

**WEST AMWELL TOWNSHIP  
PLANNING BOARD MEETING**

**September 18, 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 September 13, 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  
Rob Tomenchok  
Chester Urbanski  
Art Neufeld  
Nella Hamtil – Alt. #1  
Ted Hills – Alt. #2  
Attorney Shurts

**Excused:** Hal Shute

**Oaths of Office**

Attorney Shurts administered the Oath of Office to new Planning Board member Art Neufeld. He will be replacing Ms. Van der Veen's position, serving as a Class IV member. Mr. Neufeld's term will expire on 12/31/14. The Board welcomed Mr. Neufeld.

**Approval of Bill List**

Mr. Urbanski explained that Planner McManus had submitted a revised invoice #55121 for 7/17/12 reflecting no charge for travel time. A motion by Urbanski, seconded by Fisher to approve the voucher for payment as revised was unanimously approved by roll call vote. This was the only invoice listed on the Board's 9/18/12 bill list.

**Resolutions of Approval**

**Resolution PB#2012-09: ABC Supply Company, Inc. – Preliminary and Final Site Plan Approval – Block 8 Lot 62**

Chairman Tomenchok noted for the record that technically the Board needed to grant a C-2 Variance to allow the 3-sided structure instead of an enclosed structure per the Ordinance requirement. He explained that the Board had thoroughly discussed the matter at the public hearing on 8/21/12 and agreed to allow the 3-sided structure but did not officially act on it by motion.

Mr. Bergenfeld questioned the Board granting anything at this point since some outstanding issues still remain regarding the application and the testimony provided at the public hearing. Attorney Shurts clarified that the Board essentially granted the C-2 Variance because it was discussed, just not included in the motion.

There was some discussion on whether or not the applicant made some misrepresentations at the public hearing. Attorney Shurts noted that at this point the applicant cannot support everything that was said at the meeting. He explained that Planner McManus and Engineer Burr are trying to work it out with them. Attorney Shurts stated that at the last meeting Planner McManus asked if what was currently taking place on the site was in violation of the wetlands transition area. He said the applicant represented that there were no violations because the 1999 approvals from the New Jersey Department of Environmental Protection (NJDEP) covered the activities on the site. Attorney Shurts explained that the 1999 Letter of Interpretation (LOI) from the NJDEP subsequently provided by the applicant depicts the wetlands and the buffer area. He noted that based on the LOI Planner McManus and Engineer Burr believe the applicant to be in violation of the wetlands buffer area and said they suggested the applicant go back to the NJDEP for clarification.

Attorney Shurts commented that he received a letter today from the applicant's Attorney Richard Mongelli who has requested the resolution be tabled to the Board's October meeting so they can try to resolve the issues regarding the LOI.

A motion by Rich, seconded by Urbanski to table Resolution PB#2012-09 to the Board's 10/16/12 meeting was approved by roll call vote with Mr. Baldino abstaining. Mr. Haug was recused from the matter.

**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**

Mr. Baldino noted that he is still working with Mr. Bergenfeld and Mr. Hills on this matter.

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### **Discussion – SHREC Update**

Mr. Fisher commented that the Township is completing the necessary steps to release the original developer from the project since there were financing issues. He explained a new general contractor is on board and has applied for the interconnect approval. Mr. Fisher indicated that once this is received they can begin construction of the solar project.

### **Discussion – Township Website: Planning Board Page – Status Update**

Mr. Fisher commented that the new website has been completed. He remarked that he will be discussing some minor additional details with Mr. Gill next week.

### **Discussion – Proposed Changes to Escrow Fees – Status Update**

Mr. Baldino commented that he recently received additional fee details from Board of Adjustment Secretary Ruth Hall and will continue working on possible suggested revisions to the fees.

### **Discussion – Buffering for Renewable Energy Sites – Status Update**

Mr. Fisher commented that there is no update on the matter at this time.

### **New Business**

#### **Discussion – County Sewer Service Area Map**

Mr. Fisher remarked that the Township has its own Wastewater Management Plan and noted there are no sewer service areas within the Township. He said the delineations on the County map are large scale special septic systems that are classified as a sewer service area. It was noted that the high school, the elementary school and the closed mini-golf business seem to have this classification.

Chairman Tomenchok expressed concern that the language used on the County map is misleading. Mr. Fisher clarified again that there are no sewer service areas within the Township. Chairman Tomenchok suggested the Board have the record reflect that they are in no way approving any type of sewer service area or endorsing the County's map because the language is misleading.

It was noted that Secretary Andrews will advise Clerk Olsen of the Board's position on the County's sewer service area map. Mr. Fisher commented that he will contact the County as well.

### **Correspondence**

It was noted for the record that there were no comments made on any of the correspondence listed on the agenda.

### **Open to the Public**

Chairman Tomenchok opened the floor to public comment. Sean Pfeiffer of 74 Lambertville-Rocktown Road came forward and thanked the Board for their support on the County's sewer

service area map. He also commented on the Recreation and Open Space Inventory (ROSI) report saying that there is an issue with the map as well as with some of the acreages shown on it. He stated he gave his comments to the Township Committee and the Open Space Committee.

Mr. Hills explained that his wife is on the Open Space Committee and said that she is working on correcting the ROSI. He noted there seems to be a discrepancy with the acreages shown on the ROSI and what the tax book reflects as well as a discrepancy with how the State rounded off the acreage on preserved land. Mr. Hills noted there are 11 properties in question.

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Chairman Tomenchok suggested the 2013 budget take into consideration updating the tax maps. Mr. Fisher commented that the problem is the Tax Assessor must provide the updates to be implemented which has been an on-going issue.

On a final note, Mr. Pfeiffer asked if ABC Supply complied with all of the public notice requirements. Attorney Shurts said yes.

Attorney Shurts was excused from the meeting at this time, 8:22 PM.

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

#### **Approval of Minutes**

A motion by Bergenfeld, seconded by Urbanski to approve the Board's minutes from 8/21/12 as revised was approved with Mr. Hills, Mr. Rich and Mr. Neufeld abstaining.

#### **Adjournment**

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

The meeting adjourned at 8:30 PM.

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Maria Andrews, Planning Board Secretary