a pdf format and obtaining a quote from Planner McManus and possibly the County and Staples on the cost to print copies.

## **New Business**

### **Discussion – Ordinance 3, 2012: Renewable Energy Facilities**

It was noted that this ordinance was sent back to the Planning Board due to concerns raised at the last Township Committee meeting. Mr. Rich directed the Board to look at the bottom of page 1 of the ordinance and read, "Minor solar ground mounted facilities of more than 10 panels or located less than 50' from the nearest property line shall require minor site plan approval..." he explained that his contention has always been that the language forces a resident who is trying to net meter their own property to obtain site plan approval. He also noted that property owners have expressed a valid concern over being notified of such facilities being constructed. Mr. Rich suggested changing the word "or" to "and" noting it changes the whole sentence: "Minor solar ground mounted facilities of more than 10 panels and located less than 50' from the nearest property line shall require minor site plan approval." He remarked that this will ensure that a neighboring property owner will get notified if a solar facility will be less than 50' off of the property line. The Board agreed with the suggested change in language. It was noted that this change will need to be made on page 2 of the ordinance as well for consistency.

A motion by Urbanski, seconded by Bergenfeld finding Ordinance 3, 2012 as revised, consistent with the Master Plan and recommending adoption by the Township Committee was made and unanimously approved by voice vote.

### **Discussion – Establishing an Inspection Escrow Fee (per the recommendation of Engineer Burr)**

Mr. Baldino commented that he supported establishing an inspection fee escrow and explained that the Township currently has no mechanism for payment of the Engineer to ensure that things are compliant with development approvals.

Chairman Tomenchok expressed concerns with the sample Delaware Township inspection fee ordinance provided by Engineer Burr and said he believed the document to be draconian. He asked if this was within the Planning Board purview or if inspection fees were a matter for the Township Committee to address. Mr. Fisher commented that the Planning Board can recommend the ordinance and the Township Committee can adopt it.

After some discussion, Mr. Fisher suggested the Planning Board request Engineer Burr provide an ordinance more applicable to West Amwell Township. Mr. Rich remarked that he will follow up with Engineer Burr on this matter.

### **Correspondence**

It was noted that the Board had received an email from resident Jennifer Andreoli on 2/28/12 regarding concerns she has over the Township's solar ordinance. Ms. Andreoli was present at the meeting and came forward to address the Board. She expressed that she believes the solar ordinance is not as restrictive as it could be and commented that many residents were not even aware that such an ordinance was being drafted. She indicated she was hoping there was a way to open up dialog for involving members of the community regarding some changes they would like to see implemented into the ordinance.

Chairman Tomenchok remarked that no decisions are made in a vacuum or made privately and he noted that all of the ordinances go through multiple public hearings across multiple boards. He indicated the solar ordinance started at the Environmental Commission level and then went back and forth between the Planning Board and Township Committee and was even discussed by the Finance Committee. Chairman Tomenchok remarked that there were multiple opportunities for public comment and expressed that it's unfortunate that people become aware of something after there is a problem and indicated that the Board is always open for suggestions.

Ms. Andreoli commented that even though the ordinance was discussed openly at several meetings doesn't mean that it can't be amended because many residents are concerned about buffering after hearing the two solar applications that were being proposed. She stated 50' of buffering is not a lot and explained that requesting the buffering provide 75% screening within 5 years is a long time for residents to wait. Ms. Andreoli remarked that even though there are no studies on the impact solar has on home values, she believes solar will have a negative impact on home values making screening very important.

Mr. Urbanski suggested a subcommittee of the Planning Board be formed to consult with the Environmental Commission to address the concerns outlined in Ms. Andreoli's email. Mr. Rich added that Ms. Andreoli needs to stay involved in the process. Chairman Tomenchok remarked that it is important to note that the Planning Board cannot make any promises but will continue to maintain open communication and stated it is of paramount importance that the Township's residents get involved and speak up and help plan the vision for the community.

Mr. Shute commented that there was some concern expressed last year over the Planning Board forming subcommittees that included people who were not members of the Board.

A motion by Urbanski, seconded by Bergenfeld recommending the Township Committee establish an ad hoc subcommittee to review Ms. Andreoli's concerns regarding the solar ordinance was unanimously approved. It was noted that the Planning Board recommended the Township Committee appoint the following members to the subcommittee: George Fisher, Steve Bergenfeld and Nella Hamtil.

Mr. Fisher requested the Planning Board go into executive session to discuss potential litigation.

A motion by Bergenfeld, seconded by Rich to go into executive session for the purpose of discussing potential litigation was unanimously approved.

The Board went into executive session from 8:40 PM to 9:06 PM

A motion by Urbanski, seconded by Haug to return to open session was unanimously approved.

**New Business – Other**

Mr. Shute commented that they are looking for someone from each Board/Committee to provide current information to the webmaster so the Township's website can be updated. There was some discussion on including the duties and responsibilities of the Board, and possibly a listing of who currently serves on the Board. Mr. Tomenchok remarked that a common complaint is residents not being able to contact someone. He suggested there be a link to the Planning Board email address. Mr. Tomenchok explained that when he served on the school board they developed a template that was used in the event someone contacted a board member privately regarding a matter that should really be discussed in open session. He said it was helpful to have the template in place and indicated he would try to obtain a copy that the Planning Board may be able to work from. It was noted that Mr. Haug and Mr. Tomenchok will review the current webpage and provide additional suggestions.

**Approval of Minutes**

A motion by Bergenfeld, seconded by Urbanski to approve the Board's minutes from 2/21/12 as revised was unanimously approved by voice vote.

**Adjournment**

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

The meeting adjourned at 9:30 PM.

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Maria Andrews, Planning Board Secretary