

WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING

August 21, 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 August 16, 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
Rob Tomenchok
Chester Urbanski
Joan Van der Veen
Nella Hamtil – Alt. #1 – *(arrived at 7:34 PM)*
Attorney Shurts
Engineer Burr
Planner McManus

Excused: John Haug
Zach Rich
Hal Shute
Ted Hills – Alt. #2

Approval of Bill List

A motion by Urbanski, seconded by Bergenfeld to approve the vouchers for payment as listed on the 8/21/12 bill list was unanimously approved by roll call vote.

Resolutions of Approval

It was noted for the record that there were no resolutions on the agenda for approval.

Applications

ABC Supply Company, Inc. – Preliminary and Final Site Plan Approval for a Roofing Supply Business – Block 8 Lot 62 – 1496 Route 179 Lambertville, NJ 08530

Present for the application was Attorney Richard Mongelli, Engineer Eric Rupnarain, Architect Michael Burns and property owner Michael Strober.

Attorney Shurts noted for the record that the noticing had been done in accordance with the Municipal Land Use Law (MLUL) requirements and indicated that the Board had jurisdiction to proceed with the public hearing. The following exhibits were noted: **Exhibit A-1:** The application and **Exhibit A-2:** The noticing documentation including the affidavit of service, the notice and the certified mail receipts.

Attorney Mongelli called Engineer Rupnarain forward. He provided his credentials for the Board and was accepted as an expert to provide testimony on the application. Engineer Rupnarain explained the applicant is seeking preliminary and final site plan approval to construct a 4800 sq. ft. storage building at the rear of previously developed Block 8 Lot 62. It was noted that the building will be a 3-sided open metal structure for the purpose of storing roofing supply materials. Engineer Rupnarain clarified that there are 4 existing buildings on the site and noted there are 23 available parking spaces with access off of Route 179.

Engineer Rupnarain stated that Mr. Strober received preliminary and final major site plan approval in 1999 to develop the property and at that time a Letter of Interpretation (LOI) was provided by the New Jersey Department of Environmental Protection (NJDEP) which noted that the gravel and partially paved area in the rear of the site was actually located in the wetlands buffer area. Engineer Rupnarain remarked that the State approved the development of the site with the knowledge that a significant portion of the buffer area was disturbed and would be utilized. He indicated the new proposed structure will be located in this same area but will not increase any impervious surface because it will be located on the existing paved area. The buffer areas are shown on sheet 2 of 5 in the site plan.

Engineer Rupnarain commented on the Ordinance requirement for parking and noted that they will stripe 6 new parking spaces along the westerly portion of the building and an additional 4 parking spaces along the northerly corner of the property which will provide a total of 32 required parking spots. The proposed new structure and parking spaces are shown on sheet 3 of 5 in the site plan.

Planner McManus asked if the proposed improvements within the wetlands transition area will require NJDEP approval. Engineer Rupnarain commented that additional improvements would require their approval but he noted the applicant's proposal is technically not an improvement because the site as it exists will not change, noting the new structure will be on existing gravel.

Planner McManus commented that she believes the situation to be very unusual that NJDEP approved a wetlands transition averaging plan that includes gravel areas. She asked Engineer Rupnarain if he could provide additional background on the circumstances surrounding the approval. He remarked that the representation of the gravel and paved areas and transition areas depicted in the plans this evening was part of the original 1999 approval. He noted that he does know of any requirement or condition compelling them to restore any part of the property

to a natural vegetative state because the site was significantly disturbed at the time of the 1999 approval.

Planner McManus asked if a copy of the original LOI could be provided for her review. Engineer Rupnarain indicated he had the LOI in his file and would get a copy of it to her. She referred to her 8/20/12 review memo which suggests that since the wetlands transition area directly abuts the proposed new building in some locations that the Board consider requiring fencing to prevent further intrusion into the buffer and help facilitate the site's natural vegetative growth.

Mr. Baldino read the definition of a wetlands transition area under the Township's Code. He stated, "...an area of land adjacent to a fresh water wetland which minimizes adverse impacts on the wetland or serves as an integral component of the wetlands ecosystem."

Engineer Rupnarain commented that whenever a wetlands transition area averaging plan is done, the reduction in compensation is supposed to be of equal value. He explained in this case the gravel and paved area was already disturbed and stated that they are not proposing to increase the disturbance but rather allow it to continue. It was noted that if the proposed building is approved, it will help the disturbance because the existing roofing materials will now be cleaned up and stored in a central location on the site.

Mr. Bergenfeld noted that Engineer Burr's review memo dated 8/17/12 refers to compliance deficiencies with the Board's original approval from 1999. Attorney Mongelli remarked that that is the reason they are back before the Planning Board and indicated they need the new building space to clean up the site. Engineer Burr commented that the current landscaping on the property is inadequate according to the original approvals and some other improvements need to be brought up to standards such as the faded stop sign on site. Mr. Bergenfeld suggested the applicant be required to post a bond if the Board approves the application. Engineer Burr indicated that the applicant can be compelled to comply with the original conditions of approval as well as any new conditions, prior to any building permits being issued. Attorney Mongelli stated they have no issues with the suggestion.

Attorney Mongelli called Architect Burns forward. He provided his credentials for the Board and was accepted as an expert to provide testimony on the application. Architect Burns explained what the building will look like. He stated it is a prefabricated 3-sided steel building with a corrugated metal roof. He noted the north side of the building will remain open for ease of access to the materials. Architect Burns indicated there will be no utilities running to the building and no exterior lighting.

Architect Burns spoke about the parking. He stated that any customers coming to the site do not have access to the back parking area. It was noted that the 6 proposed new parking spots to the rear of the site will be for employees only.

Attorney Mongelli remarked that Engineer Burr had commented on the proposed drainage improvements in his review memo. Engineer Rupnarain explained that they are proposing a small trench drain that will tie into a catch basin that will drain into existing pipe which presently discharges into the wetlands area.

Planner McManus noted that the Township's Ordinance specifically permits warehouse and distribution activities carried on in a fully enclosed building. She remarked that she believes it is legitimate for the Board to insist that all of the material storage and distribution must be carried out within a fully enclosed building in order to be a permitted use.

Engineer Burr commented on the additional landscaping required between the site and the adjoining properties as a prior condition of the 1999 approval. Architect Burns noted that the original approval indicates additional landscaping would be “as agreed to” between Mr. Strober and the adjoining property owners. He indicated that Mr. Strober has not received any complaints from any of the neighbors. The consensus of the Board was that this particular condition of prior approval is a non-issue.

Ms. Hamtil asked how many employees are on-site. Mr. Strober indicated there are 5 or 6 full time employees.

Planner McManus asked how many of the front 23 parking spaces are utilized at any given time. Architect Burns explained that the nature of the operation was slightly different at the time of the original approval. He noted that it was common back then for homeowners to pick up their own roofing supplies whereas contractors typically take care of it now which has significantly reduced the amount of retail traffic at the site. Planner McManus remarked that it doesn't seem as though the additional required 6 parking spaces in the rear of the site are actually needed and she stated that installing them will not likely provide much benefit to the business. Architect Burns agreed.

Mr. Bergenfeld asked about enforcement of continued non-compliance on the site. Planner McManus indicated there are mechanisms to render the situation through enforcement by Township Officials or by seeking further approvals from the Boards for either variances or an amended site plan.

A motion by Urbanski, seconded by Bergenfeld to deem the application complete and grant the requested waivers noted in Engineer Burr's review memo was unanimously approved by roll call vote. Attorney Shurts noted for the record that certification of taxes paid as well as proof that the application has been submitted to soil conservation were provided this evening.

A motion by Bergenfeld, seconded by Fisher to approve the application with the following conditions was made and approved by roll call vote: Compliance with all prior and current resolution conditions of approval prior to a building permit being issued, submission of the original LOI for review by the Board professionals and the parking changes will be made as proposed along the northerly corner of the property (4 spaces) but the applicant will not be required to create additional employee parking to the rear of the new building (6 spaces). It was noted that Mr. Baldino abstained from voting on this application.

Mr. Urbanski thanked Planner McManus and Engineer Burr for their work on this application.

Unfinished Business

Discussion – Establishing an Inspection Escrow Fee – Status Update

It was noted for the record that Mr. Baldino, Mr. Bergenfeld and Mr. Hills will be working on the language for this Ordinance. Mr. Baldino commented that he is researching what other surrounding Townships have in place and will create a draft for review.

Discussion – SHREC Update

Mr. Fisher commented that a new construction company appears to be involved with the project and noted that he believes the financing is now in place. He indicated a conference call is scheduled for later in the week to release the old construction company from the project and officially bring the new one on board.

Discussion – Master Plan Printing – Status Update

Planner McManus provided 2 discs to the Board containing all of recently amended Master Plan Elements. One disc will remain in the Planning Board Office and the other will be given to the Clerk's Office. Chairman Tomenchok indicated he will make copies of the disc for each of the Planning Board members.

Discussion – Township Website: Planning Board Page – Status Update

Mr. Urbanski commented that his wife Cathy and Tax Assessor David Gill have been working on redesigning and updating the Township Website. He indicated they are making great progress and stated what he has seen looks great. Secretary Andrews noted that she wanted to ask Mrs. Urbanski to include the Planner and Attorney in the list of professionals to receive Planning Board applications so that all of the Board's professionals could review submissions at the same time Engineer Burr is making the completeness determination. The Board agreed with the suggestion.

New Business

Discussion – Amending the Planning Board Checklist to Address Site Plan Font Style

Chairman Tomenchok commented that this is a detail that he would like to clarify. He remarked that he prefers standard block style font on site plans rather than fancy script styles and wanted this to be addressed on the checklist since two different applications had recently been submitted with unusual font styles shown on the site plans. Chairman Tomenchok stated that plans should be legible, not fancy. It was noted that Engineer Burr will provide appropriate language to Clerk Olsen so the checklist can be amended accordingly.

Chairman Tomenchok referred to a proposed submission deadline form created by Secretary Andrews in an effort to get applicants to submit materials with sufficient time for the Board's professionals to adequately review the documentation for completeness. Ms. Andrews remarked that the MLUL allows the Board 45 days to deem an application complete and this chart gives applicants a week to submit their application. The professionals then have about 2 weeks to review the information so the applicant can provide public notice. She remarked that having a submission deadline doesn't put the Board on the spot when an applicant submits last minute materials and expects to be accommodated. Ms. Andrews commented that she would like to see the use of the submission deadline form accepted at the Board's reorganization meeting in January and then have it put on the Planning Board webpage as well as become the cover page to the Board's application. The Board was agreeable with this idea.

Discussion – Buffering for Renewable Energy Sites – Status Update

Mr. Fisher commented that this matter should be tabled until the pending lawsuit is over.

Discussion – Proposed Changes to Escrow Fees

It was noted that Board of Adjustment Secretary Ruth Hall had provided a printout of applicant's expenses on various applications before the Board of Adjustment so the Planning Board could determine whether or not the initial escrow fees collected are in line with the actual costs to appear before the Board. Mr. Baldino suggested that the fee schedule be modified to differentiate between residential and commercial development. The Board's concern was that an applicant wanting to construct a 1200 sq. ft. barn on his residential property would have resulted in an application fee of \$1000 and an escrow fee of \$2500 which was cost prohibitive. Several board members expressed that these costs seemed to be excessive. The consensus of the Board was to ask Mr. Baldino in his capacity as Zoning Officer to review the fees and get back to the Board with any suggested revisions.

It was noted for the record that Planner McManus and Engineer Burr were excused from the meeting at this time, 9:24 PM.

Discussion – ROSI Revision

Chairman Tomenchok noted a motion was needed so he could sign off on the updated ROSI map. A motion by Urbanski, seconded by Bergenfeld to approve the ROSI map was unanimously approved.

Chairman Tomenchok opened the floor to public comment. Sean Pfeiffer of 74 Lambertville-Rocktown Road came forward and commented on the ROSI map saying map key 11- Titus Property reflects the total lot acreage as being identical to the Green Acres encumbered acreage. He indicated he believes there is actually a slight difference between the two numbers because one includes the road right of ways. Mr. Pfeiffer also commented on the previously discussed application fees saying he believed the fees were lower for agricultural structures on properties with farmland assessment. He added a final comment saying that the minutes should include the topic of discussion if the Board enters into executive session as well as when it's anticipated that the minutes will be released to the public. He indicated there were recent news articles on this matter.

A motion by Bergenfeld, seconded by Urbanski to close to the public was unanimously approved.

Approval of Minutes

A motion by Baldino, seconded by Bergenfeld to approve the Board's open session minutes from 7/17/12 was unanimously approved by voice vote.

A motion by Urbanski, seconded by Baldino to approve the executive session minutes from 7/17/12 was unanimously approved by voice vote.

Secretary Andrews noted last month's agenda reflects the reason why the Board entered into executive session. She stated she will make sure both sets of minutes reflect the same explanation accordingly.

Mr. Urbanski commented that he had received an email from Planner McManus indicating she agreed to no longer charge the Board for travel time. It was the consensus of the Board to continue having Planner McManus attend the Planning Board meetings as long as she doesn't charge for travel time otherwise they would like Planner Hintz to attend because he doesn't charge for travel expenses. Mr. Urbanski indicated he will follow up on this matter with the Planner's office. Mr. Urbanski remarked that Engineer Burr does not charge for travel expenses.

Mr. Urbanski asked Secretary Andrews if the Board's minutes could be archived electronically. Ms. Andrews stated she provides the minutes to the Township's Webmaster for the website so they are all available online and the permanent record is contained in the minute books. Chairman Tomenchok indicated he doesn't believe additional archiving is necessary at this time and suggested that all minutes and agendas be sent to the Webmaster as pdf files so there are no issues accessing or moving them. Secretary Andrews agreed to do so.

Ms. Hamtil suggested next year's professional's contracts be reviewed to eliminate travel time.

Mr. Fisher announced that tonight's Planning Board meeting is Ms. Van der Veen's last since she has resigned from the Board. Everyone thanked Ms. Van der Veen for all of her time and dedication to the Planning Board.

Adjournment

A motion by Van der Veen, seconded by Bergenfeld to adjourn was unanimously approved.

The meeting adjourned at 9:50 PM.

Maria Andrews, Planning Board Secretary