

**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.

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.

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