

**WEST AMWELL TOWNSHIP
PLANNING BOARD MEETING
JUNE 18, 2013**

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 24, 2013. Notice has been posted on the bulletin board at Town Hall on June 13, 2013 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 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
Stephen Bergenfeld
John Haug
Art Neufeld
Zach Rich
Hal Shute
Rob Tomenchok
Chester Urbanski
Ted Hills – Alt. #2 – *(arrived at 7:33 PM)*
Attorney Stewart Palilonis – *(filling in for regular Board Attorney Shurts)*
Engineer William Burr
Planner Beth McManus – *(arrived at 8:06 PM)*

Excused: Tom Molnar
Nella Hamtil – Alt. #1

Chairman Tomenchok noted for the record that Attorney Palilonis was filling in for Attorney Shurts this evening and he stated that Planner McManus was stuck in traffic and will be a little late. He indicated that the Board would address all other agenda items in the meantime because Planner McManus is needed for the public hearing.

Approval of Bill List

A motion by Urbanski, seconded by Bergenfeld to approve the vouchers for payment as listed on the 6/18/13 bill list was unanimously approved by roll call vote.

Resolutions of Approval

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

Open to the Public

Chairman Tomenchok noted that a member of the public had indicated he was here for the public hearing but could not stay late due to child care issues and since Planner McManus was delayed in traffic he had asked if he could make his comments known. Chairman Tomenchok opened the floor to public comment in order to accommodate this citizen and noted that the floor would be opened again after the applicant presented their testimony.

Tim Mathews of 72 Linvale Road came forward and said he was a member of the East Amwell Township Committee but stated he was not present on behalf of the Township. He indicated he was representing the residents in the area of the Linvale Road and Route 31 intersection. Mr. Mathews indicated he supports business but suggested the Planning Board request a thorough traffic review/study from the applicant because he was very concerned about the impact the proposed application will have on the traffic along Route 31.

A motion by Urbanski, seconded by Baldino to close the floor to public comment at this time was unanimously approved.

New Business

Discussion – Woodlands Ordinance (109-264) – Update

Mr. Shute commented that the Township’s Woodlands Ordinance was passed in 2007 and he stated that it makes reference to a Community Forestry Committee and a Woodlands Advisor. He questioned whether or not either existed and he suggested that the ordinance be reviewed for possible amendment. Mr. Urbanski remarked that he supports the ordinance and believes the Woodlands Advisor is the Township Engineer and then he confirmed that no Community Forestry Committee exists.

Chairman Tomenchok suggested that Mr. Shute, Mr. Bergenfeld and Mr. Haug review the Woodlands Ordinance and come back to the Planning Board with any proposed changes.

Discussion – Easement Inspections (109-162)

Mr. Bergenfeld commented that the Open Space Committee is proposing inspection of easements and he noted that there is no language in the deed to his property that would allow for this sort of inspection. Mr. Neufeld remarked that the purpose of the inspections is to ensure that the easements are not being altered.

Mr. Shute stated that he did not believe the Planning Board was the proper venue to address this matter and suggested it be brought to the attention of the Township Committee. Chairman Tomenchok commented that he understands the concern with the language in the deeds and suggested that the Township Committee consider establishing standard deed language for easements. Attorney Palilonis agreed with the suggestion. Secretary Andrews was asked to notify Clerk Olsen of the Planning Board’s sentiment for discussion by the Township Committee. Mr. Rich commented that the concern is that the easements may be considered contractual and this may be an issue under circumstances where trees need to be removed after a storm. He questioned whether the Township wants to be liable for this and noted the potential cost factor.

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Mr. Shute noted that Open Space is in the process of conducting inspections. Mr. Hills added that as long as property owners give their consent the inspections should continue.

Correspondence

Copy of 2013 Planning Board Budget

Chairman Tomenchok commented that he had requested that the Chief Financial Officer keep the Planning Board's budget the same as last year. It was noted this is what was reflected in the document provided to the Board.

New Jersey Planning Officials 2013 Fall Training Schedule

It was noted for the record that Mr. Neufeld is the only Planning Board member who needs to take the course and that he has 18 months from the time of his original appointment to do so.

Letter Dated 5/23/13 from Engineer Burr, re: ABC Supply – B:8 L:62 Final Review

Mr. Urbanski asked for clarification on the letter. Engineer Burr explained that none of the construction associated with the approved application has been done yet. He indicated he will be at the site on 6/20/13 to meet with the property owner and confirm the conditions of approval and the status of the construction.

Other

Mr. Shute commented that the Machinga property Block 23 Lot 10 on Route 31 is for sale and he referred to the deed noting there is language indicating the Township has the "Right of First Refusal." Mr. Shute stated he believes the property is listed for \$290,000 and he explained that it has a conservation easement and it abuts the former Stiefel property. Mr. Shute asked the Planning Board to make a recommendation to the Township Committee regarding whether or not to purchase the property.

A motion by Urbanski, seconded by Bergenfeld recommending the Township Committee not purchase the property was approved with Mr. Neufeld abstaining.

It was noted for the record that Planner McManus arrived at the meeting at this time, 8:06 PM.

Applications

Public Hearing – Ryan & Robin Kerr: Block 23 Lot 5 – 394 Route 31 North (formerly Pine Creek) – Preliminary & Final Site Plan Approval with Variance(s)

Present for the application was Engineer Eric Rupnarain, Architect Ralph Finelli and property owners Ryan and Robin Kerr.

Mr. Urbanski noted that Attorney Palilonis is the Township's Board of Adjustment Attorney and asked if there was any concern with him covering for the Planning Board. Attorney Palilonis indicated there was no issue and stated many municipalities have the same Attorney for both the Planning and Zoning Boards.

Mr. Shute questioned the accuracy of the certified list of property owners. It was determined that the listing depicted on the site plans was inaccurate and the plans will need to be revised accordingly, but that the actual certified list provided by Assessor Gill was in fact correct and the public notice was provided in accordance with the Municipal Land Use Law (MLUL) requirements.

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Engineer Burr addressed the completeness of the application noting he had no objections to the submission waivers requested by the applicant. A motion by Haug, seconded by Urbanski to deem the application complete was unanimously approved by voice vote.

Engineer Rupnarain came forward and explained the applicant is proposing improvements to the former Pine Creek miniature golf facility located at 394 Route 31 North and known as Block 23 Lot 5. He noted it is a 28 acre parcel that they are proposing to construct a 2400 sq. ft. liquor store on as well as renovate the existing single family residence to a snack bar/ice cream facility with a large porch. The miniature golf operation will also be re-opened on site as well. Engineer Rupnarain noted that the property is located in the Limited Highway Commercial Zone (LHC) and the proposed improvements are permitted uses in the zone. He stated the variance is needed to allow for a deviation from the front yard setback requirement for the proposed porch to be constructed on the existing dwelling. It was noted that the setback requirement is 75 ft. and 57.2 ft. is being proposed. In addition to the porch, there will also be some modifications to the building façade and a change to the building's main entrance location.

Mr. Kerr came forward and explained that he has lived in the area for several years and believes this property is well suited for what he is proposing. He remarked that the previous owners closed the business for financial reasons mostly due to the fact that miniature golf is seasonal. He stated that when the liquor license within the Township became available the application came together for him. Mr. Kerr commented that the property has adequate parking and has good traffic flow for business.

Planner McManus provided additional parking details. She explained that the site currently has 176 parking spaces and noted that the applicant is proposing 7 new parking spots for the proposed liquor store. Mr. Kerr remarked that under the zoning requirements he is only required to have 132 parking spaces.

Attorney Palilonis asked for additional details regarding the requested variance. Architect Finelli came forward and explained that the variance is needed to deviate from the allowed front yard setback requirement by 16.8 ft. to allow for the proposed front porch construction. Mr. Kerr commented that the porch will provide safety for the customers by having a designated area to eat. He said the porch will be aesthetically pleasing, it will be visible to potential customers along Route 31 and it enables foot traffic on the site to be controlled.

Planner McManus asked for designated sidewalks between the main parking area to the snack bar and from the clubhouse to the snack bar with a designated pedestrian crossing from the main parking area to the snack bar and clubhouse to be installed for addition safety. Engineer Burr suggested that the parking lot be re-sealed and striped since the facility has been neglected for so long the existing paved areas are cracked and growing weeds. The Board agreed with the requested sidewalk and pedestrian crossing areas for safety reasons but it was the sentiment of the Board to allow Mr. Kerr to deal with the parking lot as he wished with no specific requirements imposed.

Mr. Neufeld asked if any trees will be removed from the site. Mr. Finelli referred to page 5 of the site plan which shows 3 trees to be removed. There was some discussion regarding additional trees and brush that may also be considered for removal. Planner McManus commented that the site plan should be revised to depict all trees and brush areas to be removed.

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Planner McManus reviewed her memo regarding signage and noted the ordinance allows for one wall mounted sign on the front building façade of each permitted use. She indicated the existing freestanding sign complies with the ordinance but noted any new lighting should be shown on the revised site plan. Mr. Kerr explained that he didn't believe he would be changing any lighting except to add a mounted fixture on the liquor store and recessed lighting may be added to the proposed new porch area. There was some discussion as to whether or not the existing lighting is sufficient for the site and adequate for the parking and newly proposed sidewalk areas. Engineer Rupnarain suggested a night light test could be performed at some point in the future.

Mr. Rich asked if there will be a fence protecting children from Route 31. Mr. Finelli stated there is an existing guardrail with balusters along Route 31. Planner McManus suggested additional screening along Route 31 for the adjoining and neighboring properties. It was the consensus of the Board that the site is commercially zoned and businesses need visibility therefore no additional screening was required.

Engineer Burr commented that grading behind the proposed liquor store needs to be revised. Engineer Rupnarain agreed. Engineer Burr then asked whether or not the existing garbage enclosure was sufficient for all of the proposed uses on the site. Engineer Rupnarain indicated the liquor store will not generate a lot of additional garbage. Mr. Kerr clarified that many of the empty boxes from the liquor store will be reused by customers who purchase several bottles.

Mr. Urbanski asked what the facility's hours of operation will be. Mr. Kerr indicated the following: The miniature golf course summer hours will be from 8:00 AM – dusk and weekend hours may be extended to 9:00 PM or 10:00 PM depending on how many customers there are. The liquor store hours will be from 9:00 AM – 9:00 PM, Monday through Thursday and until 10:00 PM on Friday and Saturday. Mr. Kerr explained that the Township's available liquor license is a broad "C" license for retail consumption and there is a discrepancy as to what the hours of operation can be on Sundays. Engineer Burr stated that he believes the license allows Sunday hours of operation to be from 11:00 AM – midnight. The ice cream stand hours will be from 11:00 AM – 9:00 PM, seven days a week.

Engineer Burr asked about deliveries. Engineer Rupnarain commented that the loading zone for the proposed liquor store does not meet the ordinance requirements because they do not intend to receive deliveries via tractor trailer, but rather by box truck. Mr. Kerr added that he hopes to have a daily delivery once the business gets going.

Engineer Burr asked if the detention basin on the site is functioning properly. Engineer Rupnarain confirmed that it is.

Mr. Kerr commented that the project will likely be done in phases with the opening of the liquor store first in order to generate stable income for the rest of the renovations to be done on the site. Chairman Tomenchok suggested that Mr. Kerr get together with the Board's professionals to determine a time frame for the project phases and if any unresolved matters arise he noted the applicant should come back to the Board.

Chairman Tomenchok opened the floor to public comment.

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Frances Gavigan of 123 Wertsville Road in East Amwell Township came forward and expressed concern over the potential increased traffic in this area of Route 31 which she believes to already be problematic. She also expressed concerns with loitering and people buying alcohol and then going to other remote areas in the surrounding community, such as the Amwell Lake where bad judgment could become dangerous. Ms. Gavigan suggested a traffic study be done and that the zoning be reviewed for the protection of the surrounding neighbors.

Cody Woodrick of 395 Route 31 came forward and expressed opposition over the potential intensity of activity on the site which is located directly across the street from where he lives. He too, was also concerned with potential loitering. Mr. Kerr spoke up and assured the public that he would not tolerate loitering and that it was his intention to run a solid business with no improper activities occurring on the site.

Lauren Woodrick of 395 Route 31 came forward and also expressed opposition over the potential increased traffic. She remarked that she is home during the summer months and often sees accidents along this stretch of Route 31. She stated traffic is routinely bumper to bumper from 3:30 PM to after 5:00 PM. Ms. Woodrick also noted concerns with potential light glare from the site.

Michael Boldaris who owns three properties along Route 31: 385, 395 and an undeveloped lot came forward and expressed support for the application. He commented that he believes the proposed project will not adversely impact the current traffic situation in the area.

A motion by Rich, seconded by Haug to close the floor to public comment on this matter was unanimously approved.

Mr. Urbanski asked how the Board can address the traffic concerns. Attorney Palilonis commented that the site is located on a state highway and traffic falls under the jurisdiction of the New Jersey Department of Transportation (NJDOT).

Mr. Urbanski asked about light glare. Engineer Burr noted that the Board could request that a night light test be performed as a condition of approval. The applicant was agreeable to this condition.

Mr. Neufeld asked about possible screening being installed along the east side of the proposed liquor store. Mr. Rich remarked that the site is in a commercial zone along a state highway and a business needs to be visible in order to be successful.

Attorney Palilonis summarized that the testimony provided addressed the need for the variance due to business visibility, controlled pedestrian traffic on site and he explained that if the Board were to grant the variance it would not impair the intent of the zone plan and doesn't appear to be detrimental to the public good.

A motion by Urbanski, seconded by Bergenfeld to grant the variance and approve the site plan subject to the applicant complying with the items in the Boards Professional's reports (with the exception of additional screening along Route 31), subject to a night light test being performed and subject to the installation of sidewalks and a designated pedestrian crossing was approved by roll call vote with Mr. Baldino abstaining.

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Approval of Minutes

A motion by Urbanski, seconded by Hills to approve the Board's minutes from 4/16/13 with no revisions noted was approved with Mr. Haug abstaining.

Other

Open to the Public

Chairman Tomenchok opened the floor to public comment. Sean Pfeiffer of 74 Rocktown-Lambertville Road came forward and clarified the right of first refusal language saying that Green Acres required that in public access easements, the townships have a right to first refusal. He remarked that in practice he did not believe that West Amwell would ever wish to exercise this right.

A motion by Haug, seconded by Urbanski to close to the public was unanimously approved by voice vote.

Adjournment

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

The meeting adjourned at 10:19 PM.

Maria Andrews, Planning Board Secretary