

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
December 20, 2011**

The West Amwell Township Planning Board meeting was called to order at 7:30 PM by Chairman Pfeiffer 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 Pfeiffer: 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 December 15, 2011, 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 Pfeiffer: 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.

Attendance – Roll Call

Present: Lonnie Baldino
George Fisher
John Haug
Tom Molnar
Sean Pfeiffer
Hal Shute
Chester Urbanski
Joan Van der Veen
Rob Tomenchok – Alt. #1
Nella Hamtil – Alt. #2 (*arrived at 7:38 PM*)
Attorney Shurts

Excused: Stephen Bergenfeld

Approval of Bill List

There was some discussion on the \$112.50 bill from Planner Hintz's Office regarding what he referenced as the Master Plan Housing Element. Chairman Pfeiffer indicated he believes the bill is really for the Economic Plan Element. The consensus of the Board was to hold this invoice and obtain clarification from Planner Hintz.

A motion by Haug, seconded by Van der Veen to approve the vouchers for payment as listed on the bill list, except for the \$112.50 invoice from Planner Hintz, was unanimously approved by roll call vote.

Resolutions of Approval

Resolution 2011-13: Minor Subdivision/Boundary Line Adjustment Extension – Amwell Valley Conservancy/Foran – Block 7 Lots 16.01, 17 & 19.01

Attorney Shurts explained the reason for the Resolution is that the subdivision was approved 5/17/11 and the applicant's time to file the deeds lapsed on 11/23/11. He noted the applicant needs additional time to file the deeds and has requested a 60 day extension.

A motion by Van der Veen, seconded by Urbanski to approve Resolution 2011-13 as revised was unanimously approved by roll call vote.

Unfinished Business

Discussion – Renewable Energy Ordinance Definitions – Recommendations from Environmental Commission – Status Update

Chairman Pfeiffer noted that the most recent recommendation from the Environmental Commission technically changes the setback requirement for accessory use solar installations. He indicated that previously it was worded that solar systems shall be situated more than 50' from the nearest property line and shall be located within the building setbacks. After discussion by the Board, the consensus was to have the language read, "...in the case of a surface level or ground mounted system, the system shall be situated more than 50' from the nearest property boundary, shall be located within the building setbacks and consist of 10 or fewer solar or photovoltaic panels." It was noted that this wording is consistent with the State's language.

A motion by Urbanski, seconded by Fisher recommending the Township Committee amend the Ordinance was unanimously approved by voice vote.

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

Chairman Pfeiffer explained that he, Mr. Baldino and Mr. Haug had met to discuss the permitted use schedule in an effort to establish a comprehensive up to date list. He noted that under the commercial and industrial uses there are a lot of very specific listing such as jewelry fabrication and medical instrument fabrication and he commented that they believe it may make more sense to establish categories such as wholesale/retail sales, professional and commercial services and light manufacturing fabrication etc. Mr. Tomenchok suggested it may be easier to craft an exclusionary listing. Mr. Baldino commented that from his perspective as Zoning Officer, it is easier for him to work with the newly proposed permitted use list.

Attorney Shurts remarked that the problem is the new list will quickly become the old list and he noted that the common practice is not to create an exhaustive listing but rather to have general topics followed by a specific example with language stating "included but not limited to or such as."

After some discussion, the consensus of the Board was to refine the newly revised list adding shooting ranges with conditional use standards, correcting the solar and wind facilities section and adding language clarifying that the listing is not a complete comprehensive listing.

Chairman Pfeiffer asked that the Board continue to review the list and be prepared to discuss it further at next month's meeting. He asked the Board for consensus on whether or not the listing should be forwarded to Planner Hintz for his comments since there is money still left in the 2011 budget. Mr. Fisher commented that he thought it should be sent to Planner Hintz after the Planning Board had completed their work on it.

Discussion – 109-4 Definitions – Status Update

Mr. Baldino indicated he is still working on the definitions.

Discussion – State Strategic Plan

Mr. Shute commented that he provided the document to the Planning Board so everyone would be aware of its existence. He remarked about Plan Endorsement cautioning the Board not to jump into anything with the State Strategic Plan but rather to wait awhile and let it evolve.

Chairman Pfeiffer commented that the information contained on pages 32 and 33 regarding preserved land and tax rates was interesting. He asked if Tax Assessor Gill takes preservation into consideration when assessing taxes. Mr.

Fisher indicated he did not know and remarked that a return on investment analysis would be difficult to quantify. Mr. Tomenchok noted that the school had conducted such an analysis and he stated it equated to a construction savings (*on building new schools*) of approximately \$2.00 for every \$1.00 put into preservation. He also commented on tax assessment next to preserved land saying when he appealed his taxes several years ago there was a person from the Calton development also appealing because land that was to remain open within the development didn't and they received a tax break because of it.

Chairman Pfeiffer suggested it doesn't hurt to find out if Mr. Gill uses preservation as a factor when assessing property.

New Business

Discussion – Draft Preserved Properties Map

Chairman Pfeiffer commented that there are quite a few updates that need to be made to the map and he asked the Planning Board if they want him to correct it using the Open Space trust money. He noted that the map is part of the Master Plan and was last amended in 2006 and is currently missing 1500 acres of preserved land. It was the consensus of the Board that the map should be updated at some point. Chairman Pfeiffer commented that he will contact the County to see what their time frame is for updating the map since they maintain the tax map layer that the Planners use in their Geographic Information Systems (GIS) software. Mr. Fisher indicated the Township was discussing having the tax maps updated and he suggested Chairman Pfeiffer wait since the Township maps will likely be updated next year. Chairman Pfeiffer noted that tax maps and GIS maps are different.

Mr. Fisher suggested estimates be obtained on the cost of correcting the map. Mr. Tomenchok remarked that perhaps the Board can research incorporating the corrections into the tax map with some type of GIS "hook." Chairman Pfeiffer commented that in the meantime he will talk to the County and encumber the Open Space funding for work to be continued on the map next year.

Correspondence

There was discussion on the memo from Cathy Urbanski suggesting the word "suitable" be removed from the definition of environmentally critical areas contained in the Stormwater Ordinance. It was the consensus of the Board to leave the existing language intact.

Attorney Shurts was excused from the meeting at this time, 8:43 PM.

Chairman Pfeiffer noted that bids had come back on the Board's Professional's positions and he asked if the Township Committee is looking for any input from the Planning Board or assistance with interviews. Mr. Fisher indicated the Township Committee is anticipating interviewing for the Engineer's position. Chairman Pfeiffer commented that the Planning Board is ultimately autonomous and could technically hire separate professionals but he recommends taking the lead from the Township Committee because it doesn't make sense to hire different engineers. Mr. Haug commented that maintaining continuity is important and expressed support for keeping the existing professionals.

Approval of Minutes

A motion by Fisher, seconded by Urbanski to approve the Board's minutes from 11/15/11 with no revisions noted was approved with Chairman Pfeiffer, Mr. Molner, Mr. Shute and Ms. Hamtil abstaining.

Chairman Pfeiffer wished the Board happy holidays and thanked everyone for their services over the past year.

Adjournment

A motion by Baldino, seconded by Fisher to adjourn the meeting was unanimously approved.

The meeting adjourned at 8:54 PM.

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
June 19, 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 May 10, 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
Joan Van der Veen
Attorney Shurts
Planner McManus

Excused: Nella Hamtil – Alt. #1
Ted Hills – Alt. #2

Approval of Bill List

Mr. Urbanski had questions on two of the bills submitted by Clarke Caton Hintz regarding billable time for Planner McManus to attend the meetings. He also asked about her billing for two memos regarding Schedule Three. It was noted this work was between Planner McManus and the Zoning Officer for proposed amendments to Schedule Three (Schedule of Permitted Uses) in Chapter 109 of the Code. Chairman Tomenchok commented that the budget is tight and a lot of money has been spent on the Schedule Three matter. He asked if things were near conclusion. Mr. Baldino indicated he and Planner McManus are close to finalizing the proposed changes.

Planner McManus clarified that her time to attend the meetings was broken down for two different projects that were dealt with at the meeting in April. She noted .8 hours was spent discussing Schedule Three (project 5254.01) at the meeting and the remaining time and travel expenses were billed to the general category (project 5254) for a total of 3.8 hours spent at the Planning Board's 4/17/12 meeting.

A motion by Haug, seconded by Van der Veen to approve the bills for payment as listed on the 6/19/12 bill list was unanimously approved by roll call vote.

Resolution of Approval

Resolution PB#2012-08: Extension of General Development Plan: Fulper Family Farm

It was noted for the record that Mr. Shute recused himself from this matter and stepped away from the dais.

There was some brief discussion on the Resolution with two minor typographical errors noted.

A motion by Bergenfeld, seconded by Urbanski to approve Resolution PB#2012-08 as corrected was approved by roll call vote with Mr. Fisher and Ms. Van der Veen abstaining.

It was noted for the record that Mr. Shute returned to the dais at this time.

Applications

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

Unfinished Business

Discussion – Establishing an Inspection Escrow Fee – Status Update

Chairman Tomenchok noted there was correspondence from Maser Consulting on this matter. He explained that he had spoken with Engineer Burr and indicated that because the memo came in late he suggests the Board review the document for discussion at next month's Planning Board meeting. The Board agreed with tabling the matter until next month.

Discussion – SHREC Update

Mr. Fisher commented that there is no update at this point and indicated there is a meeting tomorrow evening at 7:00 PM. Mr. Rich stated they will provide an update at next month's Planning Board meeting.

Discussion – Master Plan Printing – Status Update

Planner McManus commented that she completed the printing and indicated she brought two hard copies and two CD's of the Master Plan with her this evening. Mr. Urbanski remarked that the document is titled Master Plan but stated it is not the complete Master Plan, only the most recently adopted elements. Planner McManus acknowledged that it is not the entire Master Plan and stated the document she printed fulfills the Planning Board's Municipal Land Use requirement of examining the Master Plan. She clarified it is akin to reviewing the Land Use Element which she believes is acceptable from a legal perspective. Attorney Shurts agreed.

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Ms. Van der Veen noted her concern is that if an applicant uses this document as a reference they will not have the complete Master Plan and will be misguided. Mr. Urbanski agreed and stated he doesn't believe this latest printed version should be called "The Master Plan." Chairman Tomenchok indicated the document does list what is included in it

and when each element was adopted. Ms. Van der Veen remarked that the problem is that it doesn't list what elements are not included and the updated print out does not seem to contain all of the objectives.

It was the consensus of the Board to ask Planner McManus to change the title on the cover to reflect Amendments rather than Master Plan. Chairman Tomenchok remarked that the goal will be to have a comprehensive Master Plan reprinted reflecting all of the newly adopted elements and amendments.

Planner McManus will provide new cover sheets for the printed documents as well as new CD's indicating the title change. She also suggested keeping the Master Plan in a three ring binder rather than bound because it would make future amendments easier to merge into the whole document. The Board agreed with the suggestion.

Discussion – Township Website: Planning Board Page – Status Update

It was noted for the record that there was no update on this matter at this time.

New Business

Discussion – Ordinance 12, 2012: An Ordinance to Amend Ordinance 3, 2011 Amending Chapter 109 of the Code of the Township of West Amwell – (Renewable Energy Facilities)

It was noted that the Environmental Commission had requested the reference to prohibiting Cadmium Telluride solar panels be deleted because banning them would be hard to defend. Mr. Fisher remarked that West Amwell is not in the business of determining whether or not Cadmium Telluride is an issue. He said the State and the Federal Government monitor this.

A motion by Haug, seconded by Urbanski finding Ordinance 12, 2012 consistent with the Master Plan and recommending adoption by the Township Committee to include the language deletion suggested by the Environmental Commission was unanimously approved by voice vote.

Discussion – Ordinance 13, 2012: An Ordinance to Amending Chapter 109 of the Code of the Township of West Amwell – (Stream Corridor Protection)

A motion by Urbanski, seconded by Fisher finding Ordinance 13, 2012 consistent with the Master Plan and recommending adoption by the Township Committee was unanimously approved by voice vote. Mr. Urbanski commented that he believes the changes should have been shown in bold print as they were in Ordinance 12, 2012.

Chairman Tomenchok asked if there were any other new business matters. Mr. Bergenfeld remarked that last month the Board had a resident come to discuss relocating her business and there was some discussion on whether or not the resident should have been charged for an informal meeting and he stated that he believes if a resident is seeking information they should be able to come to the Planning Board without having to pay a fee. He noted the Board pays a flat rate for the Attorney's time at the meeting anyway.

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Mr. Urbanski remarked that he agrees with Mr. Bergenfeld as long as the other Board professionals are not present and billing for their time. He noted that the Board now has an open to the public item listed on their agenda which will help address this issue.

Chairman Tomenchok remarked that the Board is here to serve the community. Ms. Van der Veen commented that there was a problem years ago when residents were taking up hours of the Planning Board's time to address proposed projects and it was costing the Township money for the professionals to sit through all of the questions. Mr. Fisher remarked that it's up to the Chairman to keep the meeting focused.

Mr. Baldino reported that he had a discussion with the State Department of Community Affairs regarding Texas Eastern and they indicated they had spoken with representatives from Spectra Energy on a similar situation. Mr. Baldino noted that the outcome of the discussion was that a determination was made that building construction permits are required for the structures housing the compressors on the Texas Eastern site as well as for other out buildings, however he indicated he cannot get anyone to put anything in writing because the State has not made an official ruling yet.

Open to the Public

It was noted for the record that no members of the public were present at the meeting at this time.

It was noted for the record that Planner McManus and Attorney Shurts were excused from the meeting at this time, 8:29 PM.

Approval of Minutes

A motion by Bergenfeld, seconded by Fisher to approve the Board's minutes from 5/15/12 as revised was approved with Ms. Van der Veen abstaining.

Adjournment

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

The meeting adjourned at 8:33 PM.

Maria Andrews, Planning Board Secretary

Inserted from <<http://www.westamwelltp.org/Planning%20Board/WATPBminutes%206-19-2012.htm>>

WEST AMWELL TOWNSHIP PLANNING BOARD MEETING May 15, 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.

Chairman Tomenchok noted that Ms. Van der Veen was excused from tonight's meeting due to a death in her family. He expressed sympathy on behalf of the Planning Board.

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 May 10, 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

It was noted for the record that the meeting agenda was re-ordered to accommodate Mr. Fulper because he had to leave the meeting early.

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Applications

Discussion – Extension of General Development Plan: Fulper Family Farm

It was noted for the record that Mr. Shute owns adjoining property and therefore recused himself from this matter and stepped away from the dais.

Mr. Urbanski commented that he has no problem with Mr. Fulper's requested extension but asked for clarification on the July 2004 date. Attorney Shurts explained that the Resolution was adopted then and granted a General Development Plan for 10 years with the provision of allowing for a 10 year extension. He noted the situation is unique and the Board will likely never have to deal with something like this again. Mr. Urbanski referenced a condition in the Resolution indicating the extension can be sought anytime after the 8th year and he asked if Mr. Fulper seeking the extension now was acceptable. Attorney Shurts remarked that the 8th year will be July of 2012 and he stated that he believes it is close enough to the 8th year for the Board to act on the matter.

Mr. Hills asked for clarification on the number of parcels associated with the Fulper Farm because he recalls seeing references to 5 lots and 6 lots. Attorney Shurts noted that there are 5 farms that make up various lots owned by the Fulpers.

Mr. Bergenfeld commented on the question raised by a member of the public last month regarding whether or not an escrow account had been established by Mr. Fulper. Mr. Bergenfeld remarked that the background information on this application which was provided by Attorney Shurts last month was very informative and beneficial to the majority of Planning Board members who were not on the Board when the application was originally brought forward. Chairman Tomenchok stated that he used his discretion and takes full responsibility for expending the funds because he believed the Board needed to be provided with the history of the application in order to understand the current request for the 10 year extension.

Mr. Haug agreed that the Fulper situation is unique but stated he believes that applicants should establish escrows and that the Board's policy ought to be that bills incurred by the Board are at the applicant's expense. Chairman Tomenchok noted he asked Mr. Fulper to come to last month's meeting and educate the Board on his prior application.

A motion by Urbanski, seconded by Bergenfeld to approve Mr. Fulper's request for a 10 year extension (through July 2024) on his General Development Plan was approved by roll call vote with Mr. Fisher abstaining.

Mr. Fulper asked for confirmation that the approving Resolution will reflect the 10 year extension along with the relief from the statute regarding the 5 year requirement. Attorney Shurts noted that everything that was granted as part of the original Resolution will be extended for another 10 year period.

Mr. Urbanski remarked for the record that he was disappointed last month when this matter was brought up with no advance notification to the Board. Attorney Shurts stated he did not receive much advance notice either and indicated that he managed to put his presentation together the day of the meeting. Chairman Tomenchok explained that he had received the information after the agenda and packets were prepared and at that time commented to Attorney Shurts that the Board needed to be brought up to speed on the Fulper matter and apologized for not sending out an email or some form of notification.

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Chairman Tomenchok noted the agenda was going to be re-ordered again to accommodate Ginny Brennan, a local business woman who wished to speak to the Planning Board regarding potentially moving her dance studio.

Mr. Rich suggested the Planning Board agenda include an open to the public section which would avoid all of the confusion with members of the public who want to approach the Board with a question or comment. Mr. Urbanski commented that if you open to the public at the beginning of the meeting you are paying the professionals for their time. Chairman Tomenchok opened the floor to the public and remarked that adding an open to the public section to the agenda could be further discussed later.

Ms. Brennan came forward and Chairman Tomenchok informed her that the Board cannot take any action and that the discussion is informal. Ms. Brennan explained that she operates the Downtown Performing Arts Center which is currently located on Mt. Airy Village Road/Route 179. She stated she has been in business for over 10 years. She started the business in Lambertville and then moved it to West Amwell. Ms. Brennan said she would like to have a home of her own for the studio. She explained they travel a lot and they do the open air theatre in Washington's Crossing and the weather is often an issue. Ms. Brennan indicated she is currently interested in two properties owned by Mr. Stroeber. She stated that her business is a non-profit organization with a great group of parents who support the proposed move but she wanted input from the Planning Board prior to spending a lot of money to purchase a building of her own.

Ms. Brennan explained that Zoning Officer Baldino had indicated they may need a use variance and she noted there will be a height issue for the fly system they wish to install for their props and equipment. It was noted that the current Downtown Performing Arts Center location is only used as studio space for rehearsals as well as for music, voice and dance lessons. She stated no performances are done at their current location. Ms. Brennan indicated the two new locations she is considering are: Music Mountain Boulevard but there are a lot of wetlands on this property and the other location is where Mr. Stroeber's current roofing business is. She stated this location is a 3000 sq. ft. cinder block building and commented that Mr. Stroeber is willing to move.

Mr. Urbanski asked why this was being discussed by the Planning Board if Ms. Brennan needs a use variance. Mr. Baldino explained that there is nothing in the Township's permitted uses that specifies a dance theatre and he noted Ms. Brennan will need site plan review for what she is proposing.

Mr. Hills asked what capacity the theatre will be. Ms. Brennan indicated 300 seats.

Attorney Shurts commented that this proposed project appears to be a Board of Adjustment matter and indicated that he would give the Zoning Board Attorney a call to confirm his determination.

Mr. Shute asked Ms. Brennan if she has approached the High School about using their theatre facility. Ms. Brennan commented that she currently uses South Hunterdon High School, New Hope High School and Hunterdon Central High School and explained that the problem is she is at the mercy of their schedules which often conflict with her needs. She also said using the high schools is expensive because she has to pay for their janitorial services as well. Ms. Brennan commented that she will follow up with Zoning Officer Baldino.

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Mr. Urbanski asked Chairman Tomenchok why the Board was not notified that this matter would be discussed this evening. Chairman Tomenchok explained that Ms. Brennan had sent an email Thursday or Friday requesting to run the dance studio move by the Planning Board and the agenda had already been distributed. Mr. Rich remarked that the public should be able to approach the Board if they have questions without having to be officially listed on an agenda. Chairman Tomenchok remarked that when members of the public send emails to Board Secretary Andrews or Mr. Baldino the Board must be very careful to not conduct Board business through email replies which is why he didn't distribute the email.

Mr. Urbanski commented that there are fees associated with informal reviews. Board Secretary Andrews noted that in her opinion, members of the public should be allowed to approach the Board with questions or comments and she stated that other Boards usually have an open to the public section contained on the agenda. Board Secretary Andrews explained that when she received Ms. Brennan's email she responded that prior to approaching the Planning Board she needed to thoroughly discuss her project with Zoning Officer Baldino who should confirm which Board would actually hear her application. Mr. Baldino indicated that he had spoken with Ms. Brennan several times and remarked tonight was the first time she said anything about possibly needing a height variance.

Mr. Rich suggested an open to the public section be added to the Planning Board's agenda. A motion by Haug, seconded by Urbanski to add an open to the public section to the Planning Board's agenda at the end of the meeting, limited to 15 minutes for discussion on any items not listed on the agenda, was unanimously approved by voice vote.

Chairman Tomenchok noted that technically at this point in the meeting the Board is still open to public comment and asked if anyone else wanted to address the Planning Board. Seeing no other members of the public come forward, a motion by Haug, seconded by Urbanski to close to the public was unanimously approved by voice vote.

Approval of Bill List

A motion by Urbanski, seconded by Haug to approve the vouchers for payment as listed on the Board's 5/15/12 bill list was unanimously approved by roll call vote.

Unfinished Business

Discussion – Establishing an Inspection Escrow Fee – Status Update

Chairman Tomenchok noted that Engineer Burr is still working on putting together an Inspection Fee Ordinance appropriate for West Amwell Township.

Discussion – SHREC Update

Mr. Fisher noted that Mr. Campbell attended the Township Committee meeting and remarked that the expectation is to break ground on the solar project in July 2012.

Discussion – Master Plan Printing – Status Update

Chairman Tomenchok noted that he has been in contact with Planner McManus regarding printing of the Master Plan. He stated she is making progress on formatting everything and indicated an electronic version and two hard copies will likely be available next month.

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New Business

Discussion – Ordinance 9, 2012: *An Ordinance to Amend Chapter 109 of the Code of the Township of West Amwell – (Right-to-Farm)*

A motion by Rich, seconded by Bergenfeld finding Ordinance 9, 2012 consistent with the Master Plan and recommending adoption by the Township Committee was made and unanimously approved by voice vote.

Discussion – Updated Stream Corridors as Required Under the Ordinance

Mr. Shute explained that he noticed the stream corridor map has not been reviewed as part of the Master Plan review and he wonders why it should be. He noted that a lot of time was spent producing the map and he can't find a stream that is not currently contained on the map. He remarked that the streams don't typically change. He added that the ordinance is inaccurate because it refers to stream corridors, which implies that it includes buffer areas and the map merely contains the stream courses and the channels. Mr. Shute commented that he spoke to Cathy Urbanski of the Environmental Commission who explained that the stream corridors are not included on the map because they are virtually impossible to plot.

It was noted that the existing language in the Stream Corridor Ordinance reads as follows:

(Page 5, Paragraph C)

The Township shall develop and maintain a map of stream corridors as required under this ordinance. The Sources of information that will comprise this map will be the U.S. Geological Survey (USGS) map, Hunterdon County Soil and Conservation District mapping, the Township tax map, and current state aerial photography. This map shall be updated by the municipal engineer or as otherwise directed by the Township Committee at a minimum with each re-examination of the Township Master Plan.

A motion was made by Rich, seconded by Haug recommending the following language changes be sent to the Township Committee with copies to Joan Van der Veen and Cathy Urbanski for their input on behalf of the Environmental Commission:

Suggested language amendments...

The Township shall develop a map of streams as required under this ordinance. The Sources of information that will comprise this map will be the U.S. Geological Survey (USGS) map, Hunterdon County Soil and Conservation District mapping, the Township tax map, and current state aerial photography. **This map shall be updated by the municipal engineer as directed by the Township Committee.**

The motion was unanimously approved by voice vote.

Discussion – Township Website: Planning Board Page

Mr. Haug explained that he had volunteered to review the current Planning Board page on the Township's website and compared it with neighboring municipality's websites. He noted that all

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of the websites contain the same general information which includes: A description of what the Planning Board's responsibilities and functions are, the application process, who serves on the Planning Board, the Planning Board meeting schedule and the Board Secretary's contact information.

Mr. Urbanski suggested that the webpage include links to the Planning Board forms and to the Board Secretary. Mr. Haug commented that none of the sites he looked at contained forms. Mr. Fisher remarked that it is likely due to the time associated with keeping the forms up to date.

Chairman Tomenchok suggested that scanned versions of the Planning Board's application and checklist be put on the website and the Township's practice should be that all electronic versions get updated first upon any revisions being made.

Mr. Fisher commented that Mr. Gill, the Township's Tax Assessor will be updating the website and he indicated a committee will be established to help assist in the creation of the new webpages.

It was noted for the record that Attorney Shurts was excused from the meeting at this time, 8:27 PM.

Mr. Rich commented that Mr. Haug's suggested changes for the Planning Board's webpage be forwarded to Mr. Gill.

Correspondence

Agricultural Advisory Committee Comments dated 5/3/12, re: Toll North

Mr. Hills remarked that the Agricultural Advisory Committee (Ag Advisory) had made comments on the Toll North property regarding the consideration of retaining a portion of the frontage for commercial use.

Mr. Shute commented that he had submitted the sketches to the County which he had shared with the Planning Board at a previous meeting. Mr. Hills indicated that he has changed his mind on the matter and now believes that preserving the entire Toll North parcel is best. Mr. Rich agreed saying he too had changed his mind on the subject.

Mr. Urbanski read the following statement into the record on behalf of Ag Advisory:

The Agricultural Advisory Committee feels that it is in the best interest of the Township and in the best interest of agriculture in the Township to pursue preserving the Toll North property as farmland in its entirety, without any Highway Commercial exceptions.

We understand that the entire property is presently ranked number one in the county and that funding is presently available.

We feel this is something that should be pursued as soon as possible.

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Mr. Bergenfeld asked what the basis was for Ag Advisory's decision. Mr. Urbanski indicated the comments were based on the available funding and the fact that the property is currently ranked number one in the county. Mr. Urbanski added that as a Planning Board member he originally thought retaining a portion of the land for commercial use was a good idea but as an Ag Advisory member he believes preserving the parcel is best.

Approval of Minutes

A motion by Urbanski, seconded by Fisher to approve the Board's open session minutes from 4/17/12 as revised was approved with Mr. Hills abstaining.

A motion by Rich, seconded by Haug to approve the Board's closed session minutes from 4/17/12 with no revisions noted was approved with Mr. Hills abstaining.

It was noted for the record that Mr. Urbanski thanked Mr. Tomenchok for all of the work he did with Planner McManus on the Master Plan.

Adjournment

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

The meeting adjourned at 8:50 PM.

Maria Andrews, Planning Board Secretary

Inserted from <<http://www.westamwelltp.org/Planning%20Board/WATPBminutes%205-15-2012.htm>>

WEST AMWELL TOWNSHIP PLANNING BOARD MEETING May 15, 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.

Chairman Tomenchok noted that Ms. Van der Veen was excused from tonight's meeting due to a death in her family. He expressed sympathy on behalf of the Planning Board.

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 May 10, 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

It was noted for the record that the meeting agenda was re-ordered to accommodate Mr. Fulper because he had to leave the meeting early.

West Amwell Township Planning Board Minutes – 5/15/12

Applications

Discussion – Extension of General Development Plan: Fulper Family Farm

It was noted for the record that Mr. Shute owns adjoining property and therefore recused himself from this matter and stepped away from the dais.

Mr. Urbanski commented that he has no problem with Mr. Fulper's requested extension but asked for clarification on the July 2004 date. Attorney Shurts explained that the Resolution was adopted then and granted a General Development Plan for 10 years with the provision of allowing for a 10 year extension. He noted the situation is unique and the Board will likely never have to deal with something like this again. Mr. Urbanski referenced a condition in the Resolution indicating the extension can be sought anytime after the 8th year and he asked if Mr. Fulper seeking the extension now was acceptable. Attorney Shurts remarked that the 8th year will be July of 2012 and he stated that he believes it is close enough to the 8th year for the Board to act on the matter.

Mr. Hills asked for clarification on the number of parcels associated with the Fulper Farm because he recalls seeing references to 5 lots and 6 lots. Attorney Shurts noted that there are 5 farms that make up various lots owned by the Fulpers.

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Mr. Fulper asked for confirmation that the approving Resolution will reflect the 10 year extension along with the relief from the statute regarding the 5 year requirement. Attorney Shurts noted that everything that was granted as part of the original Resolution will be extended for another 10 year period.

Mr. Urbanski remarked for the record that he was disappointed last month when this matter was brought up with no advance notification to the Board. Attorney Shurts stated he did not receive much advance notice either and indicated that he managed to put his presentation together the day of the meeting. Chairman Tomenchok explained that he had received the information after the agenda and packets were prepared and at that time commented to Attorney Shurts that the Board needed to be brought up to speed on the Fulper matter and apologized for not sending out an email or some form of notification.

West Amwell Township Planning Board Minutes – 5/15/12

Chairman Tomenchok noted the agenda was going to be re-ordered again to accommodate Ginny Brennan, a local business woman who wished to speak to the Planning Board regarding potentially moving her dance studio.

Mr. Rich suggested the Planning Board agenda include an open to the public section which would avoid all of the confusion with members of the public who want to approach the Board with a question or comment. Mr. Urbanski commented that if you open to the public at the beginning of the meeting you are paying the professionals for their time. Chairman Tomenchok opened the floor to the public and remarked that adding an open to the public section to the agenda could be further discussed later.

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Mr. Hills asked what capacity the theatre will be. Ms. Brennan indicated 300 seats.

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Mr. Urbanski commented that there are fees associated with informal reviews. Board Secretary Andrews noted that in her opinion, members of the public should be allowed to approach the Board with questions or comments and she stated that other Boards usually have an open to the public section contained on the agenda. Board Secretary Andrews explained that when she received Ms. Brennan's email she responded that prior to approaching the Planning Board she needed to thoroughly discuss her project with Zoning Officer Baldino who should confirm which Board would actually hear her application. Mr. Baldino indicated that he had spoken with Ms. Brennan several times and remarked tonight was the first time she said anything about possibly needing a height variance.

Mr. Rich suggested an open to the public section be added to the Planning Board's agenda. A motion by Haug, seconded by Urbanski to add an open to the public section to the Planning Board's agenda at the end of the meeting, limited to 15 minutes for discussion on any items not listed on the agenda, was unanimously approved by voice vote.

Chairman Tomenchok noted that technically at this point in the meeting the Board is still open to public comment and asked if anyone else wanted to address the Planning Board. Seeing no other members of the public come forward, a motion by Haug, seconded by Urbanski to close to the public was unanimously approved by voice vote.

Approval of Bill List

A motion by Urbanski, seconded by Haug to approve the vouchers for payment as listed on the Board's 5/15/12 bill list was unanimously approved by roll call vote.

Unfinished Business

Discussion – Establishing an Inspection Escrow Fee – Status Update

Chairman Tomenchok noted that Engineer Burr is still working on putting together an Inspection Fee Ordinance appropriate for West Amwell Township.

Discussion – SHREC Update

Mr. Fisher noted that Mr. Campbell attended the Township Committee meeting and remarked that the expectation is to break ground on the solar project in July 2012.

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New Business

Discussion – Ordinance 9, 2012: *An Ordinance to Amend Chapter 109 of the Code of the Township of West Amwell – (Right-to-Farm)*

A motion by Rich, seconded by Bergenfeld finding Ordinance 9, 2012 consistent with the Master Plan and recommending adoption by the Township Committee was made and unanimously approved by voice vote.

Discussion – Updated Stream Corridors as Required Under the Ordinance

Mr. Shute explained that he noticed the stream corridor map has not been reviewed as part of the Master Plan review and he wonders why it should be. He noted that a lot of time was spent producing the map and he can't find a stream that is not currently contained on the map. He remarked that the streams don't typically change. He added that the ordinance is inaccurate because it refers to stream corridors, which implies that it includes buffer areas and the map merely contains the stream courses and the channels. Mr. Shute commented that he spoke to Cathy Urbanski of the Environmental Commission who explained that the stream corridors are not included on the map because they are virtually impossible to plot.

It was noted that the existing language in the Stream Corridor Ordinance reads as follows:

(Page 5, Paragraph C)

The Township shall develop and maintain a map of stream corridors as required under this ordinance. The Sources of information that will comprise this map will be the U.S. Geological Survey (USGS) map, Hunterdon County Soil and Conservation District mapping, the Township tax map, and current state aerial photography. This map shall be updated by the municipal engineer or as otherwise directed by the Township Committee at a minimum with each re-examination of the Township Master Plan.

A motion was made by Rich, seconded by Haug recommending the following language changes be sent to the Township Committee with copies to Joan Van der Veen and Cathy Urbanski for their input on behalf of the Environmental Commission:

Suggested language amendments...

The Township shall develop a map of streams as required under this ordinance. The Sources of information that will comprise this map will be the U.S. Geological Survey (USGS) map, Hunterdon County Soil and Conservation District mapping, the Township tax map, and current state aerial photography. **This map shall be updated by the municipal engineer as directed by the Township Committee.**

The motion was unanimously approved by voice vote.

Discussion – Township Website: Planning Board Page

Mr. Haug explained that he had volunteered to review the current Planning Board page on the Township's website and compared it with neighboring municipality's websites. He noted that all

of the websites contain the same general information which includes: A description of what the Planning Board's responsibilities and functions are, the application process, who serves on the Planning Board, the Planning Board meeting schedule and the Board Secretary's contact information.

Mr. Urbanski suggested that the webpage include links to the Planning Board forms and to the Board Secretary. Mr. Haug commented that none of the sites he looked at contained forms. Mr. Fisher remarked that it is likely due to the time associated with keeping the forms up to date.

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Mr. Fisher commented that Mr. Gill, the Township's Tax Assessor will be updating the website and he indicated a committee will be established to help assist in the creation of the new webpages.

It was noted for the record that Attorney Shurts was excused from the meeting at this time, 8:27 PM.

Mr. Rich commented that Mr. Haug's suggested changes for the Planning Board's webpage be forwarded to Mr. Gill.

Correspondence

Agricultural Advisory Committee Comments dated 5/3/12, re: Toll North

Mr. Hills remarked that the Agricultural Advisory Committee (Ag Advisory) had made comments on the Toll North property regarding the consideration of retaining a portion of the frontage for commercial use.

Mr. Shute commented that he had submitted the sketches to the County which he had shared with the Planning Board at a previous meeting. Mr. Hills indicated that he has changed his mind on the matter and now believes that preserving the entire Toll North parcel is best. Mr. Rich agreed saying he too had changed his mind on the subject.

Mr. Urbanski read the following statement into the record on behalf of Ag Advisory:

The Agricultural Advisory Committee feels that it is in the best interest of the Township and in the best interest of agriculture in the Township to pursue preserving the Toll North property as farmland in its entirety, without any Highway Commercial exceptions.

We understand that the entire property is presently ranked number one in the county and that funding is presently available.

We feel this is something that should be pursued as soon as possible.

West Amwell Township Planning Board Minutes – 5/15/12

Mr. Bergenfeld asked what the basis was for Ag Advisory's decision. Mr. Urbanski indicated the comments were based on the available funding and the fact that the property is currently ranked number one in the county. Mr. Urbanski added that as a Planning Board member he originally thought retaining a portion of the land for commercial use was a good idea but as an Ag Advisory member he believes preserving the parcel is best.

Approval of Minutes

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West Amwell Township Planning Board Minutes – 5/15/12

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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 May 10, 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

It was noted for the record that the meeting agenda was re-ordered to accommodate Mr. Fulper because he had to leave the meeting early.

West Amwell Township Planning Board Minutes – 5/15/12

Applications

Discussion – Extension of General Development Plan: Fulper Family Farm

It was noted for the record that Mr. Shute owns adjoining property and therefore recused himself from this matter and stepped away from the dais.

Mr. Urbanski commented that he has no problem with Mr. Fulper's requested extension but asked for clarification on the July 2004 date. Attorney Shurts explained that the Resolution was adopted then and granted a General Development Plan for 10 years with the provision of allowing for a 10 year extension. He noted the situation is unique and the Board will likely never have to deal with something like this again. Mr. Urbanski referenced a condition in the Resolution indicating the extension can be sought anytime after the 8th year and he asked if Mr. Fulper seeking the extension now was acceptable. Attorney Shurts remarked that the 8th year will be July of 2012 and he stated that he believes it is close enough to the 8th year for the Board to act on the matter.

Mr. Hills asked for clarification on the number of parcels associated with the Fulper Farm because he recalls seeing references to 5 lots and 6 lots. Attorney Shurts noted that there are 5 farms that make up various lots owned by the Fulpers.

Mr. Bergenfeld commented on the question raised by a member of the public last month regarding whether or not an escrow account had been established by Mr. Fulper. Mr. Bergenfeld remarked that the background information on this application which was provided by Attorney Shurts last month was very informative and beneficial to the majority of Planning Board members who were not on the Board when the application was originally brought forward. Chairman Tomenchok stated that he used his discretion and takes full responsibility for expending the funds because he believed the Board needed to be provided with the history of the application in order to understand the current request for the 10 year extension.

Mr. Haug agreed that the Fulper situation is unique but stated he believes that applicants should establish escrows and that the Board's policy ought to be that bills incurred by the Board are at the applicant's expense. Chairman Tomenchok noted he asked Mr. Fulper to come to last month's meeting and educate the Board on his prior application.

A motion by Urbanski, seconded by Bergenfeld to approve Mr. Fulper's request for a 10 year extension (through July 2024) on his General Development Plan was approved by roll call vote with Mr. Fisher abstaining.

Mr. Fulper asked for confirmation that the approving Resolution will reflect the 10 year extension along with the relief from the statute regarding the 5 year requirement. Attorney Shurts noted that everything that was granted as part of the original Resolution will be extended for another 10 year period.

Mr. Urbanski remarked for the record that he was disappointed last month when this matter was brought up with no advance notification to the Board. Attorney Shurts stated he did not receive much advance notice either and indicated that he managed to put his presentation together the day of the meeting. Chairman Tomenchok explained that he had received the information after the agenda and packets were prepared and at that time commented to Attorney Shurts

that the Board needed to be brought up to speed on the Fulper matter and apologized for not sending out an email or some form of notification.

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Chairman Tomenchok noted the agenda was going to be re-ordered again to accommodate Ginny Brennan, a local business woman who wished to speak to the Planning Board regarding potentially moving her dance studio.

Mr. Rich suggested the Planning Board agenda include an open to the public section which would avoid all of the confusion with members of the public who want to approach the Board with a question or comment. Mr. Urbanski commented that if you open to the public at the beginning of the meeting you are paying the professionals for their time. Chairman Tomenchok opened the floor to the public and remarked that adding an open to the public section to the agenda could be further discussed later.

Ms. Brennan came forward and Chairman Tomenchok informed her that the Board cannot take any action and that the discussion is informal. Ms. Brennan explained that she operates the Downtown Performing Arts Center which is currently located on Mt. Airy Village Road/Route 179. She stated she has been in business for over 10 years. She started the business in Lambertville and then moved it to West Amwell. Ms. Brennan said she would like to have a home of her own for the studio. She explained they travel a lot and they do the open air theatre in Washington's Crossing and the weather is often an issue. Ms. Brennan indicated she is currently interested in two properties owned by Mr. Stroeber. She stated that her business is a non-profit organization with a great group of parents who support the proposed move but she wanted input from the Planning Board prior to spending a lot of money to purchase a building of her own.

Ms. Brennan explained that Zoning Officer Baldino had indicated they may need a use variance and she noted there will be a height issue for the fly system they wish to install for their props and equipment. It was noted that the current Downtown Performing Arts Center location is only used as studio space for rehearsals as well as for music, voice and dance lessons. She stated no performances are done at their current location. Ms. Brennan indicated the two new locations she is considering are: Music Mountain Boulevard but there are a lot of wetlands on this property and the other location is where Mr. Stroeber's current roofing business is. She stated this location is a 3000 sq. ft. cinder block building and commented that Mr. Stroeber is willing to move.

Mr. Urbanski asked why this was being discussed by the Planning Board if Ms. Brennan needs a use variance. Mr. Baldino explained that there is nothing in the Township's permitted uses that specifies a dance theatre and he noted Ms. Brennan will need site plan review for what she is proposing.

Mr. Hills asked what capacity the theatre will be. Ms. Brennan indicated 300 seats.

Attorney Shurts commented that this proposed project appears to be a Board of Adjustment matter and indicated that he would give the Zoning Board Attorney a call to confirm his determination.

Mr. Shute asked Ms. Brennan if she has approached the High School about using their theatre facility. Ms. Brennan commented that she currently uses South Hunterdon High School, New Hope High School and Hunterdon Central High School and explained that the problem is she is at the mercy of their schedules which often conflict with her needs. She also said using the high schools is expensive because she has to pay for their janitorial services as well. Ms. Brennan commented that she will follow up with Zoning Officer Baldino.

Mr. Urbanski asked Chairman Tomenchok why the Board was not notified that this matter would be discussed this evening. Chairman Tomenchok explained that Ms. Brennan had sent an email Thursday or Friday requesting to run the dance studio move by the Planning Board and the agenda had already been distributed. Mr. Rich remarked that the public should be able to approach the Board if they have questions without having to be officially listed on an agenda. Chairman Tomenchok remarked that when members of the public send emails to Board Secretary Andrews or Mr. Baldino the Board must be very careful to not conduct Board business through email replies which is why he didn't distribute the email.

Mr. Urbanski commented that there are fees associated with informal reviews. Board Secretary Andrews noted that in her opinion, members of the public should be allowed to approach the Board with questions or comments and she stated that other Boards usually have an open to the public section contained on the agenda. Board Secretary Andrews explained that when she received Ms. Brennan's email she responded that prior to approaching the Planning Board she needed to thoroughly discuss her project with Zoning Officer Baldino who should confirm which Board would actually hear her application. Mr. Baldino indicated that he had spoken with Ms. Brennan several times and remarked tonight was the first time she said anything about possibly needing a height variance.

Mr. Rich suggested an open to the public section be added to the Planning Board's agenda. A motion by Haug, seconded by Urbanski to add an open to the public section to the Planning Board's agenda at the end of the meeting, limited to 15 minutes for discussion on any items not listed on the agenda, was unanimously approved by voice vote.

Chairman Tomenchok noted that technically at this point in the meeting the Board is still open to public comment and asked if anyone else wanted to address the Planning Board. Seeing no other members of the public come forward, a motion by Haug, seconded by Urbanski to close to the public was unanimously approved by voice vote.

Approval of Bill List

A motion by Urbanski, seconded by Haug to approve the vouchers for payment as listed on the Board's 5/15/12 bill list was unanimously approved by roll call vote.

Unfinished Business

Discussion – Establishing an Inspection Escrow Fee – Status Update

Chairman Tomenchok noted that Engineer Burr is still working on putting together an Inspection Fee Ordinance appropriate for West Amwell Township.

Discussion – SHREC Update

Mr. Fisher noted that Mr. Campbell attended the Township Committee meeting and remarked that the expectation is to break ground on the solar project in July 2012.

Discussion – Master Plan Printing – Status Update

Chairman Tomenchok noted that he has been in contact with Planner McManus regarding printing of the Master Plan. He stated she is making progress on formatting everything and indicated an electronic version and two hard copies will likely be available next month.

West Amwell Township Planning Board Minutes – 5/15/12

New Business

Discussion – Ordinance 9, 2012: *An Ordinance to Amend Chapter 109 of the Code of the Township of West Amwell – (Right-to-Farm)*

A motion by Rich, seconded by Bergenfeld finding Ordinance 9, 2012 consistent with the Master Plan and recommending adoption by the Township Committee was made and unanimously approved by voice vote.

Discussion – Updated Stream Corridors as Required Under the Ordinance

Mr. Shute explained that he noticed the stream corridor map has not been reviewed as part of the Master Plan review and he wonders why it should be. He noted that a lot of time was spent producing the map and he can't find a stream that is not currently contained on the map. He remarked that the streams don't typically change. He added that the ordinance is inaccurate because it refers to stream corridors, which implies that it includes buffer areas and the map merely contains the stream courses and the channels. Mr. Shute commented that he spoke to Cathy Urbanski of the Environmental Commission who explained that the stream corridors are not included on the map because they are virtually impossible to plot.

It was noted that the existing language in the Stream Corridor Ordinance reads as follows:

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The Township shall develop and maintain a map of stream corridors as required under this ordinance. The Sources of information that will comprise this map will be the U.S. Geological Survey (USGS) map, Hunterdon County Soil and Conservation District mapping, the Township tax map, and current state aerial photography. This map shall be updated by the municipal engineer or as otherwise directed by the Township Committee at a minimum with each re-examination of the Township Master Plan.

A motion was made by Rich, seconded by Haug recommending the following language changes be sent to the Township Committee with copies to Joan Van der Veen and Cathy Urbanski for their input on behalf of the Environmental Commission:

Suggested language amendments...

The Township shall develop a map of streams as required under this ordinance. The Sources of information that will comprise this map will be the U.S. Geological Survey (USGS) map, Hunterdon County Soil and Conservation District mapping, the Township tax map, and current state aerial photography. **This map shall be updated by the municipal engineer as directed by the Township Committee.**

The motion was unanimously approved by voice vote.

Discussion – Township Website: Planning Board Page

Mr. Haug explained that he had volunteered to review the current Planning Board page on the Township's website and compared it with neighboring municipality's websites. He noted that all

West Amwell Township Planning Board Minutes – 5/15/12

of the websites contain the same general information which includes: A description of what the Planning Board's responsibilities and functions are, the application process, who serves on the Planning Board, the Planning Board meeting schedule and the Board Secretary's contact information.

Mr. Urbanski suggested that the webpage include links to the Planning Board forms and to the Board Secretary. Mr. Haug commented that none of the sites he looked at contained forms. Mr. Fisher remarked that it is likely due to the time associated with keeping the forms up to date.

Chairman Tomenchok suggested that scanned versions of the Planning Board's application and checklist be put on the website and the Township's practice should be that all electronic versions get updated first upon any revisions being made.

Mr. Fisher commented that Mr. Gill, the Township's Tax Assessor will be updating the website and he indicated a committee will be established to help assist in the creation of the new webpages.

It was noted for the record that Attorney Shurts was excused from the meeting at this time, 8:27 PM.

Mr. Rich commented that Mr. Haug's suggested changes for the Planning Board's webpage be forwarded to Mr. Gill.

Correspondence

Agricultural Advisory Committee Comments dated 5/3/12, re: Toll North

Mr. Hills remarked that the Agricultural Advisory Committee (Ag Advisory) had made comments on the Toll North property regarding the consideration of retaining a portion of the frontage for commercial use.

Mr. Shute commented that he had submitted the sketches to the County which he had shared with the Planning Board at a previous meeting. Mr. Hills indicated that he has changed his mind on the matter and now believes that preserving the entire Toll North parcel is best. Mr. Rich agreed saying he too had changed his mind on the subject.

Mr. Urbanski read the following statement into the record on behalf of Ag Advisory:

The Agricultural Advisory Committee feels that it is in the best interest of the Township and in the best interest of agriculture in the Township to pursue preserving the Toll North property as farmland in its entirety, without any Highway Commercial exceptions.

We understand that the entire property is presently ranked number one in the county and that funding is presently available.

We feel this is something that should be pursued as soon as possible.

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Mr. Bergenfeld asked what the basis was for Ag Advisory's decision. Mr. Urbanski indicated the comments were based on the available funding and the fact that the property is currently ranked number one in the county. Mr. Urbanski added that as a Planning Board member he originally thought retaining a portion of the land for commercial use was a good idea but as an Ag Advisory member he believes preserving the parcel is best.

Approval of Minutes

A motion by Urbanski, seconded by Fisher to approve the Board's open session minutes from 4/17/12 as revised was approved with Mr. Hills abstaining.

A motion by Rich, seconded by Haug to approve the Board's closed session minutes from 4/17/12 with no revisions noted was approved with Mr. Hills abstaining.

It was noted for the record that Mr. Urbanski thanked Mr. Tomenchok for all of the work he did with Planner McManus on the Master Plan.

Adjournment

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

The meeting adjourned at 8:50 PM.

Maria Andrews, Planning Board Secretary

Inserted from <<http://www.westamwelltp.org/Planning%20Board/WATPBminutes%205-15-2012.htm>>

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
May 15, 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.

Chairman Tomenchok noted that Ms. Van der Veen was excused from tonight's meeting due to a death in her family. He expressed sympathy on behalf of the Planning Board.

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West Amwell Township Planning Board Minutes – 5/15/12

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Maria Andrews, Planning Board Secretary

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Chairman Tomenchok noted that Ms. Van der Veen was excused from tonight's meeting due to a death in her family. He expressed sympathy on behalf of the Planning Board.

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 May 10, 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

It was noted for the record that the meeting agenda was re-ordered to accommodate Mr. Fulper because he had to leave the meeting early.

Applications

Discussion – Extension of General Development Plan: Fulper Family Farm

It was noted for the record that Mr. Shute owns adjoining property and therefore recused himself from this matter and stepped away from the dais.

Mr. Urbanski commented that he has no problem with Mr. Fulper's requested extension but asked for clarification on the July 2004 date. Attorney Shurts explained that the Resolution was adopted then and granted a General Development Plan for 10 years with the provision of allowing for a 10 year extension. He noted the situation is unique and the Board will likely never have to deal with something like this again. Mr. Urbanski referenced a condition in the Resolution indicating the extension can be sought anytime after the 8th year and he asked if Mr. Fulper seeking the extension now was acceptable. Attorney Shurts remarked that the 8th year will be July of 2012 and he stated that he believes it is close enough to the 8th year for the Board to act on the matter.

Mr. Hills asked for clarification on the number of parcels associated with the Fulper Farm because he recalls seeing references to 5 lots and 6 lots. Attorney Shurts noted that there are 5 farms that make up various lots owned by the Fulpers.

Mr. Bergenfeld commented on the question raised by a member of the public last month regarding whether or not an escrow account had been established by Mr. Fulper. Mr. Bergenfeld remarked that the background information on this application which was provided by Attorney Shurts last month was very informative and beneficial to the majority of Planning Board members who were not on the Board when the application was originally brought forward. Chairman Tomenchok stated that he used his discretion and takes full responsibility for expending the funds because he believed the Board needed to be provided with the history of the application in order to understand the current request for the 10 year extension.

Mr. Haug agreed that the Fulper situation is unique but stated he believes that applicants should establish escrows and that the Board's policy ought to be that bills incurred by the Board are at the applicant's expense. Chairman Tomenchok noted he asked Mr. Fulper to come to last month's meeting and educate the Board on his prior application.

A motion by Urbanski, seconded by Bergenfeld to approve Mr. Fulper's request for a 10 year extension (through July 2024) on his General Development Plan was approved by roll call vote with Mr. Fisher abstaining.

Mr. Fulper asked for confirmation that the approving Resolution will reflect the 10 year extension along with the relief from the statute regarding the 5 year requirement. Attorney Shurts noted that everything that was granted as part of the original Resolution will be extended for another 10 year period.

Mr. Urbanski remarked for the record that he was disappointed last month when this matter was brought up with no advance notification to the Board. Attorney Shurts stated he did not receive much advance notice either and indicated that he managed to put his presentation together the day of the meeting. Chairman Tomenchok explained that he had received the information after the agenda and packets were prepared and at that time commented to Attorney Shurts that the Board needed to be brought up to speed on the Fulper matter and apologized for not sending out an email or some form of notification.

Chairman Tomenchok noted the agenda was going to be re-ordered again to accommodate Ginny Brennan, a local business woman who wished to speak to the Planning Board regarding potentially moving her dance studio.

Mr. Rich suggested the Planning Board agenda include an open to the public section which would avoid all of the confusion with members of the public who want to approach the Board with a question or comment. Mr. Urbanski commented that if you open to the public at the beginning of the meeting you are paying the professionals for their time. Chairman Tomenchok opened the floor to the public and remarked that adding an open to the public section to the agenda could be further discussed later.

Ms. Brennan came forward and Chairman Tomenckok informed her that the Board cannot take any action and that the discussion is informal. Ms. Brennan explained that she operates the Downtown Performing Arts Center which is currently located on Mt. Airy Village Road/Route 179. She stated she has been in business for over 10 years. She started the business in Lambertville and then moved it to West Amwell. Ms. Brennan said she would like to have a home of her own for the studio. She explained they travel a lot and they do the open air theatre in Washington's Crossing and the weather is often an issue. Ms. Brennan indicated she is currently interested in two properties owned by Mr. Stroeber. She stated that her business is a non-profit organization with a great group of parents who support the proposed move but she wanted input from the Planning Board prior to spending a lot of money to purchase a building of her own.

Ms. Brennan explained that Zoning Officer Baldino had indicated they may need a use variance and she noted there will be a height issue for the fly system they wish to install for their props and equipment. It was noted that the current Downtown Performing Arts Center location is only used as studio space for rehearsals as well as for music, voice and dance lessons. She stated no performances are done at their current location. Ms. Brennan indicated the two new locations she is considering are: Music Mountain Boulevard but there are a lot of wetlands on this property and the other location is where Mr. Stroeber's current roofing business is. She stated this location is a 3000 sq. ft. cinder block building and commented that Mr. Stroeber is willing to move.

Mr. Urbanski asked why this was being discussed by the Planning Board if Ms. Brennan needs a use variance. Mr. Baldino explained that there is nothing in the Township's permitted uses that specifies a dance theatre and he noted Ms. Brennan will need site plan review for what she is proposing.

Mr. Hills asked what capacity the theatre will be. Ms. Brennan indicated 300 seats.

Attorney Shurts commented that this proposed project appears to be a Board of Adjustment matter and indicated that he would give the Zoning Board Attorney a call to confirm his determination.

Mr. Shute asked Ms. Brennan if she has approached the High School about using their theatre facility. Ms. Brennan commented that she currently uses South Hunterdon High School, New Hope High School and Hunterdon Central High School and explained that the problem is she is at the mercy of their schedules which often conflict with her needs. She also said using the high schools is expensive because she has to pay for their janitorial services as well. Ms. Brennan commented that she will follow up with Zoning Officer Baldino.

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Mr. Urbanski asked Chairman Tomenchok why the Board was not notified that this matter would be discussed this evening. Chairman Tomenchok explained that Ms. Brennan had sent an email Thursday or Friday requesting to run the dance studio move by the Planning Board and the agenda had already been distributed. Mr. Rich remarked that the public should be able to approach the Board if they have questions without having to be officially listed on an agenda. Chairman Tomenchok remarked that when members of the public send emails to Board Secretary Andrews or Mr.

Baldino the Board must be very careful to not conduct Board business through email replies which is why he didn't distribute the email.

Mr. Urbanski commented that there are fees associated with informal reviews. Board Secretary Andrews noted that in her opinion, members of the public should be allowed to approach the Board with questions or comments and she stated that other Boards usually have an open to the public section contained on the agenda. Board Secretary Andrews explained that when she received Ms. Brennan's email she responded that prior to approaching the Planning Board she needed to thoroughly discuss her project with Zoning Officer Baldino who should confirm which Board would actually hear her application. Mr. Baldino indicated that he had spoken with Ms. Brennan several times and remarked tonight was the first time she said anything about possibly needing a height variance.

Mr. Rich suggested an open to the public section be added to the Planning Board's agenda. A motion by Haug, seconded by Urbanski to add an open to the public section to the Planning Board's agenda at the end of the meeting, limited to 15 minutes for discussion on any items not listed on the agenda, was unanimously approved by voice vote.

Chairman Tomenchok noted that technically at this point in the meeting the Board is still open to public comment and asked if anyone else wanted to address the Planning Board. Seeing no other members of the public come forward, a motion by Haug, seconded by Urbanski to close to the public was unanimously approved by voice vote.

Approval of Bill List

A motion by Urbanski, seconded by Haug to approve the vouchers for payment as listed on the Board's 5/15/12 bill list was unanimously approved by roll call vote.

Unfinished Business

Discussion – Establishing an Inspection Escrow Fee – Status Update

Chairman Tomenchok noted that Engineer Burr is still working on putting together an Inspection Fee Ordinance appropriate for West Amwell Township.

Discussion – SHREC Update

Mr. Fisher noted that Mr. Campbell attended the Township Committee meeting and remarked that the expectation is to break ground on the solar project in July 2012.

Discussion – Master Plan Printing – Status Update

Chairman Tomenchok noted that he has been in contact with Planner McManus regarding printing of the Master Plan. He stated she is making progress on formatting everything and indicated an electronic version and two hard copies will likely be available next month.

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New Business

Discussion – Ordinance 9, 2012: *An Ordinance to Amend Chapter 109 of the Code of the Township of West Amwell – (Right-to-Farm)*

A motion by Rich, seconded by Bergenfeld finding Ordinance 9, 2012 consistent with the Master Plan and recommending adoption by the Township Committee was made and unanimously approved by voice vote.

Discussion – Updated Stream Corridors as Required Under the Ordinance

Mr. Shute explained that he noticed the stream corridor map has not been reviewed as part of the Master Plan review and he wonders why it should be. He noted that a lot of time was spent producing the map and he can't find a stream that is not currently contained on the map. He remarked that the streams don't typically change. He added that the ordinance is inaccurate because it refers to stream corridors, which implies that it

includes buffer areas and the map merely contains the stream courses and the channels. Mr. Shute commented that he spoke to Cathy Urbanski of the Environmental Commission who explained that the stream corridors are not included on the map because they are virtually impossible to plot.

It was noted that the existing language in the Stream Corridor Ordinance reads as follows:

(Page 5, Paragraph C)

The Township shall develop and maintain a map of stream corridors as required under this ordinance. The Sources of information that will comprise this map will be the U.S. Geological Survey (USGS) map, Hunterdon County Soil and Conservation District mapping, the Township tax map, and current state aerial photography. This map shall be updated by the municipal engineer or as otherwise directed by the Township Committee at a minimum with each re-examination of the Township Master Plan.

A motion was made by Rich, seconded by Haug recommending the following language changes be sent to the Township Committee with copies to Joan Van der Veen and Cathy Urbanski for their input on behalf of the Environmental Commission:

Suggested language amendments...

The Township shall develop a map of streams as required under this ordinance. The Sources of information that will comprise this map will be the U.S. Geological Survey (USGS) map, Hunterdon County Soil and Conservation District mapping, the Township tax map, and current state aerial photography. **This map shall be updated by the municipal engineer as directed by the Township Committee.**

The motion was unanimously approved by voice vote.

Discussion – Township Website: Planning Board Page

Mr. Haug explained that he had volunteered to review the current Planning Board page on the Township's website and compared it with neighboring municipality's websites. He noted that all

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of the websites contain the same general information which includes: A description of what the Planning Board's responsibilities and functions are, the application process, who serves on the Planning Board, the Planning Board meeting schedule and the Board Secretary's contact information.

Mr. Urbanski suggested that the webpage include links to the Planning Board forms and to the Board Secretary. Mr. Haug commented that none of the sites he looked at contained forms. Mr. Fisher remarked that it is likely due to the time associated with keeping the forms up to date.

Chairman Tomenchok suggested that scanned versions of the Planning Board's application and checklist be put on the website and the Township's practice should be that all electronic versions get updated first upon any revisions being made.

Mr. Fisher commented that Mr. Gill, the Township's Tax Assessor will be updating the website and he indicated a committee will be established to help assist in the creation of the new webpages.

It was noted for the record that Attorney Shurts was excused from the meeting at this time, 8:27 PM.

Mr. Rich commented that Mr. Haug's suggested changes for the Planning Board's webpage be forwarded to Mr. Gill.

Correspondence

Agricultural Advisory Committee Comments dated 5/3/12, re: Toll North

Mr. Hills remarked that the Agricultural Advisory Committee (Ag Advisory) had made comments on the Toll North property regarding the consideration of retaining a portion of the frontage for commercial use.

Mr. Shute commented that he had submitted the sketches to the County which he had shared with the Planning Board at a previous meeting. Mr. Hills indicated that he has changed his mind on the matter and now believes that preserving the entire Toll North parcel is best. Mr. Rich agreed saying he too had changed his mind on the subject.

Mr. Urbanski read the following statement into the record on behalf of Ag Advisory:

The Agricultural Advisory Committee feels that it is in the best interest of the Township and in the best interest of agriculture in the Township to pursue preserving the Toll North property as farmland in its entirety, without any Highway Commercial exceptions.

We understand that the entire property is presently ranked number one in the county and that funding is presently available.

We feel this is something that should be pursued as soon as possible.

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Mr. Bergenfeld asked what the basis was for Ag Advisory's decision. Mr. Urbanski indicated the comments were based on the available funding and the fact that the property is currently ranked number one in the county. Mr. Urbanski added that as a Planning Board member he originally thought retaining a portion of the land for commercial use was a good idea but as an Ag Advisory member he believes preserving the parcel is best.

Approval of Minutes

A motion by Urbanski, seconded by Fisher to approve the Board's open session minutes from 4/17/12 as revised was approved with Mr. Hills abstaining.

A motion by Rich, seconded by Haug to approve the Board's closed session minutes from 4/17/12 with no revisions noted was approved with Mr. Hills abstaining.

It was noted for the record that Mr. Urbanski thanked Mr. Tomenchok for all of the work he did with Planner McManus on the Master Plan.

Adjournment

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

The meeting adjourned at 8:50 PM.

Maria Andrews, Planning Board Secretary

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